

|           |   |
|-----------|---|
| <b>1</b>  | <b>Approval of Minutes of the Business Meeting of February 22, 2021</b>     |
| <b>2</b>  | <b>Approval of Minutes of the Special Business Meeting of March 8, 2021</b> |
| <b>3</b>  | <b>Self-Insurance</b>   |
| <b>4</b>  | <b>Human Resources</b>  |
| <b>5</b>  | <b>Information Services</b>   |
| <b>6</b>  | <b>Insurance and Medical Services</b>                                       |
| <b>7</b>  | <b>Claims</b>   |
| <b>8</b>  | <b>Judicial</b>   |
| <b>9</b>  | <b>Vocational Rehabilitation</b>  |
| <b>10</b> | <b>Executive Director's Report</b>  |
| <b>11</b> | <b>Financial Report</b>   |
| <b>12</b> | <b>Medical Service Provider Manual</b>                                      |
| <b>13</b> | <b>Court Reporter Fees</b>  |

## A G E N D A

### SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

1333 Main Street, 5<sup>th</sup> Floor  
Columbia, South Carolina 29201

**March 15, 2021, 10:30 a.m.**

The meeting will be conducted electronically via Zoom with the Commissioners participating from different locations. 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. Individuals who want to attend the meeting may do so by contacting Gary Cannon, Executive Director at GCannon@wcc.sc.gov.

- |   |  |
|---|--|
| 1. CALL TO ORDER  | CHAIRMAN BECK  |
| 2. APPROVAL OF AGENDA OF BUSINESS MEETING OF MARCH 15, 2021   | CHAIRMAN BECK  |
| 3. APPROVAL OF MINUTES OF THE BUSINESS MEETING OF FEBRUARY 22, 2021 (Tab 1)   | CHAIRMAN BECK  |
| 4. APPROVAL OF MINUTES OF THE SPECIAL MEETING OF MARCH 8, 2021 (Tab 2)  | CHAIRMAN BECK  |
| 5. GENERAL ANNOUNCEMENTS  | MR. CANNON   |
| 6. APPLICATIONS FOR APPROVAL TO SELF-INSURE (Tab 3)   | MS. BOGGS  |
| 7. DEPARTMENT DIRECTORS' REPORTS<br>Human Resources (Tab 4)<br>Information Services (Tab 5)<br>Insurance and Medical Services (Tab 6)<br>Claims (Tab 7)<br>Judicial (Tab 8) | MS. STUART<br>MS. SPRANG<br>MR. DUCOTE<br>MS. SPANN<br>MS. BRACY |
| 8. DEPARTMENT OF VOCATIONAL REHABILITATION<br>Monthly Report (Tab 9)  | MR. CANNON   |
| 9. EXECUTIVE DIRECTOR'S REPORT (Tab 10)   | MR. CANNON   |
| 10. FINANCIAL REPORT (Tab 11)   | MR. CANNON   |
| 11. OLD BUSINESS<br>Medical Services Provider Manual (Tab 12)   | CHAIRMAN BECK  |
| 12. NEW BUSINESS<br>Court Reporters' Fees (Tab 13)  | CHAIRMAN BECK  |
| 13. ADJOURNMENT   | CHAIRMAN BECK  |

# Tab 1

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

**February 22, 2021**

A Business Meeting of the South Carolina Workers' Compensation Commission was conducted electronically via ZOOM on Monday, February 22, 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 electronically via ZOOM from different locations:

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

Also participating electronically from different locations via ZOOM were: Gary Cannon Executive Director; Keith Roberts, General Counsel; Sandee Sprang, Information Technology Director; Amy Bracy, Judicial Director; Wayne Ducote; Insurance & Medical Services, Claims Director; Emillie Boggs, Self-Insurance Director; Alexa Stuart, Human Resources Manager; Amy Proveaux, Executive Assistant. Bonnie Anzelmo, Injured Workers Advocates; Chris O' Donnell, Dr. Joel Brill, Donna Smith, Linda Stemach, Lydia Muna from Fair Health; Ian Ducan, AUW; Ted Riley, Riley Pope & Laney; Andrew Wade, OrthoSC, Ann Margaret McCraw of Midlands Orthopedics; Kevin Tribout, Optum and Tiffany Grzybowski of Health Systems were also present.

Chairman Beck called the meeting to order at 10:35 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 JANUARY 25, 2021**

Commissioner Beck brought forward a scrivener error in the minutes and requested for Ms. Proveaux amend the minutes. Commissioner Barden moved that the minutes of the Business Meeting be approved, as amended. Commissioner McCaskill 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. Eight (8) prospective members of three (3) funds was presented to the Commission for approval.

### **New Applications:**

#### **Palmetto Timber Fund**

BBB Trucking, LLC

#### **SC McDonald's Operators Fund**

3 Principles Integrated, LLC, d/b/a McDonald's Restaurants  
The Harnish Group, LLC, d/b/a McDonald's Restaurants

#### **South Carolina Home Builders SIF**

All Things Concrete, LLC  
Bryan Padgett DBA Padgett Financial  
Harper Construction Inc.  
The Hubbard Company LLC  
Winsome Fence & Building, 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 a motion to approve all members and funds application to self-insure, and Commissioner Barden seconded the motion. The motion was approved.

## **DEPARTMENT DIRECTORS' REPORTS**

The Department Directors submitted to the Commission in written form and included in the minutes.

No questions, concerns, or comments were made by the Commission.

## **VOCATIONAL REHABILITATION**

Executive Director, Gary Cannon explained that we have not received a response to our request for an updated report.

## **EXECUTIVE DIRECTOR'S REPORT**

There were no questions from the Commission.

## **ADMINISTRATION – FINANCIAL REPORT**

Gary Cannon, Executive Director submitted the Financial Report to the Commission in written form. Mr. Cannon pointed out a few highlights from the report.

## **OLD BUSINESS**

### **Medical Services Provider Manual**

Several stakeholders spoke briefly about their concerns of the recommended changes to the Medical Service Provider Manual. After discussion, it was determined that the Commission will set up a separate discussion with stakeholders to discuss concerns and recommendations. A date of March 8, 2021 at 11:00 was set to have an advisory meeting. Details will follow.

## **NEW BUSINESS**

No new business

## **EXECUTIVE SESSION**

Commissioner Barden made a motion to move into Executive Session to discuss a contractual matter, a judicial procedural matter and received legal briefing. Commissioner McCaskill seconded the motion, and the motion was approved. The Commission entered Executive Session at 10:51 a.m.

Commissioner Barden made the Motion to arise from Executive Session at 11:10 a.m.; notating that no action was taken. Commissioner Campbell seconded the motion and the motion was approved.

## **ADJOURNMENT**

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

The February 22, 2021, meeting of the South Carolina Workers' Compensation Commission adjourned at 11:10 a.m.

Reported March 9, 2021  
Amy Proveaux  
Office of the Executive Director

# Tab 2

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

**March 8, 2021**

A Special Business Meeting of the South Carolina Workers' Compensation Commission was conducted electronically via ZOOM on Monday, March 8, 2021 at 11:00 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 electronically via ZOOM from different locations:

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

Also participating electronically from different locations via ZOOM were: Gary Cannon Executive Director; Keith Roberts, General Counsel; Sandee Sprang, Information Technology Director; Wayne Ducote; Insurance & Medical Services, Amy Proveaux, Executive Assistant; Chris O' Donnell, Dr. Joel Brill, Donna Smith, and Lydia Muna from Fair Health; Ted Riley, Riley Pope & Laney; Andrew Wade, OrthoSC; Kevin Tribout, Adam Fowler of Optum; Tiffany Grzybowski and Sandy Shtab of Health Systems; Fraser Cobbe, SC Orthopedic Association; Bethanie Alongi, PAI; Patrick Robinson, ODG by MCG Sue Curley, One Call Medical Inc.; Jen Beam, HSC were also present.

Chairman Beck called the meeting to order at 11:02 AM.

Christine O'Donnell of Fair Health reviewed the Rate Analysis, Summary of Changes for 2021, and the Stakeholder Feedback. No action was taken.

**ADJOURNMENT**

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

The March 8, 2021, Special Business meeting of the South Carolina Workers' Compensation Commission adjourned at 12:00 p.m.

Reported March 11, 2021  
Amy Proveaux  
Office of the Executive Director



# Tab 3

# Tab 4

## *State of South Carolina*

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### *Workers' Compensation Commission*

**TO:** Gary Cannon

**FROM:** Alexa Stuart

**DATE:** March 4, 2021

**SUBJECT: Monthly Human Resources Report for March 2021 Business Meeting**

This report summarizes the activities of Human Resources during the period of February 1, 2021 through February 28, 2021.

In February the Commission had 49 full time employees. We have 1 part-time employee. And, we have 1 legal extern.

- **New Hires:** None
- **Separations or Retirements:** None
- **FMLA Leaves:** None

In SCEIS, I had 3 SCEIS transactions and 7 SCEIS time transactions. Payroll and time reports were run as scheduled. I redistributed W2s

We sent 20 "All Agency" emails during the month. We processed 8 travel reports in the month of February. I responded to benefit questions and made changes. I received and reviewed 741 emails and sent 315 emails.

We recruited for an Attorney II position and seven applied and we selected four to interview but only two went forward. We hired for that position, processed paperwork and did background check.

Approved parking invoice and submitted them for payment.

Since March 23<sup>rd</sup>, I have been reporting to the State HR department data regarding who was working onsite, telecommuting, and taking leave. This is done daily. On a weekly basis I reported any new cases of COVID to State HR.

We continued to obtain and maintain the necessary PPE to safely work onsite as needed. We have plenty of PPE in stock. I ordered additional shields for the hearing rooms. We provided information on what we have ordered since July 1, 2020 to management for statewide reimbursement.

I continued to track employees work activities from home. Once a week, I receive lists of the daily activities of those working from home. I take that data, summarize daily activities into a weekly summary by employee and add it to a spreadsheet for management's review.

# Tab 5

# State of South Carolina

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## Workers' Compensation Commission

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To: Gary Cannon  
SCWCC Executive Director  
From: Sandee Sprang, IT Director  
Date: March 10, 2021  
Subject: IT Department March 2021 Full Commission Report

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This report summarizes the activities and accomplishments of departmental projects and initiatives for the IT department during February 2021.

### **I. Systems Operations, Maintenance and Support**

#### EDI

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: Jurisdictions Only meetings, EDI Claims Committee and the XML Taskforces.

#### Progress

Liz and Duane worked to correct several erred processes in the X-file creation module for the Compliance department. Duane provided standard support for invoice and check reconciliation issues to end users. The IT team continued development of the project plan to get our Progress server to the latest operating system release and the application licensed accordingly. A new maintenance/support contract was established with Progress and this project is expected to be completed in April.

#### Systems Support

Jason continue to support staff with hardware/software needs and building efficiencies in our work from home processes. He also completed several additional required account management changes related to the agency's new hires and staff changes.

The IT team had two after-hour maintenance windows per requests from DTO and the Department of Administration.

#### Reporting

Kim completed the COVID report as part of our monthly reporting schedule and included some additional categories. Liz made some enhancements to the Claims report developed for outstanding carrier fines. Additionally, we generated several Open Claims reports and Outstanding Carrier Fines for external stakeholders and provided Compliance reports for internal staff. Duane updated Accident Cause and Accident Nature definitions to comply with IAIABC Standard inclusion of cases involving adverse reactions to inoculations, including but not limited to COVID-19.

### Hardware

Jason completed the replacement of agency mobile devices and continued his work on the laptop evaluation. We will be finalizing our order for hardware to replace our 4+ year old laptops in the next month.

## **II. Projects, Enhancements and Development**

### Legacy Modernization

We continue our working engagement with Microsoft as part of the gap analysis of our KERMIT project.

# Tab 6

State of South Carolina



Workers' Compensation Commission

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**To:** Mr. Gary Cannon  
SCWCC Executive Director

**From:** Wayne Ducote, Jr.  
IMS Director

**Date:** 12-Mar-21

**Subj:** Insurance and Medical Services Department  
February 2021 Full Commission Report

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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"><li>1. Reviewing revenue metrics / projections.</li><li>2. Working with staff to review workflow processes and additional training opportunities.</li><li>3. Continuing to explore outreach opportunities with stakeholders.</li></ol> |
| Coverage Division   | <ol style="list-style-type: none"><li>1. Working with staff to review workflow processes and explore opportunities to enhance service provision.</li><li>2. Lapse in Coverage: 28 new registrants; 0 notifications sent.</li></ol>                                       |
| Medical Services    | <ol style="list-style-type: none"><li>1. Working with Fair Health on 2021 MSPM updates.</li><li>2. Processing four Medical Bill Reviewer certifications and renewals.</li><li>3. Six medical bill pricing reviews were done in the month of February.</li></ol>          |

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 2 new RTSC cases and 2 total RTSC cases in the month of February. And, compelled 28 South Carolina employers to come into compliance with the Act. Year to date, 12 new RTSC cases and 25 total RTSC cases have been docketed.

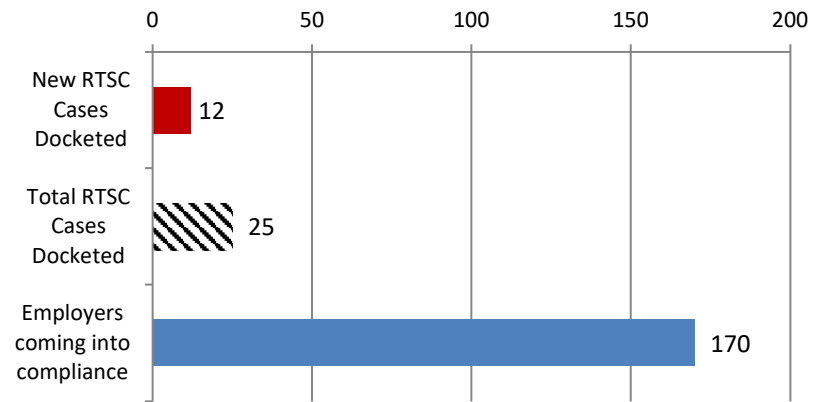
**Employers Obtaining Coverage**

Year to date, the Compliance Division has compelled 170 South Carolina employers to come into compliance with the Act. In so doing, approximately 1,503 previously uninsured workers are now properly covered.

**Penalties Waived**

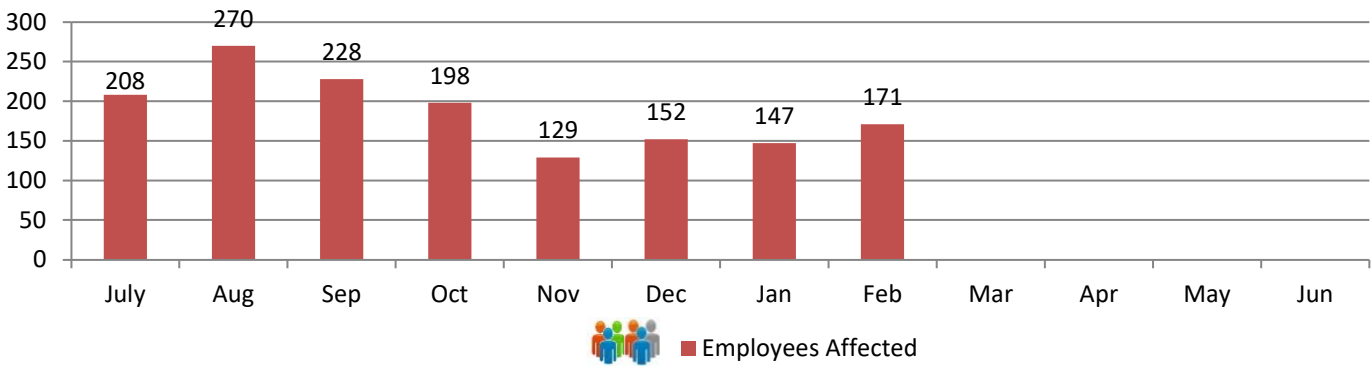
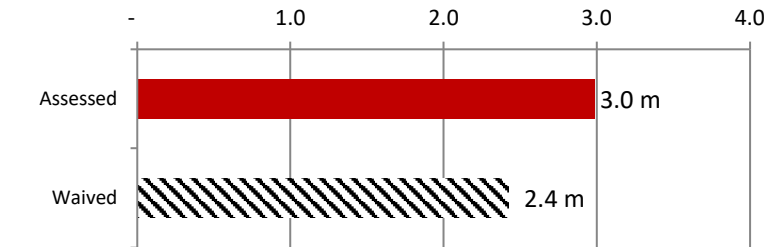
Although the Division has assessed \$3.0 m in fines this fiscal year, \$2.4 m have been waived or rescinded as employers have either obtained insurance coverage or were found not to be subject to the Act.

