

Notice of Rulemaking Hearing
Tennessee Department of Labor and Workforce Development
Division of Workers' Compensation

There will be a hearing before the Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, to consider the promulgation of amendments to rules pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-204, 50-6-235. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated Section 4-5-204, and will take place in the Media Room on the First Floor of the W.R. Snodgrass Tower, 312 8th Ave. North, Nashville, Tennessee 37243 at 9:00 a.m. CDST on the 31st day of October, 2005.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Department of Labor and Workforce Development, Division of Workers' Compensation, to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department's ADA Coordinator, Mr. Jewel Crawford, at Andrew Johnson Tower, 8th Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0655 and (615) 741-8805.

For a copy of the entire text of this notice of rulemaking hearing contact: Shara Hamlett, TN Dept. of Labor and Workforce Dev., Division of Workers' Compensation, Uninsured Employers Fund, Andrew Johnson Tower, Second Floor, 710 James Robertson Parkway, Nashville, TN 37243-0661, Telephone: (615) 253-6261.

Substance of Proposed Amendments

Chapter 0800-2-16
Deposition Fees

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0800-2-16-.01 Deposition Fees

Rule 0800-2-16-.01 Deposition Fees shall be amended by deleting paragraphs (1) and (2) in their entirety and substituting the following language so that, as amended, the rule shall read:

- (1) Licensed physicians may charge their usual and customary fee for providing testimony by deposition to be used in a workers' compensation claim, provided that such fee does not exceed seven hundred fifty dollars (\$750) for the first hour's time.
- (2) Depositions requiring over one (1) hour in duration shall be pro-rated at the licensed physician's usual and customary fee as set forth above, not to exceed four hundred fifty dollars (\$450) per hour for deposition time in excess of one (1) hour. Physicians shall not charge for the first quarter hour of preparation time. In instances requiring over one quarter hour of preparation time, a physician's preparation time in excess of one quarter hour shall be added to and included in the deposition time and billed at the same rates as for the deposition.

Authority: T.C.A. § 50-6-235(d).

Person to contact to answer any questions regarding the notice of rulemaking hearing:

Mark Finks, Attorney
Workers' Compensation Division
TN Dept. of Labor and Workforce Development
Andrew Johnson Tower, 2nd Floor
710 James Robertson Pkwy.
Nashville, TN 37243-0661
Telephone: (615) 253-6267

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation.

James Neeley
James Neeley
Commissioner

Subscribed and sworn to before me this the 22 day of August, 2005, 2005.



Vickie H. Gregory
Notary Public

My commission expires on the 26 day of January, 2009.

The notice of rulemaking set out herein was properly filed in the Department of State on the 23 day of Aug., 2005.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: Mark

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