

IN THE SUPREME COURT OF TENNESSEE
SPECIAL WORKERS' COMPENSATION APPEALS PANEL
AT KNOXVILLE
August 6, 2018 Session

**RITA FAYE HURST v. CLAIBORNE COUNTY HOSPITAL AND
NURSING HOME ET AL.**

**Appeal from the Chancery Court for Claiborne County
No. 13,393 Elizabeth C. Asbury, Chancellor**

FILED

OCT 24 2018

Clerk of the Appellate Courts
Rec'd By _____

No. E2017-01598-SC-R3-WC – Mailed September 20, 2018

An employee sued for workers' compensation benefits alleging two distinct injuries on different dates: physical injuries sustained in a work-related motor vehicle collision in 2001 and mental injuries from an incident involving a severely abused infant in 2000. The employee settled her mental injury claim. The trial court's judgment approving the settlement included future medical benefits for the employee's mental injuries, but none for physical injuries related to the collision. Nine years later, the employee filed a motion to compel medical benefits for her physical injuries related to the collision. The trial court, in an order referencing this case (#13,393) and a later-filed case (#15,665), ordered the employer to provide medical benefits for the employee's physical injuries. In a separate order, the trial court awarded the employee her attorney fees and costs. We vacate the trial court's orders, finding that the trial court did not have subject matter jurisdiction to compel medical benefits for the employee's physical injuries.

**Tenn. Code Ann. § 50-6-225(e)(1) (applicable to injuries occurring
before July 1, 2014) Appeal as of Right;
Judgment of the Claiborne County Chancery Court Vacated**

SHARON G. LEE, J., delivered the opinion of the Court, in which WILLIAM B. ACREE, SR.J., and DON R. ASH, SR.J., joined.

Gregory H. Fuller and Todd I. Heird, Knoxville, Tennessee, for the appellant, Claiborne County Hospital and Nursing Home.

Ameesh A. Kherani, Knoxville, Tennessee, for the appellee, Rita Faye Hurst.

OPINION

I.

On January 7, 2001, Rita Faye Hurst, a paramedic working for Claiborne County Hospital and Nursing Home (the “Hospital”), was injured when the ambulance in which she was riding was involved in a collision. In July 2001, Hurst filed a complaint against the Hospital and its insurance carrier in the Claiborne County Chancery Court (the “trial court”), seeking workers’ compensation benefits for the physical and emotional injuries she sustained in the collision. She amended her complaint to add the State of Tennessee Second Injury Fund as a defendant. The amended complaint also alleged a separate work-related injury on October 16, 2000, when Hurst encountered a severely abused infant that caused her to suffer emotional distress and depression.

Hurst and the Hospital settled the case. On November 20, 2006, the trial court approved the settlement agreement, under which Hurst received 100% permanent disability (400 weeks of benefits) for her mental injuries and reasonable and necessary future medical benefits provided by Dr. Vijay Jethanandani relating to mental injuries from the October 2000 incident. The judgment approving the settlement neither referenced the January 2001 collision nor awarded Hurst any benefits for physical injuries related to the collision. The judgment stated that it was a “full and final compromise settlement of any and all claims of [Hurst] against the Defendants for workers’ compensation of any kind or nature, other than payment of medical bills as set forth above.” Hurst voluntarily dismissed her claim against the Second Injury Fund for any injuries arising out of the January 2001 collision.

On November 22, 2006, two days after entry of the trial court’s judgment in this case (#13,393), Hurst filed a new case (#15,665) against the Hospital, its insurance carrier, and the Second Injury Fund, alleging work-related physical injuries arising out of the January 2001 collision. In 2009, the trial court dismissed the case with prejudice, under the terms of a settlement approved by the Tennessee Department of Labor and Workforce Development (the “Department”).

