

A G E N D A

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

1333 Main Street, 5th Floor
Columbia, South Carolina 29201

October 17, 2016 – 10:30 a.m.

Commission Hearing Room A

This meeting agenda was posted prior to the meeting and proper advance notice was made to all concerned parties in compliance with requirements in the Freedom of Information Act.

- | | |
|--|----------------------|
| 1. CALL TO ORDER | <i>CHAIRMAN BECK</i> |
| 2. APPROVAL OF AGENDA OF BUSINESS MEETING OF OCTOBER 17, 2016 | <i>CHAIRMAN BECK</i> |
| 3. APPROVAL OF MINUTES OF THE BUSINESS MEETING OF SEPTEMBER 19, 2016 (Tab 1) | <i>CHAIRMAN BECK</i> |
| 4. GENERAL ANNOUNCEMENTS | <i>MR. CANNON</i> |
| 5. APPLICATIONS FOR APPROVAL TO SELF-INSURE (Tab 2) | <i>MR. SMITH</i> |
| 6. DEPARTMENT DIRECTORS' REPORTS | |
| Human Resources (Tab 3) | <i>MR. CANNON</i> |
| Information Services (Tab 4) | <i>MS. SPRANG</i> |
| Insurance and Medical Services (Tab 5) | <i>MR. DUCOTE</i> |
| Claims (Tab 6) | <i>MS. SPANN</i> |
| Judicial (Tab 7) | <i>MS. BRACY</i> |
| 7. EXECUTIVE DIRECTOR'S REPORT (Tab 8) | <i>MR. CANNON</i> |
| Administration – Financial Report (Tab 9) | <i>Mr. Cannon</i> |
| 8. OLD BUSINESS | <i>CHAIRMAN BECK</i> |
| A. Approve Language of Proposed Regulations (Tab 10) | <i>Mr. Roberts</i> |
| 9. NEW BUSINESS | <i>CHAIRMAN BECK</i> |
| 10. ADJOURNMENT | <i>CHAIRMAN BECK</i> |

Table of Contents

1	Approval of Minutes of the Business Meeting of September 19, 2016
2	Self-Insurance
3	Human Resources
4	Information Services
5	Insurance and Medical Services
6	Claims
7	Judicial
8	Executive Director's Report
9	Summary of Revenues and Expenditures
10	Approve Language of Proposed Regulations

THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
BUSINESS MEETING
September 19, 2016

A Business Meeting of the South Carolina Workers' Compensation Commission was held in Hearing Room A of the Workers' Compensation Commission on Monday, September 19, 2016, at 10:30 a.m. The meeting agenda was posted prior to the meeting and proper advance notice was made to all concerned parties in compliance with requirements in the Freedom of Information Act. The following Commissioners were present:

T. SCOTT BECK, CHAIRMAN
SUSAN S. BARDEN, VICE CHAIR
R. MICHAEL CAMPBELL, II, COMMISSIONER
MELODY L. JAMES, COMMISSIONER
GENE MCCASKILL, COMMISSIONER
AISHA TAYLOR, COMMISSIONER
AVERY B. WILKERSON, JR., COMMISSIONER

Present also were: Gary Cannon, Executive Director; Amy Bracy, Judicial Director; Wayne Ducote, Insurance and Medical Services Director; Alicia Osborne, Human Resources Manager; Keith Roberts, Attorney; W.C. Smith, Self-Insurance Director; and Sonji Spann, Claims Director; Sandee Sprang, IT Director; and Jordan Weeg, Attorney. Also present were Bonnie Anzelmo, Injured Workers' Advocates; and Amy Quinn, NCCI.

Chairman Beck called the meeting to order at 10:41 a.m.

AGENDA

Commissioner Barden moved that the agenda be approved. Commissioner McCaskill seconded the motion, and the motion was approved.

APPROVAL OF MINUTES – BUSINESS MEETING OF AUGUST 15, 2016

Commissioner Barden moved that the minutes of the Business Meeting of August 15, 2016 be approved. Commissioner James seconded the motion, and the motion was approved.

GENERAL ANNOUNCEMENTS

There were no general announcements.

APPLICATIONS FOR APPROVAL TO SELF-INSURE

Self-insurance applications were presented by W.C. Smith, Self-Insurance Director. Twenty-two (22) prospective members of four (4) funds were presented to the Commission for approval. The applications were:

Palmetto Timber Fund
JWS Logging Inc.
LE&R Enterprises
Meadow Farms Timber

SC Automobile Dealers Association SIF

JT'S Kia of Rock Hill

SC Home Builders SIF

Acme Construction, LLC
Brand New Painting
Charleston Limewash, LLC
Clipping Grounds Lawn care Services
Custom Design Homes, Inc.
Done Right Services, Inc.
Emerald Residential Group, LLC
Greenbrier Landscapes
James Hucks Jr.
Kimfel Construction Company, LLC
Rylin Construction
Metal Builders, Inc.
Oconee Home Improvements
LMD Restoration
South Central Painting, LLC
Three Brother's Stucco, LLC
Wofford Welding

SC McDonalds Operators SIF

R&J Investments of Eden, LLC

After examination of the applications, it was determined that each complied with the Commission's requirements and each was recommended for approval. Commissioner Wilkerson made the motion to approve the applications to self-insure, and Commissioner Taylor seconded the motion. The motion was unanimously approved.

DEPARTMENT DIRECTORS' REPORTS

The Department Directors presented their reports which were also submitted to the Commission in written form.

Human Resources Department

Alicia Osborne presented the Human Resources report for the period of August 11 through September 14, 2016. Ms. Osborne reported that Friday, September 23, is a tentative completion date for the office renovations. The renovations to the lobby area will begin following completion of the office renovations.

Ms. Osborne introduced Ms. Jordan Weeg. Ms. Weeg began her employment with the Commission today filling the new Attorney I position.

Ms. Osborne announced flu shots will be available to employees enrolled in the State Health Plan on Tuesday, September 20, from 2 – 4 p.m.

Chairman Beck asked about the status of posting position vacancies in the IT Department. Ms. Osborne said the Business Analyst I position will be posted today as well as a reposting of the Business Analyst III position.

Information Technology Department

Sandee Sprang presented the Information Services Department's report. Ms. Sprang said the IT Department worked with EDI trading partners to research and resolve EDI transaction data errors. A new TPA, Associated Claims Administrators, Inc., was added to the system and will begin submitting EDI transactions once the testing is complete. Aerie EDI Group was added as a new trading partner.

Ms. Sprang reported IT completed minor modifications to reports used to obtain data for the Annual Report and Accountability Report.

Ms. Sprang reported that 63 individuals submitted applications for the HelpDesk position. She is conducting telephone interviews with 16 of the applicants for the first round interview process. Recruiting has begun for the Business Analyst III and Business Analyst I positions.

Commissioner Taylor and Commissioner Barden commended the IT department for their very efficient and helpful assistance with technology issues.

Insurance and Medical Services Department

Wayne Ducote presented the Insurance and Medical Services Department's report. Mr. Ducote pointed out the following highlights from the report:

- Year to date, the Compliance Division has compelled 38 employers to come into compliance with the Act. Approximately 353 previously uninsured workers are now properly covered.
- In August the Compliance Division collected \$47,712 in fines and penalties.
- In August the Coverage Division received 2,275 claim files and collected \$16,750 in fine revenue.
- The Self-Insurance Division collected \$327,396 in self-insurance tax.
- The 2016 Medical Services Provider (MSPM) is available online through Optum.

Chairman Beck commented on the current trends in Coverage and Compliance. Mr. Ducote explained the shuffling in job duties with recent vacancies, new employees, and cross training has affected productivity.

Commissioner Taylor asked about the status of the pharmaceutical payment disputes involving the State Accident Fund. Mr. Ducote explained that the Medical Services Division is responding accordingly.

Claims Department

Sonji Spann presented the Claims Department's report. Ms. Spann reported the following for the month of August 2016:

- Closed 2,684 individual case files
- Received \$38,600 in fine revenue
- Claims examiners reviewed 3,027 individual case files
- 270 fines assessed
- 243 Form 18 fines assessed
- 13,021 forms processed
- 1,147 Form 18s processed through SROI
- 2,051 Form 18s received via Email
- 1,531 Forms received via USPS
- 838 Form 61s received
- 773 Form 61s approved
- 30 Third Party Settlements received

- 17 Third Party Settlements approved

Ms. Spann reported the Claims Department reviewed 427 Legacy Form 18s (files prior to 2007). Of those reviewed, 258 files were closed, and the other files are either current or have JARs. Judicial is reviewing the files with JARs.

Judicial Department

Amy Bracy presented the Judicial Department's report. She reported the following for the month of August 2016:

Judicial Department

- 1,037 requests for Hearings
- 120 Motions
- 148 Clincher Conference requests sent to Jurisdictional Commissioners

Commissioners

- 68 Single Commissioner Hearings conducted
- 16 Full Commission Hearings conducted
- 536 Orders served at single Commissioner level; 66 of those were Decision and Orders that resulted from hearings that went on record; 115 of those were Motion Orders ruled upon by Commissioners

Informal Conference

- 239 informal conferences conducted

Mediation

- 82 regulatory mediations scheduled
- 29 requested mediations
- 59 matters resolved in mediation with the receipt of Forms 70

Ms. Bracy reported that she visited the two new venues in the Walterboro area. One of the courtrooms at the Spartanburg Courthouse is currently not available as there is a mold issue. The City of Spartanburg has been able to assist and provide hearing venues as needed.

EXECUTIVE DIRECTOR'S REPORT

Gary Cannon, Executive Director, presented his report which was also submitted to the Commission in written form. He pointed out the following highlights from the report:

FY2015-16 Accountability Report

The FY2015-16 Accountability Report was submitted to the Department of Administration on September 15, 2016. The report is posted on the Commission's website.

Minority Business enterprise (MBE) Utilization Plan for FY2016-17

The Agency's FY2016-17 MBE Utilization Plan was submitted to the Office of Small & Minority Business Contracting and Certification (OSMBCC) on September 12, 2016.

Governor's Prescription Drug Abuse Prevention Council

Mr. Cannon provided an update on the Governor's Prescription Drug Abuse Prevention Council. He referred to the information provided by Lee Dutton, S.C. Department of Alcohol & Other Drug Abuse Services (DAODAS) which was attached to his report. There is an increase from 22% to 85% in the number of prescribers and pharmacists now registered and using the prescription drug tracking program as a result of two major insurance carriers requiring contracted prescribers to use the tracking program.

ADMINISTRATION – FINANCIAL REPORT

Mr. Cannon reported the benchmark for period ending August 31, 2016 is 17%. The Commission's expenditures for the General Appropriations Fund are at 17%; the Earmarked Funds revenue is at 15%; and expenditures by department is 12% of budget.

OLD BUSINESS

A. Approval of Notice of Drafting on Proposed Regulations

Mr. Cannon recognized Keith Roberts, Staff Attorney. Mr. Roberts distributed an updated Notice of Drafting for proposed changes to the Commission's regulation, Chapter 67. He presented a recommendation to approve the language of the Notice of Drafting for the proposed amendments to Chapter 67 for publication in the October 28 issue of the *State Register*.

Motion to Approve Amendments to Notice of Drafting on Proposed Regulations

Commissioner Barden presented a motion to amend the Notice of Drafting as follows:

- Reg. 67-1804 – change the word *clarify* to “clarifies”
- Reg. 67-802 and Reg. 67-804 – change the word *should* to “must”
- Reg. 67-613 – delete the words *of following the “no punt rule”* so that the regulation reads as follows: “The changes eliminate provisions of the regulation that are inconsistent with the Commission's current practice in which postponements are not passed on to the next jurisdictional Commissioner.”
- Under **Notice of Drafting** on page 1, amend the language for the purpose of uniformity and consistency.

Commissioner McCaskill seconded the motion. The vote was taken and the amendments were unanimously approved.

Motion to Approve the Notice of Drafting on Proposed Regulations, Chapter 67

Commissioner Barden moved to approve the language of the Notice of Drafting on Proposed Regulations, Chapter 67, as amended, for publication in the October 28, 2016 issue of the *State Register*. Commissioner Taylor seconded the motion. The vote was taken, and the motion was unanimously approved.

Commissioner Barden commended Mr. Roberts for his good work on the proposed regulations.

NEW BUSINESS

There was no new business.

ADJOURNMENT

Commissioner Barden made the motion to adjourn. Commissioner Campbell seconded the motion, and the motion was approved.

The September 19, 2016 meeting of the South Carolina Workers' Compensation Commission adjourned at 11:07 a.m.

Reported October 17, 2016
Kim Ballentine
Office of the Executive Director

MEMORANDUM

Date: September 14, 2016

TO: Mr. Gary Cannon
Executive Director

FROM: Alicia Osborne
Human Resources

SUBJECT: Human Resources Report Period of September 15 to October 14, 2016

Below is a summary of the Human Resources activity for the period of September 15, 2016 to October 14, 2016

Workers' Compensation

- Ongoing Workers' Compensation Injuries
 - Four open claims (ongoing)

Employee Relations

- Meetings
 - Counseled (7) staff regarding concerns
- Annual Enrollment Meetings – met with all staff
 - Faxed all enrollment forms received to date
- Clarified policies and procedures as needed
- Workforce Changes
 - Separations
 - Alicia Osborne – HR Manager
 - Effective October 14, 2016
 - Staffing Changes
 - Anita East – Commissioner Barden
 - Effective October 4, 2016
 - Kristi Love – Receptionist
 - Effective October 4, 2016
 - Ongoing Recruitment
 - Information Resource Consultant I
 - 63 applicants
 - Final interviews October 14, 2016
 - Applicant final paperwork processing
 - Systems Information / Business Analyst III
 - 19 applicants
 - Currently under review
 - Systems Information / Business Analyst I
 - 20 applicants
 - Interviews beginning
 - Attorney I
 - Jordan Weeg – new hire
 - September 19, 2016

- HR Manager I
 - Posted October 6, 2016
 - 33 applicants
 - Reviews started

Renovations

- Phase 5 – Construction
 - Construction complete
 - Punchlist walkthrough on 10/13
- Phase 5 - Moving
 - Punchlist review started 10/12/16
 - Furniture to be ordered for five staff members
- Continuing to add to the Punchlist for end of renovations clean up

Fiscal Responsibilities

- Processed/Approved 24 Expense reports

Reports

- Ran SCEIS Deductions Not Taken / Arrears report
 - One expected discrepancy – addressed.
- Ran SCEIS Wage Type Report
 - Nothing unusual
- Time Administration
 - Unapproved Leave Report
 - Approved leave for (4) supervisors that requested approval
 - Missing Time Report
 - Notified seven (2) staff members of missing time
 - Monitoring of Hazardous Leave Entries
 - Awaiting direction from DSHR for October 5th – 7th leave entry
- Reviewed/updated reports as requested by the Executive Director
 - FLSA Over time

CBRE

- Notified CBRE of building concerns (3)
 - Air conditioning (2x)
 - Sink (1x)

SCEIS

- Created new temporary position
- Keyed new hire into SCEIS

Miscellaneous

- Meeting(s)
 - (2) Building Renovations
 - HR Advisory – September 28, 2016
 - Training at SCEIS
 - End of Year Time Approvals/Processing

State of South Carolina

1333 Main St, Suite 500
P.O. Box 1715
Columbia, S.C. 29202-1715



Tel: (803) 737-5700
Fax: (803) 737-1258
www.wcc.sc.gov

Workers' Compensation Commission

To: Gary Cannon
SCWCC Executive Director
From: Sandee Sprang, IT Director
Date: October 12, 2016
Subject: IT Department October 2016 Full Commission Report

This report summarizes the activities and accomplishments of departmental projects and initiatives for the IT department during September 2016. The first section, "Systems Operation, Maintenance and Support", details the work related to keeping our current production systems up and running. The second section, "Projects, Enhancements and Development", highlights the activities related to new projects and tasks which bring added functionality to our systems. The last section documents the IT Department's "Training and Meeting" accomplishments.

I. Systems Operations, Maintenance and Support

Virtualization

Duane continues to lead the effort with DTO to upgrade our hardware and software to a virtualized environment. He is presently testing and benchmarking back-end processes in the virtual server environment.

EDI

The IT department worked with EDI trading partners to research and resolve EDI transaction data errors. We have added a new trading partner to our system, Packard Claims Administrators, and they will begin submitting EDI transactions via SFTP once the testing is completed. We continue to work with the IAIABC EDI Claims Workgroup, reviewing and recommending standard changes.

Reporting and Standardization

During September, we completed the bi-annual Governor's Report. We also worked to review and refine the business processes associated with data entry to ensure our reports are as complete and accurate as possible.

Systems Support

Duane researched and corrected multiple Invoice, Payment and Deposit issues.

Desktop Support

Our HelpDesk support calls are being fielded as quickly and efficiently as possible; we appreciate everyone's patience during this understaffed time period. We'll resume tracking metrics for these tasks when this position is filled.

Staffing

The IT department is diligently working to fill the open positions in our area. We are in the process of extending an offer to the candidate selected for the HelpDesk position. We are conducting interviews for the Business Analyst I position. And we are evaluating the skill level of the Business Analyst III applicants to determine whether or not this position needs to be reposted.

II. Projects, Enhancements and Development

eCase

The eCase web portal upgrade is in the testing phase. All internal testing is complete and we are ready to open testing to several external users. We are 90% complete with this project.

Office Renovations

The IT department spent a large portion of time working on the office renovation project assisting with the relocation of equipment and managing the installation of new cable.

