

SENATE BILL 1263

By Akbari

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

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

SECTION 1. Tennessee Code Annotated, Section 50-6-204(a), is amended by deleting subdivision (3) and substituting:

(3)

(A)

(i) The injured employee shall accept the medical benefits afforded under this section. The employee has the right to select one (1) treating physician in any field or specialty. After the initial provider selection, the employee must obtain prior consent from the employer or workers' compensation carrier for a change of treating physician within that same field or specialty. However, the employee is not required to obtain approval to change to a treating physician in another field or specialty.

(ii) When necessary, the treating physician selected by the employee has the right to accept the services of other specialists to whom the employee is referred by the treating physician to administer medical treatment. Referrals by the treating physician are limited to one (1) physician within a specialty or subspecialty area.

(iii) The liability of the employer for the services provided to the employee is limited to the maximum allowable fees that are established in the applicable medical fee schedule adopted pursuant to this section.

(iv) The bureau has the authority to waive subdivision (a)(3)(A)(iii) when the administrator determines it is necessary to provide treatment for an injured employee.

(B) When the treating physician or chiropractor refers the injured employee, the employee is entitled to have a second opinion on the issue of surgery and diagnosis from a physician or chiropractor practicing in the same specialty as the physician who recommended the surgery. The employee's decision to obtain a second opinion does not alter the previous selection of the treating physician or chiropractor.

(C) In all cases where the treating physician has referred the employee to a specialist physician, surgeon, chiropractor, or specialty practice group, the specialist physician, surgeon, or chiropractor to which the employee has been referred becomes the treating physician until treatment by the specialist physician, surgeon, or chiropractor concludes and the employee has been referred back to the treating physician selected by the employee.

(D) Treatment recommended by a physician or chiropractor selected pursuant to this subdivision (a)(3) or by referral, if applicable, is presumed to be medically necessary for treatment of the injured employee.

(E) Following the adoption of treatment guidelines pursuant to § 50-6-124, the presumption of medical necessity for treatment recommended by a physician or chiropractor selected pursuant to this subsection (a) or by referral, if applicable, is rebuttable only by clear and convincing evidence demonstrating that the recommended treatment substantially deviates from, or presents an unreasonable interpretation of, the treatment guidelines.

(F) A person who interferes with an injured employee's selection of an authorized physician to treat the employee, or improperly influences or attempts to

influence a medical opinion of a physician who has treated or examined an injured employee, commits a Class C misdemeanor.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to injuries occurring on or after that date.