



## TNSIA Annual Conference

September 25, 2025 | Franklin, Tennessee

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## Welcome & Thank You!

The Board of Managers of the Tennessee Self-Insurer's Association would like to welcome you to the 19th 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.



**WORKERS' COMPENSATION**  
ADVOCACY AND INFORMATION RESOURCE

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## Thank You Sponsors!



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## Thank You,



## Gold Sponsors!

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Thank You,



Silver Sponsors!

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Thank You,

Traditional Sponsors



Classic Sponsors



Classic & Traditional Sponsors!

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## TNSIA Welcome & Update



Bailey Pipkin,  
TNSIA Chair



John Hayes,  
TNSIA Treasurer



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## SPONSOR BINGO!

Please visit our sponsor booths and complete a bingo card for your chance to win a Yeti Cooler.

Sponsor bingo closes at 4:00 PM.



**WORKERS' COMPENSATION**  
ADVOCACY AND INFORMATION RESOURCE

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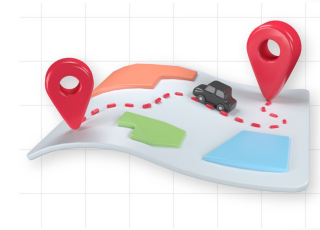
## SILENT AUCTION !

Please visit our silent auction throughout the conference.  
All proceeds benefit Kids' Chance of Tennessee.

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## Our conference is on the move for 2026.....

Join us **September 17, 2026**  
for the 20<sup>th</sup> Annual Conference  
at the **Volkswagen Group of America** facility in  
Chattanooga TN!



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## 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 Panel - Data-Driven Decisions: Unlocking the Power of Risk Analytics
10:15 - 10:45	Break   Visit Vendor Booths   Kids' Chance Silent Auction
10:45 - 11:15	Tennessee Self-Insurers' Guaranty Association
11:15 - 11:45	Session 1: What is the Certified Physicians Program
11:45 - 12:15	Session 2: Bureau of Workers' Compensation Update
12:15 - 1:15	Networking Lunch Sponsored
1:15 - 2:00	Session 3: State of the Market - Presented by AON & Safety National
2:00 - 2:30	Break   Visit Vendor Booths   Kids' Chance Silent Auction Closes
2:30 - 3:00	Session 4: Case Law Review
3:00 - 4:00	Employer Panel: Stronger Together, Collaborating on Claims Challenges
4:00 - 4:15	Closing Remarks   Vendor Bingo Drawing   Kids' Chance Silent Winner Pick Up

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## Data-Driven Decisions: Unlocking the Power of Risk Analytics

### KEYNOTE PANEL



**TRACY FELHAM**  
Genesee  
Deputy General Counsel,  
Commercial Operations



**TRACY LIGHT**  
Tractor Supply  
Director of Risk  
Management



**SHANE HOGAN**  
Aon  
Senior Vice President &  
Resident State Director



**MORGAN BUI**  
Aon  
Director of Risk Analytics, North  
America, Commercial Risk



**CHRISTOPHER BRUCE**  
Aon  
Chief Broking Officer,  
National Casualty



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## Agenda

01

Welcome & Introductions

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### Interactive Presentation

The keynote panel will unpack how data and analytics change the game for risk managers. Panelists will discuss a shift from reactive to proactive risk management, highlighting the importance of Data & Analytics in the Insurance Industry.

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### Real-Life Scenario Examples

Panelists will walk through scenarios from an Underwriter's Lens, Broker role and Client Perspective that will address Real-World impact.

04

Q&A

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## ➤ Why Does Risk Analytics Matter?

### ➤ The Underwriter's Lens & Broker Role:

- Risk assessment
- How analytics tools shift positioning and impact

### ➤ Client Perspectives and Experiences

### ➤ The Future of Analytics in Risk Strategy

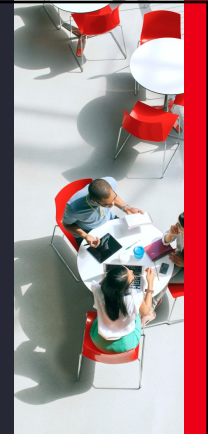


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Q&A  
and Call to Action

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Thank you!



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## Tennessee Self-Insurers' Guaranty Association

### TNSIA Roundtable Meeting 2025/26 Risk-Based Security Program

September 25, 2025

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#### Disclaimer

This material has been prepared for informational purposes only. The presentation is based on information provided by or on behalf of the Tennessee Self-Insurers' Guaranty Association ("TNSIGA") and from publicly available sources. Certain of the information contained herein concerning credit ratings and default ratings is based upon information provided by third parties and other industry sources as indicated herein. No representation or warranty, express or implied, is made by Marsh as to the accuracy or completeness of the information set forth herein, and nothing contained in this presentation is, or shall be relied upon as, a promise or representation, whether as to the past or the future. Marsh has not independently verified any such information and assumes no responsibility for its accuracy.