Hardware Upgrades

We have several hardware upgrade projects in process:

- 1) With regard to wireless network access points, we have engaged the Cisco Meraki team to provide a heat map which will validate the number and placement of our new access points.
- 2) We are continuing to meet with vendors on the State's VoIP telephone contract to determine which vendor can best meet our needs within our current budget.
- 3) We have gotten the quote back for the new laptop specifications and will proceed with ordering in the near future.
- 4) The printer study project is in the initial phase of evaluation and over the next several months we will be evaluating the use and related cost of current print environment.

Video Conferencing

This project is on our list of priorities and will gain momentum once the time-constrained priorities are completed.

III. Trainings and Meetings

We participated in the monthly IAIABC EDI Standards conference call.

State of South Carolina



Workers' Compensation Commission

To: Mr. Gary Cannon
SCWCC Executive Director

From: Wayne Ducote, Jr.
IMS Director

Date: 12-Oct-16

Subj: Insurance and Medical Services Department
September 2016 Full Commission Report

Please find attached information provided to summarize the status and workflow of initiatives currently underway within the Insurance and Medical Services (IMS) Department.

In addition to the statistical data provided, please be advised of the following:

- | | |
|---------------------|---|
| Compliance Division | <ol style="list-style-type: none">1. Reviewing revenue metrics / projections.2. Working with staff to review workflow processes and additional training opportunities.3. Working on systematic processes to improve the equitability of the compliance fines and penalties assessments. |
| Coverage Division | <ol style="list-style-type: none">1. Working with staff to review workflow processes and explore opportunities to enhance service provision.2. Lapse in Coverage: 125 new registrants; 0 notifications sent. |
| Medical Services | <ol style="list-style-type: none">1. Received 39 additional pharmaceutical payment disputes involving SAF. |

While this summary is in no way all-inclusive, it may serve to assist you and our Commissioners in understanding the key initiatives underway in the IMS Department and provide measures by which the Department's effectiveness can be gauged. IMS welcomes any guidance that you and/or our Commissioners can provide concerning our performance and direction.

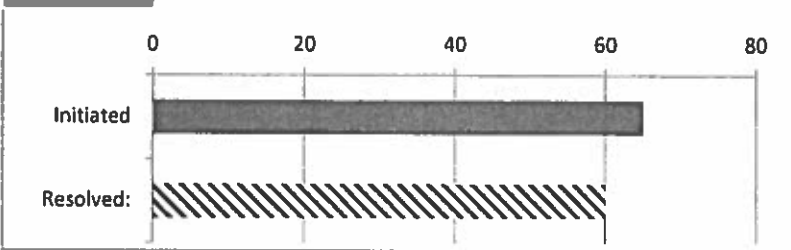
Employers Obtaining Coverage

The Compliance Division works with great diligence to help uninsured employers become compliant with the South Carolina Workers' Compensation Act. Year to date, the Compliance Division has compelled 60 employers in South Carolina to come into compliance with the Act. In so doing, approximately 558 previously uninsured workers are now properly covered.

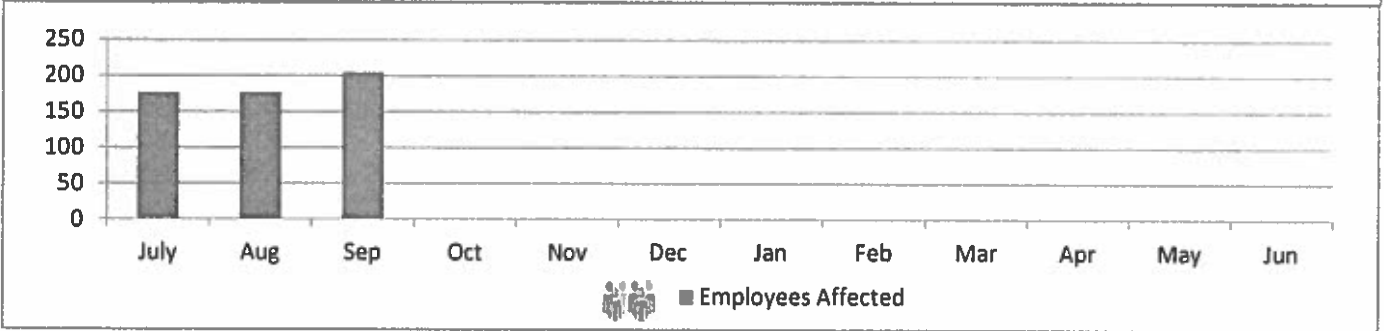
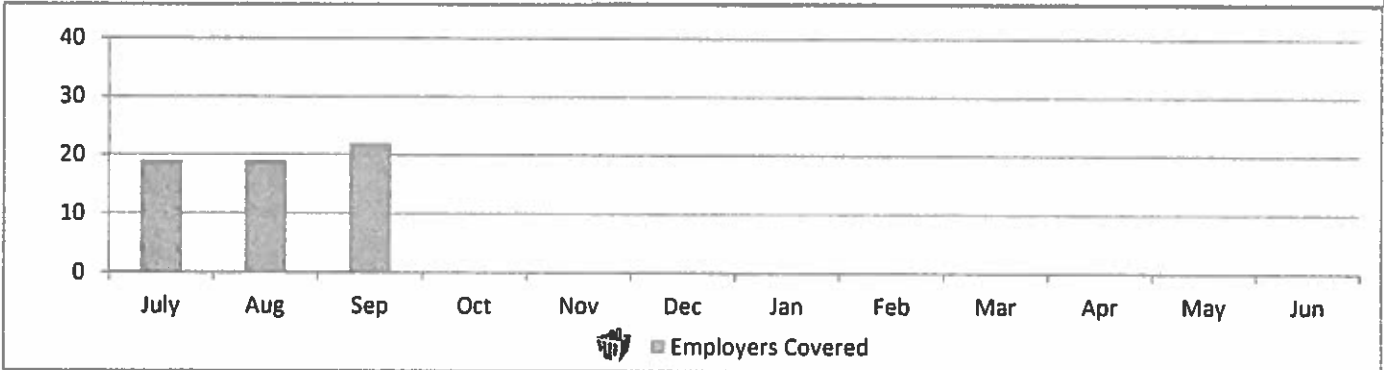
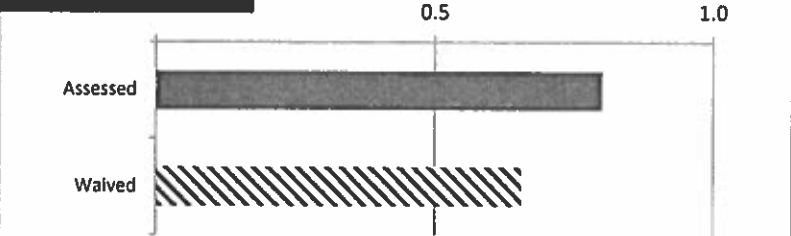
Penalties Waived

Although the Division has assessed \$800k in fines, 82% of those fines (\$655k) have been waived or rescinded as employers have either obtained insurance coverage or were found not to be subject to the Act.

RTSC Cases



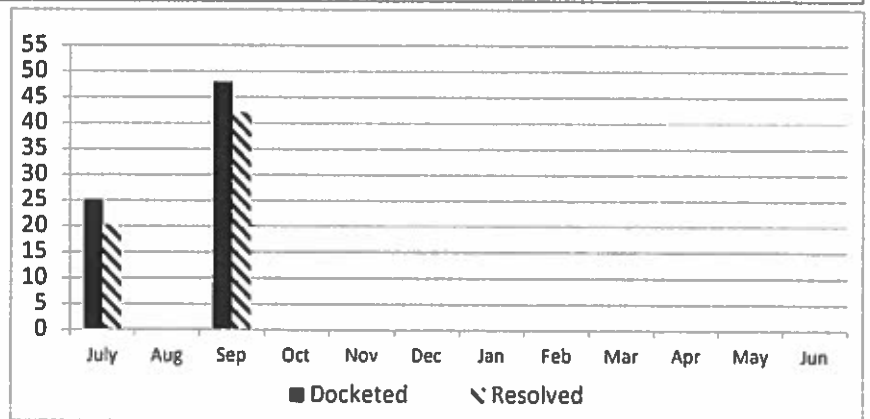
Fines and Penalties



Carrier Rule to Show Cause Hearings

The Compliance Division manages the Rule to Show Cause process involving the recovery of outstanding carrier fines and penalties. In the month of Sept 2016, 48 carrier RTSC cases were docketed; 42 cases were resolved and \$21,969 was recovered.

Year to date, 73 carrier RTSC cases have been docketed, 62 cases have resolved and \$35,588 has been recovered.



Carryover Caseload:

The Compliance Division closed Sept 2016 with 265 cases active, compared to an active caseload of 364 at the close of Sept 2015.

Cases Resolved:

For the month of Sept 2016, Compliance Division staff closed-out 108 cases.

Compliance Fines:

In Sept 2016, the Compliance Division collected \$38,201 in fines and penalties. Year to Date, the Compliance Division has collected \$146,218 in fines.

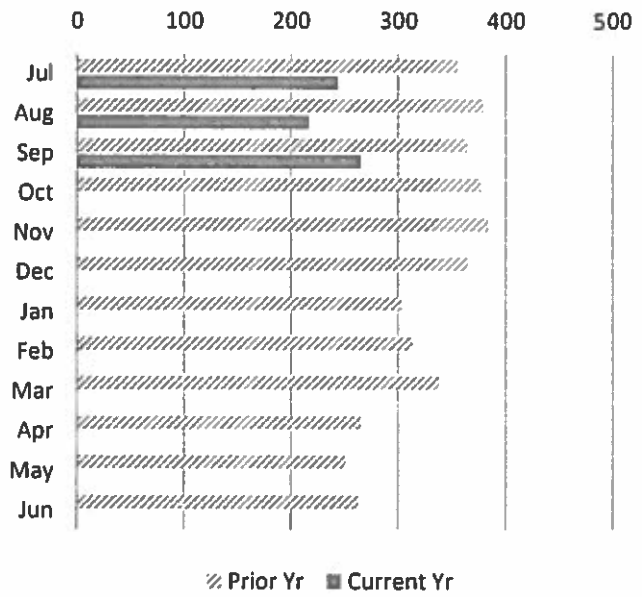
Year to Date vs Prior Year Total (\$902,128): 16%.

Sept 2016 vs. Sept 2015: 41%

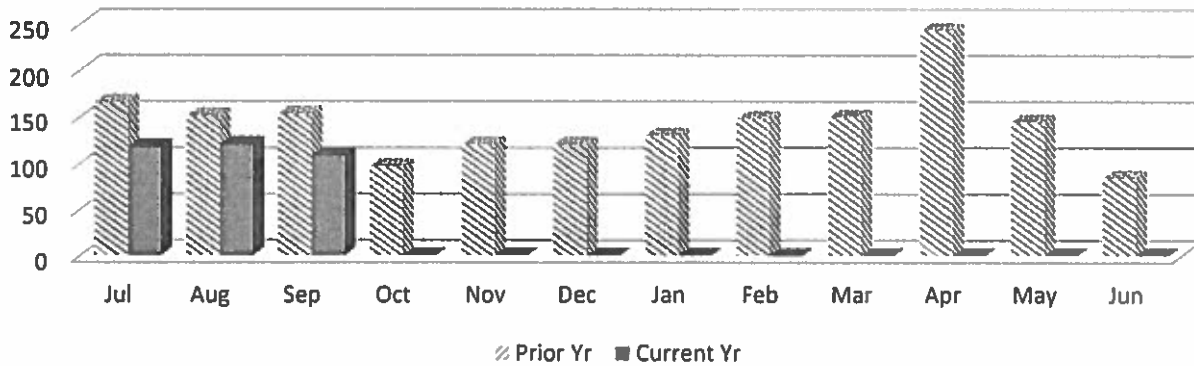
Current Year End trend is 65% of 2015-2016.

YTD 2016-17 (July - July) vs YTD 2015-2016: 46%

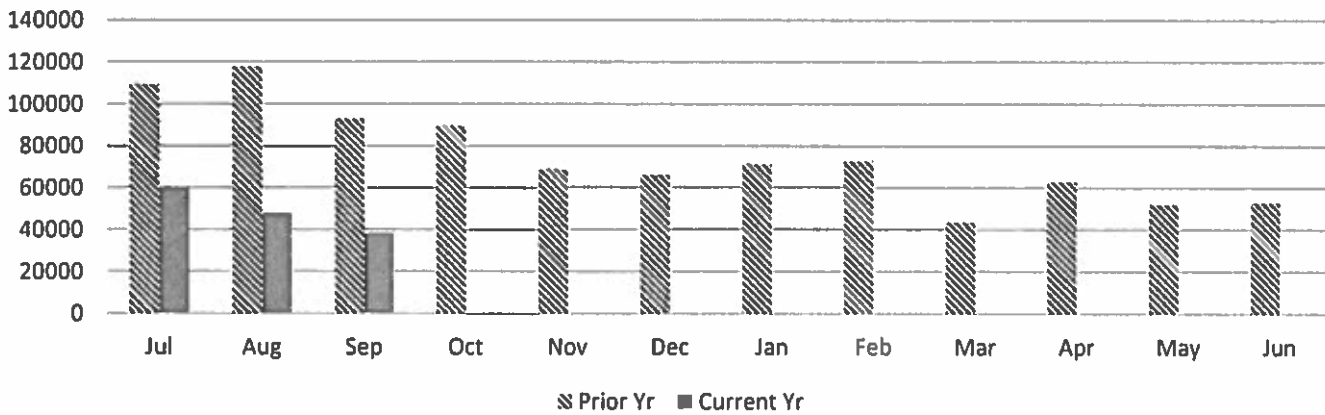
Caseload Pending v. Prior Year



Cases Resolved v. Prior Year



Compliance Fines Collected v. Prior Year

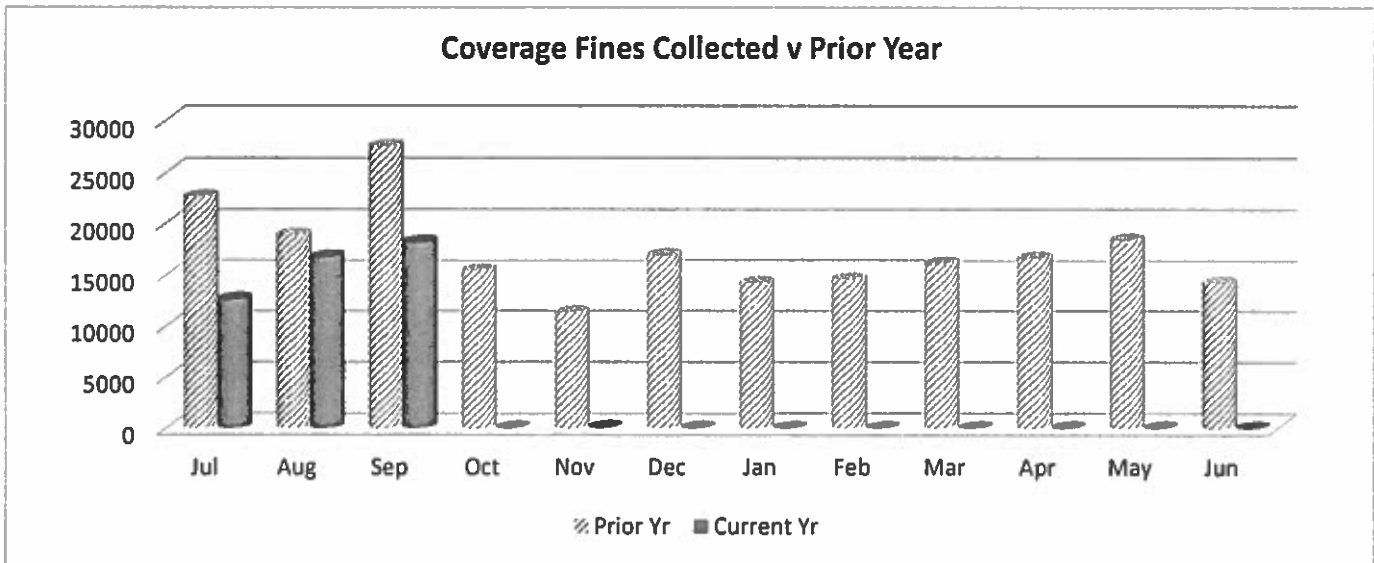
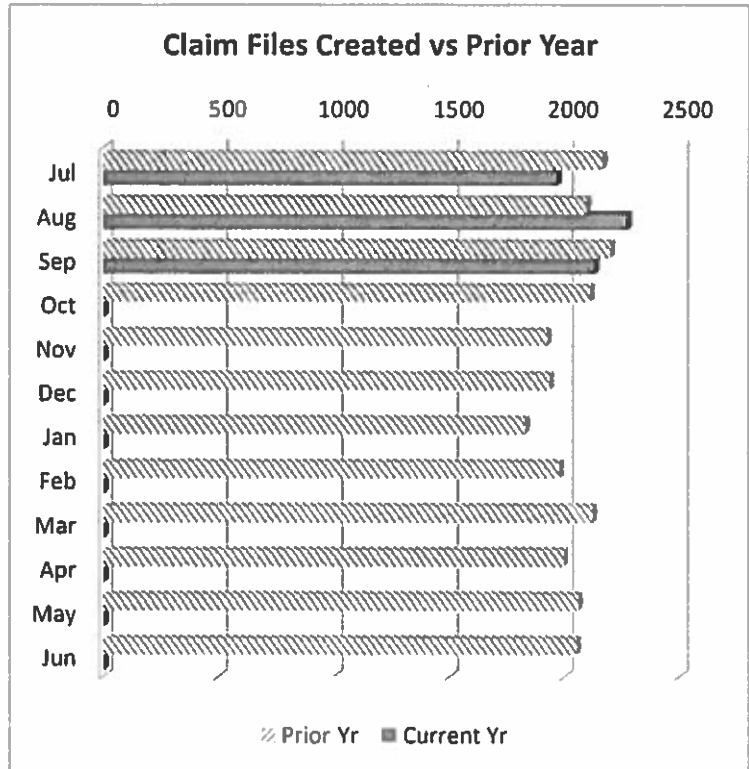


WCC Claim Files:

In Sept 2016, the Coverage Division recieved a total of 2,134 WCC Claim files. Of these, 1,863 were created through proper carrier filing of a 12A, and 271 were generated as a result of a Form 50 claim filing. Year to Date, 6,380 Claim files have been created which is 26% of claim file volume prior year (24,516).

