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AGENDA

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

1333 Main Street, 5th Floor Columbia, South Carolina 29201 November 21, 2022 10:30 a.m.

Meeting to be held in Hearing Room A

This meeting agenda was posted prior to the meeting and proper advance notice was made to all concerned parties in compliance with requirements in the Freedom of Information Act.

1.	CALL TO ORDER	CHAIRMAN BECK
2.	APPROVAL OF AGENDA OF BUSINESS MEETING OF NOVEMBER 21, 2022	CHAIRMAN BECK
3.	APPROVAL OF MINUTES OF THE REGULAR BUSINESS MEETING OF OCTOBER 17, 2022, (Tab 1)	CHAIRMAN BECK
4.	GENERAL ANNOUNCEMENTS	MR. CANNON
5.	PUBLIC HEARING – PROPOSED CHANGES (Tab 2) REGULATION 67-610	CHAIRMAN BECK
6.	APPLICATIONS FOR APPROVAL TO SELF-INSURE (Tab 3)	MS. BROWN
7.	DEPARTMENT DIRECTORS ' REPORTS Human Resources (Tab 4) Information Services (Tab 5) Insurance and Medical Services (Tab 6) Claims (Tab 7) Judicial (Tab 8)	MS. WARD MR. PLUSS MR. DUCOTE MS. SPANN MS. BRACY
8.	DEPARTMENT OF VOCATIONAL REHABILITATION 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	CHAIRMAN BECK
12.	NEW BUSINESS	CHAIRMAN BECK
13.	EXECUTIVE SESSION General Counsel has requested an Executive Session to discuss pending litig	CHAIRMAN BECK gation.

14. ADJOURNMENT

CHAIRMAN BECK

THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION BUSINESS MEETING October 17, 2022

A Business Meeting of the South Carolina Workers' Compensation Commission was held in Hearing Room A of the Workers' Compensation Commission on Monday, October 17, 2022, at 10:30 a.m. The meeting agenda was posted prior to the meeting and proper advance notice was made to all concerned parties in compliance with requirements in the Freedom of Information Act. The following Commissioners were present:

> T. SCOTT BECK, CHAIRMAN GENE MCCASKILL, VICE CHAIR MELODY L. JAMES, COMMISSIONER AVERY WILKERSON, COMMISSIONER AISHA TAYLOR, COMMISSIONER CYNTHIA DOOLEY, COMMISSIONER

Present also were Gary Cannon, Executive Director; Keith Roberts, General Counsel, Christy Brown, Self-Insurance Director; Wayne Ducote, Insurance & Medical Services Director; Kristen Mcree, Staff Attorney; Bridget Ward, Human Resource Director; Kris Pluss, Director of Information Technology and Douglas Mann, IT Consultant.

Chairman Beck called the meeting to order at 10:41 a.m.

Chairman Beck announced that Commissioner Campbell had a scheduling conflict and wasn't attending the Business Meeting.

AGENDA

Commissioner McCaskill moved that the agenda be approved. Commissioner James seconded the motion, and the motion was approved.

<u>APPROVAL OD MINUTES – BUSINESS MEETING OF September 19, 2022</u>

Commissioner McCaskill moved that the minutes of the Business Meeting of September 19, 2022, be approved. Commissioner Dooley seconded the motion, and the motion was approved.

GENERAL ANNOUNCEMENTS

There were no general announcements.

APPLICATIONS FOR APPROVAL TO SELF-INSURE

Self-insurance applications were presented by Christy Brown, Self-Insurance Director. **Eight (8)** prospective members of **Two (2)** funds were presented to the Commission for approval. The applications were:

South Carolina Home Builders SIF

Dan Ligon DBA Southern Craftsman Construction Eagle Woodworks, LLC Kyle Neely DBA Neely Builder Group Osprey Construction Company Inc P & H Mechanical Stover Builders, LLC Vista Roofing, Inc

South Carolina Automobile Dealers Association

Jag-Greenwood, LLC DBA Legacy Chevrolet

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 the motion to approve the applications to self-insure. Commissioner Taylor requested to be recused from the vote. Commissioner James seconded the motion to approve the applications to self-insure, and the motion was approved.

DEPARTMENT DIRECTORS' REPORTS

Each Department report was submitted in written form and included in the Commission's agenda booklets.

Human Resources

Ms. Ward submitted the Human Resources report. There were no comments or questions from the Commission.

Information Technology Department

Mr. Pluss submitted the IT report. There were no comments or questions from the Commission.

Insurance and Medical Services Department

Mr. Ducote submitted his report in written form. There were no comments or questions from the Commission. Mr. Ducote also introduced Brianna Conyers, Insurance Compliance Analyst.

<u>Claims Department</u>

Ms. Spann submitted her report in written form. Mr. Cannon presented the report. There were no comments or questions from the Commission.

Judicial Department

Mr. Cannon presented the written report received from Ms. Bracy. There were no questions from the Commission.

VOCATIONAL REHABILITATION

There was no report received form Vocational Rehabilitation at the time of submission.

EXECUTIVE DIRECTOR'S REPORT

Mr. Cannon submitted his report in written form. There were no comments or questions from the Commission.

ADMINISTRATION – FINANCIAL REPORT

Mr. Cannon submitted his report in written form. There were no questions from the Commission.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

EXECUTIVE SESSION

There was no Executive Session requested.

ADJOURNMENT

Commissioner Taylor made the motion to adjourn. Commissioner James seconded the motion, and the motion was approved.

The October 17, 2022, meeting of the South Carolina Workers' Compensation Commission adjourned at 11:55 am.

Reported October 19, 2022 Arnisha Keitt Executive Assistant

State of South Carolina



Workers' Compensation Commission

- TO: COMMISSIONERS
- FROM: GARY M CANNON
- DATE: NOVEMBER 21, 2022

RE: REGULATION 67-610 CHANGES

Attached is the Notice of Regulation Change published in the State Register.

My office did not receive any written comments on the proposed changes at the time Business Meeting agenda was published.

Document No. _____ SOUTH CAROLINA WORKERS COMPENSATION COMMISSION CHAPTER 67 Statutory Authority: 1976 Code Section 42-3-30

67-610 Continuing Obligation to Update, Request for Hearing and Answer

Preamble: The South Carolina Workers' Compensation Commission proposes to amend the regulation that addresses a party's continuing obligation to update a request for hearing and answer to allow for a streamlined process by which to add or remove a party and to clarify procedures for filing and responding to such amended forms.

Section-by-Section Discussion:

67-610. Continuing Obligation to Update, Request for Hearing and Answer.

- 1. Revises subparagraph A for clarity and allows for the filing of an amended form to indicate a change in the responsible parties subject to current limitations in the regulations.
- 2. Revises subparagraph A to mandate that an amended form identify the amendment.
- 3. Revises subparagraph B to change the time period to file amended forms.
- 4. Revises subparagraph B (1) to require the amended form be timely filed and served.
- 5. Revises subparagraph B (2) to allow for a postponement.
- 6. Revises subparagraph B (3) to allow for the filing of additional amended forms.
- 7. Deletes subparagraph B (4).
- 8. Deletes subparagraph B (5).
- 9. Revises subparagraph C to allow a party to be added or removed by the filing of an amended form.
- 10. Adds subparagraph C (1) to require an amended form adding or removing a party to be timely filed and served.
- 11. Adds subparagraph C (2) to set the time period for a response to an amended form adding or removing a party if a hearing has been previously requested and to set the time period to hold a hearing or to allow a postponement.
- 12. Adds subparagraph C (3) to allow subsequent amendments adding or removing a party only with leave of the Commission and a showing of good cause.

