

# Chronicles

South Carolina Workers' Compensation Educational Association

Summer 2013

## WORKERS' COMP AGENCY FOCUSES ON COST-SAVINGS FOR BUSINESSES

By Chuck Crumbo, Staff Writer | Columbia Regional Business Report



serious about running it like a business,” said T. Scott Beck, commission chairman. “And that means everybody is rowing the boat and carrying their load at the same time.”

In December, Gov. Nikki Haley appointed Beck – a former police officer, prosecutor and legislator from Aiken County – to serve as chairman.

Haley noted that during her administration, awards have been reduced by 50%, and the average number of days from when a hearing is requested to when it is held has dropped to 83 days from 233 days. In addition, the number of appeals has decreased 65%, “which says we are being fair with the claimants as well as with the businesses,” Haley said.

First appointed to the commission in 2008, Beck serves as CEO of the seven-member panel and is responsible for implementing the board’s policies.

The governor appoints each member with the advice and consent of the Senate.

Terms are for six years and there’s no limit to how many may be served. The chairman’s job, which has a two-year term, rotates among members.

Executive Director Gary Cannon handles day-to-day operations for the agency, which has a \$5 million budget.

Like most state agencies, the commission has had a series of budget cuts that has led to fewer employees, Beck said.



T. Scott Beck



Gary Cannon

When he joined five years ago, the budget included slots for 82 FTEs. Today, the agency is authorized to have 65 FTEs, but it has only 54 positions filled, he said.

More use of technology has helped the commission handle its work load.

Using technology to docket and track cases allowed the commission to cut the average number of days from when a hearing is requested to when it is held by nearly two-thirds.

In addition, commissioners carry iPads that offer remote access to case files. The commissioners, who routinely travel around the state to hear cases, can stay in touch and handle files from the road,

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Despite a shrinking budget, the state Workers’ Compensation Commission stays focused on improving services and saving S.C. businesses money.

“It’s sort of a political cliché that we run the commission like a business, but we’re

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preventing a backlog from building up at the office, Beck said.

During the past fiscal year, which ended June 30, the commission handled 63,042 cases and docketed 11, 121 for hearings. Only 1,738 of the cases wound up being heard, and 168 of those appealed to a higher court.

“The biggest complaint we’re getting from the litigants is that we’re getting to their cases too fast,” Beck said. In the past, attorneys could figure it would take six to eight months before a commissioner could hear a case, now it can be weeks. “We’ve told them if you’re not ready, don’t file the hearing request,” Beck said.

Businesses are saving because the commission has changed how it pays for medical care through workers’ compensation insurance, Cannon said.

The commission used to discount physician and hospital fees by 87%. That system, thought, didn’t compensate for the difference in fees charged by different doctors and hospitals.

The commission follows the Medicare fee schedule and adds 40% to the bill. Every doctor and hospital is paid the same

amount for services, Cannon said.

Beck, who has served as interim chairman, said the commission has saved about \$100 million in medical bills and trimmed drug costs.

The savings has translated to lower premiums for workers’ compensation insurance, Beck said.

“Last year, we saw about \$80 million decrease in premiums, he said, “We’re still realizing the savings.”

Savings of time and money helps workers and employers, Haley said.

“We have seen vast improvements in the system and those improvements matter,” Haley said. “They matter in job recruitment, they matter in making sure things are fair, they matter in the number of appeals. The commission understands that time is money.”

*Chuck Crumbo and the Columbia Regional Business Reported granted permission to the SCWCEA to run this article which appeared in Volume 6, No.3, February 4 – 17, 2013.*

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 Back Row: Mills Gallivan, Cory Ezzell, Britanny Lozano, Rocky Rogers, Will Harbison, Debbie Brown,  
 Catherine Hillman (not pictured)



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In a little over two months, we will be traveling to Myrtle Beach for the 37th Annual Educational Conference on Workers' Compensation. Our host site for the three day conference, October 20-23, is the beautiful ocean front Marriott Resort & Spa at Grande Dunes. Thank you to all of those who have registered, and to those who have not .... Register now!