Coverage Fines:

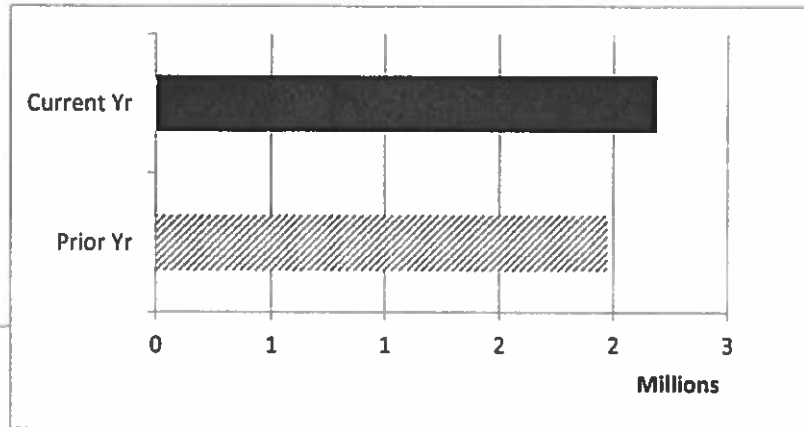
The Coverage Division collected \$18,200 in fine revenue in Sept 2016, as compared to \$27,550 in Coverage fines/penalties accrued during Sept 2015. Year on Year, Coverage fines are at 23% of collections for prior year.



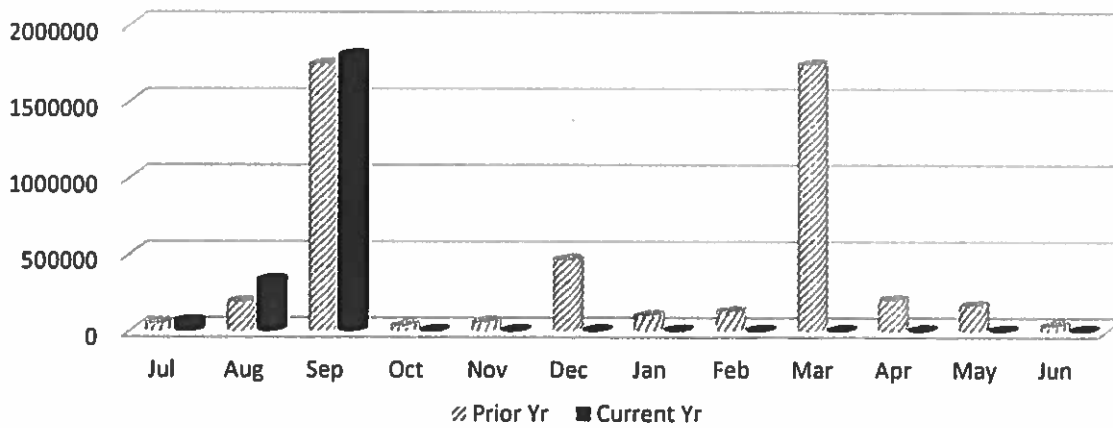
During the month of Sept 2016, the Self Insurance Division:

- * collected \$1,800,649 in self-insurance tax.
- * added 22 new self-insurers.
- * conducted 3 Self Insurance audits.

Year to Date, Self Insurance tax revenue is trending at 111% of prior year and 11 Self Insurance audits have been completed.



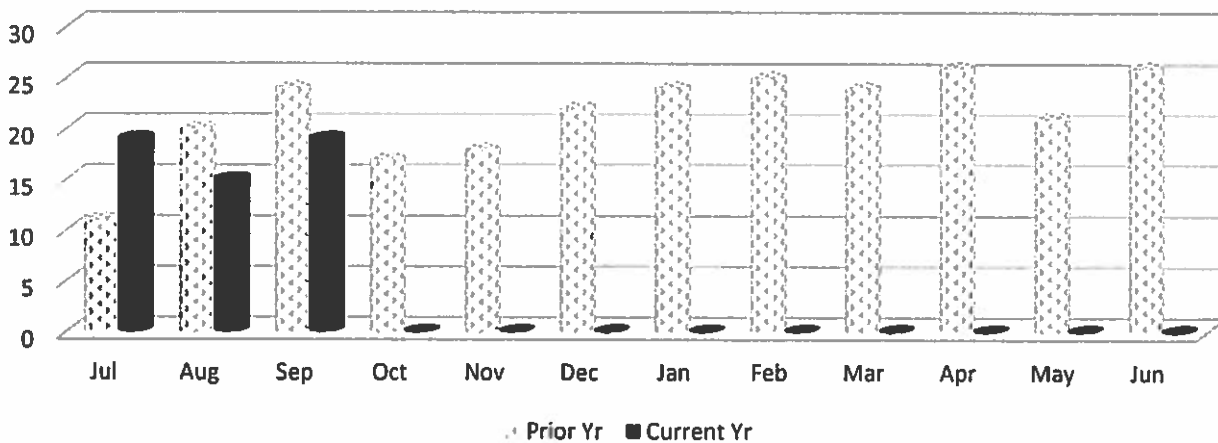
Self Insurance Tax Collections v. Prior Year



IMS MEDICAL SERVICES DIVISION

In Sept 2016, the Medical Services Division began the month with 15 bills pending review, received an additional 19 bills for review, conducted 15 bill reviews and ended the month with 19 bills pending.

Medical Bills Pending Review v. Prior Year



State of South Carolina

1333 Main Street, 5th Floor
P.O. Box 1715
Columbia, S.C. 29202-1715



TEL: (803) 737-5700
www.wcc.sc.gov

Workers' Compensation Commission

MEMORANDUM

To: Gary Cannon, Executive Director
From: Sonji Spann, Claims Director
Date: October 10, 2016
Re: Claims Department –October 2016 Full Commission Report

Please find attached information provided to summarize key workflow benchmarks related to the functions of the Claims Department. In addition to the statistical data provided herein, please note the following information:

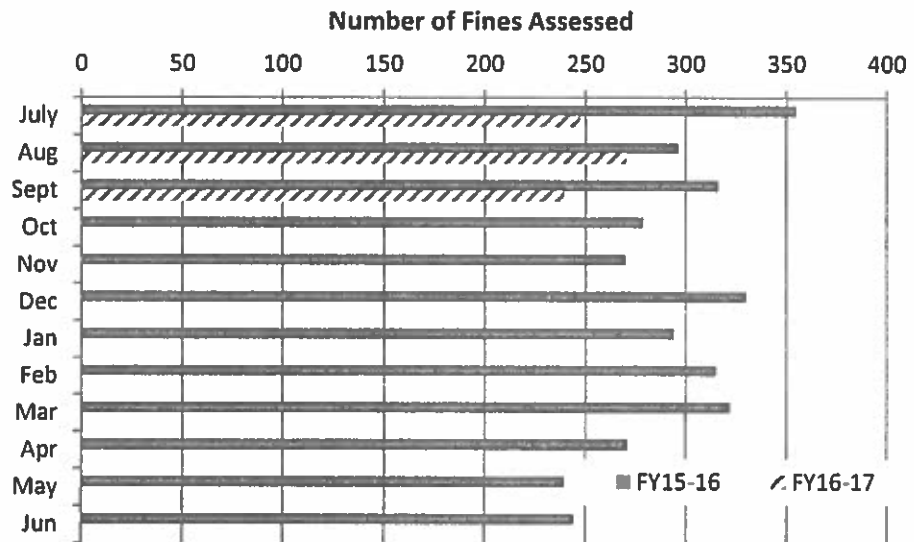
	Sept 2016	Aug 2016	Sept 2015
Individual Case Files Closed	2,330	2,684	2,613
Fine Revenue Collected	\$39,300	\$38,600	\$56,200
# of individual case files reviewed by examiners	3,209	3,027	907
Total Fines	239	270	316
Form 18 Fines	188	243	288
Total Forms Processed	12,014	13,021	13,127
SROI	1,070	1,147	582
Email 18's	1,944	2,051	1,976
USPS	1,715	1,531	2,413
Form 61's Rec'd	838	838	
Form 61's Approved	736	773	
TPY Settlements Rec'd	41	30	
TPY Settlements Approved	43		

- Claims continue to review files for compliance and closure
- Claims continue to educate the stakeholders
- Examiners reviewed Carrier Code 00143 – 1400 files

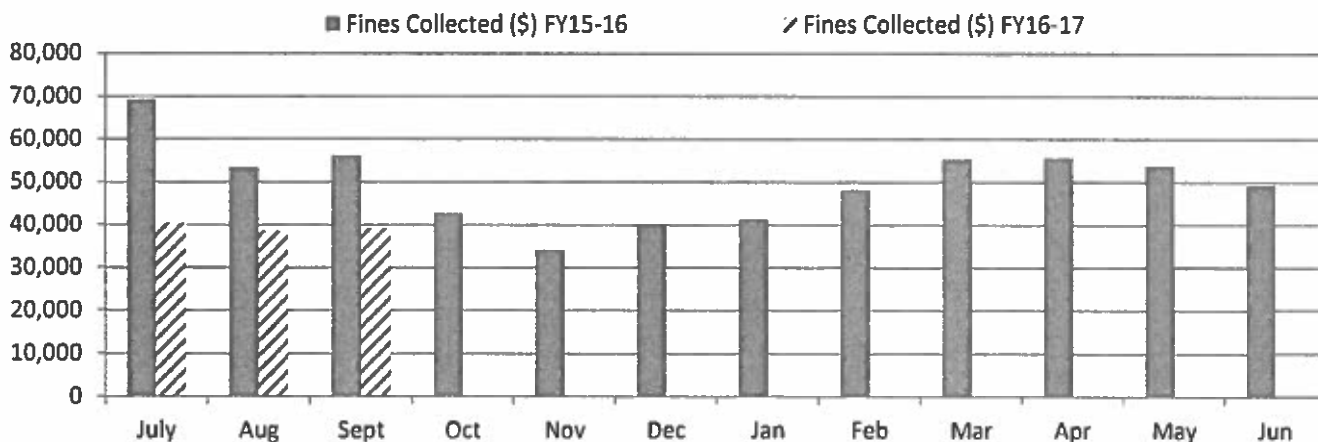
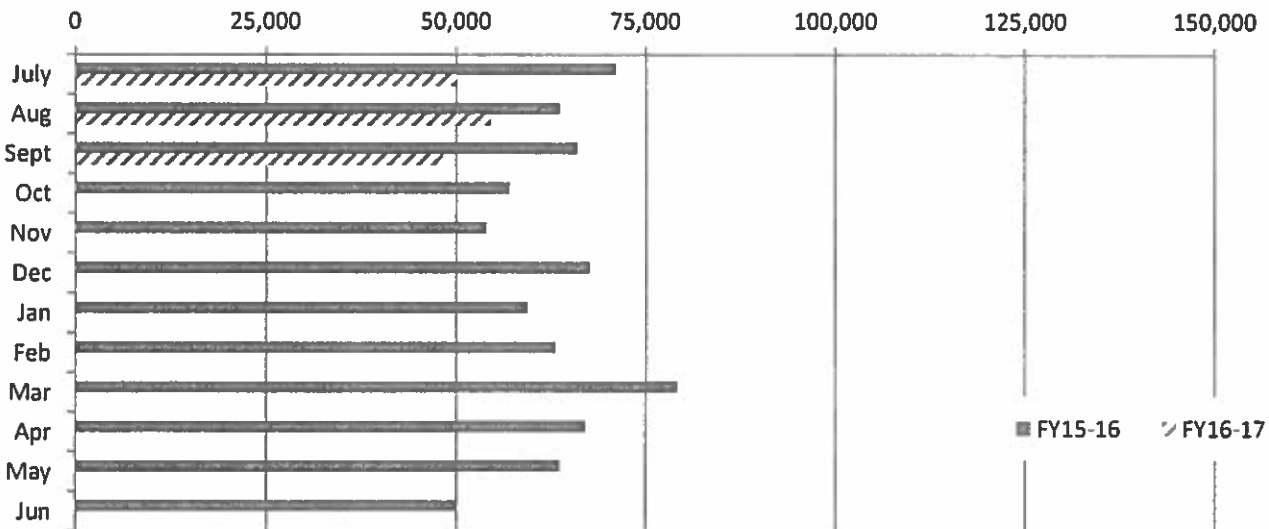
CLAIMS DEPARTMENT - Fine Activity Report September 2016

The number of fines assessed by the Claims Department decreased in number to 239 from 270 in September. The number of Claims fines paid increased from 186 in August to 196 in September.

Total fine dollars assessed in September was \$48,200 a decrease over prior month of \$54,600. Fine revenue received in September was \$39,300 an increase over prior month \$38,600.



Net Fines Assessed (\$)



Claims Department - Fine Activity Report

Fines Assessed (#)

	FY15-16	FY16-17
July	355	247
Aug	296	270
Sept	316	239
Oct	279	0
Nov	270	0
Dec	330	0
Jan	294	0
Feb	315	0
Mar	322	0
Apr	271	0
May	316	0
Jun	244	0
Total	3,608	756
Mo Avg	301	252

Fines Received (#)

	FY15-16	FY16-17
July	341	198
Aug	260	186
Sept	271	196
Oct	203	0
Nov	168	0
Dec	195	0
Jan	205	0
Feb	241	0
Mar	273	0
Apr	245	0
May	247	0
Jun	236	0
Total	2,885	580
Mo Avg	240	193

Net Fines Assessed (\$)*

	FY15-16	FY16-17
July	71,050	50,000
Aug	63,600	54,600
Sept	66,000	48,200
Oct	57,000	0
Nov	54,000	0
Dec	67,600	0
Jan	59,400	0
Feb	63,000	0
Mar	79,200	0
Apr	67,050	0
May	63,600	0
Jun	49,800	0
Total	761,300	152,800
Mo Avg	63,442	50,933

Fines Collected (\$)

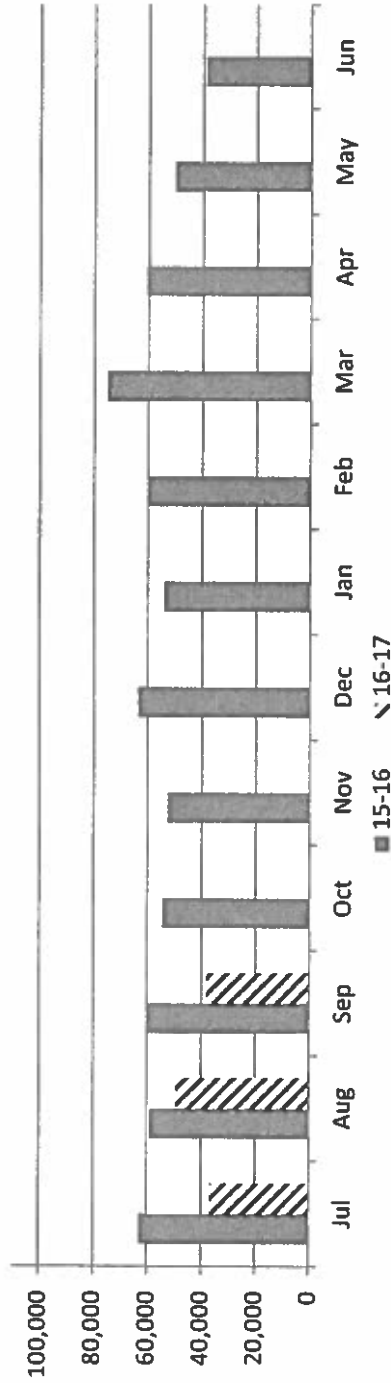
	FY15-16	FY16-17
July	69,250	40,450
Aug	53,350	38,600
Sept	56,200	39,300
Oct	42,800	0
Nov	34,200	0
Dec	39,800	0
Jan	41,400	0
Feb	48,250	0
Mar	55,400	0
Apr	55,700	0
May	53,800	0
Jun	49,400	0
Total	599,550	118,350
Mo Avg	49,963	39,450

*after reductions and rescinded

FORM 18 FINE ASSESSMENTS

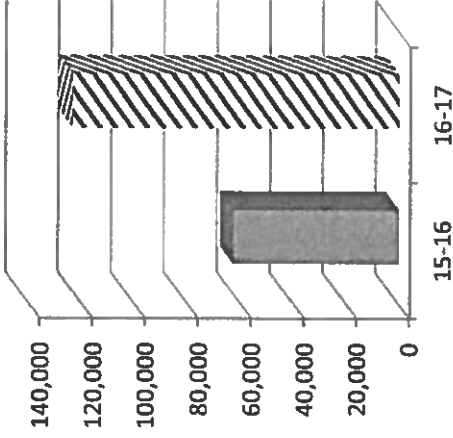
Consistent with overall Commission strategy, the Claims Department works with our Carrier partners to develop approaches that result in increased compliance levels and reduced Fine related costs to businesses in South Carolina.

