



# TNSIA Annual Conference

October 2023 | Franklin, Tennessee

# Agenda

8:30 - 9:00 Registration | Breakfast | Visit Vendor Booths | Kids' Chance Silent Auction



9:00 – 9:15 Welcome & General Membership Meeting

9:15 – 10:15 Keynote Address- Before the Claim: Factors that Drive Injuries and How We Can Better Address Them by Andrew Stephenson, Vice President, HBD International

10:15 – 10:45 Break | Visit Vendor Booths | Kids' Chance Silent Auction

10:45 – 11:15 Session 1: Case Law Review

11:15 – 12:00 Session 2: Bureau of Workers' Compensation

12:00 – 1:00 Networking Lunch Sponsored by 

1:00 – 2:00 Session 3: State of the Market – Presented by AON

2:00 – 2:30 Break | Visit Vendor Booths | Kids' Chance Silent Auction Closes

2:30 – 4:00 Tech Convergence: AI, Technology, Dash Cams & Beyond

4:00 – 4:15 Closing Remarks | Vendor Bingo Drawing | Kids' Chance Silent Winner Pick Up



**WORKERS' COMPENSATION**  
ADVOCACY AND INFORMATION RESOURCE

# Welcome & Thank You!

The Board of Managers of the Tennessee Self-Insurer's Association would like to welcome you to our Annual Education Conference. We appreciate your support throughout the year and your participation in this conference.

We welcome any comments and/or suggestions you may have to make this a better conference.

# Thank You Sponsors!



Making A Difference™

**Board Dinner  
Sponsor**



**Networking Lunch  
Sponsor**



TENNESSEE ORTHOPAEDIC ALLIANCE

**Table Tent  
Sponsor**



**Hotel Guest Bag  
Sponsor**



**Notepad & Pen  
Sponsor**



**Conference Bag  
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**Wifi Sponsor**



Kerri Poe, CSSC  
Structured Settlement Consultant  
kpoe@teamarcadia.com  
800-674-9883

**Snack Break  
Sponsor**



**HENNESSY & ROACH, P.C.**  
ATTORNEYS AT LAW

**Breakfast Sponsor**

# Thank You,



# Gold Sponsors!

# Thank You,



## Silver Sponsors!



# Thank You,

## Traditional Sponsors



## Classic Sponsors



# Classic & Traditional Sponsors!

Thank You,



**International  
Paper**

In-kind Sponsor!



# TNSIA Welcome & Update



**Bailey Pipkin,  
TNSIA Chair**



**John Hayes,  
TNSIA Treasurer**





WORKING COMPENSATION  
ASSOCIATION OF SELF-INSURERS

Tennessee Self-Insured Association  
Statement of Income and Expense  
2023

	August	From 1/1/2023
Cash Beginning of Year		\$ 43,645.85
<b>Membership Due</b>		
2023 Memberships	\$ 1,000.00	\$ 8,750.00
2024 Memberships	-	-
<b>Conference</b>		
Attendees	2,025.00	2,925.00
Sponsors	11,500.00	50,700.00
Total Revenue	\$ 14,525.00	\$ 62,375.00
<b>Expenses</b>		
Web Hosting Monthly Charges (Horton)	\$ 265.96	\$ 1,493.72
Web Sites Fees and Work (Horton)	-	322.76
E.D. Talbert Govt Relations (\$2,500/Month)	2,500.00	20,000.00
Lobbyist Registration	-	300.00
Association Manager Position	637.75	4,059.00
National Council of Self Insurers	-	-
Misc Expenses (committee lunches, etc., checks)	-	-
Tennessee Chamber of Commerce	-	750.00
Conference	-	12.00
Paypal	518.18	1,311.70
Tax Preparation	-	1,500.00
NCSI National Conference	-	-
Kid's Chance	-	-
P.O. Box Annual Rental	-	176.00
Emma Email Marketing Charge	-	-
Insurance	(132.00)	(146.00)
PAC Donations	2,000.00	2,000.00
PAC Expenses	-	-
Bank Charges	24.96	194.54
Total Expenses	\$ 5,814.85	\$ 31,973.72
Total Income		\$ 30,401.28
End of Month Cash		\$ 74,047.13
Trust Balance as of August 31, 2023		64,974.06
PayPal		9,073.07
Total		74,047.13
		-

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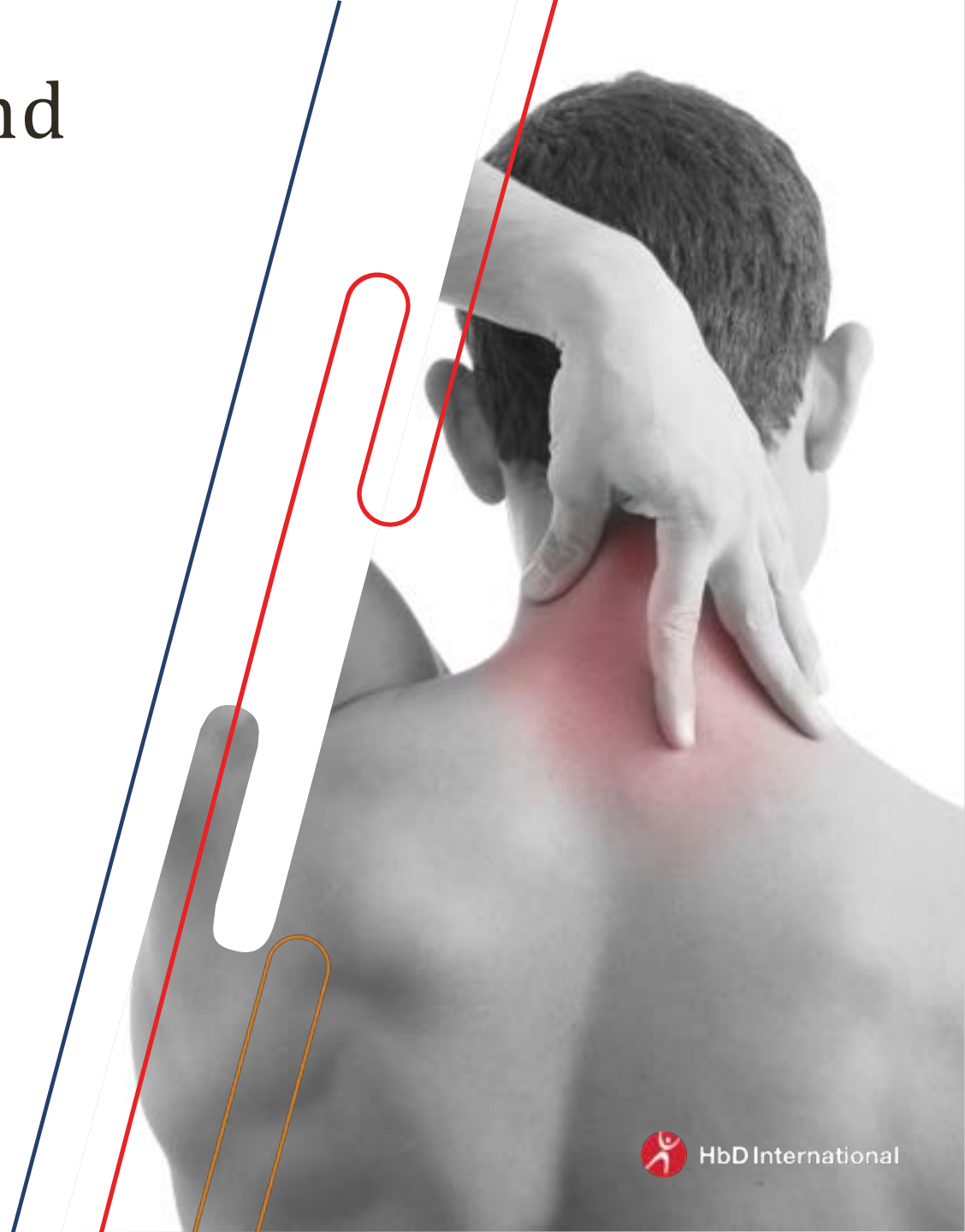
# Before the Claim

## Addressing Factors that Drive Injuries

Andrew Stephenson  
[astephenon@hbdinternational.com](mailto:astephenon@hbdinternational.com)



# 20 Years, Different Countries and Cultures: What Have We **Learned**?




# Silos: Isolated solutions for complex problems?

HSE / OHS




Work environment and work behaviors

Wellness



Personal behaviors and physical conditioning

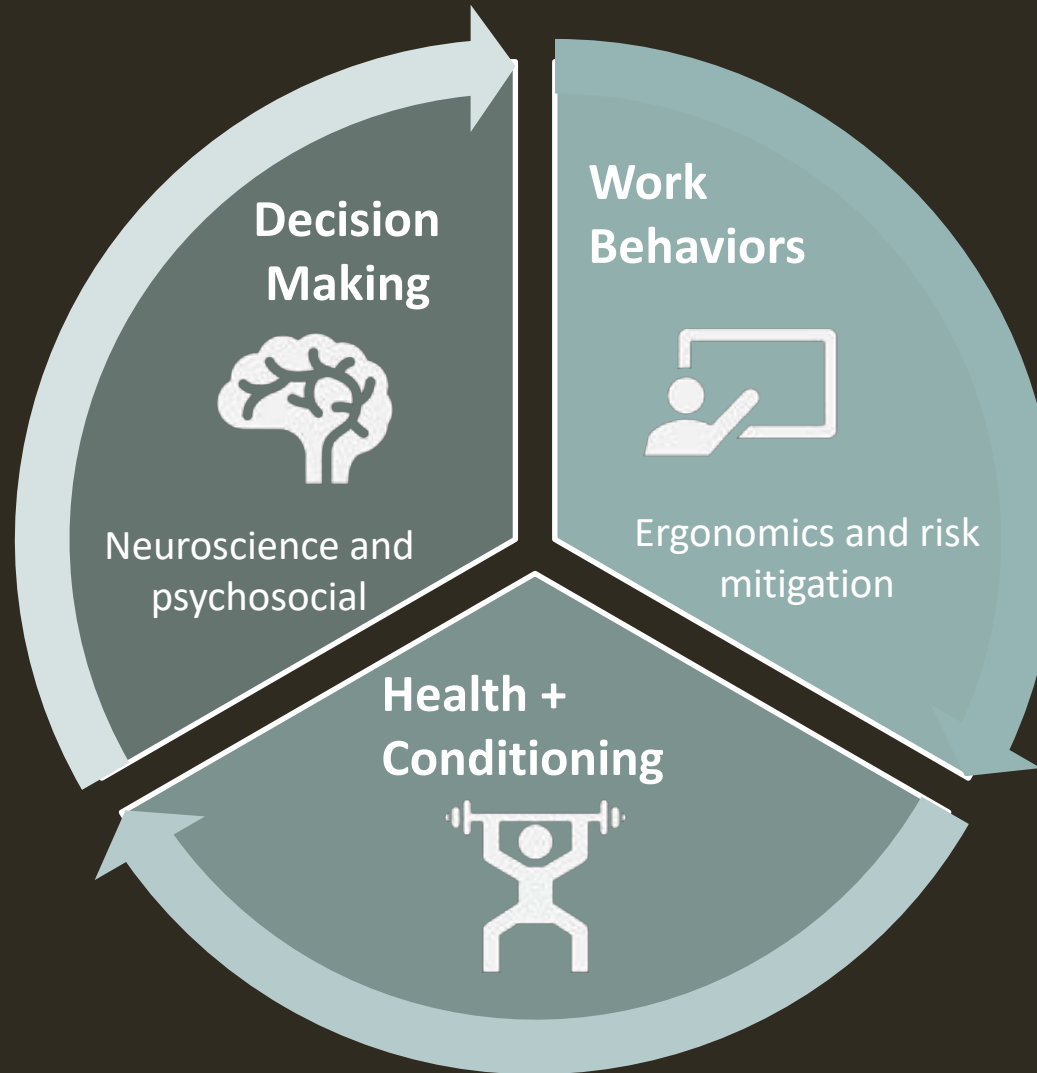
EAP













Emotional wellbeing



# Evolution: From reaction to prevention





	Percent total	Cost billions		
1.	21.76%	\$12.63		<b>Overexertion involving outside sources</b> (handling object)
2.	17.67%	\$10.26		<b>Falls on same level</b>
3.	9.76%	\$5.66		<b>Struck by object or equipment</b> (being hit by objects)
4.	8.73%	\$5.07		<b>Falls to lower level</b>
5.	6.91%	\$4.01		<b>Other exertions or bodily reactions</b> (awkward postures)
6.	6.18%	\$3.59		<b>Roadway incidents involving motorized land vehicle</b> (vehicle crashes)
7.	4.34%	\$2.52		<b>Slip or trip without fall</b>
8.	3.77%	\$2.19		<b>Caught in or compressed by equipment or objects</b> (running equipment or machines)
9.	3.22%	\$1.87		<b>Struck against object or equipment</b> (colliding with objects)
10.	2.39%	\$1.39		<b>Non-roadway incidents involving motorized land vehicles</b>

2022 Liberty Mutual



# Holcim's Journey

## Safety



Ergonomics training, safety behaviors, risk mitigation



# Holcim's Journey

## Safety



Leveraged the acceptance and expectations of safety and compliance

## Wellness



Found traction when it was first linked to safety

**TOILET TALK**  
Eating on the Run

**Eat light, eat often, eat fresh!**

For increased energy to get through your work day safely!

