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THE SAF SOURCE

FALL 2003

SC State Accident Fund's Quarterly Workers' Compensation News and Information Resource

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STATE DOCUMENTS

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Staff Changes at the SAF

By Vicki Lewter

We regret to announce that Sandra Reep has resigned from her position as Administrative Coordinator for the State Accident Fund. We appreciate her many contributions over the past three years and wish her well.

Please join us in welcoming Shameeka Wilson to the State Accident Fund. On September 17, 2003 Shameeka started her new position as an Administrative Assistant on the Records Management Team. Shameeka previously worked as a temporary employee and we are very happy to have her back!



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THE SAF SOURCE

SC State Accident Fund's Quarterly Workers' Compensation News and Information Resource

SC Supreme Court Ruling Will Impact Claim Handling

By Robert McCulloch and Sonji Spann

On June 9, 2003, the South Carolina Supreme Court handed down a ruling on the case of Brown v. Bi-Lo that has affected all workers' compensation insurance carriers' ability to communicate and discuss with doctors and their staff such issues as treatment plans, Maximum Medical Improvement, and impairment ratings.

In Brown v. Bi-Lo, the employee was injured and the employer provided medical care. Brown moved to Pennsylvania before the claim concluded and the employer hired a rehabilitation nurse to coordinate her treatment. Brown's attorney wrote to the nurse and the physicians and said that the nurse was not allowed to speak with the physicians without Brown's attorney being present. The insurance carrier requested a hearing. The Workers' Compensation Commission, the Circuit Court, and the South Carolina Court of Appeals all agreed that Brown's attorney could not stop communications between the rehab nurse and the physicians.

The case went to the South Carolina Supreme Court which ruled communication between the employer (and insurers) and physicians was not authorized under the Workers' Compensation Act unless the claimant gave permission. The only action the employer and insurance carrier can take is make appointments and obtain records that are already in existence. The only way employers and insurance carriers can talk to a doctor without the claimant's permission is through a deposition.

In the past it was not uncommon for insurance adjusters or attorneys for the insurance companies to call and speak with the treating physician regarding a claimant. In addition, it was common practice to write to a physi-

cian and ask questions about Maximum Medical Improvement (MMI), impairment ratings, release to work and other items which could expedite the closure of a workers' compensation claim. That has now changed.

Based on the guidance of several attorneys who are very familiar with workers' compensation and the new decisions, the following changes have been made:

The State Accident Fund now requests a Medical Authorization Release form on all Lost Time and Medical Only claims. If the Fund has a signed Medical Authorization Release, it can continue to write and call treating physicians regarding MMI, clarifications on ratings, medical causation, medical treatment, prescriptions, etc.

Without a signed Medical Authorization Release, the Fund can only schedule appointments and send written requests for existing medical records.

In practical terms this ruling may be a great impediment to effective medical management of claims, and may result in longer periods of lost time and higher indemnity payments. The only real solution is for the legislature to amend the Workers' Compensation Act to specifically allow communications between the employer/insurer and the doctor.

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Welcome New Policyholders!

LOWCOUNTRY REGIONAL EMS
COUNCIL
NORTH CHARLESTON, SC 29405

B&C BOARD-DIV. EXECUTIVE INST.
COLUMBIA, SC 29201

HORRY COUNTY RESCUE SQUAD
CONWAY, SC 29528

WACCAMAW ECONOMIC OPPORTU-
NITY COUNCIL, INC
CONWAY, SC 29528



New Filing Fees

By Gerald Murphy

What are these new charges we are paying the Workers' Compensation Commission?

If a hearing, settlement, or motion was requested on any of your claims since July 1, 2003, you may have noticed a new charge on your "Monthly Employer Accident Report". It is the new \$25 filing fee charged by the Workers' Compensation Commission.

In accordance with Part 1B Section 43.4 of the 2003—2004 General Appropriations Bill, the Workers' Compensation Commission has the authority to collect a \$25.00 filing fee for each requested hearing, settlement, or motion.

The effective date for this new charge was July 1, 2003. Since that date all workers' compensation carriers in the state have been required to include a \$25.00 check with each request for a hearing, informal conference, clincher conference, settlement approval, and motion. Because the charge is a filing fee, when the request is submitted. The time period between the request and the actual hearing may be several months.

The SAF Source is a quarterly newsletter published by the South Carolina State Accident Fund as a vehicle to provide news, technical information and guidance to state/local government policyholders, policymakers and others concerned with the management of workers' compensation programs.

