

A G E N D A

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

1333 Main Street, 5th Floor
Columbia, South Carolina 29201
October 18, 2021, 10:30 a.m.

Meeting to be held in 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 | CHAIRMAN BECK |
| 2. APPROVAL OF AGENDA OF BUSINESS MEETING OF OCTOBER 18, 2021 | CHAIRMAN BECK |
| 3. APPROVAL OF MINUTES OF THE BUSINESS MEETING OF SEPTEMBER 20, 2021(Tab 1) | CHAIRMAN BECK |
| 4. GENERAL ANNOUNCEMENTS | MR. CANNON |
| 5. APPLICATIONS FOR APPROVAL TO SELF-INSURE (Tab 2) | MS. BOGGS |
| 6. DEPARTMENT DIRECTORS' REPORTS
Human Resources (Tab 3)
Information Services (Tab 4)
Insurance and Medical Services (Tab 5)
Claims (Tab 6)
Judicial (Tab 7) | MS. WARD
MS. SPRANG
MR. DUCOTE
MS. SPANN
MS. BRACY |
| 7. DEPARTMENT OF VOCATIONAL REHABILITATION
Monthly Report (Tab 8) | MR. CANNON |
| 8. EXECUTIVE DIRECTOR'S REPORT (Tab 9) | MR. CANNON |
| 9. FINANCIAL REPORT (Tab 10) | MR. CANNON |
| 10. OLD BUSINESS | CHAIRMAN BECK |
| 11. NEW BUSINESS
Recommendations of the MSPM Ad Hoc Committee
Approval of the 2022 Commission Calendar
Request to Mandate Form 18 Submissions | CHAIRMAN BECK |
| 12. ADJOURNMENT | CHAIRMAN BECK |

1	Approval of Minutes of the Business Meeting of September 20, 2021
2	Self-Insurance
3	Human Resources
4	Information Services
5	Insurance and Medical Services
6	Claims
7	Judicial
8	Vocational Rehabilitation
9	Executive Director's Report
10	Financial Report
11	Recommendations of MSPM Ad Hoc Committee
12	2022 Commission Calendar
13	Request to Mandate Form 18 Submissions via EDI

THE
SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION
MINUTES OF THE BUSINESS MEETING

A Business Meeting of the South Carolina Workers' Compensation Commission was conducted on Monday, September 20, 2021 at 10:30 AM. The meeting agenda was posted prior to the meeting and proper advance notice was made in compliance with requirements in the Freedom of Information Act. The following Commissioners participated:

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

Also participating Gary Cannon Executive Director; Keith Roberts, General Counsel; Amy Bracy, Judicial Director; Wayne Ducote; Insurance & Medical Services, Claims Director; Emillie Boggs, Self-Insurance Director; Bridget Ward, Human Resource Manager; Kristen Mccree, Staff Attorney; Amy Proveaux, Executive Assistant.

Chairman Beck called the meeting to order at 10:49 AM

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 30, 2021

Commissioner Barden moved that the minutes of the Business Meeting of August 30, 2021, be approved. Commissioner James seconded the motion, and the motion was approved.

GENERAL ANNOUNCEMENTS

No general announcements.

APPLICATIONS FOR APPROVAL TO SELF-INSURE

Self-insurance applications were presented by Emillie Boggs, Self-Insurance Director. Five (5) prospective members of two (2) funds was presented to the Commission for approval.

New Applications:

Palmetto Timber Fund
Raintree Logging, LLC

South Carolina Home Builders SIF

Bill Moore Construction LLC
Carolina Lumber Sourcing, LLC
RGF Fencing LLC
Tidal Creek Builders Inc

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 a motion to approve all members and funds application to self-insure, and Commissioner Barden seconded the motion. The motion was approved.

Poly-America, LP

Ms. Boggs presented the self-insure application for the Poly-American, LP. Ms. Boggs recommended that Poly-American, LP., be approved for self-insure. Commissioner Wilkerson made the motion to accept Ms. Boggs' recommendation with the contingencies that Ms. Boggs described. Commissioner McCaskill seconded the motion. The motion was approved.

DEPARTMENT DIRECTORS' REPORTS

Each Department report was submitted in written form. There were no comments or questions from the Commission.

VOCATIONAL REHABILITATION

The Vocational Rehabilitation report was submitted in written form. Commissioner Taylor inquired about the status of the liaison, and Mr. Cannon indicated he would follow up with Vocational Rehabilitation.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director's report was submitted in written form. Mr. Cannon presented a few highlights from the report. There were no questions or comments from the Commission.

ADMINISTRATION – FINANCIAL REPORT

Gary Cannon, Executive Director submitted the Financial Report to the Commission in written form. Mr. Cannon highlighted key data from the report.

OLD BUSINESS

No old business.

NEW BUSINESS

No New Business

ADJOURNMENT

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

The September 20, 2021, meeting of the South Carolina Workers' Compensation Commission adjourned at 10:53 a.m.

Reported: October 12, 2021
Amy Proveaux
Office of the Executive Director

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: Gary Cannon

FROM: Bridget Ward

DATE: October 12, 2021

SUBJECT: Monthly Human Resources Report for September 2021 Business Meeting

This report summarizes the activities of Human Resources during the period of September 1, 2021 through September 30, 2021.

In September the Commission had 52 full time employees. We have 1 temporary legal intern and 1 extern. We have 1 part-time employee.

- **New Hires:** One
- **Separations or Retirements:** One
- **FMLA Leaves:** One

In the month of September 3 SCEIS personnel transactions and 17 SCEIS time/leave transactions were processed. Detailed payroll and time reports were run as scheduled and any issues that arose were corrected with the collaborative effort of either the SCIES team or the Comptroller General Office. HR attended a webinar training for Bex Reporting that was performed by the SCEIS Division of the Department of Administration and attended the annual SCHRm conference.

Five "All Employee" emails were sent by HR during the month of September, and we processed 8 travel reports. HR responded to leave and benefit questions and made changes as needed or requested. Preparations were made and all employees were notified concerning PEBA's open enrollment coming in October. HR received and reviewed 1076 emails and sent 386 emails. The required bi-annual reporting was submitted to SCHAC for EEO in South Carolina. The collective data from both reports will be submitted next month for the Annual Report to the General Assembly.

The soundproofing of the space between the Commission's offices and the Jeffcoat lawfirm has not been resolved. Staff is currently working with CBRE to resolve the issue. There was only one other building issue for the month, and it was resolved in a timely manner. No parking issues incurred during September and there were no updates to the parking assignments.

Since March of 2020, the division of State Human Resources (DSHR) has required that all agencies report their attendance numbers. Opposed to daily, agencies are now only required to report numbers once a week. HR has been reporting who was working onsite, telecommuting, and taking leave. Our numbers are reported every Wednesday to DSHR. We no longer report on new COVID cases. There was one COVID case this in the office this month and the employee return to work after protocol was followed, contact tracing was done and the appropriate quarantine/isolation period was observed.

We received notice late September that the Commission will be losing a Program Coordinator II and a Program Coordinator I who will be leaving on October 15 and Oct 29 respectively. The positions will be posted in October and interviews will be conducted for replacements.

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 18, 2021
Subject: IT Department October 2021 Full Commission Report

This report summarizes the activities and accomplishments for projects and initiatives in the IT department during September 2021.

I. Systems Operations, Maintenance and Support

EDI

Pursuant to the attached memo, I request the Commissioners approve modifying our filing policy for the Form 18 sub-annual report to make it exclusively submitted via Electronic Data Interchange (EDI) with an effective policy date of April 1, 2022.

The team worked with multiple EDI Trading Partners identify specific reasons for data rejections on Claims and POC submissions. We continue our participation in IAIABC conference calls for: Jurisdiction Only meetings, EDI Claims Committee and the POC 3.0 taskforces.

Progress

Duane provided standard support for invoice and check reconciliation issues to end users. The new Progress development environment is operational, and implementation of the version 12 production environment was completed according to schedule. DTO identified several security concerns in the configuration and the team is currently working through these. The next maintenance window will be on October 27th starting at 5:30 and is scheduled to last until 11:00 PM.

Systems Support

Jason continues to deploy the new laptops that includes an additional security protocol requiring a 6-digit pin at startup.

Security

The Commission was notified last week of a mandatory change in security by the Department of Administration. Effective October 19th and 1:45 PM DUO two-factor security will be used for remote access to our network. The SafeNet protocol will be disabled at this time.

Reporting

The IT team generated several Open Claims reports and Outstanding Carrier Fines for external stakeholders and provided Compliance reports for internal staff. Sandee provided assistance with developing the budget request for next fiscal year.

Hardware

Jason is tracking the status of hardware related to the upfit of Hearing Room A and B; supply chain issues are constraining the start date for this project.

II. Projects, Enhancements and Development

Legacy Modernization

The IT team continues their work in developing the detailed requirements and specifications for the RFP solicitation. They received demonstrations of C-Trak, the case management application used by the SC Court system and have another vendor who has requested a meeting to learn more about our upcoming solicitation. The

III. Meetings

Sandee attended the SCITDA Fall Conference.

State of South Carolina



Workers' Compensation Commission

To: Mr. Gary Cannon
SCWCC Executive Director

From: Wayne Ducote, Jr.
IMS Director

Date: 15-Oct-21

Subj: Insurance and Medical Services Department
September 2021 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. Continuing to explore outreach opportunities with stakeholders. |
| 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: 62 new registrants; 0 notifications sent. |
| Medical Services | <ol style="list-style-type: none">1. Two medical bill reviewer certifications were completed and processing five medical bill reviewer certifications and renewals.2. Nine medical bill pricing reviews were done in the month of September. |

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.

Employer Rule to Show Cause Hearings and Compliance Activity

The Compliance Division docketed **4** new RTSC cases and **5** total RTSC cases in the month of September. And, compelled **55** South Carolina employers to come into compliance with the Act. Year to date, **6** new RTSC cases and **9** total RTSC cases have been docketed.

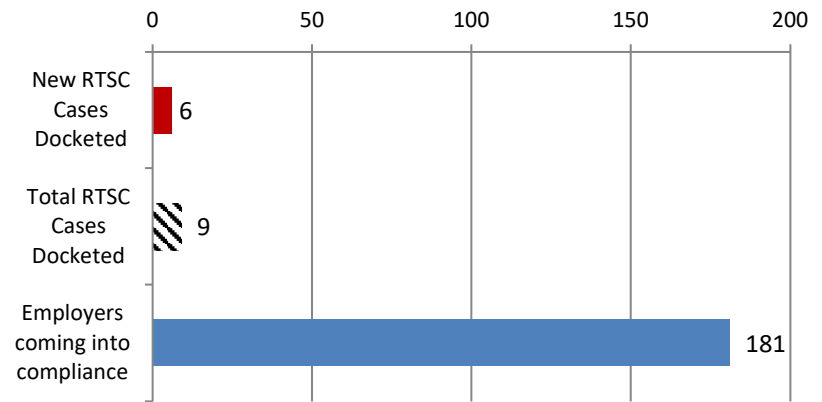
Employers Obtaining Coverage

Year to date, the Compliance Division has compelled **181** South Carolina employers to come into compliance with the Act. In so doing, approximately **1,391** previously uninsured workers are now properly covered.

