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Sequence Number: 11-11-13
 Notice ID(s): 2097
 File Date: 11/27/13

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.

Agency/Board/Commission:	Tennessee Department of Labor and Workforce Development
Division:	Workers' Compensation
Contact Person:	Josh Baker
Address:	220 French Landing Drive, Nashville, Tennessee 37243
Phone:	(615) 253-6909
Email:	josh.baker@tn.gov

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

ADA Contact:	Evelyn Gaines-Guzman
Address:	220 French Landing Drive Floor 4-A Nashville, Tennessee 37243
Phone:	(615) 253-1331
Email:	evelyn.gaines.guzman@tn.gov

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

Address 1:	The Tennessee Room		
Address 2:	220 French Landing Drive		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	January 24, 2014		
Hearing Time:	10:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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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.)

New Rules

Chapter Number	Chapter Title
0800-02-23	Medical Advisory Committee

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 Bylaws

(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, most cost efficient, 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 physicians who practice in the following medical 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

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: November 19, 2013

Signature: Abbie Hudgens

Name of Officer: Abbie Hudgens

Title of Officer: Administrator, Division of Workers' Compensation



Subscribed and sworn to before me on: November 19, 2013

Notary Public Signature: Shara Hamlett

My commission expires on: January 24, 2016

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Filed with the Department of State on: 11/27/13

Tre Hargett

Tre Hargett
Secretary of State

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