A key "success measure" of this effort is the Form 18 Fine Assessment report. For the month of September 2016, this has resulted in a decrease in Form 18 Fine Assessments to \$38,000 as compared to August 2016 of \$33,300. The actual number of fines assessed decreased from 243 to 188 in September 2016..



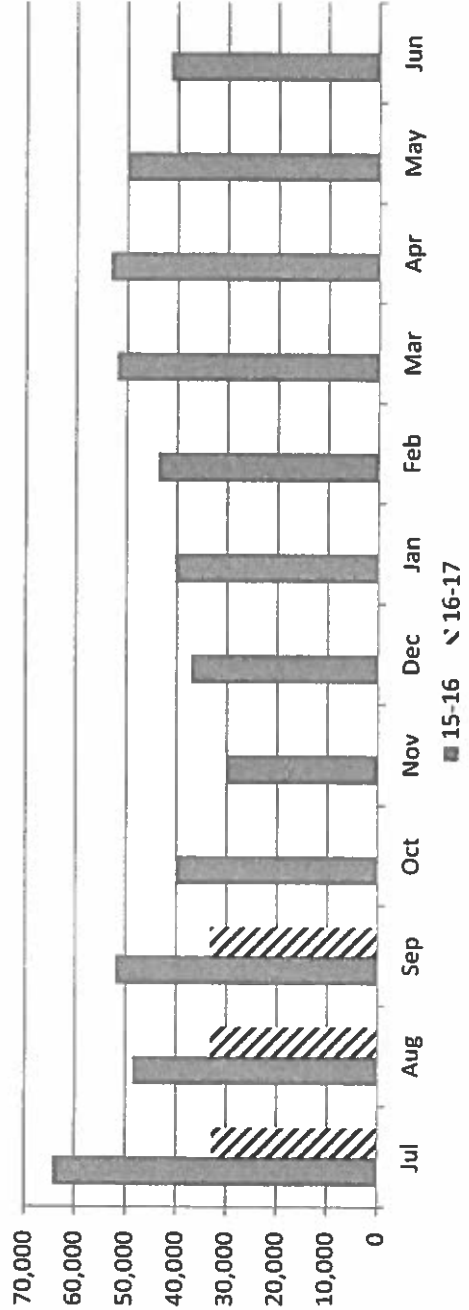
FORM 18 FINE ASSESSMENTS YTD

Form 18 Fine Assessment is trending at 86% of prior year assessments.



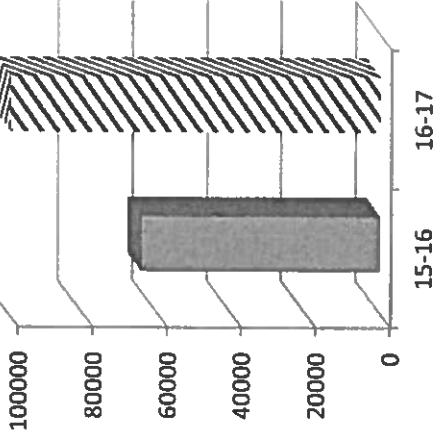
FORM 18 FINE COLLECTION

In August 2016, the Claims Department received payment on Form 18 Fines resulting in revenue of \$33,200.



FORM 18 FINE REVENUE YTD

Form 18 Fine Revenue is trending at 160% of prior year collections.



State of South Carolina

1333 Main Street
P.O. Box 1715
Columbia, S.C. 29202-1715



Tel (803) 737-5700
Fax (803) 737-5768
www.wcc.sc.gov

Workers' Compensation Commission

October 11, 2016

To: Gary M. Cannon
Executive Director

From: Amy A. Bracy
Judicial Director

RE: Monthly Judicial Report for September 2016

During the month of September, Judicial processed eight hundred ninety-seven (897) requests for hearings, one hundred thirty-five (135) Motions and one hundred twenty-four (124) clincher conference requests that were sent to the Jurisdictional Commissioners.

There were ninety-one (91) Single Commissioner Hearings conducted during the past month, and fifteen (15) Full Commission hearings were held. A total of four hundred ninety-nine (499) Orders were served at the single Commissioner level, fifty-two (52) of those were Decision and Orders that resulted from hearings that went on the record and one hundred two (102) were Motion Orders that were a result of Motions ruled upon by Commissioners.

The Informal Conference system conducted two hundred eighty-five (285) hearings during the last month.

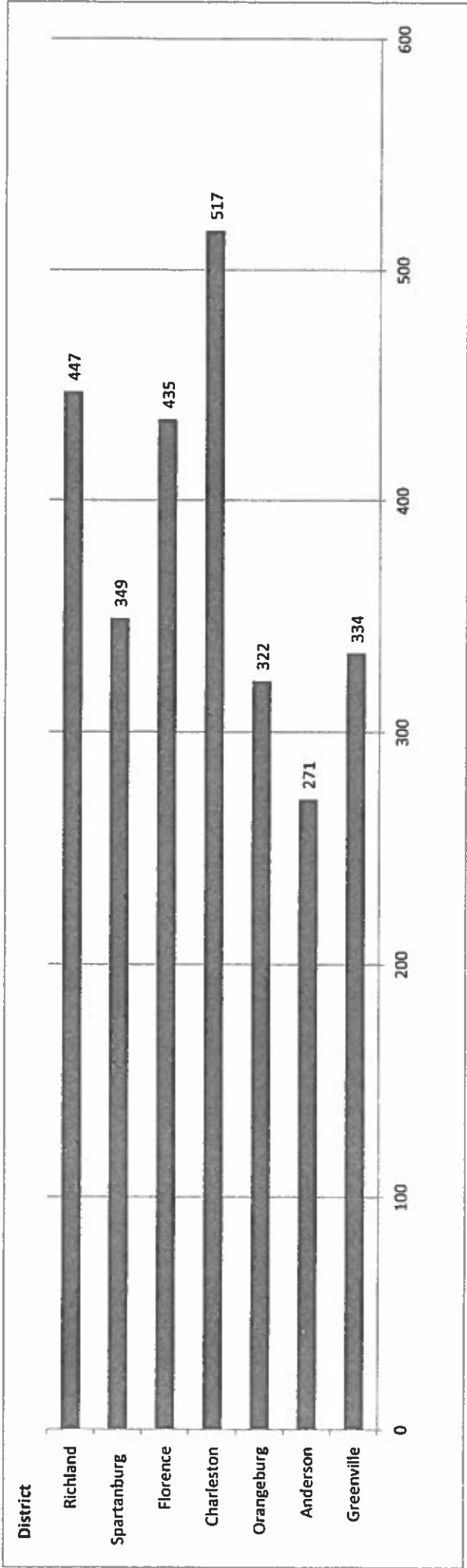
There were sixty-two (62) regulatory mediations scheduled and twenty-five (25) requested mediations. The Judicial Department was notified of forty-four (44) matters resolved in mediation, with the receipt of Forms 70.

Last month I reported that the Spartanburg Courthouse was having a mold issue in one of the courtrooms. Apparently that has been resolved because we have been allowed back in as of the beginning of October. I had planned on visiting the Spartanburg Vocational Rehabilitation Center on October 4th but had to cancel that trip. I plan to reschedule that visit in the near future.

Pleadings Assigned - Three Year Comparison by Month

	District 1 Greenville			District 2 Anderson			District 3 Orangeburg			District 4 Charleston			District 5 Florence			District 6 Spartanburg			District 7 Richland		
	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15	16-17	15-16	14-15
	Jul	98	107	103	82	90	92	108	118	119	158	181	140	131	144	145	92	130	116	149	166
Aug	92	110	86	97	76	96	93	109	120	176	171	153	164	122	146	115	122	104	157	138	164
Sep	144	102	105	92	88	84	121	132	105	183	198	155	140	154	126	142	110	70	141	167	124
Oct		106	83		101	78		119	115		172	143		171	146		96	112		170	156
Nov		72	80		62	56		88	93		145	115		133	135		81	80		129	127
Dec		101	99		105	86		103	108		160	133		148	119		99	85		162	146
Jan		75	109		84	80		113	120		113	163		110	158		97	108		158	174
Feb		90	98		88	86		84	92		125	141		129	110		144	111		117	114
Mar		122	112		124	91		134	132		214	156		140	118		117	122		174	140
Apr		100	99		92	87		93	97		154	165		129	120		90	88		138	149
May		106	101		103	73		116	105		186	158		146	140		111	101		150	158
Jun		120	89		75	66		110	102		141	143		151	147		114	117		150	139
Totals	334	1211	1164	271	1088	975	322	1319	1308	517	1960	1765	435	1677	1610	349	1311	1214	447	1819	1732

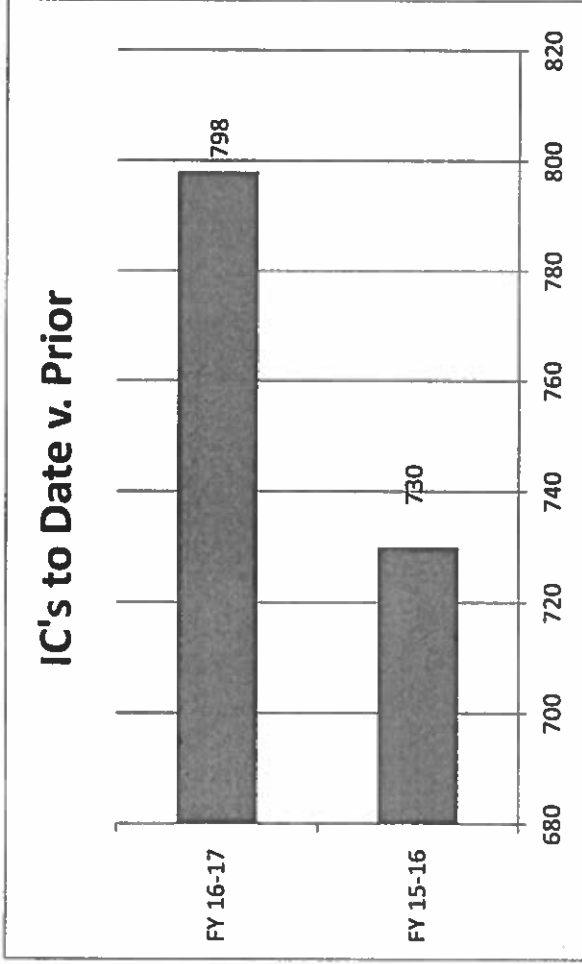
Pleadings Assigned by District Year to Date



Informal Conf. Conducted

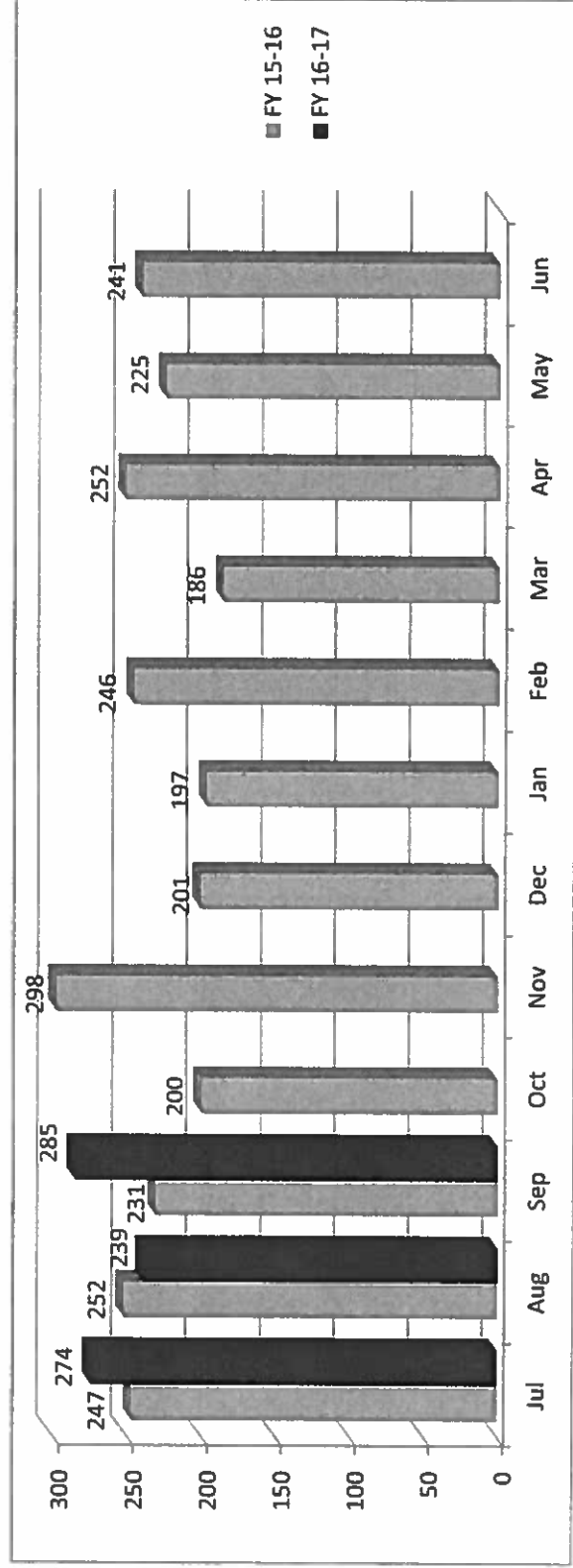
	FY 15-16	FY 16-17
Jul	247	274
Aug	252	239
Sep	231	285
Oct	200	
Nov	298	
Dec	201	
Jan	197	
Feb	246	
Mar	186	
Apr	252	
May	225	
Jun	241	
Total	2776	798

IC's to Date v. Prior



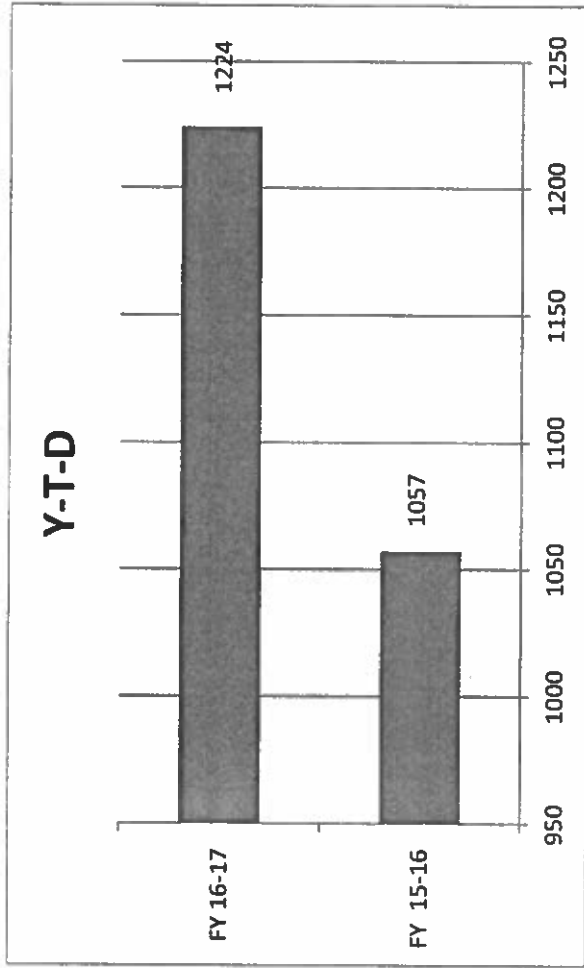
FY 15-16 FY 16-17
730 798

Y-T-D

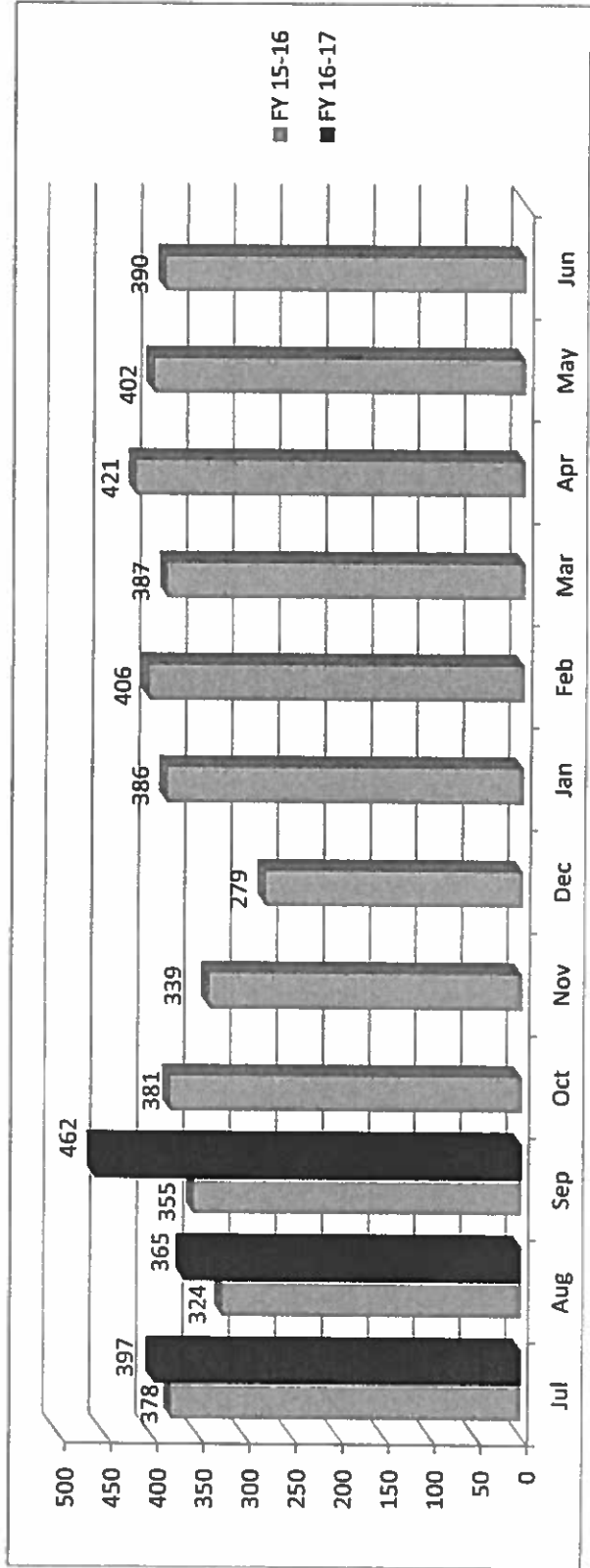


Informal Conf. Requested

	FY 15-16	FY 16-17
Jul	378	397
Aug	324	365
Sep	355	462
Oct	381	
Nov	339	
Dec	279	
Jan	386	
Feb	406	
Mar	387	
Apr	421	
May	402	
Jun	390	
Total	4448	1224



	FY 15-16	FY 16-17
Y-T-D	1057	1224



State of South Carolina

1333 Main Street, 5th Floor
P.O. Box 1715
Columbia, S.C. 29202-1715



TEL: (803) 737-5700
www.wcc.sc.gov

Workers' Compensation Commission

Executive Director's Report Gary M. Cannon

October 13, 2016

Annual Report FY2015-16

Attached is the information for the FY2015-16 Annual Report. The final report will be published on a one piece tri-fold document.