Penalties Waived

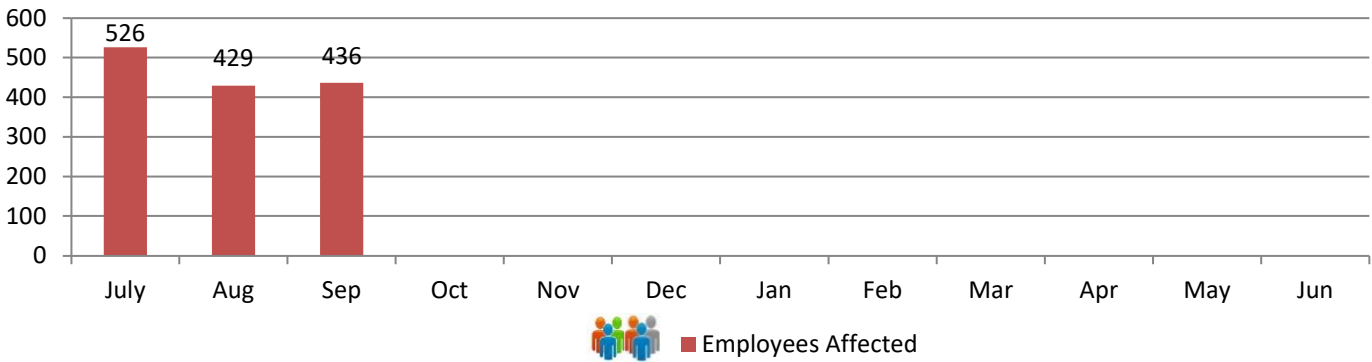
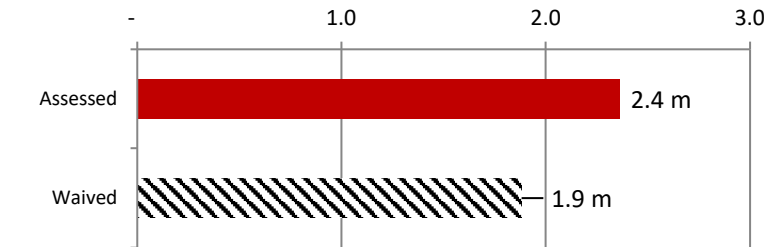
Although the Division has assessed \$2.4 m in fines this fiscal year, \$1.9 m have been waived or rescinded as employers have either obtained insurance coverage or were found not to be subject to the Act.

RTSC and Compliance Activity



Fines and Penalties

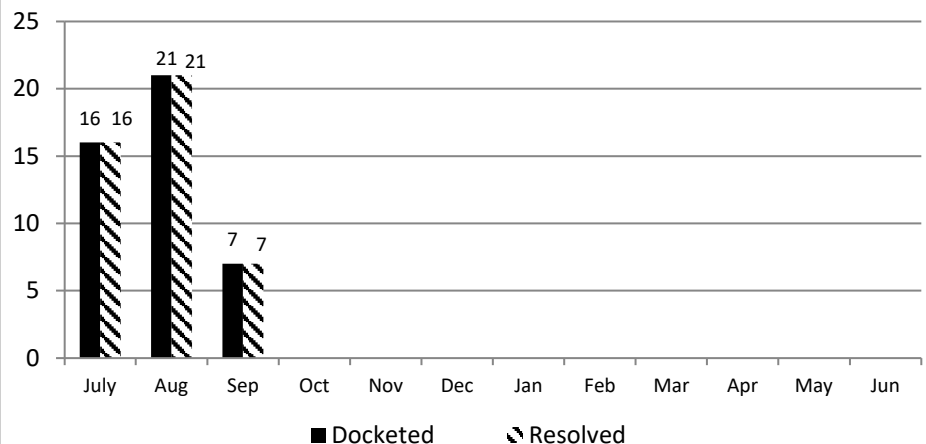
Millions



Carrier Rule to Show Cause Hearings

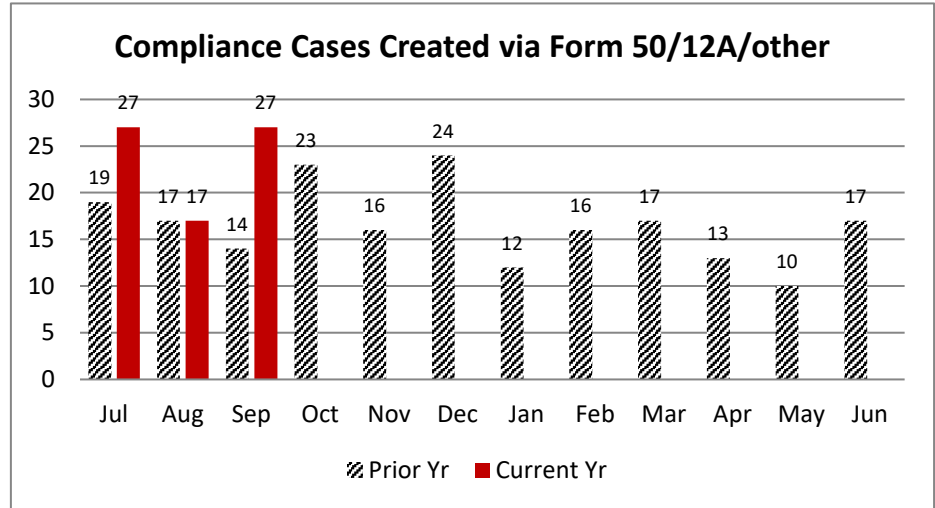
The Compliance Division manages the Rule to Show Cause process involving the recovery of outstanding carrier fines and penalties. In the month of September 2021, 7 carrier RTSC cases were docketed; 7 cases were resolved for a total of \$4,800.

Year to date, a total of 44 carrier RTSC cases have been docketed, 44 cases for a total of \$21,650 have been resolved.



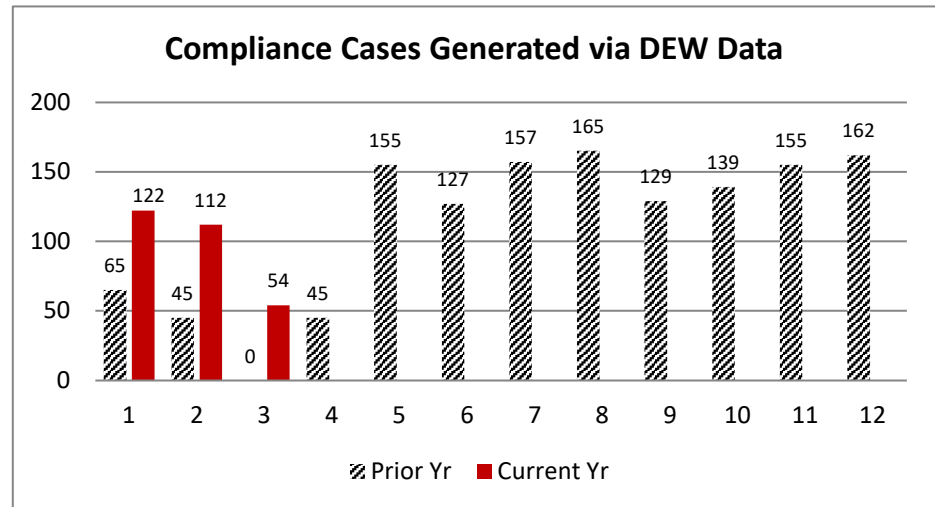
In September 2021, 27 compliance files were created from the combined filings of Form 50's, 12A's, and stakeholder reporting involving uninsured employers.

YTD vs. Prior Year total (198): 36%
 Sept 2020 to Sept 2021: 193%
 Current Yr End trend: 143% of 2020-2021
 YTD 2021-2022 v. YTD 2020-2021: 142%

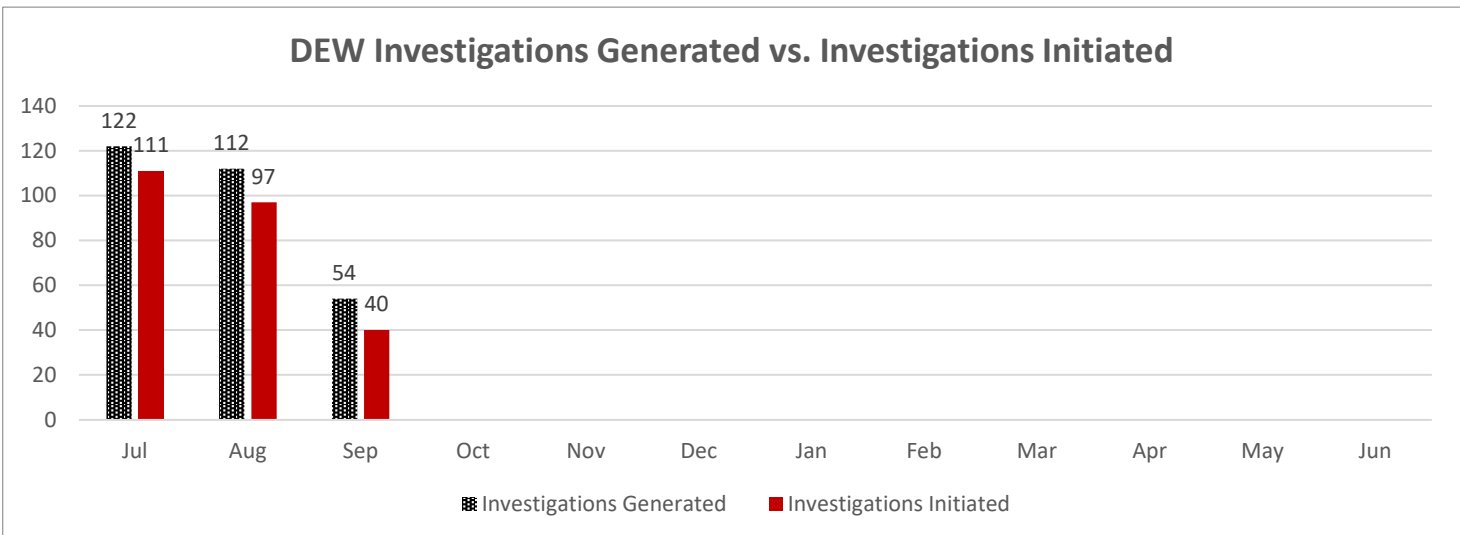


In September 2021, 54 compliance files were generated from the DEW data process.

YTD vs. Prior Year total (1,344): 21%
 Sept 2020 to Sept 2021: 4688%
 Current Yr End trend: 86% of 2019-2020
 YTD 2021-2022 v. YTD 2020-2021: 262%



The DEW Data Pool is determined by the total number of potential, non-compliant employers who report wages to DEW with at least 4 employees and who's FEIN does not match with any coverage records in the Commission's coverage database. The investigations generated is the number of compliance investigations generated from the pool. The investigations initiated is the number of compliance investigations initiated from those that were generated.



Carryover Caseload:

The Compliance Division closed Sept 2021 with 279 cases active, compared to an active caseload of 163 at the close of Sept 2020.

Cases Resolved:

For the month of September 2021, Compliance Division staff closed-out 135 cases.

Compliance Fines:

In September 2021, the Compliance Division collected \$69,809 in fines and penalties. Year to Date, the Compliance Division has collected \$260,823 in fines and penalties.

