

Insurance Adjuster Certification Program

Purpose:

The purpose of this program is to:

1. set forth the minimum standards of training, experience, and skill that workers' compensation adjusters (including medical-only claims adjusters and adjusters working for medical billing entities, self-insured employers and/or third-party administrators) and medical bill reviewers must possess to perform their duties with regard to Tennessee workers' compensation claims;
2. improve claims handling and the speed in which compensable claims are handled;
3. make the Tennessee Workers' Compensation system more effective;
4. promote professionalism in the industry; and,
5. specify how insurers must meet and certify those standards to the Commissioner of Labor and Workforce Development.

Definitions:

"Adjuster", "Claims Adjuster" or "Medical-only claims adjuster" means a person who is responsible for determining the validity of a workers' compensation claim, for establishing a case reserve, and/or for approving and processing workers' compensation benefits. This person may hire investigators, attorneys or other professionals and may negotiate settlements of claims. This term also means a person who is responsible for the immediate supervision of an adjuster, but does not mean an attorney representing the insurer or a person whose primary function is clerical. This person does not include the medical director or a physician utilized by an insurer for the utilization review process.

"Certified adjuster" means an adjuster who has successfully completed the training requirements as determined by the Division.

"Certified medical bill reviewer" means a medical bill reviewer who has successfully completed the training requirements as determined by the Division.

"Course" means any program of instruction given to satisfy the requirements of the Division.

"Curriculum" means a course of study that satisfies the requirements of the Division. The curriculum must provide sufficient content, including time allocated to each subject area, to enable adjusters and medical bill reviewers to meet minimum standards of training, experience, and skill to perform their duties with regard to workers' compensation claims.

"Division" means the Workers' Compensation Division of the Tennessee Department of Labor and Workforce Development.

"Instructor" means a person who conveys curriculum content to students on behalf of a training entity.

"Medical bill reviewer" means a person who is not a claims adjuster, but rather reviews or adjusts workers' compensation medical bills on behalf of an insurer or other payer in order to apply fee schedules, PPOs, and/or any other discounts and may include employees or agents of the insurer or other payer, as well as employees or agents of a medical billing entity.

"Medical billing entity" means a third party that reviews or adjusts workers' compensation medical bills for insurers.

"Student" means an individual taking a course that is required for that person in order to be a workers' compensation adjuster or medical bill reviewer.

“Training” means a course of instruction provided by a training entity that includes the topics specified by the Division.

“Training Entity” means any person or organization recognized as such by the Division for the purpose of providing the adjuster training required by the Division.

Required Training for Medical Bill Reviewers and Claims Adjusters

An insurer, self-insured employer or third-party administrator may not authorize an individual who has not been trained and designated by the Division to act in the capacity of an adjuster or medical bill reviewer of Tennessee workers’ compensation claims except that an individual who is undergoing training may adjust claims under the direct supervision of an instructor, certified adjuster or certified medical bill reviewer. Every insurer, self-insured employer and third-party administrator shall require all adjusters and medical bill reviewers, and their direct supervisors, who handle Tennessee workers’ compensation claims on the insurer’s behalf to be trained and certified pursuant to these subparagraphs:

- A. Prior to being designated a certified adjuster, students must be licensed by the Tennessee Department of Commerce and Insurance and must complete forty (40) hours of initial training.
 1. The insurer, self-insured employer and third-party administrator shall require its adjusters to be trained by a Training Entity for the certification curriculum with the initial training composed of a minimum of: **to be determined.**
 - a. **13 hours of self-study/Internet instruction**
 - b. **24 hours of class room instruction**
 - c. **3 hours to complete the exam**
 2. All of the required initial training must be completed within a six (6) consecutive-month period, during which time a student may adjust claims under the supervision of an instructor or certified adjuster. No student may adjust claims on behalf of one or more insurer, self-insured employer or third-party administrator for a combined total of more than six (6) months unless such individual has been trained and designated by the Division.
 3. The Training Entity shall give a final examination based on the initial training to all adjuster trainees.
 - a. No trainee can take the examination unless that person has properly made application to become certified, has paid all appropriate fees and tuition, and completed all required course work.
 - b. Trainees must achieve a passing score, as determined by the Division, on this examination to become a certified adjuster.
 - c. No trainee can take the examination more than three times in any calendar year. There will be no additional cost for taking the examination the second time. However, any trainee wishing to take the examination a third time must re-take all required training courses and must pay all required fees, including tuition, prior to taking the third examination.
 - d. There must be a minimum of thirty (30) calendar days between attempts to pass the examination.
- B. Prior to being designated a re-certified adjuster a certified adjuster must complete a minimum of 10 hours of post-designation training.
 1. Post-designation training must be completed with the Training Entity before December 31st of the year following any certification or re-certification.
 2. Failure of a certified adjuster to fulfill the requirements for post-designation training shall result in that person being no longer considered a certified

adjuster. That person shall not be authorized to handle Tennessee workers' compensation claims until the requisite number of hours of post-designation training is completed and may be subject to additional penalties set forth below.