**RTSC and Compliance Activity**



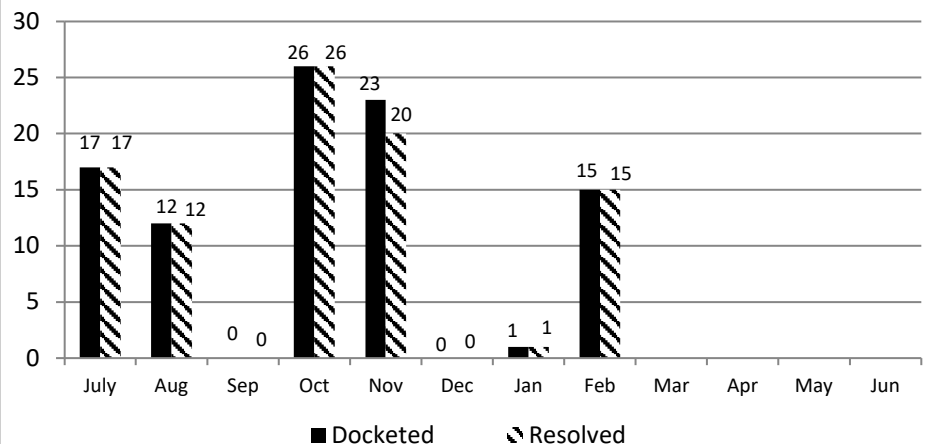
**Fines and Penalties**

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 February 2021, 15 carrier RTSC cases were docketed; 15 cases were resolved for a total of \$28,850. Year to date, a total of 94 carrier RTSC cases have been docketed, 91 cases for a total of \$117,972 have been resolved.

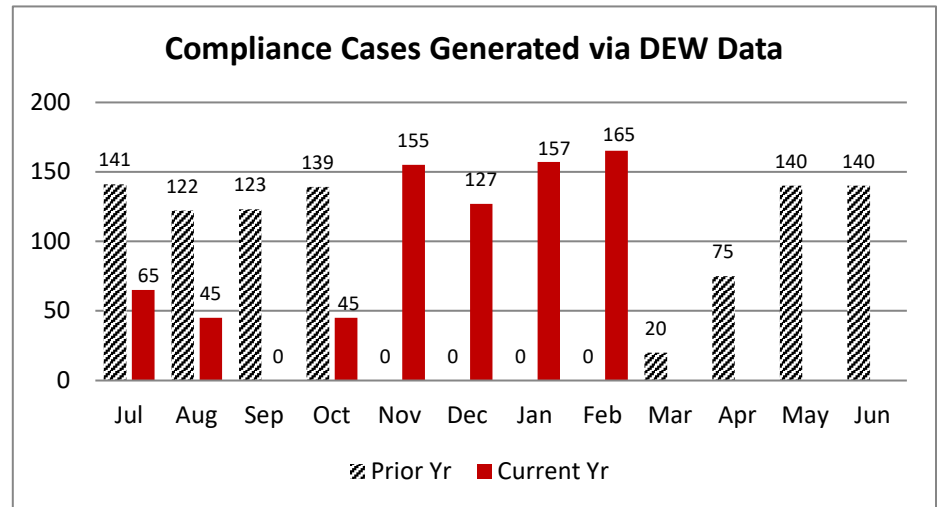
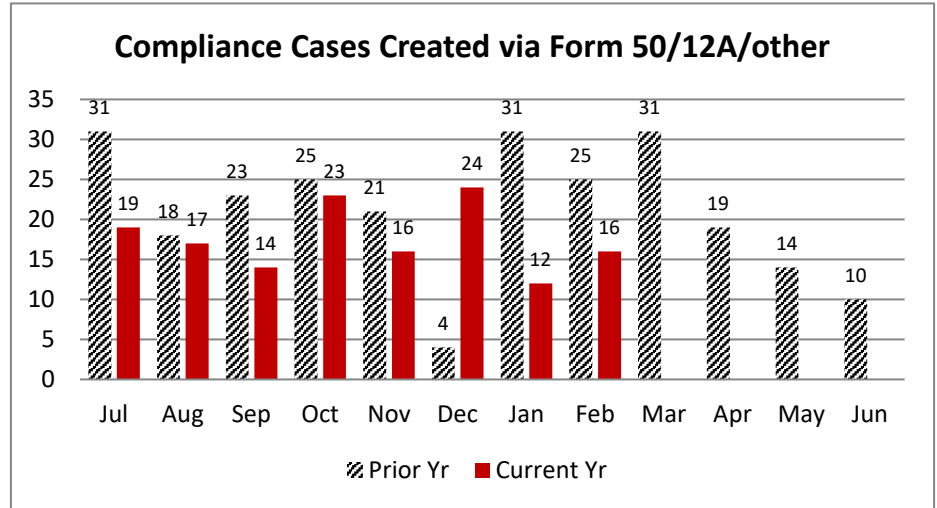


In February 2021, 16 compliance files were created from the combined filings of Form 50's, 12A's, and stakeholder reporting involving uninsured employers.

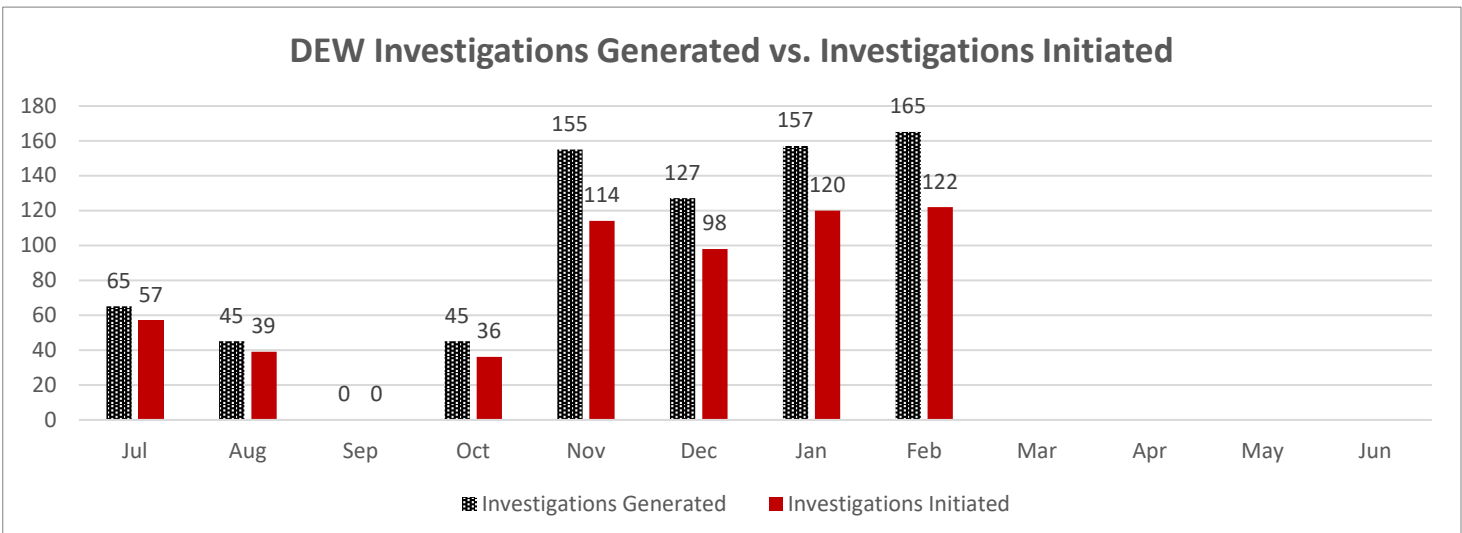
YTD vs. Prior Year total (252): 56%  
 Feb 2020 to Feb 2021: 64%  
 Current Yr End trend: 84% of 2019-2020  
 YTD 2020-2021 v. YTD 2019-2020: 79%

In February 2021, 165 compliance files were generated from the DEW data process.

YTD vs. Prior Year total (900): 84%  
 Feb 2020 to Feb 2021: NA% +165  
 Current Yr End trend: 127% of 2019-2020  
 YTD 2020-2021 v. YTD 2019-2020: 145%



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 February 2021 with 352 cases active, compared to an active caseload of 200 at the close of February 2020.

**Cases Resolved:**

For the month of February 2021, Compliance Division staff closed-out 170 cases.

**Compliance Fines:**

In February 2021, the Compliance Division collected \$52,616 in fines and penalties. Year to Date, the Compliance Division has collected \$392,739 in fines and penalties.

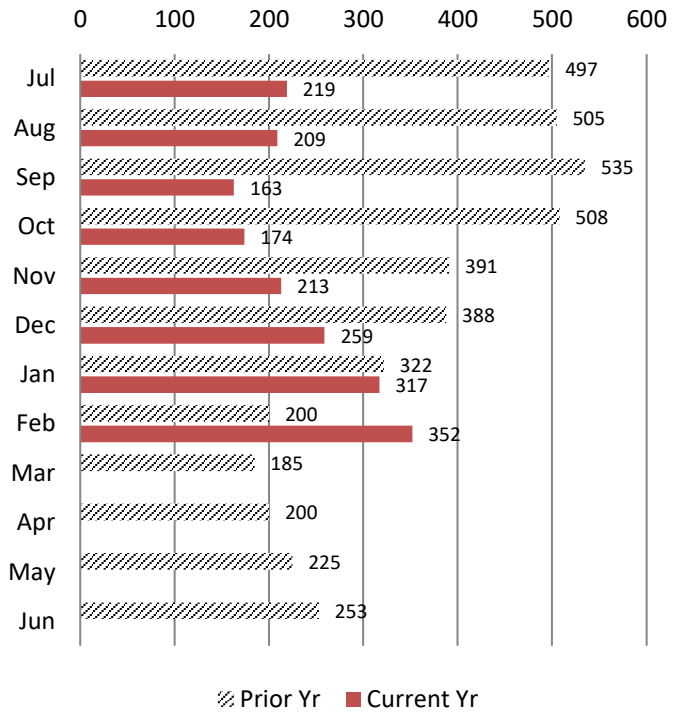
Year to Date vs Prior Year Total (\$1,072,940): 37%

Feb 2020 vs. Feb 2021: 127%

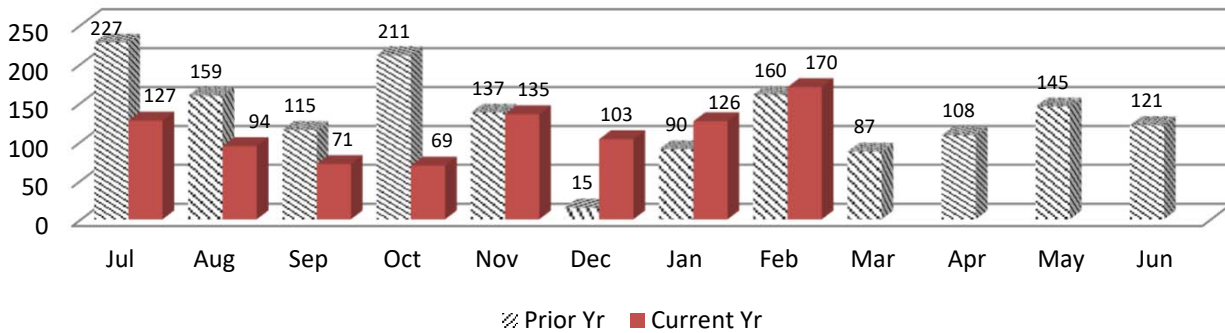
Current Year End trend is 55% of 2019-2020

YTD 2019-20 (July - Feb) vs YTD 2020-2021: 44%

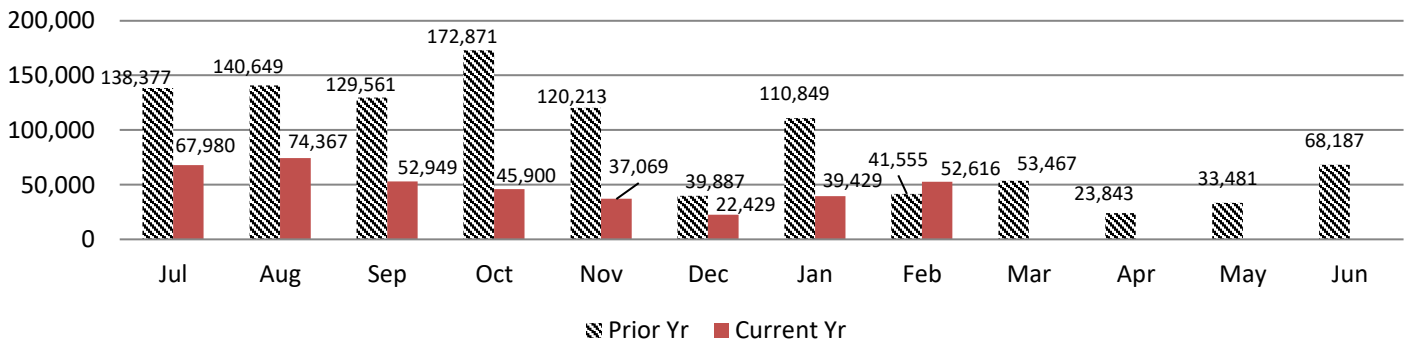
**Caseload Pending v. Prior Year**



**Cases Resolved v. Prior Year**



**Compliance Fines Collected v. Prior Year**

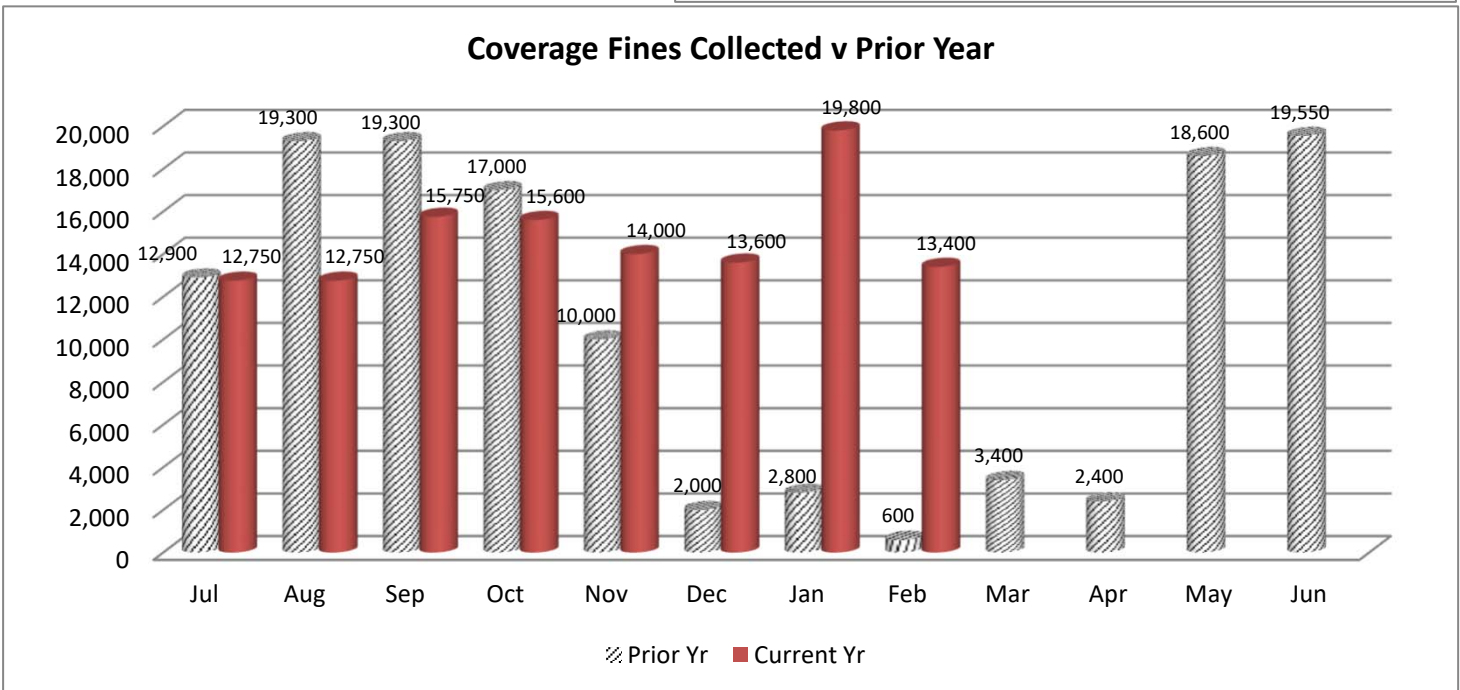
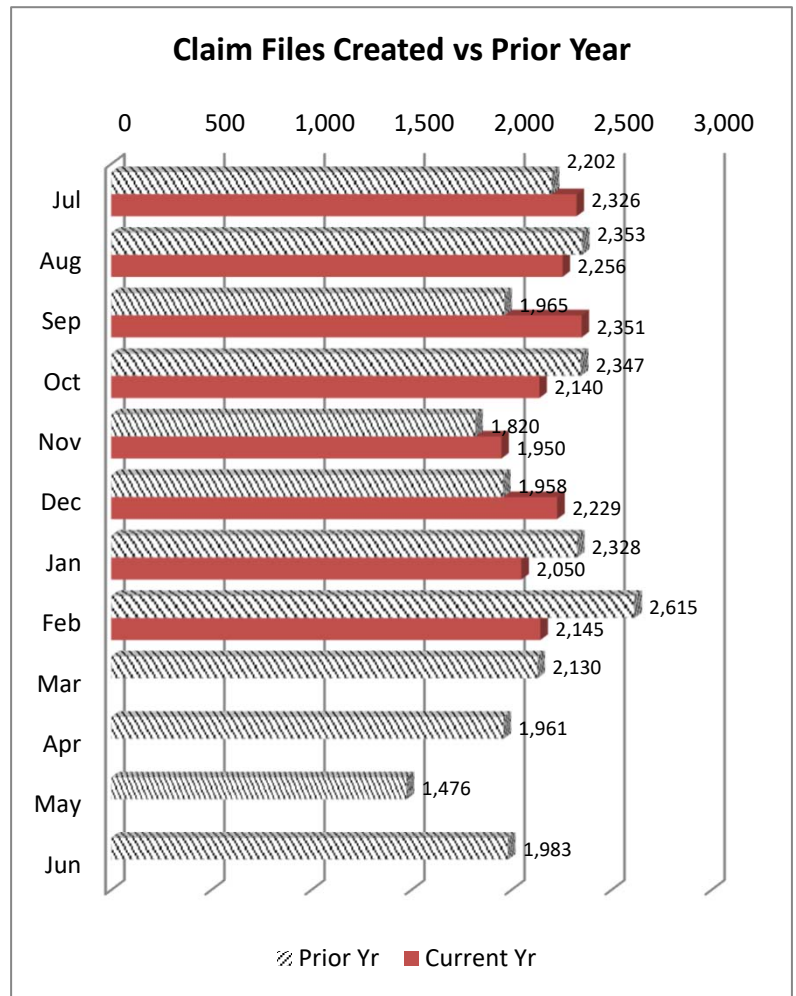


**WCC Claim Files:**

In February 2021, the Coverage Division received a total of 2,145 WCC Claim files. Of these, 1,886 were created through proper carrier filing of a 12A, and 259 were generated as a result of a Form 50 claim filing. Year to Date 17,447 Claim files have been created which is 69% of claim file volume prior year (25,138).