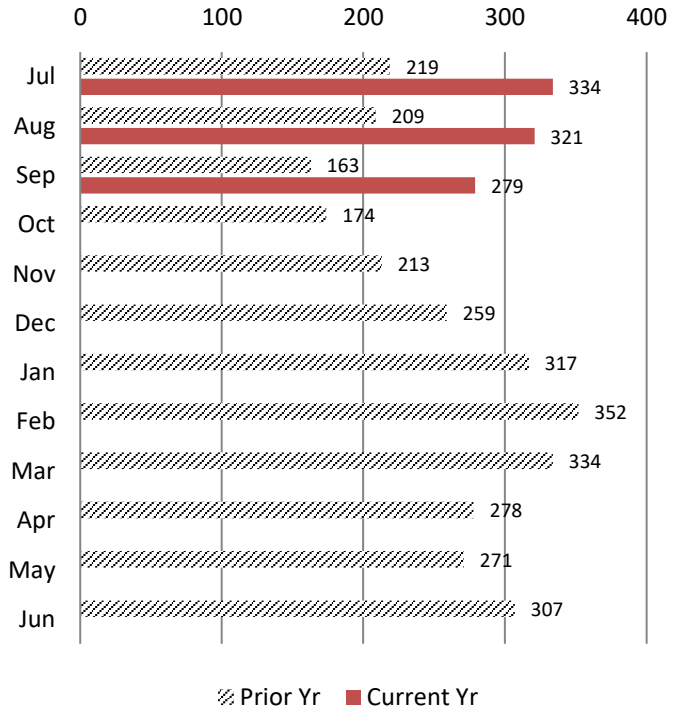
Year to Date vs Prior Year Total (\$785,893): 33%

Sept 2020 vs. Sept 2021: 132%

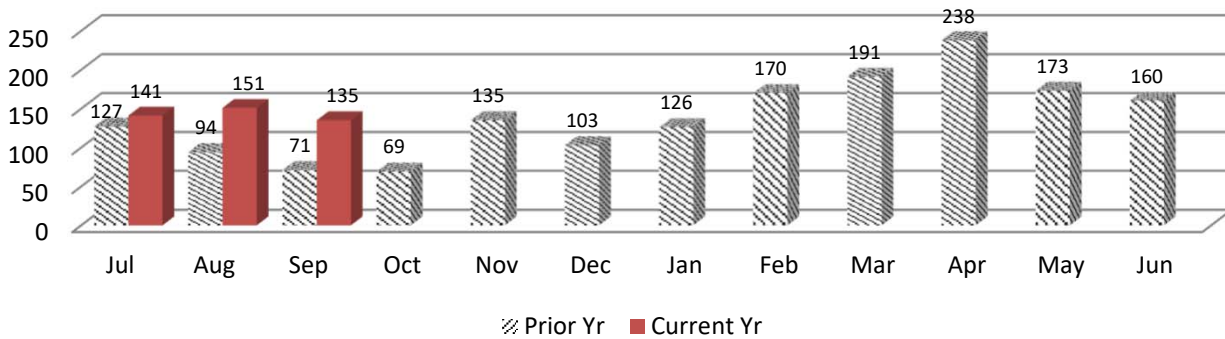
Current Year End trend is 133% of 2020-2021

YTD 2020-21 (Sept - June) vs YTD 2021-2022: 134%

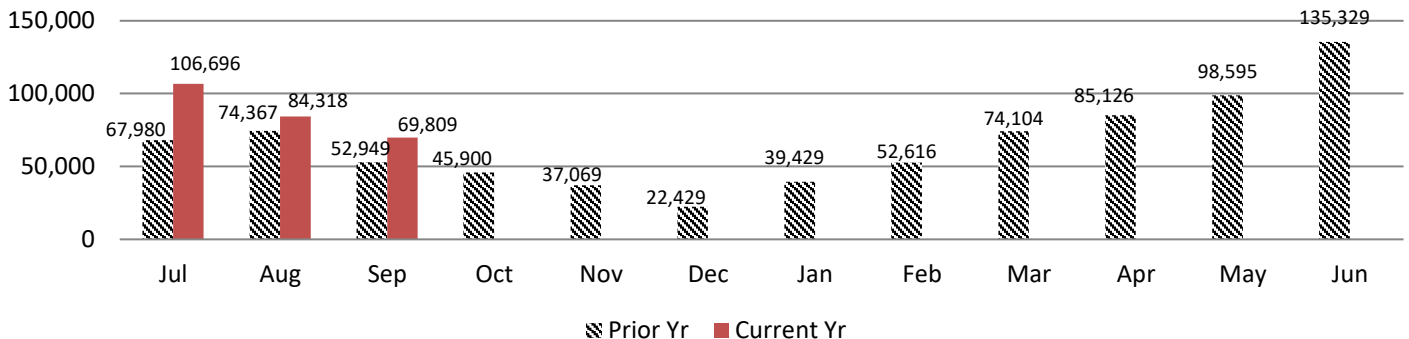
Caseload Pending v. Prior Year



Cases Resolved v. Prior Year



Compliance Fines Collected v. Prior Year

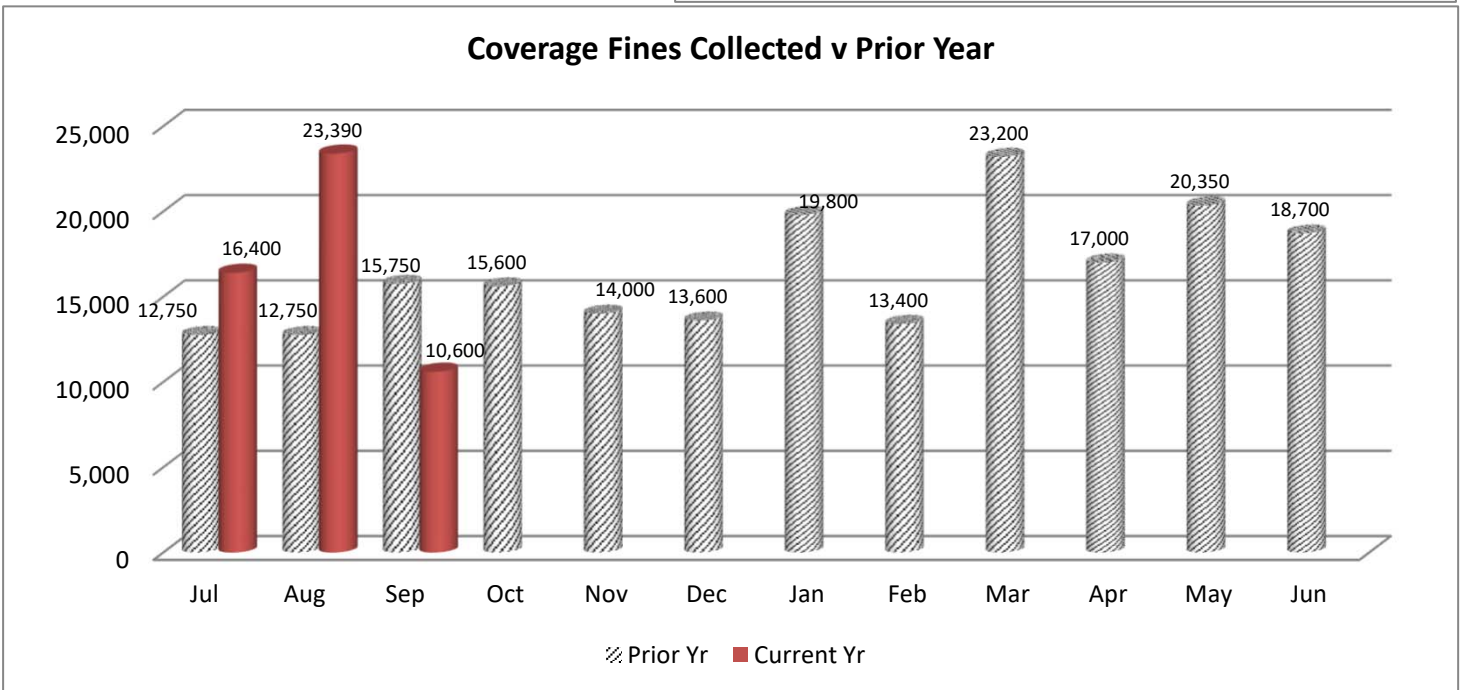
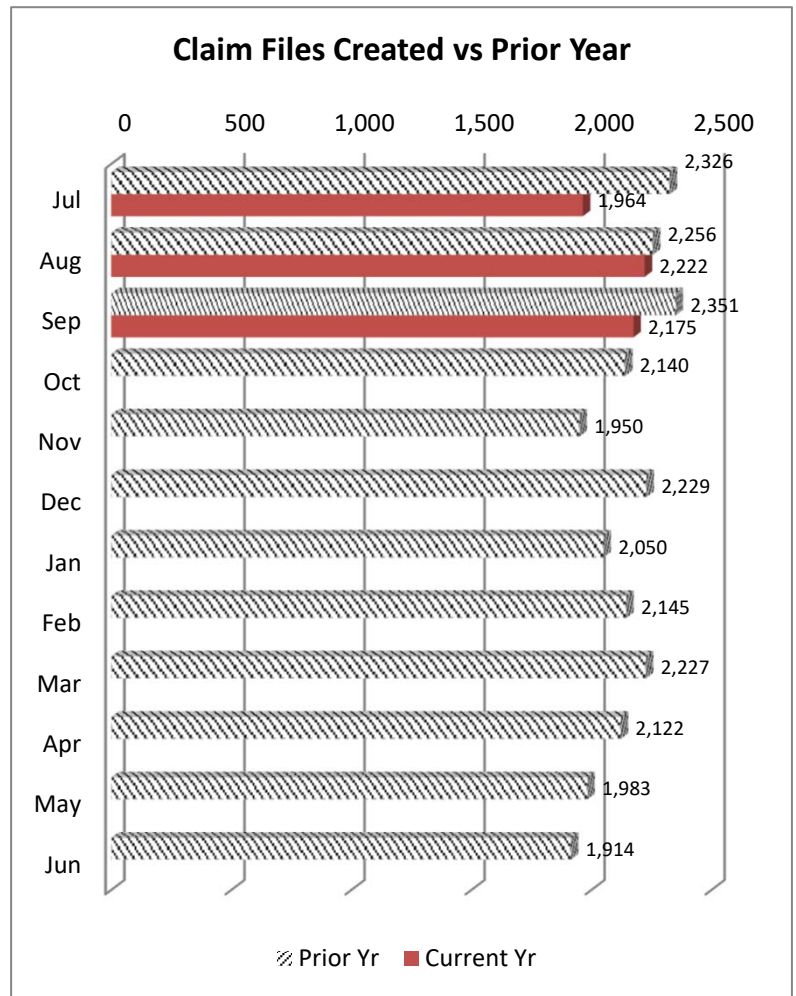


WCC Claim Files:

In Sept 2021, the Coverage Division received a total of 2,175 WCC Claim files. Of these, 1,871 were created through proper carrier filing of a 12A, and 304 were generated as a result of a Form 50 claim filing. Year to Date 6,361 Claim files have been created which is 25% of claim file volume prior year (25,693).

Coverage Fines:

The Coverage Division collected \$10,600 in fine revenue in Sept 2021, as compared to \$15,750 in Coverage fines/penalties accrued during Sept 2020. Year on Year, Coverage fines are at 26% of collections for prior year.



