**South Carolina General Assembly**

119th Session, 2011-2012

**A183, R228, H3111**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Young, Sandifer, Hayes and D.C. Moss

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Introduced in the House on January 11, 2011

Introduced in the Senate on May 11, 2011

Last Amended on May 29, 2012

Passed by the General Assembly on May 31, 2012

Governor's Action: June 7, 2012, Signed

Summary: Workers' compensation policies

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/7/2010 House Prefiled

 12/7/2010 House Referred to Committee on **Labor, Commerce and Industry**

 1/11/2011 House Introduced and read first time ([House Journal‑page 49](file:///h%3A%5Chj%20archive%5C2011%5C01-11-11.docx))

 1/11/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 49](file:///h%3A%5Chj%20archive%5C2011%5C01-11-11.docx))

 2/16/2011 House Member(s) request name added as sponsor: Sandifer

 3/3/2011 House Member(s) request name added as sponsor: Hayes, D.C.Moss

 4/13/2011 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 2](file:///h%3A%5Chj%20archive%5C2011%5C04-13-11.docx))

 4/14/2011 House Requests for debate‑Rep(s). White, Young, Hiott, Skelton, Gambrell, Taylor, Owens, Bedingfield, Patrick, Cole, Brady, and Crosby ([House Journal‑page 18](file:///h%3A%5Chj%20archive%5C2011%5C04-14-11.docx))

 4/14/2011 Scrivener's error corrected

 4/28/2011 House Debate adjourned until Tuesday, May 3, 2011 ([House Journal‑page 72](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 5/4/2011 House Amended ([House Journal‑page 51](file:///h%3A%5Chj%20archive%5C2011%5C05-04-11.docx))

 5/4/2011 House Read second time ([House Journal‑page 51](file:///h%3A%5Chj%20archive%5C2011%5C05-04-11.docx))

 5/4/2011 House Roll call Yeas‑102 Nays‑1 ([House Journal‑page 51](file:///h%3A%5Chj%20archive%5C2011%5C05-04-11.docx))

 5/5/2011 House Read third time and sent to Senate ([House Journal‑page 24](file:///h%3A%5Chj%20archive%5C2011%5C05-05-11.docx))

 5/5/2011 Scrivener's error corrected

 5/11/2011 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2011%5C05-11-11.docx))

 5/11/2011 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2011%5C05-11-11.docx))

 5/8/2012 Senate Committee report: Favorable with amendment **Banking and Insurance** ([Senate Journal‑page 5](file:///h%3A%5Csj%20archive%5C2012%5C05-08-12.docx))

 5/9/2012 Scrivener's error corrected

 5/16/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 68](file:///h%3A%5Csj%20archive%5C2012%5C05-16-12.docx))

 5/17/2012 Scrivener's error corrected

 5/17/2012 Scrivener's error corrected ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C05-17-12.docx))

 5/17/2012 Senate Read second time ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C05-17-12.docx))

 5/17/2012 Senate Roll call Ayes‑36 Nays‑0 ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C05-17-12.docx))

 5/22/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2012%5C05-22-12.docx))

 5/22/2012 Senate Reconsider vote whereby read third time and returned with amendments ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2012%5C05-22-12.docx))

 5/29/2012 Senate Amended ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C05-29-12.docx))

 5/29/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C05-29-12.docx))

 5/29/2012 Senate Roll call Ayes‑32 Nays‑0 ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2012%5C05-29-12.docx))

 5/31/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 87](file:///h%3A%5Chj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 88](file:///h%3A%5Chj%20archive%5C2012%5C05-31-12.docx))

 6/5/2012 Ratified R 228

 6/7/2012 Signed By Governor

 6/18/2012 Effective date 06/07/12

 6/18/2012 Act No. 183

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p%3A%5Cpprever%5C2011-12%5C3111_20101207.docx)

[4/13/2011](file:///p%3A%5Cpprever%5C2011-12%5C3111_20110413.docx)

[4/14/2011](file:///p%3A%5Cpprever%5C2011-12%5C3111_20110414.docx)

[5/4/2011](file:///p%3A%5Cpprever%5C2011-12%5C3111_20110504.docx)

[5/5/2011](file:///p%3A%5Cpprever%5C2011-12%5C3111_20110505.docx)

[5/8/2012](file:///p%3A%5Cpprever%5C2011-12%5C3111_20120508.docx)

[5/9/2012](file:///p%3A%5Cpprever%5C2011-12%5C3111_20120509.docx)