The Notice of Drafting was published in the *State Register* on July 22, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at the South Carolina Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia, SC 29201 on November 21, 2022 at 10:30am. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be cancelled.

Written comments may be directed to Gary Cannon, Executive Director, South Carolina Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia, SC 29201 and may be submitted electronically to gcannon@wcc.sc.gov, no later than November 7, 2022.

Preliminary Fiscal Impact Statement: There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

Following input from stakeholders that regularly appear before the Commission, the Commission needs to amend regulation 67-610 to allow parties to more easily amend their pleadings to add or remove a necessary party. The title of the regulation needs to be amended to better reflect its scope and purpose. Subsection "A" provides clear instructions for litigants on how to amend a pleading generally. Subsection "B" provides specificity regarding the manner and timeframe in which a pleading can be amended. Subsection "C" addresses adding or removing a party

DESCRIPTION OF REGULATION:

Purpose: To allow for the amending of pleadings and adding or removing of a party.

Legal Authority: 1976 Code Section 42-3-30

Plan for Implementation: the revised regulations will take effect upon approval by the General Assembly and upon Publication in the State Register. The Commission will notify stakeholders of the revised regulation by posting notice on the Commission's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary to facilitate the addition and removal of parties to claims pending before the Commission and to decrease litigation costs for stakeholders.

DETERMINATION OF COSTS AND BENEFITS: No costs are expected to be incurred by the Commission or its stakeholders as a result of this change.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment of this state.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

Regulation 67-610 is being revised to streamline and clarify the existing process by which litigants before the Commission amend pleadings and add or remove parties to a claim.

Text:

67-610 Continuing Obligation to Update, Request for Hearing and Answer. <u>Amending Pleadings and</u> <u>Adding or Removing a Party.</u>

A. <u>Amendments Generally</u>: After a Request for Hearing and Answer Form 21, 50, 51, 52 or 53 are filed with the Commission, an "Amended" form Form 21, 50, 51, 52 or 53 must may be filed to indicate a change in the nature of the claim, responsible parties, or relief requested, or another defense subject to the limitations under R. 67-603. A party must indicate that a form has been amended by typing or printing the word "Amended" boldly across the top of the form and identify the amendment in the appropriate section of the form.

B. <u>Amending the Nature of the Claim or Relief Requested:</u> A party <u>may must</u> amend <u>a form Forms 21</u>, <u>50, or 52</u> once as a matter of course at any time before or within thirty days after it is served. indicating a change in the nature of the claim or relief requested no later than 15 days Otherwise a party may amend a form no later than ten days prior to the a hearing and only by leave of the Commissioner or by written consent of the adverse party. either by filing an amended form or by filing a Form 58 Pre-Hearing Brief according to R. 67-611. If no hearing has been scheduled, a party may amend Forms 21, 50 or 52 at any time.

(1) A party shall file and serve a <u>A</u>n amended form and move at the hearing to go forward on the issue(s), as amended. Type or print boldly across the top of the form the word "Amended". <u>must be timely filed and</u> served on all interested parties according to R. 67-211.

(2) Leave shall be freely given when justice so requires and does not prejudice any other party. If, after a hearing has been scheduled, a party makes an amendment to a pleading that materially changes the nature of the claim, a postponement may be granted to prepare and file responsive pleadings and to conduct additional discovery as permitted under R. 67-613(B).

(3) A party shall <u>may</u> plead in response to an <u>file subsequent</u> amended forms <u>Forms 21, 50, or 52</u> indicating a change in the nature of the claim or the relief requested upon discovery of the additional claim <u>or relief</u> within the <u>a reasonable time</u>. remaining for response to the original form or within ten days after service of the amended form, whichever period may be longer, unless the Commission otherwise orders.

(4) Attorneys for the parties shall serve the opposing party according to R.67-211.

(5) If the claimant is not represented by an attorney, the Commission will serve the employer's representative or attorney.

C. <u>Adding or Removing a Party:</u> An amended form must be timely filed and served. The Commissioner will determine at the hearing whether to allow <u>A</u> party to rely on new facts or defenses. <u>may be added or removed by amending a Form 21, 50 or Form 52</u>. A party may not be added or removed by filing a Form 58 Pre-Hearing Brief.

(1) An amended form must be timely filed and served on all interested parties according to R. 67-211.

(2) If a hearing has been requested, any party added to the claim shall have 30 days from the date of service of the amended form to file a response. The hearing will not be held less than 30 days from the date the added party files and serves a response. Thereafter, a postponement to file a response may be granted under R. 67-613(B) or a hearing may be held on the issues as amended at the commissioner's discretion.

(3) A party shall not file a second or subsequent Amended Form 50 or 52 adding or removing parties without a showing of good cause and upon leave of the Commission.

HISTORY: Amended by State Register Volume 16, Issue No. 4, eff April 24, 1992; State Register Volume 21, Issue No. 4, eff April 25, 1997.

State of South Carolina

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



TEL: (803) 737-5700 FAX: (803) 737-5764

Workers' Compensation Commission

TO: Gary Cannon

FROM: Bridget Ward

DATE: November 9, 2022

SUBJECT: Monthly Human Resources Report for November 2022 Business Meeting

This report summarizes Human Resources' activities from October 1, 2022, through October 31, 2022. At the end of October, the Commission had 48 full-time employees and two part-time employees.

• New Hires: None Separations or Retirements: None FMLA Leaves: None

HR processed 16 SCEIS personnel transactions and 32 SCEIS time/leave transactions in October, and the monthly detailed payroll and time/leave reports were run as scheduled. With the Collaborative effort of the Division of State Human Resources (DSHR) and the Comptroller General's (GS's) Office, all eligible FTE employees were set up to be paid their \$1,500 bonus which all received in a separate check on November 1. Detailed payroll and time/leave reports were run as scheduled. Information requested by SCHAC was provided, error/reconciliation reports sent from PEBA and the CG's office were reviewed, and employee records were updated as needed.

HR participated in a webinar hosted Department of Administration Training Department and attended one DSHR training and one Advisory meeting in person. The Commission hosted a Prisma Health Flu Shot Event attended by the SC Lottery and the Commission.

Fourteen "All Employee" emails were sent by HR during October, and eight travel reports were processed. HR received and reviewed 1,109 emails and sent 1,093 emails.

HR assisted departments with EPMS completion and processed all submitted EPMS - Universal reviews for existing FTE employees. HR also sent emails, distributed informational flyers, and helped employees throughout October during PEBA's open enrollment period.

There was one building issue and no parking issues in October. The building issue is presently ongoing, and two updates to the parking assignments were submitted.

There were no COVID cases in the month of October. HR will continue to obtain testing kits from DHEC to provide convenient free testing for all employees.