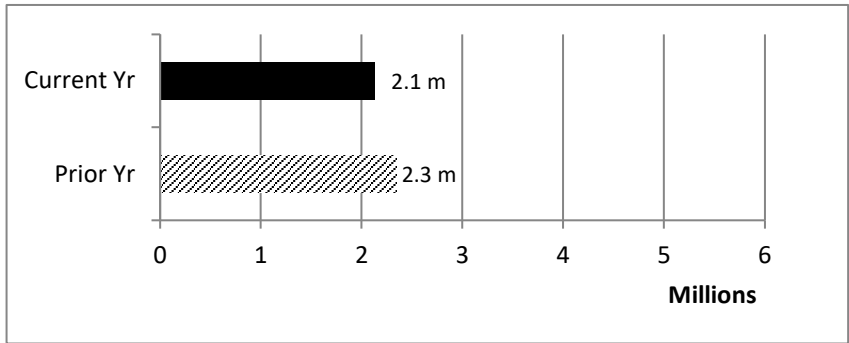
IMS SELF INSURANCE DIVISION

September 2021

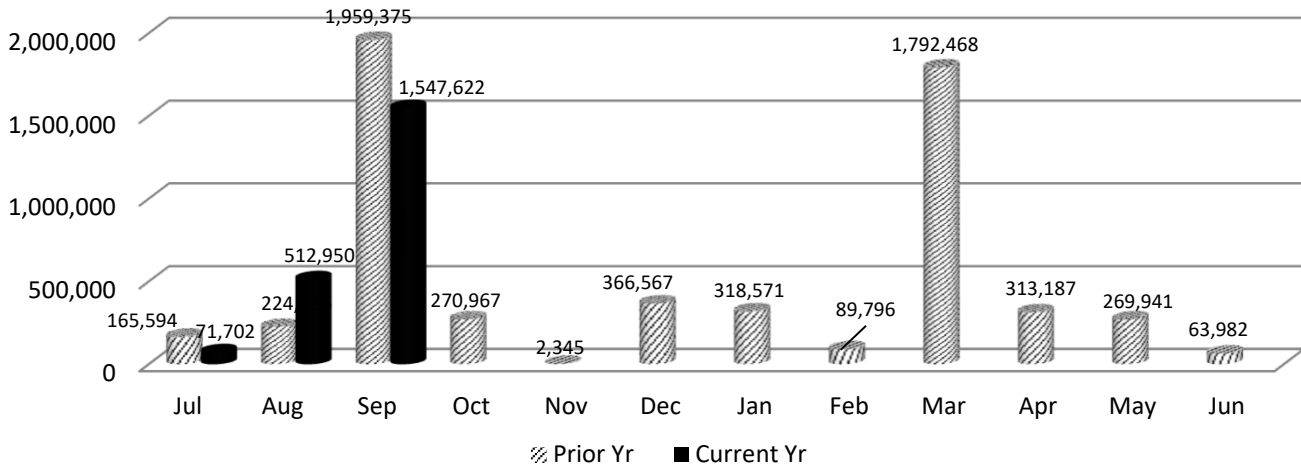
During the month of September 2021, the Self Insurance Division:

- * collected \$1,547,622 in self-insurance tax.
- * added 5 new self-insurers.
- * conducted 4 Self Insurance audits.

Year to Date, Self Insurance tax revenue is trending at 91% of prior year and 12 Self Insurance audits have been completed.



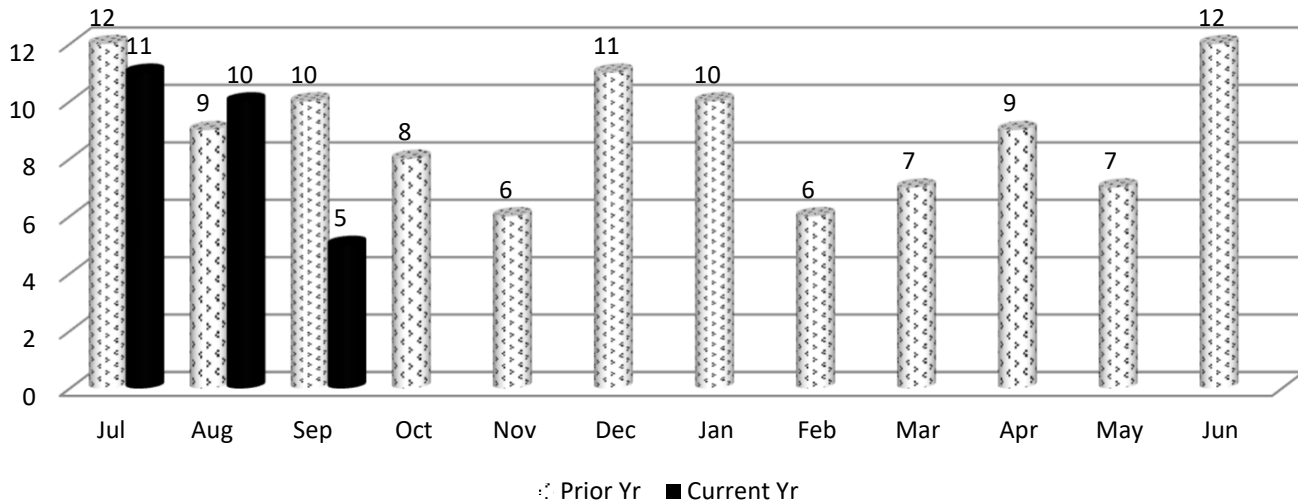
Self Insurance Tax Collections v. Prior Year



IMS MEDICAL SERVICES DIVISION

In September 2021, the Medical Services Division began the month with 10 bills pending review, received an additional 4 bills for review, conducted 9 bill reviews and ended the month with 5 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 11, 2021
Re: Claims Department September 2021 Full Commission Report

Below is the Claims Department's report of the activities for the month September 30, 2021. Totals for the fiscal year three-month period can be found on the attached Excel document.

Forms Processed	14,248
Closed	2,275
Reviewed	2,694
Revenue	\$59,450
Total Fines Assessed	221
Form 18 Fines	211
Form 18 - EDI	2,626
Emailed - Form 18s	1,681
USPS - Form 18s	47
Form 61 received	607
Form 61 Approved	673
Third Party Settlements Received	19
Third Party Settlements Processed	19

Claims Department Activity Report

Fiscal Year Period ending , September 30, 2021

Claims Services	July	August	Sept	FY21-22 Total	FY20-21 Total	% Chg same period FY20-21
Forms 15-I	1,023	1,157	1,153	3,333	3,799	-12%
Forms 15-II/Forms 17	933	1,028	922	2,883	3,101	-7%
Forms 16 for PP/Disf	187	216	215	618	673	-8%
Forms 18	4,325	4,511	4,491	13,327	13,682	-3%
Forms 20	546	591	559	1,696	1,782	-5%
Form 50 Claims Only	291	316	241	848	909	7%
Form 61	652	655	607	1,914	2,253	-15%
Letters of Rep	251	258	219	728	694	5%
Clinchers	831	744	818	2,393	2,813	-15%
Third Party Settlements	14	24	19	57	38	67%
SSA Requests for Info	64	49	35	148	116	28%
Cases Closed	2,028	2,233	2,275	6,536	8,293	-21%
Cases Reviewed	2,849	3,742	2,694	9,285	10,926	-15%
				-	-	
				-	-	
Total Fines Assessed	297	338	221	856	977	-12%
Form 18 Fines	331	321	211	863	882	-2%
Total Amt Paid	\$38,650	\$60,800	\$59,450	\$ 158,900	\$ 107,100	48%

State of South Carolina



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

Tel: (803) 737-5700
Fax: (803) 737-1234
www.wcc.sc.gov

Workers' Compensation Commission

October 11, 2021

To: Gary Cannon
Executive Director

From: Amy A. Bracy
Judicial Director

RE: Monthly Judicial Report for September 2021

During the month of September, the Judicial Department processed eight hundred six (806) requests for hearings (claimant and defense pleadings), one hundred nine (109) Motions and one hundred fifty-four (154) clincher conference requests that were sent to the Jurisdictional Commissioners.

There were fifty-two (52) Single Commissioner Hearings conducted during the past month, twenty-six (26) pre-hearing conferences held, and eight (8) Full Commission hearings held. A total of four hundred seventy-two (472) Orders (Single Commissioner Orders, Consent Orders and Administrative Orders) were served at the single Commissioner level, forty-seven (47) of those were Decision and Orders that resulted from hearings that went on the record and one hundred forty-two (142) were Motion Orders that were a result of Motions ruled upon by Commissioners.

The Informal Conference system conducted two hundred five (205) hearings during the last month.

There were thirty-two (32) regulatory mediations scheduled and fifty-two (52) requested mediations. The Judicial Department was notified of fifty-nine (59) matters resolved in mediation, with the receipt of Forms 70.

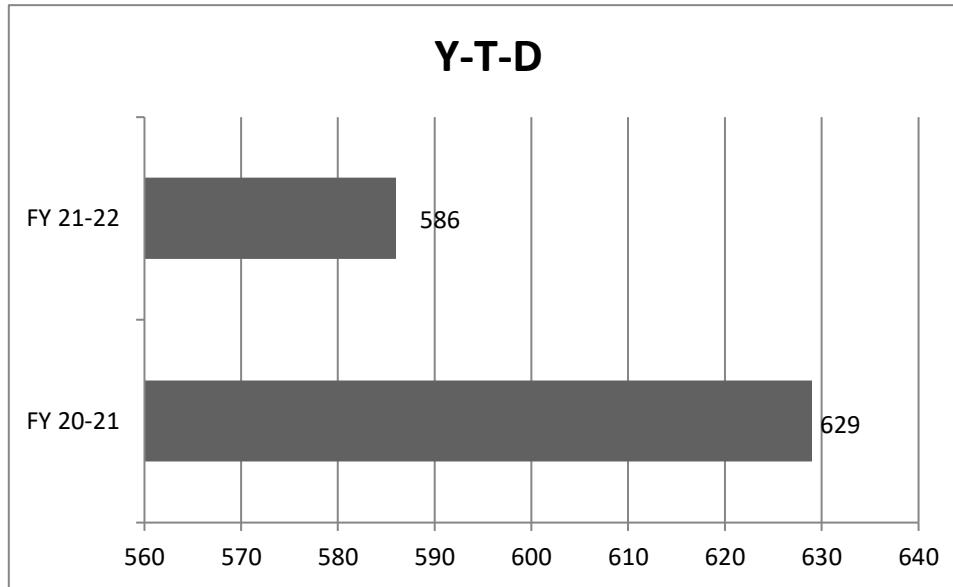
In the month of September, Judicial received two (2) Notice of Intent to Appeal to the Court of Appeals and zero (0) to the Circuit Court.

