

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

**CHAPTER 0800-02-34
GRANT PROGRAM FOR FIREFIGHTERS DIAGNOSED WITH POST-TRAUMATIC STRESS
DISORDER**

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0800-02-34-.01 DEFINITIONS.

- (1) "Acute Stress Disorder" means the same diagnosis as Post-Traumatic Stress Disorder but is present for thirty (30) days or less. Once identified, prompt treatment for this disorder should be provided.
- (2) "Administrator" means the chief administrative officer of the Bureau of Workers' Compensation or the administrator's designee.
- (3) "Applicant" means a party who has submitted a request for program funds on the form prescribed by the administrator.
- (4) "Award Letter" means the administrator's written notification of the conditioned award of monies from the program.
- (5) "Bureau" means the Bureau of Workers' Compensation.
- (6) "Commissioner" means the commissioner of the Tennessee Department of Labor and Workforce Development.
- (7) "Department" means the Tennessee Department of Labor and Workforce Development.
- (8) "Employer" means a municipality, county, metropolitan form of government, or other political subdivision of this state that employs firefighters.
- (9) "Federal Grants" means any federal discretionary grant program that awards financial assistance to be used for the purpose of the purchase of firefighting equipment and training including, but not limited to, the Federal Emergency Management Agency Assistance to Firefighters Grants (AFG).
- (10) "Fire Department":
 - (a) Means a department of a municipality, county, or political subdivision, or an organization, agency, or entity that offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes; and

(Rule 0800-02-34-.01, continued)

- (b) Does not include law enforcement agencies, emergency medical agencies licensed by the Tennessee Emergency Medical Services Board, and rescue squads that do not provide fire protection.
- (11) “Firefighter”:
 - (a) Means a regular or full-time, paid employee of the fire department of a municipality, county, municipal form of government, or other political subdivision of this state and whose duties require the employee to actively engage in fire suppression, rescue services, or other emergency response tasks; and
 - (b) Includes employees whose previous duties required the employee to respond to and be actively engaged in fire suppression, rescue services, or other emergency response tasks.
- (12) “For Cause” means removal from the committee because of personal dishonesty, willful misconduct, any breach of fiduciary duty involving personal profit, intentional failure to perform stated duties, or conviction of a felony.
- (13) “Grant Allocation Committee” means a group of five (5) or more individuals to advise the grant program regarding the allocation of funds.
- (14) “Maximum Medical Improvement” shall have the same meaning as in T.C.A. § 50-6-207(1)(D).
- (15) “Mental Health Professional” means an individual professionally licensed in this state to diagnose and treat post-traumatic stress disorders.
- (16) “Post-Traumatic Stress Disorder” (PTSD) has the same meaning as defined in the most recent publication of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) of the American Psychiatric Association. For the purposes of this chapter, no distinction is made between PTSD and post-traumatic stress injury (PTSI). Treatment for acute stress disorder, once identified, should not be delayed.
- (17) “Program” means the grant program for firefighters diagnosed with Post-Traumatic Stress Disorder.
- (18) “State Fire Marshal” means the commissioner of the Tennessee Department of Commerce and Insurance, or commissioner’s designee.
- (19) “State Fire Marshal’s Office” means the Division of Fire Prevention at the Tennessee Department of Commerce and Insurance.
- (20) “Workers’ Compensation Benefits” for the limited purposes of this chapter includes disability and medical benefits provided under an employer sponsored plan that is exempt from Title 50, Chapter 6, in addition to disability and medical benefits provided under Title 50, Chapter 6.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.02 PURPOSE AND SCOPE.

The department shall establish and administer a grant program to mitigate the costs to an employer of providing workers’ compensation for firefighters diagnosed with PTSD by a mental health professional and shall utilize existing staff to assist in the implementation of the program to provide grant funding from

(Rule 0800-02-34-.02, continued)

whatever funding sources are available to the department. These rules do not modify or change in any way the Workers' Compensation Law in Tennessee Code Annotated, Title 50, Chapter 6.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.03 AWARDS.

- (1) The department shall endeavor to award all funds appropriated to the program each year, and any funds remaining will not revert to the general fund but will remain available for expenditure for the program in subsequent fiscal years.
- (2) The total amount paid on behalf of any eligible employer must not exceed \$100,000 in any one (1) fiscal year (July 1 to June 30) and must not exceed the total sum of \$250,000 per employer for the duration of the program. The total aggregate amount to be paid from the program is limited to the monies available to the program.
- (3) The application for an award shall be made no later than 180 days after a written final order from a court of proper jurisdiction evidencing the conclusion of the disability portion of the claim. The amount awarded to mitigate the cost will be at the sole discretion of the administrator taking into consideration the advice of the grant allocation committee. No payment shall be issued prior to the issuance of a court order concluding the disability portion of the claim.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.04 SEVERABILITY.

