

State of South Carolina

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Workers' Compensation Commission

Report of the Presiding Officer, Chairman T. Scott Beck Proposed Changes to Regulation 67-706 Document No. 4283 May 22, 2012

Pursuant to Section 1-23-111 of the SC Code of Laws, 1976 the following is a report subsequent to the Public Hearing on May 21, 2012 at which time and place the Commission received public comment on the proposed changes to Regulation 67-706. This report includes the findings as to the need and reasonableness of the proposed changes.

Background

The Commission is proposing to amend regulation 67-706 to include the addition of a subsection "D" to require parties to be present in the designated waiting area of the Commission no later than 30 minutes prior to the time for which their cases are scheduled to be argued. Any party who fails to comply with this regulation is subject to a \$100 fine, except for good cause shown. The requirements of this regulation must be set forth in bold type on the hearing notice. The proposed amendment will assist the Commission in maintaining an efficient schedule for its docket of appellate hearings.

The proposed change (new language is underlined):

67-706. Oral Argument.

- A. Each party is permitted ten minutes for oral argument. The appellant is permitted three minutes for reply.
- B. If both parties have appealed, each party is permitted ten minutes for oral argument, and each party is permitted three minutes for reply.
- C. A party may request additional time for argument by attaching a motion to the Form 30. The Commission will issue an order before the case is set for argument.
- D. Parties must sign in and be present in the designated waiting area of the Commission no later than 30 minutes prior to the time for which their cases are scheduled to be argued. Any party who fails to comply with this regulation is subject to a \$100 fine, except for good cause shown. The requirements of this regulation must be set forth in bold type on the hearing notice.

Notice of Drafting

The Notice of Drafting regarding this regulation was published in the *State Register* on December 23, 2011. The proposed change, notice of comment period and notice of public hearing (Document No. 4283) was published in the *State Register* on March 23, 2012.

Notice of Public Hearing and Opportunity for Public Comment

The deadline to receive written comments on the proposed changes was 5:00 p.m., April 23, 2012. The Commission received no written comments. A public hearing was conducted on May 21, 2012 at 10:30 a.m. in Hearing Room A at the South Carolina Workers' Compensation Commission, 1333 Main Street, Columbia, SC 29201. The Commission received no public comments.

Findings

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 has statutory and regulatory authority to promulgate rules and regulations as set forth in § 42-3-30. Pursuant to § 42-17-50 the Commission has the power to conduct a review and rehearing of cases. The Commission finds it necessary to change the regulations for efficient scheduling and adjudication of appellate hearings. Further the Commission finds no opposition to the proposed change to R 67-706 as evidenced by no written comments submitted by interested parties to the Commission by the established deadline or no oral comments made at the public hearing.

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 finds the proposed changes to R 67-706 are reasonable and necessary for the efficient scheduling and adjudication of the appellate hearings.

DESCRIPTION OF REGULATION: R 67-706. Oral Argument.

Purpose: Assists the Commission in maintaining an efficient schedule for its docket of appellate hearings.

Legal Authority: Section 42-3-30 Promulgation of rules and regulations by Commission and Section 42-17-50 Review and rehearing by Commission.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The Commission determined a need for considering the amendment to the regulation April 2009.

DETERMINATION OF COSTS AND BENEFITS:

There are no additional costs to the agency related to the proposed change to the regulation. The benefit of the proposed change is that it will assist the Commission in maintaining an efficient schedule for its docket of appellate hearings.

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 Commission is proposing to include the addition of a subsection "D" to require parties to be present in the designated waiting area of the Commission no later than 30 minutes prior to the time their cases are scheduled to be argued. The amendment of this regulation will assist the Commission in maintaining an efficient schedule for its docket of appellate hearings.

Recommendation

Pursuant to Section 1-23-111 of the SC Code of Laws, I find the proposed changes to R 67-706 reasonable and direct staff to initiate the process of legislative review by filing the proposed change with the Editor of the State Register to include a letter to the President of the Senate and a letter to the Speaker of Representatives requesting legislative review.



T. Scott Beck, Commissioner

May 22, 2012

Date