

## Session 116 - (2005-2006)

**S 1035 General Bill, By Richardson, Ritchie, Cleary, Bryant, Scott, Elliott, Peeler, Verdin, Fair, Leatherman, Ryberg, Mescher, O'Dell, J.V. Smith, Martin, Reese and Alexander**

**Similar (H 4427)**

**Summary:** Workers' compensation

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 42-1-180 SO AS TO DEFINE "PROFESSIONAL SPORTS TEAM PLAYER" FOR PURPOSES OF THE SOUTH CAROLINA WORKERS' COMPENSATION LAW; BY ADDING 42-1-378 SO AS TO ELIMINATE CONCURRENT JURISDICTION BETWEEN THE SOUTH CAROLINA WORKERS' COMPENSATION ACT AND THE FEDERAL EMPLOYERS' LIABILITY ACT, THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, OR ANY OF ITS EXTENSIONS, AND THE JONES ACT; BY ADDING SECTION 42-7-315 SO AS TO PROVIDE FOR THE ORDERLY DISSOLUTION OF THE SECOND INJURY FUND AND TO PROVIDE FOR SUBSEQUENT ACTIONS TO BE TAKEN BY THE BUDGET AND CONTROL BOARD RELATING TO THE WINDING DOWN OF OPERATIONS OF THE FUND; BY ADDING SECTION 42-15-85 SO AS TO PROVIDE THAT THE BURDEN OF PROOF IS ON THE EMPLOYEE, AND TO PROVIDE HOW CAUSATION IN MEDICALLY COMPLEX WORKERS' COMPENSATION CASES MUST BE PROVEN, TO PROVIDE AN EXCEPTION, AND TO DEFINE "EXPERT WITNESS" FOR PURPOSES OF THIS SECTION; BY AMENDING SECTION 38-55-530, AS AMENDED, RELATING TO DEFINITIONS AS USED IN OMNIBUS INSURANCE FRAUD AND REPORTING IMMUNITY ACT, SO AS TO FURTHER DEFINE "FALSE STATEMENT AND MISREPRESENTATION"; BY AMENDING SECTION 38-55-540, RELATING TO CRIMINAL PENALTIES FOR MAKING FALSE STATEMENTS OR MISREPRESENTATIONS, SO AS TO PROVIDE REVISED CRIMINAL PENALTIES FOR MAKING FALSE STATEMENTS OR MISREPRESENTATIONS IN CONNECTION WITH AN INSURANCE TRANSACTION; BY AMENDING SECTION 38-55-560, RELATING TO THE INSURANCE FRAUD DIVISION BY THE OFFICE OF THE ATTORNEY GENERAL, SO AS TO AUTHORIZE THE ATTORNEY GENERAL TO HIRE A FORENSIC ACCOUNTANT; BY AMENDING SECTION 42-1-160, AS AMENDED, RELATING TO THE DEFINITIONS OF "INJURY" AND "PERSONAL INJURY", SO AS TO FURTHER DEFINE THESE TERMS; BY AMENDING SECTION 42-1-360, RELATING TO EXEMPTION OF CASUAL EMPLOYEES AND CERTAIN OTHER EMPLOYMENTS FROM THE SOUTH CAROLINA WORKERS' COMPENSATION LAW, SO AS TO INCLUDE "PROFESSIONAL SPORTS TEAM PLAYER" IN THE EXEMPTION; BY AMENDING SECTION 42-3-20, RELATING TO THE MEMBERSHIP, TERMS OF OFFICE, VACANCIES, AND DUTIES OF THE WORKERS' COMPENSATION COMMISSION, SO AS TO INCREASE THE COMMISSION'S MEMBERSHIP AND REVISE THE PROCEDURE FOR HEARING CONTESTED CASES; BY AMENDING SECTION 42-9-30, AS AMENDED, RELATING TO THE AMOUNT OF COMPENSATION AND THE PERIOD OF DISABILITY FOR CERTAIN INJURIES, SO AS TO PROVIDE FOR THE DEFINITION OF "PERMANENT