**Coverage Fines:**

The Coverage Division collected \$13,400 in fine revenue in February 2021, as compared to \$600 in Coverage fines/penalties accrued during February 2020. Year on Year, Coverage fines are at 92% of collections for prior year.



# Tab 7

# State of South Carolina

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## *Workers' Compensation Commission* MEMORANDUM

To: Gary Cannon, Executive Director

From: Sonji Spann, Claims Director

Date: March 8, 2021

Re: Claims Department March 2021 Full Commission Report

Attached is Claims Department activity for the period ending February 28, 2021. The format of the Claims Department report highlights the key workflow benchmarks. Comparison to last month and last year can be found on the attached excel spread sheet.

|                                   |          |
|-----------------------------------|----------|
| Processed                         | 15,438   |
| Closed                            | 2,462    |
| Reviewed                          | 2,941    |
| Revenue                           | \$44,050 |
| Total Fines                       | 229      |
| Form 18 Fines                     | 214      |
| EDI – 18's                        | 2,528    |
| Emailed -18's                     | 1,561    |
| USPS-18's                         | 101      |
| Form 61's Rec'd                   | 775      |
| Form 61's App                     | 758      |
| Third Party Settlements Rec'd     | 17       |
| Third Party Settlements Processed | 17       |

## Claims Department Statistical Report Statistics For FY20-21

Period ending , February 28, 2021

| Claims Services                | July     | August   | Sept      | Oct       | Nov       | Dec       | Jan       | Feb       | FY20-21<br>Total | FY19-20<br>Total | % Chg<br>same<br>period<br>FY20-21 | YTD Diff + (-)<br>FY20 v FY21 | FY20-21<br>Mth Avg | FY19-20<br>Mth Avg |
|--------------------------------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|------------------|------------------|------------------------------------|-------------------------------|--------------------|--------------------|
| <b>Forms 15-I</b>              | 1,203    | 1,287    | 1,309     | 1,310     | 1,151     | 1,148     | 1,015     | 1,259     | 9,682            | 9,196            | 5%                                 | 486                           | 1,936              | 2,746              |
| <b>Forms 15-II/Forms 17</b>    | 1,032    | 1,026    | 1,043     | 1,163     | 980       | 981       | 954       | 1,176     | 8,355            | 7,685            | 9%                                 | 670                           | 1,671              | 2,305              |
| <b>Forms 16 for PP/Disf</b>    | 235      | 257      | 181       | 238       | 173       | 203       | 241       | 197       | 1,725            | 1,712            | 1%                                 | 13                            | 345                | 2,746              |
| <b>Forms 18</b>                | 4,720    | 4,524    | 4,438     | 4,305     | 4,144     | 4,595     | 4,980     | 4,417     | 36,123           | 38,627           | -6%                                | (2,504)                       | 7,225              | 2,305              |
| <b>Forms 20</b>                | 587      | 623      | 572       | 625       | 598       | 585       | 539       | 635       | 4,764            | 5,315            | -10%                               | (551)                         | 953                | 501                |
| <b>Form 50 Claims Only</b>     | 300      | 283      | 326       | 277       | 263       | 291       | 254       | 286       | 2,280            | 2,302            | -1%                                | (22)                          | 456                | 11,745             |
| <b>Form 61</b>                 | 765      | 788      | 700       | 723       | 650       | 758       | 613       | 775       | 5,772            | 5,451            | 6%                                 | 321                           | 1,154              | 1,520              |
| <b>Letters of Rep</b>          | 219      | 216      | 259       | 246       | 260       | 205       | 210       | 291       | 1,906            | 1,721            | 11%                                | 185                           | 381                | 666                |
| <b>Clinchers</b>               | 890      | 945      | 978       | 972       | 774       | 952       | 825       | 938       | 7,274            | 6,224            | 17%                                | 1,050                         | 1,455              | 1,692              |
| <b>Third Party Settlements</b> | 10       | 17       | 11        | 17        | 8         | 17        | 9         | 17        | 106              | 100              | 6%                                 | 6                             | 21                 | 502                |
| <b>SSA Requests for Info</b>   | 35       | 36       | 45        | 48        | 34        | 38        | 37        | 41        | 314              | 530              | -41%                               | (216)                         | 63                 | 1,996              |
| <b>Cases Closed</b>            | 2,660    | 3,162    | 2,471     | 2,457     | 2,163     | 2,323     | 2,377     | 2,462     | 20,075           | 17,847           | 12%                                | 2,228                         | 4,015              | 33                 |
| <b>Cases Reviewed</b>          | 4,099    | 3,580    | 3,247     | 3,260     | 2,878     | 3,301     | 2,902     | 2,941     | 26,208           | 20,236           | 30%                                | 5,972                         | 5,242              | 140                |
|                                |          |          |           |           |           |           |           |           |                  |                  |                                    | -                             | -                  | -                  |
|                                |          |          |           |           |           |           |           |           |                  |                  |                                    | -                             | -                  | -                  |
| <b>Total Fines Assessed</b>    | 413      | 309      | 255       | 196       | 195       | 203       | 189       | 229       | 1,989            | 1,074            | 85%                                | 915                           | 398                | -                  |
| <b>Form 18 Fines</b>           | 409      | 307      | 166       | 192       | 188       | 201       | 187       | 214       | 1,864            | 944              | 97%                                | 919                           | 373                | -                  |
| <b>Total Amt Paid</b>          | \$43,250 | \$30,800 | \$ 33,050 | \$ 29,600 | \$ 35,400 | \$ 22,200 | \$ 29,600 | \$ 44,050 | \$ 267,950       | \$ 197,100       | 36%                                | \$ 70,850                     | 53,590             | 493                |

# Tab 8



State of South Carolina



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**Workers' Compensation Commission**

March 9, 2021

**To:** Gary Cannon  
Executive Director

**From:** Amy A. Bracy  
Judicial Director

**RE: Monthly Judicial Report for February 2021**

During the month of February, the Judicial Department processed eight hundred twenty-eight (828) requests for hearings, one hundred thirty-five (135) Motions and one hundred forty-seven (147) clincher conference requests that were sent to the Jurisdictional Commissioners.

There were one hundred fourteen (114) Single Commissioner Hearings conducted during the past month, twelve (12) pre-hearing conferences held and six (6) Full Commission hearings held. A total of four hundred seventy-one (471) Orders were served at the single Commissioner level, sixty-three (63) of those were Decision and Orders that resulted from hearings that went on the record and one hundred twenty-two (122) were Motion Orders that were a result of Motions ruled upon by Commissioners.

The Informal Conference system conducted two hundred six (206) hearings during the last month.

There were twenty-one (21) regulatory mediations scheduled and fifty-nine (59) requested mediations. The Judicial Department was notified of fifty-five (55) matters resolved in mediation, with the receipt of Forms 70.

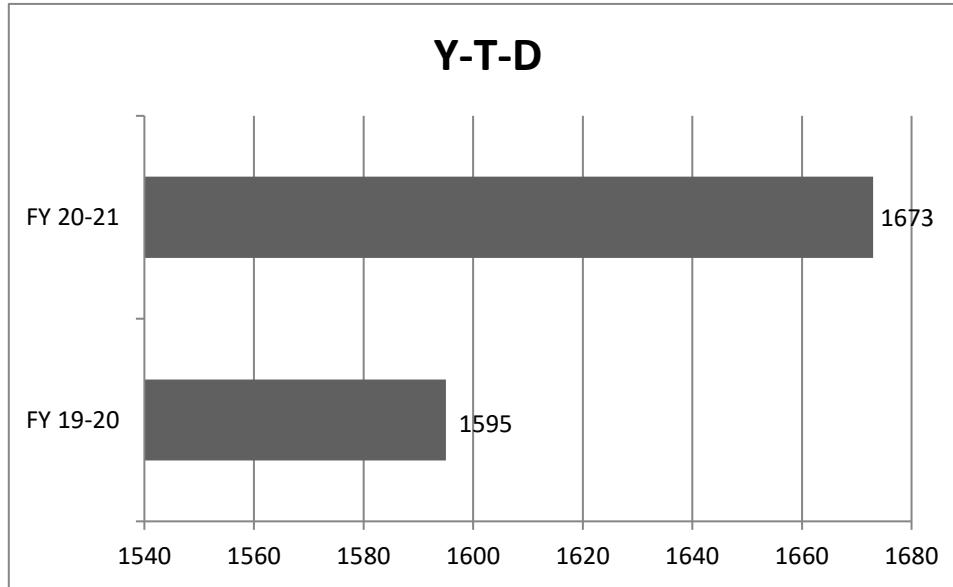
In the month of February, Judicial received one (1) Notice of Intent to Appeal to the Court of Appeals and zero (0) to the Circuit Court.

**Judicial Department Statistcal Report  
Statistics For Fiscal Year 2020-2021**

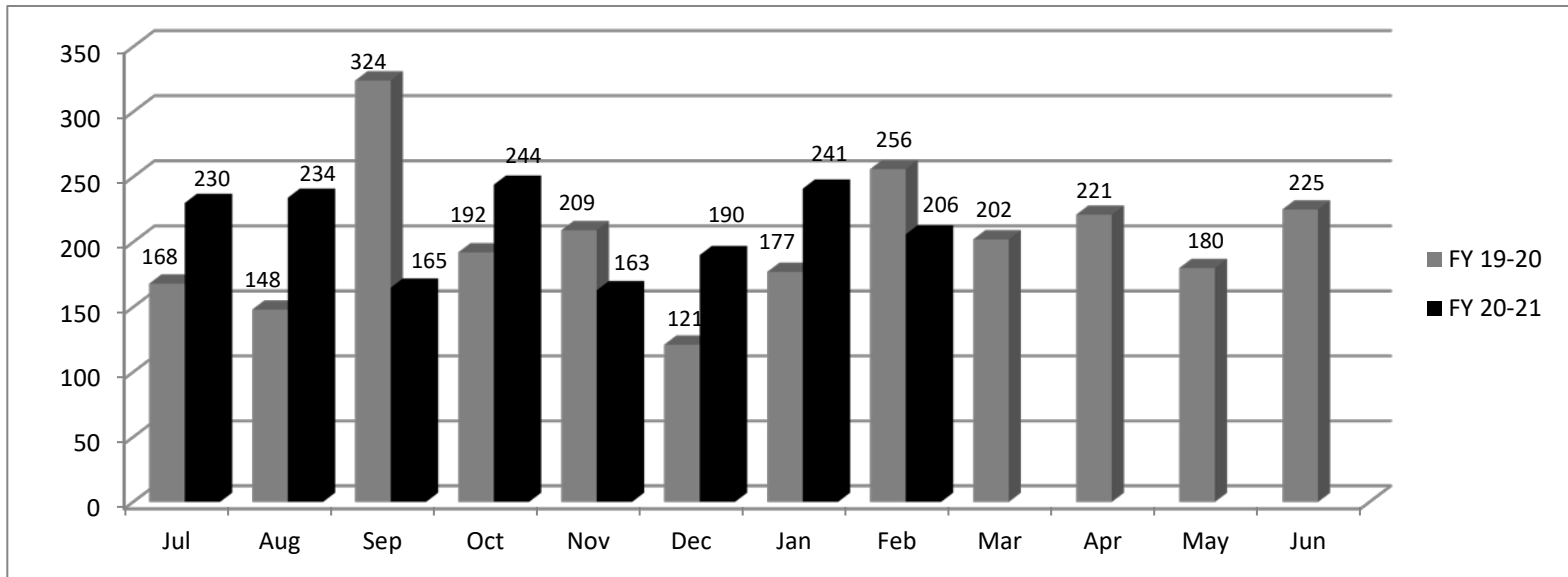
|                                    | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Totals<br>YTD<br>2020-2021 | Totals<br>YTD<br>2019-2020 | % Diff from<br>prev year | YTD Diff +<br>(-) | FY20-21<br>Mth Avg | FY19-20<br>Mth Avg |
|------------------------------------|------|-----|------|-----|-----|-----|-----|-----|----------------------------|----------------------------|--------------------------|-------------------|--------------------|--------------------|
| Claimant Pleadings                 | 550  | 544 | 567  | 607 | 459 | 445 | 455 | 528 | 4,155                      | 4397                       | -6%                      | (242)             | 519                | 550                |
| Defense Response to Pleadings      | 440  | 435 | 497  | 470 | 473 | 423 | 359 | 356 | 3,453                      | 3570                       | -3%                      | (117)             | 432                | 446                |
| Defense Pleadings                  | 334  | 261 | 288  | 329 | 288 | 287 | 307 | 300 | 2,394                      | 2216                       | 8%                       | 178               | 299                | 277                |
| Motions                            | 133  | 196 | 131  | 117 | 111 | 96  | 111 | 135 | 1,030                      | 939                        | 10%                      | 91                | 129                | 117                |
| Form 30                            | 5    | 18  | 11   | 5   | 12  | 10  | 7   | 12  | 80                         | 94                         | -15%                     | (14)              | 10                 | 12                 |
| FC Hearings Held                   | 4    | 4   | 5    | 2   | 6   | 1   | 12  | 6   | 40                         | 52                         | -23%                     | (12)              | 5                  | 7                  |
| FC Orders Served                   | 15   | 4   | 7    | 10  | 4   | 4   | 6   | 6   | 56                         | 105                        | -47%                     | (49)              | 7                  | 13                 |
| Single Comm. Hearings Held         | 68   | 86  | 82   | 59  | 56  | 63  | 30  | 114 | 558                        | 503                        | 11%                      | 55                | 70                 | 63                 |
| Single Comm. Orders Served         | 201  | 221 | 169  | 188 | 170 | 154 | 194 | 196 | 1,493                      | 1687                       | -11%                     | (194)             | 187                | 211                |
| Single Comm. Pre-Hearing Conf Held | 38   | 18  | 19   | 36  | 24  | 28  | 16  | 12  | 191                        | 216                        | -12%                     | (25)              | 24                 | 27                 |
| Consent Orders                     | 316  | 272 | 283  | 248 | 264 | 261 | 260 | 247 | 2,151                      | 2135                       | 1%                       | 16                | 269                | 267                |
| Adminstrative Orders               | 13   | 15  | 9    | 18  | 5   | 61  | 12  | 28  | 161                        | 179                        | -10%                     | (18)              | 20                 | 22                 |
| Clincher Conference Requested      | 148  | 117 | 162  | 155 | 143 | 156 | 118 | 147 | 1,146                      | 1141                       | 0%                       | 5                 | 143                | 143                |
| Informal Conference Requested      | 304  | 299 | 268  | 269 | 228 | 181 | 297 | 288 | 2,134                      | 2489                       | -14%                     | (355)             | 267                | 311                |
| Informal Conference Conducted      | 230  | 234 | 165  | 244 | 163 | 190 | 241 | 206 | 1,673                      | 1595                       | 5%                       | 78                | 209                | 199                |
| Regulatory Mediations              | 38   | 26  | 40   | 43  | 35  | 30  | 22  | 21  | 255                        | 278                        | -8%                      | (23)              | 32                 | 35                 |
| Requested Mediations               | 60   | 54  | 47   | 58  | 66  | 30  | 50  | 59  | 424                        | 392                        | 8%                       | 32                | 53                 | 49                 |
| Ordered Mediations                 | 1    | 0   | 2    | 0   | 1   | 0   | 0   | 1   | 5                          | 12                         | -58%                     | (7)               | 1                  | 2                  |
| Mediation Resolved                 | 47   | 64  | 37   | 56  | 42  | 64  | 51  | 55  | 416                        | 413                        | 1%                       | 3                 | 52                 | 52                 |
| Mediation Impasse                  | 10   | 15  | 12   | 14  | 24  | 22  | 10  | 7   | 114                        | 131                        | -13%                     | (17)              | 14                 | 16                 |
| Mediation Held; Issues Pending     | 0    | 0   | 1    | 1   | 2   | 0   | 0   | 0   | 4                          | 7                          | 0%                       | (3)               | 1                  | 1                  |
| Claim Settled Prior to Mediation   | 8    | 8   | 8    | 8   | 6   | 20  | 6   | 7   | 71                         | 101                        | -30%                     | (30)              | 9                  | 13                 |
| Mediation Not Complete in 60 days  | 0    | 3   | 0    | 3   | 1   | 5   | 0   | 1   | 13                         | 23                         | -43%                     | (10)              | 2                  | 3                  |