**Judicial Department Statistcal Report
Statistics For Fiscal Year 2021-2022**

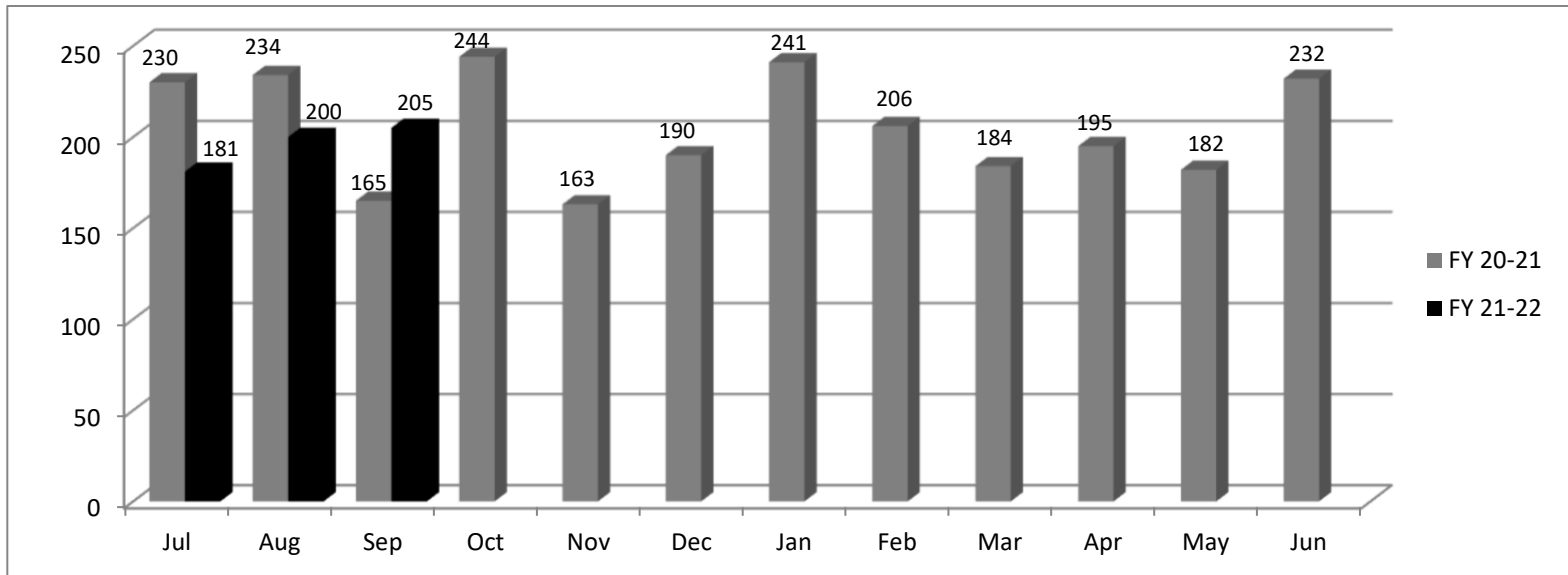
	July	Aug	Sept	Oct	Nov	Totals YTD 2021-2022	Totals YTD 2020-2021	% Diff from prev year	YTD Diff + (-)	FY21-22 Mth Avg	FY20-21 Mth Avg
Claimant Pleadings	484	560	496			1,540	1661	-7%	(121)	513	554
Defense Response to Pleadings	409	406	466			1,281	1372	-7%	(91)	427	457
Defense Pleadings	287	285	310			882	883	0%	(1)	294	294
Motions	140	120	109			369	460	-20%	(91)	123	153
Form 30	14	21	6			41	34	21%	7	14	11
FC Hearings Held	7	8	8			23	13	77%	10	8	4
FC Orders Served	14	14	11			39	26	50%	13	13	9
Single Comm. Hearings Held	40	61	52			153	236	-35%	(83)	51	79
Single Comm. Orders Served	215	189	204			608	591	3%	17	203	197
Single Comm. Pre-Hearing Conf Held	14	11	26			51	75	-32%	(24)	17	25
Consent Orders	211	218	256			685	871	-21%	(186)	228	290
Adminstrative Orders	4	19	12			35	37	-5%	(2)	12	12
Clincher Conference Requested	109	149	154			412	427	-4%	(15)	137	142
Informal Conference Requested	228	278	274			780	871	-10%	(91)	260	290
Informal Conference Conducted	181	200	205			586	629	-7%	(43)	195	210
Regulatory Mediations	26	21	32			79	104	-24%	(25)	26	35
Requested Mediations	65	65	52			182	161	13%	21	61	54
Ordered Mediations	0	0	0			0	3	-100%	(3)	0	1
Mediation Resolved	44	63	59			166	148	12%	18	55	49
Mediation Impasse	22	19	11			52	37	41%	15	17	12
Mediation Held; Issues Pending	0	2	2			4	1	0%	3	1	0
Claim Settled Prior to Mediation	7	14	14			35	24	46%	11	12	8
Mediation Not Complete in 60 days	4	1	2			7	3	133%	4	2	1

Informal Conf. Conducted

	FY 20-21	FY 21-22
Jul	230	181
Aug	234	200
Sep	165	205
Oct	244	
Nov	163	
Dec	190	
Jan	241	
Feb	206	
Mar	184	
Apr	195	
May	182	
Jun	232	
Total	2466	586

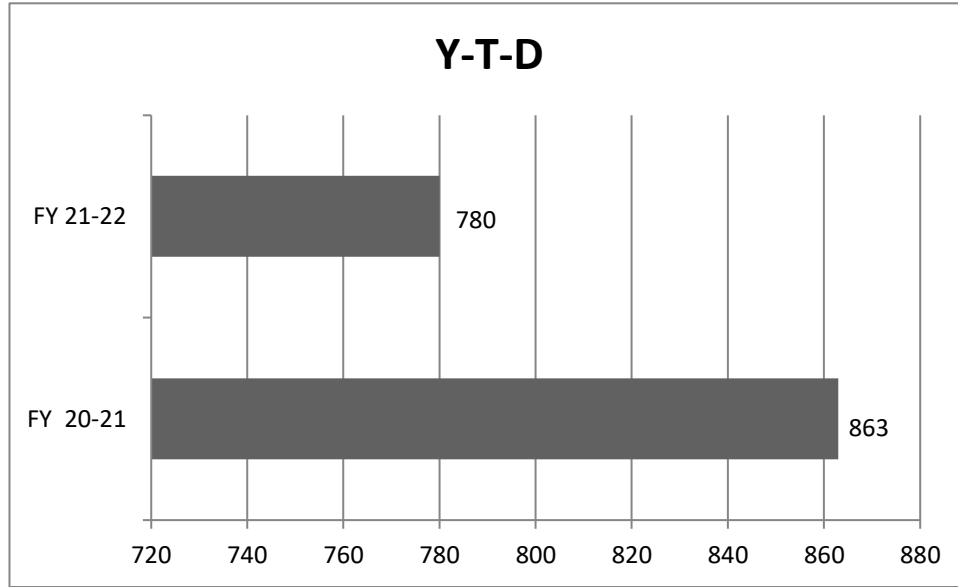


	FY 20-21	FY 21-22
Y-T-D	629	586

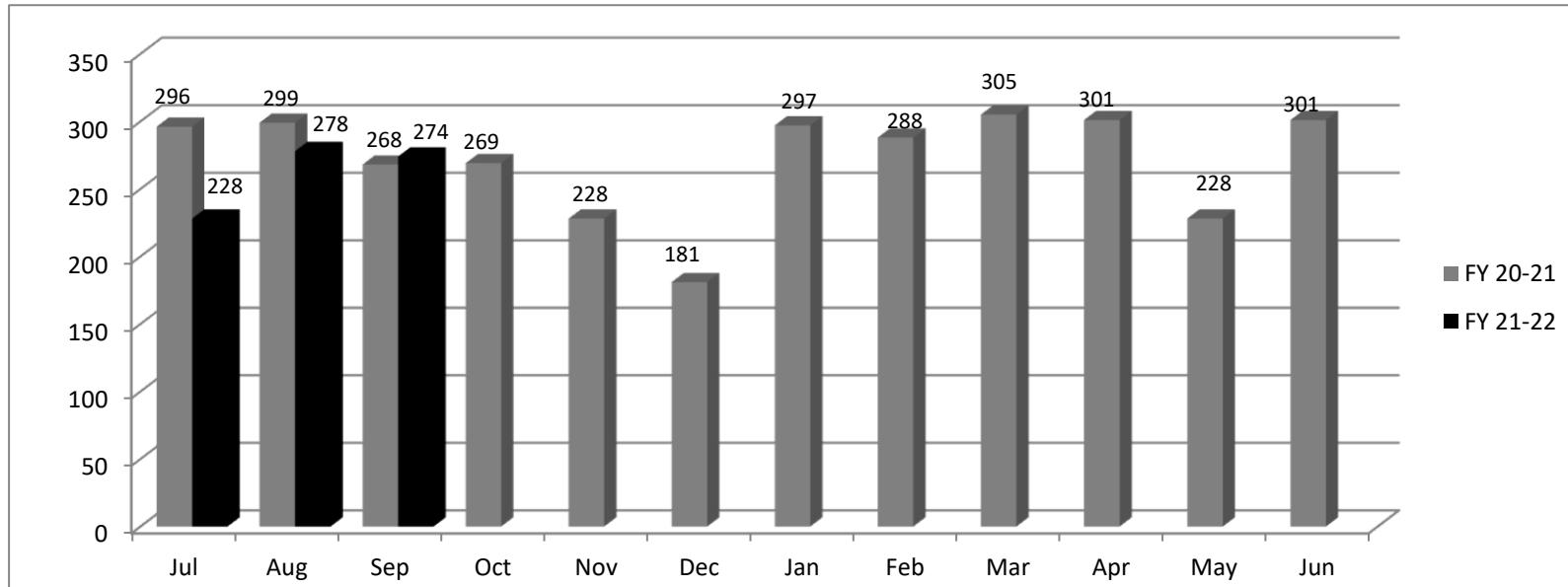


Informal Conf. Requested

	FY 20-21	FY 21-22
Jul	296	228
Aug	299	278
Sep	268	274
Oct	269	
Nov	228	
Dec	181	
Jan	297	
Feb	288	
Mar	305	
Apr	301	
May	228	
Jun	301	
Total	3261	780



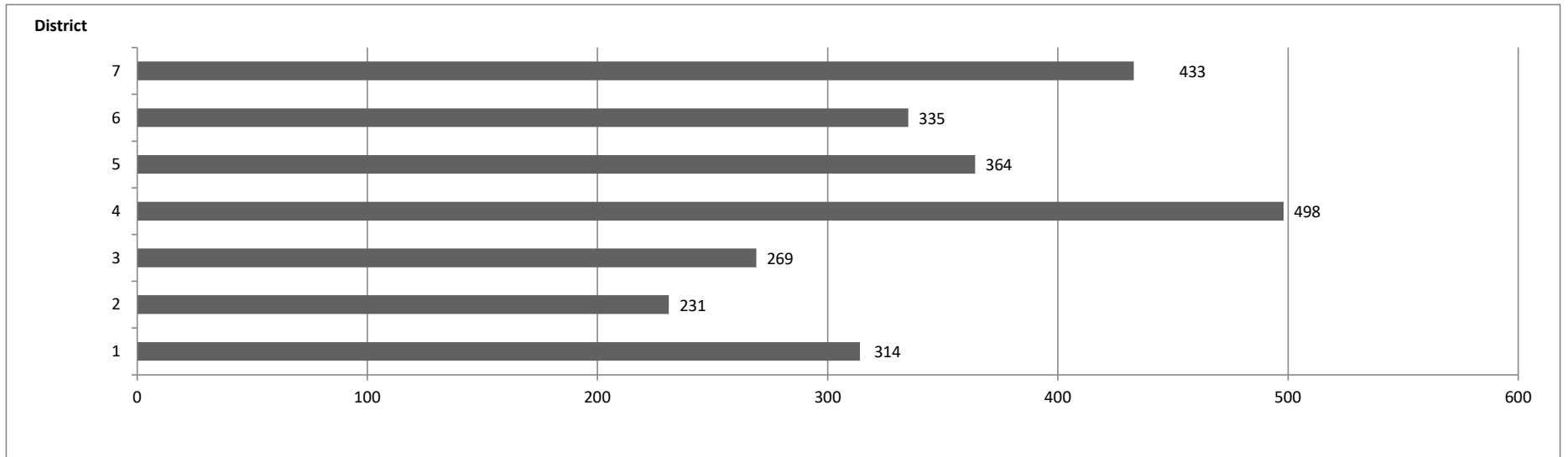
	FY 20-21	FY 21-22
Y-T-D	863	780



Pleadings Assigned - Three Year Comparison by Month

	District 1			District 2			District 3			District 4			District 5			District 6			District 7		
	Greenville			Anderson			Orangeburg			Charleston			Florence			Spartanburg			Richland		
	21-22	20-21	19-20	21-22	20-21	19-20	21-22	20-21	19-20	21-22	20-21	19-20	21-22	20-21	19-20	21-22	20-21	19-20	21-22	20-21	19-20
Jul	112	120	99	87	81	84	72	85	123	166	151	183	109	126	136	122	112	137	156	154	140
Aug	93	88	99	67	73	85	101	105	78	174	142	168	112	125	153	101	95	104	134	133	147
Sep	109	87	101	77	70	77	96	107	98	158	162	174	143	128	108	112	113	104	143	169	131
Oct		93	115		81	90		125	76		175	187		115	124		104	121		159	142
Nov		92	83		88	74		100	108		176	155		96	116		104	78		134	148
Dec		90	81		68	65		115	80		168	140		132	99		96	104		141	117
Jan		79	98		56	69		96	78		172	186		110	104		88	88		124	110
Feb		84	91		88	85		86	78		133	143		101	132		93	126		118	166
Mar		125	112		93	96		118	134		201	187		132	131		106	111		164	183
Apr		94	90		63	78		100	90		138	150		112	136		106	100		134	140
May		90	100		69	80		85	80		134	126		110	103		98	104		126	125
Jun		95	112		74	75		98	91		164	170		117	97		103	109		134	175
Totals	314	1137	1181	231	904	958	269	1220	1114	498	1916	1969	364	1404	1439	335	1218	1286	433	1690	1724

Pleadings Assigned by District Year to Date



TAB 8

NO VOCATIONAL REHABILITATION
REPORT WAS SENT IN RESPONSE TO
OUR REQUEST

State of South Carolina



Workers' Compensation Commission

Executive Director's Report October 18, 2021

Ad Hoc Advisory Committee – Medical Services Provider Manual

The third AD Hoc Committee Meeting was held on September 10, 2021 via Zoom. Twenty-nine members and staff participated. The Committee approved recommendations for presentation to the Commissioners at the October Business Meeting

COVID-19 Claims for September 2021

Total Claims Filed from 2/1/2020 – 9/30/2021	3873
Claims reported to the Commission in September, 2021	282
Total Reported Fatalities from 2/1/2020 – 9/30/21	26
Open Claims denied on Form 19	20
Closed Claims denied on a Form 19	2389
Total Claims closed	3571
Claims with attorney representation	124
Claims with active Judicial Activity	19
Claims with closed Judicial Activity	64
Total Medical Paid on closed claims thru 7/31/2021	641344.55
Total Non-Medical Paid on closed claims thru 7/31/2021	2495585.03
Counties reporting highest number of claims	Greenville (477) Charleston (435) Richland (286)
Occupation reporting the highest number of claims	Registered Nurse (440)

Meetings/Activities

During the month of September, the Executive Director participated in 1 pending litigation team meetings, 3 meetings related to the IT project RFP, 1 meetings related to the Ad Hoc Committee, two presentations to stakeholder groups, one call with FairHealth, one Executive Team meeting, one employee retirement event.

