

Should the injured employee receive physician's bills?

No. A health care provider should not bill or sue the injured employee for all or part of the costs of health care services provided to the injured employee unless

- (1) The injury is found not to be compensable;
- (2) The physician, who was not authorized by the employer at the time the services were rendered, knew that he/she was not an authorized physician; or
- (3) The employee knew the physician was not authorized and it was not an emergency.

Can an employee be fired for reporting a work injury?

No. It is unlawful for an employer to terminate an employee for reporting a work injury. Wrongful termination is not addressed under Tennessee Workers' Compensation Law. The employee may wish to consult an attorney to pursue this cause of action through the court system.

Will an injured employee have to use his/her own sick time?

Generally, no; however, an employee injured and off work fewer than 14 days is not paid for the first seven days under Workers' Compensation law. Consult the employer about the use of sick or Family Medical Leave time for this time period.

Is the injured employee paid for the time involved attending physicians' appointments during work hours?

Generally no, unless it is company policy.

Statute of Limitations

The right to receive workers' compensation benefits does not stay open forever. An injured worker must file Form C40B, "Request for Benefit Review Conference," before the time limit runs out. Generally, that is one year from the date of injury, or the date the employer last paid temporary disability or medical bills. Some special circumstances can extend the time to file.

Where may the injured employee go if things do not work out?

If an injured employee has questions or problems with any part of his/her claim, the state has a benefit review system that assists employees, employers and insurance carriers with resolving disputes with workers' compensation claims.

Questions?

The Tennessee Department of Labor and Workforce Development's Workers' Compensation Division can be contacted at 1-800-332-COMP (2667). Information is also available on the division's website at www.tn.gov/labor-wfd/wcomp.html. Callers with hearing impairments may use TN Relay Service 711. Servicio de Relevó en Español 1-866-503-0263 (Voice, TTY, ASCII).

A GUIDE TO WORKERS' COMPENSATION



Basic facts about the Tennessee Workers' Compensation system

Who is required to carry Workers' Compensation insurance on their employees?

- ▶ All employers with five or more full- or part-time employees.
- ▶ All employers in the construction or mining industry must have coverage if they have any employees or corporate officers.
- ▶ State and local governments and those employing farm laborers or domestic help are exempt, but may elect workers' compensation coverage.

Who pays Workers' Compensation benefits?

Benefits are paid by the employer or the employer's insurance carrier. The Tennessee Department of Labor and Workforce Development does not pay workers' compensation benefits.

What should an employee do if injured at work?

- ▶ Report all injuries immediately to the employer.
- ▶ Employer notification, preferably in writing, is required by law within 30 days of the date of injury or when a physician first tells the employee that his/her injury is work related.
- ▶ If an employee has questions or problems with any part of the claim, the state has a benefit review system that assists employees, employers and insurance carriers with resolving disputes with workers' compensation claims. The Tennessee Department of Labor and Workforce Development Workers' Compensation Division can be contacted at 1-800-332-COMP (2667). Information is also available on the division's Web site at www.tn.gov/labor-wfd/wcomp.html.

Tennessee Department of Labor & Workforce Development
Division of Workers' Compensation
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What should an employee do if injured at work?

- ▶ The employer completes a First Report of Injury and offers the employee a panel of physicians for treatment.
- ▶ The employee selects one physician, who becomes the authorized treating physician and provides treatment at the employer's expense. The Form C42, "Agreement Between Employer/Employee Choice of Physician," must be completed and signed by the employee. A copy of this completed form must be provided to the employee. The employer must keep the original form on file and upon request provide a copy to the Division of Workers' Compensation.

What is an injured employee entitled to?

Employees who have suffered a compensable work injury are entitled to receive the following:

A. Disability Benefits

- ▶ Weekly benefits are paid if the authorized treating physician finds that the employee is unable to work due to the injury and misses more than seven days of work. If the employee is out more than 14 days, benefits will be paid from the first day the physician finds that the employee is unable to work due to the injury.
- ▶ If the employee's injury is determined to be compensable and the employee is unable to work, temporary benefits will be paid. Compensation is not paid by this division, but by the employer's insurance carrier, unless the employer is self-insured. If the employer is self-insured, compensation is paid directly by the employer or its representative.
- ▶ The Workers' Compensation Law sets limits on the maximum and minimum amounts of weekly compensation paid to injured employees. The average of the employee's gross wages will determine the weekly rate. The amount of the benefits are calculated using two-thirds of the employee's average weekly wage over the 52 weeks prior to the injury.

B. Medical Benefits

- ▶ The employer should provide the employee a panel of three physicians. If the injury is to the back, the panel must include a chiropractor. Chiropractic visits are limited by law to 12 visits.
- ▶ If specialized treatment is required, the authorized treating physician may refer the employee for such specialized treatment at which time another panel of specialized physicians should be offered.
- ▶ Medical treatment, at no cost to the employee, extends for as long as required by the authorized treating physician. If appropriate, the physician will provide the employee with off-work excuses and light or restricted duty limitations. It is very important that the authorized treating physician's instructions and restrictions be followed at all times.
- ▶ Mileage reimbursement for travel to and from medical treatment is allowed if travel, either to or from medical treatment, exceeds 15 miles. The mileage rate is based on current mileage allowance for Tennessee state employees.

C. Permanent Impairment and Final Settlement

- ▶ When the injury has healed and maximum medical improvement (MMI) is reached, the injured employee will be released from the physician's care.
- ▶ If the injured employee does not recover completely, the physician may assign a permanent impairment rating.
- ▶ The impairment rating, combined with vocational factors, may result in a permanent disability award.
- ▶ Workers' Compensation Specialists with the Tennessee Department of Labor and Workforce Development conduct, at no cost to the parties, informal Benefit Review Conferences to assist the parties in reaching a final agreement or settlement of the claim. Please complete Form C40B, "Request for Benefit Review Conference," and submit it to the Workers' Compensation Division to request a Benefit Review Conference.

D. Death Benefits

- ▶ When an injury results in the death of a covered employee, benefits are available to the surviving dependents.
- ▶ Burial expenses for the deceased employee are paid, not to exceed \$7,500.
- ▶ When the deceased employee leaves no dependents, \$20,000 shall be paid to his or her estate.

What if the injured employee does not agree with the findings of the physician selected from the employer's panel?

- ▶ Under Tennessee law, the employer or insurance carrier is not required to offer a second opinion; if asked, however, the insurance carrier or employer MAY provide a second opinion.
- ▶ The employee may always seek a second opinion or obtain treatment with any physician at his/her own expense; however, only the restrictions of the authorized physician must be followed by the employer.

What if the authorized physician orders light or restricted duty?

- ▶ If the authorized physician returns the employee to work with specific temporary restrictions (light duty) and the employer can provide a job within the restrictions, the employee MUST return to work and attempt the light duty.
- ▶ The employee may qualify for temporary disability benefits if the employer cannot provide a job within the restrictions given by the authorized physician.
- ▶ The authorized physician determines what duty is appropriate for the restrictions. The physician should be contacted for clarification if the employee believes the work is beyond the restrictions. Failure to report for light duty may terminate disability benefits.



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