**Informal Conf. Conducted**

|              | FY 19-20    | FY 20-21    |
|--------------|-------------|-------------|
| Jul          | 168         | 230         |
| Aug          | 148         | 234         |
| Sep          | 324         | 165         |
| Oct          | 192         | 244         |
| Nov          | 209         | 163         |
| Dec          | 121         | 190         |
| Jan          | 177         | 241         |
| Feb          | 256         | 206         |
| Mar          | 202         |             |
| Apr          | 221         |             |
| May          | 180         |             |
| Jun          | 225         |             |
| <b>Total</b> | <b>2423</b> | <b>1673</b> |

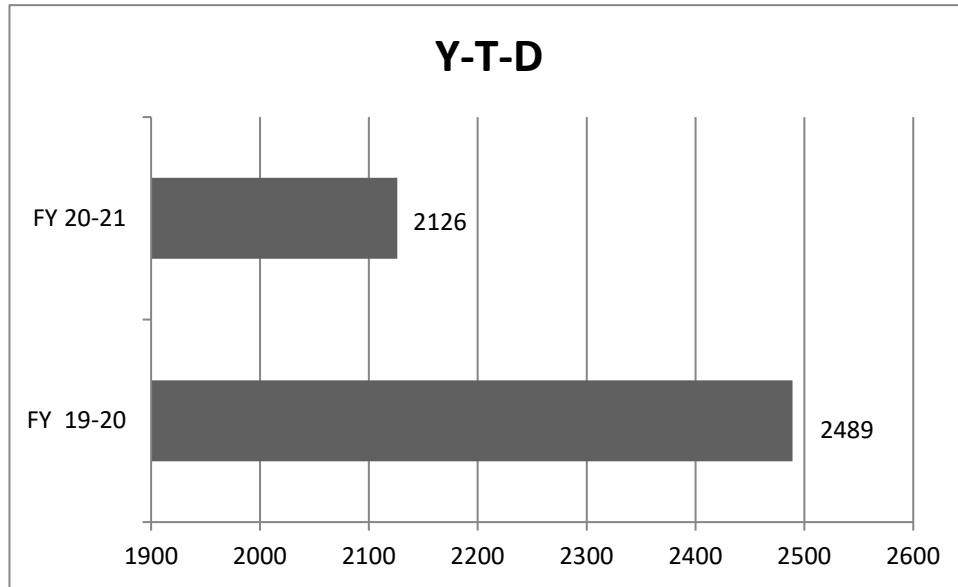


|              | FY 19-20    | FY 20-21    |
|--------------|-------------|-------------|
| <b>Y-T-D</b> | <b>1595</b> | <b>1673</b> |

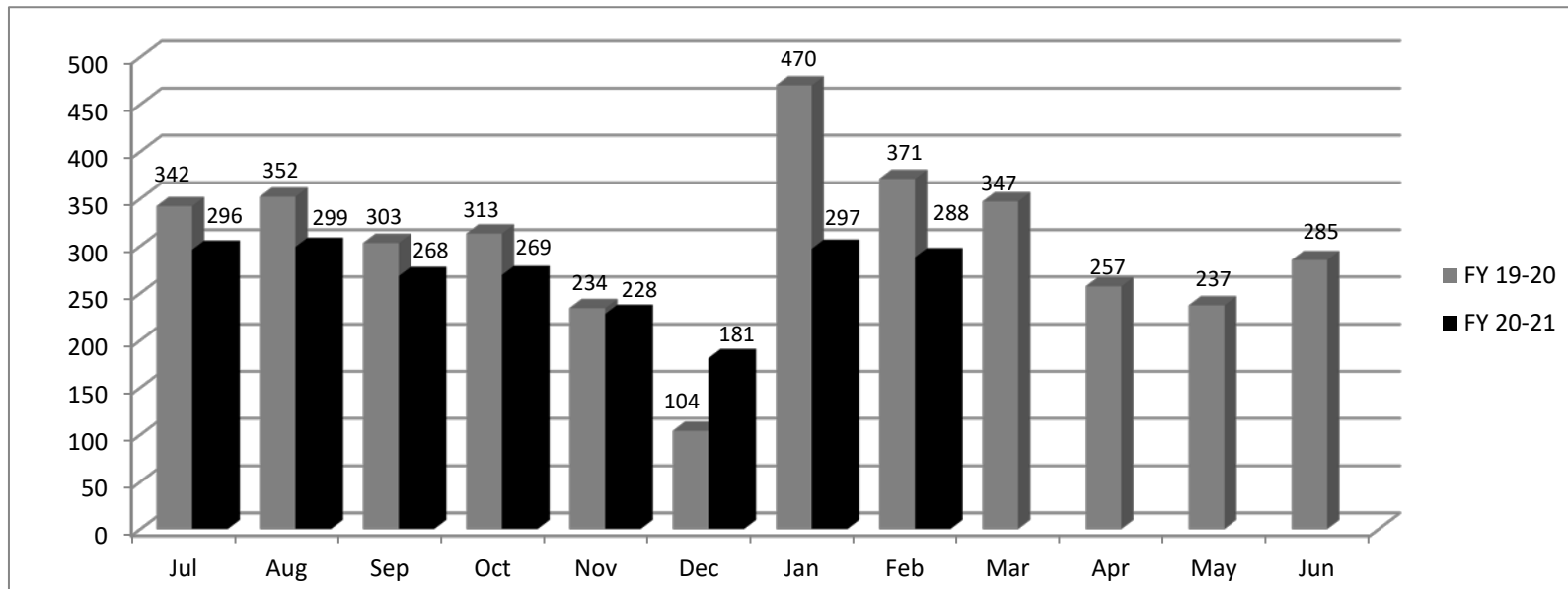


**Informal Conf. Requested**

|              | FY 19-20    | FY 20-21    |
|--------------|-------------|-------------|
| Jul          | 342         | 296         |
| Aug          | 352         | 299         |
| Sep          | 303         | 268         |
| Oct          | 313         | 269         |
| Nov          | 234         | 228         |
| Dec          | 104         | 181         |
| Jan          | 470         | 297         |
| Feb          | 371         | 288         |
| Mar          | 347         |             |
| Apr          | 257         |             |
| May          | 237         |             |
| Jun          | 285         |             |
| <b>Total</b> | <b>3615</b> | <b>2126</b> |



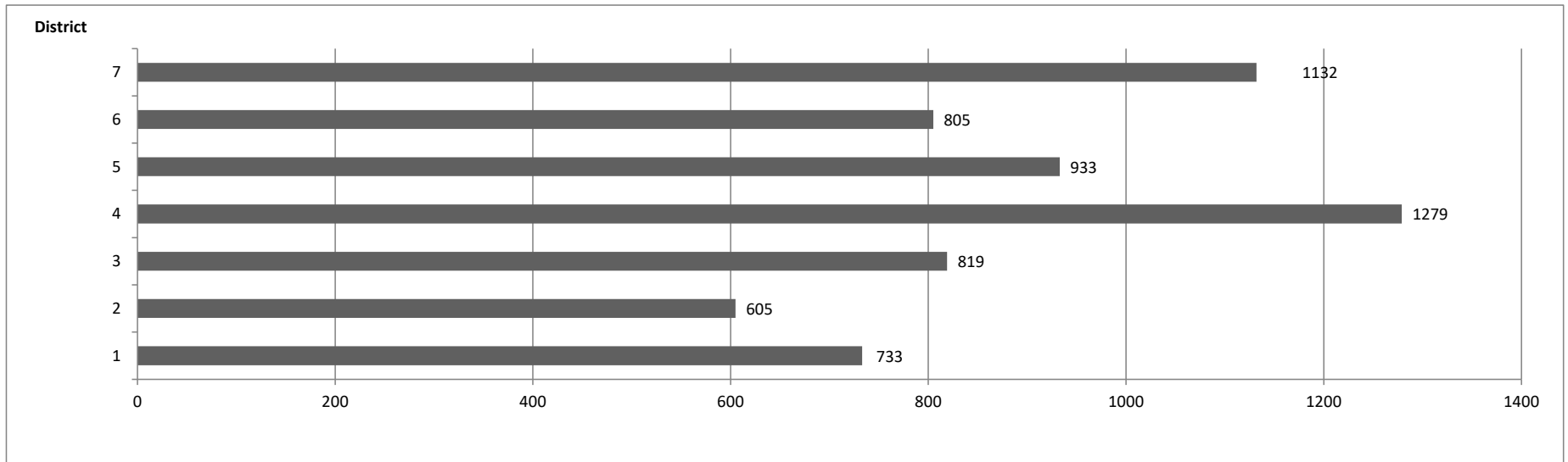
|              | FY 19-20    | FY 20-21    |
|--------------|-------------|-------------|
| <b>Y-T-D</b> | <b>2489</b> | <b>2126</b> |



### Pleadings Assigned - Three Year Comparison by Month

|               | District 1<br>Greenville |             |       | District 2<br>Anderson |       |       | District 3<br>Orangeburg |       |       | District 4<br>Charleston |       |       | District 5<br>Florence |       |       | District 6<br>Spartanburg |       |       | District 7<br>Richland |       |       |
|---------------|--------------------------|-------------|-------|------------------------|-------|-------|--------------------------|-------|-------|--------------------------|-------|-------|------------------------|-------|-------|---------------------------|-------|-------|------------------------|-------|-------|
|               | 20-21                    | 19-20       | 18-19 | 20-21                  | 19-20 | 18-19 | 20-21                    | 19-20 | 18-19 | 20-21                    | 19-20 | 18-19 | 20-21                  | 19-20 | 18-19 | 20-21                     | 19-20 | 18-19 | 20-21                  | 19-20 | 18-19 |
| Jul           | 120                      | 99          | 88    | 81                     | 84    | 98    | 85                       | 123   | 114   | 151                      | 183   | 183   | 126                    | 136   | 147   | 112                       | 137   | 110   | 154                    | 140   | 144   |
| Aug           | 88                       | 99          | 118   | 73                     | 85    | 71    | 105                      | 78    | 87    | 142                      | 168   | 187   | 125                    | 153   | 124   | 95                        | 104   | 149   | 133                    | 147   | 138   |
| Sep           | 87                       | 101         | 92    | 70                     | 77    | 78    | 107                      | 98    | 83    | 162                      | 174   | 148   | 128                    | 108   | 98    | 113                       | 104   | 91    | 169                    | 131   | 132   |
| Oct           | 93                       | 115         | 112   | 81                     | 90    | 98    | 125                      | 76    | 115   | 175                      | 187   | 204   | 115                    | 124   | 119   | 104                       | 121   | 130   | 159                    | 142   | 160   |
| Nov           | 92                       | 83          | 116   | 88                     | 74    | 87    | 100                      | 108   | 114   | 176                      | 155   | 161   | 96                     | 116   | 130   | 104                       | 78    | 119   | 134                    | 148   | 150   |
| Dec           | 90                       | 81          | 92    | 68                     | 65    | 66    | 115                      | 80    | 93    | 168                      | 140   | 116   | 132                    | 99    | 121   | 96                        | 104   | 94    | 141                    | 117   | 115   |
| Jan           | 79                       | 98          | 89    | 56                     | 69    | 69    | 96                       | 78    | 114   | 172                      | 186   | 170   | 110                    | 104   | 104   | 88                        | 88    | 114   | 124                    | 110   | 134   |
| Feb           | 84                       | 91          | 102   | 88                     | 85    | 80    | 86                       | 78    | 102   | 133                      | 143   | 156   | 101                    | 132   | 111   | 93                        | 126   | 126   | 118                    | 166   | 116   |
| Mar           |                          | 112         | 92    |                        | 96    | 81    |                          | 134   | 97    |                          | 187   | 192   |                        | 131   | 142   |                           | 111   | 115   |                        | 183   | 131   |
| Apr           |                          | 90          | 84    |                        | 78    | 76    |                          | 90    | 76    |                          | 150   | 157   |                        | 136   | 103   |                           | 100   | 86    |                        | 140   | 123   |
| May           |                          | 100         | 112   |                        | 80    | 114   |                          | 80    | 189   |                          | 126   | 211   |                        | 103   | 151   |                           | 104   | 138   |                        | 125   | 183   |
| Jun           |                          | 112         | 94    |                        | 75    | 103   |                          | 91    | 89    |                          | 170   | 153   |                        | 97    | 121   |                           | 109   | 100   |                        | 175   | 145   |
| <b>Totals</b> | <b>733</b>               | <b>1181</b> | 1191  | <b>605</b>             | 958   | 1021  | <b>819</b>               | 1114  | 1273  | <b>1279</b>              | 1969  | 2038  | <b>933</b>             | 1439  | 1471  | <b>805</b>                | 1286  | 1372  | <b>1132</b>            | 1724  | 1671  |

