



State of Tennessee
Bureau of Workers' Compensation
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2023 WORKERS' COMPENSATION LEGISLATIVE CHANGES

This is a general overview of workers' compensation legislation passed by the 2023 session of the 113th General Assembly. For a complete, detailed review of this information and all workers' compensation bills introduced in this legislative session, please go to www.capitol.tn.gov.

MAXIMUM & MINIMUM BENEFIT CHANGES

Temporary Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2023 through June 30, 2024 is \$1,313.40 or 110% of the state's average weekly wage.

Permanent Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2023 through June 30, 2024 is \$1,194.00 or 100% of the state's average weekly wage.

Minimum Weekly Benefit – The minimum weekly benefit rate for injuries occurring July 1, 2023 through June 30, 2024 for both temporary and permanent benefits is \$179.10.

2023 WORKERS' COMPENSATION LAW UPDATE (BWC ADMINISTRATION BILL)

Public Chapter 145 (SB0263 by Johnson/HB0082 by Lamberth)

Provides statutory authority for a death benefit payment from the Uninsured Employers Fund of \$20,000 to the dependent(s) or estate of a worker whose death is work related while working for an employer who failed to provide workers' compensation insurance coverage.

Allows the Court of Workers' Compensation Claims to award a 25% penalty to an injured worker whose employer/workers' compensation insurance carrier unreasonably failed to provide reasonable and necessary medical expenses and treatment.

Gives a workers' compensation judge discretion in awarding an injured worker's attorney fees up to a maximum of 20% of the recovery.

Clarifies that a copy of a signed Form C-32 Final Medical Report is admissible as evidence to the same extent as the original or electronic signature, unless a genuine question is raised as to the authenticity of the original.

Codifies the standard practice where a settlement agreement is prepared by either the mediator or one of the parties' legal representatives.

Establishes statutory authority for a voluntary certified physician training program to educate physicians on best practices in treating injured workers and assigning permanent impairment ratings and allows for an additional fee to the physician for office visits and for assigning ratings.

Extends sunset of attorney fee award statute for two years to June 30, 2025, which will allow the judges of the Court of WC Claims to award attorney fees when a claim was unreasonably denied by the employer/insurance carrier.

Public Chapter 145 was signed by Governor Lee on April 13, 2023. The effective date is July 1, 2023, except that it is effective upon signing for rulemaking purposes.

FIREFIGHTER PTSD

Public Chapter 465 (SB0856 by Bailey/HB0976 by Garrett)

Enacts the James "Dustin" Samples Act, which creates a presumption that a firefighter diagnosed with post-traumatic stress disorder (PTSD) by a mental health professional as a result of responding to one or more incidents with specific statutory factors was injured in the line of duty and is compensable under workers' compensation law.

Requires the Department of Labor and Workforce Development/Bureau of Workers' Compensation to establish and administer a grant program to mitigate the costs to an employer providing workers' compensation for firefighters diagnosed with PTSD. Repeals the grant program on December 31, 2028.

Public Chapter 465 was signed by Governor Lee on May 17, 2023. The effective date is July 1, 2023, except that it is effective upon signing for rulemaking purposes.

DEATH BENEFITS TO DEPENDENTS

Public Chapter 158 (SB0097 by Walley/HB0396 by Gant)

Enacts the Garrison-Jordan Survivor Benefits Act, which increases the maximum weekly workers' compensation death benefit to a surviving spouse with no dependent child or one dependent from 50 percent to 66 2/3 percent of the employee's average weekly wage.

Removes remarriage as a terminating event, thereby entitling the surviving spouse to one lump sum payment equal to 100 weeks based on 25 percent of the average weekly wages of the deceased employee, subject to the maximum total benefit.

Authorizes an orphan or other child, being physically or mentally incapacitated, or is completing secondary education or a program leading to an equivalent credential or enrolled in a recognized institution that provides postsecondary or career or technical education, to be paid workers' compensation death benefits until 22 years of age.

Authorizes an employer or insurer to periodically require a dependent to provide information relevant to dependency within 15 days of receipt of such request and may suspend benefits upon failure to provide such information and requires the employer or insurer in such cases to notify the Bureau by filing a notice of change or termination of benefits within 15 days of the first omitted payment of compensation.

Requires the employer or insurer, within 15 days of receipt of requested information if provided during the suspension, to restore periodic benefits and remit to such dependent any benefits that were withheld during such suspension.

Requires an employer or insurer, upon discovery that a dependent is no longer eligible, to notify the Bureau within 15 days of the first omitted payment and establishes that a person who provides false or misleading information in response to any such request for information commits a fraudulent insurance act, punishable as theft.

Public Chapter 158 was signed by Governor Lee on April 17, 2023. The effective date is July 1, 2023.