

SENATE BILL 261

By Johnson

AN ACT to amend Tennessee Code Annotated, Section 9-8-307; Section 9-8-403; Title 50, Chapter 6, Part 2 and Section 58-1-230, relative to appeals of workers' compensation cases.

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

SECTION 1. Tennessee Code Annotated, Section 50-6-217(a)(2)(B), is amended by adding the language "written" between the language "a" and "decision" and further amended by deleting the fifth and sixth sentences.

SECTION 2. Tennessee Code Annotated, Section 50-6-217(a)(2), is amended by adding the following as new subdivisions:

(C) Review of the court of workers' compensation claims' findings of fact shall be de novo upon the record of the court of workers' compensation claims, accompanied by a presumption of the correctness of the findings, unless the preponderance of the evidence is otherwise. For purposes of further appellate review, the workers' compensation appeals board shall certify as final the order of the court of workers' compensation claims as affirmed, reversed, modified, or remanded;

(D) Any party dissatisfied or aggrieved by a final judgment of the workers' compensation appeals board may seek to appeal to the supreme court by filing an application for permission to appeal in accordance with Rule 11 of the Tennessee Rules of Appellate Procedure. If the Supreme Court grants the application, the appeal shall be heard and determined as provided in the Tennessee Rules of Appellate Procedure. The supreme court's review of the court of workers' compensation claims' findings of fact shall be de novo upon the record of the court of workers' compensation claims, accompanied by a presumption of the correctness of the findings, unless the

preponderance of the evidence is otherwise, as provided in Rule 13 of the Tennessee Rules of Appellate Procedure; and

(E) If the judgment or decree is appealed pursuant to the process provided in subdivision (D) of this subsection, interest on the judgment or decree shall be computed from the date that the judgment is entered by the court of workers' compensation claims at an annual rate as defined in § 47-14-121. For purposes of calculating the accrual of interest pursuant to this subdivision, the average prime loan rate on the day the judgment or decree is entered shall be used. Total judgment awarded is computed by the total number of weeks multiplied by the benefit rate without any reduction.

SECTION 3. Tennessee Code Annotated, Section 50-6-217(a)(3), is amended by deleting the subdivision in its entirety.

SECTION 4. Tennessee Code Annotated, Section 50-6-225, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 50-6-239(c)(7), is amended by deleting the subdivision and substituting instead the following:

(7) Review of the findings of fact of the workers' compensation judge shall be de novo upon the record of the court of workers' compensation claims, accompanied by a presumption of the correctness of the findings, unless the preponderance of the evidence is otherwise. The decision of the workers' compensation judge shall become final thirty (30) days after the workers' compensation judge enters a compensation order, unless the compensation order is timely appealed to the workers' compensation appeals board pursuant to § 50-6-217.

SECTION 6. Tennessee Code Annotated, Sections 9-8-403, 50-6-226, 50-6-245, and 58-1-230, are amended by deleting the language "50-6-225" and substituting instead the language "50-6-217" wherever it may appear.

SECTION 7. Tennessee Code Annotated, Section 9-8-307, is amended by deleting the language "50-6-225(d)".

SECTION 8. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to all cases in which the notice of appeal is filed with the clerk of the court of workers' compensation claims on or after July 1, 2017.