The Program Committee, chaired by Barbara Cullum and co-chaired by Mark Arden and Roy Howell, has done an outstanding job of planning our 2013 conference. The faculty and topics will be informative and beneficial, and I know you will walk away with a wealth of knowledge you can use immediately. Check out the conference details on our website at <http://www.scwcea.org/>.

We will kick off on Sunday evening with the ever popular Exhibitors' Reception and Kids' Chance Silent Auction. Please come and plan to stay the entire evening for fun, food and fellowship. You may also want to plan to bid up your favorite auction item for the benefits of the kids! General and breakout sessions will be offered Monday along with the 4th Annual Workers' Comp Academy. Tuesday and Wednesday will be half day general sessions. Optional activities will take place Tuesday afternoon and I understand they are filling up quickly. Don't miss this unique opportunity to network while enjoying a round of golf, a wine tasting or even a fishing trip!

I would like to personally thank you for your membership and commitment to the SCWCEA. Please feel free to share your ideas on how we can make this association more dynamic while providing value-added benefits to all of our members. I look forward to seeing you in October!

Best regards,

A handwritten signature in black ink, appearing to read "Ric Davis", written in a cursive style.

Ric Davis

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# MEDIATION REGULATION, THE FIRST 30 DAYS

By Virginia L. Crocker, Judicial Director | SC Workers' Compensation Commission

Effective June 28, 2013, Regulation 67-1801 was officially approved with its publication in the State Register. The Regulation was approved due to the efforts of a number of committed attorneys, carriers, employers, and other stakeholders interested in improving the system. The passage of Regulation 67-1801 further reinforces the commitment of the South Carolina Workers' Compensation Commission to resolve cases by agreement of the parties. Resolving matters prior to a hearing will save time and money and take less time to adjudicate the case, as well as reduce the number of appeals. The expense of preparing for a hearing will be reduced and the cost of mediation will be shared by the parties.

The Regulation provides the mechanism for parties to find a resolution prior to having the matter set for hearing. All admitted cases claiming total and permanent disability are subject to the Regulation. Denied death cases are subject to mediation. Dependency hearings will continue to be mandated in all fatal cases. Denied death cases, claims for total and permanent disability, physical brain damage, occupational disease cases, mental/mental claims and Third Party lien reductions are subject to regulatory mediation. Additionally, claims involving concurrent jurisdiction with the Longshore and Harbor Workers' Act and aggregate cases are required to be mediated.

A Commissioner may order mediation in any case. If this occurs, the Commissioner retains jurisdiction for the determination of the pending matters unresolved by mediation.

The regulation also allows the parties to request mediation in cases not subject to the regulation. There are cases where the parties may benefit from the ability to



mediate prior to a hearing. In many cases, the Claimant may be entitled to other benefits, such as Social Security Disability. The availability of mediation allows the parties to settle certain matters which the Commission is unable to address. Mediation may reduce the number of pending issues to be heard by a Commissioner. These issues include adding additional parties, issues regarding prior claims, repetitive trauma cases, and coverage and compliance issues.

To prevent unnecessary delays in cases subject to mediation after July 1, the Commission took proactive measures in anticipation of the passage of the regulation. On April 24, staff began reviewing cases subject to the new regulation to be docketed for hearings in July and August. Staff contacted the parties to inform them the case was covered by the regulation and suggested they follow the prospective regulatory procedures. Between April 24 and June 30, two hundred fifty eight cases were identified by the Commission and deemed subject to the regulation.

The mediator is to be selected by agreement of the parties. The mediator is required to be certified by the South Carolina Bar. If the parties are unable to agree, the Jurisdictional Commissioner shall appoint the mediator.

The Commission amended the pertinent forms to incorporate the new mediation procedures. The amended forms are available in pdf format on the Commission website at [www.scwcc.gov](http://www.scwcc.gov).