Constituent /Public Information Services

For the period September 1, 2021 to September 30, 2021, the Executive Director's Office and the General Counsel's office had 307 electronic and personal contacts with claimants or constituents, state agencies, federal agencies, attorneys, service providers, business partners, and letters with congressional offices.

Financial Transactions Activity

For the period September 1, 2021 to September 30, 2021, the Director's office processed and approved 12 travel expense reports, 114 invoices, and 42 deposits for DOA to process in the SCIES system.

SCWCC Stakeholder Electronic Distribution List

For the period September 1, 2021 to September 30, 2021, we added one (1) individual. Due to the receipt of email delivery failures, a total of nine (9) email addresses were deleted. A total of 743 individuals currently receives notifications from the Commission. We are seeing a large increase in email failures. Upon verification, a lot are from stakeholders that have been on the list for many years, that have retired or have decided to move on.

Advisory Notices

During the month of September, the office posted three (3) notices on the Commission's website and emailed it to the distribution list.

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: COMMISSIONERS

**FROM: Gary Cannon
Executive Director**

DATE: October 18, 2021

RE: FINANCIAL REPORT - Period ending September 30, 2021

Attached is the Budget vs. Actual Report for the General Fund and Earmarked Fund for the fiscal year period ending September 30, 2021. The benchmark for this period is 25%.

Expenditures

The expenditures for the General Fund are on pages 1-2 of the attached report "Budget vs. Actual Report FY2021. The year-to-date expenditures in the General Fund (10010000) for this period is \$636,036. Please note the \$101,952 expended from the IT Management Project Commitment Item 56100 in Information Services FY18 in last month's Financial Report was incorrectly charged the account. A journal entry was made to charge the expenditure to the correct account. The amount shown in the account in this month's report is \$1,695,084 is not a part of the daily operations. Reducing the total Current Budget in the General Fund by this amount results in an adjusted budget for operations \$2,845,196. The year-to-date operational expenditures, \$636,036, is 22% of the adjusted total budgeted amount.

The Earmarked Fund financials begin on page 3 with the total expenditures found on page 6. The year-to-date expenditures, \$1,079,162 found on page 7 is 19% of budgeted amount.

The General Fund has \$21,718 and the Earmarked Fund has \$282,253 of Commitments items pending procurement. The information is found on page 1 of 1 in Commitments.

Revenues

The Earmarked Fund budgeted \$3,170,991 for operating revenues. Year to date the Fund received \$657,857 or 21% of budgeted revenues.

Self-Insurance Tax Funds

To date we have received \$1,448,525 of Self-Insurance Tax funds.

South Carolina Workers' Compensation Commission
Earmarked Fund Revenues
FY 2022 As of 9/30/2021
25% of year elapsed

Account	Acct No.	Budget	YTD Actual Revenue	% of Budget
WORKERS' COMP HEARING FEE	4110090000	1,091,322	225,275	21%
W COMP SELF INS APPL FEE	4160040000	26,555	650	2%
W COMP FILING VIOL PENALTY	4223030000	1,985,476	401,553	20%
PARKING FEE	4350040000	5,900	9,168	155%
W COMP AWARD REVIEW FEE	4350140000	32,251	5,100	16%
PHOTOCOPYING FEE	4380050000	25,300	15,805	62%
SALE OF LISTINGS & LABELS	4480060000	4,187	506	12%
RETURN CHECKS	4530010000			
ADJUSTMENT TO AGENCY DEPOSITS	4530020000		(200)	
Total Revenues		3,170,991	657,857	21%

Self Insurance Tax		2,500,000	1,448,525	58%
---------------------------	--	------------------	------------------	------------

Total		5,670,991	2,106,381	37%
--------------	--	------------------	------------------	------------

South Carolina Workers' Compensation Commission
Budget vs. Actual Report
FY 2022 As of 9/30/2021
25% of year elapsed

Fund 10010000 - GENERAL FUND

Administration

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501015	DIRECTOR	138,686	35,538	26%		103,148
501058	CLASSIFIED POS	48,034				48,034
512001	OTHER OPERATING	323,033				
Total OTHER OPERATING:		323,033				323,033
Total Administration:		509,753	35,538	7%		474,215

Inform. services

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
5030067130	EQUIP&SUPP- EUC		1,110		21,718	
Total OTHER OPERATING:			1,110		21,718	-22,828
Total Inform. services:			1,110		21,718	-22,828

Claims

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	80,565	20,645	26%		59,920
Total Claims:		80,565	20,645	26%		59,920

Commissioners

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501026	CHAIRMAN	168,057	43,064	26%		124,993
501033	COMMISSIONER	978,964	250,858	26%		728,106
501050	TAXABLE SUBS	70,000	14,948	21%		55,052
501058	CLASSIFIED POS	345,000	88,034	26%		256,966
501070	OTH PERS SVC		3,750			-3,750
Total Commissioners:		1,562,021	400,656	26%	0	1,161,366

South Carolina Workers' Compensation Commission
Budget vs. Actual Report
FY 2022 As of 9/30/2021
25% of year elapsed

Fund 10010000 - GENERAL FUND

Information Services FY18

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
561000	Special Item	1,695,084	0	0	0	1,695,084
Total Information Services FY18:		1,695,084	0	0	0	1,695,084

Insurance & Medical

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	30,600	7,841	26%		22,759
Total Insurance & Medical:		30,600	7,841	26%		22,759

Judicial

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
512001	OTHER OPERATING	29,852				
Total OTHER OPERATING:		29,852				29,852
Total Judicial:		29,852				29,852

Employer Contributions

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
513000	EMPLOYER CONTRIB	632,405	170,246	27%		462,159
Total Employer Contributions:		632,405	170,246	27%		462,159

Total GENERAL FUND:		4,540,280	636,036	14%	21,718	3,882,527
----------------------------	--	------------------	----------------	------------	---------------	------------------

South Carolina Workers' Compensation Commission
Budget vs. Actual Report
FY 2022 As of 9/30/2021
25% of year elapsed

Fund 38440000 - EARMARKED FUND

Administration

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	791,985	55,220	7%		736,765
501070	OTH PERS SVC	41,000	2	0%		40,998
512001	OTHER OPERATING	2,382,671				
5020030000	PRINT / BIND / ADV		106			
5021010003	LEGAL SRV-TRANSCRIPT		30		130	
5021020000	ATTORNEY FEES		1,794			
5021490000	AUDIT ACCT FINANCE		130			
5024990000	OTH CNT-NON-IT & REA		502			
5030010000	OFFICE SUPPLIES		573			
5030010002	OFF SUP - MIN OFF EQ		9			
5030010004	SUBSCRIPTIONS		22			
5030030000	PRINTED ITEMS		220			
5030067101	PRGM LIC - APP SUPP		7,845		39,646	
5030067130	EQUIP&SUPP- EUC		101,952			
5030067170	EQUIP&SUPP- PRINT EU		2,081			
5030070000	POSTAGE		9,961			
5031479203	JANITORIAL SUPPLIES		117			
5032410000	MED/SCIENT/LAB SUPP		93			
5033090000	EMPLOYEE RECOG AWARD		2,472			
5040060000	ST RENT-NON ST BLDG		1,676		3,620	
5040070000	RENT-ST OWN RL PROP		120			
5040490003	RENT PO BOX		1,544			
5040490009	RENT PARKING		3,900		12,717	
5041010000	DUES & MEMBER FEES		1,570			
5041840000	LEASE BLDG PRINCIPAL		137,750		186,333	
5041850000	LEASE BLDG INTEREST		457		247	
5050010000	IN ST-MEALS-NON-REP		155			
5050020000	IN ST-LODGING		1,461			
5050041000	HR-IN ST-AUTO MILES		400			
5050060000	IN ST-MISC TR EXP		53			
5050070000	IN ST-REGISTR FEES		430			
5050510000	OUT ST-MEALS-NON-REP		170			

South Carolina Workers' Compensation Commission
Budget vs. Actual Report
FY 2022 As of 9/30/2021
25% of year elapsed

Fund 38440000 - EARMARKED FUND

5050570000	OUT ST-REGISTR FEES		930			
5051540000	LEASED CAR-ST OWNED		9,846			
Total OTHER OPERATING:		2,382,671	288,368	12%	242,692	1,851,611
Total Administration:		3,215,656	343,590	11%	242,692	2,629,374

Inform. services

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS		92,633			-92,633
5020077100	SERVICES- APP SUP		15,070		1,220	
5020077110	SERVICES- DATA NET		125			
5020077200	SERVICES- SERVERS		1,791			
5020077220	SERVICES- VOICENET		3,976		21,600	
5020077240	DP SERVICES – STATE		88,810			
5021469316	SECURITY ALARM SRVC		2,625			
5030010000	OFFICE SUPPLIES		2,679			
5030010004	SUBSCRIPTIONS		11			
5030067110	EQUIP&SUPP- DATA NET		427			
5030067130	EQUIP&SUPP- EUC		2,732		4,650	
5030067141	PLM- ITSD				9,590	
5030067170	EQUIP&SUPP- PRINT EU		3,660		2,440	
5030067211	PLM- STORAGE		50			
5030090000	COMMUNICATION SUPP		178			
5031010000	LAUNDRY SUPPLIES		53			
5040057000	CONTINGNT RENT - IT		1,334		60	
5041010000	DUES & MEMBER FEES		100			
5050070000	IN ST-REGISTR FEES		675			
5050510000	OUT ST-MEALS-NON-REP		100			
5050520000	OUT ST-LODGING		1,032			
5050531000	HR-OUT ST-AIR TRANS		498			
5050550000	OUT ST-OTHER TRANS		260			
5050560000	OUT ST-MISC TR EXPEN		120			
Total OTHER OPERATING:			126,307		39,561	-165,867
Total Inform. services:			218,939		39,561	-258,500

South Carolina Workers' Compensation Commission
Budget vs. Actual Report
FY 2022 As of 9/30/2021
25% of year elapsed

Fund 38440000 - EARMARKED FUND

Claims

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	280,850	58,845	21%		222,005
512001	OTHER OPERATING	19,700				
	Total OTHER OPERATING:	19,700				19,700
Total Claims:		300,550	58,845	20%		241,705

