

**RULES
OF
TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKERS' COMPENSATION**

**CHAPTER 0800-02-13
PENALTY PROGRAM**

TABLE OF CONTENTS

0800-02-13-.01 Definitions	0800-02-13-.09 Representation at the Hearing
0800-02-13-.02 Investigation of Unpaid or Untimely Paid Workers' Compensation Benefits	0800-02-13-.10 Pre-Hearing Matters
0800-02-13-.03 Departmental Actions	0800-02-13-.11 Order of Proceedings at the Hearing
0800-02-13-.04 Administrative Appeal of an Agency Decision Assessing a Civil Penalty for Unpaid or Untimely Paid Workers' Compensation Benefits	0800-02-13-.12 Scope of Examination and Rules of Evidence
0800-02-13-.05 Notice of Hearing	0800-02-13-.13 Burden of Proof
0800-02-13-.06 Discovery	0800-02-13-.14 Determinations Pursuant to the Hearing
0800-02-13-.07 Continuances	0800-02-13-.15 Repealed
0800-02-13-.08 Effect of Employer's Failure to Appear at Hearing	0800-02-13-.16 Judicial Review
	0800-02-13-.17 Procedure in Other Divisional Penalty Assessments

0800-02-13-.01 DEFINITIONS. The following definitions are for the purposes of this chapter only.

- (1) "Administrative Appeal" means after notice and an opportunity for a hearing, a contested hearing to review an Agency Decision wherein the Division has assessed a civil penalty.
- (2) "Administrator" means the Administrator of the Workers' Compensation Division of the Tennessee Department of Labor and Workforce Development.
- (3) "Agency Decision" means a ruling which disposes of a petition, contested case hearing, appeal, or other request for the Division to review the legitimacy of issuing a penalty.
- (4) "Commissioner" means the Commissioner of the Tennessee Department of Labor and Workforce Development, the Commissioner's Designee, or any other agency member appointed by the Commissioner to hear a contested case under the Tennessee Uniform Administrative Procedures Act.
- (5) "Commissioner's Designee" or "Designee" means any person whom the Commissioner indicates, selects, appoints, nominates, or sets apart for a purpose or duty.
- (6) "Department" means the Tennessee Department of Labor and Workforce Development.
- (7) "Division" means the Workers' Compensation Division of the Tennessee Department of Labor and Workforce Development.
- (8) "Employee" shall have the same meaning as set forth in T.C.A. Section 50-6-102.
- (9) "Employer" shall have the same meaning as set forth in T.C.A. Section 50-6-102.
- (10) "Insurer" means an employer's workers' compensation insurance carrier and additionally shall include any entity claiming, operating, or attempting to operate as a self-insured employer, self-insured pool, or self-insured trust pursuant to the requirements of T.C.A. Section 50-6-405 of Chapter 0780-1-54, Self-Insured Pools, of the Rules of the Department of Commerce and Insurance, Insurance Division.

(Rule 0800-02-13-.01, continued)

- (11) "Judicial Review" means a petition to Davidson County Chancery Court to review a Final Order issued by the Commissioner.
- (12) "Records of the Department" or "Department Records" means any data, including electronic, computer-generated, telephonic, or on paper, used in the business of the Department and obtained by any employee of the Department:
 - (a) from within the Department
 - (b) through an investigation; or
 - (c) from any other lawful source.
- (13) "Worker" means an employee or injured worker.
- (14) "Workers' Compensation Law" means the Workers' Compensation Act as currently enacted by the Tennessee General Assembly, specifically including any future enactments by the Tennessee General Assembly involving amendments, deletions, additions, repeals, or any other modification, in any form of the Workers' Compensation Act.
- (15) "Workers' Compensation Specialist" or "Specialist" shall mean a departmental employee who provides information and communication services regarding workers' compensation for employees and employers and who may assess penalties for failure to timely pay workers' compensation benefits or other violations of the Workers' Compensation Law or the General Rules of the Workers' Compensation Division of Tennessee.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.02 INVESTIGATION OF UNPAID OR UNTIMELY PAID WORKERS' COMPENSATION BENEFITS.