Prior to the regulation, it was a common practice for the individual completing the form to indicate more relief than actually sought in the pleading. The regulation now requires the Judicial Department to review each pleading to determine if it is subject to the mediation requirements. Inaccurate pleadings on the form may delay the processing of the form. The Commission asks all parties to carefully consider the pleadings when completing the form.

Upon completion of the mediation process, a Form 70 must be completed and submitted to the Commission. The information contained on the form is confidential and is not shared within the Commission. In order to ensure confidentiality of the communications between the parties during the mediation process, the Commission dedicated the email address at [mediation@wcc.sc.gov](mailto:mediation@wcc.sc.gov) to document all correspondence and information pertaining to mediation. This information is not made part of the record and not accessible to any department other than the Judicial Department.

The Commission will conduct workshops to review the Regulation, forms, processes and procedures in Charleston on September 26, Columbia October 3, and Greenville October 10. Registration information will be available on the Commission's website ([www.wcc.sc.gov](http://www.wcc.sc.gov)) August 23.

Questions or comments about the new Regulation and procedures should be directed to Virginia Crocker at [vcrocker@wcc.sc.gov](mailto:vcrocker@wcc.sc.gov).

We're new in town, but our attorneys aren't.



**Robert P. Bethea, Jr.** Partner in Charge Columbia  
rob.bethea@arlaw.com

**Jacob S. Barker**  
jake.barker@arlaw.com

**John F. Beach**  
john.beach@arlaw.com

**Shaun C. Blake**  
shaun.blake@arlaw.com

**Rita Bragg Caughman**  
rita.caughman@arlaw.com

**F. Earl Ellis**  
earl.ellis@arlaw.com



**Andrew W. Fajardo**  
andrew.fajardo@arlaw.com

**William O. Higgins**  
bill.higgins@arlaw.com

**Matthew B. Hill**  
matt.hill@arlaw.com

**Ernest G. "Ernie" Lawhorne**  
ernie.lawhorne@arlaw.com

**Jonathan P. Lee**  
jp.lee@arlaw.com

**Jennifer Ross MacLeod**  
jennifer.macleod@arlaw.com



**William P. McElveen, Jr.**  
bill.mcelveen@arlaw.com

**W. Cliff Moore III**  
cliff.moore@arlaw.com

**Jack Pringle**  
jack.pringle@arlaw.com

**Louis T. Runge, Jr.**  
tom.runge@arlaw.com

**Kirby D. Shealy III**  
kirby.shealy@arlaw.com

**Lana H. Sims, Jr.**  
lana.sims@arlaw.com



**Lana H. Sims IV**  
lana.simsiv@arlaw.com

**David C. Sojourner, Jr.**  
david.sojourner@arlaw.com

**Karen Hudson Thomas**  
karen.thomas@arlaw.com

**William M. Umbach**  
will.umbach@arlaw.com

**Lyndey Ritz Zwing**  
lyndey.zwing@arlaw.com

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Author: Robert P. Bethea, Jr.



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**Contact**

Amy Bracy  
 Kristi Love  
 Barbara Cheeseboro  
 Kellie Lindler  
 Tamara Morris  
 Renee Smith  
 Elaine Boyd  
 Kim Ballentine

**Email**

abracy@wcc.sc.gov  
 klove@wcc.sc.gov  
 bcheeseboro@wcc.sc.gov  
 klindler@wcc.sc.gov  
 tmorris@wcc.sc.gov  
 rgsmith@wcc.sc.gov  
 eboyd@wcc.sc.gov  
 kballentine@wcc.sc.gov

**Phone**

803.737.5698  
 803.737.5660  
 803.737.5678  
 803.737.5663  
 803.737.5668  
 803.737.5692  
 803.737.5697  
 803.737.5744

