

# SPEED, SETA, MARTIN, TRIVETT, STUBLEY & FICKLING, LLC

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## TENNESSEE WORKERS' COMPENSATION

### WEEKLY COMPENSATION RATES

Date of Accident	Minimum Rate	Max Rate for TTD	Max Rate for PPI	Max Total Benefit
7/1/06 – 6/30/07	\$102.30	\$750.00	\$682.00	\$272,800
7/1/07 – 6/30/08	\$106.95	\$784.00	\$713.00	\$285,200
7/1/08 – 6/30/09	\$112.80	\$827.00	\$752.00	\$300,800
7/1/09 – 6/30/10	\$114.15	\$837.00	\$761.00	\$304,400
7/1/10 - 6/30/11	\$114.75	\$841.50	\$765.00	\$306,000
7/1/11 - 6/30/12	\$118.35	\$867.90	\$789.00	\$315,600
7/1/12 - 6/30/13	\$120.90	\$886.60	\$806.00	\$322,400
7/1/13 – 6/30/14	\$125.25	\$918.50	\$835.00	\$334,000
7/1/14 – 6/30/15	\$127.20	\$932.80	\$848.00	\$339,200
7/1/15 - 6/30/16	\$128.70	\$943.80	\$858.00	\$343,200
7/1/16 – 6/30/17	\$133.20	\$976.80	\$888.00	\$399,600
7/1/17 – 6/30/18	\$135.30	\$992.20	\$902.00	\$405,900
7/1/18 – 6/30/19	\$139.35	\$1,021.90	\$929.00	\$418,050
7/1/19 – 6/30/20	\$144.66	\$1,056.00	\$960.00	\$432,000
7/1/20 – 6/30/21	\$149.10	\$1,093.40	\$994.00	\$447,300
7/1/21 – 6/30/22	\$159.00	\$1,166.00	\$1,060.00	\$477,000
7/1/22 – 6/30/23	\$168.15	\$1,233.10	\$1,121.00	\$504,450

### MEDICAL BENEFITS

**Panel of Physicians:** All panels of physicians must include three or more independent physicians, specialists, or practice groups willing to treat the subject injury. If no appropriate provider is employee's community, providers within 125 miles may be listed. No requirement to list chiropractors.

**Causation:** A "reasonable degree of medical certainty" that employment contributed more than 50% in causing the work-related injury. A panel physician is presumed to be correct on the issue of causation but can be overturned by a preponderance of contrary evidence through and IME.

**Referrals:** Any panel physician who treats the employee is presumed to be the authorized treating physician (ATP). Specific referrals mad by ATP are automatically accepted unless panel of specialists is provided within 3 business days of the referral. Nurse practitioner working under supervision of panel physician is an authorized provider, not a referral.

**Maximum Medical Improvement (MMI):** Employee is deemed to be at MMI when the ATP says no further improvement or healing can be expected OR when active treatment ends except for pain management. TTD benefits end at MMI. PPI benefits begin at MMI, following approval by judge, whether or not employee returns to work. Claims may be settled after MMI.

### COMMONLY USED WORKERS' COMPENSATION FORMS

#### Forms Used in All Claims

C-20	<b>First Report of Injury:</b> Filed within 14 days of notice of the injury
C-22	<b>Notice of First Payment:</b> File immediately upon first payment; simultaneously file C-41
C-23	<b>Notice of Denial:</b> File within 10 days of denying the claim along with supporting documentation if requested by parties
C-30A	<b>Final Medical Report:</b> Within 30 days of final payment; completed by physicians
C-31	<b>Medical Waiver and Consent:</b> Send with requests for medical records.
C-41	<b>Wage Statement:</b> File with all claims to report wages for 52 wks prior to DOI. Must file with C-22.
SD-2	<b>Statistical Data Form:</b> File no later than date of settlement order. Must be filed in order to finalize any TN WC settlement
PBD	<b>Petition for Benefit Determination:</b> Submit for any request including assistance with benefits, mediation, hearing, additional benefits and settlement approval
DCN	<b>Dispute Certification Notice:</b> Report of unresolved issues following mediation. <b>Only</b> issues on DCN can be brought to hearing
Exp Hrg	<b>Request for Expedited Hearing</b> Filed to seek temporary benefits until compensation hearing

### PERMANENT PARTIAL IMPAIRMENT BENEFITS CALCULATION AND COMPENSATION PERIOD

All compensable injuries eligible for benefits up to **450 wks.**

#### Calculate initial PPI benefit amount:

*Impairment rating (%) x 450 = Initial Benefit Period (# weeks)*

*Benefit period (# weeks) x Comp rate (\$) = Initial PPI Benefit*

*\*Injuries on/after 6/22/2020 have minimum benefit period of 180 days.*

If Employee is not working or earning less pay, Employee is entitled to additional benefits after the initial benefit period. If settlement occurs prior to end of initial benefit period, Employee must file a new PBD within 1 year to obtain add'l benefits.