The information in the report is not an investment recommendation and it is not investment, legal or tax advice or an offer or solicitation to purchase or sell any financial instrument.

The information contained herein has been prepared to assist TNSIGA in making their own evaluation of the portfolio and self-insurers' credit risk and does not purport to be all-inclusive or to contain all information that may be required in order to properly evaluate the creditworthiness of the portfolio and all self-insurers. The presentation is not a substitute for a detailed review by TNSIGA of the portfolio.

This material is confidential and has been prepared solely for the purpose of TNSIGA. The information is governed by the terms of the service contract and confidentiality clauses entered into by both Marsh and TNSIGA in relation to this project.


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### RBSP Implementation

**Public Chapter No. 666**

The new bill enacted into law in April 2024 made two major changes:

1. The establishment of the Tennessee Self-Insurers' Guaranty Association ("TNSIGA"), a nonprofit unincorporated legal entity that is responsible for managing the collective liabilities of workers' compensation claims arising from self-insurers that become insolvent and ultimately default on their worker's compensation liabilities.
2. The movement to the creation of the Risk-Based Security Program ("RBSP"), administered annually by TNSIGA with oversight by the Commissioner and the Department of Commerce & Insurance.

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### RBSP Implementation

**Prior Structure**

**Credit Analysis and Ongoing Monitoring**

- Annual review of self-insurer financials

**Security Requirements**

- Elevated levels of security required regardless of credit risk
- Security posted individually to the Department of Commerce & Insurance ("C&I") using traditional collateral
- Greater of:
  - a) \$500,000
  - b) 125% of the Employer's incurred liabilities for compensation
  - c) Other amount determined by the Commissioner

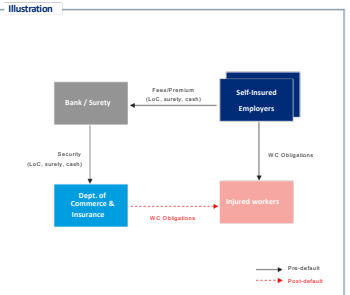
**Assessments**

- Annually and/or at any time the commissioner deems prudent to do so


**Risk Transfer**

- Individual security utilized by C&I to pay claims

**Illustration**



Source: Tennessee Labor Code Chapter 0780-01-83

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### RBSP Implementation

**New Structure**

**Credit Analysis and Ongoing Monitoring**

- Comprehensive portfolio and individual self-insurer analysis
- Ongoing reviews and discussions with TNSIGA Board Backed by experienced credit professionals via third party vendor

**Security Requirements**

- Set annually by TNSIGA
- Correlated to creditworthiness of self-insured employers
- Collateral collection materially reduced, providing liquidity benefits and cost savings to most self-insurers

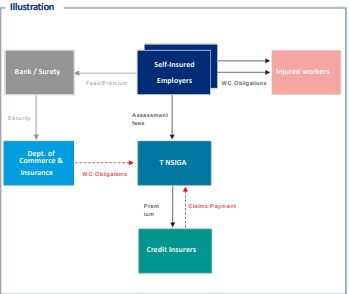
**Assessments**


- Annually per TNSIGA, to cover RBSP costs and build fund
- Correlated to creditworthiness and WC Liabilities of self-insured employers

**Risk Transfer**

- Portfolio credit insurance in place (with low TNSIGA retention) designed to protect fund assets and prevent shortfall assessments to self-insurers

**Illustration**



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### RBSP Implementation

**Annual Process Overview**

Each year, the Board will determine the annual RBSP Plan with ongoing credit risk management designed to protect the Association's assets and benefit self-insurers.

