

UT THE UNIVERSITY OF TENNESSEE

System Office of Risk Management

WORKERS' COMPENSATION

INJURED WORKERS' GUIDE



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TABLE OF CONTENTS

- I.** PREFACE
- II.** WORKERS' COMPENSATION BENEFITS
- III.** COVID-19 REPORTING
- IV.** COMPENSABILITY: WORKING FROM HOME OR OFFICE
- V.** CORVEL PPO PROVIDER LOOKUP OPTION
- VI.** RESPONSIBILITIES
 - Injured Workers' Responsibilities
 - Workers' Compensation Coordinator Responsibilities
 - Supervisor's Responsibilities
- VII.** FORMS REQUIRED TO FILE A WORKERS' COMPENSATION CLAIM
- VIII.** WORKERS' COMPENSATION TERMINOLOGY
- IX.** CONTACT INFORMATION

I. PREFACE

Filing a workers' compensation claim is often a very time-consuming process for both the injured worker and the supervisor. This injured worker guide has been produced to simplify the process and better equip injured workers, supervisors, and departments by providing general information concerning Workers' Compensation (WC), including the responsibilities for all parties involved in the workers' compensation process and information for completing the paperwork involved.

II. WORKERS' COMPENSATION BENEFITS

What is Workers' Compensation?

When an employee suffers a work-related injury or illness, he/she may be entitled to specific medical, disability and vocational-benefits per state law. These are Workers' Compensation Benefits. The laws that create these benefits provides payment of reasonable and necessary medical treatment to cure and relieve the employee from the physical effects of the injury, replacement of wages lost because of the injury, and funeral and dependency benefits if a worker dies from an occupationally related injury or illness. In addition, most of these laws provide some vocational rehabilitation services for workers whose injury results in permanent physical limitations that prevent them from returning to the occupation they have at the time of their injury.

While many injuries may occur in the workplace, not all are compensable under Workers' Compensation. For example, a hernia or an injury to the back is compensable only if the injury is the result of a specific traumatic incident of the work assigned.

The following list provides established categories for workplace mishaps.

- **Near-Miss** - An incident in which a worker might have been hurt if the circumstances had been slightly different. If the employee does not need first aid or any type of medical treatment by a physician, this occurrence is considered a near miss.
Example: an employee trips over a loose carpet thread.
- **First-Aid** - First aid refers to medical attention that is usually administered immediately after the injury occurs and at the location where it occurred. It often consists of a one-time, short-term treatment and requires little technology or training to administer. First aid can include cleaning minor cuts,

scrapes, or scratches; treating a minor burn; applying bandages and dressings; the use of non-prescription medicine; draining blisters; removing debris from the eyes; massage; and drinking fluids to relieve heat stress.

Example: an employee gets a splinter in his/her hand and receives first-aid treatment in the work area.

- **Accident** - an unplanned event that results in a personal injury. An injury that warrants immediate physician's care.

Possible examples are the employee gets a splinter in his/her hand, receives first-aid treatment in the work area but five days later the wound becomes infected. In this example, a first aid incident has become serious enough for the employee to seek medical treatment. Another example may be that an employee falls and potentially sprains or breaks a limb.

The only category that initially falls under Workers' Compensation is an "Accident." However, a "Near-Miss" or "First-Aid" may later require treatment by a medical professional which then justifies it as a workers' compensation claim.

Who is covered?

A University of Tennessee full-time or part-time, active employee who sustains an injury or illness in the course of employment is eligible to receive workers' compensation benefits under the State Division of Claims and Risk Management Administration (DCRM).

Examples include:

- Faculty
- Exempt & Non-Exempt Personnel
- Student Workers on UT payroll
- Medical Residents
- Graduate Teaching Assistants (GTA's)
- Temporary Workers
- Graduate Research Assistant (GRA's)

In the case of a fatality, the deceased employee's legal beneficiaries are entitled to benefits.

A University of Tennessee employee is a person who is in the service of the university and is on the university payroll. However, the following people are not considered employees for purposes of workers' compensation:

- Students
- Independent contractors
- Volunteers
- Non-employed students receiving a scholarship stipend

To receive workers' compensation benefits, you must be injured while performing some activity which falls within your course and scope of employment. You should be aware that not all accidents which happen at work will be compensable under the workers' compensation law.

There is no clear-cut definition to describe when an injury is compensable. If the injured worker or supervisor feels that the injury or illness is work-related, then it should be reported. Supervisors may include any additional information that they feel is appropriate with the injury report.