On November 23, 2015, Hurst moved to compel payment of medical benefits and for an award of attorney fees in this case. She alleged that the Hospital had refused to furnish medical treatment recommended by Dr. Edward Workman for injuries to her back and left shoulder related to the January 2001 collision. The Hospital opposed the motion, asserting that the trial court lacked subject matter jurisdiction to compel medical treatment because the trial court’s judgment awarded Hurst future medical benefits only for mental injuries related to the October 2000 incident. As to Hurst’s injuries from the collision, the Hospital filed a copy of the settlement agreement entered into by the parties

and approved by the Department in April 2009. Under this agreement, Hurst received permanent partial disability benefits and future medical expenses directly related to the injuries from the collision and for treatment provided by Dr. Workman. The agreement noted that there was a pending action, case #15,665, filed by Hurst against the Hospital, its carrier, and the Second Injury Fund in the trial court, which Hurst would dismiss with prejudice. Hurst later dismissed the case.

On December 27, 2016, the trial court granted Hurst's motion to compel medical treatment by Dr. Workman for her physical injuries from the 2001 collision. The order referenced this case (#13,393) and her other case (#15,665) and noted that the trial court, on its own motion, was granting leave to amend the pleadings "to otherwise plead in both case numbers 13,393 and 15,665." Later, in a separate order, the trial court awarded Hurst her attorney fees and costs.

The Hospital appeals, arguing that the trial court lacked subject matter jurisdiction to award Hurst medical benefits for her January 2001 physical injuries because the trial court's previous judgment provided only for future medical benefits related to her October 2000 mental injuries. The Hospital also contends that Hurst filed no civil action in the trial court to enforce the settlement approved by the Department. Hurst counters that the trial court had subject matter jurisdiction over her 2001 collision-related injuries because she alleged physical injuries arising from the collision, both in this case (#13,393) and in her other case (#15,665). Hurst also asserts that the trial court had jurisdiction because a specialist with the Department "in fact signed an Approval of Workers' Compensation Settlement Agreement."

The appeal has been referred to the Special Workers' Compensation Appeals Panel for a hearing and a report of findings of fact and conclusions of law pursuant to Tennessee Supreme Court Rule 51. We consolidated this case with the Hospital's appeal of the trial court's decision in case #15,665 for oral argument. This opinion is released simultaneously with our opinion in *Rita Faye Hurst v. Claiborne County Hospital and Nursing Home, et al.*, No. E2017-01745-SC-R3-WC, 2018 WL _____ (Tenn. Workers' Comp. Panel _____, 2018).

II.

Here, the issue is whether the trial court had subject matter jurisdiction to compel medical benefits for Hurst's physical injuries related to the January 2001 collision, when there is no underlying trial court order awarding her future medical benefits for her physical injuries and only a Department-approved settlement associated with a separate civil action that Hurst dismissed.

Subject matter jurisdiction involves a court's lawful authority to decide a controversy brought before it. *Chapman v. DaVita, Inc.*, 380 S.W.3d 710, 712 (Tenn. 2012). Subject matter jurisdiction is conferred by statute or the Tennessee Constitution; parties cannot confer it by appearance, plea, consent, silence, or waiver. *In re Estate of Trigg*, 368 S.W.3d 483, 489 (Tenn. 2012). Any order entered by a court lacking jurisdiction over the subject matter is void. *Id.* Whether a trial court has subject matter jurisdiction is a question of law that is reviewed de novo with no presumption of correctness. *Furlough v. Spherion Atl. Workforce, LLC*, 397 S.W.3d 114, 122 (Tenn. 2013). When subject matter jurisdiction is at issue, the burden is on the plaintiff to establish that the court has jurisdiction to adjudicate the claim. *Redwing v. Catholic Bishop for Diocese of Memphis*, 363 S.W.3d 436, 445 (Tenn. 2012).