Collection of RBSP Member Data


Credit Level Determination

Security Deposits

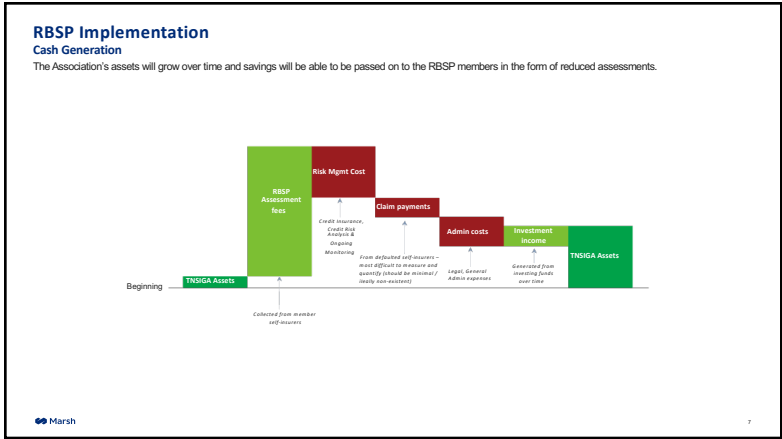
Assessments

Risk Transfer Placement

Ongoing Credit Risk Monitoring

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### RBSP Implementation

#### Security Requirements and Assessment

The 2025/26 RBSP is utilizing the below security requirements and assessment rates. The below is expected to facilitate over \$292M of returned security to self-insured employers immediately (upon payment of the annual assessment). Assessment rates were calculated considering external credit market pricing and default rate expectations as well as TNSIGA's desired collection per annual budget and pre-funding targets.

Rating Level	Credit Rating		Security Requirements	Assessment Rate (bps)	
	S&P	Moody's		Unsecured Assessment (bps)	Unsecured Assessment (bps)
1	AAA	Aaa	0%	14.81	
2	AA+	Aa1	0%	19.04	
3	AA	Aa2	0%	22.88	
4	AA-	Aa3	0%	25.87	
5	A+	A1	0%	32.74	
6	A	A2	0%	37.68	
7	A-	A3	0%	42.26	
8	BBB+	Baa1	0%	50.59	
9	BBB	Baa2	0%	56.92	
10	BBB-	Baa3	0%	81.74	
11	BB+	Ba1	0%	121.28	
12	BB	Ba2	0%	150.77	
13	BB-	Ba3	10%	237.80	10.00
14	B+	B1	25%	339.39	10.00
15	B	B2	50%	415.21	10.00
16	B-	B3	75%	628.38	10.00
17+	CCC+	Caa1	100%		10.00

#### Glossary of Terms

**RBSP Notional Basis:** calculated as the greater of:

- the self-insurer's actuarially-determined WC Liabilities;
- 2/3 of the total collateral currently held by the Tennessee Department of Commerce & Insurance;
- \$500,000.

**Assessment Level:** Credit Rating level as determined by S&P and/or Moody's debt ratings or Moody's Analytics modeled ratings

**RBSP Required Collateral:** Notional value of collateral required per the RBSP security requirements

**Secured Assessment Rate:** Set rate to account for RBSP operational needs

**Unsecured Assessment Rate:** Rate applicable to specific rating level charged on the uncollateralized exposure

**Secured Assessment:** Portion of assessment due on the collateralized exposure (Secured Assessment Rate X RBSP Required Collateral)

**Unsecured Assessment:** Portion of assessment due on the uncollateralized exposure (Unsecured Assessment Rate X RBSP Notional Basis net of Required Collateral)

**Total RBSP Assessment:** Total annual collection due from self-insurers, encompassing Secured Assessment (if applicable) and Unsecured Assessment (if applicable)

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## Certified Physician Program

An Introduction

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**Jay Blaisdell**  
Program Coordinator  
**Robert B. Snyder, M.D.**  
Medical Director



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### Topics

- What is the Certified Physician Program (**CPP**)?
- What are the **benefits** of Being a Certified Physician?
- What are the **responsibilities** of a Certified Physician?
- How do I **become** a Certified Physician?
- What **resources** are available to Certified Physicians?



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### 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.



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## What is the Certified Physician Program?



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



- 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.**
- **Physicians** play a vital role in the return-to-work and recovery process.

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## 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.



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## 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.

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## What is the Certified Physician Program?

**Increases patient access** to trained and evidence-based medical care.



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## What is the Certified Physician Program?



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



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## What are the Benefits of Being a Certified Physician?

- ✓ More exposure to the Tennessee Workers' Compensation system; opportunity to **expand the 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 (MIR) Registry.
- ✓ Likely **greater success and satisfaction** in treating workers' compensation patients.



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## What are the Benefits of Being a Certified Physician?

### — Greater Visibility:

- Names of certified physicians will be published on the Bureau's website.
- Currently over **120** physicians on the registry