- October posting for positions to be filled: IMS Program Co I (Insurance Compliance Analyst) AH35
- Claims Insurance Analyst I AP01

1333 Main St, Suite 500 P.O. Box 1715 Columbia, S.C. 29202-1715



Tel: (803) 737-5700 Fax: (803) 737-1258 www.wcc.sc.gov

Workers' Compensation Commission

To: Gary Cannon, SCWCC Executive Director
From: Kris Pluss, IT Director
Date: November 11, 2022
Subject: IT Department October 2022 Full Commission Report

This report summarizes the activities and accomplishments for projects and initiatives in the IT department during October 2022.

I. Systems Operations, Maintenance and Support

EDI

WCC IT Staff is continuing to work with the ISO/Verisk to establish processes and an implementation plan for the EDI claims processing migration. We continue our participation in IAIABC conference calls for: Jurisdiction Only meetings, EDI Claims Committee and the POC 3.0 taskforce. Liz Schinke is the Project Lead for this work effort. Phase 1 is scheduled to be completed during the First Quarter of 2023.

Progress

WCC IT Staff had two virtual meetings with Progress Software Engineers. Several items were identified and added to the Plan of Action (POA) that were negatively impacting internal and external stakeholders. Server Maintenance was performed by Progress Technical Staff and WCC IT to address stability concerns that were causing the system to slow-down and time-out during standard usage.

Systems Support

The IT team continues to collectively manage all end user support for agency provided workstations, iPhones, and iPads. WCC IT contacted the Dept. of Administration's, Div. of Technology Operations to re-engage in a discussion about Mobile Device Management for agency provided iPads and iPhones.

Security

We had no security alerts in September.

Reporting

- 92 Service Desk tickets were received by WCC IT during October 2022.
- 83 Tickets were assigned a priority of Low / Medium.
- 9 Tickets were assigned a priority of High.
- 0 Ticket was assigned a priority of Urgent.

II. Projects, Enhancements and Development

Legacy Modernization

WCC IT met with SC.Gov / NIC to discuss the ePay Project (online payments) and clarify the scope for Phase 1. SC.Gov and WCC IT identified the first set of documents (ex. Form 50 with a Request for a Hearing) and related filing fee's that will be available for online submission and payment for external stakeholders. SC.Gov continues to create a "test environment" for internal stakeholders that will replicate the SC.Gov Portal for Payment Submission and Form uploads. Phase 1 is scheduled to be completed in the Second Quarter, 2023.

State of South Carolina



Workers' Compensation Commission

To:	Mr. Gary Cannon	From:	Wayne Ducote, Jr.	Date:	10-Nov-22
	SCWCC Executive Director		IMS Director		

Subj: Insurance and Medical Services Department October 2022 Full Commission Report

Please find attached information provided to summarize the status and workflow of initiatives currently underway within the Insurance and Medical Services (IMS) Department.

In addition to the statistical data provided, please be advised of the following:

Compliance Division	2.	Reviewing revenue metrics / projections. Working with staff to review workflow processes and additional training opportunities. Continuing to explore outreach opportunities with stakeholders.
Coverage Division		Working with staff to review workflow processes and explore opportunities to enhance service provision. Lapse in Coverage: 25 new registrants; 0 notifications sent.
Medical Services	1.	Five medical bill pricing reviews were done in the month of October

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.

IMS COMPLIANCE DIVISION

Employer Rule to Show Cause Hearings and Compliance Activity

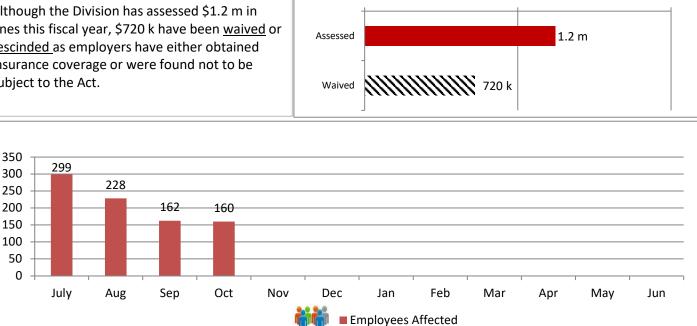
The Compliance Division docketed 3 new RTSC cases and 8 total RTSC cases in the month of October. And, compelled 14 South Carolina employers to come into compliance with the Act. Year to date, 3 new RTSC cases and 11 total RTSC cases have been docketed.

Employers Obtaining Coverage

Year to date, the Compliance Division has compelled 93 South Carolina employers to come into compliance with the Act. In so doing, approximately 849 previously uninsured workers are now properly covered.

Penalties Waived

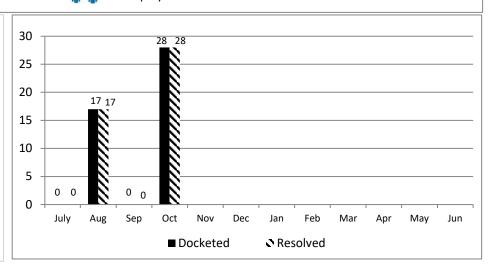
Although the Division has assessed \$1.2 m in fines this fiscal year, \$720 k have been waived or rescinded as employers have either obtained insurance coverage or were found not to be subject to the Act.



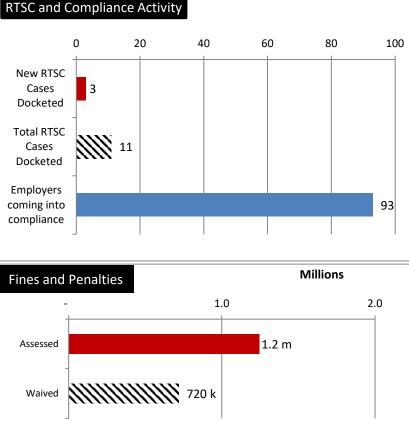
Carrier Rule to Show Cause Hearings

The Compliance Division manages the Rule to Show Cause process involving the recovery of outstanding carrier fines and penalties. In the month of October 2022, 28 carrier RTSC cases were docketed; 28 cases were resolved for a total of \$43,500.

Year to date, a total of 45 carrier RTSC cases have been docketed, 45 cases for a total of \$43,500 have been resolved.



October 2022



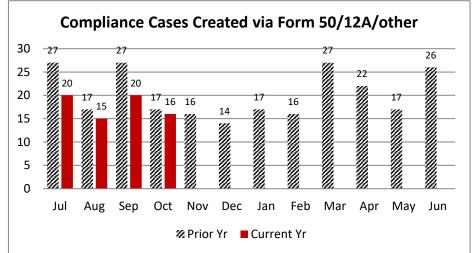
IMS COMPLIANCE DIVISION

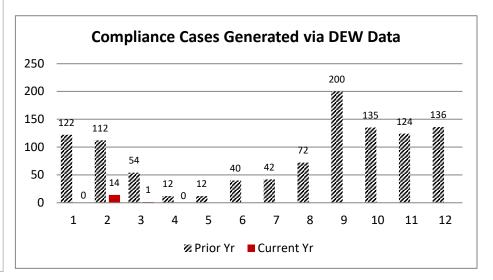
In October 2022, 16 compliance files were created from the combined filings of Form 50's, 12A's, and stakeholder reporting involving uninsured employers.