**Website:** www.wcc.sc.gov

**Judicial: Virginia L. Crocker, Director | vcrocker@wcc.sc.gov | 803.737.5739**

**Applicable Areas**

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 Mediation

**Contact**

Valerie Deller  
 Eugenia Hollmon  
 Kelly Goodale  
 Robin Strama

**Email**

vdeller@wcc.sc.gov  
 ehollmon@wcc.sc.gov  
 kgoodale@wcc.sc.gov  
 rstrama@wcc.sc.gov  
 mediation@wcc.sc.gov

**Phone**

803.737.5739  
 803.737.5737  
 803.737.5734  
 803.737.5740  
 803.737.5675

**District Case Managers**

Audra Higbe  
 Tracy Riddle  
 Amanda Young

ahigbe@wcc.sc.gov  
 triddle@wcc.sc.gov  
 ayoung@wcc.sc.gov

803.737.5684  
 803.737.6202  
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**Claims: Grant Duffield, Interim Director | gduffield@wcc.sc.gov | 803.737.5718**

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 Forms 16, 16A  
 Forms 15, 16A, 17, 18, 19, 20  
 Forms 20, 24, Commuted Value Request

**Contact**

Joan Burckhalter  
 Joan Burckhalter  
 Debbie Backman  
 Mary Bost  
 Mary Bost  
 DiAnn Davis  
 Juliet Bush  
 Geneary Cole  
 Claims Department  
 Vivian Brown

**Email**

jburckhalter@wcc.sc.gov  
 jburckhalter@wcc.sc.gov  
 dbackman@wcc.sc.gov  
 mbost@wcc.sc.gov  
 mbost@wcc.sc.gov  
 ddavis@wcc.sc.gov  
 jrbush@wcc.sc.gov  
 gcole@wcc.sc.gov  
 claims@wcc.sc.gov  
 vbrown@wcc.sc.gov

**Phone**

803.737.5723  
 803.737.5723  
 803.737.5690  
 803.737.5727  
 803.737.5727  
 803.737.5746  
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**Insurance & Medical Services: Grant Duffield, Director | gduffield@wcc.sc.gov | 803.737.5718**

**Applicable Areas**

Coverage  
 Compliance  
 Self-Insurance  
 Medical Services

**Contact**

Wayne Ducote  
 Wayne Ducote  
 W.C. Smith  
 Bridgette Amick

**Email**

wducote@wcc.sc.gov  
 wducote@wcc.sc.gov  
 Self-insurance@wcc.sc.gov  
 bamick@wcc.sc.gov

**Phone**

803.737.5709  
 803.737.5709  
 803.737.5704  
 803.737.5743

**Information & Technology Services: Betsy Hartman, Director | bhartman@wcc.sc.gov | 803.737.5685**

**Applicable Areas**

eCase  
 EDI Release 3  
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**Contact**

Amanda Underhill  
 Betsy Hartman  
 WCC IT

**Email**

aunderhill@wcc.sc.gov  
 bhartman@wcc.sc.gov  
 wccit@wcc.sc.gov

**Phone**

803.737.5714  
 803.737.5685

# Congratulations to SCWCEA's Stan Lacy!

## Service to Scouting and Community:

### Collins & Lacy's Founding Partner Receives High Honor from Boy Scouts of America



*Stan Lacy receiving Whitney M. Young, Jr. Service Award. Also in photo, Senator C. Bradley Hutto, District 40, Orangeburg County*

Collins & Lacy, P.C. founding partner Stan Lacy has received a high honor from the Indian Waters Council of the Boy Scouts of America as a 2013 recipient of the Whitney M. Young Jr. Service Award. The award is presented annually to recognize individuals for their outstanding service to scouting and the community. Specifically, the award honors people who help develop and implement scouting opportunities for youth from rural or low-income urban backgrounds. Lacy has been a significant contributor to the Boy Scouts of America for more than 30 years concentrating on developing new programs and rekindling previous programs in areas of the district where scouting had no presence. During his time as Cubmaster of Packs 2 and 408 and as District Chairman, Lacy recruited hundreds of families into scouting, initiated clean-up projects in neighborhoods, and he was a driving force behind the "Uniform Closet," a program that gathers and donates second-hand uniforms for scouts who could not afford them.