The acceptance of the claim and determination of compensability is decided by the DCRM or its contracted Third-Party Administrator (TPA), CorVel, whose decisions may be disputed through an appeal process. It is not the Workers' Compensation Coordinator's or any representative(s) of the University of Tennessee's responsibility to make this determination.

What will Workers' Compensation Benefits pay for?

Medical Services Payments:

➤ Workers' Compensation Benefits will only pay for those services or prescriptions that are determined to be reasonable and necessary, and linked to the work-related injury. A Preferred Prescription Drug Service is also available to injured workers.

Income Benefits:

An injured worker who is unable to continue their assigned duties because of a work-related injury may choose to use accrued sick leave or annual leave for some or all the lost workdays. An injured worker who does not have accrued leave available will be placed on leave without pay status (LWOP).

➤ Only those injured workers who are on LWOP for more than seven (7) days following the date of injury are eligible for Temporary Total Disability (TTD) benefits, payable through CorVel, beginning the eighth day of disability.

- If the injured worker is taken off work by the authorized treating physician for 14 or more calendar days, benefits are paid back to day one, provided the injured worker has been on LWOP.
- The amount and duration of TTD benefits will be determined by CorVel in accordance with state law. The benefit is sixty-six and two-thirds percent of their pre-injury average weekly wages and cannot be less than the minimum, or more than the maximum, weekly benefits are set by Tennessee Workers' Compensation weekly compensation rates. These benefits continue until maximum medical improvement (MMI) has been reached, or until the injured worker returns to restricted or full duty.
- The injured worker has the option to have taxes taken out of each TTD payment or report the payment on their personal tax returns during the next tax filing period.
- Injured workers may elect to use sick or annual leave instead of receiving TTD benefits for all or part of the time they qualify for TTD benefits. An injured worker may not receive both TTD benefits and sick or annual leave at the same time. An injured worker is not eligible to use the Sick Leave Bank.
- The university will assume one hundred percent of the cost of the premiums for basic group medical coverage and basic group life coverage while injured workers are on an unpaid leave of absence. Other insurance premiums will still be the responsibility of the injured worker. Refer to: [HR0355 Leave of Absence Policy](#)

Mileage for Travel

- Reimbursement for mileage to and from medical treatment may be requested if travel exceeds fifteen miles one way. The request should be made through CorVel.

III. COVID-19 REPORTING

Any employee exposed to COVID-19 in the workplace who believes their exposure was a result of their employment, should report it to CorVel. The reporting procedures are the same as for other claims.

An investigation by CorVel will be completed to determine whether the claim qualifies for compensation. Compensability depends on a range of factors, including type of employment. For an injury to be compensable under Tennessee Workers' Compensation law, employees must prove an injury must arise "primarily out of, and in the course and scope of, employment." Furthermore, a determination needs to be made regarding if the employee's assigned daily work duties and service heighten their risk of exposure to COVID-19.

IV. COMPENSABILITY WORKING FROM HOME OR OFFICE

An employee injured either at their home or facility, who believes an injury is a result of their employment, should report it to CorVel. Both instances are treated the same, provided the employer has approved the employee to work from home.

An investigation by CorVel will be completed to determine compensability. Again, the injuries must arise “primarily out of, and in the course and scope of, employment.”

V. CORVEL PPO PROVIDER LOOKUP

CorVel provides a website to help injured workers/supervisors locate the closest authorized treatment physician to their current location. If the representative from CorVel suggests a treatment facility that is too far from the injured workers’ current location, the website can be used to find a facility by zip code, city, or state, as well as within a certain radius. All the physicians/facilities listed on the website should be authorized to treat any workers’ compensation claimant. Click [PPO Provider Lookup](#) choose ‘Find a Provider,’ add your starting location, and adjust the distance, click search. The injured worker also has the right to verbally request a closer location from the CorVel representative.

VI. RESPONSIBILITIES

INJURED WORKERS’ RESPONSIBILITIES

An injured worker has clear responsibilities to establish a claim for compensation. These include:

- All work-related injuries should be reported to the injured workers’ supervisor at the time of incident, provided it is not a serious bodily or life-threatening injury/illness. The injured worker or supervisor is required to report the injury/incident to CorVel by calling **866-245-8588** Option #1 for Nurse Triage and/or Option #2 to report the claim as an Incident Only. If medical attention is necessary, the employee should seek treatment with a facility/provider that has been reviewed with CorVel through the injured workers Claim Intake process phone call.
- ***Serious bodily or life-threatening injury*** is commonly defined as a bodily injury that involves substantial risk of death, extreme physical pain, long lasting and obvious

disfigurement, or long-lasting loss or impairment of an organ, extremity, or mental faculty. Victims often have difficulty performing tasks they were able to perform prior to their serious bodily injury. Some examples of serious bodily injuries include severe burns, amputations, spinal cord injuries, brain injuries, blindness, and amputations, but there are many other types of injuries that can be classified as a serious bodily injury. This type of injury can result from a wide variety of causes, such as car accidents, sporting activities or dangerous products.