Commissioners

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501050	TAXABLE SUBS	70,000				70,000
512001	OTHER OPERATING	230,700				
5020077112	NCV- DATA NET		1,026			
5020080000	FREIGHT EXPRESS DELV		83			
5020120000	CELLULAR PHONE SVCS		4,861			
5021010003	LEGAL SRV-TRANSCRIPT		881			
5021010005	LEGAL SRV-REPORTER		11,318			
5021540000	NON-IT OTHER PRO SRV		90			
5050010000	IN ST-MEALS-NON-REP		205			
5050020000	IN ST-LODGING		1,290			
5050041000	HR-IN ST-AUTO MILES		3,198			
5050060000	IN ST-MISC TR EXP		53			
5050080000	IN ST-SUBSIST ALLOW		692			
5050510000	OUT ST-MEALS-NON-REP		85			
5050570000	OUT ST-REGISTR FEES		565			
	Total OTHER OPERATING:	230,700	24,346	11%	0	206,354
Total Commissioners:		300,700	24,346	8%	0	276,354

South Carolina Workers' Compensation Commission
Budget vs. Actual Report
FY 2022 As of 9/30/2021
25% of year elapsed

Fund 38440000 - EARMARKED FUND

Insurance & Medical

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	435,902	96,054	22%		339,848
501070	OTH PERS SVC	31,200	4,430	14%		26,770
512001	OTHER OPERATING	54,500				
5021540000	NON-IT OTHER PRO SRV		6,745			
5024990000	OTH CNT-NON-IT & REA		250			
5030010004	SUBSCRIPTIONS		220			
5050010000	IN ST-MEALS-NON-REP		105			
5050020000	IN ST-LODGING		1,032			
5050041000	HR-IN ST-AUTO MILES		418		185	
5050060000	IN ST-MISC TR EXP		42			
5050510000	OUT ST-MEALS-NON-REP		85			
5050570000	OUT ST-REGISTR FEES		415			
Total OTHER OPERATING:		54,500	9,312	17%	185	45,003
Total Insurance & Medical:		521,602	109,796	21%	185	411,621

Judicial

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	470,084	117,520	25%		352,564
501070	OTH PERS SVC	62,193	8,999	14%		53,194
512001	OTHER OPERATING	12,800				
5021010003	LEGAL SRV-TRANSCRIPT		75			
5021010005	LEGAL SRV-REPORTER		345			
Total OTHER OPERATING:		12,800	420	3%	0	12,380
Total Judicial:		545,077	126,939	23%	0	418,138

Employer Contributions

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
513000	EMPLOYER CONTRIB	724,260	196,707	27%	0	527,553
Total Employer Contributions:		724,260	196,707	27%	0	527,553

South Carolina Workers' Compensation Commission
Budget vs. Actual Report
FY 2022 As of 9/30/2021
25% of year elapsed

Fund 38440000 - EARMARKED FUND

Total EARMARKED FUND:	5,607,845	1,079,162	19%	282,437	4,246,246
------------------------------	------------------	------------------	------------	----------------	------------------

South Carolina Workers' Compensation Commission

Commitments

FY 2022 As of 9/30/2021

Fund 10010000 - GENERAL FUND

Inform. services

Commitment Item	Commitment Item Description	Vendor	Commitment
5030067130	EQUIP&SUPP- EUC	DELL MARKETING LP	21,718
Total Inform. services:			21,718

Total GENERAL FUND:	21,718
----------------------------	---------------

Fund 38440000 - EARMARKED FUND

Administration

Commitment Item	Commitment Item Description	Vendor	Commitment
5021010003	LEGAL SRV-TRANSCRIPT	GLOBAL INTERPRETING NETWORK INC	130
5030067101	PRGM LIC - APP SUPP	WEST PUBLISHING CORPORATION	39,646
5040060000	ST RENT-NON ST BLDG	GALIUM 1333 MAIN LLC	3,620
5040490009	RENT PARKING	REPUBLIC PARKING SYSTEM INC	12,717
5041840000	LEASE BLDG PRINCIPAL	GALIUM 1333 MAIN LLC	186,333
5041850000	LEASE BLDG INTEREST	GALIUM 1333 MAIN LLC	247
Total Administration:			242,692

Inform. services

Commitment Item	Commitment Item Description	Vendor	Commitment
5020077100	SERVICES- APP SUP	PROGRESS SOFTWARE CORP	1,220
5020077220	SERVICES- VOICENET	NWN CORPORATION	21,600
5030067130	EQUIP&SUPP- EUC	KEYMARK INC	4,650
5030067141	PLM- ITSD	FRESHWORKS INC	9,590
5030067170	EQUIP&SUPP- PRINT EU	US INK AND TONER INC	2,440
5040057000	CONTINGNT RENT - IT	XEROX	60
Total Inform. services:			39,561

Total EARMARKED FUND:	282,253
------------------------------	----------------

Any items with vendor "Not assigned" are pending financial adjustments. Any commitment on the Budget vs. Actual Report that is missing from this list is a travel commitment.

**South Carolina Workers' Compensation Commission
Commitments
FY 2022 As of 9/30/2021**

Remainder of Page Intentionally Left Blank

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

MEMORANUM

TO: Commissioners

**FROM: Cindy Dooley, Chairperson
Ad Hoc Advisory Committee**

DATE: October 11, 2021

RE: Medical Services Provider Manual (MSPM) issues

As a result of the comments the Commission received about the proposed changes to the 2021 Medical Services Provider Manual (Fee Schedule), the Commission authorized an ad hoc advisory committee (Committee) to review the stakeholder comments and other concerns deemed appropriate by the Committee. The Commission wanted the Committee's findings and recommendations presented to be able to include changes in the 2022 Fee Schedule update.

Cynthia C. Dooley, Esq. with Turner Padgett law firm in the Columbia office accepted Chairman Beck's invitation to serve as chairperson. Staff prepared a list of stakeholder groups and potential members. Chairman Beck approved the list and invitations were extended. Thirty individuals representing medical services providers, insurance carriers, claimants' attorneys, defense attorneys, businesses and professional associations accepted.

The Committee met four times from June to September, culminating in the attached recommendations approved at the September meeting. The recommendations were sent to the Committee for final review. Ann Margaret McCraw and Dr. Gelham were the only members commenting.

Attachments:

Recommendations from Ad Hoc Committee
Comments from Ann Margaret McCraw and Glen Feltham, MD
North Carolina Rule 11 NCAC 23A.06607 (Rule 607)

**Recommendations for the SCWCC Ad Hoc Committee on the South Carolina Workers’
Compensation Medical Services Provider Manual (MSPM)**

September 15, 2021

Medical Fee Schedule Recommendations

- 1. Proposed Recommendation:** This Committee recommends the Commission increase the amount of Maximum Allowable Payment (MAP) paid to authorized providers so that South Carolina’s percentage of reimbursement mirrors the percentage paid by neighboring states and is closer to multi-state median values (as depicted by the WCRI report “WCRI Medical Price Index for Workers’ Compensation, 13th Edition, May 2021).
Discussion: Pursuant to its statutory authority under the South Carolina Workers’ Compensation Act, the Commission is authorized to regulate the amount an employer’s representative may pay a healthcare provider for authorized medical services. The Commission publishes an annual Medical Services Provider Manual that sets forth a schedule for reimbursement based upon a relative value scale and a conversion factor set by the Commission. A May 2021 Study by the Workers’ Compensation Research Institute compared the prices paid for professional medical services nationwide. By comparison, South Carolina ranked 35th out of the 36 states surveyed for reimbursement received by authorized medical providers. This translates to a fee reimbursement percentage approximately 25% less than the 36-state median. Except for Florida, our neighboring states, Tennessee, North Carolina, Georgia, Alabama, and Mississippi all ranked closer to the median on the WCRI medical price index. This Committee recognizes the difficulties in finding providers willing to treat workers’ compensation patients in the State because of insufficient reimbursement and rising costs of treatment and care coordination.

- 2. Proposed Recommendation:** The Committee recommends amending the S.C. Code Ann. § 42-15-90 and S.C. Code Ann. Regs. 67-1302 to eliminate the language restricting the Commission to setting a single conversion factor used in calculating the MAP in the MSPM. In the absence of a statutory and regulatory amendment, the Committee proposes increasing the single conversion factor incrementally for medical payments to be more in line with the amount paid in surrounding states. The comparative analysis will be derived from studies conducted by WCRI. If this recommendation is implemented, the Commission will monitor the effects on insurance premiums.
Discussion: According to published WCRI data, South Carolina’s percentage of medical reimbursement is nearly the lowest nationwide. In 2012, the Commission proposed an amendment to S.C. Code Reg. 67-1302(A) eliminating the language restricting the Commission to setting a single relative value scale and single conversation factor as the basis for medical fee schedule payments. Following strong opposition, the proposal was abandoned. In the following years, the Commission has made incremental adjustments to its fee schedule within the bounds of its statutory and regulatory authority. According to the WCRI data, these incremental adjustments have not kept pace with rising costs of care.

Medical Provider Education

- Proposed Recommendation:** The Committee proposes that the South Carolina Workers' Compensation Commission update the Frequently Asked Questions on their website and compile training videos and other written materials to be used by medical service providers to gain a better understanding of the statutory, regulatory and administrative processes for treating workers' compensation patients. The Commission will partner with educational and professional associations to develop the courses and seek accreditation for continuing medical education (CME). The training materials should include, but not be limited to, instruction on the purpose, proper completion and submission of the forms and other documents required for completion at various stages of the claim.

Discussion: Insufficient medical provider reimbursement has been a significant challenge for physicians. The Committee identified a general lack of understanding of the workers' compensation system within the medical community. This has contributed to an increase in a physician's administrative costs, duplicative administrative efforts, and increased litigation costs.

Reducing Delays in Care

- Proposed Recommendation:** This Committee proposes that the South Carolina Workers' Compensation Commission convene a separate Ad Hoc Committee to study effective methods to timely manage treatment authorizations. The Committee will also consider the impact of 3rd party records providers, the implementation of an expedited medical motions process, and the efficacy of a regulation requiring timely medical record submissions and treatment authorizations.

Discussion: Poor and duplicative methods of communication between physicians' offices and insurance carriers have contributed to delays in patient care. These delays could negatively affect the patients' rehabilitative outcomes and have caused an increase in administrative and litigation costs.

Independent Medical Examination Physicians

- Proposed Recommendation:** This Committee proposes amending, for clarification purposes, the language on the Commission website as follows: "IMEs conducted on or after December 15, 2009, *including deposition costs and fees*, will not be subject to a maximum allowable payment; however, IME costs will continue to be reviewed in each case..." Likewise, the Committee also proposes that Section 8: Special Reports and Services of the Medical Services Provider Manual be amended by including the following language: "*With the exception of IME testimony, which is not subject to the MAP, medical testimony by deposition of a physician is reported...*"

Discussion: The Medical Services Provider Manual also regulates the fees that an authorized treating physician may accept for testifying in a deposition or appearing at a proceeding before the Commission. Physicians providing an independent medical

evaluation are not subject to the fee schedule. The current language used by the Commission specifically states that “IME costs” will not be subject to a maximum allowable payment and does not specify whether “deposition costs and fees” are considered “IME costs.”

- 6. Proposed Recommendation:** This Committee proposes that the Commission assess the effectiveness of all proposed recommendations, including but not limited to, an assessment of provider participation and any impact on premiums, within 18 months of implementation to ensure they achieve the intended purpose.
- 7. Proposed Recommendation:** This Committee proposes that the Commission adopt a rule similar to the North Carolina Rule 607, “Discovery of Records and Reports,” which requires any party to furnish, free of charge, any and all medical, vocational and rehabilitation reports, employment records, Workers’ Compensation Commission forms, and written communications with medical providers within 30 days upon written request.

