









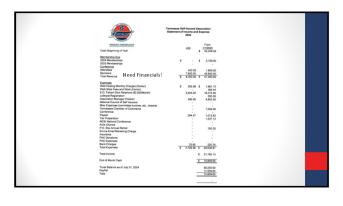


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8:30	-9:00	Registration   Breakfast   Visit Vendor Booths   Kids' Chance Silent Auction
9:00	-9:15	Welcome & General Membership Meeting
9:15	gena	Reynote Address: Resolve Claims Through FACTS (Reality) Rather Than Expert
10:1	5-10:45	Opinion by Dr. Robert Barth
10:4	5 –11:15	Break   Visit Vendor Booths   Kids' Chance Silent Auction
11:1	5-12:00	Session 1: Tennessee Chamber Update
12:0	0-1:00	Session 2: Bureau of Workers' Compensation
1:00	-2:00	Networking Lunch   Visit Vendor Booths   Kids' Chance Silent Auction
2:00	-2:30	Session 3: State of the Market –Presented by Brown & Brown Insurance
2:30	-3:00	Break   Visit Vendor Booths   Kids' Chance Silent Auction Closes
		Session 4: Case Law Review -Trials and Tribulations, Successes and Nightmares from
		the Trenches
3:00	-4:00	Employer Panel: Focus on Safety
4:00	-4:15	Closing Remarks   Vendor Bingo Drawing   Kids' Chance Silent Winner Pick Up



Registration | Breakfast | Visit Vendor Booths | Kids' Chance Silent Auction 8:30 -9:00 elcome & General Membership Meeting 9:1 Agend Reynote Address: Resolve Claims Through FACTS (Reality) Rather Than Expert Opinion by Dr. Robert Barth Break | Visit Vendor Booths | Kids' Chance Silent Auction 10:45 -11:15 Session 1: Tennessee Chamber Update 11:15 -12:00 Session 2: Bureau of Workers' Compensation 12:00 -1:00 Networking Lunch | Visit Vendor Booths | Kids' Chance Silent Auction 1:00 -2:00 Session 3: State of the Market –Presented by Brown & Brown Insurance 2:00 -2:30 2:30 -3:00 Session 4: Case Law Review -Trials and Tribulations, Successes and Nightmares from 3:00 -4:00 Employer Panel: Focus on Safety 4:00 -4:15 Closing Remarks | Vendor Bingo Drawing | Kids' Chance Silent Winner Pick Up



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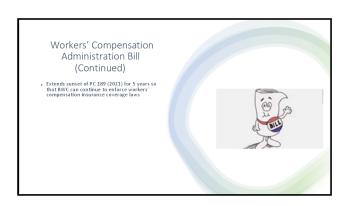


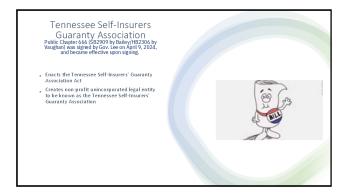
Workers' Compensation
Administration Bill

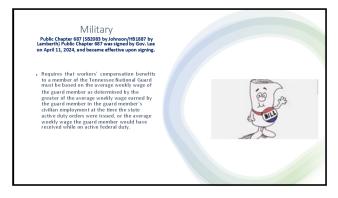
Public Chapter \$32 (\$82094 by Johnson/Hill\$94 by LamberHy was signed by Governor Lee on March 7, 2024, and became effective on July 1, 2024.

Consistent, uniform period of 14 days for electronic Hilling purpose for Hilling First Report of Injury (FRO) electronically with the BWC

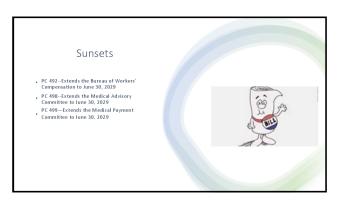
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### **Topics**

- Fee Schedule Rate Tables Utilization
- **Review Appeals**
- Case Management
- Medical Impairment Rating Registry
- Medical Payment Committee
- Medical Advisory Committee
- Certified Physician Program



## **Fee Schedule**

- Updates went into effect September 23, 2023
  - Adoption of rate tables similar to GA and SC
  - Increased rates to subspecialty physicians-neurology, psychiatry, pulmonology,
  - State specific "Z" codes to clear up billing confusion

    - Secondary causation opinions Discussions with case manager
    - IME codes
    - Behavioral health (substance/alcohol)

    - Final Medical Report (C-30A)
       Certified Physicians Program (Office visits and rating)

### **Rate Tables**

- Effective April 1, 2024 to March 31, 2025
- Stabilizes payments for WC even if Congress or Medicare make changes
- Free through Fairhealth: FH Orders (fairhealth.org)
- Downloadable spreadsheets
- Includes almost all codes and devices, "gap fill codes"
- Removes the need for providers and payers to have to make their own calculations

## **Utilization Review Appeals**

- Resolved 1223 appeals in fiscal 2023-24
  - 40% of denials upheld
  - 45% of denials overturned
  - \_ 15% administratively closed

    - · Out of state or others ineligible for review by the Bureau
  - Determinations were distributed to the parties in an average of less than one dayonce the records were available

## **Case Management**

- Over 1300 registered case managers and assistants
  - Bi-annual registration
  - Qualifications
  - Licenses
  - Certi f i cati ons
  - Continuing education
  - Log all case management activity, each completed