- Note: a serious bodily or life-threatening injury/illness will not be limited to the examples above. Please use your best judgement to obtain treatment.
- The injured worker is required to complete the University of Tennessee's [Workers' Compensation Procedures Report](#) as well as, the [Workers' Compensation Injury Report](#) and forward onto their immediate supervisor for signature after the incident occurs.
- Injured workers who are taken off work by their authorized treating physician must supply a Work Status note for each follow-up or physical therapy visit to their immediate supervisor. This contact is mandatory, if the injured workers failure to maintain contact with their immediate supervisor and/or the Workers' Compensation Coordinator regarding work status, it could result in disciplinary action up to and including termination.
- Family and Medical Leave is an additional option available to eligible employees. Injured workers should contact their campus Human Resources Department to determine eligibility and obtain more details on this option. Injured workers should also advise their supervisor of their intent to use Family and Medical Leave. For additional information, refer to [HR0338 – Family and Medical Leave policy](#).

Injured worker statement of responsibility: The injured worker is the key to ensuring his/her claim is processed properly through prompt and accurate notification to the supervisor. Submitting notice of injury is solely the responsibility of the injured worker and neither the University of Tennessee, nor CorVel, has any legal responsibility in the matter.

SUPERVISOR'S RESPONSIBILITIES

The supervisor has a key role in the Workers' Compensation claim process, the responsibilities include:

- Assuring that proper medical attention is provided for the injured worker, should it be required.
- Assuring all injuries/incidents are reported immediately to CorVel, by calling 866-245-8588 and selecting Option #2 to complete the First Notice of Loss (FNOL) within 24 hours of the claim being set up with CorVel.
- Immediately reporting to the UT System Office of Risk Management and the campus Safety Officer any serious injury to an employee, incidents involving two (2) or more employees, or work-related illness or injury resulting in the hospitalization or death of an employee.
- Making sure the employee fills out the Workers' Compensation Procedures Report and Injury Report and returns it to the Workers' Compensation Coordinator within twenty-four (24) business hours to assist in meeting stipulated deadlines.
- Emailing the Workers' Compensation Coordinator immediately upon receiving notification that an injured worker is seeking medical attention and/or losing time for the previously reported injury or occupational exposure.
- Notifying the Workers' Compensation Coordinator if an injured worker loses time other than what is shown on the original first report of injury/work status.
- Notifying the Workers' Compensation Coordinator immediately if an injured worker retires, resigns, or is terminated while having an active workers' compensation claim or is granted Family Medical Leave
- Assisting with the proper investigation of claims by documenting any additional information regarding the circumstances that are known or reported by coworkers. This is crucial for the denial of fraudulent claims.
- Coordinate with EH&S to determine any actions needed for the prevention of future occurrences.
- The department has fourteen (14) business days, from the date the Authorized Treating Physician releases the injured employee to perform work in any capacity, to return the injured employee to a transitional duty assignment or full duty status to avoid paying fifty percent of the employee's temporary total disability. Refer to [HR0398 Transitional Duty/Return to Work Policy](#).

WORKERS' COMPENSATION (WC) COORDINATOR'S RESPONSIBILITIES

The WC Coordinator is responsible for the system-wide oversight of all Workers' Compensation claims and serves as the liaison between an injured worker and the State of Tennessee WC administrator, CorVel. The WC Coordinator is responsible for submitting the required documentation to CorVel.

Liaison

The WC Coordinator is the primary point of contact between the CorVel claims adjuster and the university. The adjuster will contact the WC Coordinator upon receiving the first report of injury to verify the information provided and investigate the claim.

Early contact with the adjuster helps establish the facts of the claim and aids in prompt medical treatment and payment of benefits, if applicable. Early contact may also help to determine the possibility of third-party liability. The adjuster will contact the WC Coordinator periodically to obtain updates or to verify the injured worker has returned to restricted or full duty. It is important that the WC Coordinator immediately notify CorVel when an injured worker returns to restricted or full duty. Timely notification ensures that benefits are paid appropriately and avoid overpayment.

