

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

**RECEIVED**

OCT 19 2015

SC Court of Appeals

Appellate Case No.: 2015-001561

Jeffrey D. Allen, on behalf of Jane Doe.....Appellant,

v.

South Carolina Budget and Control Board,  
Employee Insurance Program .....Respondent.

**APPELLANT’S MOTION TO FILE SUPPLEMENTAL INITIAL REPLY BRIEF**

October 13, 2015

John A. Massalon, Esquire  
Wills Massalon & Allen LLC  
P.O. Box 859  
Charleston, South Carolina 29401  
(843) 727-1144

Terry E. Richardson, Jr., Esquire  
Richardson Patrick Westbrook & Brickman,  
LLC  
1730 Jackson Street  
P.O. Box 1368  
Barnwell, SC 29812 5951  
Attorneys for Appellant

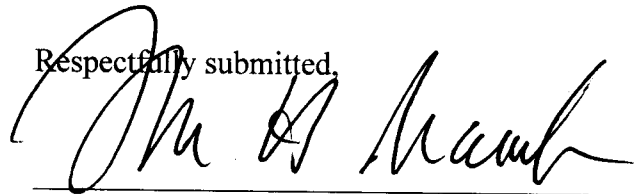
Appellant served its Initial Reply to the Respondent's Opposition Brief on October 9, 2015, and makes this motion to supplement said brief with information received on October 11, 2015 which is particularly relevant to the issues at bar.

As has been previously referenced, Appellant is no longer a state/local government employee, and therefore does not receive information about current State Health Plan benefits. However, on October 11, 2015, the Appellant received a report from a family member insured under the State Health Plan that on or about October 8, 2015, he was provided a publication explaining State Health Plan benefit information for upcoming October 2015 open enrollment. See attached SCPEBA Fall 2015 Benefits Advantage at pp. 1, 3,

[http://www.eip.sc.gov/publications/Advantage2015\\_FINAL\\_09252015.pdf?ts=1210070547](http://www.eip.sc.gov/publications/Advantage2015_FINAL_09252015.pdf?ts=1210070547) (for complete copy). Included therein is reference to changes to the State Health Plan, effective January 1, 2016, including, at no charge to its members: "Diabetes education services offered by network providers." Fall 2015 Brochure at p. 3.

Appellant submits this very recent SC PEBA publication to supplement its reply to the argument in Respondent's Brief that Appellant's success in this action only resulted in recovery of single claim value of \$560. However, Respondent's argument ignores the fact that for the first time since the enactment of the diabetes statutory insurance coverage mandate in 2000, the State Health Plan, effective January 1, 2016, now provides diabetes education services at no cost to its members. This is significant and wide-reaching result, potentially benefitting thousands of South Carolinians.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Massalon". The signature is written in a cursive style with a large initial "J" and "M".

---

John A. Massalon, Esquire  
Wills Massalon & Allen LLC  
P.O. Box 859  
Charleston, South Carolina 29401  
(843) 727-1144  
SC Bar Number: 010279

Terry E. Richardson, Jr., Esquire  
Richardson Patrick Westbrook  
& Brickman, LLC  
1730 Jackson Street  
P.O. Box 1368  
Barnwell, SC 29812

# FALL 2015

# benefits

## ADVANTAGE

### It's time to make choices for 2016

The 2015 edition of *Benefits Advantage* details your insurance options for 2016, and outlines what changes you can make during this open enrollment period, October 1-31, 2015.

Be sure to refer to your 2015 *Insurance Benefits Guide* (IBG) for comprehensive descriptions of all the insurance programs offered through the South Carolina Public Employee Benefit Authority (PEBA).

#### Reminders

- If you are enrolled in the coverage of your choice, you do not have to do anything.
- Any changes that you make during open enrollment will be effective January 1, 2016.
- By January, you will receive your 2016 *Insurance Benefits Guide*, which includes explanations of benefits, premiums and contact information for all insurance programs offered through PEBA.

### SHP premiums remain the same, benefits enhanced

Funded subscriber premiums for the State Health Plan (SHP) Savings Plan, Standard Plan and Medicare Supplemental Plan will not increase in 2016. The employer premiums for the three plans will increase by 4.5 percent.

Other changes in the SHP effective January 1, 2016, include:

- The Standard Plan's \$12 office visit copayment will be waived for care received at a BlueCross BlueShield of South Carolina-affiliated Patient-Centered Medical Home (PCMH). The Savings Plan and Standard Plan coinsurance will be 10 percent, rather than 20 percent, for care at a PCMH. For more information, see Page 13.

Continued on Page 3

### What's inside

MyBenefits.....	2	2016 premiums.....	9
Open enrollment options.....	4	Patient-Centered Medical Homes.....	13
PEBA Perks.....	6	Get connected.....	18
Benefits comparison.....	8		

## SHP Premiums

Continued from Page 1

- Contraceptives covered by the SHP will be provided at no cost to subscribers and covered spouses.

These preventive services will be provided to Savings Plan and Standard Plan members at no cost to the member at participating network providers:

- Colonoscopies, both diagnostic and routine, for members within the age ranges\* recommended by the U.S. Preventive Services Task Force. This will include the consultation, prep kit, procedure and associated anesthesia.
- Adult vaccinations at the

intervals recommended by the Centers for Disease Control. For more information, contact your network physician or go to [www.cdc.gov/vaccines/schedules](http://www.cdc.gov/vaccines/schedules) and select "Adults (19 years and older)."

- Prescription drugs for smoking cessation, including Chantix and bupropion (generic Zyban).
- Diabetes education services offered by network providers.

Also, an employee is no longer required to complete one year of PEBA-covered service by January 1 to be eligible to establish a MoneyPlus Medical Spending Account. For more information about the MoneyPlus program, see Page 7.