Chapter 67 Proposed Regulations

At the Business Meeting on September 19, the Commission approved the language of the Notice of Drafting for the proposed amendments to Chapter 67. On October 4, 2016, the Notice of Drafting was submitted for publication in the October 28, 2016 issue of the *State Register*. The deadline to receive comments on the Notice of Drafting is 5:00 p.m. November 7, 2016.

FY 2017-18 Budget Plan

The FY 2017-2018 Budget Request was submitted to the Executive Budget Office, S.C. Department of Administration, on September 30, 2016. The FY2017-18 Budget Hearing with the Governor's Office and Executive Budget Office is scheduled for Thursday, October 13, 2016 at 10:00 a.m.

Annual Ethics & APA Training

The required annual ethics and APA training is scheduled for Monday, November 14, 2016, from 1:00 – 5:00 p.m. The training will take place in the first floor conference room. Michael Burchstead, General Counsel, State Ethics Commission, and Joe Turner, Assistant Disciplinary Counsel, SC Court Administration, will conduct the training. Additionally, Stuart Mauney, Esq., Gallivan White & Boyd, PA, will conduct an hour session on substance abuse.

Office Renovations

A final walk-through and review of the construction punch list with the building contractor is scheduled for Thursday, October 13, 2016.

Meetings/Activities

The Executive Director participated in the following meetings/activities:

- October 5 – observed a live webcast of *The State Workers' Compensation Forum* hosted by the Department of Labor and the National Academy of Social Insurance
- October 11 – Participated in a conference call to discuss revisions to the Form 14B

International Association of Industrial Accident Boards & Commissions (IAIABC)

I attended the IAIABC Annual Educational Conference September 26-29 in Portland, Maine and was re-elected to serve another term on IAIABC's Executive Committee.

Personnel

Attorney I

Five candidates were interviewed for the Attorney I position. Ms. Jordan Weeg was selected for the position. Ms. Weeg received her Juris doctorate from the School of Law, University of South Carolina. September 19, 2016 was her first day of employment.

IT Consultant I

Interviews complete; job offer pending.

IT Business Analyst III

The IT Business Analyst III position was reposted on September 19, 2016. The closing date for accepting applications for the position was October 3, 2016. Nineteen individuals submitted applications for the position. Applications are under review.

IT Business Analyst I

The IT Business Analyst I position was posted on September 19, 2016. The closing date for accepting applications for the position was September 26, 2016. Twenty individuals submitted applications for the position. Applications are under review.

Human Resources Manager I

On Friday, September 30, 2016, Alicia Osborne, Human Resources Manager, tendered her resignation from the Commission effective October 14, 2016 to accept a position with the SC Technical Colleges System. Recruiting began on October 7, 2016. The closing date for accepting applications for the position is October 13, 2016. Applications are under review.

Constituent /Public Information Services

For the period September 15, 2016 through October 11, 2016 the Executive Director's Office and the General Counsel's office had 490 contacts with various system constituents and stakeholders. The contacts included telephone communications; electronic and personal contacts with claimants or constituents, state agencies, federal agencies, attorneys, service providers, business partners; and letters with congressional offices.

SCWCC Stakeholder Electronic Distribution List

For the period September 15, 2016 through October 11, 2016, we added six individuals to the distribution list. A total of 658 individuals currently receive notifications from the Commission.

Employee Meetings

The Executive Director met with the Department Heads on September 19, 2016. The next All Employee meeting is scheduled on October 14, 2016.

SC Vocational Rehabilitation Department (SCVRD)

SCVRD reported twelve (12) referrals for the month of September, and 29 referrals year to date.

FY 2015-16 YEAR IN REVIEW

The South Carolina Workers' Compensation Commission is proud to report its activities and accomplishments for Fiscal Year ending June 30, 2016. Through the efforts of its 54 dedicated employees, the Commission continues to focus on accomplishing its mission to provide an equitable and timely system of benefits to injured workers and employers in the most responsive, accurate, and reliable manner possible. The Commission continues to improve the efficiency of operations, focus on transparency, fairness, consistency and engaging all stakeholders in the development and implementation of fee schedules, regulation changes, and changes in policies and procedures. Service to stakeholders remains a primary focus of the Commission. Continuous improvement of organizational culture, active communication with stakeholders and responding to their requests and concerns through use of stakeholder ad hoc advisory committees, and partnering with business and governmental entities has enhanced the efficiency and effectiveness of the business processes and operations of the Commission.

Financial Condition

- FY 2016 operating budget was \$5.6 million, \$2.0 million in General Funds and \$3.6 million in Other Funds.
- Utilized \$1 million of appropriated Fund Balance.
- Retained \$2.4 million of the Self Insurance Tax collected (Act 95, 2013).

Key Accomplishments

- Approved a new Medical Services Provider Manual (physician's fee schedule) effective September 1, 2015.
- Adopted the 2015 ICD-10 conversion effective October 1, 2015 to maintain consistency with the Commission's CMS (Medicare) based medical and compensation practices.
- Continued the process for implementing information technology security policies, guidelines and standards developed by the Budget and Control Board.
- Continued to partner with the S.C. Vocational Rehabilitation Department utilizing an electronic database portal for claimant outreach and referral for vocational rehabilitation services. There were a total of 99 referrals.
- Contracted with the S.C. School for the Deaf and the Blind for interpreting services.
- Accepted the Debit Card Advisory Committee's recommendations to allow carriers and employers to make electronic indemnity payments.
- Accepted the Narcotics Advisory Committee's recommendations regarding the issue of prescribed narcotics for patients receiving treatment as a result of workers' compensation injury.
- Established a system to track number of days to complete review of contested medical bills
- Improved the process for identifying outstanding carrier fine debt to be addressed

through the Order and Rule to Show Cause process.

- Implemented use of information technology systems to improve the process for scheduling and serving proper notice for Compliance Show Case Hearings.
- Improved procedures to coordinate and schedule venues for single commissioner hearings and informal conferences with state agencies, local governments, and educational institutions. Added 21 available venues statewide.
- Partnered with S.C. Vocational Rehabilitation for the Commission to use their facilities for hearing sites throughout the state.
- Improved the system to process motions, mediation requests and informal conference requests and implemented a method to monitor data for effectiveness and efficiency.
- Implemented additional procedures to scan and create an electronic image of incoming case file documents for electronic storage and access.
- Implemented Quality Assurance procedures for verifying electronic images.

Communication/External Relations

- Conducted two training sessions, Claims Administration Workshop, for 252 stakeholders in July 2015 and May 2016. Attendees included attorneys, insurance companies, third party administrators, employers and others who deal with claims. The workshops were approved for 5.0 CLE credit hours.
- Increased the Commission's electronic general notice distribution contact list from 553 to 620.
- Posted 12 agendas and supporting documents for the Commission Business Meetings on the Commission's website two days prior to the meetings.
- Posted 103 general notices to the Commission's website.
- Emailed 54 general notices, policy advisories and updates to stakeholders and other interested parties.
- The Senate confirmed the reappointment of Commissioner Melody L. James as Commissioner for a term commencing June 30, 2016 through June 30, 2022.
- The Senate confirmed the reappointment of Commissioner Susan S. Barden as Commissioner for a term commencing June 30, 2016 through June 30, 2022.
- The Senate confirmed the reappointment of Commissioner T. Scott Beck to the Commission as Chairman for a term beginning on June 30, 2016 through June 30, 2018.

Compliance & Coverage

- For FY 15-16, the Compliance Division compelled 323 employers in S.C. to come into compliance with the Act. In so doing, approximately 3,000 previously uninsured workers are now properly covered.
- The Compliance Division collected \$902,128 in fines which represents 99% of FY 15 year-end collection.
- Increased Compliance investigations by 195 or 14% (FY15 - 1,423 to FY16 - 1,618).

Claims

- Number of cases filed with the Commission increase 965 or 1.5% (FY15 – 62,977; FY16 – 63,942)
- Processed 12,304 settlements (Clinchers, Form 16s, and third party settlements) a decrease of 1,461 or 1.0% – (FY15 – 13,765)
- Processed 25,513 initial notices of payments (Form 15 Sections I and II) an increase of 1,373 or 5.7%– (FY15 – 24,140)
- Processed 56,180 Form 18 (Carrier’s Periodic Report) an increase of 1,073 or 2% (FY15 – 55,107)

Hearings

- Informal Conferences cases assigned decreased by 175 or 3.8% (FY15 – 4,622; FY16 4,447); Informal Conference conducted decreased by 363 or 11.6% (FY15 – 3139; FY 16 2776)
- Cases docketed for single commissioner hearings increased 617 or 6.3%; (FY15 – 9,765; FY16 – 10,382)
- Hearings conducted by a commissioner decreased 42 or 3% (FY15 - 1,225; FY16 – 1,183)
- Settlements decreased by 1,204 or 11.7%. (FY15 - 10,298; FY16 – 9,094)

Appeals

- Single commissioner cases appealed to the Full Commission decreased by 12 or 3.6%. (FY16 - 322)
- The number of cases reviewed by the Full Commission decreased by 18 or 10.4% (FY15 – 173; FY16 – 155)
- The number of Full Commission cases appealed to higher court decreased by 30 or 32%. (FY15 – 93; FY16 - 63)

Mediations Reported

- 888 Regulatory Mediations
- 319 Requested Mediations
- 18 Ordered Mediations
- 703 mediations resolved with the receipt of Forms 70

System Overview

Premiums

- Premiums paid into the workers’ compensation system totaled \$1,055.6 million
Market Share
 - Commercial - \$729.7 million (69.1%)
 - Self Insurance - \$250.9 million (23.8%)
 - State Accident Fund - \$75 million (7%)

Insurance Tax

- Collected \$4.8 million Self Insurance Tax and remitted \$2.4 million to the State General Fund
- The Department of Insurance reported Workers' Compensation Insurance premium tax paid to the State General Fund - \$17,624,134

Total Cost Reported for Cases Closed (Medical and Indemnity)

- Medical and compensation - \$896.3 million. (FY15 - \$874.2 million)
- Medical expenses totaled \$333.9 million (FY 15 - \$321.1 million)
- Compensation totaled \$562 million (FY 15 - \$553 million)

Average Cost Per Claim

- Total = \$14,120 per claim. (FY 15 - \$13,840)
- Medical = \$5,261 per claim. (FY 15 - \$5,084)
- Compensation = \$8,859 per claim. (FY 15 - \$8,756)

Compensation by Category

- Total = \$562 million. (FY 15 - \$553 million)
- Agreement = \$536.7 million. (FY 15 - \$525.3 million)
Percent of Total = 96 % (FY 15 - 95%)
- Award = \$25.7 million. (FY15 - \$27.8 million)
Percent of total = 4.6% (FY 15 - 5%)

Statistical Recap

Number of Employers Purchasing Insurance	86,316
Number of Employers Qualifying as Self-Insurers	2,160
Investigations Active Beginning of Fiscal Year	346
Investigations Initiated	1,618
Investigations Set for Show Cause Hearings	307
Consent Agreements Received	253
Total Investigations Closed	1,229
Investigations Active at Close of Fiscal Year	263
Number of Accident Cases Filed with the Commission	63,942
A. New Cases	61,535
B. Reopened cases	2,407
Number of Cases Closed during Fiscal Year	63,480
A. Individually Reported Accidents	26,285
B. Minor Medical Only Accidents Report	37,195
Total Compensation & Medical Cost Paid on closed cases	\$896,375,217
A. Medical Costs	\$333,994,539
B. Compensation	\$562,380,678
Temporary Total Compensation Agreements	14,470

Supplemental Compensation Agreements	2,898
Applications for Stop Payment	1,652
Cases Docketed for Hearings	10,382
Cases Assigned for Informal Conferences	4,447
Hearings Conducted by Single Commissioners	1,183
Informal Conferences Conducted	2,776
Decisions, Opinions & Orders, Single Commissioners	1,407
Cases Appeals to Full Commission for Review	322
Reviews Conducted by Full Commission or Panel	155
Decisions and Opinions by Full Commission or Panel	157
Commission Decisions Appealed to Higher Court	63
Common Law Settlements	9,094
Attorney Fee Approvals	8,603

South Carolina Workers' Compensation Commission
Summary of Revenues and Expenditures FY2015-16 Budget
Period Ending June 30, 2016

Funding and Appropriations

	Annual Budget	Amend	Annual Final	Year to Date Received	Budget Variance	% Budget
General Fund Approp	\$ 1,984,261	\$ 48,831	\$ 2,033,092	\$ 2,033,092	-	
Earmarked Funds						
Training Reg Fee	\$ 5,000		\$ 5,000	\$ 2,675	\$ (2,325)	54%
Sale - Pubs/Subscript	\$ 8,000		\$ 8,000	\$ 8,140	\$ 140	102%
Award Review Fee	\$ 73,000		\$ 73,000	\$ 36,575	\$ (36,425)	50%
Sale of Photocopies	\$ 88,000		\$ 88,000	\$ 76,877	\$ (11,123)	87%
WC Violation Fee	\$ 1,660,000		\$ 1,660,000	\$ 1,727,124	\$ 67,124	104%
Listings and Labels	\$ 25,000		\$ 25,000	\$ 17,185	\$ (7,815)	69%
WC Hearing Fee	\$ 562,000		\$ 562,000	\$ 573,999	\$ 11,999	102%
Parking	\$ 5,900		\$ 5,900	\$ 6,060	\$ 160	103%
Other	\$ 2,000		\$ 2,000	\$ 26,683	\$ 24,683	1334%
Ttl Earmarked Funds	\$ 2,428,900		\$ 2,428,900	\$ 2,475,318	\$ 46,418	102%
Appro EM Fund Balance	\$ 1,144,679	\$ 47,093	\$ 1,191,772	\$ 1,082,780	\$ (108,992)	
GF Carry Forward		\$ -	\$ -	\$ -		
Total Funding	\$ 5,557,840	\$ 95,924	\$ 5,653,764	\$ 5,591,190		

Expenditures

	Annual Budget	Amend	Annual Final	Year to Date Expended	Budget Variance
General Fund	\$ 1,984,261	\$ 48,831	\$ 2,033,092	\$ 2,033,092	\$ -
Earmarked Fund		\$ 3,572,066	\$ 3,572,066	\$ 3,558,098	\$ 13,968
Total	\$ 1,984,261	\$ 3,620,897	\$ 5,605,158	\$ 5,591,190	\$ 13,968

Year-End Net Operating Income

	Income	Expense	Net Income
General Fund	\$ 2,033,092		
Earmarked Fund	\$ 2,475,318		
Total	\$ 4,508,410		
Appropriated Fund Balance	\$ 1,082,780		
Total Funding	\$ 5,591,190		
General Fund Expense		\$ 2,033,092	
Earmarked Fund Expense		\$ 3,558,098	
Total Expense		\$ 5,591,190	
Net Income			\$ 0

State of South Carolina

1333 Main Street, 5th Floor
P.O. Box 1715
Columbia, S.C. 29202-1715



TEL: (803) 737-5700
www.wcc.sc.gov

Workers' Compensation Commission

TO: Commissioners

FROM: Gary M. Cannon

DATE: October 17, 2016

RE: Financial Report FY2016 YTD 9/30/16

Attached is the monthly financial report for the three month period ending September 30, 2016. The budget benchmark is 25%.

General Fund

Reported expenditures to date are \$581,631 or 27% of budget, slightly ahead of the budget benchmark. Note the Statewide Pay Plan line item at the bottom of General Fund report on page 1. The amount shown is the 3.25% increase in salaries approved by the General Assembly. We have processed reallocation of the amount to the appropriate salary accounts and are awaiting confirmation from the State Treasurer's Office. We expect the corrected line items will be reflected in next month's statement.

Earmarked Fund Revenues

We have received \$501,332 in revenues, which is 27% of the budget.

Earmarked Fund Expenditures

The last page of the expenditure report reflects \$820,958 year to date expenses in the Earmarked Fund. This is 18% of budget.

