

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. 15,665 Elizabeth C. Asbury, Chancellor**



**No. E2017-01745-SC-R3-WC – Mailed September 20, 2018**

An employee filed suit for workers' compensation benefits for injuries sustained in a work-related motor vehicle collision. The trial court later dismissed the case with full prejudice based on a settlement approved by the Tennessee Department of Labor and Workforce Development (the "Department"). Over seven years later, the employee filed a motion in another workers' compensation case to compel medical benefits for her injuries related to the collision. The trial court granted the employee's motion to compel, referencing in its order this case number (#15,665) and the case number in which the motion was filed (#13,393). 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. On November 22, 2006, Hurst filed a complaint against the Hospital, its insurance carrier, and the State of Tennessee Second Injury Fund, in the Claiborne County Chancery Court (the “trial court”), case number 15,665, seeking workers’ compensation benefits for physical and emotional injuries arising out of the ambulance collision. The complaint noted that it was filed within one year of a previous voluntary dismissal of the same claim. The parties settled the case. In April 2009, the trial court dismissed the case with full prejudice based on a settlement agreement approved by the Department, but the agreement was neither attached to the order nor approved by the trial court.

Over six years later, in November 2015, Hurst filed a motion to compel payment of medical benefits for her physical injuries related to the January 2001 collision in *another separate* case that had been previously filed and dismissed in the trial court, case number 13,393. Hurst had filed this separate case in July 2001 against the Hospital and its insurance carrier for workers’ compensation benefits for the physical injuries related to the January 2001 collision and for mental injuries arising from a work-related incident on October 16, 2000, when Hurst encountered a severely abused infant. She later amended her suit to add the Second Injury Fund as a defendant. Hurst, the Hospital, and its insurance carrier settled the October 2000 mental injuries claim. In November 2006, the trial court approved the settlement agreement, which awarded Hurst 100% permanent disability (400 weeks of benefits) to her mental faculties and reasonable and necessary future medical benefits relating to the October 2000 incident. The settlement agreement awarded Hurst no medical benefits for injuries arising out of the January 2001 collision and was a “full and final compromise settlement of any and all claims of [Hurst] against the Defendants for workers’ compensation benefits of any kind or nature, other than payment of medical bills as set forth above.” The trial court confirmed the settlement agreement and made it a judgment of the court. Hurst nonsuited her claim against the Second Injury Fund for any injuries related to the January 2001 collision.

On December 27, 2016, the trial court, in an order that referenced case numbers 13,393 *and* 15,665, granted Hurst’s motion for medical benefits for injuries arising out of the January 2001 collision. The order stated 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.” The trial court did not specify which pleading Hurst could amend. Hurst did not file a motion to amend or amended pleadings in either case. In a later order, the trial court awarded Hurst her attorney fees and costs.

The Hospital appeals, arguing that the trial court did not have subject matter jurisdiction to award Hurst medical benefits for her January 2001 physical injuries because the trial court had dismissed the case based on the settlement approved by the Department and Hurst did not file a motion to compel medical treatment under that settlement. Hurst counters that the trial court had subject matter jurisdiction over her physical injuries arising out of the January 2001 collision because the trial court's order of dismissal incorporated the Department-approved settlement and because she alleged physical injuries arising from the collision both in this case (#15,665) and in her other case (#13,393). She also contends that the trial court's order allowing amendment of the pleadings is supported by the remedial and equitable construction afforded to the Workers' Compensation Law.

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 number 13,393 for oral argument. This opinion is being released simultaneously with our opinion in *Rita Faye Hurst v. Claiborne County Hospital and Nursing Home et al.*, No. E2017-01598-SC-R3-WC, 2018 WL \_\_\_\_\_ (Tenn. Workers' Comp. Panel \_\_\_\_\_, 2018).

## II.

The primary 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, based on a motion to compel filed in another case, when the trial court had entered no previous order awarding benefits, and the only medical benefits to which Hurst was entitled were those under the Department-approved settlement agreement.

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 demonstrate 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).

Suffice it to say, this case has an unusual procedural posture. First, Hurst relies on the motion to compel she filed—not in this case—but in another workers' compensation case. The trial court attempted to merge the two cases by entering an order under both

cases (#13,393 and #15,665), and by granting leave to amend the pleadings. Yet, the trial court's order did not specify what Hurst was granted leave to amend, Hurst never amended her pleadings, and she never filed a motion to compel in this case.

That procedural problem aside, there simply is no court order requiring the Hospital to provide future medical benefits to Hurst for her injuries from the collision. At the time of Hurst's injury, Tennessee Code Annotated section 50-6-204(b)(2) (1999)<sup>1</sup> 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).

The only adjudicatory order in this case is an order of compromise and dismissal, which provides that the parties have settled all issues in controversy through the Department, the terms of which required dismissal of the case. The order also states that the "judgment" of the Department of Labor is incorporated therein by reference; however, this "judgment" was neither attached to the order nor approved by the trial court. A court-approved settlement "shall be reduced to writing," and the approving judge has the duty "to examine the same to determine whether the employee is receiving, substantially, the benefits provided by the Workers' Compensation Law . . . [and] may call and examine witnesses" to that end. Tenn. Code Ann. § 50-6-206(a) (1999); see also *Furlough*, 397 S.W.3d at 130 (discussing substantive safeguards applicable to settlements approved by both trial courts and the Department of Labor). No such approval process was present here.

Between the parties, a Department-approved settlement is entitled to the same standing as a judgment entered by a court of record. Tenn. Code Ann. § 50-6-206(c)(2) (1999). But at the time of Hurst's injury in 2001, the Workers' Compensation 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).<sup>2</sup> The Department-approved settlement that provided Hurst with medical benefits was neither

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

<sup>2</sup> 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.

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 requiring the Hospital to provide benefits. There is no judgment or court-approved settlement providing for future medical benefits related to Hurst's physical injuries of January 2001. Although the Department-approved settlement provides Hurst with future medical benefits for her January 2001 injuries, she did not seek court approval of that settlement in the case pending before the trial court at the time of the settlement, case number 15,665. Rather, she dismissed the case with prejudice, as agreed under the settlement. The trial court awarded Hurst medical benefits in *another* case (#13,393), but these benefits were only for her October 2000 mental injuries—not her January 2001 physical injuries. Hurst argues for a liberal construction of the Workers' Compensation Law,<sup>3</sup> but we cannot overlook the trial court's lack of subject matter jurisdiction to order medical benefits 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.

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SHARON G. LEE, JUSTICE

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<sup>3</sup> 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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**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