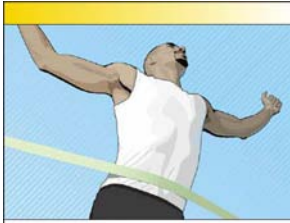


Summer 2009



Training Camp 2009
Crossing the Workers' Comp Finish Line in First Place

October 18-21

**33rd Annual
Educational
Conference on
Workers'
Compensation**

Embassy Suites at
Kingston Plantation
Myrtle Beach, SC

Visit the website
for details.

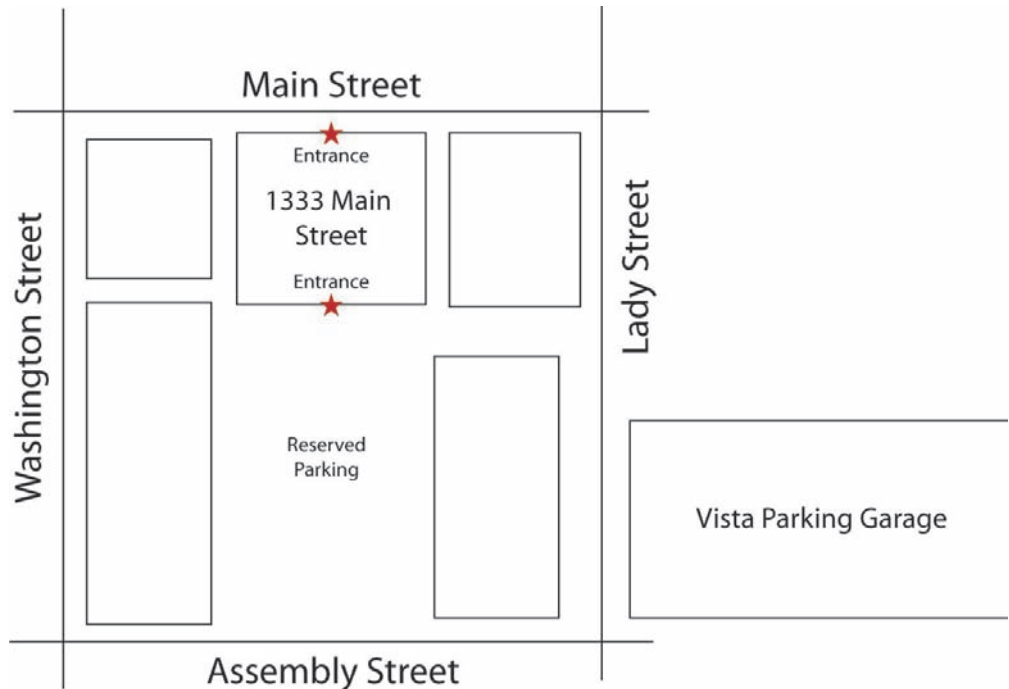


South Carolina
Workers' Compensation
Educational Association

3 Cavendish Court
Irmo SC 29063
Toll-Free: 1.866.459.4360
Phone: 803.407.3360
Fax: 803.407.3361
info@scwcea.org

Donna R. Croom
Executive Director
www.scwcea.org

Chronicles



Commission Completes Move

The South Carolina Workers' Compensation Commission recently completed a move from their Marion Street offices to Main Street. The move was a result of an expiring lease which resulted in an evaluation of needed work space as well as potential for cost savings. The Commission accomplished both. Over the next seven years, the savings will total \$587,000 or over \$6,900 per month.

Change is inevitable with any move. The Commission will occupy 4,000 square feet less but the entire agency will be located on one floor making the processes flow much better.

Additionally, parking has changed. A limited number of parking spaces will be available in the surface lot behind the building. Guests will have to depress the button at the security gate and wait for security to direct them to the proper parking space(s). Additional or overflow parking will be available in a nearby city parking garage.