3. A certified adjuster shall not be required to be re-trained and re-designated in order to adjust claims for a different insurer, self-insured employer or third-party administrator during the period of time in which their personal certification remains current and valid.
- C. Prior to being designated a certified medical bill reviewer, every medical bill reviewer must complete a minimum of 10 hours of initial training and shall complete a minimum of 10 hours of post-designation training every year.
1. The insurer, self-insured employer and third-party administrator shall require its medical bill reviewers to be trained by a Training Entity for the certification curriculum.
 2. All of the required initial training must be completed within a six (6) consecutive-month period, during which time a student may adjust claims under the supervision of an instructor or medical bill reviewer. No student may adjust claims on behalf of one or more insurer, self-insured employer or third-party administrator for a combined total of more than six (6) months unless such individual has been trained and designated by the Division.
 3. The Training Entity shall give a final examination based on the initial training to all medical bill reviewer trainees.
 - e. No trainee can take the examination unless that person has properly made application to become certified, has paid all appropriate fees and tuition, and completed all required course work.
 - f. Trainees must achieve a passing score, as determined by the Division, on this examination to become a certified adjuster.
 - g. No trainee can take the examination more than three times in any calendar year. There will be no additional cost for taking the examination the second time. However, any trainee wishing to take the examination a third time must re-take all required training courses and must pay all required fees, including tuition.
 4. There must be a minimum of thirty (30) calendar days between attempts to pass the examination.
 5. Failure of a medical bill reviewer to fulfill the requirements for training shall result in that person being no longer considered a certified medical bill reviewer. That person shall not be authorized to handle Tennessee workers' compensation claims until the requisite number of hours of post-designation training is completed and may be subject to additional penalties set forth below.
 6. A certified medical bill reviewer shall not be required to be re-trained and re-designated in order to adjust claims for a different insurer, payer or medical billing entity during the period of time in which their personal certification remains current and valid.

Certification Numbers

All adjusters and medical bill reviewers adjusting Tennessee workers' compensation claims must apply to the Training Entity for a provisional Certification Number within thirty (30) days of the effective date of this program or of the day they first begin adjusting these claims, whichever is later. The Training Entity shall issue a "provisional" Designation Number to any person applying for such. The assignment of this Provisional Designation Number is to allow time for the adjusters or medical bill reviewers to apply for

and complete the training and examination required to obtain Certification and the Certification Number. Provisional Designation Numbers shall be valid for a period of six (6) months only.

All adjusters and medical bill reviewers shall be assigned a Certification Number upon successful completion of the training and examination. The Division shall keep a record of these Certification Numbers and shall verify Certification of adjusters upon request.

Certification Numbers shall be personal to and remain with any adjuster or medical bill reviewer should they change employment. Adjusters and medical bill reviewers shall provide their personal Certification Number on all claims forms filed with the Division. Failure to provide their personal Certification Number on all such forms may result in a monetary civil penalty.

Civil Penalties

Failure by an insurer, self-insured employer, third-party administrator, medical billing entity, adjuster or medical bill reviewer to comply with any requirement of the Division, including but not limited to (a) providing the adjuster's and/or medical bill reviewer's valid personal provisional or permanent Certification Number on all forms filed with the Division; and/or, (b) insurers allowing an adjuster or medical bill reviewer other than one validly designated "certified" to adjust a Tennessee workers' compensation claim, shall subject such party to a penalty of not less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00) per violation, at the discretion of the Commissioner. The burden of proof shall be on the insurer, self-insured employer, third-party administrator, medical billing entity, adjuster and/or medical bill reviewer to prove, by a preponderance of the evidence, that the insurer, self-insured employer, third-party administrator, medical billing entity, adjuster, and/or medical bill reviewer is not in violation of this program.

Regarding the curriculum:

The subject matter of the certification program must meet the approval of the Department and must contain the elements listed below:

- Historical overview of workers' compensation
- Overview of the Tennessee Workers' Compensation Division
 - Relationship to Department of Labor and Workforce Development
 - Benefit Review
 - Administrative Review
 - Penalty Program
 - Advisory Council
- Overview of the Tennessee Workers' Compensation Act
 - notice requirements
 - adjuster duties when an injury is reported
 - time frame for accepting/denying claim
 - good faith
 - claims forms filing requirements/EDI
 - exclusive remedy
- The workers' compensation insurance policy
 - insurance principles of compensation
 - medical evidence
 - diagnosis
 - prognosis
 - IMEs
 - contested claims
 - investigations
 - documentation
 - types of evidence

- surveillance
 - compensability
 - employee/non-employee
 - out-of-state injuries/jurisdiction
 - COE/AOE
 - covered injuries
 - occupational diseases
 - reserves/estimates
 - denying a claim
 - willful misconduct
 - intoxication
 - failure to use safety equipment
 - statute of limitations
 - fraud
- billing codes
- benefits provisions
 - temporary disability
 - permanent disability and issues concerning impairment ratings
 - death benefits
- return to work and vocational rehab
- cumulative trauma and gradually occurring injuries
- Medical terminology and abbreviations
 - medical reports
 - medical specialties
 - common occupational injuries and diseases
 - common medical tests
- Controlling Costs
 - Choice of Physician Form C-41
 - Medical Fee Schedule
 - Medical Care and Cost Containment Committee
 - Case Management
 - Utilization Review
 - Drug Free Workplace Program
- Settlement negotiations
 - Medical Impairment Rating (MIR) Registry
- Second Injury Fund
- Ethical Issues
- Licensing requirements
 - Denials of license
 - Expirations
 - Renewals
 - Revocations

Required Reference Materials

Reference materials used in providing the training must include:

- The Tennessee Workers' Compensation Act
- All Rules of the Division
- All forms posted on the Division's website
- Any required Employer Posting