YTD vs. Prior Year total (243): 29%
Oct 2021 to Oct 2022: 94%
Current Yr End trend: 88% of 2021-2022
YTD 2022-2023 v. YTD 2021-2022: 81%

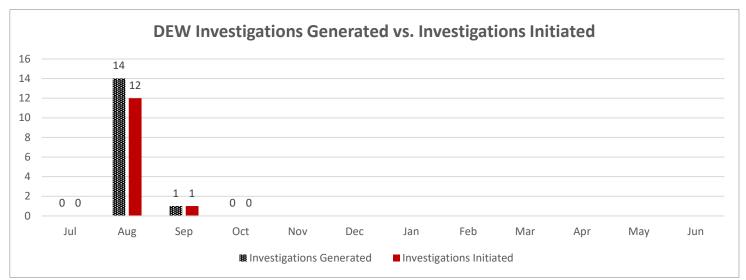
In October 2022, 0 compliance files were generated from the DEW data process.

YTD vs. Prior Year total (1,061): 1%
Oct 2021 to Oct 2022: 0%
Current Yr End trend: 4% of 2021-2022
YTD 2022-2023 v. YTD 2021-2022: 5%





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.



October 2022

IMS COMPLIANCE DIVISION

Carryover Caseload:

The Compliance Division closed October 2022 with 243 cases active, compared to an active caseload of 203 at the close of October 2021.

Cases Resolved:

For the month of October 2022, Compliance Division staff closed-out 58 cases.

Compliance Fines:

150,000

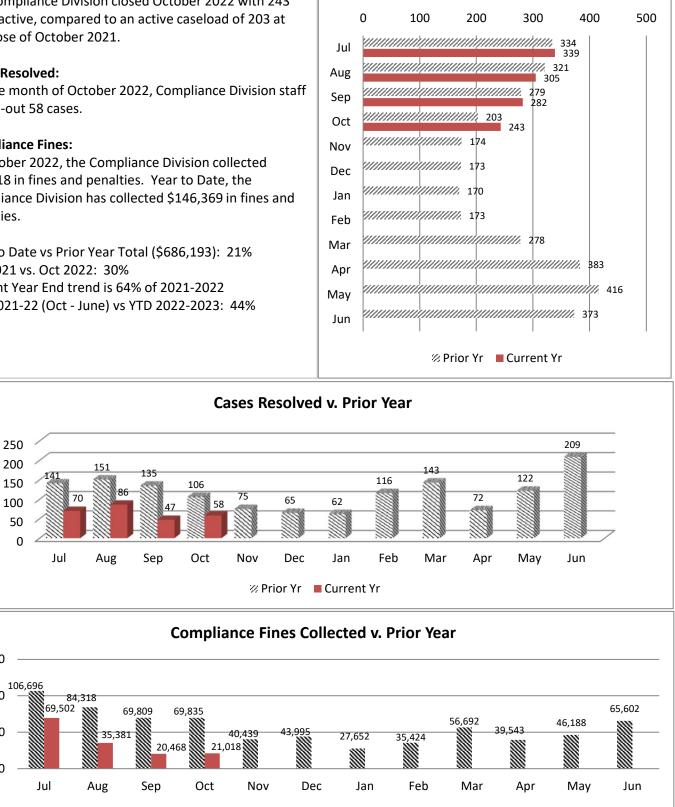
100,000

50,000

0

In October 2022, the Compliance Division collected \$21,018 in fines and penalties. Year to Date, the Compliance Division has collected \$146,369 in fines and penalties.

Year to Date vs Prior Year Total (\$686,193): 21% Oct 2021 vs. Oct 2022: 30% Current Year End trend is 64% of 2021-2022 YTD 2021-22 (Oct - June) vs YTD 2022-2023: 44%



Serior Yr ■ Current Yr

October 2022

Caseload Pending v. Prior Year

IMS COVERAGE DIVISION

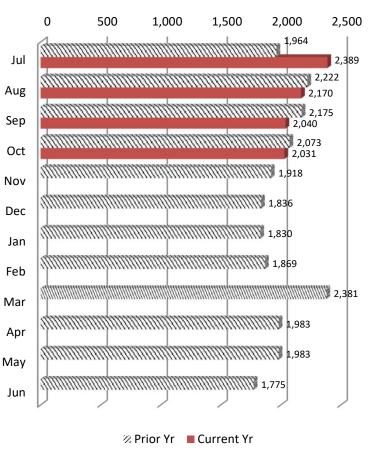
WCC Claim Files:

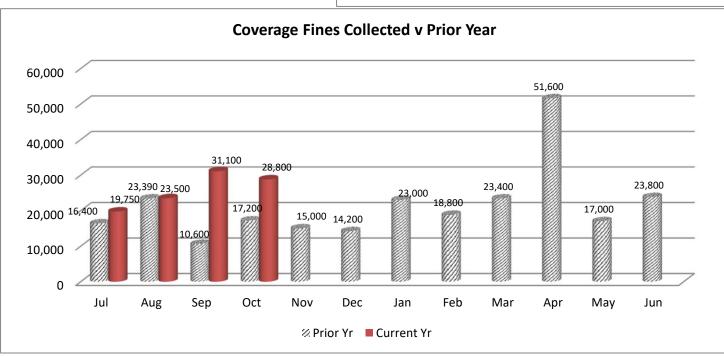
In October 2022, the Coverage Division received a total of 2,031 WCC Claim files. Of these, 1,752 were created through proper carrier filing of a 12A, and 279 were generated as a result of a Form 50 claim filing. Year to Date 8,630 Claim files have been created which is 36% of claim file volume prior year (24,009).

Coverage Fines:

The Coverage Division collected \$28,800 in fine revenue in October 2022, as compared to \$17,200 in Coverage fines/penalties accrued during October 2021. Year on Year, Coverage fines are at 41% of collections for prior year.

Claim Files Created vs Prior Year





IMS SELF INSURANCE DIVISION

October 2022

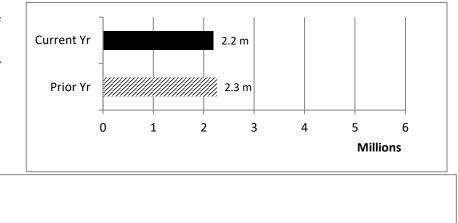
During the month of October 2022, the Self Insurance Division:

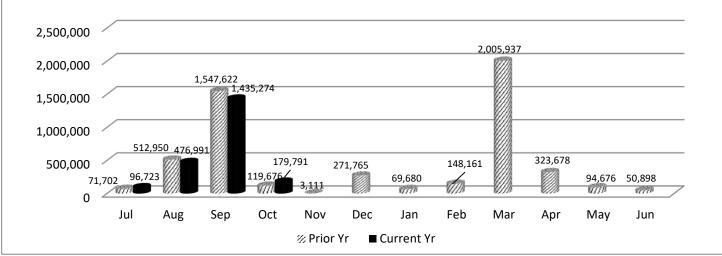
- * collected \$179,791 in self-insurance tax.
- * added 8 new self-insurers.
- * conducted 4 Self Insurance audits.

Year to Date, Self Insurance tax revenue is trending at 97% of prior year and 16 Self Insurance audits have been completed.