### Pleadings Assigned by District Year to Date



# Tab 9

## SC WCC Referrals

SFY 2021

| COUNTY         | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | CY Totl |
|----------------|------|-----|-----|-----|-----|-----|-----|-----|---------|
| Abbeville      | 3    | 2   | 1   | 1   | 2   | 4   | 3   | 3   | 19      |
| Aiken          | 8    | 9   | 7   | 8   | 4   | 8   | 6   | 6   | 56      |
| Allendale      | 1    | 1   | 0   | 0   | 0   | 2   | 0   | 0   | 4       |
| Anderson       | 10   | 10  | 10  | 10  | 10  | 10  | 10  | 13  | 83      |
| Bamberg        | 1    | 0   | 2   | 3   | 0   | 0   | 0   | 2   | 8       |
| Barnwell       | 2    | 1   | 1   | 2   | 4   | 1   | 2   | 1   | 14      |
| Beaufort       | 8    | 10  | 9   | 10  | 8   | 8   | 8   | 9   | 70      |
| Berkeley       | 5    | 9   | 5   | 5   | 8   | 6   | 5   | 5   | 48      |
| Calhoun        | 0    | 2   | 1   | 0   | 1   | 1   | 1   | 2   | 8       |
| Charleston     | 10   | 10  | 10  | 10  | 10  | 11  | 15  | 15  | 91      |
| Cherokee       | 6    | 3   | 4   | 7   | 4   | 7   | 2   | 2   | 35      |
| Chester        | 3    | 0   | 3   | 0   | 1   | 1   | 2   | 2   | 12      |
| Chesterfield   | 3    | 4   | 7   | 4   | 1   | 5   | 0   | 3   | 27      |
| Clarendon      | 2    | 2   | 1   | 1   | 1   | 2   | 0   | 4   | 13      |
| Colleton       | 6    | 7   | 6   | 6   | 5   | 5   | 6   | 4   | 44      |
| Darlington     | 6    | 5   | 3   | 6   | 2   | 1   | 0   | 3   | 26      |
| Dillon         | 1    | 0   | 2   | 1   | 0   | 1   | 2   | 1   | 8       |
| Dorchester     | 6    | 1   | 5   | 5   | 2   | 4   | 5   | 10  | 38      |
| Edgefield      | 0    | 0   | 2   | 0   | 1   | 1   | 2   | 0   | 6       |
| Fairfield      | 1    | 2   | 2   | 3   | 1   | 2   | 1   | 1   | 13      |
| Florence       | 15   | 7   | 12  | 8   | 7   | 7   | 8   | 6   | 70      |
| Georgetown     | 1    | 3   | 0   | 3   | 3   | 2   | 0   | 0   | 12      |
| Greenville     | 10   | 11  | 10  | 10  | 10  | 11  | 15  | 11  | 88      |
| Greenwood      | 6    | 5   | 6   | 8   | 6   | 3   | 4   | 9   | 47      |
| Hampton        | 3    | 2   | 4   | 3   | 2   | 2   | 1   | 1   | 18      |
| Horry          | 9    | 7   | 10  | 8   | 7   | 8   | 10  | 10  | 69      |
| Jasper         | 2    | 0   | 1   | 0   | 2   | 2   | 2   | 1   | 10      |
| Kershaw        | 5    | 7   | 8   | 7   | 6   | 7   | 5   | 4   | 49      |
| Lancaster      | 1    | 2   | 2   | 1   | 5   | 1   | 1   | 2   | 15      |
| Laurens        | 4    | 6   | 5   | 6   | 7   | 8   | 6   | 4   | 46      |
| Lee            | 4    | 1   | 1   | 0   | 0   | 0   | 1   | 0   | 7       |
| Lexington      | 10   | 10  | 10  | 10  | 10  | 11  | 11  | 15  | 87      |
| Marion         | 0    | 3   | 1   | 3   | 3   | 2   | 0   | 3   | 15      |
| Marlboro       | 1    | 1   | 2   | 1   | 1   | 2   | 2   | 1   | 11      |
| McCormick      | 0    | 1   | 1   | 0   | 0   | 0   | 0   | 0   | 2       |
| Newberry       | 5    | 4   | 5   | 4   | 3   | 2   | 3   | 2   | 28      |
| Oconee         | 3    | 8   | 3   | 7   | 5   | 6   | 7   | 3   | 42      |
| Orangeburg     | 9    | 8   | 7   | 7   | 9   | 9   | 9   | 6   | 64      |
| Pickens        | 12   | 5   | 11  | 3   | 7   | 9   | 9   | 3   | 59      |
| Richland       | 10   | 10  | 10  | 10  | 10  | 10  | 10  | 15  | 85      |
| Saluda         | 1    | 2   | 2   | 1   | 2   | 3   | 2   | 1   | 14      |
| Spartanburg    | 10   | 10  | 10  | 10  | 10  | 10  | 10  | 15  | 85      |
| Sumter         | 8    | 8   | 9   | 9   | 9   | 8   | 8   | 6   | 65      |
| Union          | 4    | 3   | 4   | 3   | 3   | 2   | 3   | 2   | 24      |
| Williamsburg   | 4    | 2   | 3   | 0   | 6   | 6   | 3   | 1   | 25      |
| York           | 6    | 8   | 4   | 7   | 4   | 8   | 7   | 9   | 53      |
| Monthly Totals | 225  | 212 | 222 | 211 | 202 | 219 | 207 | 216 | 1713    |

# Tab 10



# *State of South Carolina*

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



## *Workers' Compensation Commission*

### **Executive Director's Report March 15, 2021**

#### **Return to Work Plan**

The Governor's Executive Order 2021-12 issued on March 5 called for all state employees to return to work on-site by March 15, 2021. Pursuant to this Executive Order, the Department of Administration issued a call for all agencies to submit a Return to Work Plan (RTWP) for employees to return to work on-site considering the preparations needed for the employees to return to work after working off site for nearly one year. The Commission submitted a RTWP, whereby Commission employees would return to work on site in a phased approach with 50% of all employees returning by March 15, 75% of all employees by March 22 and 100% of all employees by April 1. The RTWP was approved by the Department of Administration.

#### **COVID-19**

The following is the statistical report on the number COVID related claims filed with the Commission for the period February 1, 2020 through February 28, 2020:

Claims filed total - 3,076

Claims filed February 2021 – 38

Reported Fatalities – 23

Open claims denied on a Form 19 – 12

Closed claims denied on a Form 19 – 1,691

Claims with attorney representation – 95

Claims with active Judicial activity – 9

Claims with closed Judicial Activity - 23

Total Medical Paid on closed claims - \$345,659

Total Non-medical paid on closed claims - \$1,793,110

Counties reporting highest number of claims – Greenville (417), Charleston (352), Richland (244)

Occupation reporting the highest number of claims – Registered Nurse (280)

#### **Meetings/Activities**

The Executive Director participated in conference calls with the following: Microsoft team about the Gap Analysis, Fair Health regarding the Medical Services Provider Manual, the FOIA request, the Kermit team, the Judicial Conference agenda, and COVID response.

#### **Constituent /Public Information Services**

For the period February 1, 2021 to February 28, 2021, the Executive Director's Office and the General Counsel's office had 312 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 February 1, 2021 to February 28, 2021, the Director's office processed and approved 12 travel expense reports, 100 invoices, and 38 deposits for DOA to process in the SCIES system.

**SCWCC Stakeholder Electronic Distribution List**

For the period February 1, 2021 to February 28, 2021 we added one (1) individual. Due to the receipt of email delivery failures, a total of four (4) email addresses were deleted. A total of 769 individuals currently receive notifications from the Commission.

**Advisory Notices**

During the month of January, the office posted two notices on the Commission's website and emailed it to the distribution list.

# Tab 11

# State of South Carolina

1333 Main Street, 5<sup>th</sup> 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:** March 15, 2021

**RE:** FINANCIAL REPORT - Period ending February 28, 2021

Attached is the Budget vs. Actual Report for the General Fund and Earmarked Fund for the fiscal year period ending February 28, 2021. The benchmark for this period is 67%.

#### Expenditures

The expenditures for the General Fund are on pages 1-2 of the attached report "Budget vs. Actual Report FY2021. The year-to-day expenditures in the General Fund (10010000) for this period is \$1.6 million or 36% of budget.

The Earmarked Fund financials may be found on pages 3-6 of the report. The year-to-date expenditures for the Earmarked Fund (38440000) is \$2.3 million or 43% of budget. The fund has \$305,110 of Commitments.

#### Revenues

The Earmarked Fund received \$1.4 million in Operating Revenues or 46% of expected revenues through February 28, 2021.

To date we have received \$3.3 million Self-Insurance Tax funds.

**South Carolina Workers' Compensation Commission**  
**Earmarked Fund Revenues**  
**FY 2021 As of 2/28/2021**  
**67% of year elapsed**

| Account                       | Acct No.   | Budget           | YTD Actual Revenue | % of Budget |
|-------------------------------|------------|------------------|--------------------|-------------|
| WORKERS' COMP HEARING FEE     | 4110090000 | 1,091,322        | 704,440            | 65%         |
| W COMP SELF INS APPL FEE      | 4160040000 | 26,577           | 2,525              | 10%         |
| W COMP FILING VIOL PENALTY    | 4223030000 | 1,985,476        | 719,530            | 36%         |
| PARKING FEE                   | 4350040000 | 5,900            | 3,500              | 59%         |
| W COMP AWARD REVIEW FEE       | 4350140000 | 32,251           | 11,270             | 35%         |
| TRNG CONF REG FEE             | 4380020000 | 6,000            | 600                | 10%         |
| PHOTOCOPYING FEE              | 4380050000 | 62,199           | 29,579             | 48%         |
| SALE OF SERVICES              | 4480020000 |                  | 300                |             |
| SALE OF LISTINGS & LABELS     | 4480060000 | 4,187            | 1,509              | 36%         |
| REFUND PRIOR YR EXPENDITURE   | 4520010000 |                  | 738                |             |
| RETURN CHECKS                 | 4530010000 |                  |                    |             |
| ADJUSTMENT TO AGENCY DEPOSITS | 4530020000 |                  |                    |             |
| MISC REVENUE                  | 4530030000 |                  | 200                |             |
| <b>Total Revenues</b>         |            | <b>3,213,912</b> | <b>1,474,191</b>   | <b>46%</b>  |

|                           |  |                  |                  |             |
|---------------------------|--|------------------|------------------|-------------|
| <b>Self Insurance Tax</b> |  | <b>2,500,000</b> | <b>3,319,733</b> | <b>133%</b> |
|---------------------------|--|------------------|------------------|-------------|

|              |  |                  |                  |            |
|--------------|--|------------------|------------------|------------|
| <b>Total</b> |  | <b>5,713,912</b> | <b>4,793,924</b> | <b>84%</b> |
|--------------|--|------------------|------------------|------------|

**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
**FY 2021 As of 2/28/2021**  
**67% 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        | 92,457           | 67%        |             | 46,229            |
| 501058                       | CLASSIFIED POS              | 48,034         |                  |            |             | 48,034            |
| 512001                       | OTHER OPERATING             | 315,587        |                  |            |             |                   |
| Total OTHER OPERATING:       |                             | 315,587        |                  |            |             | 315,587           |
| <b>Total Administration:</b> |                             | <b>502,307</b> | <b>92,457</b>    | <b>18%</b> |             | <b>409,850</b>    |

**Inform. services**

| Commitment Item                | Commitment Item Description | Current Budget | YTD Expenditures | % Used | Commitments  | Remaining Balance |
|--------------------------------|-----------------------------|----------------|------------------|--------|--------------|-------------------|
| 5030067131                     | PLM- EUC                    |                |                  |        | 5,080        |                   |
| Total OTHER OPERATING:         |                             |                |                  |        | 5,080        | -5,080            |
| <b>Total Inform. services:</b> |                             |                |                  |        | <b>5,080</b> | <b>-5,080</b>     |

**Claims**

| Commitment Item      | Commitment Item Description | Current Budget | YTD Expenditures | % Used     | Commitments | Remaining Balance |
|----------------------|-----------------------------|----------------|------------------|------------|-------------|-------------------|
| 501058               | CLASSIFIED POS              | 78,767         | 53,710           | 68%        |             | 25,057            |
| <b>Total Claims:</b> |                             | <b>78,767</b>  | <b>53,710</b>    | <b>68%</b> |             | <b>25,057</b>     |

**Commissioners**

| Commitment Item             | Commitment Item Description | Current Budget   | YTD Expenditures | % Used     | Commitments | Remaining Balance |
|-----------------------------|-----------------------------|------------------|------------------|------------|-------------|-------------------|
| 501026                      | CHAIRMAN                    | 168,057          | 112,038          | 67%        |             | 56,019            |
| 501033                      | COMMISSIONER                | 978,964          | 652,640          | 67%        |             | 326,324           |
| 501050                      | TAXABLE SUBS                |                  | 46,621           |            |             | -46,621           |
| 501058                      | CLASSIFIED POS              | 320,113          | 229,292          | 72%        |             | 90,821            |
| <b>Total Commissioners:</b> |                             | <b>1,467,134</b> | <b>1,040,591</b> | <b>71%</b> | <b>0</b>    | <b>426,543</b>    |

**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
**FY 2021 As of 2/28/2021**  
**67% 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        |                  |        | 1,246,396        | 448,688           |
| <b>Total Information Services FY18:</b> |                             | <b>1,695,084</b> |                  |        | <b>1,246,396</b> | <b>448,688</b>    |

**Insurance & Medical**

| Commitment Item                       | Commitment Item Description | Current Budget | YTD Expenditures | % Used     | Commitments | Remaining Balance |
|---------------------------------------|-----------------------------|----------------|------------------|------------|-------------|-------------------|
| 501058                                | CLASSIFIED POS              | 27,697         | 20,400           | 74%        |             | 7,297             |
| <b>Total Insurance &amp; Medical:</b> |                             | <b>27,697</b>  | <b>20,400</b>    | <b>74%</b> |             | <b>7,297</b>      |

**Judicial**

| Commitment Item        | Commitment Item Description | Current Budget | YTD Expenditures | % Used | Commitments | Remaining Balance |
|------------------------|-----------------------------|----------------|------------------|--------|-------------|-------------------|
| 501058                 | CLASSIFIED POS              | 29,852         |                  |        |             | 29,852            |
| <b>Total Judicial:</b> |                             | <b>29,852</b>  |                  |        |             | <b>29,852</b>     |

**Employer Contributions**

| Commitment Item                      | Commitment Item Description | Current Budget | YTD Expenditures | % Used     | Commitments | Remaining Balance |
|--------------------------------------|-----------------------------|----------------|------------------|------------|-------------|-------------------|
| 513000                               | EMPLOYER CONTRIB            | 713,269        | 406,728          | 57%        |             | 306,541           |
| <b>Total Employer Contributions:</b> |                             | <b>713,269</b> | <b>406,728</b>   | <b>57%</b> |             | <b>306,541</b>    |

|                            |  |                  |                  |            |                  |                  |
|----------------------------|--|------------------|------------------|------------|------------------|------------------|
| <b>Total GENERAL FUND:</b> |  | <b>4,514,110</b> | <b>1,613,886</b> | <b>36%</b> | <b>1,251,476</b> | <b>1,648,749</b> |
|----------------------------|--|------------------|------------------|------------|------------------|------------------|

**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
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**67% of year elapsed**

**Fund 38440000 - EARMARKED FUND**

**Administration**

| Commitment Item | Commitment Item Description | Current Budget | YTD Expenditures | % Used | Commitments | Remaining Balance |
|-----------------|-----------------------------|----------------|------------------|--------|-------------|-------------------|
| 501058          | CLASSIFIED POS              | 586,985        | 127,066          | 22%    |             | 459,919           |
| 501070          | OTH PERS SVC                | 41,000         |                  |        |             | 41,000            |
| 512001          | OTHER OPERATING             | 2,625,713      |                  |        |             |                   |
| 5020080000      | FREIGHT EXPRESS DELV        |                | 26               |        | 296         |                   |
| 5020120000      | CELLULAR PHONE SVCS         |                | 3,333            |        |             |                   |
| 5021010005      | LEGAL SRV-REPORTER          |                | 421              |        |             |                   |
| 5021020000      | ATTORNEY FEES               |                | 217              |        |             |                   |
| 5021479207      | JANITORIAL                  |                | 2,489            |        |             |                   |
| 5021490000      | AUDIT ACCT FINANCE          |                | 133              |        |             |                   |
| 5024990000      | OTH CNT-NON-IT & REA        |                | 831              |        |             |                   |
| 5030010000      | OFFICE SUPPLIES             |                | 2,969            |        | 26          |                   |
| 5030010002      | OFF SUP - MIN OFF EQ        |                | 194              |        |             |                   |
| 5030010004      | SUBSCRIPTIONS               |                | 10,583           |        | 6,534       |                   |
| 5030030000      | PRINTED ITEMS               |                | 2,345            |        | 29          |                   |
| 5030067101      | PRGM LIC - APP SUPP         |                | 18,803           |        | 14,821      |                   |
| 5030067130      | EQUIP&SUPP- EUC             |                | 18               |        | 1           |                   |
| 5030067170      | EQUIP&SUPP- PRINT EU        |                | 4,014            |        | 2,200       |                   |
| 5030070000      | POSTAGE                     |                | 15,940           |        | 14,360      |                   |
| 5030090000      | COMMUNICATION SUPP          |                | 17,001           |        |             |                   |
| 5031479203      | JANITORIAL SUPPLIES         |                | 95               |        |             |                   |
| 5032410000      | MED/SCIENT/LAB SUPP         |                | 239              |        |             |                   |
| 5032820000      | INSTRUCTIONAL MAT           |                |                  |        | 1,408       |                   |
| 5033990000      | OTHER SUPPLIES              |                | 169              |        |             |                   |
| 5040010000      | OPER LSE-OFC EQ RENT        |                | 2,014            |        |             |                   |
| 5040057000      | IT-OPER LS-CONT RENT        |                |                  |        | 1,023       |                   |
| 5040060000      | OPER-RENT-NON ST OWN        |                | 307,921          |        | 143,817     |                   |
| 5040070000      | OPER-RNT-ST OWN RL P        |                | 120              |        |             |                   |
| 5040490000      | OPER LSE-RENT-OTHER         |                | 10,413           |        | 12,771      |                   |
| 5040490003      | OPER LSE-RENT-PO BOX        |                | 1,416            |        |             |                   |
| 5041010000      | DUES & MEMBER FEES          |                | 4,835            |        |             |                   |
| 5050070000      | IN ST-REGISTR FEES          |                | 400              |        |             |                   |
| 5051540000      | LEASED CAR-ST OWNED         |                | 23,768           |        |             |                   |



**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
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**Fund 38440000 - EARMARKED FUND**

|                              |                  |                |            |                |                  |
|------------------------------|------------------|----------------|------------|----------------|------------------|
| Total OTHER OPERATING:       | 2,625,713        | 430,709        | 16%        | 197,287        | 1,997,718        |
| <b>Total Administration:</b> | <b>3,253,698</b> | <b>557,774</b> | <b>17%</b> | <b>197,287</b> | <b>2,498,637</b> |