South Carolina Workers' Compensation Commission

Street Address	1333 Main Street, 5th Floor Columbia, SC 29201
Mailing Address	P.O. Box 1715 Columbia SC 29202-1715
Phone	803.787.5700
Website	www.wcc.sc.gov

President

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

Vice President

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Companion Property and
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Paige Bowling
Corporate Pharmacy
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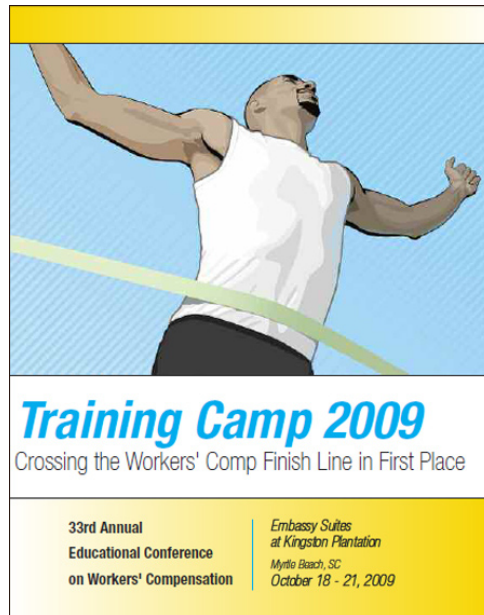
Richard V. Davis
Christian and Davis
Law Firm
Greenville SC

S. Belinda Ellison
Law Office of Belinda
Ellison
Lexington SC

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

continued next page

Comp Camp 2009: Something for Everyone



The 33rd Annual Educational Conference on Workers' Compensation promises a stellar program with prominent speakers and quality events.

This year's meeting will be held Sunday, October 18 – Wednesday, October 21, 2009 at the Embassy Suites at Kingston Plantation in Myrtle Beach, SC.

Special efforts went into designing a program that brings together the professionals in the workers' compensation community to share and reflect on key topics relevant to everyone.

The conference will kick-off Sunday evening with a bigger than ever Kids' Chance Silent Auction and Exhibitor's reception.

That's right, the exhibit hall will be opened during the Silent Auction and exhibitors wishing to participate will provide items at their booths for bids. All of the proceeds from this event benefit Kids' Chance of South Carolina.

The content of this year's program recognizes a variety of interests and issues that our members bring to the association. Monday's program will begin with an inspirational speech by USC's **Track & Field and Cross Country Coach, Curtis Frye**. Here are the topics being addressed this year:

- **Diabetes and Obesity in the Workplace**
- **New Orthopaedic procedures...and a review of the old ones**
- **Attorney ethics – 2 hours – one on pretexting and another on managing your work and personal commitments**
- **Adjuster ethics – 1 hour**
- **How the SC Workers' Compensation Commission Works**
- **Safety – preventive rather than reactive**
- **Social Security Disability Income Benefits**
- **Mental Health Treatment in a Workers' Compensation Setting**
- **Best Practices**
- **AMA Guides 6th Edition**

The conference schedule provides an abundant amount of time for you to meet with the exhibitors. We have extended the breaks to 30 minutes so that you can make time to learn about the vendors, their products and services.

Of course, the optional activities will provide a chance for you to relax and network. The **Annual Golf Tournament** will be held on the Palmetto Course of Myrtlewood Golf Club. Slots and hole sponsorships are available. A **Round Robin Tennis Tournament** will take place on the beautiful new clay courts at Kingston Plantation from 2:30 – 5:30 pm. And last but not least, for those anglers, the **Annual Fishing Expedition** has been secured. Participants will depart and return from Captain Dick's in Murrells Inlet. All optional activities will include a box lunch.

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

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

Pay Careful Attention to Certificates of Workers' Compensation Coverage

By Sam Painter, Senior Counsel
Nexsen Pruet, LLC

South Carolina recognizes the concept of "statutory employment" in workers' compensation claims.

Basically, this means that an upper tier contractor or project owner can become the "statutory employer" of injured employees of subcontractors for purposes of paying workers' compensation indemnity and medical benefits when the worker's immediate employer had no coverage at the time of the injury.

In 1996, the General Assembly passed a law to enable upper tier contractors or project owners protection from such claims if they obtain documentation of insurance coverage from subcontractors at the time when the contractor or subcontractor is engaged to perform work on a project. The protection offered by the statute is the opportunity to transfer liability for a claim brought by an uninsured contractor's employee from the statutory employer to the South Carolina Uninsured Employers' Fund.

The forms which the Workers' Compensation Commission has designated for purposes of documenting workers' compensation insurance coverage are "Forms 25-S" and authorized self-insurance certificates. Forms 25-S must be obtained from authorized representatives of insurance carriers. Authorized self-insurance certificates are obtained from the Workers' Compensation Commission.