Claims Processing

The WC Coordinator is responsible for supplying CorVel with the appropriate documents, so the adjusters can properly process claims.

Return to Work Coordination

When an injury occurs, the responsibility is upon the university to help the injured worker to return to restricted or full duty as soon as possible.

The university structures the return-to-work program around each individual case. This program involves maintaining frequent contact with the injured worker and the treating physician, providing a modified work environment and/or work assignment, or providing alternate-duty assignments that return the injured worker to the workplace within his or her physical abilities. These measures assist the injured worker in maintaining a positive attitude and reduce the costs associated with a lengthy absence from work.

The university's return-to-work program allows injured workers to perform his or her duties within the abilities and medical restrictions provided by the treating physician. During this

time of work restriction, the injured worker is said to be on restricted or light duty. The injured worker may be doing their regular job with restrictions, or they may be assigned alternate responsibilities unrelated to their usual job. Along with programs aimed at loss prevention and loss reduction, the return-to-work program can lower the university's compensation costs and reduce the necessity to hire additional staff. Providing the injured worker with an opportunity to return to the workplace in a productive capacity will encourage the worker to return to their regular position sooner. Although some job modification and/or accommodations may need to be made, many positions can be modified with little expense.

VII. FORMS REQUIRED TO FILE A WORKERS' COMPENSATION CLAIM

Workers' compensation forms are a requirement and should be completed in the event of a work-related accident/incident. There are important timelines that must be followed to ensure the claim is properly processed. The injured worker will complete and sign the university required forms. Supervisor signatures are required on all forms.

The supervisor will forward both reports and the monthly calendar to the System Office of Risk Management. If there is a need for a Transitional Duty Plan, the supervisor is required to complete it and send it to the System Office of Risk Management.

The WC Coordinator will submit all required forms to CorVel.

Required Forms:

- [Workers' Compensation Injury Report](#)
- [Workers' Compensation Procedures Report](#)
- [Lost Time Calendar](#) (if applicable)
- [Transitional Duty Plan](#) (if applicable)

Workers' Compensation instructions and forms can also be found at:
<https://riskmanagement.tennessee.edu/forms/>

VIII. WORKERS' COMPENSATION TERMINOLOGY

Temporary Total Disability Benefits

Temporary total disability benefits (TTD) are available for injured workers whose injuries temporarily disable them from performing any job, according to their authorized treating physician(s). TTD benefits are not available for the first seven (7) days an injured worker misses a shift. Beginning on the 8th day (not including day of injury), TTD is paid. If the injured worker is taken out of work by the attending physician for fourteen (14) or more calendar days, benefits are paid back to day one, provided the injured worker has been on leave without pay. The benefit payable is sixty-six and two-thirds percent of their pre-injury average weekly wages and cannot be less than the minimum, or more than the maximum, weekly benefit. It is payable until injured worker has reached their maximum medical improvement or is able to return to work or for a period of four hundred fifty (450) weeks, whichever is shorter

Temporary Partial Disability Benefits

Temporary Partial Disability (TPD) benefits are available for injured workers whose injuries temporarily disable them from performing their job duties and cause them to earn a lesser wage. This might happen when, for example, a physician restricts the number of hours an injured worker can work at a regular-duty job. The benefit is sixty-six and two-thirds percent of the difference between pre-injury average weekly wage and their post injury wage and cannot be less than the minimum, or more than the maximum, weekly benefit. It is payable until that injured worker has reached their maximum medical improvement or for a period of 450 weeks, whichever is shorter

Compensable Injury

An accidental injury or occupational illness which the Division of Claims, its third-party administrator or the Tennessee Claims Commission has determined to have occurred during the course and scope of your employment and entitles an injured worker to WC benefits

Maximum Medical Improvement (MMI)

The highest degree of recovery that the treating physician believes will ever be reached from the compensable injury; in some instances, MMI will be reached because the injury has fully healed; in other cases, MMI will be reached because the physician has determined that no further improvement can be expected

Preferred Provider Network

A panel of physicians and health care facilities designated to provide treatment to injured state employees

Tennessee Claims Commission

The state commission appointed to resolve disagreements over workers' compensation benefits

Third Party Administrator (TPA)

A company with whom the state has contracted to investigate and administer workers' compensation benefits for state employees (CorVel)

Workers' Compensation Benefits

The general term used to describe all benefits (medical expense payments, temporary disability benefits, permanent disability benefits and death benefits) available under the workers' compensation program