MEDICAL IMPAIRMENT"; BY AMENDING SECTION 42-9-60, RELATING TO COMPENSATION THAT IS NOT ALLOWED WHEN INJURY OR DEATH IS CAUSED BY INTOXICATION OR WILFUL INTENTION OF EMPLOYEE, SO AS TO EXCLUDE FROM COVERAGE INJURIES CAUSED BY THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS; BY AMENDING SECTION 42-9-360, AS AMENDED, RELATING TO THE ASSIGNMENTS OF COMPENSATION AND THE EXEMPTIONS FROM CLAIMS OF CREDITORS AND TAXES, SO AS TO MAKE CLAIMS FOR COMPENSATION NOT SUBJECT TO ASSIGNMENT; BY AMENDING SECTION 42-11-10, RELATING TO THE DEFINITION OF "OCCUPATIONAL DISEASE", SO AS TO FURTHER DEFINE THIS TERM; BY AMENDING SECTION 42-15-60, RELATING TO MEDICAL TREATMENT AND SUPPLIES BEING FURNISHED AND AN EMPLOYEE'S REFUSAL TO ACCEPT TREATMENT, SO AS TO PROVIDE FOR THE TERMINATION OF THE EMPLOYER'S OBLIGATION TO PROVIDE MEDICAL BENEFITS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 42-15-80, RELATING TO PRIVILEGED INFORMATION COMMUNICATED AT EMPLOYEE EXAMINATIONS, SO AS TO PROVIDE THAT A PHYSICIAN, SURGEON, OR OTHER HEALTH CARE PROVIDER, WITHOUT THE PERMISSION OF THE EMPLOYEE, MAY DISCUSS AND COMMUNICATE AN EMPLOYEE'S MEDICAL HISTORY, DIAGNOSIS, CAUSATION, COURSE OF TREATMENT, PROGNOSIS, WORK RESTRICTIONS, AND IMPAIRMENTS WITH THE REPRESENTATIVE OF THE INSURANCE CARRIER, THE EMPLOYER, THE EMPLOYEE, THEIR ATTORNEY, THE REHABILITATION PROFESSIONAL, OR THE COMMISSION; BY AMENDING SECTION 42-15-90, RELATING TO FEES OF ATTORNEYS AND PHYSICIANS AND HOSPITAL CHARGES APPROVED BY THE COMMISSION, SO AS TO PROVIDE FOR THE ATTORNEY'S FEES FOR REPRESENTING AN EMPLOYEE BEFORE THE COMMISSION; BY AMENDING SECTION 42-15-95, AS AMENDED, RELATING TO WORKERS' COMPENSATION CLAIMS AND THE DISCLOSURE OF INFORMATION BY HEALTH CARE PROVIDERS, SO AS TO DEFINE "MEDICAL AND VOCATIONAL INFORMATION", TO PROVIDE THAT ALL MEDICAL AND VOCATIONAL INFORMATION INSTEAD OF ALL INFORMATION COMPILED BY A HEALTH CARE FACILITY OR PROVIDER BE PROVIDED WITHIN A CERTAIN TIME, AND TO PROVIDE THAT THE MANNER OF COMMUNICATION BETWEEN THE HEALTH CARE PROVIDER AND THE EMPLOYER IS NOT LIMITED IF

THE INFORMATION IS RELATED TO A WORKERS' COMPENSATION CLAIM; AND BY AMENDING SECTION 42-17-90, RELATING TO THE REVIEW OF AN AWARD ON CHANGE OF A CONDITION, SO AS TO PROVIDE THAT IN OCCUPATIONAL DISEASE CASES, A REVIEW MUST NOT BE MADE AFTER TWELVE MONTHS FROM THE DATE OF THE LAST PAYMENT OF BENEFITS.

**01/11/06 Senate Introduced and read first time SJ-9**

**01/11/06 Senate Referred to Committee on Judiciary SJ-9**

**02/28/06 Senate Referred to Subcommittee: Martin (ch), Ford, Rankin, Elliott, Hutto, Ritchie, Bryant, Lourie**