From: [Dr. Glen Feltham](#)
To: [Ann Margaret McCraw](#); [Cannon, Gary](#)
Cc: [Fraser Cobbe](#); [Jim McCoy](#); [Patrick Denton MD](#)
Subject: [External])RE: Email from G. Cannon: Recommendations to Ad Hoc Committee
Date: Tuesday, October 5, 2021 5:26:25 PM
Attachments: [3C9B55D156D64A4DA0DB47F6099CAC92.png](#)
[43681229A4B34390B11299710CA36D04.png](#)

Ann Margaret and Gary, (sorry a bit after deadline)

I also agree. This provision would actually increase the administrative burden AND cost to providers, and their staffs.

I also have a couple of other comments on the proposals:

#2: I of course like the proposal to eliminate the language restricting the variability of the conversion factor. However, I think the discussion section misses the point. A variable conversion factor will account for the uneven burden of patient care and administrative duties assigned to some specialties, but not others. As an example, radiology and anesthesiology have zero increased administrative burden when treating WC pts. The patient's physician of record, an orthopaedist, family med, Physical Medicine, etc, carry the overwhelming burden of increased time, and administrative and psychological stress (physical and emotional!) Therefore these docs would be compensated at a higher conversion factor, and would be compensated higher for equal codes.

#3: Again agree with proposal. Reason for proposal, in discussion, is not linked in any way to reimbursement. This is purely educational to allow current and especially newly entering docs to learn the language, requirements, including forms and other paper work, responsibilities, and rights as providers while treating WC patients in SC. This allows for greater efficiency, knowledge of protocols, comfort with overall system, and more providers likely to offer care to WC patients. That being the greatest purpose of these reforms.

It has been a pleasure, and great learning experience for me to be a part of this committee. Thank you for the opportunity.

Glen Feltham, MD
SpecOrtho (Specialty Orthopaedics & Sports Medicine, LLC)
130 Crisanto Ave, STE B
Fort Mill, SC 29715
803-548-6464

From: [Ann Margaret McCraw](#)
Sent: Wednesday, September 29, 2021 10:33 AM
To: [Gary Cannon \(gcannon@wcc.sc.gov\)](#)
Cc: [Fraser Cobbe](#); [Dr. Glen Feltham](#); [Jim McCoy](#); [Patrick Denton MD](#)
Subject: Re: Email from G. Cannon: Recommendations to Ad Hoc Committee

Hey Gary,

I have been so encouraged by this Committee. With only one exception (), the communication has been truly collaborative and constructive.

My only suggestion for the recommendations is related to the phrase "any party" in #7.

7. Proposed Recommendation: This Committee proposes that the Commission adopt a rule similar to the North Carolina Rule 607, "Discovery of Records and Reports," which requires **any party** to furnish, free of charge, any and all medical, vocational and rehabilitation reports, employment records, Workers' Compensation Commission forms, and written communications with medical providers within 30 days upon written request.

My fear is that this phrase would be construed to also include medical providers, meaning we are expected to provide all of our records to all parties. There is an unwritten expectation that we do so now, which is one of the primary administrative cost-drivers for us. Multiple requests for the same information to different parties is one of our most frustrating issues. If the proposed language can be adjusted to reflect the intent that medical providers are not expected to fulfill requests from all parties that would be great. Otherwise, this proposal doesn't help us.

Appreciative,
AM

AnnMargaret McCraw

Chief Executive Officer

Midlands Orthopaedics & Neurosurgery, PA

1910 Blanding Street, Columbia, SC 29201

Direct Line: 803.933.6134

www.midorthoneuro.com

From: Proveaux, Amy <aproveaux@wcc.sc.gov>

Sent: Monday, September 27, 2021 3:36 PM

To: Brian.Allen@mitchell.com <Brian.Allen@mitchell.com>; 'Bonnie@injuredworkersadvocates.com' <'Bonnie@injuredworkersadvocates.com'>; cboesl@goingslawfirm.com <cboesl@goingslawfirm.com>; gfeltham@specortho.com <gfeltham@specortho.com>; steveyuhas@syconsulting.org <steveyuhas@syconsulting.org>; bcullum@eains.com <bcullum@eains.com>; ric@davis.law <ric@davis.law>; Efathering@saf.sc.gov <Efathering@saf.sc.gov>; Dewana@HollyAtkinsLaw.com <Dewana@HollyAtkinsLaw.com>; sgarrett@mgclaw.com <sgarrett@mgclaw.com>; CDooley@TurnerPadget.com <CDooley@TurnerPadget.com>; tgrzybowski@healthsystems.com

<tgrzybowski@healthsystems.com>; Jhodge@palmettopain.net <Jhodge@palmettopain.net>; robin@robinhoyle.com <robin@robinhoyle.com>; sbchamber@scsbc.org <sbchamber@scsbc.org>; daniellabezius@eains.com <daniellabezius@eains.com>; drjimdad@aol.com <drjimdad@aol.com>; Ann Margaret McCraw <AnnM@midorthoneuro.com>; Karen.Mills@walmart.com <Karen.Mills@walmart.com>; Swati.patel@scchamber.net <Swati.patel@scchamber.net>; Daniel.Mendez@prismahealth.org <Daniel.Mendez@prismahealth.org>; smpatel2002@yahoo.com <smpatel2002@yahoo.com>; stephen.ratliff@southernrehab.net <stephen.ratliff@southernrehab.net>; Ezra Riber (Home) <sc99fan@aol.com>; jschwartz@smwpa.com <jschwartz@smwpa.com>; fhkoon@lexhealth.org <fhkoon@lexhealth.org>; Kevin.tribout@optum.com <Kevin.tribout@optum.com>; patrick.denton@mcleodhealth.org <patrick.denton@mcleodhealth.org>; hjwillson@wjlaw.net <hjwillson@wjlaw.net>; triley@rplfirm.com <triley@rplfirm.com>; hillegas@musc.edu <hillegas@musc.edu>; ed.delorey@gmail.com <ed.delorey@gmail.com>; Ducote, Wayne <wducote@wcc.sc.gov>; Amick, Bridgette <bamick@wcc.sc.gov>; Roberts, Keith <keroberts@wcc.sc.gov>; Mcree, Kristen <KMccree@wcc.sc.gov>; Cannon, Gary <gcannon@wcc.sc.gov>; codonnell@fairhealth.org <codonnell@fairhealth.org>

Subject: Email from G. Cannon: Recommendations to Ad Hoc Committee

[Sender is Outside the Organization]

Ad Hoc Committee

Attached is a draft of the recommendations tentatively approved by the committee at the meeting on September 10. Please review. Submit any changes to Gary M. Cannon at gcannon@wcc.sc.gov no later than COB September 29.

If there are substantive changes, there will be a committee meeting to discuss on October 8. If there are no substantive changes you will be notified and the recommendations will be presented to the Commission at the Business Meeting on October 18.

Thank you for participation in this project.

Gary M Cannon
Executive Director

CONFIDENTIAL & PRIVILEGED

The preceding email message, including any attachments, may be confidential and/or protected by the attorney-client or other applicable privileges. It is intended for the sole use of the individual or entity named above. If the reader of this transmission is not the intended recipient, please notify the sender immediately and destroy any copies, electronic, paper or otherwise, that you may have of this communication. Any

unauthorized review, use, disclosure or distribution is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE: The information contained in this e-mail message is legally privileged and confidential information intended only for the use of the individual or entity to whom it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this e-mail message and attachments is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return e-mail and delete the message in its entirety.

11 NCAC 23A .0607 DISCOVERY OF RECORDS AND REPORTS

(a) Upon written request, any party shall provide to the requesting party without cost, a copy of all medical, vocational and rehabilitation reports, employment records, Commission forms, and written communications with health care providers in its possession, within 30 days of the request, unless objection is made within that time period. The duty to respond exists whether or not a request for hearing has been filed and is a continuing one, and any such reports and records that come into the possession of a party after receipt of a request pursuant to this Rule shall be provided to the requesting party within 15 days from the party's receipt of these reports and records.

(b) Upon receipt of a request, a carrier or administrator for an employer's workers' compensation program shall inquire of the employer concerning the existence of records encompassed by the request.

*History Note: Authority G.S. 97-80(a); 97-80(b); 97-80(f);
Eff. January 1, 1990;
Amended Eff. November 1, 2014; June 1, 2000; March 15, 1995;
Recodified from 04 NCAC 10A .0607 Eff. June 1, 2018.*

Commission 2022 Calendar

- 1 – New Year’s Day
- 17– Martin Luther King Day
- 24 – Commission Business Meeting
- 25 – Commission Appellate Panel Hearings

JANUARY						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JULY						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- 4 – Independence Day
- 18 – Commission Business Meeting
- 19 – Commission Appellate Panel Hearings

- 14 – Commission Business Meeting
- 15 – Commission Appellate Panel Hearings
- 21 – President’s Day

FEBRUARY						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

AUGUST						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- 29 – Commission Business Meeting
- 30 – Commission Appellate Panel Hearings

- 21 – Commission Business Meeting
- 22 – Commission Appellate Panel Hearings

MARCH						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

- 5 – Labor Day
- 19 – Commission Business Meeting
- 20 – Commission Appellate Panel Hearings

- 11 – Commission Business Meeting
- 12 – Commission Appellate Panel Hearings

APRIL						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- 17 – Commission Business Meeting
- 18 – Commission Appellate Panel Hearings

- 10 – Conferderate Memorial Day
- 16 – Commission Business Meeting
- 17 – Commission Appellate Panel Hearings
- 30 – Memorial Day

MAY						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

- 11 – Veteran’s Day
- 21 – Commission Business Meeting
- 22 – Commission Appellate Panel Hearings
- 24-25 Thanksgiving Holiday

- 20 – Commission Business Meeting
- 21 – Commission Appellate Panel Hearings

JUNE						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 19 – Commission Business Meeting
- 20 – Commission Appellate Panel Hearings
- 23-27 – Christmas Holiday

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, 2021
Subject: Request to Mandate Form 18 Submissions via EDI

To further ease the manual data entry by our Claims staff, I am requesting we amend the submission policy for our Form 18 sub-annual reports to mandate this form be filed via electronic data interchange, EDI.

We are authorized to do so as Reg. 67-416 provides "All insurance carriers, third party administrators, self-insureds, self-insured funds, and the State Accident Fund reporting coverage, accident, and claims information to the Commission shall report such information using electronic interchange standards prescribed by the Commission." S.C. Code Ann. Regs. 67-416(A) (2021).

In order to require the filing of Forms 18 electronically, the Commission needs to approve a Motion to amend the Commission's Electronic Interchange Standards to require Forms 18 shall only be filed using EDI. This can be done on the record at a regular Business Meeting.

For a historical perspective, we implemented an optional EDI submission policy for the Form 18 in March of 2015. This policy allowed vendors, carriers and trading partners to submit 18's via EDI or via paper. In the six years since this implementation, these stakeholders have had ample time to evolve their reporting systems, and many are now filing exclusively through EDI. Additionally, over this course of time, many other jurisdictions have mandated EDI filing policies. In July of this year, the Commission changed our form submission policy to allow all Claims forms to be submitted via email. As a result, this policy change should be of little to no consequence for our stakeholders.

Summarily, I request the Commission modify our Form 18 submission policy effective April 1, 2022 and that, upon this date, all sub-annual reports will be accepted exclusively via EDI. This will provide six months for our carrier stakeholders to plan and adapt. Also, the IAIABC will be notified of this change, if accepted, prior to the end of October as they track, report, and publish reporting policies to all IAIABC members. The link on our website to our standard claims reporting policy, <https://wcc.sc.gov/claims/electronic-claims-reporting-edi>, will also be updated to reflect the change.