

SENATE BILL 1706

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Section
50-6-226, relative to workers' compensation.

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

SECTION 1. Tennessee Code Annotated, Section 50-6-226(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d)

(1) In addition to any attorneys' fees provided for in this section, the court of workers' compensation claims may award attorneys' fees and reasonable costs, including reasonable and necessary court reporter expenses and expert witness fees for depositions and trials incurred when the employer:

(A) Fails to furnish appropriate medical, surgical, and dental treatment or care, medicine, medical and surgical supplies, crutches, artificial members, and other apparatus to an employee provided for in a settlement or judgment under this chapter; or

(B) Denies a claim by filing a timely notice of denial, or fails to timely deliver any of the benefits to which the employee is entitled to receive under this chapter, if the workers' compensation judge makes a finding that such benefits were owed at an expedited hearing or workers' compensation hearing.

(2) If a workers' compensation judge has ordered the payment of benefits pursuant to this chapter and a court subsequently finds that the employee was not entitled to the ordered benefits, then the entity or person who paid the benefits shall be entitled to a refund of all amounts paid pursuant to the judge's

order or orders. The refund shall be paid from the second injury fund established by § 50-6-208. The entity or person who paid the benefits pursuant to a workers' compensation judge's order or orders is not entitled to receive the refund until the claim has been fully concluded by the court of workers' compensation claims or, if appealed, by the appropriate appellate court. To receive the refund, the employer or employer's insurer shall send a certified copy of the final order of the court to the division of workers' compensation, by certified mail, return receipt requested. If the refund is not made within thirty (30) days of the date the certified mail was accepted by the division, then the employer or employer's insurer shall be entitled to interest at the rate of ten percent (10%) per annum from the date the refund became overdue.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to injuries that occur on or after that date.