

State of South Carolina

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Workers' Compensation Commission

September 13, 2010

SC Supreme Court rules in favor of Workers' Compensation Commission

In the case, SC Ambulatory Surgery Center Association, et. al. v. SC Workers' Compensation Commission the SC 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. The Commission is waiting on the remittitur from the Supreme Court to notify the Ambulatory Surgery Centers of the compliance date with the Commission's Hospital Outpatient Fee Schedule.

For further information regarding this release, contact Gary M. Cannon, Executive Director, gcannon@wcc.sc.gov or (803) 737-5744.