- (1) When investigating whether to assess a civil penalty for unpaid or untimely paid benefits, a Specialist may inquire into instances where an Employer or Insurer:
 - (a) reasonably appears to be subject to the Workers' Compensation Law; and
 - (b) has or may have failed to pay, or has or may have failed to timely pay, workers' compensation benefits to an employee as required by the Workers' Compensation Law.
- (2) When an investigation reasonably indicates that an employer is subject to the Workers' Compensation Law and that the employer or insurer has failed to pay or timely pay all workers' compensation benefits due to an employee as required by the Workers' Compensation Law, the Department shall so notify the employer or the insurer.
- (3) The notice shall advise the employer or insurer of the potential civil penalty which may be assessed against the employer or insurer if it is determined that the employer or insurer has failed to pay or timely pay all workers' compensation benefits due to an employee as required by the Workers' Compensation Law.
- (4) The employer or insurer shall have seven (7) days, excluding Saturdays, Sundays and holidays, from the date of the notice to respond and provide to the Department:

(Rule 0800-02-13-.02, continued)

- (a) documented proof that the employer or insurer timely paid all workers' compensation benefits to which an employee is or was entitled under the Workers' Compensation Law; or
 - (b) a verified sworn affidavit, with supporting documentation, that either:
 - 1. no workers' compensation benefits are or were owed to an employee under the Workers' Compensation Law; or
 - 2. all workers' compensation benefits owed to an employee under the Workers' Compensation Law have been and continue to be timely paid to the employee; or
 - 3. the employer or insurer has acted diligently, as determined by the Commissioner or Commissioner's Designee, to obtain necessary information to process the claim and has not been able to obtain it.
- (5) In deciding whether a benefit is unpaid or untimely paid, compensation shall be deemed promptly paid if the first payment is made fifteen (15) calendar days after the employer has knowledge of the injury and every subsequent payment is made within consecutive fifteen (15) calendar day increments, until all temporary benefits have been paid. A benefit is paid on the date the employer or insurer places the benefits into the mail for delivery to the injured employee. After twenty (20) calendar days from the date of the employer's knowledge of any disability that would qualify for benefits, the twenty-five percent (25%) penalty will attach to all payments unpaid or untimely paid.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-238, 50-6-244, 50-6-412, 50-6-801, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005. Amendments filed April 26, 2006; effective July 10, 2006.

0800-02-13-.03 DEPARTMENTAL ACTIONS.

- (1) The Division shall:
 - (a) not issue a civil penalty if either:
 - 1. the employer or insurer had at all relevant times timely paid to the employee all workers' compensation benefits required by the Workers' Compensation Law; or
 - 2. the employer or insurer does not owe any workers' compensation benefits under the Workers' Compensation Law; or
 - 3. in the sole discretion of the Commissioner or the Commissioner's Designee, the Commissioner or Commissioner's Designee finds that the employer or insurer has acted diligently to obtain necessary information to process the claim and has not been able to obtain it.
 - (b) issue an Agency Decision assessing a civil penalty to be paid by the employer or insurer equal to twenty-five percent (25%) of the unpaid or untimely paid benefits owed to the employee under the Workers' Compensation Law if:
 - 1. the employer is subject to the Workers' Compensation Law; and
 - 2. the employer or insurer is liable to pay workers' compensation benefits to an employee for a compensable work-related injury under the Workers' Compensation Law; and

(Rule 0800-02-13-.03, continued)

3. the employer or insurer has failed for any relevant period of time to timely pay all workers' compensation benefits as required by the Workers' Compensation Law.
- (2) If the Division issues an Agency Decision assessing a civil penalty to be paid by the employer or insurer equal to twenty-five percent (25%) of the unpaid or untimely paid benefits owed to the employee under the Workers' Compensation Law, the Agency Decision shall require that the civil penalty be made payable by the employer or insurer directly to the employee to whom the workers' compensation benefits are owed.
- (3) The Commissioner, or the Commissioner's Designee, shall have the sole discretion not to issue a penalty even if the technical requirements of subparagraph (1)(b) are satisfied.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-238, 50-6-244, 50-6-412, 50-6-801, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005. Amendments filed April 26, 2006; effective July 10, 2006.

0800-02-13-.04 ADMINISTRATIVE APPEAL OF AN AGENCY DECISION ASSESSING A CIVIL PENALTY FOR UNPAID OR UNTIMELY PAID WORKERS' COMPENSATION BENEFITS.