Name	Board Certification	Specialties	City	Website	SPR Number
Michael D. Collier, MD	Ortho. Surgery	Occupational and Ortho. Injuries	Union City, TN	<a href="https://www.colliermd.com/">https://www.colliermd.com/</a>	1505556754
Bryan D. Chastain, MD	Family Medicine	All occupational injuries	McKinnisville, TN	<a href="https://healinginstitute.com/">https://healinginstitute.com/</a>	11228179429
Michael S. Dorian, MD	Gen. Surgery, Hand Surgery	Hand, wrist, forearm.	Jackson, TN		1192420074
Kath C. Douglas, MD	Ortho. Surgery, Hand Surgery	Hand, wrist, and elbow	Nashville, TN	<a href="https://www.kathcdouglasmd.com/">https://www.kathcdouglasmd.com/</a>	1739228621
Paul W. Gruber, MD	Ortho. Surgery	Ortho Surgery, shoulders, knees, hips		<a href="https://www.grubermd.com/">https://www.grubermd.com/</a>	
Jeffrey E. Haskins, MD	PM&S/Pain Medicine	Neck, Pain, Caudate, IV, Botox	Lebanon, TN		1396780089
Allen L. Hunter, MD	Ortho. Surgery	Upper Extremities	Columbia, TN	<a href="https://www.huntermd.com/">https://www.huntermd.com/</a>	1811649002
Rog P. Johnson, MD	DocMed	All occupational injuries	Lebanon, TN		1174899239
Sean B. Karmali, MD	Ortho. Surgery	Shoulder, Elbow, and Knee	Herritage, TN		1528033541
Stephen W. Kent, MD	DocMed	All occupational injuries	Clarksville, TN		1340235425



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## What are the Benefits of Being a Certified Physician?



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



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### 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**).



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### 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.



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### What are the Benefits of Being a Certified Physician?

- **Free Continuing Medical Education Credits**

- 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.

**10.0 CME Credits**  
(AMA, PRA Category 1™)



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### What are the Benefits of Being a Certified Physician?

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



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## Medical Impairment Rating Registry (MIRR)

- An administrative resolution process for disputes concerning permanent impairment ratings.
- A separate registry: **125** physicians.



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## MIRR

- Qualified Physicians carry out an independent examination and medical review.
- The assigned physician is independent (**who has not seen or treated the injured worker**), of the same specialty, trained and certified in the AMA Guides®.
- Certification Process.
- Either party may access, apply for a rating.
- Cooperation of all parties for timeliness and all records.
- Dispute:
  - Two different ratings.
  - No permanent impairment but permanent restrictions.
  - Both parties agree the rating is wrong.

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## What are the Benefits of Being a Certified Physician?

- **MIR Physicians:**
  - Have a unique **opportunity** for public service
  - **Receive \$1500** for standard MIR **evaluations** and up to \$2250 for extraordinary cases
  - Have their names **published** on Bureau's website, potentially expanding their workers' compensation and IME practices.

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COMPENSATION

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## 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 practicing workers' compensation system
  - More **accurate** impairment ratings, causation opinions, and work restrictions assignments.

BWC  
WORKERS  
COMPENSATION

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### What Are the Responsibilities of Being a Certified Physician?

- Bureau Certified Physicians agree to
  - **Accept workers' compensation patients** (within the norms of their practice and specialty)
  - 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**.



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### How do I Become a Certified Physician?

To be considered for appointment, an applicant must:

- ✓ Possess an active and unrestricted **Tennessee license to practice medicine, osteopathy, and 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**."
- ✓ Possess the minimum medical **malpractice insurance** coverage amounts enumerated in T.C.A. § 29-20-403.
- ✓ Submit current Curriculum Vitae (CV).



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### How do I Become a Certified Physician?

1. Obtain (from Bureau website) and fill out "Physician Application for Appointment to the Certified Physician Program Registry".
2. Submit **completed application**, along with CV, proof of licensure, Guides® training, and Best Practices training, to the CPP Coordinator, Jay.Blaissdell@tn.gov or **through the CPP online portal**.



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### How do I Become a Certified Physician



An **Advisory board** reviews the physician's application and credentials and **makes a recommendation to the Bureau Administrator**, who is the appointing authority.

- Appointment process takes 2 to 4 weeks.



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### How do I Become a Certified Physician?

#### Approved Training in **Best Practices for Treating and Evaluating Injured Workers:**

- TN Bureau of Workers' Compensation's CPP Training Course
- Thirteen training modules, 15 to 60 minutes each
- 100% online self-paced
- Free
- Live quarterly Q&A sessions with instructors.



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### How do I Become a Certified Physician?

#### CPP Training Course Topics:

- |  |                                       |
|--|---------------------------------------|
| 1. Welcome and Introduction to the CPP         | 7. Office Process and Payment Issues  |
| 2. Workers' Compensation 101                   | 8. Return-to-Work (RTW)               |
| 3. Treatment Guidelines and Utilization Review | 9. Case Managers and RTW Coordinators |
| 4. Maximum Medical Improvement                 | 10. Permanent Restrictions            |
| 5. Permanent Impairment Ratings                | 11. Independent Medical Examinations  |
| 6. Court Processes                             | 12. Causation                         |
|  | 13. Summary of Best Practices         |



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### How do I Become a Certified Physician?