If you're eating until you're starving right after you wake up, this is the result of the workday, and then again when you finally get home at the end of the day, you may not be maximizing your energy!

Ideally, you should eat frequently, around every two to three hours.

This doesn't mean you need a super-sized burger every several hours during the workday. Instead, focus on snacks that're high in protein and complex carbohydrates (protein between your regular healthy meals: Cottage cheese, Flax, Apricots, yogurt, trail mix, hard-boiled eggs, protein bars or an apple with peanut butter are all great choices that can help keep you energized).

Ideally, you want to try and keep your blood-sugar levels regulated throughout your day (within 100). Larger, all-around meals can lead to higher energy highs and lower, post-meal lows which not only mean you're feeling lethargic, but also make it more likely that your body will store energy as fat.

Too much glucose: Higher peak, low energy

Optimal energy

Too little glucose: Sluggish, low energy

Breakfast    Snack    Lunch    Snack    Dinner

**LAFARGE** [www.holciminternational.com](http://www.holciminternational.com) **HbD International**

**GO BODY** **Eat Well Tip**

**MAKE THE SWITCH**

6 Inch Subway  
Steak & Cheese Sandwich  
**380 calories**  
(90 calories from fat)

**HEALTHIER OPTION**

6 inch Subway  
Turkey Breast Sandwich  
**280 calories**  
(30 calories from fat)

**BEWARE!** Too many calories from the wrong foods can lead to feelings of fatigue.

**LAFARGE** [www.holciminternational.com](http://www.holciminternational.com) **HbD International**



**DENSO**

## A Tale of Two DENSO's

78% of population made a health or safety behavior change  
47% of population achieved a measurable improvement in health risks

22% reduction in people with high BP

31% reduction in people with high cholesterol

15% reduction in people with high W:H ratio (obesity measure)

62% reduction in LTI incidence rate over 3 years



***DENSO***

# A Tale of Two DENSO's

76% of population engaged monthly

48% of population achieved a measurable improvement in health risks

51% reduction in people with high BP

13% reduction in people with high cholesterol

19% reduction in people with using tobacco



Reduction in injuries???



# Concrete / Aggregates



80% engaged monthly  
(2,768 participants).



The non-engaged  
group **accounted for**  
63% of injuries.



Engaged in the program  
= **6.6 times less likely**  
to be injured.



Of the 37% of injuries that came  
from the 'engaged 80%'  
- every person was also  
'high risk' for a health issue ie:  
cholesterol, blood pressure etc.

- 3,481 employees in a region covering around 300 locations
- 100% correlation between injuries and either non-participation or having a high risk health issue.







## State of Play

% of US workers who maintain a healthy lifestyle **3%**

% workers report one of more mental health symptoms **76%**

% of US workers who are “metabolically healthy” **12%**

% of US workers who are “engaged” **32%**

% of TN workers who are clinically obese **36%**





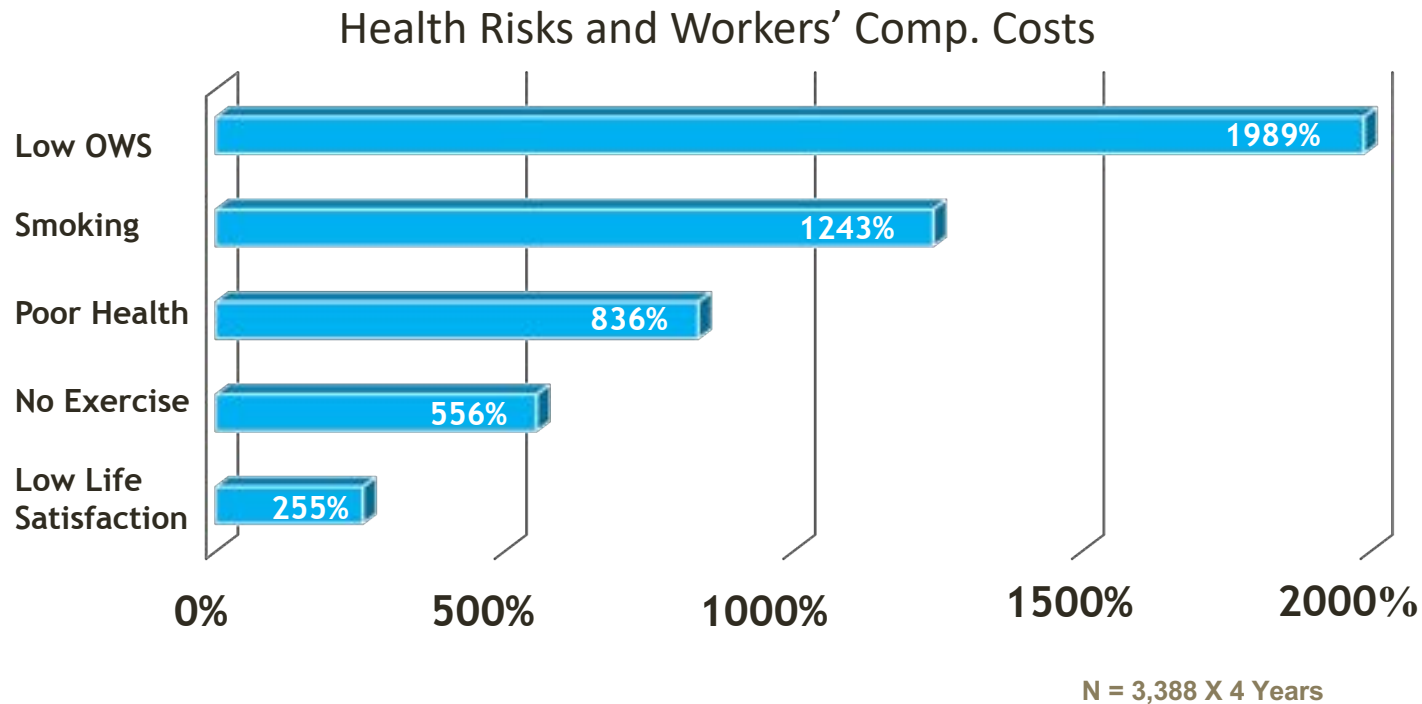
Co-morbid conditions increase costs

# Obesity

- 2 x Injury rate
- 7 x Medical cost per claim
- 13 x Longer to return to work

\*Duke & Johns Hopkins similar results  
American Journal of Epidemiology, similar results 2007-2010

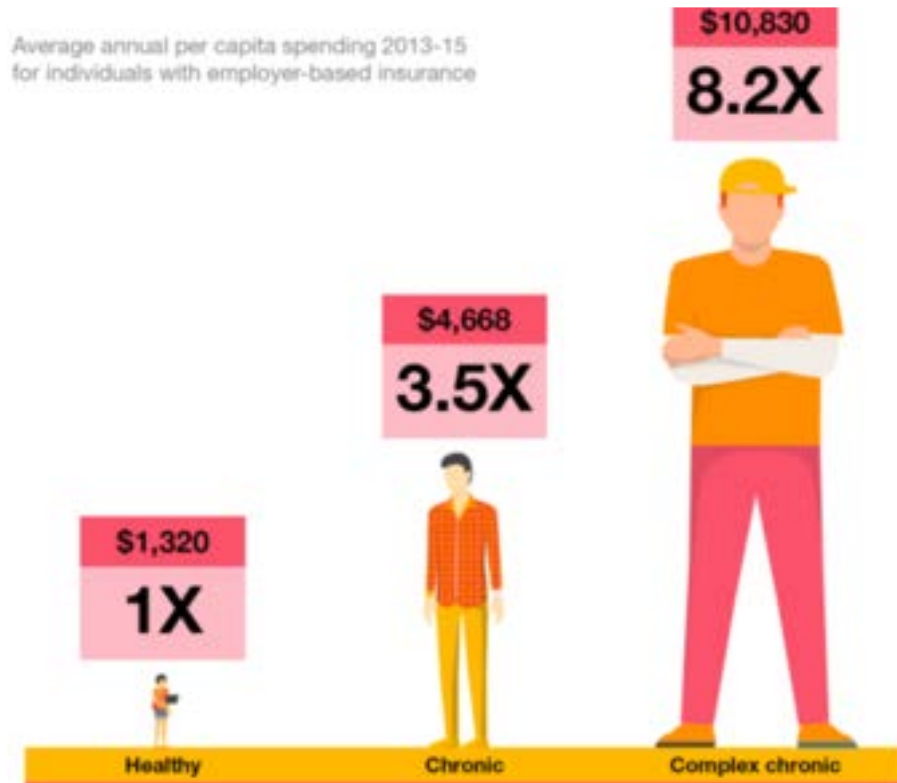
# What's the Impact?



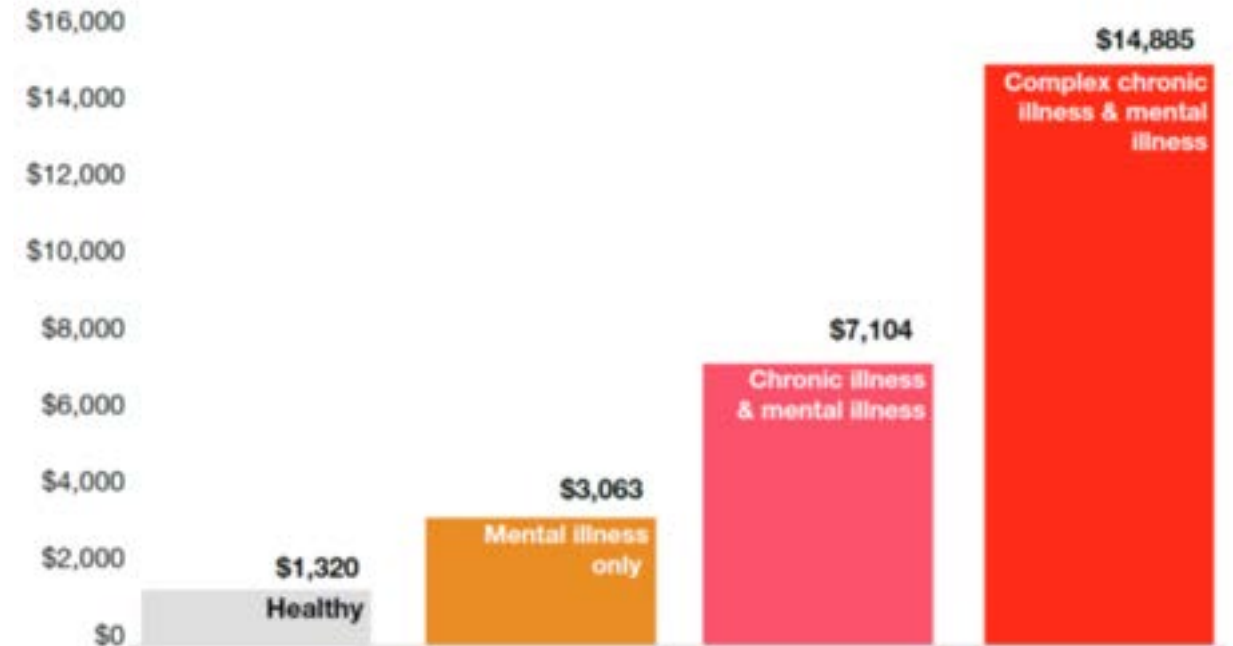
Source: Musich, S., et al., (2001, June). The Association of Health Risks with Workers' Compensation Costs, JOEM, P. 534-541