**Inform. services**

| Commitment Item                | Commitment Item Description | Current Budget | YTD Expenditures | % Used | Commitments   | Remaining Balance |
|--------------------------------|-----------------------------|----------------|------------------|--------|---------------|-------------------|
| 501058                         | CLASSIFIED POS              |                | 235,957          |        |               | -235,957          |
| 5020077100                     | SERVICES- APP SUP           |                |                  |        | 972           |                   |
| 5020077130                     | SERVICES- EUC               |                | 3,548            |        |               |                   |
| 5020077170                     | SERVICES- PRINT EU          |                | 375              |        |               |                   |
| 5020077200                     | SERVICES- SERVERS           |                | 48,011           |        |               |                   |
| 5020077220                     | SERVICES- VOICENET          |                | 17,672           |        |               |                   |
| 5020077230                     | IT CONTRACTORS              |                |                  |        | 46,316        |                   |
| 5020077240                     | DP SERVICES – STATE         |                | 124,929          |        |               |                   |
| 5020080000                     | FREIGHT EXPRESS DELV        |                | 40               |        | 296           |                   |
| 5020120000                     | CELLULAR PHONE SVCS         |                | 554              |        | 1,806         |                   |
| 5021330000                     | CONTR-GOVT/NONPRFIT         |                | 39,000           |        |               |                   |
| 5021469316                     | SECURITY ALARM SRVC         |                | 2,625            |        | 46            |                   |
| 5021540000                     | NON-IT OTHER PRO SRV        |                |                  |        | 15,825        |                   |
| 5030010000                     | OFFICE SUPPLIES             |                | 773              |        | 685           |                   |
| 5030067101                     | PRGM LIC - APP SUPP         |                | 94               |        | 11,367        |                   |
| 5030067130                     | EQUIP&SUPP- EUC             |                | 8,463            |        |               |                   |
| 5030067131                     | PLM- EUC                    |                |                  |        | 769           |                   |
| 5030067141                     | PLM- ITSD                   |                | 9,590            |        |               |                   |
| 5030067170                     | EQUIP&SUPP- PRINT EU        |                | 8,192            |        | 5,052         |                   |
| 5030067210                     | EQUIP&SUPP- STORAGE         |                | 118              |        |               |                   |
| 5030090000                     | COMMUNICATION SUPP          |                | 10,208           |        |               |                   |
| 5031010000                     | LAUNDRY SUPPLIES            |                | 16               |        |               |                   |
| 5040057000                     | IT-OPER LS-CONT RENT        |                | 831              |        | 5,988         |                   |
| 5041010000                     | DUES & MEMBER FEES          |                | 196              |        |               |                   |
| 5050070000                     | IN ST-REGISTR FEES          |                | 50               |        |               |                   |
| 5050570000                     | OUT ST-REGISTR FEES         |                | 975              |        |               |                   |
| Total OTHER OPERATING:         |                             |                | 276,262          |        | 89,122        | -365,385          |
| <b>Total Inform. services:</b> |                             |                | <b>512,219</b>   |        | <b>89,122</b> | <b>-601,341</b>   |

**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
**FY 2021 As of 2/28/2021**  
**67% 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        | 153,094          | 55%        |              | 127,756           |
| 512001                 | OTHER OPERATING             | 19,700         |                  |            |              |                   |
| 5020080000             | FREIGHT EXPRESS DELV        |                | 8                |            | 487          |                   |
| 5020120000             | CELLULAR PHONE SVCS         |                | 91               |            | 77           |                   |
| 5030010000             | OFFICE SUPPLIES             |                | 456              |            | 848          |                   |
| 5030030000             | PRINTED ITEMS               |                | 643              |            |              |                   |
| 5030090000             | COMMUNICATION SUPP          |                | 588              |            |              |                   |
| Total OTHER OPERATING: |                             | 19,700         | 1,786            | 9%         | 1,411        | 16,503            |
| <b>Total Claims:</b>   |                             | <b>300,550</b> | <b>154,881</b>   | <b>52%</b> | <b>1,411</b> | <b>144,258</b>    |

**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
**FY 2021 As of 2/28/2021**  
**67% of year elapsed**

**Fund 38440000 - EARMARKED FUND**

**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        |                  |            |             |                   |
| 5020080000                    | FREIGHT EXPRESS DELV        |                | 57               |            | 296         |                   |
| 5020120000                    | CELLULAR PHONE SVCS         |                | 10,665           |            | 160         |                   |
| 5021010003                    | LEGAL SRV-TRANSCRIPT        |                | 2,933            |            |             |                   |
| 5021010005                    | LEGAL SRV-REPORTER          |                | 62,042           |            |             |                   |
| 5021020000                    | ATTORNEY FEES               |                | 1,379            |            |             |                   |
| 5021410000                    | EDUC & TRNG-STATE           |                | 75               |            |             |                   |
| 5021540000                    | NON-IT OTHER PRO SRV        |                | 90               |            |             |                   |
| 5030010000                    | OFFICE SUPPLIES             |                | 702              |            | 457         |                   |
| 5030067170                    | EQUIP&SUPP- PRINT EU        |                | 2,409            |            |             |                   |
| 5030070000                    | POSTAGE                     |                | 21               |            |             |                   |
| 5031479203                    | JANITORIAL SUPPLIES         |                | 181              |            |             |                   |
| 5033990000                    | OTHER SUPPLIES              |                | 311              |            |             |                   |
| 5050041000                    | HR-IN ST-AUTO MILES         |                | 15,187           |            | -           |                   |
| 5050070000                    | IN ST-REGISTR FEES          |                | 50               |            |             |                   |
| 5050080000                    | IN ST-SUBSIST ALLOW         |                | 2,436            |            |             |                   |
| <b>Total OTHER OPERATING:</b> |                             | <b>230,700</b> | <b>98,536</b>    | <b>43%</b> | <b>912</b>  | <b>131,251</b>    |
| <b>Total Commissioners:</b>   |                             | <b>300,700</b> | <b>98,536</b>    | <b>33%</b> | <b>912</b>  | <b>201,251</b>    |

**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
**FY 2021 As of 2/28/2021**  
**67% 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              | 459,463        | 231,895          | 50%        |               | 227,568           |
| 501070                                | OTH PERS SVC                | 22,881         | 19,200           | 84%        |               | 3,681             |
| 512001                                | OTHER OPERATING             | 54,500         |                  |            |               |                   |
| 5020080000                            | FREIGHT EXPRESS DELV        |                | 94               |            | 487           |                   |
| 5020120000                            | CELLULAR PHONE SVCS         |                | 271              |            |               |                   |
| 5021540000                            | NON-IT OTHER PRO SRV        |                | 13,125           |            | 11,398        |                   |
| 5024990000                            | OTH CNT-NON-IT & REA        |                | 470              |            |               |                   |
| 5030010000                            | OFFICE SUPPLIES             |                | 143              |            | 1,576         |                   |
| 5030067170                            | EQUIP&SUPP- PRINT EU        |                | 97               |            |               |                   |
| 5030090000                            | COMMUNICATION SUPP          |                | 1,177            |            |               |                   |
| 5040060000                            | OPER-RENT-NON ST OWN        |                |                  |            | 452           |                   |
| 5050070000                            | IN ST-REGISTR FEES          |                | 2,350            |            |               |                   |
| Total OTHER OPERATING:                |                             | 54,500         | 17,727           | 33%        | 13,913        | 22,859            |
| <b>Total Insurance &amp; Medical:</b> |                             | <b>536,844</b> | <b>268,823</b>   | <b>50%</b> | <b>13,913</b> | <b>254,108</b>    |

**Judicial**

| Commitment Item        | Commitment Item Description | Current Budget | YTD Expenditures | % Used     | Commitments  | Remaining Balance |
|------------------------|-----------------------------|----------------|------------------|------------|--------------|-------------------|
| 501058                 | CLASSIFIED POS              | 462,294        | 305,746          | 66%        |              | 156,548           |
| 501070                 | OTH PERS SVC                | 45,000         | 27,996           | 62%        |              | 17,004            |
| 512001                 | OTHER OPERATING             | 12,800         |                  |            |              |                   |
| 5020080000             | FREIGHT EXPRESS DELV        |                | 8                |            | 487          |                   |
| 5020120000             | CELLULAR PHONE SVCS         |                | 144              |            | 116          |                   |
| 5021010003             | LEGAL SRV-TRANSCRIPT        |                | 171              |            |              |                   |
| 5021010005             | LEGAL SRV-REPORTER          |                | 1,508            |            |              |                   |
| 5030010000             | OFFICE SUPPLIES             |                | 60               |            | 1,861        |                   |
| 5030090000             | COMMUNICATION SUPP          |                | 1,177            |            |              |                   |
| 5050070000             | IN ST-REGISTR FEES          |                | 50               |            |              |                   |
| Total OTHER OPERATING: |                             | 12,800         | 3,117            | 24%        | 2,464        | 7,219             |
| <b>Total Judicial:</b> |                             | <b>520,094</b> | <b>336,859</b>   | <b>65%</b> | <b>2,464</b> | <b>180,771</b>    |

**South Carolina Workers' Compensation Commission**  
**Budget vs. Actual Report**  
**FY 2021 As of 2/28/2021**  
**67% of year elapsed**

**Fund 38440000 - EARMARKED FUND**

**Employer Contributions**

| Commitment Item                      | Commitment Item Description | Current Budget | YTD Expenditures | % Used     | Commitments | Remaining Balance |
|--------------------------------------|-----------------------------|----------------|------------------|------------|-------------|-------------------|
| 513000                               | EMPLOYER CONTRIB            | 695,959        | 461,920          | 66%        | 0           | 234,039           |
| <b>Total Employer Contributions:</b> |                             | <b>695,959</b> | <b>461,920</b>   | <b>66%</b> | <b>0</b>    | <b>234,039</b>    |

|                              |  |                  |                  |            |                |                  |
|------------------------------|--|------------------|------------------|------------|----------------|------------------|
| <b>Total EARMARKED FUND:</b> |  | <b>5,607,845</b> | <b>2,391,012</b> | <b>43%</b> | <b>305,110</b> | <b>2,911,723</b> |
|------------------------------|--|------------------|------------------|------------|----------------|------------------|

## South Carolina Workers' Compensation Commission

### Commitments

FY 2021 As of 2/28/2021

#### Fund 10010000 - GENERAL FUND

##### Inform. services

| Commitment Item                | Commitment Item Description | Vendor                 | Commitment   |
|--------------------------------|-----------------------------|------------------------|--------------|
| 5030067131                     | PLM- EUC                    | SHI INTERNATIONAL CORP | 5,080        |
| <b>Total Inform. services:</b> |                             |                        | <b>5,080</b> |

##### Information Services FY18

| Commitment Item                         | Commitment Item Description | Vendor                   | Commitment       |
|---|-----------------------------|--------------------------|------------------|
| 5020077230                              | IT CONTRACTORS              | TAPFIN PROCESS SOLUTIONS | 1,246,396        |
| <b>Total Information Services FY18:</b> |                             |                          | <b>1,246,396</b> |

|                            |  |  |                  |
|----------------------------|--|--|------------------|
| <b>Total GENERAL FUND:</b> |  |  | <b>1,251,476</b> |
|----------------------------|--|--|------------------|

#### Fund 38440000 - EARMARKED FUND

##### Administration

| Commitment Item              | Commitment Item Description | Vendor                      | Commitment     |
|------------------------------|-----------------------------|-----------------------------|----------------|
| 5030010000                   | OFFICE SUPPLIES             | STAPLES BUSINESS ADVANTAGE  | 26             |
| 5030010004                   | SUBSCRIPTIONS               | WEST PUBLISHING CORPORATION | 6,534          |
| 5030030000                   | PRINTED ITEMS               | PINE PRESS PRINTING         | 29             |
| 5030067101                   | PRGM LIC - APP SUPP         | WEST PUBLISHING CORPORATION | 14,821         |
| 5030067130                   | EQUIP&SUPP- EUC             | FORMS & SUPPLY INC          | 1              |
| 5030067170                   | EQUIP&SUPP- PRINT EU        | FORMS & SUPPLY INC          | 1,641          |
| 5030067170                   | EQUIP&SUPP- PRINT EU        | MAJOR BUSINESS MACHINES     | 559            |
| 5030070000                   | POSTAGE                     | NEOFUNDS BY NEOPOST         | 1,400          |
| 5030070000                   | POSTAGE                     | US POSTAL SERVICE           | 12,960         |
| 5032820000                   | INSTRUCTIONAL MAT           | PINE PRESS PRINTING         | 1,408          |
| 5040057000                   | IT-OPER LS-CONT RENT        | XEROX CORPORATION           | 1,023          |
| 5040060000                   | OPER-RENT-NON ST OWN        | GALIUM 1333 MAIN LLC        | 143,817        |
| 5040490000                   | OPER LSE-RENT-OTHER         | REPUBLIC PARKING SYSTEM INC | 12,771         |
| <b>Total Administration:</b> |                             |                             | <b>196,991</b> |

##### Inform. services

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 2021 As of 2/28/2021**

**Fund 38440000 - EARMARKED FUND**

| Commitment Item                | Commitment Item Description | Vendor                    | Commitment    |
|--------------------------------|-----------------------------|---------------------------|---------------|
| 5020077100                     | SERVICES- APP SUP           | BIS DIGITAL, INC.         | 972           |
| 5020077230                     | IT CONTRACTORS              | TAPFIN PROCESS SOLUTIONS  | 46,316        |
| 5020120000                     | CELLULAR PHONE SVCS         | VERIZON WIRELESS          | 1,806         |
| 5021469316                     | SECURITY ALARM SRVC         | SONITROL SECURITY SYSTEMS | 46            |
| 5021540000                     | NON-IT OTHER PRO SRV        | HYLAND SOFTWARE INC       | 15,825        |
| 5030010000                     | OFFICE SUPPLIES             | FORMS & SUPPLY INC        | 685           |
| 5030067131                     | PLM- EUC                    | SHI INTERNATIONAL CORP    | 769           |
| 5040057000                     | IT-OPER LS-CONT RENT        | XEROX                     | 4,294         |
| 5040057000                     | IT-OPER LS-CONT RENT        | XEROX CORPORATION         | 1,693         |
| <b>Total Inform. services:</b> |                             |                           | <b>72,407</b> |

**Claims**

| Commitment Item      | Commitment Item Description | Vendor                     | Commitment   |
|----------------------|-----------------------------|----------------------------|--------------|
| 5020080000           | FREIGHT EXPRESS DELV        | FEDEX                      | 487          |
| 5020120000           | CELLULAR PHONE SVCS         | VERIZON WIRELESS           | 77           |
| 5030010000           | OFFICE SUPPLIES             | FORMS & SUPPLY INC         | 812          |
| 5030010000           | OFFICE SUPPLIES             | STAPLES BUSINESS ADVANTAGE | 36           |
| <b>Total Claims:</b> |                             |                            | <b>1,411</b> |

**Commissioners**

| Commitment Item             | Commitment Item Description | Vendor                     | Commitment |
|-----------------------------|-----------------------------|----------------------------|------------|
| 5020120000                  | CELLULAR PHONE SVCS         | VERIZON WIRELESS           | 160        |
| 5030010000                  | OFFICE SUPPLIES             | STAPLES BUSINESS ADVANTAGE | 338        |
| <b>Total Commissioners:</b> |                             |                            | <b>497</b> |

**Insurance & Medical**

| Commitment Item | Commitment Item Description | Vendor                    | Commitment |
|-----------------|-----------------------------|---------------------------|------------|
| 5021540000      | NON-IT OTHER PRO SRV        | A WOMANS TOUCH LLC        | 2,160      |
| 5021540000      | NON-IT OTHER PRO SRV        | LUMLEY INVESTIGATIONS LLC | 756        |

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 2021 As of 2/28/2021**

**Fund 38440000 - EARMARKED FUND**

|                                       |                      |                                  |               |
|---------------------------------------|----------------------|----------------------------------|---------------|
| 5021540000                            | NON-IT OTHER PRO SRV | TPT INVESTIGATIONS LLC           | 320           |
| 5021540000                            | NON-IT OTHER PRO SRV | UPSTATE LEGAL SUPPORT SERVICES L | 1,625         |
| 5021540000                            | NON-IT OTHER PRO SRV | WHITESELL INVESTIGATIVE SERVICES | 6,537         |
| 5030010000                            | OFFICE SUPPLIES      | STAPLES BUSINESS ADVANTAGE       | 790           |
| 5040060000                            | OPER-RENT-NON ST OWN | GALIUM 1333 MAIN LLC             | 452           |
| <b>Total Insurance &amp; Medical:</b> |                      |                                  | <b>12,641</b> |

**Judicial**

| Commitment Item        | Commitment Item Description | Vendor                     | Commitment   |
|------------------------|-----------------------------|----------------------------|--------------|
| 5020080000             | FREIGHT EXPRESS DELV        | FEDEX                      | 487          |
| 5020120000             | CELLULAR PHONE SVCS         | VERIZON WIRELESS           | 116          |
| 5030010000             | OFFICE SUPPLIES             | FORMS & SUPPLY INC         | 1,066        |
| 5030010000             | OFFICE SUPPLIES             | STAPLES BUSINESS ADVANTAGE | 795          |
| <b>Total Judicial:</b> |                             |                            | <b>2,464</b> |

|                              |                |
|------------------------------|----------------|
| <b>Total EARMARKED FUND:</b> | <b>305,110</b> |
|------------------------------|----------------|

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.



