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Sequence Number: 10-19-21  
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File Date: 10/25/2021

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Department of Labor and Workforce Development
<b>Division:</b>	Bureau of Workers' Compensation
<b>Contact Person:</b>	Troy Haley
<b>Address:</b>	220 French Landing Dr. 1-B, Nashville, TN 37243
<b>Phone:</b>	615-532-0179
<b>Email:</b>	troy.haley@tn.gov

*Any individuals with disabilities who wish to participate in these proceedings (to review these filings) and require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Troy Haley
<b>Address:</b>	220 French Landing Dr. 1-B, Nashville, TN 37243
<b>Phone:</b>	615-532-0179
<b>Email:</b>	troy.haley@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Tennessee Room			
Address 2:	220 French Landing Drive, 1-A			
City:	Nashville, TN			
Zip:	37243			
Hearing Date:	12/22/2021			
Hearing Time:	10:00 am	<input checked="" type="checkbox"/> X CST/CDT	<input type="checkbox"/> EST/EDT	

**Additional Hearing Information:**

Please note that this is an in-person hearing. Please bring identification so that you may be checked into the building.

Written comments will be accepted until close of business on 01/05/2022 and can be sent to [troy.haley@tn.gov](mailto:troy.haley@tn.gov).

**Revision Type (check all that apply):**

☒ Amendment  
☐ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
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0800-02-24	Enforcement Procedures for the Court of Workers' Compensation Claims
<b>Rule Number</b>	<b>Rule Title</b>
0800-02-24-.01	Scope
0800-02-24-.02	Securing Compliance with Orders
0800-02-24-.03	Referrals for Penalty Assessment
0800-02-24-.05	Assessment of Civil Penalty
0800-02-24-.06	Appeals of Civil Penalty Assessment
0800-02-24-.07	Payment

Amended Rules  
Enforcement Procedures for the Court of Workers' Compensation Claims  
Chapter 0800-02-24

The present Rule 0800-02-24-.01 Scope is being amended by deleting the word "Division" and replacing it with "Bureau" wherever it appears.

Authority: T.C.A. §§ 50-6-118 and 50-6-233.

The present Rule 0800-02-24-.02 Securing Compliance with Orders is being amended by deleting the prior rule and replacing it with the following:

- (1) Whenever a judge has issued an interlocutory or final order in a workers' compensation claim and a party has failed to comply with that order, the party seeking enforcement of the order may file a motion to compel with the court requesting that the court enforce the order. Before filing the motion, the moving party must make an attempt to contact the opposing party to inform the party that a motion to enforce the order will be filed.
- (2) Before filing the motion, the moving party must contact the clerk's office to obtain a date that the judge is available to hear the motion. The moving party shall include a notice of hearing in the motion setting forth the date and time of the hearing before filing the motion with the clerk. The moving party shall serve a copy of the motion and notice upon all other parties to the claim in the manner provided by rule 0800-02- 21-08.
- (3) All parties may file a response to the motion. Any response must be filed with the clerk and served upon all other parties to the claim in the manner provided by rule 0800-02-21-08. All responses must be filed and served not later than five (5) calendar days before the scheduled hearing.
- (4) If at the hearing, the judge determines that a party has failed to comply with the order at issue, the judge, in addition to ordering compliance with the order, may refer the noncompliant party to the Bureau's penalty program for the assessment of a civil penalty.

Authority: T.C.A. §§ 50-6-118, 50-6-233, and 50-6-239.

The present Rule 0800-02-24-.03 Referrals for Penalty Assessment is being amended by deleting the word "Division" and replacing it with "Bureau" wherever it appears and by deleting the word "Act" and replacing it with "Law" wherever it appears.

Authority: T.C.A. §§ 50-6-118, 50-6-233, and 50-6-239.

The present Rule 0800-02-24-.05 Assessment of Civil Penalty is being amended by deleting the prior rule and replacing it with the following:

- (1) The investigating employee may assess a civil penalty for each action of not less than fifty dollars (\$50) but no more than five thousand dollars (\$5,000) against the person or entity that is the subject of the referral for the following acts:
  - (a) Failed to attend a scheduled alternative dispute resolution proceeding;
  - (b) Arrived more than thirty minutes late to any scheduled alternative dispute resolution proceeding without previously notifying the mediator of their tardiness;
  - (c) Denied or stopped providing benefits for a claim of temporary disability or medical benefits without first performing a reasonable investigation of the claim;
  - (d) Provided medical providers on a Form C-42 that the party knew, should have known, or had good reason to believe, would not provide treatment for the injured employee;
  - (e) Provided medical providers on a Form C-42 in an untimely manner;
  - (f) Failed to comply with a request by an ombudsman or mediator for information or documentation as required by the Tennessee workers' compensation law or the Bureau's rules;
  - (g) Failed to timely provide documents as required by the Tennessee workers' compensation law or the Bureau's rules; or
  - (h) Failed to provide a representative with authority to settle a case at alternative dispute resolution proceeding.
- (2) In addition to the assessment authority provided in paragraph (1), the investigating employee shall assess a civil penalty of not less than fifty dollars (\$50) but no more than five thousand dollars (\$5,000) against the person or entity that has failed to comply with any order of a workers' compensation judge in a timely manner or has performed any of the actions enumerated in § 29-9-102 in relation to any proceedings in the court of workers' compensation claims. In assessing a penalty under this subsection, the investigating employee shall not be required to determine that the person or entity acted in bad faith.
- (3) The investigating employee shall send written notice of the assessment to the assessed party in the manner provided by rule 0800-02-21-.08.
- (4) The person or entity against whom the penalty has been assessed shall have fifteen (15) calendar days from the date the penalty is assessed to challenge the assessment by requesting a contested case hearing. If a contested case hearing is not timely requested, the penalty shall become due and payable and shall not be subject to further review.
- (5) Failure to pay the penalty within five (5) business days after it has become due and payable may result in the assessment of additional civil penalties.
- (6) In addition to these penalties, the investigating employee may assess a civil penalty of up to five thousand dollars (\$5,000) for a violation of rule 0800-02-01-.06.

Authority: T.C.A. §§ 50-6-118 and 50-6-233.

The present Rule 0800-02-24-.06 Appeals of a Civil Penalty Assessment is being amended by deleting the word "Division" and replacing it with "Bureau" wherever it appears, and by deleting "0800-02-13-.17" and replacing it with "0800-02-13".

Authority: T.C.A. §§ 50-6-118 and 50-6-233.

The present Rule 0800-02-24-.07 Payment is being amended by deleting the word "Division" and replacing it with "Bureau" wherever it appears.

Authority: T.C.A. §§ 50-6-118 and 50-6-233.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: October 11, 2021

Signature: 

Name of Officer: Abbie Hudgens

Title of Officer: Administrator

**Department of State Use Only**

Filed with the Department of State on: 10/25/2021



Tre Hargett  
Secretary of State

**RECEIVED**

**OCT 25 2021**

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