

Amendment No. 1 to SB2088

Johnson
Signature of Sponsor

AMEND Senate Bill No. 2088

House Bill No. 1786*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-216, as amended by Chapter 289 of the Public Acts of 2013, is amended by adding the following as a new, appropriately designated subsection:

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(1) Any party that is not represented by legal counsel may request the services of a workers' compensation ombudsman by contacting the office of mediation services.

(2) The ombudsman's authority shall include, but not be limited to, the following:

(A) Meet with and provide information to unrepresented parties about the unrepresented party's rights and responsibilities under the law;

(B) Explain the administrative process for resolving workers' compensation claims;

(C) Investigate claims and attempt to resolve disputes without resort to alternative dispute resolution and court proceedings;

(D) Communicate with all parties and providers in the claim;

(E) Assist the parties in the completion of forms; and

(F) Facilitate the exchange of medical records.

(3) An ombudsman shall not provide legal advice.

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(4) An ombudsman shall not be called to testify in any proceeding and no statement or representation made to an ombudsman shall be considered by a workers' compensation judge for any purpose.

(5) An unrepresented party has a right to consult with an ombudsman and receive services under this subsection. If the party receiving the services of an ombudsman obtains legal counsel pertaining to the case or dispute for which the services of an ombudsman were engaged, the party, or the party's counsel, shall immediately notify the division and the office of mediation services. Upon receipt of notice that the party has retained counsel, the ombudsman shall terminate all services.

SECTION 2. Tennessee Code Annotated, Section 50-6-217(a)(1), as amended by Chapter 289 of the Public Acts of 2013, is amended by deleting the first sentence in its entirety and replacing it with the language "The governor, in consultation with the speaker of the house of representatives and the speaker of the senate, shall appoint three (3) qualified individuals to serve as judges on the workers' compensation appeals board."

SECTION 3. For purposes of promulgating rules, this act shall take effect, upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2014, the public welfare requiring it.