#### Comprehensive Test:

- 60 multiple-choice questions.
- Timed, with a 2-hour limit.
- Covers all modules, including introduction and summary.



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### How do I become a Certified Physician?

#### Passing the Comprehensive Test:

**80%**

- Must obtain a **score of 80%** to pass
  - May retake once (within 6 months of the first attempt).
  - If a physician fails to pass the test twice, the physician must retake the entire course before attempting again.
- Physicians will not be considered for appointment to the CPP until they pass the comprehensive test.
- CME credits are not awarded until the physician passes the test.



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## How do I Become a Certified Physician?

- **Certification expires after 3 years:**
  - **Physicians must reapply** for an appointment to the CPP Registry after 3 years.
  - **Proofs** of licensure, board certification, and malpractice insurance **must be resubmitted**.
  - Recertification Module of ***The Best Practices for Treating and Evaluating Injured Workers*** **must be retaken**. There will also be a test.
  - **AMA Guides® Training does not have to be retaken** provided the **same** edition of the **AMA Guides®** is still applicable.



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## What Resources are Available to Certified Physicians?

### Certified Physician Program Website

[tn.gov/workforce/injuries-at-work/employers/employers/bwc-reward-rtw-program/cpp.html](https://tn.gov/workforce/injuries-at-work/employers/employers/bwc-reward-rtw-program/cpp.html)



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## What Resources are Available to Certified Physicians?

### Key Bureau Personnel email and phone numbers

**Troy Haley**, Esquire, Bureau Administrator,  
[Troy.Haley@tn.gov](mailto:Troy.Haley@tn.gov) 615-741-5384.

**Suzy Douglas**, RN, Assistant Administrator,  
[Suzy.Douglas@tn.gov](mailto:Suzy.Douglas@tn.gov) 615-532-1326.

**Jay Blaisdell**, MPA, Physician Registries  
Coordinator, [jay.Blaisdell@tn.gov](mailto:jay.Blaisdell@tn.gov) 615-253-5616.

**Lacy Conner**, Medical Programs Coordinator,  
[Lacy.Conner@tn.gov](mailto:Lacy.Conner@tn.gov) 615-532-1325.

**Robert B. Snyder**, MD, Bureau Medical  
Director [Robert.B.Snyder@tn.gov](mailto:Robert.B.Snyder@tn.gov) 615-532-8700.

**James B. Talmage**, MD, Bureau Assistant  
Medical Director [James.Talmage@tn.gov](mailto:James.Talmage@tn.gov)

**J. Willis Oglesby**, MD, Assistant Medical Director  
[John.Oglesby@tn.gov](mailto:John.Oglesby@tn.gov)



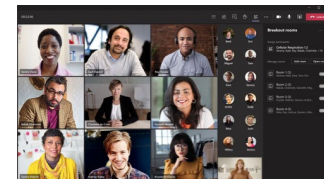
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## What Resources are Available to Certified Physicians?

### Quarterly Live Q&A

sessions with course instructors

- Online via **Microsoft Teams**
- **Bureau Medical Directors** answer any questions you might have.
- Certified Physicians receive an email invitation quarterly.



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### To Apply for Appointment to the CPP Registry

- Submit Completed Application and Proofs of Credentials to CPP Coordinator via:
  - CPP Online Application Portal (Preferred)
  - Email: [jay.blaisdell@tn.gov](mailto:jay.blaisdell@tn.gov)
  - Fax: 615-256-5263



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### To 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)



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### Contacts

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**Jay Blaisdell**, MIR Registry Program Coordinator  
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**Suzy Douglas**, Assistant Administrator, Lead REWARD Program  
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**Lacy Conner**, Medical Services Coordinator  
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**Thank you**

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## Update 2025

Medical

Robert B. Snyder, M.D.

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### Topics

- Medical Fee Schedule
- Case Management
- Subspecialties
- Medical Advisory Committee
- Utilization Review Appeals
- Drug Free Workplace Program



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### Medical Fee Schedule

- Revisions
  - Continued free access to the rate tables
  - In AG's office
- Changes
  - Simplified payment categories to three (from 6)
  - Adjusted payment percentages to reflect inflation
    - Physicians, therapists
  - Priced by NCCI as < 1% impact on system costs



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### Case Management

- Rules revision to be effective in November
  - After Gov/Ops meeting
  - Changes
    - Flexibility in face-to-face meeting requirements to leverage smart technology-define virtual
      - Two-way audio and video link acceptable to the injured worker
      - Extended time in some circumstances



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## Subspecialties

- Panel problems
- Outreach and education
  - Psychiatrists
  - ENT
  - Pulmonology
  - Certified Physician Program



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## Medical Advisory Committee