\*The recommended age ranges only apply to routine colonoscopies.

## Free in '15 benefits to continue with PEBA Perks

In 2016, preventive screenings, No-Pay Copay (generic drugs for some chronic conditions at no cost to members), the shingles vaccine benefit and the flu vaccine benefit will continue to be offered at no cost to eligible SHP members through *PEBA Perks*.

Learn more about *PEBA Perks*, the value-based benefits offered in 2016 at no cost to members, on Page 6.

## The Standard offers SLTD open enrollment

Employees who are actively at work on October 1, 2015, may enroll in Supplemental Long Term Disability (SLTD) insurance for a 90-day or a 180-day benefit waiting period without providing evidence of insurability. Those who already have SLTD coverage can change their benefit waiting period. New coverage or a change in the benefit waiting period will be effective January 1, 2016.

The pre-existing condition provision applies. It is explained on Pages 142-143 of the 2015 *Insurance Benefits Guide* (IBG).

PEBA's Long Term Disability plan is administered by Standard Insurance Company (The Standard). It is designed to give financial assistance to employees who become disabled, as defined by the plan, and are unable to work for an extended period of time.

Basic Long Term Disability insurance is provided at no charge to employees enrolled in the State Health Plan or TRICARE Supplement Plan. SLTD provides additional financial protection.

The premium rate factors below take effect January 1, 2016, for members who are newly enrolled in SLTD and

Continued on Page 12

Age on preceding January 1	90-day waiting period	180-day waiting period
<b>Under 31</b>	.00056	.00045
<b>31-40</b>	.00078	.00060
<b>41-50</b>	.00154	.00117
<b>51-60</b>	.00311	.00239
<b>61-65</b>	.00374	.00287
<b>66 and older</b>	.00457	.00351

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Appellate Case No.: 2015-001561

**RECEIVED**

OCT 19 2015

SC Court of Appeals

Jeffrey D. Allen, on behalf of Jane Doe ..... Appellant,

v.

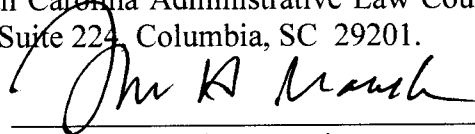
South Carolina Budget and Control Board,  
Employee Insurance Program..... Respondent.

**PROOF OF SERVICE**

I certify that I have served Appellant’s Motion to File Supplemental Initial Reply Brief on the Respondent by depositing a copy of it in the United States Mail, postage prepaid, on October 13, 2015 addressed to its attorneys of record, Theodore D. Willard, Jr., Montgomery Willard, LLC, P.O. Box 11886, Columbia, SC, 29211 and Stephen Raymond Van Camp, Esquire, 202 Arbor Lake Drive, Columbia, SC 29223.

I certify that I have served Appellant’s Motion to File Supplemental Initial Reply Brief on the Administrative Law Court by depositing a copy of it in the United States Mail, postage prepaid, on October 13, 2015, addressed to The Honorable Shirley C. Robinson, Administrative Law Judge, South Carolina Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, SC 29201.

October 13, 2015



John A. Massalon, Esquire  
Wills Massalon & Allen LLC  
P.O. Box 859  
Charleston, South Carolina 29401

Terry E. Richardson, Jr., Esquire  
Richardson Patrick Westbrook & Brickman,  
LLC  
1730 Jackson Street  
Barnwell, SC 29812  
ATTORNEYS FOR APPELLANT

# WMA

WILLS MASSALON & ALLEN LLC

97 Broad Street • Charleston, SC 29401 • Post Office Box 859 • Charleston, SC 29402  
Phone: 843-727-1144 • Fax: 843-727-7696 • [www.wmalawfirm.net](http://www.wmalawfirm.net)

October 13, 2015

Direct Dial: (843) 793-6039

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

OCT 19 2015

SC Court of Appeals

RE: Jeffrey D. Allen v. SCBCB  
Appellate Case No.: 2015-001561  
Our File No. 595-1

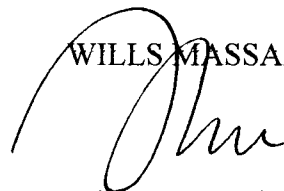
Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Appellant's Motion to File Supplemental Reply Brief and Proof of Service in regard to the above-referenced matter. In addition, please find my firm's check #7268 in the amount of \$25.00 representing the filing fee. Please file the original and copies, returning one (1) file-stamped copy to me in the self-addressed, stamped envelope provided.

By copy of this correspondence, I am serving the same upon all counsel of record. If you have any questions, please do not hesitate to contact me.

With kind regards, I am

Sincerely,



WILLS MASSALON & ALLEN LLC

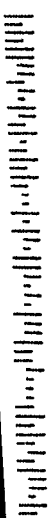
John A. Massalon  
[jmassalon@wmalawfirm.net](mailto:jmassalon@wmalawfirm.net)

JAM/cb  
Enclosures

cc: The Honorable Shirley C. Robinson  
Theodore D. Willard, Jr., Esquire  
Stephen Raymond Van Camp, Esquire  
Terry E. Richardson, Jr., Esquire



UNITED STATES POSTAGE  
 PITNEY BOWES  
 \$ 003.180  
 02 1P  
 0001925232 OCT 13 2015  
 MAILED FROM ZIP CODE 29401



# WMA

WILLS MASSALON & ALLEN LLC  
 Post Office Box 859  
 Charleston, SC 29402

The Honorable Jenny Abbott Kitchings  
 Clerk, South Carolina Court of Appeals  
 Post Office Box 11629  
 Columbia, South Carolina 29211

**RECEIVED**  
 OCT 19 2015  
 SC Court of Appeals