**SC Workers' Compensation Commission
 Financial Report
 Budget vs. Actual
 FY2016-17
 Period Ending: September 30, 2016
 General Fund**

Fund Center Description	Fund	Commitment Items Description	Current Budget	Benchmark 25%	
				YTD Actual Expense	% of Budget
COMMISSIONERS	GENERAL FUND	CHAIRMAN	\$ 121,268	\$ 35,045	
		COMMISSIONER	\$ 698,231	\$ 211,742	
		TAXABLE SUBS		\$ 16,196	
		CLASSIFIED POS	\$ 313,837	\$ 96,738	
		TERMINAL LEAVE		\$ 9,497	
		EMPLOYER CONTRIB		\$ 114,303	
Total			\$ 1,133,336	\$ 483,520	43%
ADMINISTRATION	GENERAL FUND	DIRECTOR	\$ 98,915	\$ 29,788	
		CLASSIFIED POS	\$ 47,092	\$ 13,979	
		OTHER OPERATING	\$ 75,000		
		EMPLOYER CONTRIB		\$ 13,119	
Total			\$ 221,007	\$ 56,885	26%
	GENERAL FUND	CLASSIFIED POS	\$ 29,267		
Total			\$ 29,267		
CLAIMS SERVICES	GENERAL FUND	CLASSIFIED POS	\$ 77,223	\$ 23,038	
		EMPLOYER CONTRIB		\$ 6,921	
Total			\$ 77,223	\$ 29,959	39%
MEDICAL SERVICES	GENERAL FUND	CLASSIFIED POSITIONS	\$ 26,632	\$ 8,020	
		EMPLOYER CONTRIB		\$ 3,247	
Total			\$ 26,632	\$ 11,267	42%
		EMPLOYER CONTRIB	\$ 520,704		
Total			\$ 520,704		0%
		MISC OPS (Information Technology)	\$ 72,631		
Total			\$ 72,631		0%
		STATEWIDE PAY PLAN	\$ 56,941		
Total			\$ 56,941		0%
Fund Total			\$ 2,137,741	\$ 581,631	27%

SC Workers' Compensation Commission
 Financial Report
 Budget vs. Actual
 FY2016-17 Period Ending: September 30, 2016
 Earmarked Fund

Fund	Commitment Items Description	Program	Current Budget	Benchmark	25%
				YTD Actual Expense	% of Budget
COMMISSIONERS	TAXABLE SUBS	COMMISSIONERS	\$ 70,000		
	OTHER OPERATING		\$ 230,700		
	FREIGHT EXPRESS DELV			\$ 54	
	TELEPHONE & TELEGRPH			\$ 1,034	
	CELLULAR PHONE SVCS			\$ 2,344	
	LEGAL SERVICES			\$ 11,658	
	LEGAL SERVICES			\$ 2,168	
	POSTAGE			\$ 922	
	RENT-OFFICE EQUIP				
	RENT-DATA PROC EQUIP				
	RENTAL-CONT RENT PMT			\$ 34	
	RENT-OTHER			\$ 120	
	INSURANCE-STATE			\$ 230	
	IN ST-MEALS-NON-REP			\$ 233	
	IN ST-LODGING			\$ 2,168	
	HR-IN ST-AIR TRANS			\$ 475	
	HR-IN ST-AUTO MILES			\$ 5,239	
	IN ST-MISC TR EXP			\$ 70	
	IN ST-SUBSIST ALLOW			\$ 3,483	
	OUT ST-REGISTR FEES			\$ 980	
	REPORTABLE MEALS			\$ 94	
	LEASED CAR-ST OWNED			\$ 3,947	
	INS WORKERS COMP	EMPLOYER CONTR		\$ 11,926	
Total			\$ 300,700	\$ 47,178	16%
ADMINISTRATION	CLASSIFIED POS	ADMINISTRATION	\$ 585,119	\$ 104,895	
	OTH PERS SVC		\$ 41,000		
	TERMINAL LEAVE			\$ 953	
	OTHER OPERATING		\$ 1,914,920		
	OFFICE EQUIP SERVICE			\$ -	
	PRINT / BIND / ADV			\$ 367	
	DP SVCS-OTHER			\$ 6,203	
	FREIGHT EXPRESS DELV			\$ 17,991	
	TELEPHONE & TELEGRPH			\$ 781	
	CELLULAR PHONE SVCS			\$ 963	
	LEGAL SERVICES			\$ 6,961	
	OTHER PROFESS SVCS			\$ 825	
	OTHER CONTRACT SVCS			\$ 685	
	OFFICE SUPPLIES			\$ 2,356	
	POSTAGE			\$ 1,369	
	OTHER SUPPLIES			\$ 1,698	
	RENT-OFFICE EQUIP			\$ 369	
	RENT-COPYING EQUIP			\$ 465	
	RENT-DATA PROC EQUIP			\$ -	
	RENTAL-CONT RENT PMT			\$ 319	
	RENT-OTHER			\$ 5,135	
	FEES AND FINES			\$ -	
	IN ST-MEALS-NON-REP			\$ 137	
	IN ST-LODGING			\$ 1,559	
	HR-IN ST-AUTO MILES			\$ 1,025	
	LEASED CAR-ST OWNED			\$ 7,947	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 42,170	
Total			\$ 2,541,039	\$ 205,175	

Fund	Commitment Items Description	Program	Current Budget	YTD Actual Expense	% of Budget
EXECUTIVE DIRECTOR	TEMPORARY POSITIONS	ADMINISTRATION		\$ 10,268	
	OT & SHIFT DIFFERENT			\$ 394	
	CELLULAR PHONE SVCS			\$ 193	
	DUES & MEMBER FEES				
	IN ST-MEALS-NON-REP			\$ 121	
	IN ST-LODGING			\$ 569	
	OUT ST-REGISTR FEES			\$ 250	
	REPORTABLE MEALS			\$ 194	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 2,616	
Total				\$ 14,606	
INFORM. SERVICES	DP SVCS-OTHER	ADMINISTRATION		\$ 66,969	
	TELEPHONE & TELEGRPH			\$ 189	
	CELLULAR PHONE SVCS			\$ 912	
	LEGAL SERVICES			\$ 2,845	
	DATA PROCESS SUPP				
	RENT-COPYING EQUIP			\$ 7,417	
	RENT-DATA PROC EQUIP				
	RENTAL-CONT RENT PMT			\$ 104	
	DUES & MEMBER FEES	ADMINISTRATION		\$ 100	
Total				\$ 78,535	
	EMPLOYER CONTRIB	EMPLOYER CONTR			
Total			\$ 2,841,739	\$ 298,315	10%
CLAIMS SERVICES	CLASSIFIED POS	CLAIMS	\$ 272,010		
	CLASSIFIED POSITIONS			\$ 76,206	
	CLASSIFIED POSITIONS			\$ 15,920	
	OTH PERS SVC				
	TERMINAL LEAVE			\$ 204	
	OTHER OPERATING		\$ 19,700		
	TELEPHONE & TELEGRPH			\$ 769	
	CELLULAR PHONE SVCS			\$ 106	
	POSTAGE			\$ 1,546	
	RENT-DATA PROC EQUIP				
	RENTAL-CONT RENT PMT			\$ 106	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 37,665	
Total			\$ 291,710	\$ 132,522	45%
MEDICAL SERVICES	CLASSIFIED POS	INS & MED SERVICES	\$ 445,000		
	CLASSIFIED POSITIONS			\$ 98,151	
	CLASSIFIED POSITIONS			\$ 41,289	
	OTH PERS SVC		\$ 22,881		
	TEMPORARY POSITIONS			\$ 3,183	
	LEGAL SERVICES			\$ 456	
	OTHER OPERATING		\$ 54,500		
	CELLULAR PHONE SVCS			\$ 98	
	CELLULAR PHONE SVCS			\$ 152	
	OTHER PROFESS SVCS			\$ 3,289	
	OTHER CONTRACT SVCS			\$ 30	
	POSTAGE			\$ 933	
	RENT-DATA PROC EQUIP				
	RENTAL-CONT RENT PMT			\$ -	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 52,289	
Total				\$ 199,871	
COMPLIANCE	TELEPHONE & TELEGRPH	INS & MED SERVICES		\$ 780	
	OTHER PROFESS SVCS			\$ 1,600	
Total				\$ 2,380	
Total			\$ 522,381	\$ 202,251	39%
JUDICIAL DOCKETING	CLASSIFIED POS	MANAGEMENT	\$ 292,779		
	CLASSIFIED POSITIONS			\$ 88,136	

Fund	Commitment Items Description	Program	Current Budget	YTD Actual Expense	% of Budget
	OTHER OPERATING		\$ 12,800		
	TELEPHONE & TELEGRPH			\$ 460	
	CELLULAR PHONE SVCS			\$ 106	
	POSTAGE			\$ 1,230	
	RENT-DATA PROC EQUIP				
	RENTAL-CONT RENT PMT			\$ 36	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 35,487	
Total				\$ 125,455	
JUDICIAL ASSESSMENT	CLASSIFIED POSITIONS	MANAGEMENT		\$ 10,726	
	EMPLOYER CONTRIB	EMPLOYER CONTR		\$ 4,510	
				\$ 15,236	
Total			\$ 305,579	\$ 140,691	46%
	EMPLOYER CONTRIB	EMPLOYER CONTR	\$ 607,999		
Fund Total			\$ 4,569,408	\$ 820,958	18%

SC Workers' Compensation Commission
 Financial Report
 FY2016-17 Period Ending: September 30, 2016
 Earmarked Revenue Fund

Account	Acct No.	Budget	Benchmark	
			YTD Actual Received	% of Budget
Training Conference Registration Fee	4480040000	\$ 3,578		0%
Adj To Agency Deposit	4530020000	\$ -	\$ (25)	
Sale of Publications and Brochures	4350040000	\$ 1,557	\$ -	0%
Parking Fee	4350040000	\$ 5,900	\$ 1,693	29%
Workers Comp Hearing Fee	4110090000	\$ 545,662	\$ 141,500	26%
Violations and Penalties	4223030000	\$ 1,235,476	\$ 328,211	27%
Workers Comp Award Review Fee	4350140000	\$ 32,251	\$ 7,350	23%
Sales of Photocopies	4380050000	\$ 57,199	\$ 20,315	36%
Sale of Listings Labels	4480060000	\$ 5,687	\$ 3,670	65%
MISC REVENUE	4530030000	\$ 2,000	\$ 295	15%
Self Insurance App Fee	4160040000	\$ -	\$ 25	
Returned Checks	4530010000	\$ -	\$ (1,701)	
		\$ 1,889,310	\$ 501,332	27%
Appropriated Fund Balance		\$ 2,680,098		
Total		\$ 4,569,408		

State of South Carolina

1333 Main Street, 5th Floor
P.O. Box 1715
Columbia, S.C. 29202-1715



TEL: (803) 737-5700
FAX: (803) 737-5764

Workers' Compensation Commission

TO: Workers' Compensation Commissioners
FROM: Gary M. Cannon
DATE: October 13, 2016
RE: Proposed Regulations

On October 4, 2016 the Notice of Drafting on the proposed regulations was submitted for publication in the October 28, 2016 issue of the *State Register*. The next step in the process is the publication of the proposed regulations. Attached is a draft for your consideration. If approved, the proposed regulations will be published in the November 25, 2016 issue of the *State Register*. The deadline to receive comments for Public Hearing is December 26, 2016. A Public Hearing on the proposed regulations is scheduled for January 5, 2017 at 10:30 a.m. in Hearing Room A at the Commission.

Action Requested: Commission approve the language of the draft proposed regulations.

Document No. _____
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

- 67-201. Application of Regulations
- 67-205. Filing with the Commission, Defined
- 67-207. Requesting a Hearing, Claimant
- 67-211. Service of Forms and Documents
- 67-213. Service of Orders, Hearing Notices, and Review Hearing Notices
- 67-214. Subpoenas
- 67-215. Motions
- 67-413. Periodic Report
- 67-504. Terminating Payment of Temporary Total or Temporary Partial Compensation During the First One Hundred Fifty Days After Employer's Notice of the Accident
- 67-611. Pre-hearing Brief
- 67-613. Postponement or Adjournment of the Scheduled Hearing
- 67-615. Transcripts of Hearings
- 67-712. Requesting Higher Court Review
- 67-802. Settlement, Form 16, Form 16A
- 67-804. Informal Conference
- 67-1515. Confidentiality of Information
- 67-1602. Payment of Compensation
- 67-1802. Mediation Required with Certain Claims
- 67-1804. Selection of Mediator and Required Schedule
- 67-1809. Forms Required Upon Completion

Preamble:

The South Carolina Workers' Compensation Commission proposes to amend regulations to Chapter 67 for clarification of certain regulations. The Notice of Drafting regarding this regulation was published on October 28, 2016 in the State Register.

Section by Section Discussion

Reg. 67-201: In response to *Rhame v. Charleston Co. School Dist.*, the Commission needs to clarify that Article 2 of the Regulations applies to all levels of proceedings before the Commission.

Reg. 67-205: Clarification that the effective date of service when service is made electronically is the date it is sent and received as indicated by the parties' electronic mail service provider.

Reg. 67-207: In order to streamline the procedure for requesting a Hearing, the Commission is abolishing the use of a superfluous form, the Form 15, Section III, and directing claimants requesting a Hearing on any issues involving the merits to use a Form 50 Employee Request for Hearing.

Reg. 67-211: Clarification that the effective date of service when service is made electronically is the date it is sent and received as indicated by the parties' electronic mail service provider.

Reg. 67-213: Clarification that the effective date of service when service is made electronically is the date it is sent and received as indicated by the parties' electronic mail service provider.

Reg. 67-214: Amend the process of a pro se litigant obtaining a subpoena to compel discovery. The amendments will provide Commission supervision of the content of the subpoenas before they are signed by a representative of the Commission on the pro se party's behalf. This will ensure an unrepresented litigant's access to meaningful discovery is preserved and reduce the use of subpoenas for abusive practices.

Reg. 67-215: In response to *Rhame v. Charleston Co. School Dist.*, the Commission needs to clarify that the Commission will not consider Motions addressing the merits, including Motions for Reconsideration of substantive issues, at any level of proceedings before the Commission.

Reg. 67-413: Eliminate the use of the Form 18 to request an informal conference by deleting subsection (A)(2) which currently reads "[file a Form 18 Status Report] to request an informal conference". Line 6 on the current Form 18 reading "Informal Conference is Requested: Yes No (check one)" will be eliminated from the Form 18. This is necessary to implement the use of the Form 18 as Second Report of Injury (SROI) through Electronic Document Interface (EDI).

Reg. 67-504: In order to streamline the procedure for requesting a Hearing, the Commission is abolishing the superfluous Form 15, Section III, and directing claimants requesting a Hearing under this section to use a Form 50 Employee Request for Hearing.

Reg. 67-611: The changes clarify a deadline for making amendments to a Pre-Hearing Brief. They are a result of the decision in *Fore v. Griffco of Wampee*, 409 S.C. 360, 762 S.E.2d 37 (S.C. App. 2014).

Reg. 67-613: The changes eliminate provisions of the regulation that are inconsistent with the Commission's current practice in which postponements are not passed on to the next jurisdictional Commissioner.

Reg. 67-615: Amending language to direct parties to contact the Court Reporter directly for a copy of a transcript, not the Commission. This change is needed to reflect the changes made to S.C. Code Ann. Section 42-3-60 and Section 42-3-170.

Reg. 67-712: In response to *Rhame v. Charleston Co. School Dist.*, the Commission needs to clarify that a party aggrieved by a final decision on the merits of the Commission must appeal in accordance with S.C. Code Ann. Section 42-17-60 instead of filing a Motion for Reconsideration.

Reg. 67-802: Amending the process for requesting an informal conference by clarifying that the employers' representative must file a letter requesting that an informal conference be held and file a current Form 18. Line 6 on the current Form 18 reading "Informal Conference is Requested: Yes No (check one)" will be eliminated from the Form 18. This is necessary to implement the use of the Form 18 as SROI through EDI.

Reg. 67-804: Amending the process for requesting an informal conference by clarifying that the employers' representative must file a letter requesting that an informal conference be held and file a current Form 18. Line 6 on the current Form 18 reading "Informal Conference is Requested: Yes No (check one)" will be eliminated from the Form 18. This is necessary to implement the use of the Form 18 as SROI through EDI.

Reg. 67-1515: Correction of a typographical error; removal of the word "the" from the clause ". . .the effective date of *the* such insurance program, . . ."

Reg. 67-1602: The Commission will consider adopting the amendments recommended by the Debit Card Advisory Committee.

Reg. 67-1802: The Commission will alter the listing of situations where mediation is mandatory to clarify that mandatory mediation is only triggered for claimants claiming permanent and total disability when the claimant has reached maximum medical improvement.

Reg. 67-1804: The change provides grammatical amendments and clarifies the timing in which a mediator must be selected.

Reg. 67-1809: The Commission will provide sanctions for the failure of the parties to file a Form 70 Report of Mediation in a timely manner by barring the processing of a Form 19 until the Form 70 has been received.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the South Carolina Workers' Compensation Commission, attention Gary M. Cannon, Executive Director, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on Monday, December 26, 2016.

The South Carolina Workers' Compensation Commission has scheduled a public hearing for January 5, 2017 at 10:30 a.m. in Hearing Room A at the SC Workers' Compensation Commission, 1333 Main Street, Columbia, SC 29202.

Preliminary Fiscal Impact Statement:

The fiscal impact of the proposed changes to this regulation is \$0.

Statement of Need and Reasonableness:

The Workers' Compensation Commission is the regulatory agency of the State of South Carolina responsible for overseeing and administering the South Carolina Workers' Compensation Act. SC Code Ann. § 42-1-10 et seq. (1976). The Commission shall promulgate all regulations relating to the administration of the workers' compensation laws.

DESCRIPTION OF REGULATIONS: South Carolina Workers' Compensation Regulations Chapter 67.