If any provision of these rules or the application thereof to any person or circumstance is, for any reason, held to be invalid, the remainder of the rules and the application of the provisions to other persons or circumstances shall not be affected in any respect whatsoever.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.05 TIME LIMITS.

All time limits referenced in these rules may be extended by the administrator unless specifically set by statute.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.06 AVAILABLE GRANTS FOR THE MITIGATION OF COSTS TO AN EMPLOYER OF PROVIDING WORKERS' COMPENSATION BENEFITS FOR FIREFIGHTERS DIAGNOSED WITH PTSD.

- (1) The department may award a grant to mitigate the costs to an employer by making payment directly to an employer or an employer's workers' compensation benefits provider for expenses incurred as a result of the employer's liability for disability and medical benefits due to the statutory presumption. The employer requesting reimbursement must show proper documentation that:
 - (a) Confirms the claim as compensable with a diagnosis of PTSD for an eligible firefighter;

(Rule 0800-02-34-.06, continued)

- (b) Confirms treatment has been provided by a qualified mental health professional; and
 - (c) Confirms the workers' compensation benefits have been paid as a direct result of a qualifying injury.
- (2) The employer shall attest that the injury meets all statutory requirements.
- (3) Employers and firefighters shall cooperate with the application review process by providing requested documentation, information, medical records, billing records, and proper authorizations to release information.
- (4) Employers shall complete the application for an award on forms prescribed by the administrator.
- (5) Application deadlines will be established annually by the administrator based on available funding and will be published on the department's website.
- (6) The applications shall be reviewed in accordance with state law.
- (7) Applications for matching funds to meet local match requirements for federal grants shall include a copy of the award letter of the federal grant.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.07 GRANT ALLOCATION COMMITTEE.

- (1) The administrator shall appoint a committee to assist and advise the administrator regarding the allocation of funds.
- (2) In advising the administrator, the committee members shall consider the statutory requirements for awarding program grants.
- (3) Members of the committee shall serve without compensation but, when engaged in the conduct of their official duties as members of the committee, shall be entitled to reimbursement for travel expenses in accordance with uniform regulations promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter.
- (4) The administrator may conduct periodic committee meetings and shall conduct each meeting in any manner practical for the effective consideration of the applicants, including allowing for telephonic, electronic, or in-person interactions.
- (5) Each member appointed shall serve a term of four (4) years and may be reappointed by the administrator. If a member leaves the position prior to the expiration of the term, the administrator shall appoint an individual meeting the qualifications of this section to serve the unexpired portion of the term. The individual may be reappointed by the administrator upon expiration of the term.
- (6) In making the initial appointments, the administrator shall have the authority to shorten and stagger the terms of the committee members to ensure that the terms of no more than one-half of the committee members shall terminate at the same time.
- (7) The administrator shall have authority to remove a committee member during an unexpired term for the nonperformance of duties or for cause.

(Rule 0800-02-34-.07, continued)

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.08 APPEALS.

- (1) At the request of an affected employer, the administrator or designee may hold an informal conference for the purpose of discussing any issues involving an employer who is denied a grant from the program. If the employer requests the conference, an affected employee and/or their representative will be afforded an opportunity to participate. Counsel may represent any party at such conference.
- (2) An employer who is denied a grant may appeal such decision directly to the administrator. Said appeal must be submitted in writing within fifteen (15) calendar days of the of notice of the denial. The administrator or administrator's designee shall hear the appeal in accordance with the provision of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with Tenn. R. and Regs. 0800-02-13.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.

0800-02-34-.09 REIMBURSEMENT.

Upon knowledge of the employer's or employer's workers' compensation benefits provider's receipt of monies paid by the program, whether by error or fraud, the program shall contact the employer telephonically and via written correspondence to arrange for reimbursement of all monies received by the employer through error, fraud, or refund. In the event the monies are not reimbursed to the program within ninety (90) days of the employer's receipt, the department shall assume the rights of a creditor against the employer and may, at the discretion of the administrator, take action to collect those monies paid by the program.

Authority: T.C.A. § 50-6-111. **Administrative History:** New rules filed December 23, 2024; effective March 23, 2025.