# Stress / Mental Health

- Employees at high health risk are 60% more likely to report high stress
- High stress employees have 33% higher error rates



Average annual per capita spending 2013-15 for individuals with employer-based insurance



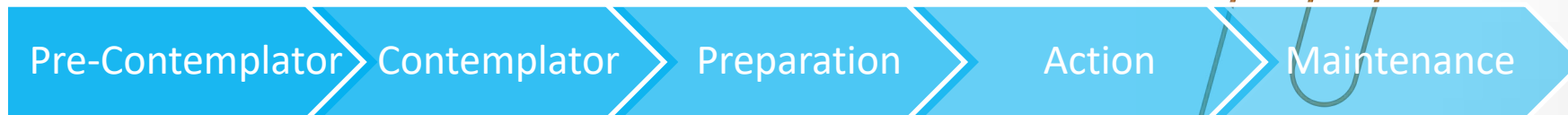
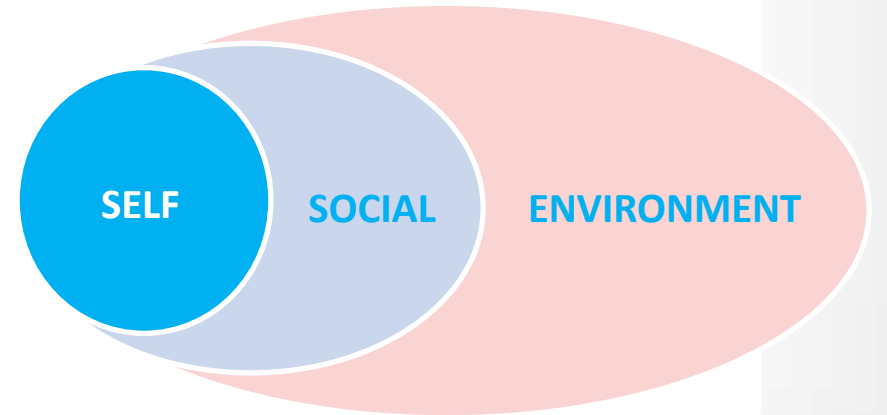
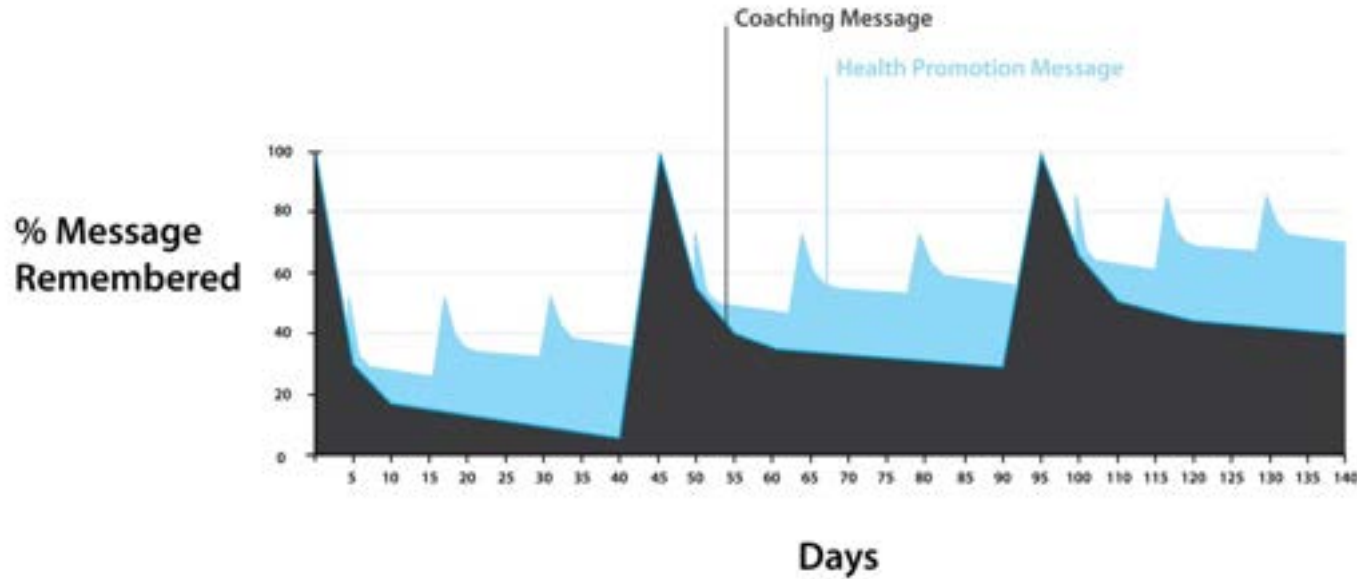


# How to People Learn and What Drives Behavior?

# What Works?

Consistent synergistic touchpoints integrated into regular work process and routines

## Progressive and Influential Education for Sustainable Behavior Change





# Consolidated: Integrated solutions multiply value to change

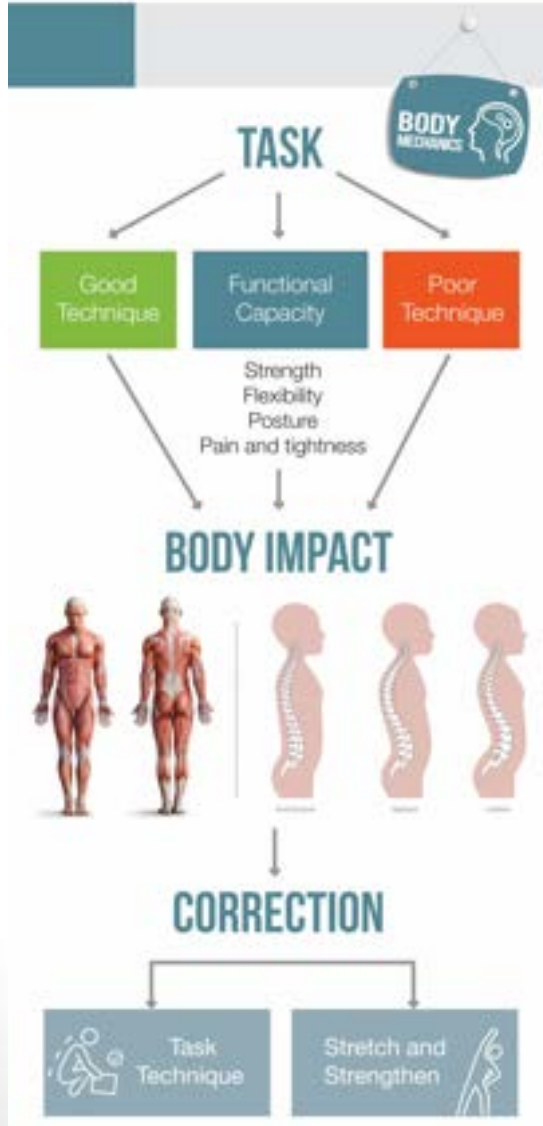


Joining the dots:  
Ergonomics, health & performance



Change has to have purpose!

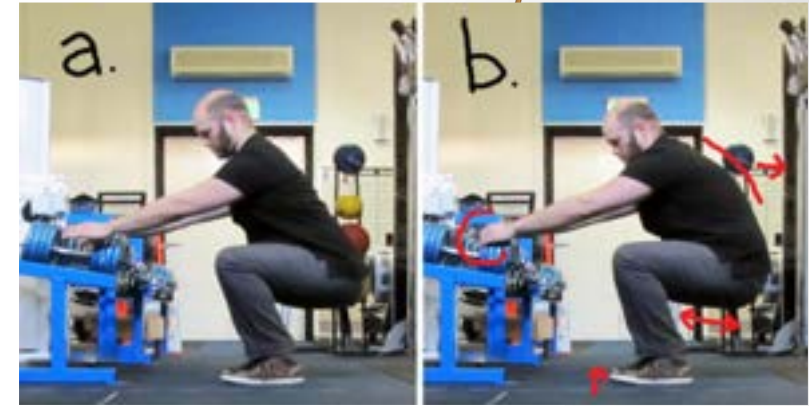
# What does it look like?



**701 lb**



**231 lb**



**AT WORK EXERCISES**

**HAMSTRING STRETCH**

Stretching your hamstring helps maintain flexibility in your hip and back.

1. Place one heel on your truck step or on the ground
2. Keep your leg straight while you gently lean forward
3. Breathe normally and hold the stretch for 15-20 seconds
4. Repeat with the other leg

Maintain your inner machine

WORK WELL • LIVE WELL • EAT WELL • MOVE WELL

LAFARGE

www.hbdinternational.com

HbD International



# What Can it Look Like?



Understanding Mental Health

Exercise your Mind

Fuelling Brain Health

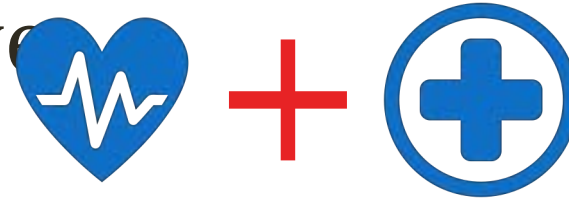
Cognitive Health

Sleep & Mental Health

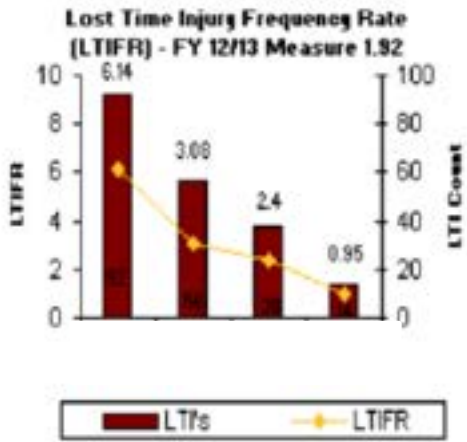




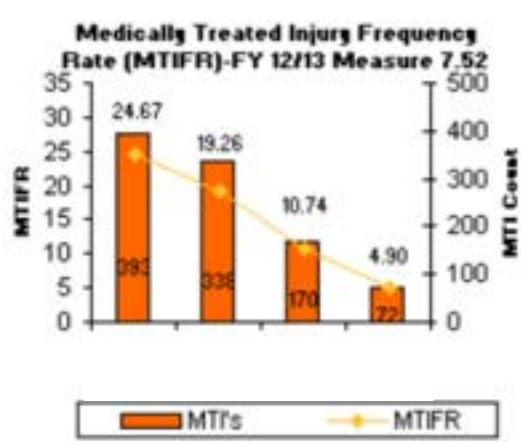
# Freight Rail: Comprehensive



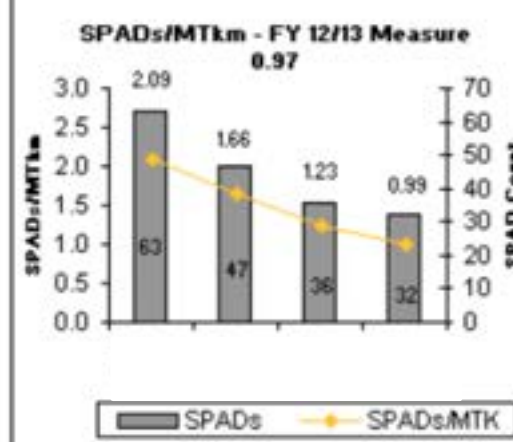
37% reduction in people with high cholesterol  
 17% reduction in people with high BP  
 23% reduction in people with high BMI