Self Insurance Tax Collections

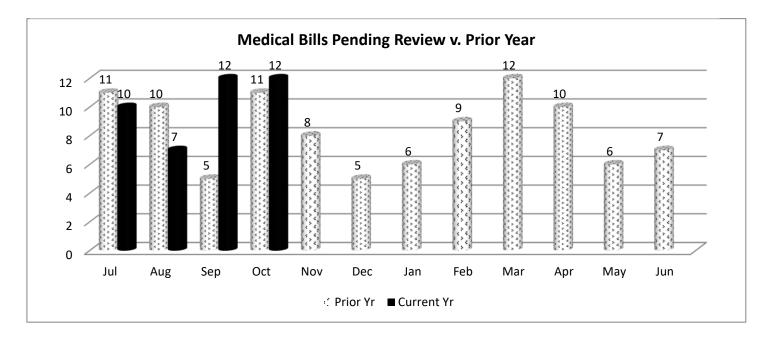
v. Prior Year





IMS MEDICAL SERVICES DIVISION

In October 2022, the Medical Services Division began the month with 12 bills pending review, received an additional 10 bills for review, conducted 10 bill reviews and ended the month with 12 bills pending.



State of South Carolina

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



TEL: (803) 737-5700 www.wcc.sc.gov

Workers' Compensation Commission MEMORANDUM

To: Gary Cannon, Executive Director

From: Sonji Spann, Claims Director

Date: November 21, 2022

Re: Claims Department November 2022 Full Commission Report

Attached is the Statistical Report for the Claims Department for the period July 1, 2022 - June 30, 2023, for the Business Meeting on November 21, 2022. Please note the format using row numbers and column letters for ease of use when referencing data.

Claims activities are in Column (a) with the totals for the first-month period for FY22-23 in column (o). Column (q) reflects the percentage change when comparing the totals for same period in the current fiscal at the totals for the same period in last fiscal year. The total Claims Activities, for this period have increase 3% when compared to the same period from last fiscal year.

The number of Total Fines assessed are up 18% compared to the same period last fiscal year and the Total Fines paid 17% higher when compared to the same period last year

I will be happy to answer any questions you or the Commissioners have.

	Claims Department Statistical Report													
			FY2022	2-2023	3									
		YTD: J	uly 1, 2022 -	October	31, 20	022								
Claims Activities	July	August	Sept	Oct	Nov	FY22-23 Total	FY21-22 Total	% Diff from prev year						
(a)	(b)	(c)	(d)	(e)	(f)	(o)	(p)	(q)						
Forms 15-I	1,041	1,220	1,075	1,160		4,496	4,410	2%						
Forms 15-II/Forms 17	826	989	891	1,017		3,723	3,853	-3%						
Forms 16 for PP/Disf	207	222	180	250		859	854	1%						
Forms 18	5,023	5,227	4,868	4,287		19,405	17,400	12%						
Forms 20	541	629	587	562		2,319	2,285	1%						
Form 50 Claims Only	311	269	284	295		1,159	1,134	2%						
Form 61	602	781	617	715		2,715	2,570	6%						
Letters of Rep	195	152	197	189		733	929	-21%						
Clinchers	701	907	659	931		3,198	3,179	1%						
Third Party Settlements	27	30	18	36		111	74	50%						
SSA Requests for Info	23	43	25	26		117	190	-38%						
Cases Closed	2,056	2,389	1,821	2,122		8,388	8,672	-3%						
Cases Reviewed	3,290	3,089	2,103	2,969		11,451	11,546	-1%						
Total	14,843	15,947	13,325	14,559	-	58,674	57,096	3%						
						-								
Total Fines Assessed	505	222	221	282		1,230	1,040	18%						
Form 18 Fines	331	220	220	276		1,047	1,047	0%						
Total Amt Paid	\$63,200	\$59,450	\$56,800	\$45,750		\$ 225,200	\$ 192,300	17%						



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

Workers' Compensation Commission

November 8, 2022

To: Gary Cannon Executive Director

From: Amy A. Bracy Judicial Director

RE: Monthly Judicial Report for October 2022

During the month of October, the Judicial Department processed eight hundred fiftythree (853) requests for hearings (claimant and defense pleadings). Comparing the numbers from the same period last year, claimant pleadings are up 12% and defense pleadings experienced an 14% decrease. The department received one hundred eleven (111) Motions, a 4% decrease compared to the same period last year and one hundred twenty-five (125) clincher conference requests, down 3% compared to last year.

There were sixty-seven (67) Single Commissioner Hearings conducted during the past month, nineteen (19) pre-hearing conferences held, and nine (9) Full Commission hearings held. A total of five hundred five (505) Orders (Single Commissioner Orders, Consent Orders and Administrative Orders) were served at the single Commissioner level, forty (40) of those were Decision and Orders that resulted from hearings that went on the record and one hundred fifty-nine (159) were Motion Orders that were a result of Motions ruled upon by Commissioners.

There were two hundred thirty-four (234) Informal Conferences requested during October and two hundred twenty-seven (227) were conducted.

There were thirty-four (34) regulatory mediations scheduled and fifty-three (53) requested mediations. Totals are up 22% and down 6% in the respective categories for the same period last year. The Judicial Department was notified of forty-nine (49) matters resolved in mediation, with the receipt of Forms 70. This category's total is down 15% compared to the same period last year. This does not include mediations that take place outside of what is reported to the Commission.

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

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

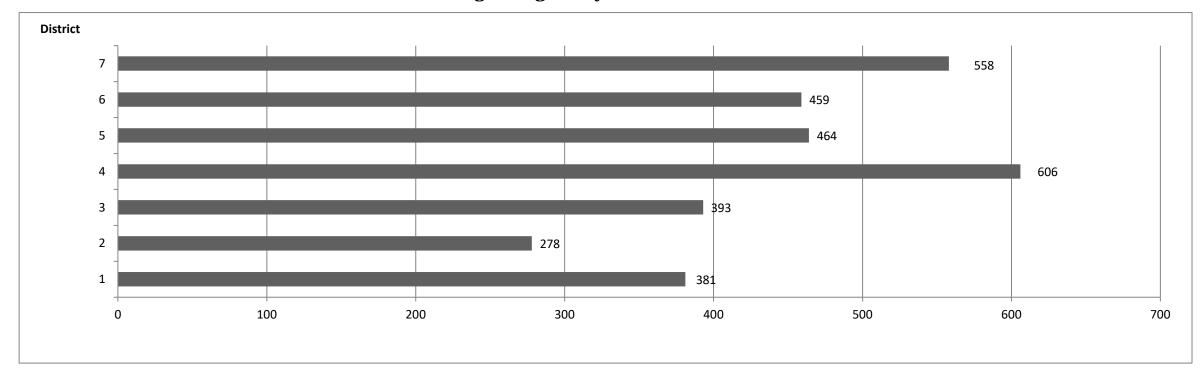
Judicial Department Statistical Report Statistics For Fiscal Year 2022-2023

