

Winter 2008-09

30th Annual

SCWCEA WORKERS' COMPENSATION
MEDICAL SEMINAR
THE PRESCRIPTION FOR UNDERSTANDING

March 1-3, 2009

Myrtle Beach
Resort and Spa at
Grande Dunes
Myrtle Beach, SC

[Visit the website
for details.](#)

SCWCEA

South Carolina
Workers' Compensation
Educational Association

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Donna R. Croom
Executive Director
www.scwcea.org



President's Message



The South Carolina Workers' Compensation Educational Association had a productive 2008, thanks to you and the many volunteers who put in countless hours on behalf of this organization. The Medical Seminar in February was well-attended and received.

We were successful in our One Day Seminars held in Charlotte, Charleston, Columbia and Greenville. Lastly, the Annual Educational Conference was exceptional in all respects. None of this would have been possible without your commitment and involvement.

In these uncertain and rapidly changing times, your membership in the SCWCEA is more important than ever. Staying on top of key and important issues in workers' compensation is vital to all of us. Your ability to access essential information and contacts, staying abreast of the constant changes in this business, and reduced member rates at our conferences and events are some of the more important resources this organization can provide to you in your profession.

Ours is a business that is built on trust, relationships and long-term vision. By maintaining your membership with the SCWCEA, we hope we will improve the lines of communications to offer you timely information that you need.

The 2009 Medical Seminar planning is well underway and is being held in Myrtle Beach, March 1 – 3, at the Marriott Resort and Spa at Grande Dunes. Our One Day Seminar is currently slated to be held on April 24, 2009 in Columbia, and details on the topics, and faculty will be provided to you soon. We will end the year with our Annual Educational Conference which will also be held in Myrtle Beach, October 19 – 22, 2009 at Embassy Suites at Kingston Plantation. We hope you will be able to join us for all of these very different and important sessions.

Your staff and Board of Directors pledge to work diligently during 2009 to bring you the best in professional development and as always, we welcome and value your input. Together, our goal is to help you move forward.

We wish you a prosperous New Year!

Sincerely,

A handwritten signature in black ink that reads 'Rusty'.

J. Russell Goudelock, II



Paige Bowling



Richard V. Davis



Sunnie M. Thomason

2009 SCWCEA Board Members Elected At Annual Meeting

On Wednesday, October 22, 2008, the SCWCEA held its annual business meeting. The membership elected individuals to serve a three-year term on the SCWCEA Board of Directors beginning January 1, 2009.

Elected were Paige Bowling, Richard V. Davis and Sunnie Thomason. The following individuals were elected to a second three-year term on the Board: Christopher C. Daniel of Companion Property & Casualty Group in Columbia, SC, S. Belinda Ellison of the Law Office of Belinda Ellison in Lexington, SC, and Michael S. Swindell of Harris & Graves, PA in Greenville, SC.

Paige Bowling has been with Corporate Pharmacy Services, Inc. in Gadsden, AL since its inception in 1990. In the past 17 years, she has held positions ranging from pharmacy technician to director of national accounts. In her current capacity, Paige oversees customer service in all aspects of the business including clients to the injured worker themselves. A graduate of Auburn University, she speaks on pharmacy trends during conferences across the southeast.

Richard V. Davis is a partner in the law firm of Christian & Davis, LLC in Greenville, SC. He received his BA degree from Clemson University and his Juris Doctor from the University of South Carolina School of Law. A trial advocate on behalf of injury victims, Ric is licensed to practice in the State and Federal Courts in the State of South Carolina and for the U.S. Court of Appeals. He is past Chairman of the South Carolina Ethics Commission and serves on numerous Boards and Commissions. An Eagle Scout, he has been active member of the SCWCEA for a number of years.

Sunnie M. Thomason is the Employee Relations and Workers' Comp Coordinator for Michelin North America in Greenville, SC. With almost 20 years experience in human relations, Sunnie has spent the last 10 years focusing on the workers' compensation field. A graduate of Rutledge Business College, she received her Michigan State University certification in Workers' Compensation in 2005.

The three new members replace William S. Griggs with the South Carolina Association of Counties, Columbia, SC; Ronald J. Jebaily of the Jebaily Law Firm, Florence, SC; and Tony Timmerman of Square D, Hopkins, SC.

The SCWCEA extends a sincere appreciation for the contributions and support provided by all former and current Board of Directors.