Lacy received the honor along with three other community leaders at a banquet on May 14, 2013, in Columbia. The award is sponsored by the Three Rivers District of the Indian Waters Council/Boy Scouts of America.

During the event, Lacy told the crowd each of them is a hero "who places himself or herself second for the sake of giving a young man the opportunity to learn the values of duty, honor and country. There are so many boys and young men who are not learning those values at home. The men who contribute to Boy Scouts of America are my heroes because they use time, talents and resources voluntarily to give boys and young men the sound building blocks that will last their lifetimes."

"I am supremely proud of our partner, Stan Lacy," said Collins & Lacy attorney Christian Stegmaier. "This honor recognizes his lifelong commitment to scouting. As lawyers, we are charged with being leaders in our society. Stan has risen to this charge, time and again throughout his distinguished career. He is a model of what a lawyer active in his community is to be." Stegmaier is Chairman of the Three Rivers District of the Indian Waters Council.



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*left to right:* Nick Haigler, Grady Beard, Gibbs Leaphart, Bob Horner

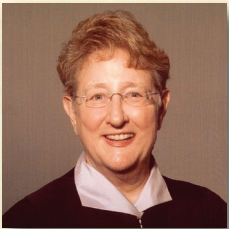
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# On the Horizon

## 37th Annual South Carolina EDUCATIONAL CONFERENCE ON WORKERS' COMPENSATION & 4th Annual WORKERS' COMP ACADEMY



*David J. DePaolo, JD, MBA*



*The Honorable Jean  
Hoefler Toal*



*J.R. Martinez*

### Ahoy....A Great Conference is on the Horizon!

The Conference Committee has assembled a stellar faculty and carefully selected topics for what promises to be an excellent opportunity to get insights into the latest challenges in workers' compensation as well as a look into the future issues.

Each day of the conference has a speaker of "keynote" status. David DePaolo, President of WorkCompCentral will address National Trends first thing Monday morning. Chief Justice Jean Toal will be joined by Vernon Dunbar of Turner Padgett and Kathryn Williams of Kathryn Williams, PA to present a panel discussion addressing the recent physical brain damage cases in which they participated. On Wednesday, the conference concludes with an inspiring presentation on facing adversity with optimism and resilience by the genuine war hero and winner of the mirrored ball trophy on Dancing With The Stars, J.R. Martinez.

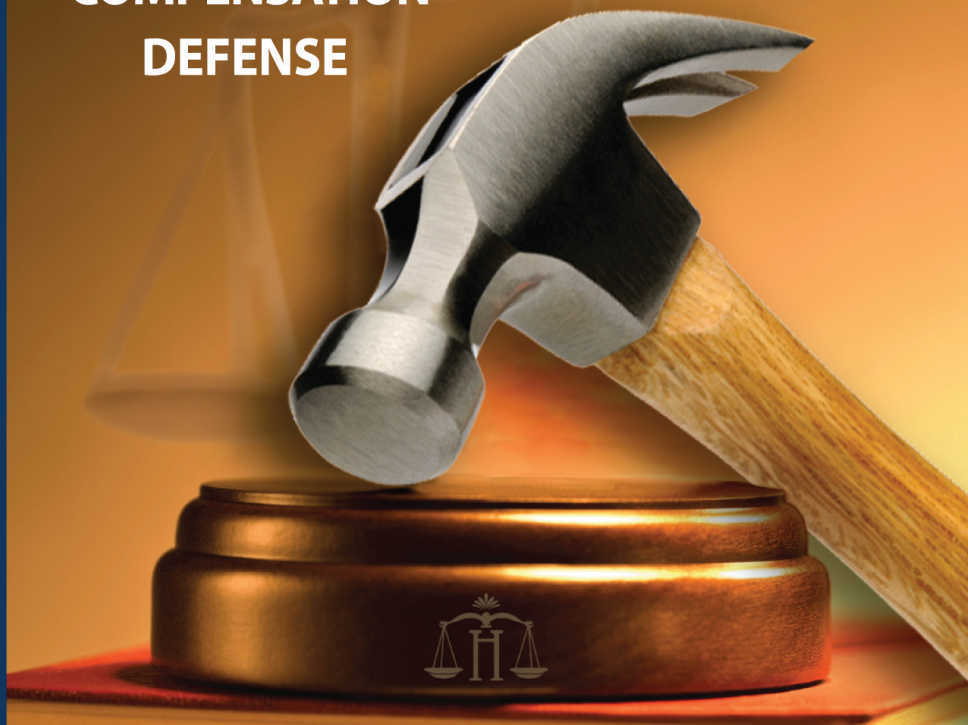
The remaining topics in the program are no less informative with updates on breaking issues, opportunities for continuing education credits and profession specific programming for attorneys, employers, insurance professionals, medical providers and nurse case managers. See the sidebars for more information on these tracks.

