

S O U T H C A R O L I N A
Workers' Comp
LAW BLOG

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Implants Soon to be in the Fee Schedule

Buoyed by the Supreme Courts decision last year in the South Carolina Ambulatory Surgical Assn. v. South Carolina Workers Compensation Commission, the South Carolina Workers' Compensation Commission is moving forward with the creation of an Ad Hoc Advisory Committee to evaluate and develop recommendations for the maximum allowable payment for surgical implant devices. In 2006, the Commission approved the Hospital Fee Schedule but deferred action on fees for surgical implants. The South Carolina Ambulatory Surgical Association sued to enjoin enforcement of the new fee schedule and challenged whether the Commission was required to promulgate a new regulation in order to change the fee payment schedule for ambulatory care centers. The outcome of the suit would impact setting maximum fees for implant devices, so that issue has been placed on hold. Late last year, the Court found in favor of the Commission.

Now an Ad Hoc Advisory Committee is being formed and will meet for the first time on April 21, 2011 at 2:00 p.m. in the first floor conference room, CBRE Building, 1333 Main Street, Columbia SC.

The Hospital Fee Schedule has saved millions of dollars for carriers and employers in workers' compensation cases. Implants have become extremely expensive, in part, because they have not been included in the fee schedule. Creation of the Ad Hoc Advisory Committee is welcome news to carriers and employers because it is the first step in establishing maximum payment for surgical implants.