President

J. Russell Goudelock, II
McAngus Goudelock
and Courie, LLC
Columbia SC

Vice President

Chris C. Daniel
Companion Property and
Casualty Group
Columbia SC

Secretary

Michael S. Swindell
Harris and Graves
Greenville SC

Treasurer

William L. Smith, II
Chappell, Smith and
Arden
Columbia SC

Eric C. Bailey
Cardinal Logistics
Management
Corporation
Concord NC

David Benenhaley
Piggly Wiggly Carolina
Company
Charleston SC

Paige Bowling
Corporate Pharmacy
Services
Gadsden AL

Barbara A. Cullum
Zurich North America
Charlotte NC

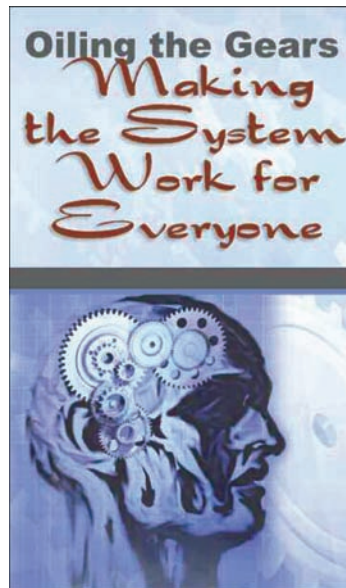
Richard V. Davis
Christian and Davis
Law Firm
Greenville SC

S. Belinda Ellison
Law Office of Belinda
Ellison
Lexington SC

Harry B. Gregory, Jr.
S.C. State Accident Fund
Columbia SC

continued next page

March Medical Seminar Coming Right Up



You won't want to miss this meeting!

The Annual Workers' Compensation Medical Seminar is well underway and the line up of speakers is impressive.

Whether you want to learn how to communicate with healthcare providers, why physicians dislike workers' compensation, trends in pharmacy expenditures or brain injuries, you will need to register and join us.

The dates are March 1 – 3 at the beautiful Myrtle Beach Marriott Resort & Spa at Grande Dunes.

Details and registration on this meeting can be found on our website at www.scwcea.org.

2009 Membership Renewals Underway— Are You Current?

All current members of the SCWCEA should have received their 2009 Membership Dues Renewals. In an effort to save on postage and supplies, Associate Member renewal forms were mailed with the primary, Firm/Business membership statements.

If there are staff changes to your organization, now is the time to update the status of your membership. For all additions, we ask that you download and complete the form on our website at www.scwcea.org so that we may have current contact information for our records.

Please remember that dues must be current to receive reduced member rates at our meetings. The deadline to join to receive the Annual Educational Conference member rate is July 18, 2009.

We would like to ask that you check the email address we have listed on the renewal and update this information so that we can supply you with our eAlerts throughout 2009.

Carl H. Jacobson
Uricchio, Howe, Krell,
Jacobson & Torporek
Charleston SC

Stanford E. Lacy
Collins and Lacy, PA
Columbia SC

Stephen R. Ratliff
The Directions Group,
Inc.
Mt. Pleasant SC

Commissioner
Andrea C. Roche
S.C. Workers'
Compensation
Commission
Columbia SC

Sunnie M. Thomason
Michelin-PRIME
Greenville SC

Commissioner
Avery B. Wilkerson, Jr.
S.C. Workers'
Compensation
Commission
Columbia SC

Commissioner
Derrick L. Williams
S.C. Workers'
Compensation
Commission
Columbia SC

O. Shayne Williams
Turner Padgett Graham
& Laney, PA
Greenville SC

Harold J. Willson, Jr.
Willson, Jones, Carter
and Baxley, PA
Greenville SC

Gary Thibault to Retire From SCWCC Executive Director Post

Gary R. Thibault, Executive Director of the South Carolina Workers' Compensation Commission (SCWCC), announced his retirement from an extensive career in public service. His departure will take place in March 1, 2009. Mr. Thibault will continue to work with the agency in a consulting capacity assisting with the transition and with medical issues.

"The Commission is thankful for the leadership he provided and for the many accomplishments the Commission saw during his tenure," says Andrea Roche, Chairman. "His experience and expertise are well regarded in the workers' compensation community, both statewide and nationally. His reputation for impartial, objective analysis was matched by his understanding of the issues."