The commissioners of the SC Workers' Compensation Commission will be making a major contribution to the Educational Conference program again this year. Each professional track on Monday will feature a commissioner roundtable. Chairman Scott Beck will give an update on the SC Workers' Compensation Commission with Executive Director, Gary Cannon. Commissioner Andrea Roche will present Better Than a Finger Case – A Few of the More Interesting Cases I've Seen. Commissioner Avery Wilkerson will be a part of the panel presentation entitled The Provider's Role in Workers' Compensation: Medical Treatment and Beyond. Who doesn't want to know the likes and dislikes of the commissioners deciding your client's case? That will be the focus of the commissioner's panel on Wednesday morning.

The conference wouldn't be complete without opportunities to fellowship and network with colleagues, clients, service providers and conference speakers. Sunday is the Exhibitors' Reception featuring the silent auction to benefit Kids' Chance. Tuesday afternoon is the time set aside for optional activities. The annual Golf Tournament is being held at Pine Lakes Country Club, the birthplace of Sports Illustrated. Ron Jebaily will undoubtedly demonstrate his extrasensory powers again by erupting from his nap just as a fish strikes his line on the fishing trip. Want to learn the difference between aneis and amarone? Join the wine educator from Advintage Distributing for a Tour of Italy wine tasting. Tuesday evening is the conference reception and dance with DJ, Joey Warren. There are also numerous breaks and a luncheon for conversations.

The 37th Annual Educational Conference on Workers' Compensation will be held October 20 – 23 in Myrtle Beach at the Marriott Resort & Spa at Grande Dunes. Early registration ends September 19th so sign up early to save.

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# On the Horizon

## Professional Tracks Offer Sizzle

Monday afternoon of the Educational Conference on Workers' Compensation is set aside for professional breakout sessions. This is a chance to focus on specific aspects of the workers' compensation process.

The program for each track features a Commissioner Roundtable. This is an intimate setting and opportunity to hear from the commissioners with a Q&A session.

The Attorney program is chock full of ethics credit opportunities. Barbara Seymour of the Supreme Court's Office of Disciplinary Counsel, will present Lawyer Marketing: The Ethical Aspect. This is the last year in the cycle to earn a substance abuse and mental health hour and it will be offered in a presentation from Robert Turnbull and Beth Padgett of the SC Bar.

Employers will hear from Caroline Cleveland of Cleveland Law, LLC in a session entitled Employment Law in Workers' Compensation: Unraveling the Complexities. The last segment in this program is a diverse panel of employer representatives presenting Workplace Safety Best Practices, Best Solutions. CPR and AED demos will be held during this session.