By regulation, the Workers' Compensation Commission requires that a Form 25-S must be dated, signed, and issued by an authorized representative of the insurance carrier for the insured. In recent cases, the appellate courts have strictly construed these requirements. Attempts by statutory employers to transfer liability to the Uninsured Employers' Fund have failed due to such defects in the Form 25-S as where there was no signature by an authorized representative of the insurance carrier for the insured, where the expiration dates of the coverage shown had expired prior to the date of injury, where the description of the project for which the Form 25-S was obtained was different than the project upon which the subcontractor's employee was injured, or where the Form 25-S was otherwise incomplete.

Employers wishing to rely on certificates of insurance from subcontractors must pay careful attention to the Forms 25-S that they receive and be prepared to see that they are updated as time goes by and projects change in order to assure that the certificates of insurance that they have on file remain in compliance with the statute, the applicable regulation and the recent case law.

Review Forms 25-S as follows:

- Be sure each Form 25-S is dated, signed, and issued by an authorized representative of the insurance carrier for the insured.
- Be aware of the coverage expiration dates and obtain an additional Form 25-S from the insured each time coverage is renewed.
- Remember that if the insured contractor works on more than one project for your company, you need a Form 25-S for each project.
- Be sure the form is complete. In a recently decided case, the "Description of Operation box" was left blank. The Supreme Court ruled that accepting an incomplete form "does not constitute proper documentation."

Save the Dates

Visit the website for details.



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February 28 - March 2, 2010

31st Annual Medical Seminar

Francis Marion Hotel
Charleston, SC

2009 Medical Seminar a Success

Rain, sleet, nor snow could not stop the 30th Annual SCWCEA Medical Seminar held at Myrtle Beach Resort & Spa at Grande Dunes, March 1-3, 2009. In spite of winter storm conditions coupled with a "recession-induced" decrease in registrations as compared to 2008, the Medical Seminar enjoyed strong support from association members, Partners, exhibitors, and both new and returning attendees from across South Carolina.

Attendees gave high marks to speakers and reaffirmed their desire for a broad range of topics including spinal cord and brain injury, medical-legal perspectives in workers' compensation, the impact of effective communication between employers and their employees, and, of course, a chance to see our SC Workers' Comp Commissioners up close and in action.

Charlene Caswell's story, *To Walk Again!* inspired us, reminding us all that the system does work! Attorneys Ken Harrell and Daniel Hayes provided practical advice for communicating with healthcare providers under the new and old rules. Dr. Kevin Kopera shared the physician's perspective on our workers' compensation system, while attorneys Mark Arden and Bill Shaughnessy shared an employer's "blueprint" for optimum communication with employees.

Back by popular demand, the mock hearing demonstrated potential strengths, weaknesses, and opportunities when presenting cases before the Commission. Former executive director Gary Thibault updated us on the current "state" of workers' compensation in South Carolina. The program was rounded out by Drs. Maria Sciamè and Anbesaw Selassie, and motivational humorist Bobbie Staten.

Mark your calendars for March 2010 and make plans to attend next year's Medical Seminar held in beautiful, historic Charleston, where SCWCEA will once again offer exceptional educational opportunities at an affordable cost to its members.

Stephen Ratliff, Committee Chair
Vice President of Business Development & Operations
The Directions Group, Inc.

Pay Careful Attention to Certificates *continued*

If you have doubts as to whether a Form 25-S is in compliance with the statute, the regulation, or the recent case law, consult your attorneys.

Why is this so important?

Having a valid Form 25-S on file could enable a statutory employer to transfer liability to the Uninsured Employers' Fund for a lifetime benefit claim where the totals paid in workers' compensation indemnity and medical benefits could easily exceed a million dollars.

Imagine having to explain to your supervisor why the transfer of liability for such a claim failed because you had not noticed that the dates of coverage had expired, or that the form described a different project than the one in which the subcontractor was engaged at the time of the accident, or that the form which the insurance agent faxed to your office had no signature from an authorized representative of the insurance carrier, or that the form was otherwise incomplete.

Save the Dates

Visit the website
for details.

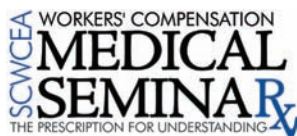


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Charleston, SC

Welcome New Members!