- Functions
  - Treatment guidelines, Drug formulary
  - Legislation
  - Permanent Impairment Guides®
- Members



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## Utilization Review Appeals

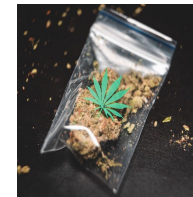
- Fiscal 2024-2025
  - 1276 resolved
- Proper use
  - Not to force claims closure
  - Delays treatment and claims resolution



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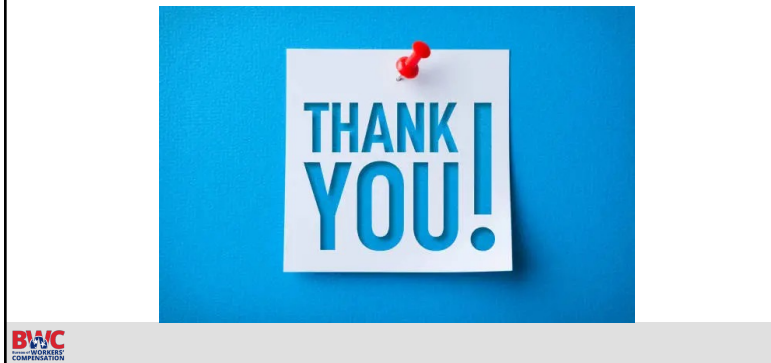
## DFWP

- Improved workplace performance
- Voluntary participation



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## Questions?



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2025 Bureau of Workers' Compensation Update

TNSIA September 25, 2025

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## What does BWC do?

- Mediation and Ombudsman Services of Tennessee (MOST)
- Court of Workers' Compensation Claims
- Workers' Compensation Appeals Board
- Next Step Program (College Tuition for Injured Workers)
- Tennessee Drug-Free Workplace Program
- Medical Advisory Committee
- Medical Payment Committee
- Utilization Review Appeals Program
- Nurse Case Manager Registration and Oversight
- Medical Impairment Rating (MIR) Registry/Certified Physician Program (CPP)
- Compliance Program - includes the Uninsured Employers Fund (UEF) and the Employee Misclassification Education and Enforcement Fund (EMEEF)
- Subsequent Injury and Vocational Recovery Fund
- Workers' Compensation Exemption Registry
- **REWARD** Program (Returning Employees to Work and Reducing Disabilities)



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## BWC Offices

### Area Offices

View information below to contact us at one of our seven local offices across Tennessee



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## Court of Workers' Compensation Claims



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## Workers' Compensation Appeals Board



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## By the Numbers: CY 2024

- Our mediated settlement and court-approved settlement numbers continue to be strong. In 2024, our mediators conducted 2,455 successful mediations and our judges approved 8,723 settlements.
- Our ombudsman program assisted 14,048 employees and employers.



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### Pre- vs. Post-Reform Data: CY 2024

- The average number of weeks from the date of injury to the date of maximum medical improvement (MMI) decreased from 52.25 weeks pre-reform to 39.9 weeks post-reform.
- The average number of weeks from the date of MMI to the claim's conclusion decreased from 43.8 weeks pre-reform to 26.7 weeks post-reform.
- The percentage of workers who returned to work post injury to the same employer increased from 58.6% pre-reform to 72% post-reform.



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### Workers' Comp Loss Costs Decline for 12th Consecutive Year

Tuesday, January 21, 2025

- NASHVILLE -- The Tennessee Department of Commerce and Insurance (TDCI) announces that workers' compensation insurance premiums will decline for most Tennessee businesses in 2025 for the 12th consecutive year.
- **Since Tennessee's workers' compensation system reforms began in 2014, Tennessee employers have seen substantial savings with these loss cost reductions.**



