

## Session 115 - (2003-2004)

### **S 0932 General Bill, By Martin, O'Dell and Reese**

**Summary:** Worker's compensation claims; mandatory mediation process for resolving claim disputes

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 42-3-175 SO AS TO REQUIRE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION TO DEVELOP AND IMPLEMENT A MANDATORY MEDIATION PROCESS FOR USE IN RESOLVING A DISPUTE IN A WORKER'S COMPENSATION CLAIM; BY ADDING SECTION 42-9-95 SO AS TO PERMIT THE CESSATION OF PAYMENT OF TEMPORARY DISABILITY BENEFITS DURING ANY PERIOD IN WHICH THE INJURED EMPLOYEE IS UNAVAILABLE FOR WORK DUE TO INCARCERATION, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTIONS 42-9-60 AND 42-9-80, RELATING TO COMPENSATION NOT PAYABLE WHEN INJURY OR DEATH IS CAUSED BY INTOXICATION OR THE WILFULNESS OF EMPLOYEE AND THE BURDEN OF PROOF REGARDING CERTAIN CLAIMS, SO AS TO PROVIDE THAT IT MAY BE INFERRED THAT AN INJURED EMPLOYEE'S INJURY OR DEATH WERE PROXIMATELY CAUSED BY INTOXICATION OR THE INFLUENCE OF MARIJUANA OR OTHER CONTROLLED SUBSTANCE WHERE TESTING REVEALS LEVELS OF THE SUBSTANCE AT ISSUE ABOVE CERTAIN LEVELS; AND TO AMEND SECTION 42-17-50, AS AMENDED, RELATING TO THE REVIEW AND REHEARING BY THE WORKERS' COMPENSATION COMMISSION, SO AS TO PROVIDE THAT A SINGLE COMMISSIONER'S DECISION OR A DECISION BY THE COMMISSION MUST CONTAIN A FULL AND COMPLETE REPORTING OF THE REASONING AND SUPPORT FOR THE DECISION, AND TO REQUIRE THE PUBLICATION OF THOSE DECISIONS.

**02/10/04 Senate Introduced and read first time SJ-5**

**02/10/04 Senate Referred to Committee on Judiciary SJ-5**