This case has an unusual procedural posture. The trial court compelled the Hospital to provide medical benefits for physical injuries that the trial court had not previously ordered the Hospital to provide. At the time of Hurst's injury, Tennessee Code Annotated section 50-6-204(b)(2) (1999)¹ permitted a trial court to compel medical benefits and award attorney fees when an employer failed to furnish the employee with appropriate medical treatment "provided for pursuant to a settlement or judgment under this chapter." See *Kennedy v. Lakeway Auto Sales, Inc.*, No. E2010-02422-WC-R3-WC, 2011 WL 10857724, at *5 (Tenn. Workers' Comp. Panel Aug. 30, 2011) (affirming trial court's grant of employee's motion to compel medical treatment as agreed in original settlement and for attorney fees); *Crummy v. Rural/Metro Corp. of Tenn.*, No. E2009-00430-WC-R3-WC, 2010 WL 3168658, at *1 (Tenn. Workers' Comp. Panel Aug. 11, 2010) (affirming, in part, employee's motion to compel medical benefits under previous judgment).

Yet the Hospital did not fail to furnish appropriate medical treatment "provided for pursuant to a settlement or judgment under this chapter." The only medical benefits the Hospital was required to provide by settlement or judgment were for Hurst's mental injuries—not her physical injuries. That said, Hurst argues she alleged in her complaint physical injuries arising from the collision. But an allegation of an injury does not constitute a "settlement or judgment." The settlement approved by the trial court awarded Hurst no medical benefits for her physical injuries, only her mental injuries.

Hurst next claims that she is entitled to future medical benefits under a 2009 settlement agreement approved by the Department. The problem with this argument is that the Department-approved settlement in her other case (#15,665) was never approved by the trial court. At the time of Hurst's accident in 2001, the Workers' Compensation

¹ Effective July 1, 2014, the Legislature deleted section 50-6-204(b)(2) in its entirety. 2013 Tenn. Pub. Acts, ch. 289, § 40.

Law provided no mechanism to enforce a Department-approved settlement agreement not approved by the trial court. *See generally* Tenn. Code Ann. § 50-6-206(c) (1999).² The Department-approved settlement was neither filed with nor approved by the trial court and thus never became a judgment of the trial court.

In sum, the trial court had no basis for compelling the Hospital to provide medical benefits that the trial court had not previously ordered or awarded. The only medical benefits the trial court had awarded Hurst were for treatment of her mental injuries arising from the October 2000 incident; the trial court had awarded no benefits for her physical injuries related to the 2001 collision. The medical benefits Hurst sought in her motion to compel were provided for in a 2009 Department-approved settlement agreement. Hurst did not seek court approval of that settlement in the case she had pending at the time of the settlement. Rather, she dismissed the case (#15,665) with prejudice. Hurst argues for a liberal construction of the Workers' Compensation Law,³ but we cannot overlook the trial court's lack of subject matter jurisdiction to order medical treatment under these facts.

III.

The trial court lacked subject matter jurisdiction to compel medical benefits for Hurst's physical injuries. We, therefore, vacate the trial court's orders awarding medical benefits and attorney fees. The costs of this appeal are taxed to Rita Faye Hurst, for which execution may issue if necessary.

SHARON G. LEE, JUSTICE

² The statute allowed a Department-approved settlement to be *appealed* under the Uniform Administrative Procedures Act, Tenn. Code Ann. § 50-6-206(c)(2), but did not provide for an enforcement mechanism.

³ At the time of Hurst's injury, Tennessee Code Annotated section 50-6-116 required an "equitable" construction of the workers' compensation statutes. Tenn. Code Ann. § 50-6-116 (1999). Effective July 1, 2014, this section was amended to provide that the statutes "shall not be remedially or liberally construed but shall be construed fairly, impartially, and in accordance with basic principles of statutory construction." § 50-6-116 (2014).

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**Chancery Court for Claiborne County
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JUDGMENT ORDER

This case is before the Court upon the entire record, including the order of referral to the Special Workers' Compensation Appeals Panel, and the Panel's Memorandum Opinion setting forth its findings of fact and conclusions of law, which are incorporated herein by reference.

Whereupon, it appears to the Court that the Memorandum Opinion of the Panel should be accepted and approved; and

It is, therefore, ordered that the Panel's findings of fact and conclusions of law are adopted and affirmed, and the decision of the Panel is made the judgment of the Court.

Costs are assessed to Rita Faye Hurst, for which execution may issue if necessary.

It is so ORDERED.

PER CURIAM