Purpose: To amend regulations to Chapter 67 for clarification of certain regulations; to amend the subpoena process of a pro se litigant; to eliminate the use of the Form 18 to request an informal conference; to streamline the procedures for requesting a Hearing by abolishing the Form 15, Section III; to amend language to provide instructions for requesting copies of transcripts; to correct a typographical error; to adopt amendments recommended by Debit Card Advisory Committee; and to require parties to file a Form 70 at completion of mediation.

Legal Authority: The Commission is authorized to promulgate rules and regulations relating to the administration of the workers' compensation laws necessary to implement the provisions of this title Section 42-3-30. The regulation will cover claims pursuant to Title 42 of the SC Code of Laws.

Plan for Implementation: After approval by the General Assembly and publication in the *State Register*, the proposed regulation will take effect on July 1, 2017. The proposed amendments will be implemented

by providing the regulated community a copy of the regulations on the Commission's website: www.wcc.sc.gov.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendments further clarifies that Article 2 of the Regulations applies to all levels of proceedings before the Commission; clarifies the Commission's judicial ruling that the effective date of service when made electronically is the date it is sent and received as indicated by the parties' electronic mail service provider; streamlines the procedure for requesting a hearing; reduces the use of subpoenas for improper purposes; establishes regulatory procedures governing the use of Motions before the Full Commission; eliminates the use of the Form 18 to request an informal conference; clarifies a deadline for making amendments to a Pre-Hearing Brief; provides instructions for requesting a copy of a transcript; clarifies the process for appealing a Decision of the Commission to the Courts; allows the option for carriers to make claimants' indemnity payments by electronic transfer or debit card; provides sanctions for the failure of the parties to file a Form 70 at the completion of mediation.

DETERMINATION OF COSTS AND BENEFITS:

There are no additional costs to the agency related to the proposed regulations. The proposed changes will allow the Commission to implement the statutory requirements of Title 42 in an more efficient and effective manner.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None

Statement of Rationale:

The amendments to Chapter 67 are needed for clarification of certain regulations; to amend the subpoena process of a pro se litigant; to facilitate the electronic submission of certain forms and documents; to eliminate the use of the Form 18 to request an informal conference; to streamline the procedure for requesting a Hearing by abolishing the Form 15, Section III; to amend language to provide instructions for requesting copies of transcripts; to correct a typographical error; to adopt amendments recommended by Debit Card Advisory Committee; and to require parties to file a Form 70 at completion of mediation.

Text:

67-201. Application of Regulations.

A. These regulations are entitled to a liberal construction in the furtherance of the purpose for which the South Carolina Workers' Compensation Law is intended.

B. In doubtful cases, the application of these regulations shall be construed in favor of the injured employee.

C. Unless the context otherwise requires, the regulations in this Article shall be construed to apply to all levels of proceedings before the Workers' Compensation Commission.

67-205. Filing with the Commission, Defined.

A. The date of filing a form or document with the Commission is provided in subsections B, C, and D, ~~below.~~

B. A form or document delivered to the Commission electronically, by first class mail, or by hand delivery is filed the date of receipt in the Commission's offices as indicated by the earliest date stamped on the form or document by an official Commission stamp with the exception of forms and documents delivered pursuant to R.67-205C, ~~and R.67-205D, and R.67-205E.~~

C. A form or document delivered to the Commission by certified or registered mail is deemed filed the date of deposit in the United States Postal Service as indicated by the date of postmark.

D. A form or document transmitted to and received by the Commission electronically on or before 11:59:59 p.m. shall be considered filed with the Commission on that date, provided it is subsequently accepted after review by the appropriate department of the Commission.

E. The following forms or documents are deemed filed on the date on the accompanying certificate of service properly addressed to the Commission: Forms ~~15(HH)~~, 50, 51, 52, 53, 54, 55, 58, 30, and appellate briefs.

67-207. Requesting a Hearing, Claimant.

A. ~~To request a hearing, file~~ A hearing shall be requested by filing a ~~Form 15~~, Form 50; or Form 52 with the Commission's Judicial Department as provided below:

(1) ~~The party shall~~ Mark ~~mark~~ the box at the signature line on the Form 50 or Form 52 which states, "I am requesting a hearing," ~~or sign and date under Section III of the Form 15 "Notice to Injured Worker or Legal Representative When Temporary Compensation Has Been Stopped."~~

(2) ~~Address and deliver the~~ The form shall be addressed and delivered to the Judicial Department pursuant to R.67-205.

(3) The Commission ~~serves~~ shall serve the ~~Form 15~~, Form 50; or Form 52 on the employer ~~according~~ pursuant to R.67-210 and R.67-211.

(4) When under the laws of this State the employer and its insurance carrier, if any, are required by law to be represented by an attorney in a contested case hearing, an attorney shall be designated according to R.67-603.

(5) The WCC file number or Coverage Coding Form must be included.

B. Filing When a party files a Form 50 or Form 52 with the Commission requesting a hearing, the Form 50 also ~~files~~ serves to file the claim if a claim has not been filed before.

67-211. Service of Forms and Documents.

A. Claimant's Request for Hearing.

(1) When the claimant is represented by an attorney, the attorney shall serve a copy of the ~~Form 15(HH)~~, Form 50; or Form 52 hearing request electronically or by depositing the form in the United States Postal Service first class postage, addressed to the opposing parties pursuant to R.67-210. Service is deemed complete upon mailing or electronic transmission unless the form is returned or the sender's or recipient's electronic server indicates that the transmission was unable to be completed. If the form is returned or unable to be transmitted, service may be completed pursuant to

the South Carolina Rules of Civil Procedure. A hearing will not be set until service is complete and proof of service is filed with the Judicial Department.

(2) When the claimant is not represented by an attorney, the claimant may serve the ~~Form 15(H)~~, Form 50, or Form 52 hearing request as set forth in A(1) ~~above~~. When the claimant does not serve the hearing request, the Commission ~~will~~ must serve the request electronically or by depositing the form in the United States Postal Service first class postage, addressed to the opposing parties per R.67-210.

B. Employer's Representative's Request for Hearing and/or Response to a Request For Hearing.

(1) When the claimant is represented by an attorney, the employer's representative shall serve a copy of the Form 21, Form 51, or Form 53 electronically or by depositing the form in the United States Postal Service first class postage, addressed to the claimant's attorney. Service is deemed complete upon mailing or electronic transmission unless the form is returned or the sender's or recipient's electronic server indicates that the transmission was unable to be completed. If the form is returned or unable to be transmitted, service may be completed pursuant to the South Carolina Rules of Civil Procedure. A hearing will not be set until service is complete and proof of service is filed with the Judicial Department.

(2) When the claimant is not represented by an attorney, the employer's representative shall serve a copy of the Form 21, Form 51, or Form 53 by personal service or by certified mail, return receipt requested, delivery restricted to the addressee. When service is by certified mail, service is complete the date of the addressee's receipt of the form as indicated by the signed certified mail return receipt. If the form is returned, service may be completed pursuant to the South Carolina Rules of Civil Procedure. A hearing will not be set until service is complete and proof of service is filed with the Judicial Department.

C. Other Forms and Documents.

(1) Unless otherwise specified in this Chapter, ~~serve~~ other forms and documents shall be served by the parties electronically or by depositing the form or document in the United States Postal Service first class postage, addressed to the opposing parties per R.67-210. Service is deemed complete upon mailing or electronic transmission unless the document is returned or the sender's or recipient's electronic server indicates that the transmission was unable to be completed. If the document is returned or unable to be transmitted, service may be completed pursuant to the South Carolina Rules of Civil Procedure.

(2) When the claimant is not represented by an attorney, the claimant may serve a form or document according to C(1) ~~above~~. When the claimant does not serve the form or document, the Commission will serve it by depositing the form or document in the United States Postal Service first class postage, addressed to the opposing parties per R.67-210.

(3) Hearing notices may be served electronically pursuant to R.67-210. All unrepresented claimants and uninsured employers shall be served by depositing the notice in the United States Postal Service, first class postage ~~per~~ pursuant to R.67-210. Service is deemed complete upon mailing or electronic transmission unless the form is returned or the sender's or recipient's electronic server indicates that the transmission was unable to be completed.

67-213. Service of Orders, Hearing Notices, and Review Hearing Notices.

A. The Commission serves orders electronically, by certified mail, return receipt requested or by deposit in the United States Postal Service, first class postage, addressed to the parties according to R.67-210.

(1) Service is made by delivering a copy of the order to a an unrepresented party ~~representing himself or herself~~ or to the attorney representing the party.

(2) When service is made by certified mail, the date of service is the date of the addressee's receipt indicated by the certified mail return receipt. When service is made by first class mail, five days are added to the date of mailing. Service by first class mail is deemed complete five days after the date of deposit in the United States Postal Service. Service made electronically is deemed complete five days after the date the electronic transmission is completed, unless the Commission's electronic server indicates that the transmission was unable to be completed.

B. The Commission serves hearing notices and Form 31, Review Hearing Notices, electronically or by deposit in the United States Postal Service first class postage, addressed to the parties according to R.67-210. Service is deemed complete upon mailing or electronic transmission unless the form is returned or the Commission's electronic server indicates that the transmission was unable to be completed. All unrepresented claimants and uninsured employers shall be served by depositing the notice in the United States Postal Service, first class postage per R.67-210. The Commission may, but is not required to, serve such notices by certified mail, return receipt requested. Service by certified mail is complete upon receipt.

C. When an attorney represents a party, the party is not served. If the mailing is returned, service may be completed as in R.67-211.

67-214. Subpoenas.

A. ~~To subpoena~~ A party may subpoena a person or document(s), ~~complete and serve by completing and serving~~ a Form 27 as set out below forth in this section.

B. When the party issuing the Form 27 is represented by an attorney, the attorney shall complete and sign the Form 27.

C. ~~When the party issuing the Form 27 is not represented by an attorney, the party may obtain a blank Form 27 signed by an authorized representative of the Commission.~~ A party not represented by an attorney may obtain a Form 27 Subpoena signed by an authorized representative of the Commission.

D. When the ~~individual~~ person being served is represented by an attorney, serve the Form 27 shall be served by depositing the Form 27 in the United States Postal Service, first class postage addressed to the attorney. Service is deemed complete upon mailing, unless the form is returned. If the form is returned, service may be completed pursuant to South Carolina Rules of Civil Procedure.

E. When the ~~individual~~ person being served is not represented by an attorney, serve the individual the Form 27 shall be served on the person by personal service or by certified mail, return receipt requested, delivery restricted to the addressee. When service is by certified mail, service is complete on the date of the addressee's receipt of the form as indicated by the signed certified receipt. If the form is returned, service may be completed pursuant to the South Carolina Rules of Civil Procedure.

F. ~~Do not file the Form 27 with the Commission.~~ A party is not required to copy the Commission when serving a Form 27 in accordance with subsections D. and E. When the Form 27 is to be used at a hearing, the person sending the Form 27 shall retain a copy and proof of service to be presented at the hearing as necessary.

G. The signature of an attorney on a Form 27, or the written request to the Commission for the execution of a Form 27 by an unrepresented party, constitutes a certification by the attorney or party that he or she has read the Form 27; that to the best of his or her knowledge, information, and belief there is good ground(s) to support it; that it is not being presented for any improper purpose such as to harass, cause unnecessary delay, or increase the cost of litigation; and that it is only seeking information relevant to a party's claim or defense.

H. ~~An individual~~ A person may contest a Form 27 by filing and serving a motion to quash or modify pursuant to R.67-215.

67-215. Motions.

A. This regulation governs motions practice at all levels of proceedings before the Commission. A party may file a motion when a form is not applicable. The Commission will accept motions including, but not limited to, a motion

- (1) Relating to a subpoena or discovery;
- (2) Relating to the appointment of a Guardian ad Litem;
- (3) Relating to an attorney's appearance, withdrawal, or fee;
- (4) Relating to a claim pending Commission review;
- (5) Relating to postponing or adjourning a hearing;
- (6) Relating to self-insurance privileges;
- (7) Relating to penalties and or interest;
- (8) Relating to third party practice.

B. The Commission will not address a motion involving the merits of the claim, including, but not limited to, a motion for

- (1) For dismissal; or
- (2) For summary judgment.

The single Commissioner or Full Commission will entertain motions to reconsider an order, opinion, or award if the purpose of the motion is not an attempt to reargue the merits of the dispute. Any motion for reconsideration must be made within five (5) days of the date that the order, opinion, or award is served, and shall not be made if any party has already filed an appeal of the order, opinion, or award. If a motion for reconsideration is properly filed consistent with this subsection, the order, opinion, or award under reconsideration is not considered final until the motion for reconsideration has been disposed of by the single Commissioner or Full Commission.

C. The Commission does not provide a form for a motion. A motion shall contain a complete caption of the case including the title of the action, the state and county in which the injury occurred, the Commission's name, the workers' compensation file number, and a designation of the relief or order sought.

D. The body of the motion shall contain numbered paragraphs each limited to a statement of a single set of circumstances. The final paragraph of the motion shall state specifically the relief or order sought.

(1) If the grounds on which the motion or reply depend is based on the existence of facts not in the Commission's file, the moving party shall file an affidavit or affidavits evidencing those facts. The opposing party may file an affidavit or affidavits in reply.

(2) If the motion or reply depends on the existence of facts in evidence or are admitted in forms on file with the Commission, the party shall cite the document and page number.

E. When the claimant or an uninsured employer is not represented by an attorney, the moving party shall serve the motion by personal service or by certified mail, return receipt requested, delivery restricted to the addressee.

(1) When service is by certified mail, service is complete the date of the addressee's receipt of the mailing as indicated by the signed certified return receipt. Otherwise, the moving party shall serve the motion by any of the methods listed or by depositing the motion in the United States Postal Service, first class postage, addressed to the appropriate party.

(2) If the mailing is returned, service may be completed pursuant to the South Carolina Rules of Civil Procedure.

F. The moving party shall file the motion and proof of service with the Judicial Department. ~~The moving party~~ and may attach a memorandum in support of the motion. The opposing party may file a memorandum in reply within ten days of service of the motion. The parties may agree to an

extension by filing a written consent. Failure to respond is deemed a general denial. No further memoranda are allowed, unless requested by a Commissioner or the Commission.

G. The jurisdictional commissioner or Full Commission, if an appeal is pending, may consider the motion after the opposing party has had ten days notice of the motion and shall grant or deny the relief requested.

(1) The jurisdictional commissioner may hear the parties motion in any county or by telephone conference call; however, a hearing is not necessary.

(2) The jurisdictional commissioner shall issue a written decision to be filed with the record and served on all parties.

H. All motions filed by a party represented by an attorney shall contain an affirmation that prior to filing the motion, the movant's counsel has communicated, verbally or in writing, with opposing counsel and has attempted in good faith to resolve the matter contained in the motion, unless the movant's counsel certifies that consultation (i) would serve no useful purpose or (ii) could not be timely held.

67-413 Periodic Report.

A. The employer's representative shall file a Form 18, Periodic Report, or the EDI equivalent Sub Annual (SA), as follows:

(1) Six months after the alleged date of injury and each six months thereafter until the Commission's file is closed;

~~(2) To request an informal conference;~~

~~(3) Within thirty days of service of a claimant's Form 50 or Form 52 request for a hearing or request for an informal conference; and~~

(4) At the request of the Commission.

~~B. The employer's representative may file a Form 18 at any time to transmit a message to the Commission.~~

67-504. Terminating Payment of Temporary Total or Temporary Partial Compensation During the First One Hundred Fifty Days After Employer's Notice of the Accident.

A. The employer's representative may terminate or suspend temporary compensation during the first one hundred fifty days after the employer has received notice of the injury according pursuant to Section 42-9-260. When compensation is terminated or suspended, the employer's representative shall complete Section I and Section II of the Form 15, Temporary Compensation Report. The employer's representative shall file the Form 15 immediately with the Claims Department and shall serve ~~two copies of~~ the Form 15 immediately on the claimant according pursuant to R.67-211 with documentation attached as to the reason for termination or suspension.

B. To terminate or suspend compensation pursuant to Section 42-9-260(B)(2), the employer's representative must obtain a signed Form 17.

C. The claimant may request a hearing to dispute the termination or suspension of temporary compensation by completing ~~Section III of the Form 15~~ a Form 50 Request for Hearing and filing it according pursuant to R.67-207.

67-611. Pre-hearing Brief.

A. A claimant who is ~~representing himself or herself~~ not represented by an attorney is not required to file a Form 58, Pre-hearing Brief.

(1) If the claimant elects to file a Form 58, the claimant must mail the Form 58 to the Commissioner's office identified on the hearing notice.

(2) The Commissioner's office ~~will~~ shall send a copy of the Form 58 to the employer's attorney.

B. Each attorney representing a party at a hearing shall file and serve a Form 58 according to the following:

(1) ~~File a~~ A Form 58 and proof of service must be filed at least ten days before the hearing with the Hearing Commissioner's office identified on the hearing notice. ~~Complete the~~ The Form 58 must be complete and give set forth the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements including video recordings and/or transcribed audio recordings have been taken from one of the witnesses including the claimant and indicate who has possession of same. A party ~~is under a duty to~~ shall promptly supplement a response with respect to any question directly addressed on the form and amend a response if the party obtains information upon the basis of which the party knows the response was incorrect when made, or the party knows the response, ~~though~~ though correct when made, is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(2) All amendments and supplements to a Form 58 must be made at least 5 days prior to the date of the hearing. Otherwise, a party seeking to supplement or amend the Form 58 must move for relief pursuant to R.67-613.

(3) Serve The Form 58 shall be served on the opposing party according pursuant to R.67-211.