- (1) An employer or insurer assessed a civil penalty for unpaid or untimely paid worker's compensation benefits has the right to file, in writing, with a copy to the employee or their representative, a petition for informal reconsideration by the Commissioner or Commissioner's Designee, other than the specialist who issued the Agency Decision, to determine if the civil penalty should have been assessed. However, the filing of the petition shall not be a prerequisite for requesting a contested case hearing, and the fifteen calendar day period for a party to request a contested case hearing shall not be tolled by the filing of a petition for informal reconsideration. The petition for informal reconsideration shall be made in writing by an employer or insurer which has been assessed a civil penalty for unpaid or untimely paid workers' compensation benefits and shall be filed with the Designee who issued the Agency Decision assessing the civil penalty within seven (7) calendar days of the date upon which the Agency Decision was issued.
- (2) An employer or insurer assessed a civil penalty for unpaid or untimely paid workers' compensation benefits has the right to request a contested case hearing to determine if the civil penalty should have been assessed.
- (3) The request for a hearing shall be made in writing by an employer or insurer which has been assessed a civil penalty for unpaid or untimely paid worker' compensation benefits.
- (4) Any request for a hearing shall be filed with the Designee who issued the Agency Decision assessing the penalty within fifteen (15) calendar days of the date upon which the Agency Decision was issued. Failure to file a request for a hearing within fifteen (15) calendar days of the date of entry of the agency decision shall result in the Agency Decision becoming a Final Order not subject to further review.
- (5) The Commissioner, Commissioner's Designee, or an agency member appointed by the Commissioner shall have the authority to hear the matter as a contested case and determine if the civil penalty assessed for unpaid or untimely paid workers' compensation benefits should have been assessed.
- (6) Upon receipt of a timely filed request for a hearing, the Commissioner shall issue a Notice of Hearing to the employer or insurer.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-238, 50-6-244, 50-6-412, 50-6-801, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005. Amendment filed April 26, 2006; effective July 10, 2006.

0800-02-13-.05 NOTICE OF HEARING.

- (1) The Notice of Hearing shall specify:
 - (a) the time, place, and nature of the hearing;
 - (b) the right of the parties to be represented by counsel;
 - (c) the legal authority and jurisdiction under which the hearing is to be held;
 - (d) civil penalties subject to the requested hearing; and
 - (e) a short and plain statement of the matters asserted.
- (2) The Notice of Hearing shall be sent to the employer's and/or insurer's last known address, according to department records.
- (3) The Division shall schedule the hearing in a timely manner, not to exceed thirty (30) business days from the date on which the employer or insurer filed the request for a hearing.

Authority: T.C.A. §§ 4-5-307, 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.06 DISCOVERY.

- (1) Any party to a contested case shall have the right to reasonable discovery pursuant to T.C.A. §4-5-311.

Authority: T.C.A. §§ 4-5-311, 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.07 CONTINUANCES.

- (1) The Commissioner shall strongly discourage the continuance of a hearing.
- (2) All requests for continuances shall be made in writing as soon as reasonably and practicably possible prior to the scheduled date of the hearing. Such requests may only be granted at the discretion of the Commissioner and only for good cause shown. In addition, the Commissioner may grant a continuance during the course of a hearing in order to secure all of the evidence which the Commissioner deems necessary for a fair hearing to all parties of interest or at any time for other good cause shown.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.08 EFFECT OF EMPLOYER'S FAILURE TO APPEAR AT HEARING.

- (1) Failure of an employer or insurer to appear at a scheduled hearing before the Commissioner after due notice thereof may result in a Default Judgment being entered against such employer or insurer.
- (2) In such cases as described in paragraph (1), the Commissioner shall render a decision on the basis of whatever evidence is submitted by the Division.

(Rule 0800-02-13-.08, continued)

Authority: T.C.A. §§ 4-5-309, 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.09 REPRESENTATION AT THE HEARING.