Mr. Thibault joined the agency in 1988 as director of the Commission's Department of Insurance & Medical Services prior to being named Executive Director in June 2005. Among his accomplishments while at the Commission are the development of medical fee schedules that promoted access to quality care at a reasonable cost, implementation of a new hospital inpatient and outpatient payment system that saved South Carolina insurance carriers and employers significant amounts annually, improving the timeliness of hearing cases and appeals and the oversight of a new, multimillion dollar computer system.

"Thousands of South Carolina's injured workers and employers have seen claims successfully administered each year due in large part to Gary's leadership and vision," says Rusty Goudelock, SCWCEA President. "He has implemented many effective changes during his tenure that will continue long after his departure."

Mr. Thibault has been an active member and standing committee member of the SCWCEA. We wish him well in his retirement.

Save the Dates

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[Visit the website for details.](#)

April 24, 2009

One Day Seminar

Embassy Suites Columbia

Info will be announced and posted to the website when available.

October 18-21

33rd Annual Educational Conference on Workers' Compensation

Embassy Suites at Kingston Plantation Myrtle Beach, SC

Conference information will be mailed later this year.

Rooms are not available in advance of the registration.

2008 Annual Educational Conference a Success

If you missed the 2008 SCWCEA Educational Conference, you missed a good one. Held at the Hilton Head Marriott Resort and Spa, the thirty second annual Educational Conference was a great opportunity to learn more about the workers' compensation system, meet the commissioners, see friends, colleagues, clients, vendors, earning continuing education credits and have a good time throughout it all.

The program kicked off with the opening reception on Sunday evening, featuring the *Kids' Chance Silent Auction*. This is one of their bigger fundraisers of the year—raising over \$18,000 while attendees had time to meet colleagues and get to know others new to the organization.

The program began on Monday with the presentation of the colors by the U.S. Marine Corps color guard unit from Parris Island. The first event was *Meet Your S.C. Workers' Compensation Commissioners* with Commission Chairman Andrea Roche, and Commissioners Derrick Williams, Susan Barden, Avery Wilkerson, and Scott Beck. This was followed by the inspiring presentation of Dan Miers and his *Journey Back to Life After a Catastrophic Injury* to remind everyone about the focus of the whole workers' compensation system.

You Be the Judge delivered information in a new interactive format. Each participant had a wireless instant response handset and found out how their knowledge compared to all other participants and the presenters, with the compiled results displayed on the screens at the head of the hall during the session. Kenneth Richstad, Clerk of the Court of Appeals discussed the appeal of compensation claims to the Court of Appeals.

Monday afternoon was devoted to breakout sessions with two hours of attorney ethics presented by the perennial favorite, Barbara Seymour from the Office of Disciplinary Counsel, claims adjuster ethics from Anne Noonan and Michael Burkett with Willson, Jones, Carter and Baxley, a introductory level seminar from Greg Line, Director of Claims at the SC Workers' Compensation Commission, and a presentation on the SafetyFirst program implemented at Spartanburg Regional Healthcare System from Mike Arntz.

Tuesday began with *Breakfast With the Commissioners*, which gave everyone a

chance to meet with and ask questions of the Commissioners in an informal setting, followed by a question and answer session. Dan McGarvey shared his insights on the impact of younger generations of workers on the workforce in the first formal presentation, and Lynn Szymoniak discussed fraud in the workers' compensation system. Dr. James Holmes discussed burn injuries and their treatment.

Wednesday's program began with coverage of the 6th Edition of the *AMA Guides to the Evaluation of Permanent Impairment* by Dr. Christopher Brigham. The medical theme continued with a presentation on neuropsychological assessment practices from Dr. David Fisher. Nathaneal Massey, a Kids' Chance scholarship recipient, then addressed the audience and told of overcoming adversity in his life. Wednesday also featured an attendee favorite, *Case Makers and Case Breakers*, where the commissioners discussed questions about the decision making process in a workers' compensation case.

The conference was not all work and no play. There was sporting competition on the Arthur Hills golf links in a Tuesday afternoon tournament and later that evening, The Fantastic Shakers, had everyone moving on the dance floor and a few conferees performing on stage.

Program evaluations indicated that the content and execution of the conference was very well received. This positive result would not have been possible without an actively engaged and hard working Conference Committee: Committee Chair Michael Swindell, Vice Chairs Stan Lacy and Tony Timmerman, and members Eric C. Bailey, Trisha Bailey-Banks, Walt Barefoot, David Benenhaley, Barbara Cullum, Chris Daniel, Belinda Ellison, Bonnie Foster, Rusty Goude-lock, Bill Griggs, Denise Hollis, Justin Kohl, Linda McKenzie, Pat Rediehs, Bill Smith and Gary Thibault.