Insurance professionals will get Quick Tips: Form 14B, Informal Conferences and Reducing Fines from Greg Line of the SC Workers' Compensation Commission. Mark Arden will discuss What Drives Injured Workers to an Attorney.

NEW this year is a professional track for Medical Providers who will join with the Nurse Case Managers for a session on the Nuts-and-Bolts of the Workers' Compensation Process by Sarah Alphin of Willson Jones Carter and Baxley. Rosemary Dimmic will present Professional Ethics.



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\$169.59 - Mediterranean Club King Suite

\$245.53 - Two Bedroom Suite/Villa (1 King/2 Queen beds)

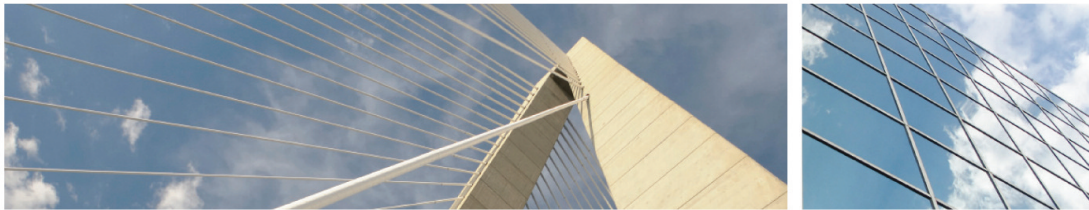
*This rate includes taxes, valet parking, wireless internet, shuttle service within the Grande Dunes Resort property.*

*Please note that a credit card is required at time of reservation to guarantee room*

Cutoff | September 30, 2013

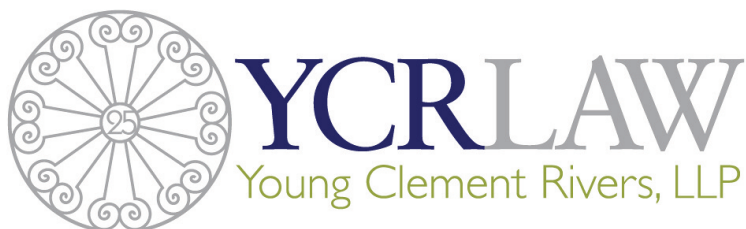






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## Waiting List for Marriott

A waiting list has been established for those preferring to stay at the Marriott Grande Dunes and will be filled on a first come, first serve basis with rooms that become available. To secure your position on this list, you will need to email the SCWCEA office (no phone calls please) at [scwcea@bellsouth.net](mailto:scwcea@bellsouth.net). We will use the date and time of your email to fill any rooms that become available.

## Optional Activities filling up quickly!

Tuesday's optional activities are almost full. At the publication of this newsletter, there are.....

- ◆ Less than 30 slots available in the golf tournament
- ◆ Only 1 slot available on the fishing tournament
- ◆ Less than a dozen seats during the wine tasting
- ◆ And 11 seats remaining for Jersey nights

Register now. We will not be able to “create” additional openings onsite.





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# You Oughta Write a BOOK!

Well, let's start with an article for SCWCEA's **Chronicles** newsletter. The Newsletter Committee welcomes article ideas from anyone. Just send your idea for an article to [SCWCEA@bellsouth.net](mailto:SCWCEA@bellsouth.net). The Newsletter Committee will be back in touch before we go to print. Our next deadline for articles will be November 1. Last year, contributors received a nice bottle of pinot noir for their efforts, not to mention the appreciation of our readers.

And, you can promote your organization in **Chronicles** for a reasonable cost. Ads are being accepted now for our Winter 2013 edition. Cost is \$500 for a full page and \$250 for a half page.



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TO OUR NEW SCWCEA MEMBERS  
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*Thank You!*

On behalf of our family, we would like to thank each of you who called, sent cards and arrangements, prayed or simply consoled us during the deaths of our family members this year. We are deeply touched by the outpouring of love and support shown during these difficult times.

*Robert & Donna Croom*