69% reduction in LTIs



74% reduction in MTIs



40% reduction in SPADs



# Low Cost Model



68% of population exposed to monthly education via normal work  
63% of population reported changing a work or health behavior

40% reduction in MSKs  
70% reduction in injury severity

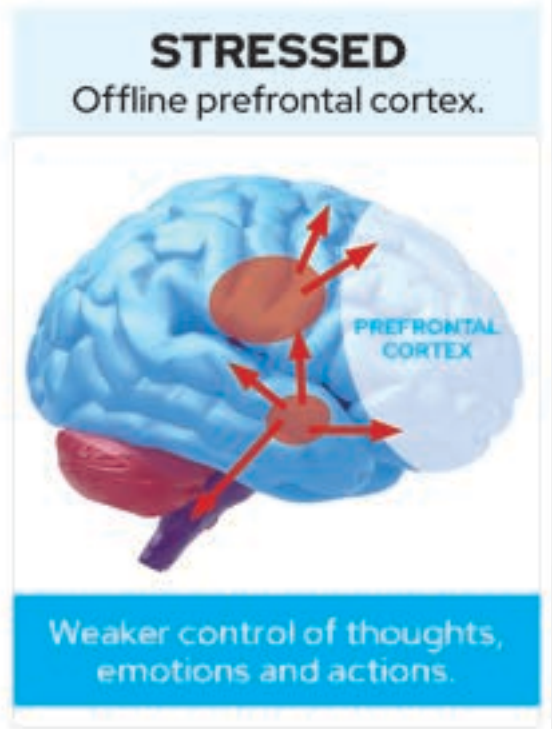
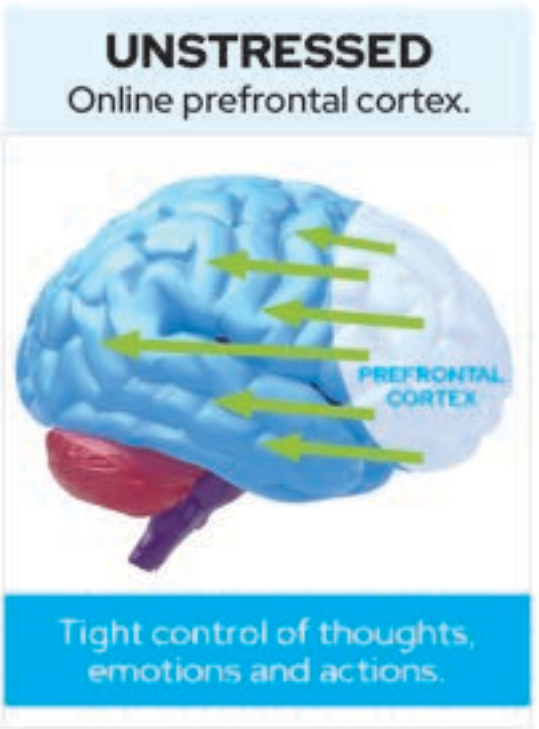
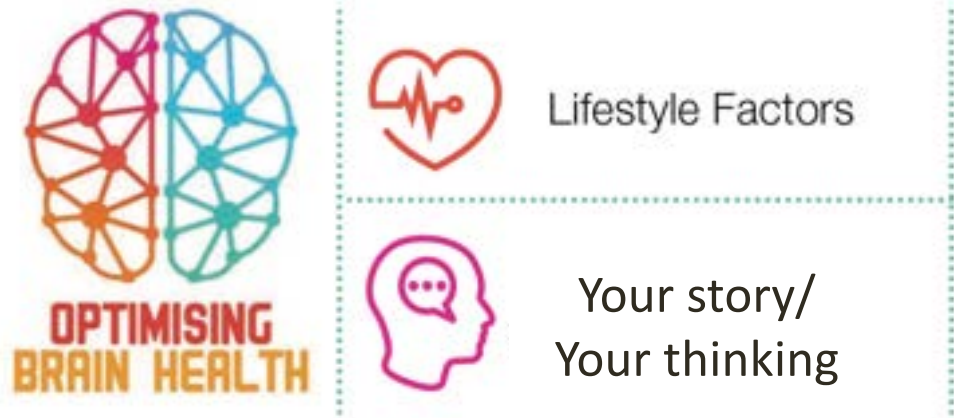






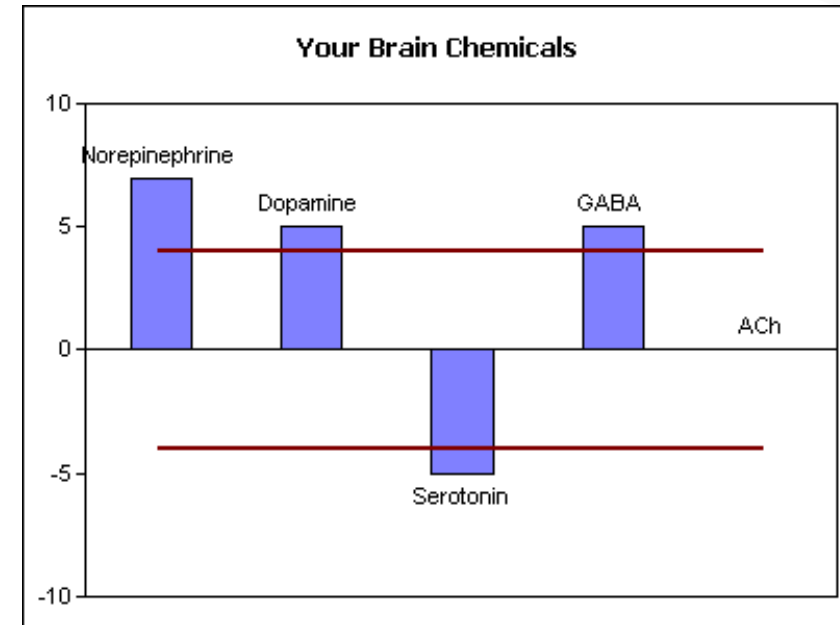
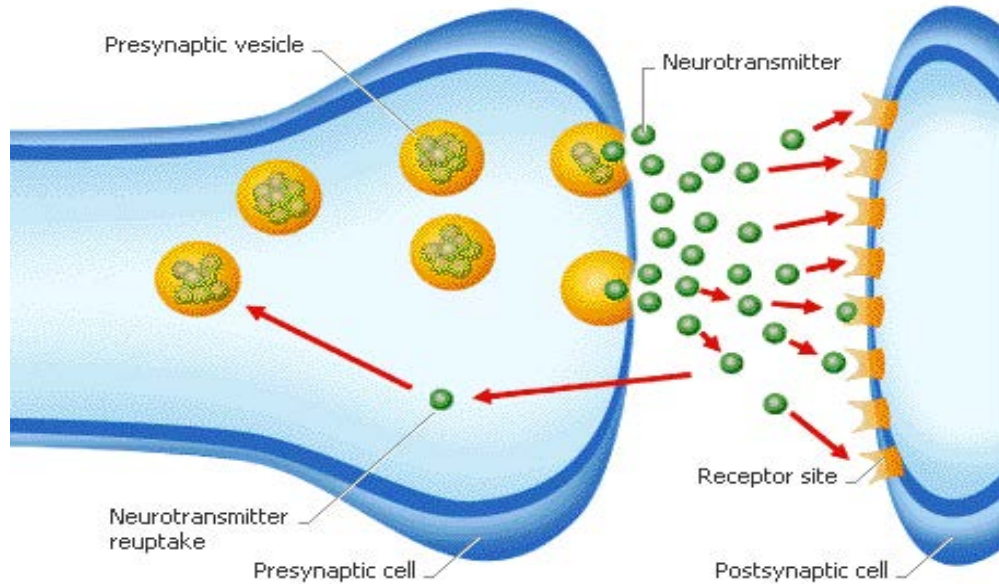
# Continuing the Evolution

# Stress, Anxiety, Fatigue



Decision making | Concentration | Executive control | Problem solving | Inflammation

# Stress, Anxiety, Fatigue



## Understanding Brain Chemistry

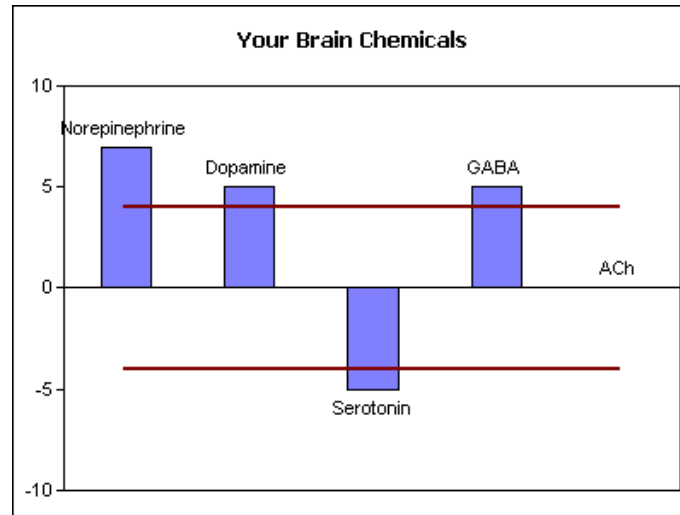
# Stress, Anxiety, Fatigue



Lifestyle Factors



Your story/  
Your thinking



Work Structure | How People are Managed | Individual Employees



# Concrete / Aggregates



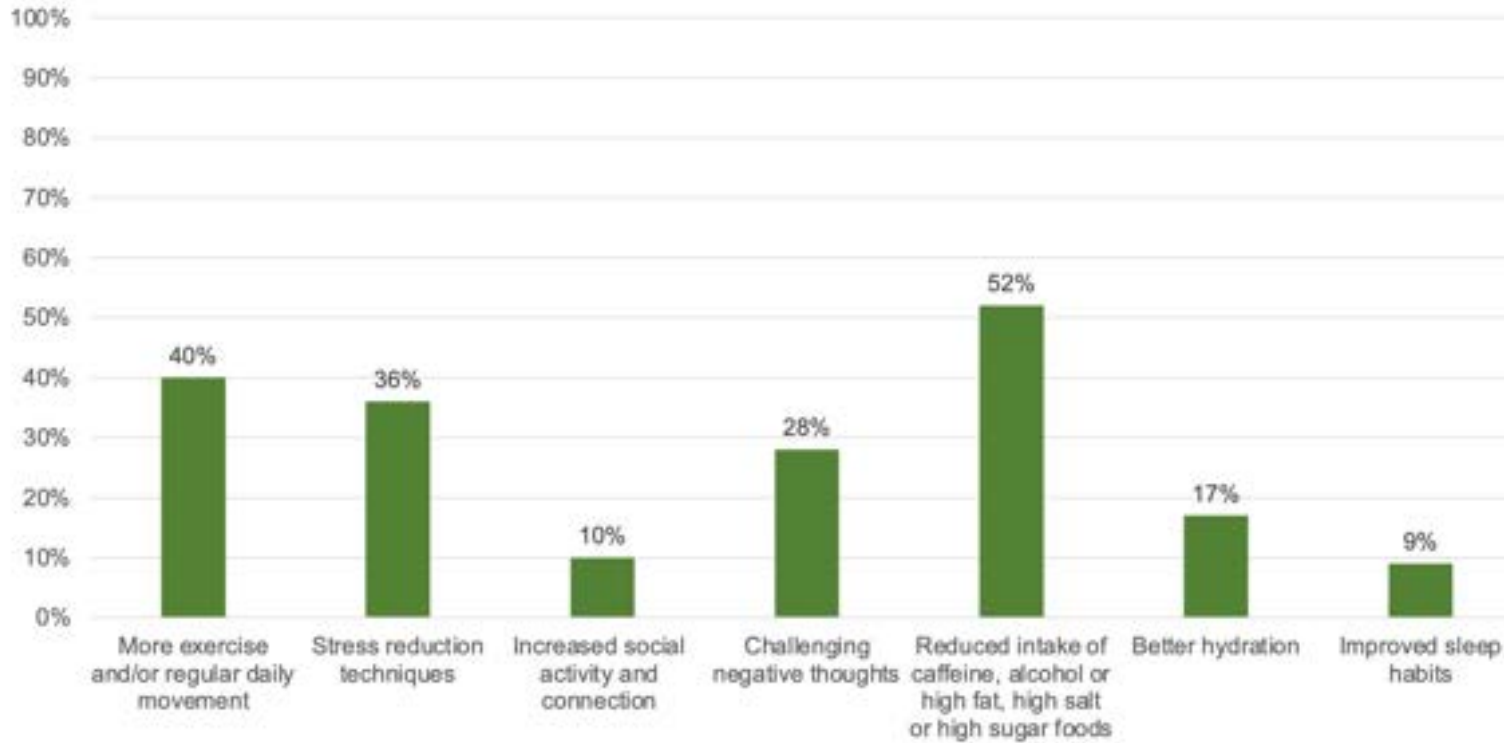
1. Face to Face    2. Train the Trainer    3. Remote content

