

**HOW AN INJURY BENEFIT PLAN
ACHIEVES BETTER OUTCOMES
FOR INJURED WORKERS AND EMPLOYERS
COMPARED TO TENNESSEE WORKERS' COMP**

MORE COMMUNICATION	TN WC	TN OPTION ¹
Full explanation of employee rights and responsibilities	No	Yes ²
FIDUCIARY DUTY	TN WC	TN OPTION
Must manage claims in best interests of employee	No ³	Yes ²
MORE EMPLOYEE ACCOUNTABILITY	TN WC	TN OPTION
Accident Reporting ⁴	Within 30 days	Within 24 hours ⁵
Choice of Provider	Employee picks from list of three providers ⁶	Employee must go to designated provider
Following Treatment Instructions	Optional - go to WC Bureau for change of provider	Mandatory - subject to second opinion rules
First Medical Treatment ⁷	Within 1 year	Within 30 days
Persistency of Medical Treatment ⁸	1 year	90 days
Standard to rebut physician opinion on injury causation	Preponderance of the evidence	Clear and convincing evidence
ACCESS TO BEST PROVIDERS	TN WC	TN OPTION
Willing to Accept Injury Claims	Few	More ⁹
MORE PHYSICIAN ACCOUNTABILITY	TN WC	TN OPTION
Can require comprehensive medical history/physical exam and review of current/ past diagnostic tests/imaging	No	Yes

¹ TN state law specifies all requirements for exemption from workers' compensation, including:

- a. Benefit Mandates
- b. Liability Exposures
- c. Financial Security Requirements
- d. Employer Qualification Process

Tennessee Department of Commerce & Insurance enforces any violation of TN Option laws.

² Required by Employee Retirement Income Security Act, the same federal law applying to other employee benefit plans. Also requires full and fair review of claims. OSHA, ADA and FMLA also apply just like workers' compensation. All prohibit discrimination or retaliatory discharge.

³ Less communication and no fiduciary duty in workers' comp leads to more claim disputes and more attorney involvement.

⁴ Subject to good cause exception

⁵ Faster diagnosis and medical care, timely investigation, valid drug/alcohol testing, and faster correction of any unsafe condition for co-workers.

⁶ An opportunity for three different medical outcomes.

⁷ Delays in treatment lead to worse medical outcomes.

⁸ Time limit between medical visits, subject to good cause. Lapses in medical care delay recovery.

⁹ Desire for employee accountability, fast and fair payment, and a minimum of paperwork.