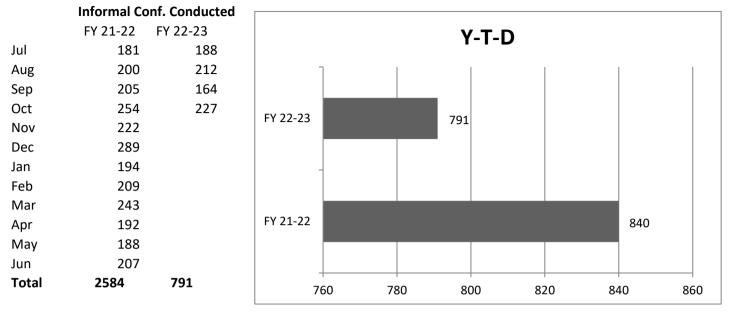
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						Totals YTD	Totals YTD	% Diff from	YTD Diff +	FY22-23	FY21-22
	July	Aug	Sept	Oct	Nov	2022-2023		prev year	(-)	Mth Avg	Mth Avg
Claimant Pleadings	612	586	510	590		2,298	2052	12%	246	575	513
Defense Response to Pleadings	474	495	439	397		1,805	1657	9%	148	451	414
Defense Pleadings	223	301	200	263		987	1148	-14%	(161)	247	287
Motions	104	130	112	111		457	476	-4%	(19)	114	119
Form 30	11	7	9	5		32	50	-36%	(18)	8	13
FC Hearings Held	4	8	10	9		31	30	3%	1	8	8
FC Orders Served	8	6	11	9		34	47	-28%	(13)	9	12
Single Comm. Hearings Held	31	52	57	67		207	220	-6%	(13)	52	55
Single Comm. Orders Served	160	182	183	216		741	762	-3%	(21)	185	191
Single Comm. Pre-Hearing Conf Held	20	31	6	19		76	64	19%	12	19	16
Consent Orders	261	230	318	281		1,090	914	19%	176	273	229
Adminstrative Orders	2	23	15	8		48	56	-14%	(8)	12	14
Clincher Conference Requested	122	149	144	125		540	557	-3%	(17)	135	139
Informal Conference Requested	222	267	242	234		965	1027	-6%	(62)	241	257
Informal Conference Conducted	188	212	164	227		791	840	-6%	(49)	198	210
Regulatory Mediations	27	39	29	34		129	106	22%	23	32	27
Requested Mediations	47	67	55	53		222	237	-6%	(15)	56	59
Ordered Mediations	1	0	0	0		1	0	100%	1	0	0
Mediation Resolved	39	60	33	49		181	213	-15%	(32)	45	53
Mediation Impasse	8	12	8	11		39	66	-41%	(27)	10	17
Mediation Held; Issues Pending	0	0	2	0		2	4	0%	(2)	1	1
Claim Settled Prior to Mediation	6	9	10	12		37	44	-16%	(7)	9	11
Mediation Not Complete in 60 days	2	6	3	2		13	8	63%	5	3	2

	District 1			District 1 District 2					District 3			District 4			District 5			District 6			District 7		
	Greenville			Anderson			Orangeburg			Charleston			Florence			Spartanburg			Richland				
	22-23	21-22	20-21	22-23	21-22	20-21	22-23	21-22	20-21	22-23	21-22	20-21	22-23	21-22	20-21	22-23	21-22	20-21	22-23	21-22	20-21		
Jul	105	112	120	81	87	81	112	72	85	150	166	151	111	109	126	135	122	112	142	156	154		
Aug	105	93	88	70	67	73	86	101	105	172	174	142	118	112	125	124	101	95	155	134	133		
Sep	93	109	87	68	77	70	98	96	107	144	158	162	121	143	128	104	112	113	135	143	169		
Oct	78	89	93	59	73	81	97	103	125	140	152	175	114	110	115	96	95	104	126	130	159		
Nov		96	92		66	88		95	100		144	176		112	96		84	104		116	134		
Dec		104	90		80	68		100	115		156	168		123	132		108	96		131	141		
Jan		85	79		54	56		84	96		167	172		129	110		91	88		118	124		
Feb		93	84		75	88		87	86		170	133		105	101		108	93		145	118		
Mar		108	125		87	93		84	118		186	201		149	132		130	106		166	164		
Apr		106	94		75	63		82	100		181	138		120	112		127	106		164	134		
May		82	90		69	69		81	85		149	134		130	110		103	98		136	126		
Jun		122	95		74	74		100	98		161	164		152	117		111	103		147	134		
Totals	381	1199	1137	278	884	904	393	1085	1220	606	1964	1916	464	1494	1404	459	1292	1218	558	1686	1690		

Pleadings Assigned - Three Year Comparison by Month

Pleadings Assigned by District Year to Date



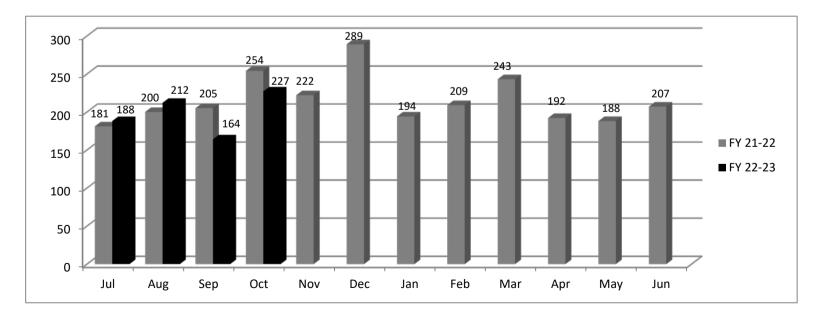


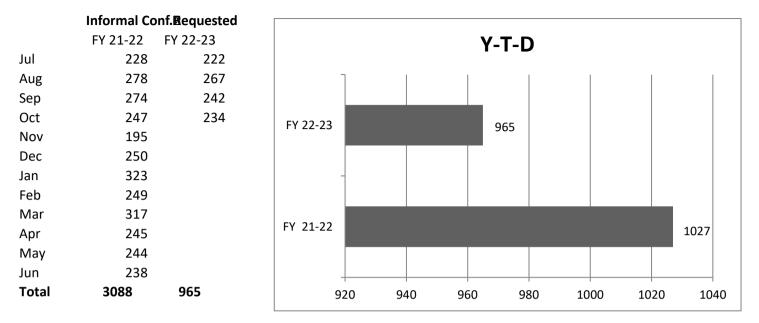
FY 21-22 FY 22-23

840

Y-T-D

791



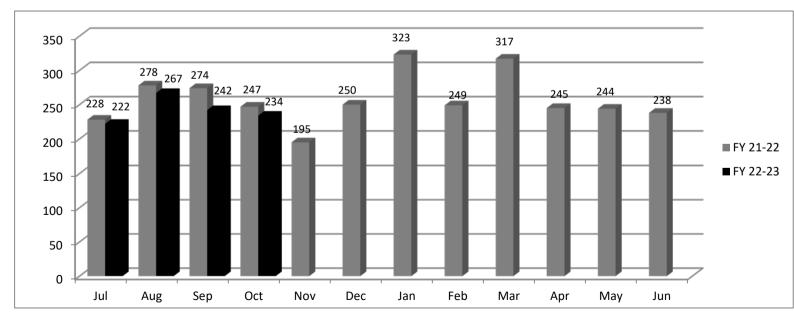


FY 21-22 FY 22-23

Y-T-D

1027

965



No report submitted at the time of publication

State of South Carolina



Workers' Compensation Commission

Executive Director's Report November 21, 2022

Meetings/Activities

During the month of October the Executive Director participated in the following meetings and work related activities: Participated in 5 staff meetings on various staff issues; two meetings with Chairman Beck; participated in a panel discussion for the Certified Public Manager program; presented to a meeting of clients of the MGC law firm in Greenville, SC; telephone call with Senate staff member to the Senate Judiciary Committee; attended two litigation status meetings; two employee lunches; and presented to 20 WCC employees at a "lunch and learn" session.