Emily O. Alfonso
Alfonso Interpreting &
Transporting, Inc.
Greenville, SC

Jeffrey W. Alfonso
Alfonso Interpreting &
Transporting, Inc.
Greenville, SC

Tonya Ballard
Carolina Case Mgmt.
Tryon, NC

Lisa Branham
Companion TPA
Columbia, SC

Andrew Brown
Culler & Brown, LLP
Orangeburg, SC

Barrett Burley
McAngus, Goudelock &
Courie, LLC
Columbia, SC

Lisbeth Carpenter
Companion P & C
Columbia, SC

Carrie Caudle
Companion TPA
Columbia, SC

Joshua Christian
Christian & Davis
Greenville, SC

Chris Cleveland
Albors Alnet Language &
Transportation Services
Winter Park, FL

E. Kenneth Coble
Willson Jones Carter &
Baxley, PA
Charlotte, NC

Tammy Corbetta
Midlands Orthopaedics, PA
Columbia, SC

Todd Crawford
Gallivan, White & Boyd, PA
Greenville, SC

Branden Curry
Companion TPA
Columbia, SC

Natalie Byars Fisher
Clawson & Staubes, LLC
Charleston, SC

Adam Foster
College of Charleston
Charleston, SC

Tommy Fowler
Peake, Fowler and Associates,
PA
Columbia, SC

Matthew Fultz
Wood & Warder, LLC
Charleston, SC

Mike Futrell
Progressive Medical, Inc.
Westerville, OH

Angie Gainey
The Medical Group - Swift
Creek
Hartsville, SC

Martha Gaw
Companion TPA
Columbia, SC

Kristen Giet
Trident Pain Center
N.Charleston, SC

Lynda Glugover
GENEX
Inman, SC

Tonya Henderson
Gallivan, White & Boyd, PA
Greenville, SC

Kathryn Hennings
IMSCO
Augusta, GA

Nicole Isherwood
Trident Pain Center
N. Charleston, SC

Lori B. King
Trask & Howell, LLC
Mt. Pleasant, SC

Carol Knowles
Trident Pain Center
N. Charleston, SC

Ty Lewis
Ellen Sagar Nursing
Home
Union, SC

Carter Martling
Huff Law Firm, LLC
Irmo, S

Caroline McIntosh
Young Clement Rivers,
LLP
Charleston, SC

Lisa McMillan
Gallivan, White & Boyd,
PA
Greenville, SC

Amanda Mellard
McAngus, Goudelock &
Courie, LLC
Greenville, SC

Mildred Metts
Metts Law Firm, LLC
Columbia, sc

J. Edward Nolan
Trident Pain Center
N.Charleston, SC

Allison C. Nussbaum
Trask & Howell, LLC
Mt. Pleasant, SC

Janice Pinckney
Companion TPA
Columbia, SC

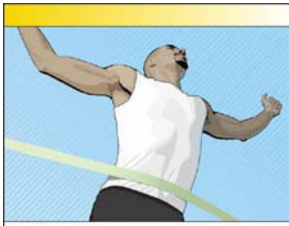
Leigh Polhill
Municipal Association
of S.C.
Columbia, SC

Deric Potts
Casualty Adjusters Guide
of South Carolina
Coshocton, OH

continued next page

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Welcome New Members! *continued*

Jerry Pruette
Rehabilitation Management,
Inc.
Vale, NC

Hyman Rubin, Jr.
McDonald, McKenzie,
Rubin, Miller & Lybrand,
LLP
Columbia, SC

Robbie Satterfield
Michelin Tire Corporation
Spartanburg, SC

Richard Shaw
Home Instead Senior Care
Greenville, SC

John Snelling
Companion TPA
Columbia, SC

Susie Sportiello
The Medical Group - Swift
Creek
Hartsville, SC

Tom Stanfield
PBR Columbia
West Columbia, SC

Stephania Stokes
Conway, SC

Stephen Stublely
McKay, Cauthen, Settana
& Stublely, PA
Columbia, SC

Phyllis Sturkey
Companion TPA
Columbia, SC

Midge Swinney
CorVel Corporation
Columbia, SC

Cassandra Townsend
Focus Resources, LLC
Summerville, SC

Richard W. Turner
Willson Jones Carter &
Baxley, PA
Mt. Pleasant, SC

Deborah Vaughn
Companion TPA
Columbia, SC

Ashleigh Ward
Gallivan, White & Boyd,
PA
Greenville, SC

Josie White
Align Networks
Jacksonville, FL

William Wilson
Wilson Law Offices, PC
Goose Creek, SC

Is Your Membership Current?