- (1) Each individual or entity may be represented at the hearing as follows:
 - (a) Any individual receiving due notice to appear at a hearing may appear at the hearing in his or her own behalf or may be represented at the hearing by an attorney at law duly licensed and admitted to practice by the highest court of the state of Tennessee.
 - (b) Any general partnership receiving due notice to appear at a hearing may appear at the hearing by any of its partners with written authority from all other partners or may be represented at the hearing by an attorney at law duly licensed and admitted to practice by the highest court of the state of Tennessee.
 - (c) Any corporation, limited partnership, limited liability company, state-certified business entity, or any other entity not specifically referenced in this rule 0800-02-13-.09 which received due notice to appear at a hearing shall appear at the hearing only by an attorney at law duly licensed and admitted to practice by the highest court of the state of Tennessee.
- (2) The Commissioner, in his or her discretion, may refuse to allow any person to continue representation or participation in any proceeding before the Commissioner if the Commissioner finds said person guilty of disorderly, disruptive, or unethical conduct during the course of the hearing.
 - (a) Any attorney seeking to appear for or to represent a party to any proceeding before the Commissioner or any other person seeking to assist in the appearance of a party to such proceeding shall cause to be filed, not later than the date of the hearing, a written notice of appearance. Such written notice of appearance shall specify sufficient information necessary to identify the particular proceeding involved and which must include, at least:
 1. the name and address of the employer or insurer; and
 2. the name, address, telephone and facsimile numbers, and BPR number of the attorney or other person filing the notice of appearance.
- (3) All notices of appearance should be sent to the Commissioner by regular mail at the following address:

Tennessee Department of Labor and Workforce Development
Division of Workers' Compensation
Penalty Program
220 French Landing Drive, 1-B
Nashville, TN 37243
- (4) Any notice of appearance received by the Commissioner shall be deemed as having been filed for the purpose of any further proceeding in the same matter before the Commissioner.
 - (a) After the expiration of three (3) days from the date of receipt of a notice of appearance, any notice of hearing, decision, or other hearing-related documentation subsequently

(Rule 0800-02-13-.09, continued)

mailed by the Commissioner shall be mailed to the attorney or other person who has on file a properly executed notice of appearance.

- (5) Any requests for copies of other documents in any pending matter before the Commissioner shall be subject to a reasonable copy fee.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005. Amendment filed December 22, 2014; effective March 22, 2015.

0800-02-13-.10 PRE-HEARING MATTERS.

- (1) The names and addresses of all witnesses who may be called at a hearing and a list of all proposed exhibits shall be both filed with the Commissioner and served on opposing counsel at least seven (7) calendar days prior to the date of the hearing.
- (2) Copies of affidavits which may be used at a hearing shall be furnished to opposing counsel at least ten (10) calendar days prior to the date of the hearing.
- (3) Copies of all exhibits which are proposed to be offered shall be made available for viewing by opposing counsel upon request made no less than five (5) calendar days prior to the date of the hearing.
- (4) Either the employer/employer's attorney, insurer/insurer's attorney, or a staff attorney from the Department may request a pre-hearing conference by telephone or in person with the Commissioner. A request for a pre-hearing conference shall be made at least seven (7) calendar days prior to the date of hearing. The Commissioner may, in his or her discretion, grant or decline to grant a request for a pre-hearing conference, limit or expand the matters to be discussed at a pre-hearing conference, or otherwise discuss how to facilitate the orderly process of the hearing. The party requesting the conference shall be responsible for arranging the conference and coordinating the conference with opposing counsel. All discussions with the Commissioner at the pre-hearing conference shall include both the employer/employer's attorney, or the insurer/insurer's attorney and a staff attorney from the Department. The Commissioner may, on his or her own initiative, schedule a pre-hearing conference by telephone or in person with the employer/employer's attorney, or the insurer/insurer's attorney, and the staff attorney from the Department.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-208, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.11 ORDER OF PROCEEDINGS AT THE HEARING.

- (1) The agency shall admit and give probative effect to evidence admissible in a Court and may also admit evidence which preserves probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The agency shall give effect to the rules of privilege recognized by law and shall exclude evidence which in its judgment is irrelevant, immaterial, or unduly repetitious.
- (2) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the agency.
- (3) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge.

(Rule 0800-02-13-.11, continued)

- (4) Every party shall have the right to present evidence, to make arguments, and to confront and cross-examine witnesses.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.12 SCOPE OF EXAMINATION AND RULES OF EVIDENCE.

