

The Commission Quarterly

Fall 2010



Vol. 1 Issue 2

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Our Mission

Provide an equitable and timely system of benefits to injured workers and to employers in the most responsive, accurate, and reliable manner possible.

•Commissioners•

T. Scott Beck Interim Chairman
Susan S. Barden, Vice Chairman
David W. Huffstetler
G. Bryan Lyndon
Andrea C. Roche
Avery B. Wilkerson
Derrick L. Williams

Executive Director
Gary M. Cannon

**South Carolina
Workers' Compensation
Commission**

1333 Main Street • Suite 500
Columbia • South Carolina 29201
803•737•5700
www.wcc.sc.gov

Commission Annual Report FY 2009-10

The South Carolina Workers' Compensation Commission is pleased to provide the annual report of its activities and accomplishments for the Fiscal Year ending June 30, 2010. Through the efforts of the Commission's 54 employees we were able to operate within an annual budget of \$5.2 million, create an Internal Portal (eCase) to provide real-time access to case status, electronic service of hearing notices and Commissioners' Decisions and Orders, process 58,753 claims, conduct 3,549 informal conferences, docket 10,912 cases for hearings by a commissioner, and conduct 347 appellate hearings by the Full Commission.

Premiums paid into the Workers' Compensation system totaled \$930.3 million, of which \$296 million was for medical expenses and \$528.2 million was for compensation or indemnity.

The Commission continued to control the cost to the system by adopting a new Medical Services Provider Manual (physician fee schedule) on July 1, 2010.

To see the entire report click [here](#) .

Legislative Audit Council Report

The Legislative Audit Council issued its report, *A Review of the South Carolina Workers' Compensation Commission*, in November. The audit identified six compliance and administrative issues: untimely deposit of checks, Public Affairs Ombudsman duties, identifying uninsured employers, referral of claimants to Vocational Rehabilitation, Informal Conference process, and contested case files. To review a complete copy of the report and the Commissions' comments, click below.

[Commission Comments on the Legislative Audit Council Report](#)

[Legislative Audit Council Report Summary](#)

[Legislative Audit Report](#)

Ambulatory Surgery Centers

In the case SC Ambulatory Surgery Center Association, et. al. v. SC Workers' Compensation Commission, the Supreme Court filed an opinion September 7, 2010 affirming in part and reversing in part the decision of the Circuit Court. The Supreme Court affirmed the Circuit Court's findings that the Surgery Centers did not establish a right to a "contested case" hearing under the Administrative Procedures Act (APA) and did not have the requisite property interest under the state's constitutional protections. The Supreme Court also reversed the Circuit Court's decision that the Commission was required to promulgate a new regulation in order to change the fee payment schedule.

On October 6, 2010, the South Carolina Supreme Court issued an Order to deny a Petition for Rehearing on Ambulatory Surgery Centers, et. al. v. South Carolina Workers' Compensation Commission. As a result of this Order, the maximum allowable payments (MAP) to ambulatory surgery centers for services provided are to be calculated using the Commission's Hospital and Ambulatory Surgery Center Payment Manual. Payments will be calculated using the current Medicare payment rate plus 40%. Medicare payment rates may be obtained from Center for Medicare/Medicaid Services' website, www.cms.gov/ASCPayment plus 40%.

For further information, contact Al McCutcheon, Director of Insurance and Medical Services, amcutcheon@wcc.sc.gov, or 803.737.5718.

2010 Medical Services Provider Manual

The 2010 Medical Services Provider Manual is now available for purchase. The 2010 edition is a complete revision to the fee schedule with new maximum allowable payments based on 2010 CPT® coding. The 2010 edition provides the most up-to-date information on the billing and payment for medical services, including the adoption of the National Correct Coding Initiative and updated requirements concerning the release of medical information. For information on purchasing the manual, please visit www.wcc.sc.gov.



Commissioner Beck Elected Interim Chairman

At the Business Meeting on June 21, the SC Workers' Compensation Commission elected Commissioner T. Scott Beck as Interim Chairman effective July 1, 2010. The Commission took action authorized under Section 42-3-20 of the SC Code of Laws. The chairman is appointed by the Governor with the advice and consent of the Senate. In the event the Governor does not appoint another chairman at the expiration of the two-year term, the statute calls for a majority of the Commission to elect from among its members an interim chairman. The interim chairman shall serve until the Governor appoints another chairman. Chairman Beck's current term on the Commission began July 1, 2008 and runs through June 30, 2014. Chairman Beck replaces Commissioner Andrea C. Roche, whose two-year term as Chairman expired on June 30, 2010.

Commission Receives Safety Program Award

The Commission was awarded the Best Fleet Safety Program Award for FY 2010 to a Small Agency by the Southeast Government Fleet Managers Association at their annual meeting in Charleston on October 19, 2010. The award is given to agencies with fleet automobiles driven over 150,000 miles in a year without an accident.