(4) All blanks on the Form 58 must be completed pursuant to R.67-204.

C. The Form 58 shall remain in the Commission's file, but ~~shall~~ does not constitute evidence or become part of the record of the hearing.

D. If an attorney fails to file and serve a Form 58, the Commissioner may postpone the hearing according to R.67-613 or assess against an attorney by written order a fine ~~of up to~~ not to exceed one hundred dollars.

67-613. Postponement or Adjournment of the Scheduled Hearing.

A. Each party shall arrange and present all evidence at the hearing. Testimony of a necessary witness unable to appear at the hearing may be presented by deposition.

B. A commissioner may postpone a hearing for good cause.

(1) Good cause includes but is not limited to:

(a) The attorney is actually engaged in another court;

(b) Illness;

(c) Additional discovery is necessary;

(d) A conflict of interest exists requiring another Commissioner hear the case;

(e) It is premature to hear the case.

(2) ~~To request a postponement,~~ A party requesting a postponement shall file and serve a motion pursuant to R.67-215 at least ten days ~~before~~ prior to the hearing. If the moving party can show emergency or other circumstance beyond its control, the motion may be filed and served as soon as reasonably possible before the hearing.

(3) ~~If the moving party postpones~~ postponement is granted upon the request of the moving party who requested a hearing set pursuant to Section 42-9-260, the requirement to hold the hearing within sixty days is waived. The hearing will be postponed only until the following month. If the commissioner cannot hear the case by the following month, the case will be returned to the Judicial Department for reassignment.

(4) ~~All hearings other than those set pursuant to Section 42-9-260 are postponed only until the following month. If the commissioner cannot hear the case the following month, the hearing will not~~

~~be reset until the moving party files a written request with the Judicial Department. If the nature of the claim or the relief requested changes, file a new hearing request according to R.67-207 unless R.67-610 applies.~~

C. A party may move for adjournment at a hearing under the following circumstances:

(1) To ~~procure~~ obtain additional evidence when the evidence is in existence, identified, and necessary for the decision, but unavailable at the time of the hearing.

(2) When a witness fails to appear.

(a) If the witness has been properly subpoenaed, the moving party shall produce a copy of the Form 27 and proof of service. The Commission may allow the testimony to be made part of the record by *de bene esse* deposition or by testimony at a reconvened hearing. Nothing in this section shall prevent the moving party from withdrawing the subpoena or agreeing to an alternate means of obtaining the necessary evidence.

(b) If the witness has not been properly subpoenaed, the moving party shall provide a reasonable basis for failure to subpoena the witness. The testimony may be allowed at the Commissioner's discretion.

67-615. Transcripts of Hearings.

A. A person may, by written request in writing to the Commissioner's office court reporter, obtain all or a portion of a transcript of a hearing.

B. A request for a portion of a transcript shall be limited to the entire testimony of a particular witness, the opening or closing statement or the position of a party or parties.

C. ~~The hearing reporter shall transcribe and deliver the request as soon as reasonably possible.~~

~~D. The cost will be at the prevailing rate established by the Commission and the of a transcript is the responsibility of the party ordering the transcript. Bills shall be paid within thirty days of the receipt of the transcript, and failure to do so shall result in the party's inability to obtain additional transcripts or copies until the account is current.~~

67-712. Requesting Higher Court Review.

A. ~~Notice shall be given to~~ The appellant shall notify the Judicial Department of any and all subsequent appeals and orders. ~~See Rule 203(b)(6), SCACR.~~

B. The appellant prevailing party shall provide the Judicial Department with a copy of any orders issued by the courts on appeal. The prevailing party shall also notify the Commission in writing when a final order issued by the courts on appeal remits jurisdiction to the Commission.

67-802. Settlement, Form 16, Form 16A.

A. If the parties agree to the terms of a Form 16 or Form 16A, the employer's representative completes shall complete a Form 16 or Form 16A by recording the claimant's compensation rate, the percent of disability agreed upon, disfigurement, if any, and the number of weeks of compensation the claimant will receive. The form may be approved as follows:

(1) If the claimant is not represented by an attorney, the Form 16 or Form 16A must be approved at an informal conference.

(a) The employer's representative must request an informal conference by filing writing the Judicial Department requesting that an informal conference be scheduled, and filing an updated Form 18 or the EDI equivalent Sub Annual (SA) Periodic Report showing the status of payment of temporary compensation, if any, and medical expenses with the Commission's Judicial Department. For claims arising after July 1, 2007, a Form 14B is also required. The Commission will accept

medical records containing the substantial equivalent of the information contained in the Form 14B only when the party certifies and documents that it has made a good faith effort to obtain a completed Form 14B, and the hospital or physician has unreasonably refused to complete a Form 14B. The claimant may request an informal conference by writing to the Judicial Department.

(b) If the parties at the informal conference reach an agreement ~~at the informal conference~~ which the Commissioner approves, or the claims mediator recommends, the parties shall sign the agreement. (A Commissioner must approve a claims mediator's recommendation before the settlement is recorded as binding.)

(c) If the parties do not reach an agreement with of which the Commissioner approves, the Commission ~~will~~ shall set the matter for a hearing according pursuant to R.67-8041.

(2) If the claimant is represented by an attorney, the claimant, his or her attorney, and the employer's representative shall sign the Form 16 or Form 16A. The Form 16 or Form 16A ~~may~~ shall then be filed with the Commission for approval without an appearance before a Commissioner, as follows:

(a) The employer's representative ~~files~~ shall file an original and one copy of the Form 16 or Form 16A with the Commission's Claims Department. The employer's representative shall file the Form 14B, if applicable, with the Form 16A for claims arising after July 1, 2007.

(b) A Commissioner ~~reviews~~ shall review the Form 16 or Form 16A and may approve the Form.

(c) If the Commissioner approves and signs the Form 16 or 16A ~~approving it,~~ the Claims Department ~~records~~ shall record the settlement and ~~returns~~ return an approved copy of the Form to the employer's representative.

(d) The employer's representative must provide the claimant a copy of the approved Form 16 or Form 16A.

(3) If the claimant is represented by an attorney, and the employer is represented by an attorney, a Form 16 or a Form 16A shall be filed with the Commission.

(a) The attorney for the employer's representative ~~files~~ shall file an original and one copy of the Form 16 with the Commission's Claims Department. A Commissioner ~~reviews~~ shall review the Form and may approve the Form.

(b) The attorney for the employer's representative ~~files~~ shall file an original and one copy of the Form 16A with the Commission's Claims Department.

(c) The Commission's Claims Department ~~reviews~~ shall review and ~~records~~ record the settlement, and ~~returns~~ return an official copy of the Form 16 or 16A to the attorney for the employer's representative.

B. The Commissioner may schedule an informal conference to discuss the terms of the settlement when necessary.

67-804. Informal Conference.

~~A. A claims mediator may appear on behalf of a Commissioner at an informal conference and review a proposed Form 16 or Form 16A settlement or review a R.67-505 or R. 67-506 request to certify a Form 17. A claims mediator may not appear on behalf of a Commissioner at an informal conference requested for review of a proposed Agreement and Final Release.~~

Appearances at Informal Conferences.

(1) A claims mediator may appear on behalf of a Commissioner at an informal conference when the purpose of the informal conference is to:

(a) review a proposed Form 16 or Form 16A settlement when the total amount of medical benefits paid is below the threshold amount established by the Commission; or

(b) certify a Form 17.

(2) A Commissioner shall preside over an informal conference when the purpose of the informal conference is to:

(a) approve a settlement in the form of a full and final Agreement and Release made pursuant to Section 42-9-390; or

(b) approve a proposed Form 16 or Form 16A settlement when the total amount of medical benefits paid meets or exceeds the threshold amount as established by the Commission.

The Commissioner may, in the Commissioner's discretion, preside over an informal conference that does not fall under items (a) or (b).

(3) An insurance adjuster licensed by the South Carolina Department of Insurance in accordance with Chapter 47 of Title 38, South Carolina Code of Laws, may appear on behalf of an employer or insurance company at an informal conference when the purpose of the informal conference is to:

(a) review a proposed Form 16 or Form 16A settlement when the total amount of medical benefits paid is below the threshold amount as established by the Commission; or

(b) certify a form 17.

(4) An attorney licensed in this State or admitted in accordance with R.67-1201C shall appear on behalf of an employer or insurance company at an informal conference when the purpose of the informal conference is to:

(a) approve a settlement in the form of a full and final Agreement and Release made pursuant to Section 42-9-390; or

(b) approve a proposed Form 16 or Form 16a settlement when the total amount of medical benefits paid meets or exceeds the threshold amount as established by the Commission;

The Commissioner may deem it prudent for an attorney to appear at an informal conference that does not fall under subsections (a) or (b) according to the Commissioner's discretion.

B. An informal conference is defined in R.67-202(8).

C. Request ~~Requesting an informal conference~~ Informal Conference as follows:

~~(1) File an updated Form 18 indicating the status of payment of temporary compensation, if any, and medical expenses and complete Section 6 by checking "yes." A party requesting an informal conference shall (a) write the Commission's Judicial Department requesting that an informal conference be set, and (b) upload an updated Form 18 or the EDI equivalent Sub Annual (SA) Periodic Report showing the status of payment of temporary compensation, if any, and medical expenses.~~

~~(2) When Upon receipt of a request for an informal conference is received, the Commission's file is reviewed the Commission shall review the Commission's file for required reports. The employer's representative must assure ensure that the following reports are in the Commission's file before the informal conference is held, or if the employer's representative may be subject to a fine.~~

~~(a) Form 14B, if applicable; and~~

~~(b) Form 15, if applicable; and~~

~~(c) Form 17, if applicable; and~~

~~(d) Form 20, if applicable; and~~

~~(e) All medical reports required by R.67-1301; and~~

~~(f) An authorized health care provider's report stating the claimant has reached maximum medical improvement and an impairment rating, if any; and~~

~~(g) An amputation chart, if applicable.~~

D. The claimant may request an informal conference by writing the Commission's Judicial Department and stating whether the parties propose to settle the claim on a Form 16, a Form 16A, or by Agreement and Final Release.

E. An informal conference may be held with less than thirty ~~days~~ days' notice to the parties. The conference shall be held at a hearing site as designated by the jurisdictional commissioner. If the parties request in writing to convene the conference ~~in~~ at a different hearing site, all parties agree,

and the ~~letter request~~ is received before the ~~conference~~ hearing notice for the conference is issued, the request may be approved administratively.

F. Only ~~the a~~ Commissioner ~~assigned to the claim~~ is authorized to approve a Form 16, a Form 16A, or an Agreement and Final Release.

G. When the claimant fails to appear at an informal conference, the Commission ~~reschedules~~ shall reschedule the conference.

(1) If the claimant fails to appear twice, the claim ~~is taken~~ shall be removed from the informal conference roster and administratively dismissed.

(2) The claimant may request the Commission to schedule another informal conference and the Commissioner assigned to the claim may, if a good cause is shown, allow the claimant to proceed with his or her claim.

H. If the employer's representative or an attorney, if any, fails to appear at the informal conference, the Commission ~~reschedules~~ shall reschedule the conference. The Commissioner assigned to the claim may ~~impose on~~ assess against the employer's representative or an attorney, if any, the actual costs of the conference as established by the Commission.

I. If the parties fail to reach an agreement at the informal conference, or the proposed Agreement and Final Release is not approved, the Commission ~~will~~ shall set the claim on the contested case hearing docket. A Form 50 or Form 52 is not required, but if filed, the opposing party must respond according pursuant to R.67-603.

J. Either party may request postponement of the informal conference by writing either the Commissioner whose name appears on the informal conference notice or the Judicial Department. The Commissioner may reschedule the conference during the term the Commissioner is in the district. If the Commissioner cannot reschedule the conference during his or her term in the district, the Commission ~~will~~ must reschedule the conference, unless otherwise ~~provided~~ agreed to by the parties or ordered by the Commission.

67-1515. Confidentiality of Information.

A. ~~Records~~ Commission records and information ~~concerning~~ relating to the solvency and financial condition of an employer ~~acquired by the Commission~~ under the authority granted by this Chapter and the Act shall not be subject to inspection; nor shall any information ~~in any way~~ be directly or indirectly divulged by the Commission ~~or any of its members unless~~ except by order of a Court of competent jurisdiction.

B. The Commission shall not release to the public any information concerning a self-insured or a self-insurance fund other than (1) confirmation that an employer is individually self-insured or is a member of a specific self-insurance fund, (2) ~~its~~ the self-insured's or self-insurance fund's address, (3) the effective date of the such insurance program, and (4) the name of the claims administrator.

67-1602. Payment of Compensation.

A. ~~The~~ Unless otherwise ordered by the Commission, the employer's representative shall pay all compensation directly to (1) the claimant or (2) the guardian, if the claimant is a minor or incapacitated person, or (3) another person approved by a court to accept payment on behalf of the claimant, ~~unless otherwise ordered by the Commission.~~

B. The employer's representative ~~may~~ shall make a check payable to the claimant and the claimant's attorney, as allowed ~~according~~ pursuant to an approved Form 61, Attorney Fee Petition, or by order of the Commission.

C. The employer, employer's representative, or other payer shall make each payment in the form of a check, unless the parties mutually agree to an alternate payment method as provided for in this

section. Payment to a person other than as directed above shall not acquit, protect, or discharge the employer or its representative for the payment due. An employer, employer's representative, or other payer may use an electronic payment system, including, but not limited to, an electronic funds transfer, a direct deposit, debit card, or similar payment system, as an alternative method of payment if:

- (1) the claimant can immediately obtain the full amount of the periodic payment;
- (2) the method of payment is easily and readily accessible to the claimant; and
- (3) the use of an electronic payment system is optional and at the election of the parties as documented in the records of the payer; and
- (4) once the parties have agreed to use an alternate payment system in accordance with this section, either party may opt to change the method of payment to another method consistent with this section by providing 30 days' written notice to the other party.

D. When payment is made to a debit card account:

- (1) the payer shall not charge the claimant any fee related to the issuance of the debit card;
- (2) the claimant must be provided a reasonable method to obtain payment in full without incurring any usage fee; and
- (3) any other fees associated with the use of the debit card shall be disclosed to the claimant in writing by the payer.

E. Other than when making payment by check, an employer, employer's representative, or other payer shall not make a payment as described in subsection C. without the full consent of the claimant, obtained without intimidation, coercion, or fear of discharge or reprisal. Default payment shall be by check.

G. Payment made other than as directed in this section shall not acquit, protect, or discharge the employer, employer's representative, or other payer for the payment due.

H. The claimant may request a hearing to assess a penalty and/or interest for late payment by filing with the Commission's Judicial Department a motion to increase compensation payments according to R.67-215.

67-1802. Mediation Required with Certain Claims.

A. It is ordered by the The Commission orders that the following claims arising under Section 42-9-10, or claiming permanent and total disability pursuant to Section 42-9-30 (21), occupational disease cases, third party lien reduction claims, contested death claims, mental/mental injury claims, and cases of concurrent jurisdiction under the South Carolina Workers' Compensation Act and the Federal Longshore and Harbor Workers' Compensation Act must be mediated prior to a hearing:

- (1) Claims for permanent and total disability arising under either Section 42-9-10 or Section 42-9-30(21), but only after the employee has reached maximum medical improvement per the opinion of an authorized health care provider;
- (2) Claims arising under Chapter 11 or Chapter 13 of Title 42, South Carolina Code of Laws;
- (3) Third-party lien reduction claims;
- (4) Contested death claims;
- (5) Claims for stress, mental injuries, and mental illness arising out of and in the course of employment unaccompanied by physical injury, and resulting in mental illness or injury; and
- (6) Claims involving concurrent jurisdiction under the South Carolina Workers' Compensation Act and the Federal Longshore and Harbor Workers' Compensation Act.

B. In contested death claims, a Commissioner must still make a finding that a good faith dependency investigation has been conducted and completed.

~~(2) C.~~ Except for contested death claims, all claims listed in this section would apply the requirement for mandatory mediation applies only to claims where compensability of the accident is admitted by the employer/carrier.

~~(3) Claims involving multiple employees arising out of employment with the same Employer, whether or not compensability has been admitted, shall be subject to a scheduling order and shall be mediated prior to a hearing. Participation in mediation in no way constitutes an admission of compensability at any subsequent proceeding.~~

~~(4) D.~~ Unless an unrepresented claimant requests that the claimant's case be mediated, the Commission shall ~~enter an order dispensing with~~ not require mediation.

67-1804. Selection of Mediator and Required Schedule.

A. The parties may consent to use any mediator who is duly qualified. The mediator must be certified as a mediator per the certification process established by the South Carolina Bar Association.

B. The parties must select a mediator within ten days of the filing of the ~~Form 51 or the response to the Form 21~~ earliest pleading raising grounds for mediation, and must promptly notify the Commission of the mediator and proposed mediation date.

C. The mediation must be completed within sixty days of the filing of the ~~Form 51 or the response to the Form 21~~ earliest pleading raising grounds for mediation, unless otherwise agreed to by the parties or ordered by the Commission. If the mediation is not completed within the sixty-day timeframe, ~~then the case shall~~ may be set by the ~~Judicial Department~~ in the normal course of the docket scheduling.

D. If the parties cannot agree on a mediator, the Commission shall appoint a duly qualified mediator ~~for them~~.

67-1809. Forms Required Upon Completion.

A Form 70 shall be filed by the ~~Mediator~~ mediator with the Judicial Department at the conclusion of the mediation. A Form 70 shall not become a part of the Commission's file, and will solely be used for tracking purposes. The Commission shall not process a Form 19 or further request for hearing until a Form 70 has been filed with the Commission.