[5/16/2012](file:///p%3A%5Cpprever%5C2011-12%5C3111_20120516.docx)

[5/17/2012](file:///p%3A%5Cpprever%5C2011-12%5C3111_20120517.docx)

[5/29/2012](file:///p%3A%5Cpprever%5C2011-12%5C3111_20120529.docx)

(A183, R228, H3111)

**AN ACT** **TO AMEND SECTION 42‑15‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATORY APPROVAL OF CERTAIN ATTORNEY AND PHYSICIAN FEES BY THE WORKERS’ COMPENSATION COMMISSION, SO AS TO PROVIDE FOR THE ADOPTION AND ADJUSTMENT OF FEE SCHEDULES BY THE COMMISSION, TO PROVIDE FOR THE ADJUSTMENT OF PROPOSED FEE SCHEDULES BY THE COMMISSION, AND TO PROVIDE FOR AN APPEAL PROCESS FROM A DECISION OF THE COMMISSION CONCERNING A FEE SCHEDULE; AND TO AMEND SECTION 1‑23‑600, AS AMENDED, RELATING TO ENUMERATED EXCEPTIONS FROM CONTESTED CASES FROM DEPARTMENTS OF THE EXECUTIVE BRANCH THAT MUST BE HEARD BY THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE THE EXEMPTION OF THE WORKERS’ COMPENSATION COMMISSION.**

Be it enacted by the General Assembly of the State of South Carolina:

**Attorney and physician fee schedules for workers**’ **compensation claims**

SECTION 1. Section 42‑15‑90 of the 1976 Code is amended to read:

 “Section 42‑15‑90. (A) Attorney fees, physician fees, and hospital charges for services under this title are subject to the approval of the commission, but a physician or hospital may not collect a fee from an employer or insurance carrier until the physician or hospital has made the reports required by the commission in connection with the case.

 (B)(1) A person may not:

 (a) receive a fee, gratuity, or other consideration for a service rendered pursuant to this title unless the fee, gratuity, or other consideration is approved by the commission or a court of competent jurisdiction; or

 (b) make it a business to solicit employment for an attorney or himself with respect to a claim or award for compensation under this title.

 (2) A violation of this section constitutes a misdemeanor and, upon conviction, each offense is subject to a fine of not more than five hundred dollars, imprisonment for not more than one year, or both.

 (C)(1) The commission may adopt criteria to establish a new fee schedule or adjust an existing fee schedule to establish maximum allowable payments for medical services provided by medical practitioners exclusive of hospital inpatient services and hospital outpatient services and ambulatory surgery centers based in whole or in part on the requirements of a federally funded program, but if it adopts adjustments to an existing fee schedule, it must adopt these adjustments on an annual basis and the adjustments may not exceed the percentage change indicated by the federally funded program. The commission shall conduct an evidentiary hearing to review a proposed adjustment to increase or reduce these fees by more than ten percent annually to determine whether to:

 (a) increase or reduce the proposed adjustment as the commission considers appropriate; or

 (b) accept the proposed adjustment.

 (2)(a) A decision of the commission to increase or reduce a fee schedule to establish maximum allowable payments for medical services provided by medical practitioners exclusive of hospital inpatient services and hospital outpatient services and ambulatory surgery centers by more than ten percent is reviewable by expedited appeal to the Administrative Law Court pursuant to the Administrative Procedures Act.

 (b) On appeal, the court may:

 (i) accept the increase or decrease;

 (ii) impose a lesser increase or decrease;

 (iii) revert the fee schedule as it was immediately prior to the annual adjustment;

 (iv) adjust the appropriate conversion factors as necessary; or

 (v) make other adjustments the court considers reasonable.

 (c) The court shall issue a decision within ninety days after it receives the appeal.

 (d) During the pendency of this appeal, the portion of the fee schedule under review must remain the same as it was immediately prior to the proposed changes, but all other portions of the fee schedule or conversion factors are effective and remain unchanged.”

**Contested case hearings before Administrative Law Court, exemption of Workers**’ **Compensation Commission contested case hearings deleted**

SECTION 2. Section 1‑23‑600(A)(4) of the 1976 Code, as last amended by Act 334 of 2008, is further amended to read:

 “(4) Workers’ Compensation Commission, except as provided in Section 42‑15‑90; or”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 5th day of June, 2012.

Approved the 7th day of June, 2012.

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