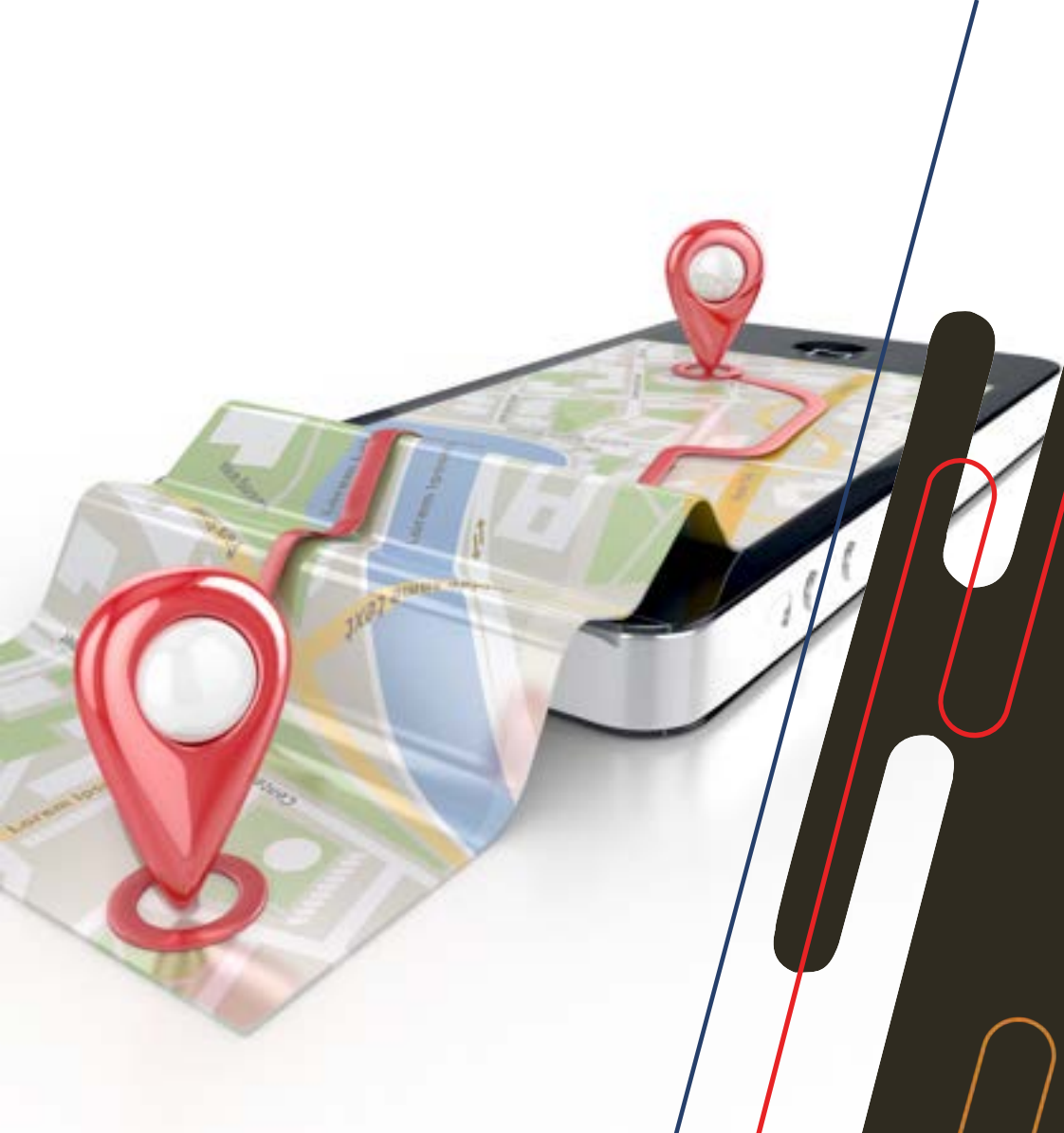


1. Face to Face

2. Train the Trainer

3. Remote content





# Look For Progress

## 1. Make sure “health” and “safety” are communicating

Share data.

Understand each other’s goals & cost drivers.

## 2. Start to merge content

Safety and health programs and communication should reinforce each other.

## 3. Full Integration

Connect the dots. Physical, mental, culture and psychosocial environment.





# Thank you

Andrew Stephenson  
[astephenson@hbdinternational.com](mailto:astephenson@hbdinternational.com)

[www.hbdinternational.com](http://www.hbdinternational.com)

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CARR ALLISON

ALABAMA | FLORIDA | GEORGIA | MISSISSIPPI | TENNESSEE

# Case Law Update

Chancey R. Miller, Esq.

Carr Allison, P.C.

# Agenda

## 1. Jurisdiction

Attorney Disqualification

Provider Intervention

Coverage Disputes

Motion Practice

## 2. Notice

Framework for Deciding

Notice Defense Cases

## 3. Direct and Natural Consequence Rule

Judge Conner's

Concurrence

## 4. Course and Scope

Travelling To and From

Work

## 5. Settlement Approval

Obtain an Order

# Jurisdiction

## **Nelson v. QVS, Inc.**

The Court of Workers' Compensation Claims has subject matter jurisdiction to apply Rules of Professional Conduct, and thus, had authority to disqualify attorney with conflict of interest

## **Acevedo v. Crown Paving, LLC**

The Court of Workers' Compensation Claims cannot exercise subject matter jurisdiction over a medical provider's claim for payment of a medical bill

## **Martinez v. ACG Roofing, Inc.**

The Court of Workers' Compensation Claims cannot exercise subject matter jurisdiction over an insurance coverage dispute between an employer and its insurer

## **Watson v. Lowe's Home Centers, Inc.**

The Court of Workers' Compensation Claims cannot decide dispositive motions prior to mediation and issuance of a dispute certification notice (DCN)



# Notice

## **Ernstes v. Printpack, Inc.**

### No Notice

1. Did employee provide timely written notice of the alleged work-related injury in accordance with Tennessee Code Annotated section 50-6-201(a)(1)?
2. If not, did employer have actual knowledge of the alleged work-related injury?
3. If not, did employee show reasonable excuse for failure to provide notice to employer?
  - prejudice to employer; inability to timely notify
4. If not, Court should dismiss the claim.

### Defective Notice

1. If written notice was provided, but employer asserts a defect with the notice, employer must prove actual prejudice suffered as a result of the defective notice.
2. If employer proves actual prejudice, the Court should fashion a remedy only to the extent of the prejudice per Tennessee Code Annotated section 50-6-201(a)(2)-(3).

# Direct and Natural Consequence

## Hudgins v. Global Personnel Solutions, Inc.

### The Rule

- “The direct and natural consequence rule contemplates that certain injuries may be compensable even if they do not occur while the employee is at work, so long as they are the direct and natural consequence of a compensable injury.”
- “We previously determined that the direct and natural consequence rule, which is a judicially-created doctrine, survived the 2013 Workers’ Compensation Reform Act.”
- Expert testimony does not have to use the phrase “direct and natural consequence.”

### Judge Conner’s Concurrence

- How does the addition of the word “primarily” in the definition of injury in the 2013 Workers’ Compensation Reform Act impact the direct and natural consequence rule, if at all?
- Concurrence is floorplan for argument in a future direct and natural consequence rule case

# Course and Scope

## McCorkhill v. Landon Electric Co, Inc.

- “Generally speaking, an employee is not in the course of employment if he or she is injured while traveling to or from work.”
- Exception: “It is well settled law in this State that where transportation is furnished by an employer as an incident of the employment, an injury suffered by the employee while going to or returning from his work in the vehicle furnished arises out of and is within the course of the employment.”
- Exception to the Exception: The employee was on a personal errand at the time of the accident.
- “Although Employee admitted his errand was personal in nature, the errand also had a business purpose and contributed to the furtherance of his work.”
- “Travel that serves a dual purpose, the employer’s and the employee’s, will still be considered to be within the scope of employment.”

# Settlement Approval

## Norfleet v. Four Star Paving, LLC

- Appeal from denied settlement approval
- “It is a well-established principle that a court speaks through its orders.”
- No written order = no appealable decision
- “As an issue of first impression, we must consider whether a trial court must issue an order in circumstances where it declines to approve a proposed settlement following an evidentiary hearing.”
- Holding: Yes, the Court must issue an order.



# Questions

# Thank You

**Chancey R. Miller, Esq.**

Carr Allison, P.C.

[cmiller@carrallison.com](mailto:cmiller@carrallison.com)

(423) 648-9853

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TNSIA Presentation

October 3, 2023

Suzy Douglas, RN, Medical  
Services Coordinator

Return  
Employees to  
Work and  
Reduce  
Disabilities  
**Update**





# REWARD Honor Roll

## Recognition for employers with exemplary Return-to-Work Programs

- Honorees listed on the BWC's website
- Use of REWARD Honor Roll Logo
- Attract and retain talented workforce
- Customers may recognize and support
- Complimentary Annual Conference Registration for Coordinator

# REWARD Honor Roll for Employers

- Review the minimum criteria.
- Apply on-line year-round.
- For consideration in next year's Honor Roll List, application is due by November 15, 2023.



# REWARD Contact Information

- [REWARD Program \(tn.gov\)](#)
- [RTW Coordinator Training \(tn.gov\)](#)
- [REWARD Report \(tn.gov\)](#)
- [REWARD Honor Roll \(tn.gov\)](#)

[Suzy.Douglas@tn.gov](mailto:Suzy.Douglas@tn.gov)

(615) 532-1326

Thank you!



# 2023 Legislative Update



# Workers' Compensation Administration Bill

- Public Chapter 145 (SB0263 by Lamberth/HB00082 by Johnson)
  - Provides 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. Under current law, there are up to \$20,000 in temporary disability benefits and up to \$20,000 in medical benefits available, but there is no death benefit available to the dependents or estate. The money comes from the Uninsured Employers Fund, which is money collected from penalties assessed against employers who failed to provide workers' compensation insurance coverage on employees.

# Workers' Compensation Administration Bill

- Allows the Court of WC 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. There is already such a penalty in current law, but the current language requires “bad faith”, which would be replaced with a “unreasonably” standard.
- Gives a workers' compensation judge discretion in awarding an injured worker's attorney fees up to a maximum of 20% of the recovery, instead of a mandatory 20% of an injured worker's recovery as interpreted under current law. This proposed legislation is in response to a recent Tennessee Supreme Court decision (*Henderson v. Pee Dee Country Enterprises, Inc.*), where the Supreme Court recommended legislation to address the attorney fee issue.

# Workers' Compensation Administration Bill

- 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. Current law states that the mediator prepares the agreement, but usually an attorney representing an employer or injured worker will prepare the settlement agreement and other settlement documents.

# Firefighters

- Public Chapter 0465 (SB0856 Bailey/HB0976 Garrett)
  - As amended, enacts the James “Dustin” Samples Act (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 factors was injured in the line of duty and such is compensable under workers’ compensation.
  - Limits application of the presumption to a firefighter who is diagnosed with PTSD within one year of the firefighter’s final date of employment with the employing fire department.



# Firefighters

- Requires the Department of Labor and Workforce Development/BWC to establish and administer a grant program to mitigate the costs to an employer providing workers' compensation for firefighters diagnosed with PTSD.
- Authorizes grants to be funded through any available sources, including state and federal funds.
- Employers must develop and implement a mental health awareness training program under certain parameters to qualify for the grant program. Requires the State Fire Marshal's Office to verify employers that apply for the grants under this Act.