# Tab 12

# State of South Carolina

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



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## Workers' Compensation Commission

### MEMORANDUM

**TO:** COMMISSIONERS

**FROM:** Gary Cannon  
Executive Director

**DATE:** March 15, 2021

**RE:** Medical Services Provider Manual

Attached are the following documents for updating the MSPM

Fair Health Fee Schedule Analysis 2021  
Fair Health Proposed Changes to the 2021 Medical Services Provider Manual (3-11-2021)  
Fair Health MSPM User License Fee

The Fee Schedule Analysis 2021 contains the information to calculate the Conversion Factor for 2021.

The Proposed Changes to the 2021 Medical Services Provider Manual (3-11-2021) contains the changes to the text portion of the Manual, using ~~strikes~~ for deleted language and underline for new language. The proposed changes have taken into consideration comments made by stakeholders and discussed at the Commission Special Business Meeting on March 15.

User License Fee reflects the proposed change Fair Health charges to purchasers of the manual.

The following motions are suggested if the Commission is to adopt changes to the MSPM for 2021:

1. Motion to approve a Conversion Factor of \_\_\_\_\_ for 2021.

2. Motion to approve the recommended changes to the text in the MSPM for 2021.

3. Motion to approve the proposed change in the licensing fee charged by Fair Health to add a \$50.00 charge per additional user for the PDF downloadable format and the Electronic file format user licenses.



## Fee Schedule Analysis

January 13, 2021

FAIR Health appreciates the opportunity to assist the South Carolina Workers' Compensation Commission in updating the Medical Services Provider Manual (MSPM). This analysis uses medical call data (2019 dates of service) provided by the National Council on Compensation Insurance, Inc. (NCCI) and South Carolina maximum allowable payment (MAP) amounts to develop conversion factors and propose MAP values for the 2021 fee schedule.

FAIR Health received paid amounts from NCCI for the 2019 calendar year, aggregated at the procedure code/modifier level. FAIR Health used the data from 2019 to:

1. Develop a "fee schedule-neutral" conversion factor designed to reflect a similar level of spending based on 2020 MAP amounts; and
2. Project paid amounts for 2021 based on multiple conversion factor alternatives.

For 2021, CMS increased RVUs for office visits for new and established patients, CPT codes 99202-99205 and 99212-99215. These codes reflect some of the most frequently performed services in the South Carolina workers' compensation program. To maintain budget neutrality and offset the increased reimbursement for evaluation and management services, CMS significantly reduced the 2021 conversion factors for both professional services and anesthesia. The South Carolina statutory cap of +/- 9.5% on changes from rates from the prior year's MSPM in part controls some of these changes. The updated RVUs and South Carolina caps on rate changes are embedded in the projections presented below.

On December 27, 2020 the Consolidated Appropriations Act, which includes pandemic relief and national budget provisions, was signed into law. The Act includes provisions that defer use of a complexity adjustment for evaluation and management procedures and mandates an increase to the Medicare conversion factors for 2021. To comply with these changes and maintain budget neutrality, CMS recalculated the conversion factors for 2021, which were updated on January 7.

The information in this report is based on conversion factors published by CMS on January 7, 2021.

## 2019 Paid Data and Frequencies

The following is a summary of the 2019 data received from NCCI:

### NCCI Data Call - 2019 Calendar Year (Before Validation)

| Service Type              | Total Paid             | Total Charged           | Transactions   | Units            |
|---------------------------|------------------------|-------------------------|----------------|------------------|
| CPT (Without Anesthesia)  | \$56,724,510.07        | \$121,604,885.32        | 693,636        | 962,897          |
| Anesthesia*               | \$1,595,861.29         | \$9,166,281.92          | 6,072          | 666,175          |
| HCPCS (Without Ambulance) | \$16,816,157.03        | \$24,016,642.04         | 69,062         | 1,595,262        |
| Ambulance**               | \$2,613,438.44         | \$4,792,517.52          | 13,917         | 346,230          |
| <b>Total</b>              | <b>\$77,749,966.83</b> | <b>\$159,580,326.80</b> | <b>782,687</b> | <b>3,570,564</b> |

\* Assumes most units are minutes

\*\* Assumes most units are miles

### Data Used in the Analysis

FAIR Health used the following methodology to analyze the NCCI data and project future payments based on fee schedule MAPs:

- The NCCI paid data from 2019 were used to determine the number of occurrences (frequency) for each service.
- Services were reviewed at the procedure code/modifier level to account for differences in paid amounts based on fee schedule MAP amounts and policies. For example:
  - The occurrences for codes reported with modifier 26 and TC were projected separately, based on the MAP amounts in the fee schedule.
  - HCPCS Codes reported with modifiers NU (new), UE (used) and RR (rental) were projected separately based on the occurrences in the NCCI data and fee schedule MAP values.
  - Records with other modifiers or with modifiers NU, UE and RR appended to codes where these modifiers are not applicable and/or expected were considered as though the records did not contain modifiers.
  - Services containing modifiers that are paid at adjusted amounts according to South Carolina policies (assistant surgeon modifiers 80-82 and AS) were projected based on 2019 occurrences and adjusted MAP amounts.

### Fee Schedule-Neutral Conversion Factor- 2020 Projections

- Total dollar amounts were projected based on 2019 occurrences and 2020 RVUs.
- Using these frequencies and RVUs and incorporating the +/- 9.5% cap on MAP increases and decreases compared to the prior year where applicable, FAIR Health calculated a conversion factor designed to maintain spending at the 2019 level for each service area.
- The total fee schedule budget neutral conversion factor is 41.09.
- Ambulance data is paid at 100% of Medicare and is not included in this analysis.
- Please see the separate analysis for anesthesia data.

## 2020 Projections

| Category                  | Frequency        | Total 2020<br>RVUs | NCCI Payment           | Budget Neutral<br>Conversion factor |
|---------------------------|------------------|--------------------|------------------------|-------------------------------------|
| Evaluation and Management | 127,182          | 307,602            | \$13,815,061.31        | 44.91                               |
| HCPCS Level II            | 179,967          | 147,573            | \$5,044,921.00         | 34.19                               |
| Medicine & Injection      | 14,830           | 28,971             | \$1,336,460.26         | 46.13                               |
| Pathology & Laboratory    | 12,064           | 9,758              | \$499,016.75           | 51.14                               |
| Physical Medicine         | 705,857          | 622,537            | \$22,684,937.91        | 36.44                               |
| Radiology                 | 51,896           | 89,301             | \$4,571,755.77         | 51.19                               |
| Special Reports           | 1,114            | 1,281              | \$58,787.28            | 45.89                               |
| Surgery                   | 34,520           | 253,559            | \$11,997,981.53        | 47.32                               |
| <b>Total</b>              | <b>1,127,430</b> | <b>1,460,582</b>   | <b>\$60,008,921.81</b> | <b>41.09</b>                        |

The relatively low conversion factor in this analysis is influenced by payments that are lower than fee schedule MAPs for certain high frequency codes in the physical medicine and HCPCS service areas. The lower payments in the physical medicine section may be related to network contracts. Payment for boxes of alcohol wipes and pairs of electrodes at rates lower than fee schedule MAPs may be influencing the conversion factor for the HCPCS section. In addition, NCCI paid data reflect significant payments for codes that are paid based on “individual consideration”.

Because the HCPCS and Physical Medicine sections have high frequencies relative to other service areas, these anomalies have a large influence on the budget neutral conversion factor.

### Comparison of Alternate Conversion Factors – 2021 Projections

- The projections of paid amounts for the 2021 fee schedule are based on 2019 frequencies and 2021 RVUs, to which conversion factors of 48.85\* (equal to 140% of the CMS conversion factor), 49, 50, 50.3 (the current South Carolina conversion factor), 51 and 52 were applied. The cap of +/- 9.5% of the prior year’s MAP value for each service was applied, when appropriate, in providing these projections.
  - \* While not mandated, the South Carolina conversion factor has generally been targeted to 140% of the CMS conversion factor (or 48.85)
- The 2021 MAP values used for these projections include certain changes in how services not covered under the Medicare Professional Fee Schedule were valued:
  - If a service is not valued in the Medicare Physician Fee Schedule, FAIR Health determined whether the service was valued by another Medicare fee schedule (e.g., the Clinical Laboratory, DMEPOS or Average Sales Price fee schedule). FAIR Health used Medicare values in the analysis whenever a Medicare value was available.
  - If Medicare did not provide a professional value in *any* fee schedule for a service, FAIR Health gap filled the value using FAIR Health benchmark values or FAIR Health’s FH® Medicare GapFill PLUS product.
  - FAIR Health does not recommend that the State establish gap fill values for new codes effective January 1, 2021 that were not valued by Medicare. Setting a gap fill value before actual claims information has been received could set an inappropriate baseline against which the +/-9.5% cap would be applied in future years. FAIR Health will evaluate those codes and, based on the claims received during calendar year 2021, propose gap fill values for the 2022 MSPM.

## 2021 Projections

| Category                  | Total \$ 2021<br>with CF = 48.85 | CF48.85      | Total \$ 2021<br>with CF = 49 | CF49         | Total \$ 2021<br>with CF = 50 | CF50         | Total \$ 2021<br>with CF = 50.3 | CF50.3       | Total \$ 2021<br>with CF = 51 | CF51         | Total \$ 2021<br>with CF = 52 | CF52         |
|---------------------------|----------------------------------|--------------|-------------------------------|--------------|-------------------------------|--------------|---------------------------------|--------------|-------------------------------|--------------|-------------------------------|--------------|
| Evaluation and Management | \$16,580,930                     | 45.50        | \$16,597,120                  | 45.5         | \$16,704,653                  | 45.8         | \$16,736,705                    | 45.9         | \$16,792,843                  | 46.1         | \$16,841,034                  | 46.2         |
| HCPCS Level II            | \$7,586,940                      | 51.10        | \$7,592,333                   | 51.1         | \$7,628,523                   | 51.3         | \$7,639,381                     | 51.4         | \$7,664,718                   | 51.6         | \$7,699,361                   | 51.8         |
| Medicine & Injection      | \$1,521,768                      | 48.50        | \$1,524,799                   | 48.6         | \$1,544,866                   | 49.3         | \$1,550,826                     | 49.5         | \$1,562,423                   | 49.8         | \$1,576,597                   | 50.3         |
| Pathology & Laboratory    | \$503,374                        | 49.30        | \$504,869                     | 49.4         | \$513,738                     | 50.3         | \$516,728                       | 50.6         | \$523,477                     | 51.2         | \$529,189                     | 51.8         |
| Physical Medicine         | \$31,026,622                     | 48.80        | \$31,109,533                  | 48.9         | \$31,671,765                  | 49.8         | \$31,840,650                    | 50.0         | \$32,231,889                  | 50.7         | \$32,791,291                  | 51.5         |
| Radiology                 | \$4,532,432                      | 49.10        | \$4,545,890                   | 49.2         | \$4,634,765                   | 50.2         | \$4,661,234                     | 50.5         | \$4,717,725                   | 51.1         | \$4,782,935                   | 51.8         |
| Special Reports           | \$65,075                         | 48.90        | \$65,270                      | 49.0         | \$66,565                      | 50.0         | \$66,952                        | 50.3         | \$67,860                      | 51.0         | \$69,150                      | 52.0         |
| Surgery                   | \$12,921,333                     | 49.00        | \$12,959,079                  | 49.1         | \$13,209,367                  | 50.1         | \$13,284,334                    | 50.4         | \$13,454,249                  | 51.0         | \$13,677,471                  | 51.8         |
| <b>Grand Total</b>        | <b>\$74,738,474</b>              | <b>48.26</b> | <b>\$74,898,893</b>           | <b>48.36</b> | <b>\$75,974,242</b>           | <b>49.06</b> | <b>\$76,296,810</b>             | <b>49.27</b> | <b>\$77,015,184</b>           | <b>49.73</b> | <b>\$77,967,028</b>           | <b>50.34</b> |

Upon approval of a conversion factor for 2021, FAIR Health will provide an updated Medical Services Provider Manual, which will include any approved changes in policies and a final set of rate tables.

Please let us know if you have any questions.

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## Summary of Changes

### 2021 Medical Services Provider Manual

March 11, 2021

The following are the proposed changes to the policies in the 2021 Medical Services Provider Manual (MSPM) policies. New text is underlined and deleted text is marked with a ~~strikethrough~~. Stakeholders provided feedback on the changes proposed in the Pharmacy section of the MSPM.

Page numbers refer to the pages in the South Carolina MSPM effective April 1, 2020.

#### 1. Chapter II. General Policy

##### Copies of Reports and Records (Page 9) – Proposed Change

###### COPIES OF REPORTS AND RECORDS

Providers are entitled to charge for the cost of copying records and reports except when such documents are requested by the Commission or for the purpose of substantiating a charge and/or medical necessity. (See Appendix A for S.C. Code Section 42-15-95 and Regulation 67-1301.)

~~The maximum charge for providing records and reports other than for substantiating medical necessity is \$25.00 for a clerical fee plus \$0.65 per page for the first 30 pages in **Print or Electronic format**, and \$0.50 per page thereafter provided *in an electronic format*, which may not exceed \$150.00 per request, plus sales tax, and actual cost for postage to mail the documents. Providers must respond to a request for copies within 14 days of receipt or face a penalty of up to \$200.00. Section 42-15-95 of the S.C. Code, which governs charges for copies, can be found in Appendix A.~~

Providers are required to include supporting documentation when submitting claims, or when required by an insurance carrier, self-insured employer, or the Commission to submit substantiating documentation, and may not charge for these required reports. (See Regulation 67-1302 B(2).) However, when the records or reports are not for the purposes listed above, providers may charge for copying costs. Copying charges are \$0.65 per page for the first 30 pages provided in *electronic format*, and \$0.50 per page thereafter provided *in an electronic format, which may not exceed \$150.00 per request, plus a clerical and handling fee of \$25.00 plus tax and actual postage costs. Providers must respond to a request for copies within 14 days of receipt or face a penalty of up to \$200.00. Section 42-15-95 of the S.C. Code, which governs charges for copies, can be found in Appendix A. Providers are entitled to charge for the cost of copying records and reports except when such documents are requested by the Commission or for the purpose of substantiating a charge and/or medical necessity.*

Providers are required to include supporting documentation when submitting claims, or when required by an insurance carrier, self-insured employer, or the Commission to submit substantiating documentation, and may not charge for these required reports. (See Regulation 67-1302 B(2).) However, when the records or reports are not for the purposes listed above, providers may charge for copying costs. Copying charges are \$0.65 per page for the first 30 *printed* pages, and \$0.50 per *printed* page thereafter, *which may not exceed \$200.00 per request*, plus a clerical and handling fee of \$25.00 plus tax and actual postage costs. Providers must respond to a request for copies within 14 days of receipt or face a penalty of up to \$200.00. Section 42-15-95 of the S.C. Code, which governs charges for copies, can be found in Appendix A. Providers are entitled to charge for the cost of



copying records and reports except when such documents are requested by the Commission or for the purpose of substantiating a charge and/or medical necessity.

A facility or provider may charge a patient or the patient's representative no more than the actual cost for duplicating an x-ray film or digital image. Actual cost means the cost of materials and supplies used to duplicate the x-ray film or digital image and the labor and overhead costs associated with the duplication.

Providers who use a medical records company to make and provide copies of medical records or x-ray images must ensure that neither the Commission nor the reviewer is billed for the cost of copies when the purpose of the copies is to substantiate a charge and/or medical necessity.

**Note:** Providers do not need to obtain authorization from the injured worker to release medical records relating to a workers' compensation claim. An employee who seeks treatment under the provisions of the Workers' Compensation Act is considered to have given consent for the release of medical records relating to the examination or treatment.

## 2. Part II: Fee Schedule

### Icons (page 31) – Proposed Change

∞ State-specific code. This code is unique to South Carolina Workers' Compensation Commission. Note that state-specific codes have been assigned new code numbers in the 2021 *Medical Services Provider Manual*.

\* Telemedicine-eligible code. This code may be reimbursed when provided via telemedicine.

### Telemedicine Policy (page 32, to be inserted after the Surgical Assistants section) – Proposed Change

#### Telemedicine

Telemedicine is the use of electronic information and telecommunication technologies to provide care when the provider and patient are in different locations. Technologies used to provide telemedicine include telephone, video, the internet, mobile app and remote patient monitoring. Services provided by telemedicine are identified by the use of location code 02 (telemedicine) and Modifier 95. Synchronous Telemedicine Service, on the bill.