## **Medical Impairment Rating Registry**

- Administrative dispute resolution process for disputed permanent impairment ratings
  - Before going to court
  - Upheld by the Tennessee Supreme Court
  - Grown to over 95 trained physicians
    - . AMA Guides® 6thdition



# **Medical Payment Committee**

- Administrative resolution process for disputed payments to
  - 63 cases in fiscal 2023-2024
    - 33 resolved before the committee
    - 21 more payment due provider
    - 6 no additional payment
    - 3 overpayment or no action



# **Medical Advisory Committee**

- 18 members for all stakeholders
  - Open to the public via TEAMS or in person
  - Quarterly meetings to advise the Administrator
    - · Changes to the Treatment Guidelines
    - Forum for Complaints
    - · AMA Guides® revisions evaluation due

this Fall



# **Certified Physician Program**

- Part of REWARD (Return Employees to Work and Reduce Disability) Program
  - Over 50 physicians on the Registry in the first 8 months
    - Added reimbursement
    - Accept WC patients
    - Within the norms of their practice qualifications
  - Extra training
    - Best Practices
    - AMA Guides®







**TNSIA Court Update 2024** 

September 5, 2024

# **Court of Workers' Compensation Claims**

Fiscal Year 2023/24

- 8,891 settlements presented for approval
- 8,834 were approved (99.994%)
- 3,394 closed medical settlements approved (39% of all approved settlements)
   87 Expedited Hearings

- 39 Compensation Hearings
  45 Motions for Summary Judgment addressed
  3,344 Hearings held

# Fiscal Year 2023/24 The Appeals Board received 60 notices of appeal and 53 records. (Some of those cases were dismissed, withdrawn, or settled before we received the record, or the notice of appeal was filed late in the fiscal year, and we didn't receive the record until after July 1). In expedited appeals, 55% of the employees were self-represented. In compensation appeals, 43% of the employees were self-represented. We released 69 opinions/orders in FY23-24 (some of which were "holdovers" from the previous fiscal year). Of that 69 total, 57 were either affirmed or dismissed (83%). Of that 69 total, 12 were reversed, vacated, or otherwise modified in some way (17%). All WC appeals to the Supreme Court in FY23-24 were affirmed or dismissed. Currently, there are 5 WC cases pending at the Supreme Court. Also, since 7/1/2014, self-represented employees have achieved a favorable or mixed result in 38% of appeals they have filed.

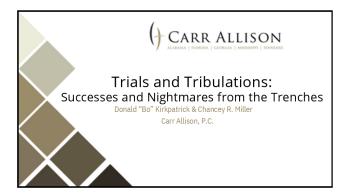
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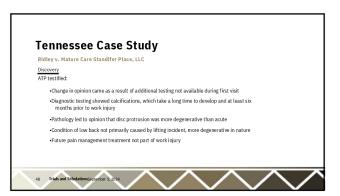


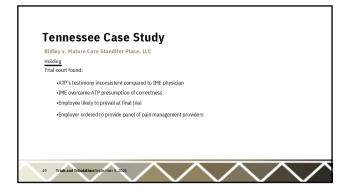


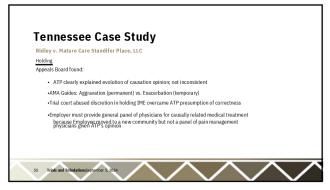
# Facts Over Opinions The judges care about the facts underlying the causation opinion 1. What was the treatment status of the employee's pre-existing condition at the time of incident? 2. What was the mechanism of injury? 3. What fact witness information did the physician consider in forming the opinion? The more specific and granular these facts, the stronger the opinion 1. A causation opinion based on little underlying fact -or incorrect information -is of little value at trial 1. Itis unlikelytoover cornethepress umption infavor of anauthorized treating physician But it could provide some lever age toward adoubtful and object dest etime the Proterrial 2. Good supporting facts require thorough claim investigation and a physician willing to review the results Factivitiness statements Priormedical records, and donorf orget the actual films!

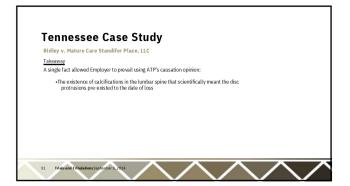


# Tennessee Case Study Ridley v. Mature Care Standifer Place, LLC Background 1. CNA reports gradual onset of low back pain from lifting heavy patients 2. Panel provided; CNA diagnosed with lumbar disc protrusion with adiculitis 3. Causation letter: Employment contributed more than 50% considering all causes 4. Diagnostic tests completed, DDD with disc protrusions noted at lower three lumbar levels 5. Secondcausation letter: Work-related injury temporarily aggravated pre-existing DDD 6. Claim denied, PBD filed with Bureau 7. Employee IME physician opines all disc herniations more than 50% caused by work injury

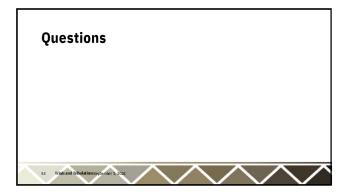


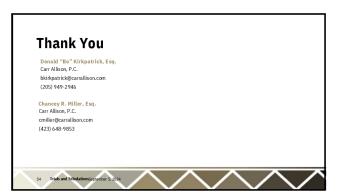












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Additional comments for the panel and questions from the audience.





