

PUBLICATION

2016 Changes to Tennessee Workers' Compensation

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This year, there are several notable revisions to Tennessee law regarding workers' compensation. First, reasonable attorney fees and costs can be awarded to the employee and his/her counsel when the employer fails to initiate appropriate medical treatment pursuant to a settlement, expedited order, or judgment and when the employer wrongfully denies a claim and fails to promptly initiate temporary benefits. Therefore, this may greatly limit our ability to deny claims that we had previously denied. As you are aware, very few attorneys wanted to take on cases for employees and this is meant to encourage more attorneys to take claims for employees.

Additionally, penalties have been established for those violating the case management standards as set forth by the Bureau of Workers' Compensation. This also applies to Claim Handling Standards which are set forth in the regulations.

Also, an employee now only has 15 days to provide notice of an injury instead of 30. This will be one of the few positive changes this year for employers.

Because of the vast change in the notice provision, employers should carefully look to make sure proper notice was timely provided by the employee. Additionally, employees need to be mindful of the consequences for denying a claim that is ultimately deemed compensable. An early, thorough investigation of a claim is still one of the employer's best strategies for managing workers' compensation claims.