Constituent / Public Information Services

For the month of October, the Executive Director's and the General Counsel's offices had 114 contacts with stakeholders.

Financial Transactions Activity

During the month of October, the Director's office processed and approved (15) 30 travel expense reports, 132 (66) invoices, and 26 (13) deposits for DOA to process in the SCIES system.

SCWCC Stakeholder Electronic Distribution List

For the month of October, the Office had two (2) additions to the email distribution list and four (4) deletions.

Advisory Notices

During the month of October, the office posted one (1) notice on the Commission's website and emailed it to the distribution list.

TAB 11

State of South Carolina

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



TEL: (803) 737-5700 www.wcc.sc.gov

Workers' Compensation Commission

MEMORANUM

TO: COMMISSIONERS

FROM: Gary Cannon Executive Director

DATE: November 21, 2022

RE: FINANCIAL REPORT – FY Period ending October 31, 2022

Attached is the Budget vs. Actual Report for the General Fund and Earmarked Fund for the fiscal year period ending October 31, 2022. The benchmark for this period is 33%.

Expenditures

The expenditures for the General Fund are on pages 1-2 of the attached report "Budget vs. Actual Report FY2022. The year-to-day expenditures in the General Fund (10010000) for this period is \$925,193 which is 32% of the budget. Page 3 and 4 reflects the balances of funds appropriated by the General Assembly for the IT System Modernization Project.

The Earmarked Fund (38440000) financials begin on page 5 with the total expenditures found on page 9. The total expenditures for this period are \$1,235,295 which is 22% of budget.

<u>Revenues</u>

The Commission received \$765,714 in Earmarked Fund operating revenues for this period, which is 24% of the amount budgeted for the year.

Self-Insurance Tax Funds

To date we have received \$ 629,463 of Self-Insurance Tax funds.

Fund 10010000 - GENERAL FUND - Operating Items

Administration

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501015	DIRECTOR	146,418	48,806	33%		97,612
501058	CLASSIFIED POS		11,375			-11,375
501070	OTH PERS SVC	1,500	5,820	388%		-4,320
512001	OTHER OPERATING	216,035				
5050010000	IN ST-MEALS-NON-REP		230			
5050020000	IN ST-LODGING		1,421			
5050041000	HR-IN ST-AUTO MILES		729			
5050060000	IN ST-MISC TR EXP		196			
	Total OTHER OPERATING:	216,035	2,576	1%	0	213,459
Total Admin	istration:	363,953	68,577	19%	0	295,376

Claims

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	85,056	28,352	33%		56,704
501070	OTH PERS SVC	1,500				1,500
Total Claims	:	86,556	28,352	33%	0	58,204

Commissioners

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501026	CHAIRMAN	177,426	59,142	33%		118,284
501033	COMMISSIONER	1,033,541	374,979	36%	0	658,562
501050	TAXABLE SUBS	56,950	20,771	36%		36,179
501058	CLASSIFIED POS	373,421	119,678	32%		253,743
501070	OTH PERS SVC	18,000	1,207	7%		16,793
Total Comm	issioners:	1,659,338	575,777	35%	0	1,083,561

Fund 10010000 - GENERAL FUND - Operating Items

Insurance & Medical

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	32,306	6,730	21%		25,576
Total Insura	nce & Medical:	32,306	6,730	21%		25,576

Judicial

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
512001	OTHER OPERATING	31,158				
	Total OTHER OPERATING:	31,158				31,158
Total Judicia	al:	31,158				31,158

Employer Contributions

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
513000	EMPLOYER CONTRIB	703,431	245,757	35%		457,674
Total Employ	yer Contributions:	703,431	245,757	35%		457,674
Total GEN	ERAL FUND - Operating Items:	2,876,742	925,193	32%	0	1,951,549

Fund 10010000 - GENERAL FUND - Special Items

IT System Project

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
561000	Special Item	1,695,084				1,695,084
Total IT Syst	tem Project:	1,695,084				1,695,084

Total GENERAL FUND - Special Items: 1	,695,084	1,695,084
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Fund 10050023 - GF-NONRECUR APROP-23 - Special Items

IT System Project

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
561000	Special Item	5,000,000				5,000,000
Total IT Syst	em Project:	5,000,000				5,000,000
		-,,				-,,

Total GF-NONRECUR APROP-23 - Special	5,000,000		5,000,000
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Fund 38440000 - EARMARKED FUND

Administration

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	791,985	68,543	9%		723,442
501070	OTH PERS SVC	41,000				41,000
512001	OTHER OPERATING	2,281,948				
5020077100	SERVICES- APP SUP		6,825		38,175	
5020077240	DP SERVICES – STATE		60,627			
5020080000	FREIGHT EXPRESS DELV		8			
5021010003	LEGAL SRV-TRANSCRIPT		548			
5021010004	LEGAL SRV-WITNESS FE		22,344			
5021020000	ATTORNEY FEES		113			
5021450000	MOTOR VEHICLE SVCS		18			
5021479202	CARPET MAINTENANCE		2,000			
5021490000	AUDIT ACCT FINANCE		118			
5021540001	PROF SRV-LANG INTER		44			
5021570000	CONTRACTUAL SERVICES		7			
5024990000	OTH CNT-NON-IT & REA		3,000			
5030010000	OFFICE SUPPLIES		1,134			
5030010004	SUBSCRIPTIONS		1,668		8,200	
5030030000	PRINTED ITEMS		340			
5030067101	PRGM LIC - APP SUPP		9,718		30,566	
5030067110	EQUIP&SUPP- DATA NET		30			
5030067170	EQUIP&SUPP- PRINT EU		109		1,080	
5030070000	POSTAGE		193			
5031479203	JANITORIAL SUPPLIES		477			
5033030000	PROMOTIONAL SUPPLIES		24			
5033140002	CREDENTIAL SUPPLIES		30			
5040060000	ST RENT-NON ST BLDG				6,087	
5040070000	RENT-ST OWN RL PROP		120			
5040490003	RENT PO BOX		1,646			
5040490009	RENT PARKING		6,625		14,605	
5041010000	DUES & MEMBER FEES		420			
5041020000	FEES AND FINES		130			
5041840000	LEASE BLDG PRINCIPAL		168,384		209,147	

Fund 38440000 - EARMARKED FUND

5041850000	LEASE BLDG INTEREST		4,376		5,555	
5050010000	IN ST-MEALS-NON-REP		185		124	
5050020000	IN ST-LODGING		1,085			
5050041000	HR-IN ST-AUTO MILES		1,071		199	
5050060000	IN ST-MISC TR EXP		144			
5050510000	OUT ST-MEALS-NON-REP		220			
5050570000	TRNG-OUT-ST REG FEE		2,625			
5051520000	REPORTABLE MEALS		10			
5051540000	LEASED CAR-ST OWNED		9,729			
	Total OTHER OPERATING:	2,281,948	306,145	13%	313,736	1,662,067
Total Admini	stration:	3,114,933	374,688	12%	313,736	2,426,509