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the registration.*

Lifetime Membership Awarded to Bill Griggs



SCWCEA President Rusty Goudeock (left) and Lifetime Member Bill Griggs (right)

Did you hear the one about the psychiatrist, claims adjuster, two claimants' attorneys, and three health care providers who met in the bar on while at Comp Camp? That's how any conversation with Bill Griggs might, and frequently does, begin. Bill is always ready with a joke or funny story.

Bill Griggs was recognized as one of the pillars of the South Carolina Workers' Compensation Educational Association during the 2008 Educational Conference. Bill has been an integral part of SCWCEA since its inception in 1976, serving on the Board of Directors and as the SCWCEA President in 2007.

Bill's involvement in SCWCEA has spanned his career in the workers' compensation system, including his time with American Mutual, The Randolph W. Hope Company, Fred S. James and currently as Director of Insurance Services and Director of Claims with the South Carolina Association of Counties.

This award is given no more than once per year and has been given only seven times in the thirty-two year history of the organization. The criteria for the award is set by rules and the selection of the recipient is by a committee appointed by the SCWCEA president.

By the way, the psychiatrist, claims adjuster, two claimants' attorneys, and three health care providers who met in the bar while at Comp Camp, were joining everyone else in congratulating Bill on receiving the Lifetime Membership Award and thanking him for his lifetime of service.

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Make a Difference in the SCWCEA

The working committees for 2009 will soon be appointed and one of them may be the place for you. The SCWCEA committees include:

Membership Committee

Recruits new members for the SCWCEA. We need people who may have fresh ideas on membership drive approaches, are willing to analyze existing membership techniques which have been used in the past, and help execute the approaches which are adopted. It is also helpful to have a broad cross section of professions from the workers compensation system represented so that the committee knows of partnering opportunities and marketing opportunities within specific profession and other groups.

Newsletter Committee

Helps recruit contributors of substantive articles and write some of the content of the newsletter.

One Day Seminar Committee

Helps set the presentation agenda, recruit speakers and serve as moderators for the one day seminars.

Educational Conference Committee

Helps set the agenda, recruit speakers serve as moderators, help coordinate on-site and optional activities such as the golf tournament, tennis tournament or fishing trip.

Medical Seminar Committee

Although the 2009 Medical Seminar is largely completed, there will be another committee for 2010 and the committee will set the agenda, recruit speakers, and serve as moderators.

Several of the accreditation boards require participation in seminar planning by specific professionals. For example, we are in need of BSN's to participate in seminar planning to get courses qualified for nursing continuing education credits. Each conference or seminar committee needs a broad cross section of professionals in the workers compensation system to ensure that conferences have content of interest to all members.

If you are interested serving on an SCWCEA committee in 2009, please let us know as soon as possible by emailing us at scwcea@bellsouth.net.

Don't Miss The Boat!

Invest NOW—See Benefits All Year Long

The 2009 PARTNERS Program was announced during November.

Join other Workers' Compensation leaders in this program, and we'll promote your organization all year long to literally hundreds of professionals in the business.

The deadline to commit and take advantage of this opportunity is January 30, 2009.

We have incorporated many new benefits that will provide you with key exposure all year long, including prepaid exhibit booth space.

Get the biggest bang for your buck by becoming a SCWCEA PARTNER now and see the return on your investment throughout the entire year.

For details, you may download and complete and return the information by accessing our website at www.scwcea.org.

Meet Our Early 2009 Partners

The SCWCEA is pleased to recognize the following organizations who have made early commitments as PARTNERS. The SCWCEA PARTNERS share our commitment to providing exceptional programs and essential tools for the association's success and membership. Their dedication and financial support benefit all members of the SCWCEA.

Join us in thanking them for their commitment to us this year!

Platinum Partners



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW



Willson Jones Carter & Baxley, P.A.

Greenville Charleston Columbia Charlotte
WORKERS' COMPENSATION DEFENSE



Gold Partner

TRASK & HOWELL LLC

Silver Partner



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NCCI Files for a 0.3% Cut in Loss Costs

In a rare bit of good news for South Carolina's employers, the National Council on Compensation Insurance said in November it had filed for a 0.3percent cut in workers' compensation loss costs effective July 1, 2009.