INFORMAL CONFERENCES

§42-9-390 and Regulations 67-804 and 67-1301

During Fiscal Year 2009-2010 the South Carolina Workers' Compensation Commission conducted 3,349 Informal Conferences. The Informal Conference is an opportunity to resolve pending matters between the Claimant and the Employer/Carrier before the matter is referred for a Single Commissioner for hearing. It may be requested by the Employer/Carrier or by the Claimant. A conference should not be requested by the Employer/Carrier until the Claimant has been released by the treating physician with an impairment rating and all proper medical reports and Commission forms have been prepared.

The Employer/Carrier's representative is responsible for providing the proper documentation at the conference for the Commission or the Claims Mediator to review. The proper documentation includes: the Form 20, the Form 14B, if applicable, and the narrative reports of the treating physician. The claimant's medical records of the treating physician are important to properly assess the extent of the claimant's injury and agree upon a settlement between the parties. Changes in the Workers' Compensation statutes in 2007 necessitated the creation of the Form 14B for the purpose of considering the impairment rating given by the physician and the need for future medical care and treatment.

It is important to the Informal Conference process that all required reports and forms provided to the claims mediator by the employer/carrier's representative are legible. The Commission frequently receives scanned, faxed, and email documents. Each time a document is electronically scanned or copied the information is a little less legible. Illegible documents may cause the Commissioner or Claims Mediator to postpone the conference until legible documents are provided.

A third party administrator (TPA) representing the Employer/Carrier must provide the claimant's complete medical record and required documents. The proper documentation includes: The Form 20, the Form 14B, if applicable, and the narrative reports of the treating physician to the Commission prior to or at the conference.

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Carrier Email Address Requirement

On January 13, 2010, new Workers' Compensation regulations were approved and went into effect upon publication in the *State Register* on February 26, 2010. Regulations 67-401A, B, C, and G require carriers to provide their mailing address, telephone number, and an email address for their Underwriting, Claims, and Home offices. Failure to provide an email address will result in the assessment of a fine of up to \$200.

Email address will be used to transmit hearing notices, informal conference notices, as well as other relevant communications. We suggest, when possible, that a permanent email address be provided that will not change with changes in personnel.

On November 1, 2010 the South Carolina Workers' Compensation Commission began serving all Informal Conference Notices electronically in addition to the US Postal Service. Electronic notices are being sent to the email address of the authorized recipient in claims matters pursuant to R.67-210 and R.67-401.

Effective December 1, 2010, all notices and written correspondence will be sent exclusively via email.

Authorized recipients are requested to ensure their representatives attending the Informal Conferences are notified of the date, time, and place of the Informal Conference, and the Commissioner or Claims Mediator is provided all information related to the scheduled case pursuant to R.67-804.

If you would like to verify the email address for your company in our database, contact us by email:

Attorneys: webspeedatty@wcc.sc.gov

Carriers: coverageemail@wcc.sc.gov

eCase Update

November marks the anniversary of the first implementation of eCase Status. This web portal allows real-time access to information for SC Workers' Compensation cases. The public portal allows searches of cases on appeal before the Commission. The Registered user side allows attorneys and insurance carriers to get information for claims they are handling electronically, such as scheduling information and current status data.

Enhancements to the portal were introduced in July which allows users to see the sequence of events taking place on the claim, as well as more detail on scheduled actions such as detailed location information for hearings and conferences.

The Commission hosted a focus group meeting for Third Party Administrators of Claims on October 28. Attendees represented 7 TPA companies. This meeting showcased a solution which would allow adjusters to register on eCase and link to individual claims. Feedback from attendees was most helpful. As a result, the Commission hopes to implement this feature in December 2010.

A second focus group meeting was held for attorneys and paralegals on November 19. The 23 attendees represented defense and claimant attorney firms of varying sizes. An eCase enhancement called "Attorney Add" was demonstrated. This feature is designed to allow registered attorneys to report their representation on a case to the Commission electronically. The Attorney Add Feature holds tremendous potential in improving efficiency for the Commission. Implementation of this enhancement is planned in December 2010 as well.

The eCase Status Portal now has over 1,000 registered users using the search feature close to 5,000 times per month. The Commission is proud of the progress we have made over the past year in delivering status information through eCase, and look forward to the efficiencies to be gained by future enhancements.

Continued...Informal Conferences

In order to make this process successful, the Commission recommends the following:

To request an Informal Conference employers'/carriers' representative should ensure:

- the Claimant has been released by the treating physician,
- all medical records have been obtained,
- the Form 14B has been obtained (if applicable),
- the Form 20 is completed,
- the Claimant's current mailing address has been verified,
- the Informal Conference process has been discussed with the claimant,
- all required information has been transmitted to the TPA.

The Commission Quarterly is produced in electronic format by the South Carolina Workers' Compensation Commission.

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Kim Ballentine:

kballentine@wcc.sc.gov