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Troy Haley, Administrator

Amanda Terry, Director-Legal



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### Contact Info

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 615-532-0179



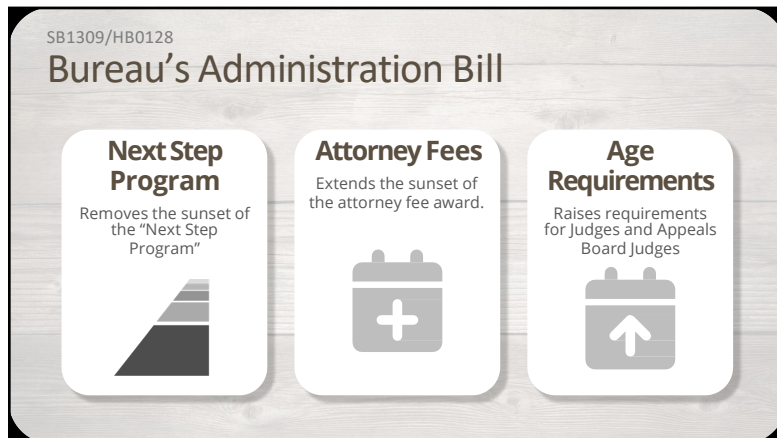
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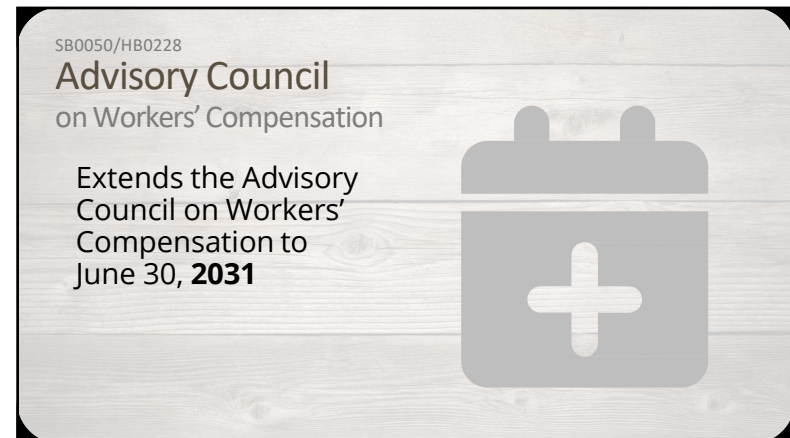
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SB0289/HB0310




## PTSD Extension Bill

What	Who	When
Extends PTSD presumption	law enforcement officers or emergency medical responders	PTSD as a result of responding to certain incidents that incurred in the line of duty
		

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SB0288/HB0482




## Cancer Bill

Who	What	When
For full time firefighters	Adds certain cancers to presumption	Arose out of employment unless the contrary is shown by competent medical evidence.
		

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SB0306/HB0459-Pub. Ch. 113



## Administrative Dissolution

Administrative Dissolution	Adversarial ties	determined by
If a business knowingly files false info with the state, the state can legally shut it down.	Businesses tied to foreign adversaries can be shut down.	the United States Secretary of Commerce.
		

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SB0669/HB1226

## Administrative Dissolution

WHO	CDC	Governor's Order
Deletes all references to the world health organization.	Requires a pandemic to be declared by the federal Centers for Disease Control and Prevention.	Requires a subsequent declaration of a state of emergency by the governor to issue pandemic executive orders and directives.
		

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## State of the Market Panel

-Presented by AON and Safety National



**Gary Shertenlieb**  
Managing Director, National  
Casualty Practice  
Aon



**Jim Thomas**  
Regional Underwriting  
Manager  
Safety National

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## Case Law Update

Madison B. Greene, Esq.  
Carr Allison, P.C.

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## Agenda

### 1. Physician Panel Requirements

Employer cannot waive its statutory obligations through a waiver or contract

Employer's right to an IME is not without limitations

### 4. TTD After MMI

Employees are not entitled to TTD after reaching MMI unless there is evidence employee reached MMI incorrectly

### 2. Procedure

Court can require an Expedited Hearing before hearing a Motion for Summary Judgment

Notice of Appeal must be filed timely and on form prescribed by Bureau

Employer does not have to pay filing fee where no employer-employee relationship has been established

### 5. Tolling Statute of Limitations

PBD must allege the existence of one or more unresolved disputes to survive a Motion to Dismiss

### 3. Mental Injuries

A compensable event that causes a temporary physical injury can support a claim for a mental injury

### 6. Factual Disputes & Attorney Malpractice

Attorney's failure to prosecute the case does not relieve Employee of duty to prosecute her claim and comply with court orders

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## Physician Panel Requirements

### *Allen v. MJ Resurrection, Inc., et al.*

An employer cannot insulate itself from its statutory obligation to provide a panel of physicians with a waiver, contract, or any other written agreement.

### *Rooks v. Amazon.com, et al.*

An employer's right to an independent medical examination is not without limitations. The Court of Workers' Compensation Claims has discretion to require an employer to first provide a panel of physicians before requiring employee to submit to an independent medical examination. Additionally, a trial court has discretion to control the pace of litigation.

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## Procedure

### *Farmer v. Five Star Building Group, LLC, et al.*

A trial court has broad discretion to manage its own docket. There is no rule or regulation, and the Appeals Board declined to adopt such a rule, mandating that a court set a hearing on a dispositive motion at any particular point in the course of litigation.

### *Burris v. Amazon.com, et al.*

The timely filing of a notice of appeal is crucial to the jurisdiction of the appellate courts. Parties appealing a compensation order are specifically required to use the notice of appeal form "prescribed by the administrator," and failure to file such form in a timely manner removes jurisdiction from the appellate court.