- (1) In any hearing before the Commissioner, witnesses may be examined regarding any matter, not privileged, which is relevant and material to the issues to be determined at such hearing. The rules of evidence applicable at such hearing shall be as provided for in T.C.A. Section 4-5-313.
- (2) The Commissioner may rule on and decide any question concerning the admissibility of evidence or procedural questions of law.
- (a) It shall not be grounds for objection that testimony will be inadmissible at the hearing if, in the discretion of the Commissioner, the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence;
- (b) It shall not be grounds for objection that hearsay testimony will be inadmissible at the hearing if, in the discretion of the Commissioner, the testimony is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.
- (3) If an objection to proffered evidence is sustained by the Commissioner, the examining party or attorney may make a specific offer of what the examining party or attorney expects to prove by that evidence.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.13 BURDEN OF PROOF.

- (1) The burden of proof at the hearing shall be on the employer or insurer, to prove, by a preponderance of the evidence, that the employer and/or insurer is either not subject to the Workers' Compensation laws or has timely paid all workers' compensation benefits due to an employee.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.14 DETERMINATIONS PURSUANT TO THE HEARING.

- (1) If the Commissioner determines that the employer is not subject to the Workers' Compensation Law and has not been subject to the Workers' Compensation Law at any relevant times, then the Commissioner shall issue a Final Order that all civil penalties assessed against the employer or insurer are void.
- (2) If the Commissioner determines that the employer or insurer either does not owe to an employee any workers' compensation benefits or has timely paid all workers' compensation benefits owed to an employee as required by the Workers' Compensation Law, then the Commissioner shall issue a Final Order that all civil penalties assessed against the employer or insurer are void.

(Rule 0800-02-13-.14, continued)

- (3) If the Commissioner determines that the employer or insurer has either not paid or not timely paid all workers' compensation benefits due to an employee as required by the Workers' Compensation Law, then the Commissioner shall issue Final Order that a civil penalty equal to twenty-five percent (25%) of the unpaid or untimely paid benefits due to the employee under the Workers' Compensation Law be paid by the employer or insurer directly to the employee to whom the unpaid or untimely paid benefits are/were owed.

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005. Amendment filed December 22, 2014; effective March 22, 2015.

0800-02-13-.15 REPEALED.

Authority: T.C.A. §§ 4-5-317, 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005. Amendment filed March 25, 2013; effective June 23, 2013. Repeal filed December 22, 2014; effective March 22, 2015.

0800-02-13-.16 JUDICIAL REVIEW.

- (1) The employer or insurer has sixty (60) calendar days to file notice of appeal in the Davidson County Chancery Court for judicial review of a Final Order issued by the Commissioner.

Authority: T.C.A. §§ 4-5-322, 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.

0800-02-13-.17 PROCEDURE IN OTHER DIVISIONAL PENALTY ASSESSMENTS.

- (1) The procedures contained in these Rules are applicable to other civil penalty assessments provided for in Title 50, Chapter 6 and the General Rules of the Workers' Compensation Division of Tennessee. These procedures include, but are not limited to, notice to the alleged violator of the alleged violation and the potential civil penalty(s), right to a contested case hearing, right to petition to review an Initial Order, and the appeal of a Final Order to Davidson County Chancery Court.
- (2) Whenever the Division is assessing a civil penalty, the Division has the authority to hear any dispute as to the assessment of the civil penalty as a contested case and the authority to issue Agency Decisions, Initial Orders, and Final Orders assessing civil penalties and/or deciding reviews or appeals of the assessment of civil penalties.
- (3) Whenever the Division is assessing a civil penalty pursuant to the Workers' Compensation statutes or General Rules of the Workers' Compensation Division of Tennessee, the potential violator shall have the burden of proving by a preponderance of the evidence that the civil penalty should not have been assessed.
- (4) When assessing civil penalties pursuant to, but not limited to, T.C.A. §§50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, and 50-6-244 and any penalties provided for in the General Rules of the Workers' Compensation Division of Tennessee, the Division may follow the procedures outlined in paragraph (1), has the authority outlined in paragraph (2), and the violator has the burden of proof outlined in paragraph (3).

Authority: T.C.A. §§ 50-6-118, 50-6-125, 50-6-128, 50-6-205, 50-6-233, 50-6-237, 50-6-244, and Public Chapter 962 (2004). **Administrative History:** Original rule filed October 13, 2004; effective February 28, 2005.