# Firefighters

- Requires the DLWD/BWC to provide on or before February 1 each year a report that includes an analysis of the number of claims brought forward, the portion of those claims that resulted in a settlement or award of benefits, the effect of this Act on costs to this state and its political subdivisions, and the balance of funds available for future claims. Requires the report to be provided to the Chairs of the State and Local Government Committee of the Senate and the Local Government Committee of the House of Representatives. Repeals the grant program on December 31, 2028. The proposed legislation will become effective January 1, 2024, except for the purposes of promulgating rules which take effect upon becoming law.

# Workers' Compensation

- Public Chapter 158 (SB0097 Walley/HB0396 Gant)
  - As amended, creates the Garrison-Jordan Survivor Benefits Act. Increases the maximum weekly workers' compensation death benefit to a surviving spouse with no dependent child or one dependent from 50 percent to 66.67 percent of the employee's average weekly wage.
  - Removes remarriage as a terminating event regarding workers' compensation death benefits, 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.

# Workers' Compensation

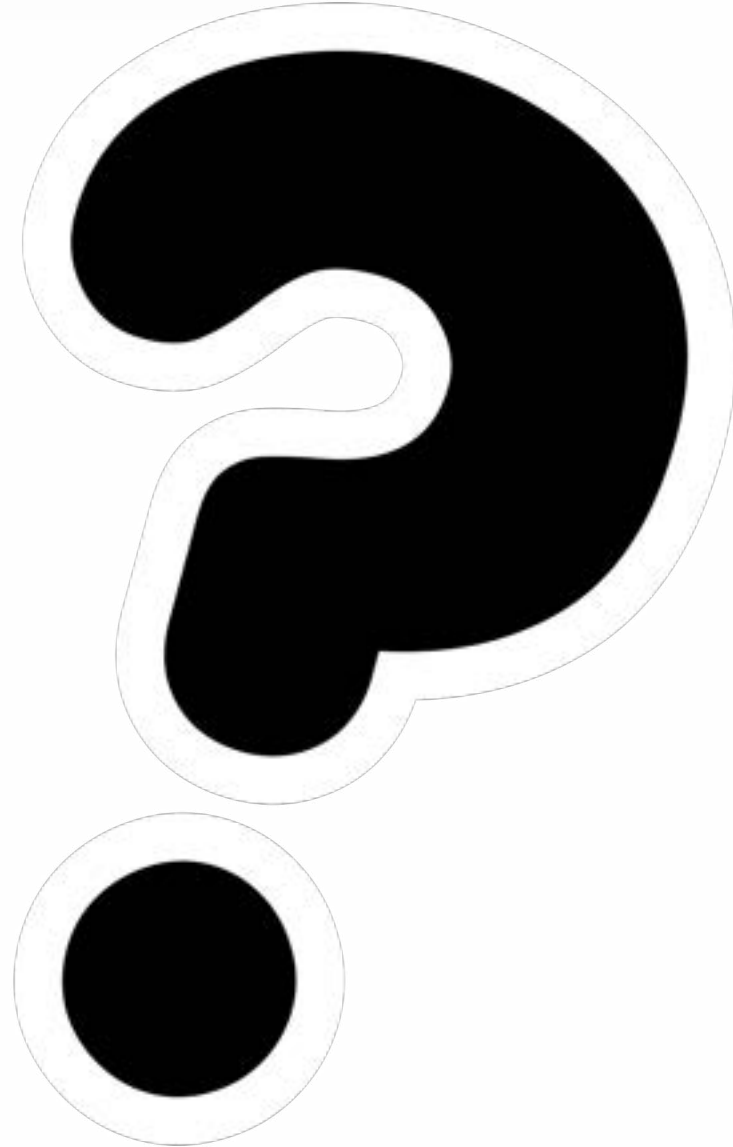
- Authorizes an orphan or other child, being physically or mentally incapacitated, or is completing secondary education or a program leading to an equivalent credential or enrolled in a recognized institution that provides postsecondary or career or technical education, to be paid workers' compensation 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.
- Requires the employer or insurer in such cases to notify the Bureau by filing a notice of change or termination of benefits within fifteen (15) days of the first omitted payment of compensation.

# Workers' Compensation

- Requires the employer or insurer, within 15 days of receipt of the 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.
- 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.



# Possible 2024 Legislation





[Amanda.Terry@tn.gov](mailto:Amanda.Terry@tn.gov)



# COURT OF WORKERS' COMPENSATION CLAIMS

# FY 2022-23

- **Settlement Approvals**
- 8,472
  
- **Total Hearings**
- 2,824
  
- **Status Conferences**
- 1,562

# SIGNIFICANT HEARINGS

- Expedited, Compensation, and Motions for Summary Judgment – 173
- In 22-23 we had 51 expedited hearings involving SRLs. They won 16 (31%) and lost 35 (69%).
- Same year 49 expedited hearings with employee representation. They won 33 (67%) and lost 16 (33%).



# Compensation Hearings - 2021

- In 22-23, we had 30 Compensation Hearings.
- 8 of those hearings involved SRLs. They won 5 (63%) and lost 3 (37%).
- 22 of the 30 had representation. They won 19 (86%) and lost 3 (14%).

- In 22-23 we had 32 Summary Judgment Hearings
- 19 of those hearings involved SRLs. They won 4 (21 %) and lost 15 (79%).
- 13 of those hearings were with representation. They won 8 (62%) and lost 5 (38%).

# 2023 Appeals Board Statistics (as of 9/15/23)

- Total notices of appeal: 69\*
- Affirmed and Certified as Final: 15
- Affirmed and Remanded: 27
- Affirmed in Part, Reversed in Part, and Certified as Final: 0
- Affirmed in Part, Reversed in Part, and Remanded: 0
- Affirmed in Part, Vacated in Part, and Remanded: 1
  
- Dismissed and other Dispositions: 14
  
- Reversed and Remanded: 2
- Vacated and Remanded: 1
  
- Percentage of Pro Se Litigants: 43%
  
- Appeals to the Supreme Court: 6 (2 affirmed with one adopting the WCAB opinion in its entirety)



# Medical Fee Schedule Certified Physician Program (CPP)



TNSIA  
October 3, 2023





# Medical Fee Schedule

- Maximum allowable
  - Contracts
- Current Issues
- 2024 Update
- Rules:
  - 0800-02-17-General rules
  - 0800-02-18-Outpatient payment rules
  - 0800-02-19-Inpatient payment rules

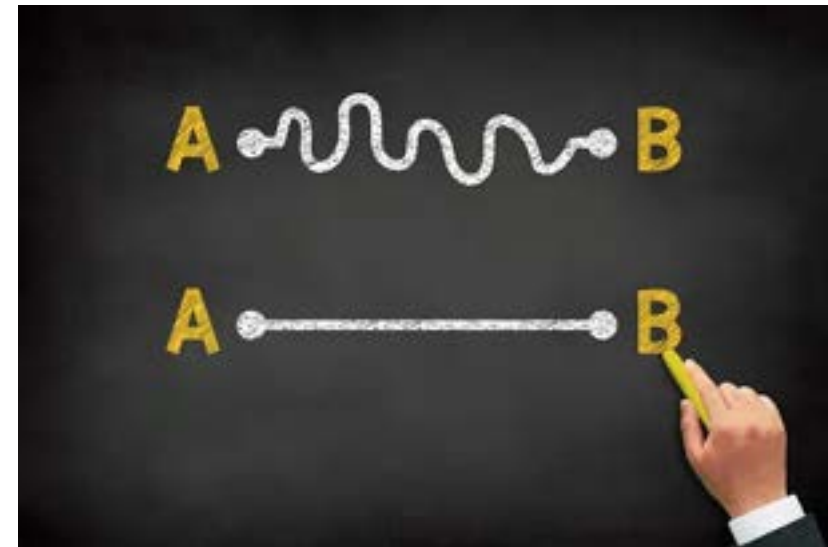


# Medical Fee Schedule

- Annual Review
- Public Hearing-2022
- Comments and revisions
- Development
- Attorney General 6/26/2023
- Joint Gov/Op Committee 9/20/2023
- Effective 9/25/2023
  - Once adopted by the Administrator
  - Effective on the date specified by the Administrator

# Medical Fee Schedule Basis

- Outpatient
  - Medicare
  - Outpatient services
  - ASC
  - Conversion factor
- Inpatient
  - Per-diem
  - Carve outs
  - Stop loss



# Issues

- WC is a different process
  - Difficulties with paying and collections
- “Instability” of Medicare conversion factor
  - Announced
  - Changed
  - Congress
- Calculations
  - Payers and Providers have to calculate their own based upon the rules and the handbook
  - Disputes and questions to the Bureau and the Medical Payment Committee
  - Bill review discounts
  - Missed appointments
  - Other special codes/services

# 2024 Revision

- Rate tables
  - FairHealth
    - Gap fill codes
  - Published
  - **Free** to Tennessee Providers and Payers
- Current terminology
  - Updated for anesthesia and telehealth
- Modifiers and specialty codes
  - For Occupational Medicine and Physiatry
  - Subspecialties-pulmonology, cardiology, neurology, psychiatry
  - State specific (Z) codes for missed appointments, IMEs, reports





# Tentative Dates

- When adopted by the Administrator
- Effective for dates of Service (DOS) January 1, 2024
- Current fee schedule, 2023 Medicare conversion factor (and GPs, etc.)- as of December 31, 2023) and 2023 TN specific percentages effective January 1, 2024 to March 31, 2024.
- April 1, 2024 using 2024 Medicare conversion factor (and other Medicare parameters)
- **Rate tables and rates** applicable from April 1, 2024 to March 31, 2025.
- Rate tables will be available sometime around March 1, 2024
- Same as Georgia and South Carolina
- Announcements and notifications

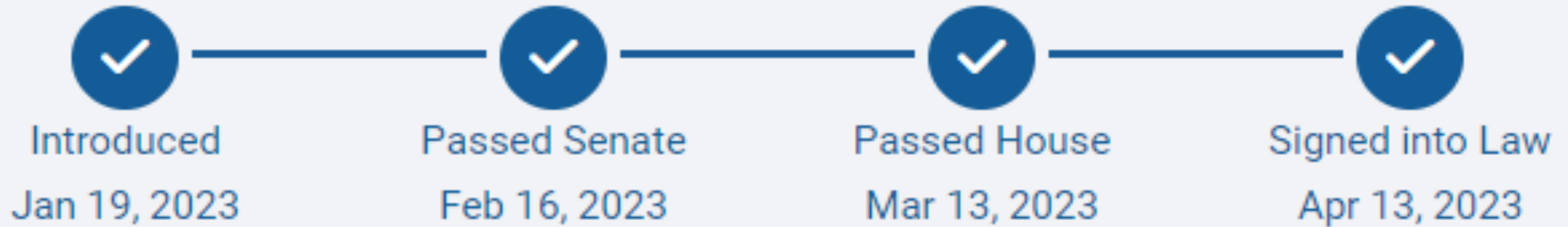
# Questions



# Certified Physician Program

- **Certified Physician Program (CPP) Update.**
- What is the **CPP**?
- What are the **benefits** of Being a Certified Physician?
- What are the **responsibilities** of a Certified Physician?
- **Becoming** a Certified Physician?

# CPP Program Legislation Update



- SB263 by Johnson—HB82 by Lamberth (aka BWC Administrative Bill).
- Summary:  
<https://www.capitol.tn.gov/Bills/113/Fiscal/FM0030.pdf>

# CPP Program Rule Update

- Program Rules approved by the AG and effective 9/14/2023
- Joint Gov/Ops Committee 9/20/2023



# What is the Certified Physician Program?

- Part of the **R.E.W.A.R.D.** Program.
- **R**eturn **E**mployees to **W**ork and **R**educe **D**isabilities.





# What is the Certified Physician Program?



- Purpose of the R.E.W.A.R.D. program is to **return employees as close to their pre-injury life as possible, as soon as possible**, communications, education, and collaboration.
- **Physicians** play a vital role in the return-to-work and recovery process.