### *Steel v. TForce Freight, Inc. et al.*

Although a petition for benefit determination might name a party as an employer, absent evidence of an employer-employee relationship, such party will not be taxed a filing fee.

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## Mental Injuries

### *Bednar v. Memorial Healthcare System d/b/a Memorial Hospital, et al.*

#### Mental Injury Absent Permanent Physical Injury

- Trial court held employee did not sustain any permanent physical injury from work-related accident.
- Accordingly, the trial court found employee cannot maintain a claim for a mental injury in the absence of a compensable permanent physical injury pursuant to *Tennessee Code Annotated* section 50-6-102(15).

#### Temporary Physical Injury

- Two types of mental injuries:
  - 1) Those arising primarily out of a compensable physical injury; and
  - 2) Those arising primarily out of an identifiable work-related event resulting in a sudden or unusual stimulus
- Appeals Board was tasked with determining whether a compensable event that causes a *temporary* physical injury can support a claim for a mental injury. *Tenn. Code Ann. § 50-6-102(15)* does not use the word "permanent."
- The Rule: A work-related accident that results in a physical injury that causes the need for medical care and/or temporary disability benefits, even if there is no subsequent finding of permanent medical impairment, constitutes a "compensable physical injury" that can form the basis of a mental injury claim.

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## Temporary Disability Benefits After Reaching Maximum Medical Improvement

*Mansell v. Southeast Personnel Leasing, Inc., et al.*

### The Rule

- After already being placed at MMI, an employee is not entitled to additional temporary disability benefits unless and until he submits appropriate medical evidence that he has not reached MMI from his work-related injury, or in the alternative, he was placed at MMI incorrectly or prematurely following his work-related injury.

### Settlement Negotiations After Reaching MMI

- Regulations require a written offer to be made following MMI, but this rule does not impact an expert medical decision as to whether an employee has reached MMI.

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## Tolling the Statute of Limitations

*McNicholas v. Whelan Security Co., et al.*

- The Appeals Board considered as a matter of first impression "how a trial court is to determine at what point in the course of a claim 'a dispute arises.'"
- The Rule
  - To survive a 12.02(6) motion to dismiss for failure to state a claim, the petition for benefit determination must allege the existence of one or more unresolved disputes arising from the subject claim, including but not limited to, disputes regarding the employee's alleged entitlement to temporary disability benefits, permanent disability benefits, past or future medical benefits, reimbursable expenses, a dependent's claim for death benefits, and/or the amount of any such benefits owed.
- Takeaway: if the PBD includes issues other than tolling the statute of limitations, it is probably not subject to a motion to dismiss.
  - Might be subject to other dispositive motions.
- Court addressed similar facts in *McClain v. Golden Services, Inc., et al.*, relying on the holding in *McNicholas*.

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## Factual Disputes and Attorney Malpractice

*Smith v. Walbridge Construction, et al.*

- Potential attorney malpractice is not grounds for overturning summary judgment.
  - Employee argued on appeal "her attorney failed to prosecute her case properly, timely file documents, or otherwise observe his ethical obligations."
    - "Even if some or all such allegations are true, however, that does not absolve Employee of her obligation to prosecute her claim and comply with court orders."
- Employee "presented no legal argument to support her contention that, given the repeated failures to comply with the court's orders and participate in discovery and the resulting sanctions, the trial court erred in granting Employer's motion and dismissing the case."
- On the merits, Appeals Board held "Employer had demonstrated that Employee's evidence was insufficient to establish her claim and that she had not met her burden of establishing there was a genuine issue for trial."
  - Reminder that when you have a case that has a factual dispute, and thus unlikely to prevail at the summary judgment stage, focus on obtaining a scheduling order that imposes deadlines for employee to produce medical evidence.

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## Questions

108 Case Law Update September 23, 2025

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## Thank You

Madison B. Greene, Esq.

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## Employer Panel:

Stronger Together, Collaborating on  
Claims Challenges

Moderator



**John Hayes**  
Vice president  
Risk Management  
Ingram Industries



**Christine Hughes**  
Sr. Manager  
Americas Risk  
Management  
Nissan



**Joanne Moyniha**  
Vice President of  
Workers' Compensation  
Claim Product  
Development and  
Strategy  
Travelers



**Michele Hester**  
Risk Management  
Asurion

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## Our conference is on the move for 2026.....

Join us **September 17, 2026**  
for the 20<sup>th</sup> Annual Conference  
at the **Volkswagen Group of  
America** facility in  
Chattanooga TN!



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## Please Recycle Your Name Badge Holder!

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



**WORKERS' COMPENSATION**  
ADVOCACY AND INFORMATION RESOURCE

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