



Legal Tips

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Workers' Compensation: The System Works If You Know How To Work The System

When I first started practicing law in 1974, nearly every workers' compensation insurance carrier in South Carolina had a local claims office. The adjusters handled only South Carolina claims and were required to know only South Carolina law. For the most part, they were in close proximity to the Workers' Compensation Commission and were regular visitors to the Commissioner's office.

That same year saw significant changes in South Carolina's Workers' Compensation Act and in claimant awards. Carriers searched for ways to save money and began replacing local claims offices with regional claims offices. Adjusters were expected to handle claims in as many as five states. They were expected to know the procedures in each state's Workers' Compensation Act and the nuances of each state's commission and board.

The regional system still exists today, which places a tremendous amount of responsibility on adjusters. Not only

must they be thoroughly conversant in each state's act, they must also be able to handle and, where necessary, educate employers who live and work in distant states. Consequently, communications might not always be optimal; forms might not be filed in a timely fashion, and mistakes by adjusters and employers more common than we'd like them to be. In many cases, by the time a defense lawyer is retained, affirmative defenses are lost, and the injured worker is under the medical care of a doctor selected by his or her attorney and is in dire financial condition.

It doesn't have to be this way. Employers and adjusters who know the Workers' Compensation Act, the Commission, and the nuances of South Carolina's system, only need to involve an attorney in the most extreme cases. As much as I like being employed—it does keep the lights on—many of the cases sent to attorneys could have been handled better.

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Which has led Collins & Lacy to offer clients a “holistic” approach to workers’ compensation legal representation. Not only do our lawyers provide excellent defense counsel, we work to help clients avoid the need for legal services. We provide, at no expense to the client, seminars teaching basic South Carolina Workers’ Compensation law, updates on current legislation and cases, and changes at the Commission. We have found that when adjusters and employers are more knowledgeable, accidents are reported in a timely fashion, carriers do not lose control of medical treatment and determinations of compensability are made more accurately.

Here are a few tips to help you effectively work South Carolina’s workers’ compensation system.

Tip 1: Take advantage of training.

A number of training sources are available to adjusters who need a refresher course or basic training in the South Carolina system. Collins & Lacy provides customized training for adjusters in your office at no cost.

The South Carolina’s Workers’ Compensation Commission also offers a one-day seminar in Columbia. Call the Commission at 803.737.5700 for information. The South Carolina Workers’ Compensation Educational Association holds a three-day conference in October.

Tip 2: When in doubt, ask.

Don’t be afraid to call and ask questions about a case. Not a day goes by that I do not take calls from adjusters asking about the nuances of South Carolina’s Workers’ Compensation system. The Commission also welcomes inquiries.

Tip 3: Do not take shortcuts.

My pet peeve is the adjuster who takes short cuts. An example is the adjuster who suspends Temporary Total Disability without the proper documentation or forms. Invariably, this costs the carrier time and money. The biggest problems seem to arise in initiating Temporary Total Disability and suspending or terminating Temporary Total Disability. To avoid problems, know these procedures forward and backward.

Tip 4: Be proactive.

Don’t sit back and wait for a case to develop. Take action and gain control. Send the injured worker to a doctor of your choosing. If Temporary Total Disability is owed, pay it. Do what is necessary to get the injured worker to maximum medical improvement, and always treat the claimant with respect. Help keep the lines of communication open between the injured worker and the employer. Returning the injured worker to work is vital to successfully culminating a claim.

Tip 5: Involve the defense attorney early.

If you know a claim is not being accepted and the injured worker has retained an attorney, don’t wait for the claimant’s attorney to make the first move. Involve the defense attorney so that the issues can be identified and an early resolution reached. The earlier an attorney is involved, the greater the possibility of preserving evidence, identifying witnesses, and generally reaching a satisfactory result for everyone. South Carolina’s workers’ compensation system works if you know how to work the system. Do not hesitate to call on any of the lawyers or staff at Collins & Lacy when you have a problem or question.