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Starting Our Ninth Year

By Gerald Murphy

FUNDAMENTALS = **THE SAF SOURCE**

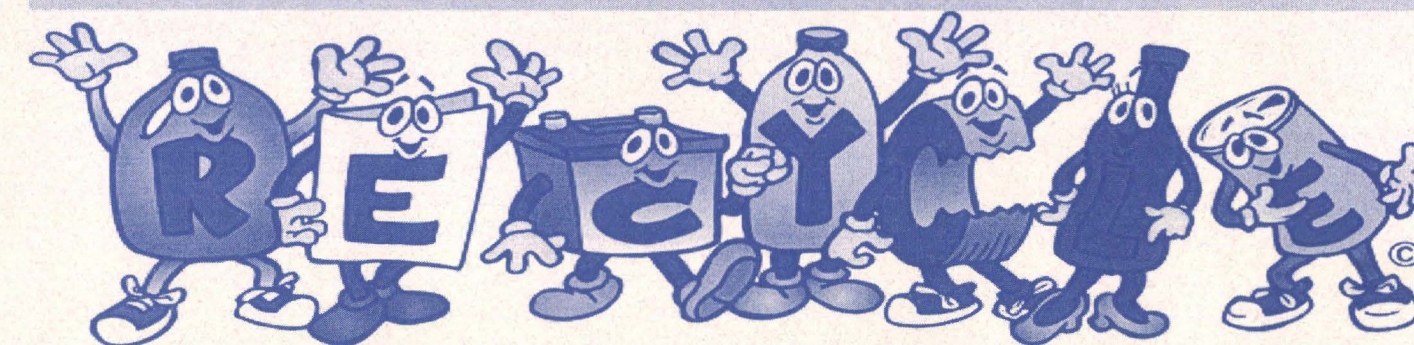
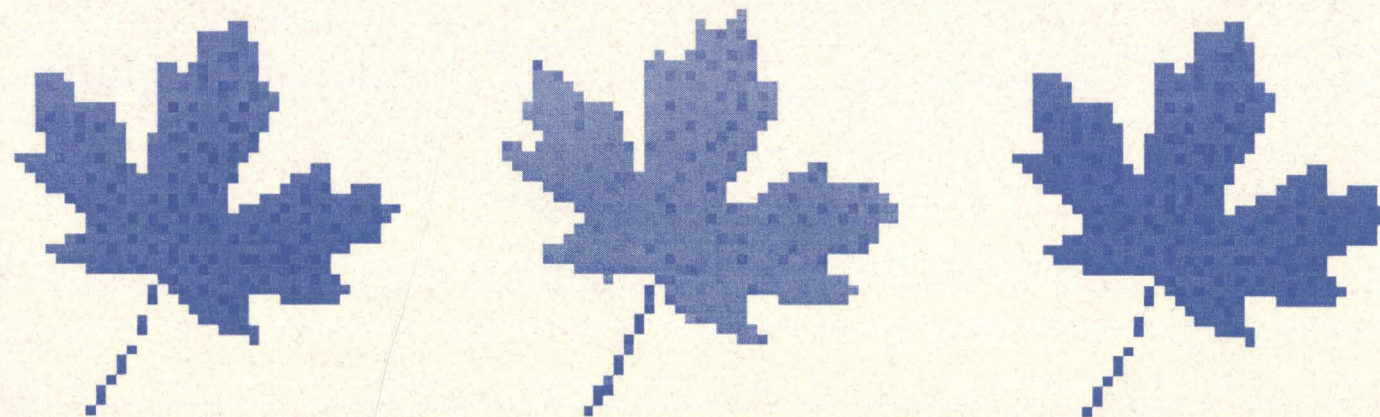
When the State Accident Fund published the agency's first quarterly newsletter, in the Fall of 1995 the newsletter was originally named "**FUNDAMENTALS**".

It was originally designed as a means of communicating with our policyholders. It was used not only to communicate changes to existing requirements, but also to provide information to assist them in managing their organization's workers' compensation program.

During those first few years, we received numerous requests from persons outside of our original target audience, asking that we place them on our mailing list. These individuals represent many different constituencies who affect or are affected by the workers' compensation system.

In the Spring of 1999 the name of the newsletter was changed to "**THE SAF SOURCE**" and its focus was expanded. This name was chosen, because it reflected our new vision for the newsletter. It was to move beyond basics such as how to complete and when to submit a form. The name better reflected our goal of being your **SOURCE** of information on not only the State Accident Fund, but also the workers' compensation system in South Carolina.

As the newsletter begins its ninth year, the agency continues to strive to provide you with information both local and national that may impact you and your workers' compensation program. We hope that you find this information both interesting and useful.



State Accident Fund Implements New Waste Reduction and Recycle Policy

By Vicki Lewter

The State Accident Fund is happy to announce that they have implemented a "Waste Reduction and Recycling" policy. Recycling and waste reduction protect the environment and the health of its people. It also helps achieve costs savings through avoided disposal costs, through the reduction of waste and reuse of reusable items. We have committed to practicing and encouraging recycling and waste reduction efforts within the agency.

Now, you can help us to improve our program by adopting waste reduction efforts when working with the State Accident Fund. Waste reduction efforts include not sending duplicate documents and using e-mail as much as possible. Also, you may eliminate the need for a cover sheet when using our individual computer fax numbers. The faxes are sent directly to the employee, instead of a shared fax machine. Attached is a list of e-mail and fax numbers of our employees that work directly with our policyholders. For additional employee e-mail and fax numbers, please send your request to vlewter@saf.state.sc.us or call me, Vicki Lewter, at 1-800-521-6576.

Please help us make our program a success. We look forward to saving money together!!