The proposed cut in loss costs, which is based on experience in 2005 and 2006, would be the first in South Carolina since 2001. Spokesmen for the South Carolina Chamber of Commerce and the South Carolina Small Business Chamber of Commerce indicated they expect more cuts in subsequent years as the state's workers' compensation system begins to benefit from legislative reforms passed in 2007.

Along with the proposed decrease in loss costs, another indication of the favorable climate is continued declines in market share of the assigned-risk pool. The residual market accounted for 14.6% of the total market in 2004, 12.1% in 2005, and 9.7% in 2006. NCCI calculates the assigned-risk pool now accounts for 7.7% of the total market.

The rate agency said a major reason it was able to file for a rate decrease are savings from the hospital payment system the South Carolina Workers' Compensation Commission implemented in October 2006.

NCCI estimates the payment system is saving insurance carriers about \$53 million per year.

Gary Thibault, executive director of the commission, said his agency puts the total savings to South Carolina employers at approximately \$98 million per year. NCCI's estimate is lower, he said, because it does not include savings to companies selfinsured for workers' compensation. NCCI collects data only from insurance carriers.

The proposed decrease in loss costs is in sharp contrast to NCCI's recent filings. In early 2007, NCCI filed for a 23.7% increase to be effective in December 2007 but settled for a 9.8% increase. In December 2006, an administrative law judge approved an 18.4% increase. NCCI had asked for a 32.9% increase.

Although sharply reduced from the original request, the December 2006 increase was the third consecutive double-digit increase for South Carolina, as the insurance department had approved increases of 11.4% in 2004 and 17.5% in 2003.

Workers' compensation rates have been falling across the country, thanks to declining injuries among virtually all industries and all age groups. South Carolina employers have benefited from the trend, but not to the same extent as employers in other states.

In 2000, South Carolina was ranked 49 on Oregon's widely reported annual Workers' Compensation Premium Rate Rankings (48 states had higher premium rates than South Carolina). By 2006, South Carolina had slipped to 25th on the Oregon premium rate rankings, a deterioration which drew the ire of employers, insurers, self-insurers, and various groups which pushed for reform in the 2007 legislative session.

The slide continues. According to the 2008 Oregon ranking, released in October 2008, only 12 states have higher workers' compensation rates than South Carolina. The Palmetto State is ranked 13th on the report, which ranks all 50 states plus the District of Columbia for rates that were in effect in January 2008. Premium rates were the highest in Alaska, which was ranked number one.

—Moby Salahuddin

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2009 Maximum Weekly Compensation Rate Announced

The South Carolina Employment Security Commission has certified that the average weekly wage in South Carolina for the period July 1, 2007 through June 30, 2008 was \$681.36. Accordingly, for accidents that occur on or after January 1, 2009, the **maximum weekly compensation rate**, which according to Section 42-9-10 is to be "no more than the average weekly wage in this State for the preceding fiscal year," shall be **\$681.36**.

This raises the maximum weekly compensation rate by \$20.07, 3% greater than the 2008 rate of \$661.29. An individual's compensation rate equals 66 $\frac{2}{3}$ % of an individual's average weekly wage, not to exceed the average weekly wage in South Carolina as determined by the South Carolina Employment Security Commission. In terms of total disability for 500 weeks, the maximum compensation award for 2009 will be \$340,680. Generally, an individual must have earned \$53,120 annually (\$1021.53 weekly) or more during the four quarters immediately preceding the quarter in which an accident occurs in order to be paid at the maximum compensation rate.



Kids' Chance Announces New President, Tracey Delong

Tracey Delong was named new President of Kids' Chance of South Carolina on October 19, 2008.

"We're very pleased and excited that we have a dynamic new president with proven leadership, diverse interests and a strong background and passion for Kids' Chance of South Carolina. Energetic and engaging, she is well suited to organize the talent and resources of the entire board of Kids' Chance of South Carolina to maximize its scholarship program." says Angie Kohl, Executive Director.

Tracey has served on the Board of Directors for Kids' Chance of South Carolina for approximately seven years. She has demonstrated a deep commitment to Kids' Chance of South Carolina and a thoughtful appreciation for the role Kids' Chance plays to its scholarship recipients and their families.

With her experience, energy, and creativity, we are excited about what Kids' Chance of South Carolina can achieve under her leadership! You may contact Tracey at tracey@mfsservices.com or at 843-856-6223.