Workers Compensation Benefit Overview – South Carolina

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

Temporary Total Benefits	Min: $ 75.00 Max: $681.36 –changes annually in January Average Weekly Wage (AWW) is calculated by taking the gross wages from the 4 quarters proceeding the quarter from which the injury occurred. Comp Rate equals 2/3 of the AWW. Waiting period (WP): 7 day waiting period Retro period: WP is owed after 14 consecutive loss days. Limited or unlimited benefits: Unlimited benefits
Temporary Partial Benefits	Min: No Min. Max: Original Comp Rate Temp partial is owed when there is a difference between AWW at the time of the injury and current weekly wage. To calculate use the original AWW minus the new weekly wages and benefits are paid at 2/3 of the difference. Waiting period (WP): 7 day waiting period Retro period: WP is owed after 14 consecutive loss days. Limited or unlimited benefits: Unlimited benefits
Permanent Partial Benefits	Min: No minimum Max: No maximum Waiting period: None, but if any portion of waiting period was satisfied, claimant is issued TT for those days if rating entitles them to more than 14 days of PP benefits. Retro period: None Limited or unlimited benefits: Limited to scheduled ratings for specific loss. May also be awarded disfigurement up to 50 weeks. However, claimant is not entitled to both disfigurement plus the loss of use of that body part unless the scar is a burn scar or keloid scar.
Permanent Total Benefits	Min: $ 75.00 Max: $681.36 Waiting period: 7 days Retro period: 14 days Limited or unlimited benefits: Limited to 500 weeks if deemed PT by treating physician and/or court order. (Any previously paid TT benefits are subtracted from the 500 week total). For injuries resulting in physical brain damage, paraplegia, or quadriplegia the claimant receives weekly compensation benefits for life and lifetime medical care.

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Fatality Benefits	Min: $ 75.00 Max: $681.36 Waiting period: N/A Retro period: N/A Limited or unlimited benefits: Limited to 500 weeks of compensation payable to the spouse and/or qualified dependents. Burial Expenses: $2,500
Vocational Rehabilitation	**Is it required?** No
Settlement Allowed	Yes. Indemnity and Medical
Cap on benefits, exceptions	None

Medical Issues

Initial Choice of Provider	Employer/ carrier designates treating provider (Section 42-15-80)
Change of Provider	An employee may file a motion with the Commission for a change in provider. The employer/carrier may elect to transfer care to a new provider.
Medical Fee Schedule	Yes. Effective 10/1/06 healthcare facilities will be paid 40% more than what the Medicare program pays for inpatient and outpatient services.
Managed Care	No
Utilization Review	There are no utilization review statutes or regulations.
Treatment Guidelines	The state does not mandate the use of evidence based guidelines, nor are there any specific statutes or regulations requiring the development of treatment guidelines.
Medical Mileage Reimbursement Rate	50.5 cents (effective July 1, 2008)
Ability to Terminate Medical Treatment	If the employee refuses or in any way obstructs an examination requested and provided by the employer, his right to compensation shall be suspended until such refusal ceases. No compensation shall at any time be payable for the period of suspension unless the Commission deems the refusal or obstruction justified. (Section 42-15-80)
Settlement Allowed	Yes
Cap on benefits, exceptions	Fee Schedule Rates

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Other Issues

Staff Counsel	None
Hearings require attorney or claim handler participation	Formal hearings: Attorney involvement required Informal hearings: Attorney not required; Hearing consultant attends on our behalf.
Occupational Diseases	Chapter 11 Section 42-11-10 of the SC WC Law Defined as diseases arising out of and in the course of employment which are due to hazards in excess of those ordinarily incident to employment and are peculiar to the occupation in which the employee is engaged in. Last injurious exposure applies. They are recognized as injuries by accident. (Section 42-11-40)
Second Injury Fund availability	Yes. Notice of a potential claim must be filed prior to paying the 78th week of indemnity. Threshold pre-requisites that must be met for consideration: * Paid medical of $3000 and/or 78 weeks of indemnity. * Must have a prior injury and/or pre-existing condition. * The employer must show knowledge of the pre-existing condition prior to the subsequent injury or that employee concealed knowledge.
Other Offset Opportunities	Subrogation

State workers compensation website link: http://www.wcc.state.sc.us/

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