<https://www.tn.gov/workforce/injuries-at-work/employers/employers/bwc-reward-rtw-program.html>

# What is the Certified Physician Program?

- **Purpose:** To provide education to eligible physicians on the “Best Practices for Treating and Evaluating Injured Workers.”
- **Emphasis:** Recovery. Physicians are taught how to encourage injured workers to take an active role in their own recovery.



# What is the Certified Physician Program?



- **Reimagines** the role of the physician as a **coach** for injured workers in their recovery journey.
- **Demystifies** the workers' compensation process.
- **Provides** resources and clear guidance for physicians who choose to accept workers' compensation.

# What is the Certified Physician Program?

- **Increases patient access** to trained and evidence-based medical care from practitioners that are knowledgeable in Workers' Compensation



# What is the Certified Physician Program?



- Increased medical access helps provide
  - The benefits of **improved health**
  - A potential **reduction in long-term disability**
  - **Lower** workers' compensation **costs** and premiums
  - **A better, more functional,** workers' compensation **system** as a whole.

# What are the benefits of being a Certified Physician?

## — Greater Visibility:

- Names of certified physicians will be published on the Bureau's website.
- Employers and their workers' compensation insurance carriers will have online access to a network of trained physicians who accept workers' compensation patients.

## Certified Physicians

The physicians listed here have met the criteria and are officially recognized by the Tennessee Bureau of Workers' Compensation as certified physicians. [Download Full CPP Registry Data](#)

1 to 6 of 6 records

Search:

Physician	City	Board Certification
Michael Sean Dolan, MD	Jackson, TN	General Surgery; Hand Surgery
Jeffrey E. Hazlewood, MD	Lebanon, TN	Physical Medicine and Rehabilitation; Pain Medicine
Roy P. Johnson, MD	Lebanon, TN	Occupational Medicine
Sean B. Kaminsky, MD	Hermitage, TN	Orthopedic Surgery
Kurtis L. Kowalski, MD	Clarksville, TN	Orthopedic Surgery
Stephen W. Kent, MD	Clarksville, TN	Occupational Medicine



# What are the benefits of being a Certified Physician?



**Expanded Practice:**  
Potential to greatly expand medical practice, especially for specialties that regularly see workers' compensation patients.

# What are the benefits of being a Certified Physician?

- **Enhanced Fees** for completing forms and reports. Certified physicians receive **additional** reimbursement for the following services:
  - **Initial Assessment:** an additional **\$80.00** (billed as an additional code Z0815).
  - **Subsequent visit:** an additional **\$40.00** (billed as an additional code Z0816).
  - **Assessment of Permanent Impairment** and timely completion of the Final Medical Report (C30-A) an additional **\$100.00** (billed as an additional code Z0817).



# What are the benefits of being a Certified Physician?



- **Greater clarity, confidence, and resources for physicians** who accept workers' compensation.
  - **Training** to meet challenges specific to treating and evaluating workers' compensation patients
  - **Educational Resources** to meet the challenges specific to workers' compensation
  - **Direct contact** with key workers' compensation personnel to answer workers' compensation questions.

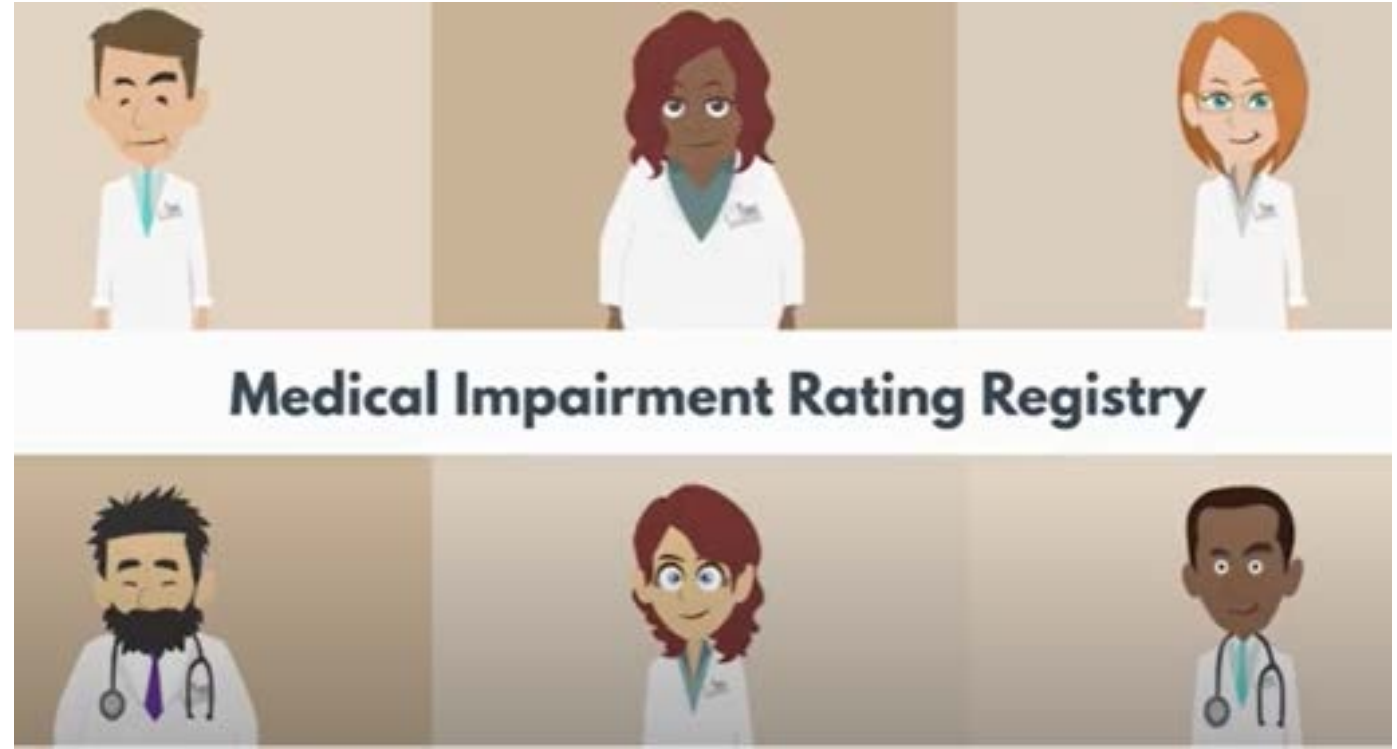
# What are the benefits of being a Certified Physician?

- **Free Continuing Medical Education Credits**
  - Currently, no charge to take the CPP training course.
  - Available to physicians who
    - Complete all of modules of the CPP training course and
    - Pass the comprehensive test.



# What are the benefits of being a Certified Physician?

**Automatic Qualification** for appointment to the Medical Impairment Rating (MIR) Registry.



# What are the benefits of being a Certified Physician?



- Potentially **greater success and satisfaction** in treating workers' compensation patients.
  - **Quicker Return to Work (RTW)** for workers' compensation patients
  - **Better** medical outcomes
  - **Greater** ease in navigating the workers' compensation system
  - More **accurate** impairment ratings, causation opinions, and work restrictions assignments.



# Summary of benefits of being a Certified Physician?

- ✓ More exposure to the Tennessee Workers' Compensation system; opportunity to **expand clinical practice**.
- ✓ **Enhanced fees** for completing forms and reports.
- ✓ **Greater clarity and confidence for physicians** who accept workers' compensation.
- ✓ **Free Continuing Medical Education (CME) Credits**.
- ✓ **Automatic qualification** for appointment to the Medical Impairment Rating Registry (**MIRR**).
- ✓ Likely **greater success and satisfaction** in treating workers' compensation patients.

# What are the Responsibilities of Being a Certified Physician?

- Bureau Certified Physicians agree to
  - **Accept workers' compensation patients**
  - Adopt and consistently apply
    - the CPP's "Best Practices for Treating and Evaluating Injured Workers";
    - and the Treatment Guidelines adopted by the Bureau
  - Abide by the **program rules**.



# What are the Responsibilities of Being a Certified Physician?

- Bureau Certified Physicians agree to Accept Workers' Compensation Patients
  - **“Bureau-Certified Physicians shall accept Tennessee workers' compensation patients for treatment within the norms of their specialty and established medical practice.”**
    - *TN Rule and Regulations 0800-2-33-.02, Purpose and Scope of CPP.*
  - **Agree to treat and evaluate injured workers in a timely manner** appropriate to the circumstances and medical specialty.
    - *TN Rule and Regulations 0800-2-33-.06(d)4, Requirements of Certified Physicians.*



# How to Become a Certified Physician?

To be considered for appointment, an applicant must:

- ✓ Possess an active and unrestricted **Tennessee license to practice medicine, osteopathy, or chiropractic.**
- ✓ Be **board-certified** or board-eligible.
- ✓ Have received approved **training in the AMA Guides.**
- ✓ Have received approved training in the **Best Practices for Treating and Evaluating Injured Workers (take online course, passed the test).**
- ✓ Possess the minimum medical **malpractice insurance** coverage amounts enumerated in T.C.A. § 29-20-403.
- ✓ Submit current Curriculum Vitae (CV).

# Apply for Appointment to the CPP Registry

## Application Checklist:

- ✓ Completed Application for Appointment to the CPP Registry
- ✓ Completion certificate for “Best Practices for Treatment and Evaluation of Injured Workers” online course
- ✓ Completion certificate for *AMA Guides*, Sixth Edition, course.
- ✓ Proof of Tennessee medical license
- ✓ Proof of malpractice insurance
- ✓ Proof of board certification or board eligibility.
- ✓ Curriculum Vitae (CV)

# Questions







**Thank you**



healthcare that **cares**<sup>™</sup>

# Who is One to One Health?

Real people. Helping others.

## Virtual, Onsite, and Shared Clinics

Dedicated primary, acute care, occupational health, onsite RX, chronic condition management. Hand-picked clinicians invested in establishing relationships with your people. Seamless coordination into One to One programming like mental health and health coaching.

A beloved benefit that increases productivity and reduces cost – that's a win/win!



## TextCare

Concierge medicine, for all. Text, talk to, or video chat with our clinicians in <5 minutes, 24/7.

Unlimited, on-demand access to care with no app to download and no copays. Maximum convenience and efficiency, while breaking down the barriers to care.

August 4, 2023

## No employee premium increase for 5th straight year as Purdue trustees approve 2024 health plans

WEST LAFAYETTE, Ind. – The **Purdue University Board of Trustees** on Friday (8/4) approved 2024 health plans, which will have no employee premium increase for the fifth straight year. The plans for 2024 align with the university's strategic approach to health care and the **Healthy Boiler Wellness Program**, and they were designed as part of the ongoing pursuit of improving population health and controlling overall costs for employees and the university.

In 2013 Purdue established the **Center for Healthy Living**, using the patient-centered medical home approach to delivering high-quality, cost-effective primary care. The West Lafayette location has been operated by One-to-One Health since 2017 (with services expanded to Purdue Northwest in 2022), yielding \$19.6 million in health care savings.

