

SENATE BILL 1797
By Southerland

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 6, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Sections 50-6-206(a)(2), is hereby amended by deleting the subdivision in its entirety, and substituting the following language:

(2) Notwithstanding any other provision of this chapter to the contrary, the parties shall not be permitted to compromise and settle the issue of future medical benefits to which an employee is entitled pursuant to this chapter, except that employees shall be entitled to relinquish their right to future medical treatment if the court or the department of labor and workforce development should find that it is in the best interests of all parties to do so.

SECTION 2. Tennessee Code Annotated, Section 50-6-102(13), is amended by inserting the following language immediately before the punctuation ";" at the end of the subdivision: ". A "Repetitive injury" means an injury directly and solely caused by repetitive use of the affected body part, as established by competent ergonomic and medical evidence, and which is not the result or natural consequence of the aging process or a congenital or developmental disorder"

SECTION 3. Tennessee Code Annotated, Section 50-6-225, is amended by adding the following new subsection:

(m) The burden of proof of a compensable injury shall be on the employee and for injuries other than repetitive injuries the burden of proof shall be a preponderance of the evidence. For repetitive injuries, the burden of proof shall be on the employee and the burden of proof shall be clear and convincing evidence.

SECTION 4. This act shall take effect June 1, 2007, the public welfare requiring it.