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 typically 90 days prior to the start of the conference. Your Board of Directors have relaxed this date for 2009 and the deadline will be September 1st.

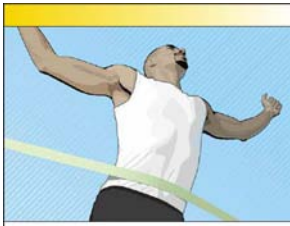
If there are staff changes to your organization, now is the time to update the status of your membership. For all additions, please download and complete the form on our website at www.scwcea.org so that we may have current contact information for our records.

A Great New Way to Reach Your Workers' Compensation Audience

The SCWCEA will soon offer new opportunities for you to promote your business and services to our membership. In the very near future, we will offer advertising space within the SCWCEA newsletter. Since the majority of the readership receives our communications electronically, we hope to also be able to provide a link to your website. Details will be announced in the very near future.

Save the Dates

Visit the website for details.



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Thank you PARTNERS!

The SCWCEA is pleased to recognize the following organizations who have been our PARTNERS this year. Our 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 Partners

TRASK & HOWELL LLC



CLAWSON & STAUBES LLC
ATTORNEYS AT LAW

Silver Partner



South Carolina Workers' Compensation Commission Contacts

Commissioners and Administrative		Contact	Email	Phone
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Comissioner Susan Barden		Kristi Love	klove@wcc.sc.gov	803.737.5660
Commissioner T. Scott Beck		Amy Bracy	abracy@wcc.sc.gov	803.737.5698
Commissioner David Huffstetler		Kellie Lindler	klindler@wcc.sc.gov	803.737.5663
Commissioner Bryan Lyndon		Tamara Morris	tmorris@wcc.sc.gov	803.737.5668
Commissioner Derrick L. Williams		Renee Smith	rsmith@wcc.sc.gov	803.737.5692
Commissioner Avery B. Wilkerson, Jr.		Elaine Boyd	eboyd@wcc.sc.gov	803.737.5697
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Jennifer Neese, <i>Ombudsman</i>			jneese@wcc.sc.gov	803.737.5713
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vcrocker@wcc.sc.gov	Information & Appellate Docket	Eugenia Hollmon	ehollmon@wcc.sc.gov	803.737.5737
803.737.5739	Appeals	Kelly Goodale	kgoodale@wcc.sc.gov	803.737.5734
	Clincher Conferences & Motions	Robin Strama	rstrama@wcc.sc.gov	803.737.5740
	Pending Hearing Docket & Motions			
	District Case Managers	DiAnn Davis	ddavis@wcc.sc.gov	803.737.5703
		Valerie Deller	vdeller@wcc.sc.gov	803.737.5745
		Ashley Grimes	agrimes@wcc.sc.gov	803.737.5742
		Audra Higbe	ahigbe@wcc.sc.gov	803.737.5684
		Tracy Slice	tslice@wcc.sc.gov	803.737.6202
		Amanda Young	ayoung@wcc.sc.gov	803.737.5747
Claims		Contact	Email	Phone
Greg Line, <i>Director</i>	Applicable Areas	Priscilla Brown	pbrown@wcc.sc.gov	803.737.5723
gline@wcc.sc.gov	Information Research			
803.737.5723	Letter of Representation Claim Form 50			
	Records Center	Debbie Backman	dbackman@wcc.sc.gov	803.737.5690
	Clinchers Third Party Settlements	Mary Bost	mbost@wcc.sc.gov	803.737.5727
	Form 61 Atty. Fee Order			
	Forms 15, 17,16	John Boyce	jboyce@wcc.sc.gov	803.737.5720
	Forms 15, 17 SCSIF Subpoenas	Juliet Bush	jbush@wcc.sc.gov	803.737.5729
	Forms 16, 16A	Cheryl Bennett	cbennett@wcc.sc.gov	803.737.5729
	Forms 17, 18, 19	Claims Department		803.737.5723
	Forms 20, 24 Commuted Value Request	Vivian Brown	vbrown@wcc.sc.gov	803.737.5732
	Inf. Conf. Requests Clinchers Requests	Kelly Goodale	kgoodale@wcc.sc.gov	803.737.5734
	Form 15, Section III			