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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Tennessee Department of Labor and Workforce Development
Division:	Workers' Compensation
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)
 New Rules

Chapter Number	Chapter Title
0800-02-23	Medical Advisory Committee
Rule Number	Rule Title
0800-02-23-.01	Purpose and Scope
0800-02-23-.02	Appointing of Members and Composition of Committee
0800-02-23-.03	Terms
0800-02-23-.04	Meetings
0800-02-23-.05	Committee Leadership and Subcommittees

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0800-02-23
 Medical Advisory Committee

New Rules

Rule 0800-02-23-.01 Purpose and Scope

The administrator's medical advisory committee serves to provide guidance to the administrator on issues related to the effective and efficient treatment of injured workers as well as the proper source of reference for determining permanent impairment ratings so that the administrator can provide leadership to the division and its various programs in advancing the goal of ensuring that all injured workers receive the best and most cost effective treatment possible to facilitate a meaningful recovery from injury and swift return to the workforce.

Authority: Public Chapter 289 (2013); Sections 24, 106

Rule 0800-02-23-.02 Appointing of Members and Composition of Committee

- (1) The administrator will make appointments to the committee of persons meeting the requirements of Tennessee Workers' Compensation law and will establish a maximum number of committee members.
- (2) In addition to representatives of employees, employers and the insurance industry, the membership of the committee may include professionals who practice in the following specialties:
 - (a) Orthopedics;
 - (b) Physical medicine;
 - (c) Neurosurgery;
 - (d) Psychiatry;
 - (e) Occupational Medicine;
 - (f) General Surgery;
 - (g) Chiropractic; and
 - (h) Pharmacy.
- (3) The commissioner of the department of health, or the commissioner's designee, shall be a member of the committee.
- (4) The medical director and any assistant medical director(s) shall also serve as ex-officio, non-voting member(s) of the committee.

Authority: Public Chapter 289 (2013); Sections 24, 106

Rule 0800-02-23-.03 Terms

- (1) Except as provided in subsection (4), the terms of all committee members shall officially begin on January 1 of the year of appointment and expire, four (4) years later, on December 31.
- (2) Committee members may be reappointed by the administrator upon expiration of a term and are not term limited.
- (3) A committee member appointed shall begin service of their term immediately.
- (4) The medical director and any assistant medical director(s) shall begin service immediately upon acceptance of the position of medical director or assistant medical director and shall continue until employment as the medical director or assistant medical director(s) ends.

Authority: Public Chapter 289 (2013); Sections 24, 106

Rule 0800-02-23-.04 Meetings

- (1) The medical advisory committee shall meet at the discretion of the administrator.
- (2) Meetings shall be held in a central location but members shall be allowed to participate by phone or by videoconference with approval of the administrator.
- (3) Members who participate by phone or by videoconference shall be counted as physically present for the purpose of establishing a quorum of members for the transaction of business. A quorum shall be established at any time where one-third (1/3) of all committee members are present. Participation by proxy of a voting member shall be allowed for establishing a quorum but only with the express permission of the administrator.
- (4) The committee shall keep minutes of its meetings which the Division shall post on its website.

Authority: Public Chapter 289 (2013); Sections 24, 106

Rule 0800-02-23-.05 Committee Leadership and Subcommittees

- (1) The committee shall have authority to select leadership including a chairperson, co-chairperson, secretary and any other leadership position the committee deems necessary for the transaction of business.
- (2) The committee shall consult with the administrator in selecting leaders.
- (3) The administrator may establish subcommittees as necessary to advance committee goals.
- (4) There shall be no requirement that any subcommittee established by the administrator keep minutes of subcommittee meetings.

Authority: Public Chapter 289 (2013); Sections 24, 106

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Division of Workers' Compensation (board/commission/ other authority) on January 10, 2014, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: December 26, 2013

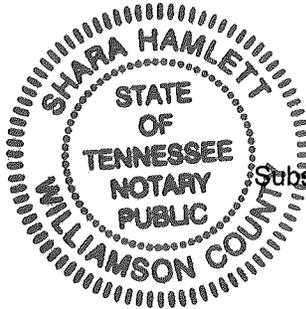
Rulemaking Hearing(s) Conducted on: (add more dates). January 24, 2014

Date: March 10, 2014

Signature: Abbie Hudgens

Name of Officer: Abbie Hudgens

Title of Officer: Administrator, Division of Workers' Compensation



Subscribed and sworn to before me on: March 14, 2014

Notary Public Signature: Shara Hamlett

My commission expires on: January 24, 2016

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RE Cooper Jr
 Robert E. Cooper, Jr.
 Attorney General and Reporter
6-26-14
 Date

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Filed with the Department of State on: 7/2/14

Effective on: 9/30/14

Tre Hargett
 Tre Hargett
 Secretary of State

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Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

PUBLIC COMMENTS AND RESPONSES

Comment: Add "appropriate" to line two of rule 0800-02-23-.01 just before the word "affective". Additionally, substitute "effective" for the word "efficient" in line 5 of the rule. These changes will better reflect the mission of the medical advisory committee.

Response: The Division agrees and has altered the rules in the manner suggested by the comment.

Comment: Substitute "professionals" for "physicians" and delete the word "medical" from rule 0800-02-23-.02(2). This change is necessary to recognize the difference nature of the specialties that may be represented on the committee.

Response: The Division agrees and has altered the rules in the manner suggested by the comment.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

1. The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule: These rules provide the procedures for the appointment and composition of an advisory committee. These rules will not impact costs for any business.
2. The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record: These rules provide the procedures under which qualified persons will be appointed to an advisory committee. The rules do not require any business to keep or maintain records .
3. A statement of the probable effect on impacted small businesses and consumers: These rules provide the procedures under which qualified persons will be appointed to an advisory committee. The rules do not require any record keeping on the part of any small business.
4. A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business: There are no less burdensome methods to achieve the purposes and objectives of these rules.
5. Comparison of the proposed rule with any federal or state counterparts: None.
6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule: These rules provide the procedures under which qualified persons will be appointed to an advisory committee. The rules do not require a small business to take any action. Accordingly, exempting small business from the rule requirements would have no effect.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules will not affect local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These rules provide the procedures under which qualified persons will be appointed to the medical advisory committee. In addition, the rules provide for the terms to be served by appointees and the professions that will be represented on the committee.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapters 289 created the medical advisory committee. These rules provide a structure for the committee.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Professionals working in the medical field will be most directly affected by these rules as persons working in medical fields may be appointed to the committee. No group or individual has urged rejection of the rule. Concentra Corporation supports the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Josh Baker, Administrative Attorney, Division of Workers' Compensation

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Josh Baker, Administrative Attorney, Division of Workers' Compensation

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None