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November 27, 2013

Latonya D. Edwards, Esq.  
Dilligard Edwards, LLC  
3790 Fernandina Road, Ste. 103  
Columbia, SC 29210

**Re: PHTS Risk Management Services and Abbeville County Memorial Hospital v.  
South Carolina Second Injury Fund**  
[ IN RE: Billie New v. Abbeville County Memorial Hospital ]  
Appellate Case No. 2013-001348

Dear Latonya:

Enclosed is a copy of the excerpt from the Second Injury Fund's Guidebook that was listed as Item 5 on the Respondents' Designation of Matter To Be Included in the Record On Appeal dated November 27, 2013. Since the pages in the Guidebook are not numbered and descriptions can cause confusion, it seemed more practical to simply provide you with the material for this particular item. The Guidebook was presented to the circuit court in our brief and during oral arguments, and I ask that you include the enclosed excerpt in the Record On Appeal when you prepare and file it with the Court of Appeals.

It is my understanding that you have copies of all other materials referenced in the Respondents' Designation of Matter; however, if you need me to provide you with any other documentation itemized therein, I will be happy to do so upon request.

With kind regards,

Very truly yours,

GALLIVAN, WHITE & BOYD, P.A.

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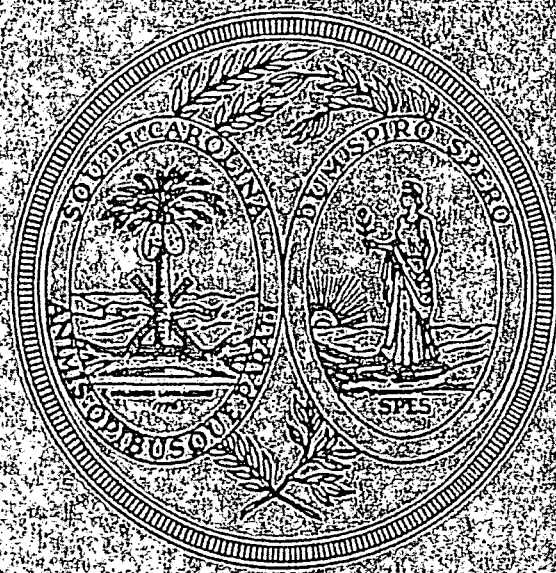
DEC 03 2013

SC Court of Appeals

JMP/khp  
Enclosure

cc: The Honorable Jenny Abbott Kitchings, S. C. Clerk of Court  
The Honorable Emily Y. McMahan, Abbeville County Clerk of Court  
Ms. Virginia L. Crocker, Judicial Director, S. C. Workers' Compensation Commission

**SOUTH CAROLINA  
SECOND INJURY FUND**



**A STEP-BY-STEP APPROACH  
FOR HANDLING  
SECOND INJURY FUND CLAIMS**

## INTRODUCTION

The mission of the South Carolina Second Injury Fund is to protect employers by limiting the cost of a workers' compensation claim when a disabled employee is injured on the job and encourage employment of the disabled. The degree of the Fund's utilization attests to its success.

While there has always been a great deal of interest in the perfection of Second Injury Fund claims by carriers and self-insured employers, the passage of Americans With Disabilities Act in 1990 has placed renewed emphasis on Second Injury Fund claims. We are providing this manual to people who are responsible for the administration of Second Injury Fund files. This is a "how to" manual. It attempts to break down the basic elements of the claims handling process and outline the major factors to consider as you go from first notice of a claim to final reimbursement, but we must emphasize there are no shortcuts. Each claim stands on its own merits.

This written material and oral presentation are intended to provide those involved in administering workers' compensation general information regarding the South Carolina Second Injury Fund. They are provided with the understanding that the presenters are not engaged in rendering legal, accounting, or other professional services. The material, written and oral, should not be used as a substitute for professional service in specific circumstances dealing with a specific claim, client or legal matter. Users should research original sources of authority and/or obtain the services of a professional.

CONTENTS

SECTION I      --      CLAIM PROCEDURES

SECTION II     --      ASSESSMENT AND REIMBURSEMENT PROCEDURES

SECTION III    --      LEGAL PROCEDURES

CLAIM PROCEDURES

This section contains procedures and examples of the requirements needed in the processing of your Second Injury Fund claims.

Notice to the Second Injury Fund and a sample letter.

Explanation of the notice of possible Second Injury Fund claim and sample of form.

How to meet the knowledge requirement and examples.

Medical questionnaire and examples.

Acceptance package with examples.

Examples of denials.

Second Injury Fund adjuster and county information list.

RE:

1. Did the patient have \_\_\_\_\_ prior to \_\_\_\_\_?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
COMMENT:
2. Is the \_\_\_\_\_ permanent?  
YES \_\_\_\_\_ NO \_\_\_\_\_
3. Was the \_\_\_\_\_ serious enough to constitute a hindrance or obstacle to employment before the injury of \_\_\_\_\_?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain!

4. Did the injury of \_\_\_\_\_ aggravate or combine with the pre-existing \_\_\_\_\_?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
COMMENT:
5. Did the fact that the patient had \_\_\_\_\_ cause him/her to lose substantially more time from work than he/she would have had from the \_\_\_\_\_ injury alone?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
COMMENT:
6. Did the fact that the patient had \_\_\_\_\_ cause him/her to have a substantially higher percentage of permanent disability than he/she would have had from the \_\_\_\_\_ injury alone?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
COMMENT:
7. Have the medical costs in this case been substantially increased due to the existence of \_\_\_\_\_?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
COMMENT:

\_\_\_\_\_  
Physician Signature

\_\_\_\_\_  
Date