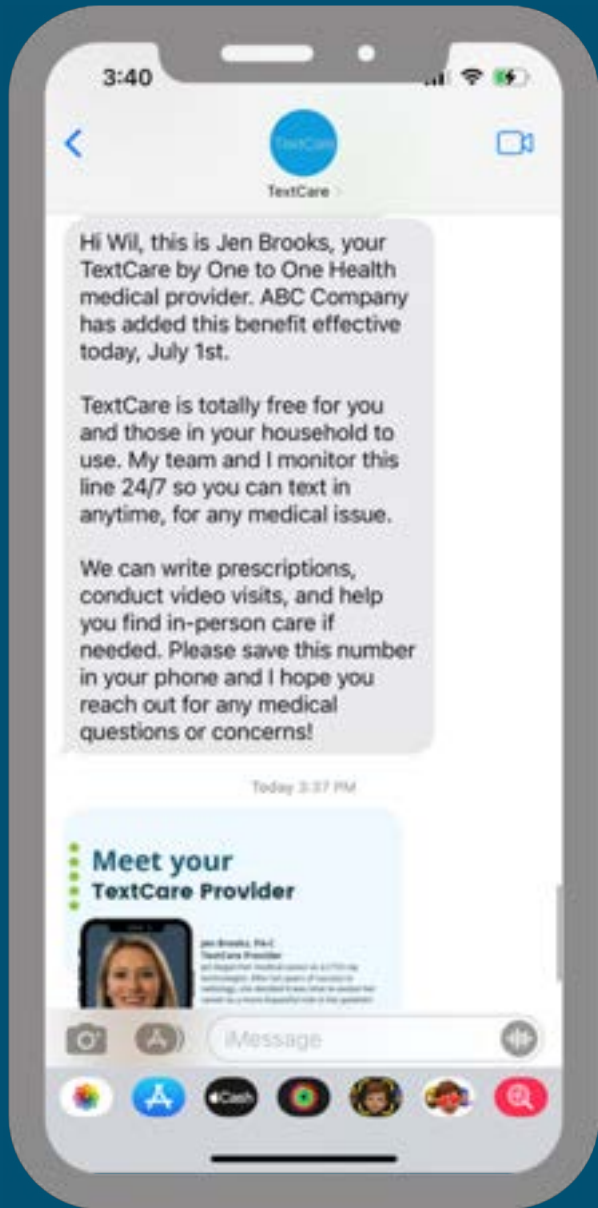


# Meet TextCare.

**Text, talk to, or video chat** with your One to One Health care team 24/7 in <5 minutes.



Initiate care with a text. It's that easy.



Alex  
Nurse



Jen  
Primary Care  
Provider



David  
Internal Medicine  
Physician



## Meet Nick.

6:32 am 📱

After three months of training for the Nashville Half Marathon, Nick woke up in debilitating pain. His first reaction was to go to the ER; his wife suggested TextCare.

Within minutes, his TextCare care team assembled a plan, after narrowing the pain to a kidney stone or herniated disc.



textcare

CONCIERGE MEDICINE. FOR ALL



## Convenient. Concierge. Care.

TextCare offers on-demand concierge medicine for all your household's healthcare needs. Initiate care with a text. *It's really that simple.*



8:05 am 📱

TextCare ordered a CT scan, to a local in-network, outpatient imaging center - saving precious time and thousands of dollars.

9:07 am 📞

The TextCare care team called Nick after reading his image and confirmed his diagnosis - a herniated disc.

11:25 am 📱

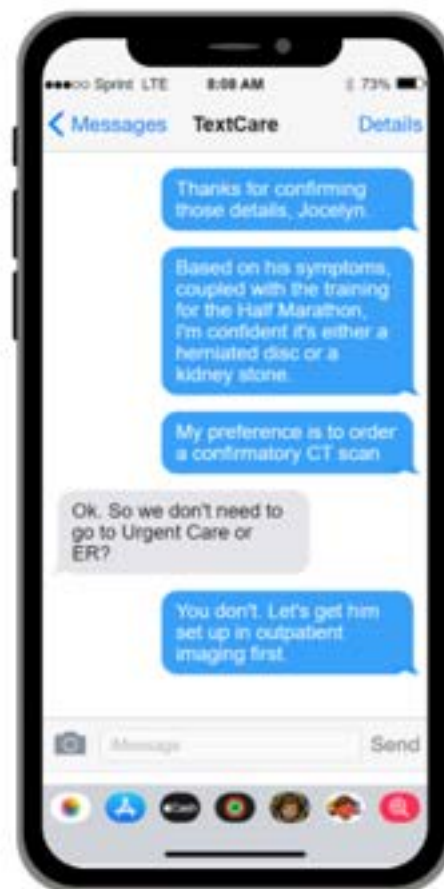
Nick is back at home, with prescriptions TextCare ordered for a muscle relaxer and steroids.

5 days later ●●●

8:07 am ✓

Nick's TextCare team checks in. Their question, "Do we still want to run the marathon?" His response, **'Absolutely'**

TextCare coordinated physical therapy, and three weeks later he did just that!





# Agenda

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**AON**

# Market Conditions

**TNSIA and  
Cumberland RIMS**

State of the Market Panel

October 3, 2023



# Headlines

**Market Conditions**  
October 2023

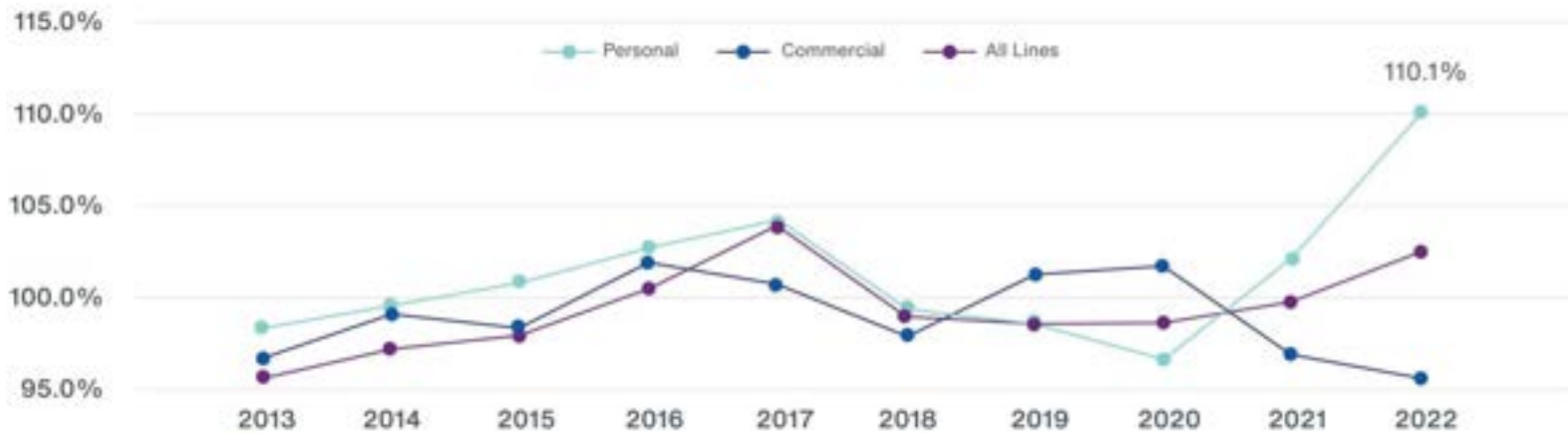


- General insurance market conditions have been challenging for 5+ years.
- Reinsurance market is driving very hard Nat Cat conditions due to a systemic change in losses.
- In H2 2022, the three I's created a perfect storm – Inflation, Interest Rates, and Ian.
- H1 earnings for insurers were generally not great.
- Capital starting to increase – positive signs for 2024...BUT insurers have higher retained cat exposure and extreme weather conditions continue.

# Headlines

## Insurer Combined Ratio History

Combined Ratio

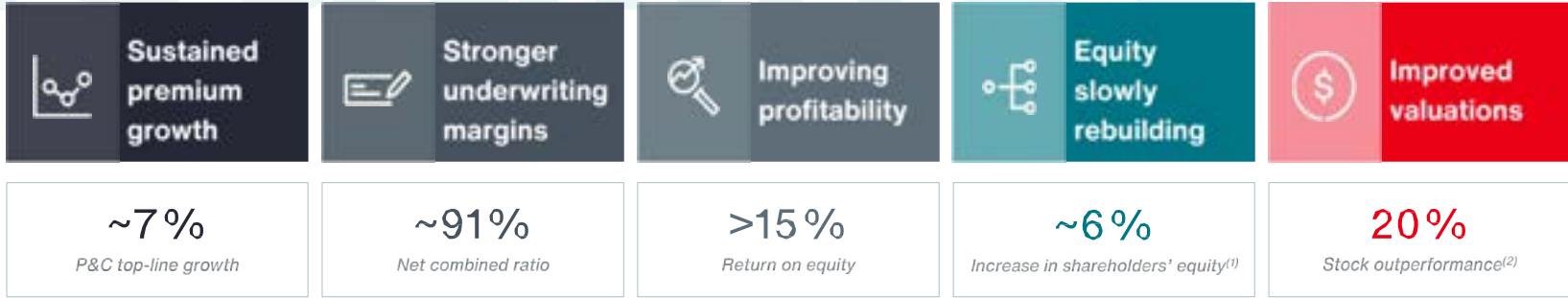


- Declining underwriting performance in personal lines was the primary driver of the overall increase combined ratio.
- Combined ratio for this segment reached a 15-year high at 110.1%, driven primarily by poor personal auto results
- The commercial lines market has been profitable for two consecutive years, as commercial insurers have pushed rate increases... Will higher reinsurance attachments and the softening of the D&O and Cyber markets reverse that trend?

Source: National Association of Insurance Commissioners 2022 Annual Property & Casualty & Title Insurance Industry Analysis Report

# Headlines

## Reinsurers Results are Improving - Key Takeaways



Source: Based on the financial disclosure of 30 selected P&C (re)insurers.  
Notes:  
1. On an aggregate basis, and based on USD figures (as a consequence, the estimate may incorporate an FX impact).  
2. Share price outperformance of publicly-listed ARA companies above the MSCI World Index since 1 October 2022.



## State of the Market Panelists

TNSIA and Cumberland RIMS



**Maureen Toomey**  
Head of Commercial  
Risk Strategy  
**Aon**



**Maura Sellers**  
Business Development  
Manager  
National Large  
Casualty Practice  
Leader  
**Safety National**



**Rick Miller**  
U.S. Property Leader  
**Aon**



**Miles Reyes**  
Domestic Casualty  
Underwriting Manager,  
South Region  
**Zurich**



**Rob Behnke**  
Director of Risk  
Management  
**Cracker Barrel**



## Conclusion

### Reasons for Optimism?

- We are likely past the worst of current hard market
- The industry is addressing valuations - a driver of problems
- Capital is returning (albeit slowly) and inflation is easing
- Global construction boom will increase demand but may attract capital.
- Sophisticated modelling helps risk managers make better decisions
- Data & Analytics (and Artificial Intelligence)
  - Conversion to structured data will make all aspects of the industry more efficient
  - Increase ability to finely segment risk – diversify portfolios for risk takers across all markets
  - Reduce uncertainty due solely to “bad data.” Reduce barriers to entry for risk takers
- Our industry is resilient and creative (despite its image!)



# Thank You

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# Tech Convergence: AI, Technology, Dash Cams & Beyond

**Moderator**



**Catherine Yancy**  
**Brentwood Services**



**Leah Cooper**  
**Sedgwick**



**Rob Townsend**  
**Bardavon**



**Alissa Hogan**  
**GPS Insight**



**Joe Mohan & Chuck Kretchek**  
**Medlitix**



**Teresa Schebel**  
**Averitt Express**

# Defining Artificial Intelligence (AI): What does “AI” really mean?

- What are the most common beliefs about AI?
- What is meant by machine learning?
- How did we get to Generative AI?



# What are tangible examples of how artificial intelligence and advanced technology methods are being used today?

- How do you see AI currently being utilized within the workers' compensation and insurance space? What are typical things that AI can do?
- What are the short-term and long term impacts of AI to underwriting & claims?
- Present research and statistics to include current confounding variables of utilizing AI.

# Are there any problems or dangers of utilizing AI?

- How do we maintain the human component of the claim process?
- How will developers and end users ensure that data is secure and accurate?
- What are some of the learnings and challenges that come to adopting a program that leverages GenAI?

# What do you believe are the most helpful benefits of AI that will positively impact the future of the workers' compensation space?

- How will AI maximize efficiency?
- How will you use AI and advanced technology methods with your staff, either pre-incident or post-incident?

Additional comments for the panel and questions from the audience.

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**WORKERS' COMPENSATION**  
ADVOCACY AND INFORMATION RESOURCE

# SAVE THE DATE!

Join us September 5, 2024  
for the 18<sup>th</sup> Annual Conference!





**WORKERS' COMPENSATION**  
ADVOCACY AND INFORMATION RESOURCE

# Please Recycle Your Name Badge Holder!

Thank you for joining us and we look forward to seeing you next year!