No return to work or less pay	<b>X1.35</b>
No HS diploma or GED	<b>X1.45</b>
Older than 40 years	<b>X1.2</b>
Unemployment rate 2% over TN average	<b>X1.3</b>

## QUICK REFERENCE FOR HANDLING TENNESSEE WORKERS' COMPENSATION CLAIMS

### WHEN AN EMPLOYEE IS INJURED . . .

- **The Employee must:**
- **Immediately** report any work-related illness or injury to the employer. Written notification to the employer is required within 30 days of the date of injury.
- Select a treating physician from the panel of physicians provided by the employer.
- Comply with medical treatment ordered by the selected physician.
  
- **The Employer must:**
- Within **1 day** of notice of the injury – offer the employee a panel of physicians suitable to treat the injury. Have employee select a physician and sign an agreement indicating that choice (C-42).
  - At the same time, request a signed C-31 and HIPAA release to obtain records of medical treatment.
  - Assist the employee in scheduling an appointment with the selected physician.
- Within **1 day** of notice of the injury - file the First Report of Injury with the insurer.
  - The claim must be reported to the insurer regardless of compensability.
  - Provide name and phone number of employer's WC insurance carrier to employee.
- With First Report of Injury - submit a statement of the employee's wages to the insurance carrier using Wage Statement form (C-41).
  - List gross wages earned each week for the past fifty-two (52) weeks.
  - If employed less than 52 weeks, the list gross wages earned for each week of employment.
- Within **5 days** of notice of the injury – provide to the insurer a job description and prior claim information of the employee.
  
- **The Insurer must:**
- Within **2 days** of notice of the injury - contact the employer and the injured employee to confirm facts of the claim, history of prior claims, work history, wages, and job duties. This may include a recorded statement.
- Within **5 days** of notice of the injury - obtain a job description and employee's prior claim information from employer.
- Within **14 days** of notice of the injury - file the First Report of Injury (C-20) with the WC Division.
- Within **15 days** of notice of the injury - accept or deny the claim with a Form C-22 (Notice of First Payment) or C-23 (Notice of Denial of Benefits) and notify the employer and the employee of the decision.
  - File a wage statement (C-41) with the C-22 or C-23.
- All workers' compensation benefits must be issued timely (on or before due date). Late benefits are subject to penalties.

### BENEFITS . . .

- **Lost Wages:** An injured employee who is unable to work is entitled to compensation for lost wages equal to 66 2/3% of the employee's average weekly wage. No payment is made for the first 7 days of disability unless the employee continues to lose time from work through the 14<sup>th</sup> day; in that event benefits are paid back to the first day out of work. Do not count the date of injury. The days need not be consecutive. The injured employee must have a doctor's statement for time out of work.
  
- **How to Calculate Average Weekly Wage (AWW):** Average weekly wage is determined by employee's total gross earnings for 52 weeks prior to the date of injury, divided by 52. Gross wages must be reported on a wage statement form (C-41). If the employee has not worked at the place of employment for 52 weeks, obtain AWW by dividing total gross earnings (from hire date to date of injury) by the number of weeks employed. Or, use the average weekly wage of a similarly situated employee who has worked in the same position with the same employer at the same rate of pay.
  
- **How to Calculate the Compensation Rate (CR):** The AWW is multiplied by 66 2/3%. Compensation rate amount is subject to the workers' compensation maximum and minimum rates in effect on the date the employee was injured.
  
- **How to Calculate Permanent Partial Impairment (PPI) Benefits:** Permanent Partial Impairment benefits are paid to any employee who retains a permanent impairment after reaching MMI, as determined by the treating physician. Employee's date of injury determines the calculation method for PPI benefits.
  - **Initial Benefit Period:** PPI x 450 weeks = Initial PPI Benefit Period  
 PPI Benefit Period (# Wks) x Comp Rate (\$) = PPI Benefit Amount  
*\*Injuries on/after 6/22/2022 have minimum initial benefit period of 180 days*
  - **Additional Benefits for Injuries On or After 7/1/14:** After the initial compensation period, employees may be eligible for additional PPI benefits based on vocational and education factors. Employer/Carrier are given credit for original PPI benefits paid. Initial PPI Benefit Amount (\$) x Factor(s) – Initial Benefit = Additional Benefits.
  
- **Mileage Reimbursement:** Employees traveling more than 15 miles one way to medical treatment from home or work may request reimbursement at the statutory rate. The mileage rate is based on current mileage allowance for Tennessee state employees. Mileage reimbursement benefits do **not** expire after 1 year, as they do in other states.