Certain services that are eligible for reimbursement under the *South Carolina Medical Services Provider Manual* when provided by telehealth during the COVID-19 pandemic emergency are identified with an asterisk (\*) in the rate tables. Telemedicine may not be used for emergent conditions. The maximum payment for telemedicine services is 100% of the billed charge, not to exceed the non-facility maximum allowable payment (MAP) listed in the rate tables. Service level adjustment factors are applicable based on the licensure of the healthcare professional providing the telemedicine service.

Additional services may be provided via telemedicine with pre-authorization by the payer.

The location for the telemedicine service is defined as the location of the patient/injured worker. Providers must be licensed to practice in South Carolina and telemedicine services may be provided by physicians, physician assistants, psychologists, nurse practitioners, physical therapists, occupational therapists, speech therapists and social workers. Telemedicine activities provided by

physical therapy assistants and occupational therapy assistants must be supervised and directed by a physical therapist or occupational therapist, as appropriate, whose license is in good standing in South Carolina.

The South Carolina Workers' Compensation Commission will determine the expiration date of this policy, which will be aligned with the suspension of the COVID-19 Pandemic Emergency.

If the pandemic emergency is lifted prior to March 31, 2022, telemedicine services may be provided with pre-authorization through March 31, 2022.

### 3. Section 1: Evaluation and Management (E/M) Services (Page 33) – Proposed Change

Language is included to reflect a change to E/M office visits for new and established patients (CPT 99202-99205 and 99211-99215), effective January 1, 2021, which are defined based on the level of medical decision making defined for each service or the total time spent on the date of service.

#### **Documentation must support the level of E/M service reported.**

For complete instructions on identifying and billing E/M services, please refer to the Evaluation and Management Services Guidelines of the ~~2020~~ 2021 CPT book.

~~E/M service descriptors have seven components. These components are: history, examination, medical decision making, counseling, coordination of care, nature of presenting problem, and time. The appropriate level of E/M service is based on the level of medical decision making defined for each service or the total time spent on E/M services on the date of service.~~

#### **Evaluation and Management Time**

~~The times listed in the code descriptors are averages. Actual time spent by the provider may be slightly higher or lower depending upon the actual clinical circumstances; however, providers should select the CPT code that best describes the amount of time actually spent. Beginning in 2021, time alone may be used to select the appropriate code level of office or other outpatient evaluation and management services, codes 99202-99205 and 99212-99215. For office visits and other outpatient visits, time is based on the amount of time spent face to face with the patient and not the time the patient is in an examining room.~~

For inpatient hospital care, time is based on unit floor time. This includes the time the physician is present on the patient's hospital unit and at the bedside rendering services. This also includes time spent reviewing the patient's chart, writing additional notes, and communicating with other professionals and/or the patient's family.

Additional codes may be reported with the office or other outpatient visit codes to indicate a prolonged visit.

Time may be used to select a code level in office or other outpatient services whether or not counseling and/or coordination of care dominates the service. Time may only be used for selecting the level of the **other** E/M services when counseling and/or coordination of care dominates the service. The appropriate time should be documented in the medical record when it is used as the basis for code selection.

~~Time is used as the controlling factor to select a level of service when more than 50 percent of the patient encounter is spent in counseling and coordination of care. Time spent counseling and the extent of the counseling and/or coordination of care must be documented.~~

4. **Section 3: Surgery (Page 69) – Proposed Change** (Correcting a typographical error in the numbering of modifiers for bilateral and multiple procedures.)

54 50 Bilateral Procedure

52 51 Multiple Procedures

5. **Section 8: Special Reports and Services**

**Special Reports (Page 483) – Proposed Change:**

(A special report may be billed and paid when the provider furnishes information above and beyond that which is required by Commission policy or by the laws and regulations of the South Carolina Workers' Compensation Act. ~~Special Reports~~, CPT® code 99080, special reports, should not be used to bill for completing a report which is included in the CPT descriptor of the service provided ~~or for reporting the results of an impairment rating made during an E/M service~~. However, CPT code 99080 may be billed in conjunction with, and in addition to, CPT code 99455, work related or medical disability examination, to report the results of an impairment rating made developed during the examination.

Payment for a special report is \$55.00 for a checklist-type report which requires a review of the medical record, and \$70.00 for a written report or for completing the Commission's Form 14B. Prepayment for form or report completion is prohibited.

The purpose of WCC Form 14B Physician's Statement is to consolidate medical information, already existing in the patient's medical file, onto a single, easily referenced document. The Form 14B is a summary of information generated from the patient's previous medical exams, including the diagnosis, date of maximum medical improvement, permanent impairment, work restrictions, retained hardware, and need for future medical care and treatment. The Form 14B must be signed by the treating physician, who is a qualified physician or surgeon.

The Form 14B is required to be submitted when an employer's representative requests an informal conference to approve settlement on a Form 16A pursuant to R.67-802(A)(1)(a); when an employer's representative requests a Form 16A be approved in accordance with R.67-802(A)(2)(a); and when an employer's representative requests an informal conference to approve settlement on a full and final, clincher basis in accordance with R.67-803(B)(1)(a).

The Workers' Compensation Act provides that "...a physician or hospital may not collect a fee from an employer or insurance carrier until the physician or hospital has made the reports required by the Commission in connection with the case." S.C. Code Ann. § 42-15-90(A) (1976, as amended).

**Copies of Reports and Records (Page 483) – Proposed Change**

**COPIES OF REPORTS AND RECORDS**

Providers are required to include supporting documentation when submitting claims, or when required by an insurance carrier, self-insured employer, or the Commission to submit substantiating documentation, and may not charge for these required reports. (See Regulation 67-1302 B(2).) However, when the records or reports are not for the purposes listed above, providers may charge for copying costs. Copying charges are \$0.65 per page for the first 30 pages provided in ~~Print or~~ electronic format, and \$0.50 per page thereafter provided *in an electronic format, which may not exceed \$150.00 per request*, plus a clerical and handling fee of \$25.00 plus tax and actual postage costs. Providers must respond to a request for copies within 14 days of receipt or face a penalty of up to \$200.00. Section 42-15-95 of the S.C. Code, which governs charges for copies, can be found in Appendix A. Providers are entitled to charge for the cost of copying records and reports except when such documents are requested by the Commission or for the purpose of substantiating a charge and/or medical necessity.

Providers are required to include supporting documentation when submitting claims, or when required by an insurance carrier, self-insured employer, or the Commission to submit substantiating documentation, and may not charge for these required reports. (See Regulation 67-1302 B(2).) However, when the records or reports are not for the purposes listed above, providers may charge for copying costs. Copying charges are \$0.65 per page for the first 30 *printed* pages, and \$0.50 per *printed* page thereafter, *which may not exceed \$200.00 per request*, plus a clerical and handling fee of \$25.00 plus tax and actual postage costs. Providers must respond to a request for copies within 14 days of receipt or face a penalty of up to \$200.00. Section 42-15-95 of the S.C. Code, which governs charges for copies, can be found in Appendix A. Providers are entitled to charge for the cost of copying records and reports except when such documents are requested by the Commission or for the purpose of substantiating a charge and/or medical necessity.

Providers who use a medical records company to make and provide copies of medical records must ensure that neither the Commission nor the reviewer is billed for the cost of copies when the purpose of the copies is to substantiate a charge and/or medical necessity.

**Note:** Providers do not need to obtain authorization from the injured worker to release medical records relating to a workers' compensation claim. An employee who seeks treatment under the provisions of the Workers' Compensation Act is considered to have given consent for the release of medical records relating to the examination or treatment.

## **Medical Testimony (Page 484) – Proposed Change**

### **MEDICAL TESTIMONY**

Medical testimony by personal appearance of a physician, whether before a Commissioner or in a court of law, is reported using ~~CPT code 99075~~ South Carolina specific ~~code 99076~~ codes SC001 and SC002. Payment is based on the time spent "in court" only. Time for preparation or travel is not considered when determining payment. Use ~~CPT South Carolina specific code 99075~~ SC001 to report the initial hour, and South Carolina specific code ~~99076~~ SC002 to report each additional quarter hour of medical testimony by personal appearance by a physician. For all other providers, use South Carolina specific code ~~99077~~ SC003.

Medical testimony by deposition of a physician is reported using South Carolina specific service codes ~~99072~~ SC004 and ~~99073~~ SC005. Use ~~South Carolina specific code 99072~~ SC004 to report the initial hour and code ~~99073~~ SC005 to report each additional quarter hour of medical testimony by deposition of a physician. Time is measured based on the actual time spent in deposition. Time spent reviewing records is not considered when determining payment. For all other providers, use South Carolina specific code ~~99074~~ SC006.

6. **Section 10: Pharmacy (Page 691)** – The following are changes as recommended by stakeholders and staff. Changes to the original proposed language that were suggested by stakeholders and recommended by staff are highlighted in yellow.

### **PRESCRIPTION DRUG MONITORING PROGRAM**

Treating physicians prescribing medication or drugs must comply with the requirements of Act 91 enacted by the SC General Assembly May 31, 2017.

### **REIMBURSEMENT**

Payment for prescription drugs is limited to the lesser of the amount established by the following formula, or by the pharmacist's or health care provider's usual and customary charge. The formula

applies to both brand name and generic drugs. However, all prescriptions must be filled using generic drugs, if available, unless the authorized treating physician directs that it be dispensed as written. Opioids/scheduled Schedule II-III controlled substances that are prescribed for treatment shall be provided through a pharmacy. The dispensing provider shall keep a signature on file indicating the injured worker or his/her authorized representative has received the prescription.

Average Wholesale Price + \$5.00

All bills under this section shall be itemized for proper reimbursement. Bills submitted for reimbursement shall be based on the original manufacturer's Average Wholesale Price (AWP) of the drug product on the date the drug was dispensed, and must include the National Drug Code (NDC) of the product dispensed. Medi-Span, published by Wolters-Kluwer Health, or IBM Micromedex RED BOOK, shall be used as the source for determining the average wholesale price (AWP). Where the AWP of a medication is not published by Medi-Span or REDBOOK, the IBM Micromedex RED BOOK may be used as a secondary source. When an AWP is not published by either Medi-Span or RED Book, any nationally published pharmacy price index may be used as a secondary source. If published AWP data becomes unavailable, substitute Wholesale Acquisition Cost (WAC) + 20%. Any issue arising as to the source of average wholesale price may be administratively reviewed by the Commission's Medical Services Division.

Any medication or drugs not specifically prescribed by the treating physician shall not be reimbursed. In the event the treating physician recommends and/or prescribes a particular drug or medication that can be purchased over-the-counter (without a prescription), and the injured employee pays for the drug or medication, the injured employee is entitled to reimbursement for the purchase upon submission of the appropriate receipts to the employer/insurance carrier.

The price determined by the formula will be the maximum allowable payment a provider can be paid under the Workers' Compensation Act. In instances where the pharmacy's charge is lower than the maximum allowable payment, or where the pharmacy has agreed by contract with an employer, insurance carrier, or their agent to a contractual amount that is lower than the maximum allowable amount, reimbursement shall be made at the lower amount in accordance with the terms of the contract.

## **REPACKAGED DRUGS**

The entity packaging two or more products together makes an implied claim that the products are safe and effective when used together and shall be billed as individual line items identified by their at the individual ingredient level utilizing the original AWP and NDC. Bills for repackaged drug products must include the original manufacturer or distributor's stock package NDC used in the repackaging process. Reimbursement for a drug that has been repackaged or relabeled shall be calculated by multiplying the number of units dispensed times the per-unit AWP set by the original manufacturer for the underlying drug, plus a single \$5.00 dispensing fee of \$5.00, except where the carrier/payer has contracted for a different amount. A repackaged NDC Number shall not be used and shall not be considered the original manufacturer's NDC Number.

If the original manufacturer's or distributor's stock package NDC information is not provided or is unknown, the payer shall select the most reasonable and closely associated AWP to use for reimbursement of the repackaged drug. In no case shall the repackaged or relabeled drug price exceed the amount otherwise payable had the drug not been repackaged or relabeled. Supplies are considered integral to the package and are not separately reimbursable. Manufacturers of a repackaged or relabeled drug shall not be considered an "original manufacturer."

## **COMPOUND DRUGS**

All medications must be reasonably needed reasonable and medically necessary to cure and relieve the injured worker from the effects of the injury. Compound drugs must be preauthorized for each

dispensing, and shall be billed by listing each drug included in the compound by NDC, and calculating the charge for each drug separately. Any compounded drug product billed by the compounding pharmacy or dispensing physician shall be identified at the ingredient level and the corresponding quantity by their original manufacturer's National Drug Code (NDC) when submitted for reimbursement. Payment for compounded prescription drugs shall be based on the sum of the average wholesale price by gram weight fee for each ingredient, plus a single dispensing fee of \$5.00. If the NDC for any compounded ingredient is a repackaged medication NDC, reimbursement for the repackaged ingredient(s) shall be calculated as provided above. A compounded NDC Number shall not be used and shall not be considered the original manufacturer's NDC Number. No payment shall be required for an ingredient not identified by an NDC. Any component ingredient in a compound medication for which there is no NDC shall not be reimbursed. Any component ingredient in a topical compound medication that is not FDA approved for topical use shall not be reimbursed.

### **PRESCRIPTION STRENGTH TOPICAL COMPOUNDS**

In order to qualify as a compound under this section, the medication must require a prescription; the ingredients must be combined, mixed, or altered by a licensed pharmacist or a pharmacy technician being overseen by a licensed pharmacist, a licensed physician, or, in the case of an outsourcing facility, a person under the supervision of a licensed pharmacist; and it must create a medication tailored to the needs of an individual patient. All ingredient materials must be listed by quantity used per prescription. Continued use (refills) may require documentation of effectiveness including functional improvement. Category fees include materials, shipping and handling, and time. Regardless of how many ingredients or what type, compounded drugs cannot be reimbursed higher than the Category III fee. The 30-day Maximum Fee Schedule value shall be fractioned down to the prescribed and dispensed amount given to the injured worker. Automatic refilling is not allowed. All topical compounds shall be billed using the South Carolina Worker's Compensation Commission code corresponding with the applicable category as follows:

Category I SC0801, \$80.00 per 30-day supply

Any anti-inflammatory medication or any local anesthetic single agent.

Category II SC0802, \$160.00 per 30-day supply

Any anti-inflammatory agent or agents in combination with any local anesthetic agent or agents.

Category III SC0803, \$240.00 per 30-day supply

Any agent(s) other than anti-inflammatory or local anesthetic agents, either alone, or in combination with other anti-inflammatory or local anesthetic agents.

### **ADMINISTRATION KITS**

Administration kits packaged by the manufacturer and assigned a single National Drug Code (NDC) may be reimbursed the Average Wholesale Price (AWP) of the kit without additional markup. Kits packaged by the provider or other source are considered to be part of the administration of the pharmaceutical and are not separately reimbursed even if reported with an NDC or HCPCS Level II code. Only those supplies and materials over and above those usually provided in the office of the physician or other qualified health care professional may be reported in addition to the pharmaceutical drug and administration as discussed above and in Part I Chapter III of the ~~2020~~ 2021 *Medical Services Provider Manual*.

# FAIR Health User License fee

Definition and User Fees for downloading South Carolina's fee schedule

## Definition:

Licensing fee schedules is based on the number of users in your organization. A User is an individual who uses information from the ground rules and/or rate tables to make decisions about, to charge or to pay for services related to claims for injured workers.

## Examples:

- A physician practice using the fee schedule to bill for services provided to a patient who was injured at work
- Anyone adjudicating a bill whereby the fee schedule is used to price services
- A business analyst interpreting rules and regulations for automation into a software program for bill adjudication, analysis, reporting or other needs
- A claims processor at an insurer/TPA/bill review agency or employer who is reviewing a workers' compensation bill to evaluate appropriate review or payment for medical services
- Reviewing a bill for the purposes of adjusting or completing a potential re-evaluation due to errors, a state or hearing directive or a provider dispute
- Reviewing the fee schedule information for purposes of preparing litigation, attending a hearing or arbitration

The following example would NOT be considered Users of the fee schedule:

- IT staff who load the fee schedule to a company's computer system or software program for use by claims processors or bill reviewers, running reports or other IT functions

## 2021 User Fees:

| <b>2021 South Carolina<br/>Medical/facility fee schedule</b> | <b>Fee per<br/>order type</b> |
|--|-------------------------------|
| <b>Hardcopy Book printed</b>                                 | \$ 150                        |
| <b>PDF downloadable format</b>                               | \$ 150                        |
| <i>per add'l user</i>  | <i>\$ 50</i>                  |
| <b>Electronic file format</b>                                | \$ 350                        |
| <i>per add'l user</i>  | <i>\$ 50</i>                  |

# Tab 13



# *State of South Carolina*

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## *Workers' Compensation Commission*

### *MEMORANDUM*

**TO:** COMMISSIONERS

**FROM:** Gary Cannon  
Executive Director

**DATE:** March 15, 2021

**RE:** Court Reporters

Chairman Beck would like to discuss an issue brought to his attention by members of the SC Bar regarding national court reporting firms.