Inform. services

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS		111,185			-111,185
5020077100	SERVICES- APP SUP		825		72,117	
5020077220	SERVICES- VOICENET		5,824		20,315	
5021469316	SECURITY ALARM SRVC		2,713			
5030067130	EQUIP&SUPP-EUC		16,345			
5030067170	EQUIP&SUPP- PRINT EU				3,660	
5040057000	CONTINGNT RENT - IT		891			
5050020000	IN ST-LODGING				504	
5050041000	HR-IN ST-AUTO MILES				233	
	Total OTHER OPERATING:		26,597		96,829	-123,426
Total Inform	. services:		137,782		96,829	-234,611

Litigation - it proj

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
512001	OTHER OPERATING	35,000				
	Total OTHER OPERATING:	35,000				35,000
Total Litigation - it proj:		35,000				35,000

Fund 38440000 - EARMARKED FUND

Claims

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	280,850	71,938	26%		208,912
512001	OTHER OPERATING	19,700				
5050020000	IN ST-LODGING		504			
5050041000	HR-IN ST-AUTO MILES		196			
	Total OTHER OPERATING:	19,700	701	4%	0	18,999
Total Claims	:	300,550	72,639	24%	0	227,911

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				
5020120000	CELLULAR PHONE SVCS		9,973			
5021010003	LEGAL SRV-TRANSCRIPT		1,133			
5021010005	LEGAL SRV-REPORTER		36,383			
5050010000	IN ST-MEALS-NON-REP		1,195		251	
5050020000	IN ST-LODGING		4,785		1,513	
5050031000	HR-IN ST-AIR TRANS		197			
5050041000	HR-IN ST-AUTO MILES		10,564		715	
5050060000	IN ST-MISC TR EXP		663			
5050080000	IN ST-SUBSIST ALLOW		1,600			
	Total OTHER OPERATING:	230,700	66,491	29%	2,479	161,730
Total Comm	issioners:	300,700	66,491	22%	2,479	231,730

Fund 38440000 - EARMARKED FUND

Insurance & Medical

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	459,463	134,686	29%		324,777
501070	OTH PERS SVC	22,881	805	4%		22,076
512001	OTHER OPERATING	54,500				
5020080000	FREIGHT EXPRESS DELV		137			
5021540000	NON-IT OTHER PRO SRV		520			
5024990000	OTH CNT-NON-IT & REA		160			
5050010000	IN ST-MEALS-NON-REP		706			
5050020000	IN ST-LODGING		3,723		504	
5050031000	HR-IN ST-AIR TRANS		1,533			
5050041000	HR-IN ST-AUTO MILES		757		198	
5050050000	IN ST-OTHER TRANS		618			
5050060000	IN ST-MISC TR EXP		400			
5050570000	TRNG-OUT-ST REG FEE		45			
	Total OTHER OPERATING:	54,500	8,598	16%	702	45,200
Total Insura	nce & Medical:	536,844	144,089	27%	702	392,053

Fund 38440000 - EARMARKED FUND

Judicial

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
501058	CLASSIFIED POS	500,000	163,188	33%		336,812
501070	OTH PERS SVC	75,000	12,572	17%		62,428
512001	OTHER OPERATING	25,000				
5020010000	OFFICE EQUIP SERVICE		1,719			
5021020000	ATTORNEY FEES		-36			
5030070000	POSTAGE		8,000			
5040490008	RENT POSTAGE EQUIP		575			
5050010000	IN ST-MEALS-NON-REP		81			
5050020000	IN ST-LODGING		504			
5050041000	HR-IN ST-AUTO MILES		216			
5050570000	TRNG-OUT-ST REG FEE		45			
	Total OTHER OPERATING:	25,000	11,105	44%	0	13,896
Total Judicia	d:	600,000	186,865	31%	0	413,135

Employer Contributions

Commitment Item	Commitment Item Description	Current Budget	YTD Expenditures	% Used	Commitments	Remaining Balance
513000	EMPLOYER CONTRIB	719,818	252,741	35%	0	467,077
Total Employer Contributions:		719,818	252,741	35%	0	467,077
Total EAR	MARKED FUND:	5,607,845	1,235,295	22%	413,746	3,958,805

South Carolina Workers' Compensation Commission Commitments FY 2023 As of 10/31/2022

Fund 38440000 - EARMARKED FUND

Administration

Commitment Item	Commitment Item Description	Vendor	Commitment
5020077100	SERVICES- APP SUP	PROGRESS SOFTWARE CORP	38,175
5030010004	SUBSCRIPTIONS	WEST PUBLISHING CORPORATION	8,200
5030067101	PRGM LIC - APP SUPP	WEST PUBLISHING CORPORATION	30,566
5030067170	EQUIP&SUPP- PRINT EU	FORMS & SUPPLY INC	1,080
5040060000	ST RENT-NON ST BLDG	GALIUM 1333 MAIN LLC	6,087
5040490009	RENT PARKING	REPUBLIC PARKING SYSTEM INC	14,605
5041840000	LEASE BLDG PRINCIPAL	GALIUM 1333 MAIN LLC	209,147
5041850000	LEASE BLDG INTEREST	GALIUM 1333 MAIN LLC	5,555
Total Adminis	tration:		313,413

Inform. services

Commitment Item	Commitment Item Description	Vendor	Commitment
5020077100	SERVICES- APP SUP	INSURANCE SERVICES OFFICE INC	62,640
5020077100	SERVICES- APP SUP	PROGRESS SOFTWARE CORP	9,477
5020077220	SERVICES- VOICENET	NWN CORPORATION	20,315
5030067170	EQUIP&SUPP- PRINT EU	US INK AND TONER INC	3,660
Total Inform. s	ervices:		96,092

Total EARMARKED FUND:	409,505
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South Carolina Workers' Compensation Commission Earmarked Fund Revenues FY 2023 As of 10/31/2022 33% of year elapsed

Account	Acct No.	Budget	YTD Actual Revenue	% of Budget
WORKERS' COMPENSATION HEARING FEE	4110090000	1,091,322	291,295	27%
WORKERS COMP SELF INSURANCE APPLIC	4160040000	26,555	725	3%
WORKERS COMPENSATION FILING VIOLATIO	4223030000	1,985,476	449,851	23%
PARKING FEE	4350040000	5,900	1,820	31%
WORKERS COMPENSATION AWARD REVIEW	4350140000	32,251	3,750	12%
PHOTOCOPYING FEE	4380050000	25,300	17,843	71%
SALE OF LISTINGS & LABELS	4480060000	4,187	150	4%
REFUND PRIOR YR EXPENDITURE	4520010000			
RETURNED CHECKS	4530010000		(20)	
ADJUSTMENT TO AGENCY DEPOSITS	4530020000			
MISCELLANEOUS REVENUE	4530030000		300	
Total Revenues		3,170,991	765,714	24%
Self Insurance Tax		2,500,000	629,463	25%

Total	5,670,991	1,395,177	25%