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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2010-CP-40-4071

Carmen Morgan, Appellant,
v.
South Carolina Bank and Trust (Employer), and
Cincinnati Insurance Company (Carrier), Respondents.

SUPPLEMENTAL RECORD ON APPEAL

J. Gabriel Coggiola, Esquire
Shannon T. Poteat, Esquire
Willson, Jones, Carter & Baxley, P.A.
4500 Fort Jackson Boulevard
Columbia, South Carolina 29209
(803) 227-2889
Attorneys for Respondents

Everett Hope Garner, Esquire
Holler, Garner, Corbett, Ormond, Plante & Dunn
P.O. Box 11006
Columbia, South Carolina 29211
(803) 765-2968
Attorney for Appellant

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SC Court of Appeals

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Appel den

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO.: 0214040

Carmen Morgan,)
)
Claimant,)
)
v.)
)
South Carolina Bank & Trust,)
)
Employer,)
)
Cincinnati Insurance Company,)
)
Carrier,)
)
Defendants.)
_____)

DECISION AND ORDER

HEARING: Hearing held in Columbia, South Carolina, on May 5, 2009

APPEARANCES: Claimant represented by Everett H. Garner, Esquire of Holler, Dennis, Corbett, Ormond, Plante & Garner.

Defendants represented by Willson Jones Carter & Baxley, P.A., with Shannon T. Poteat, Esquire, appearing.

PURPOSE OF HEARING: To determine issues as set forth in the Forms 50 and 51.

DECISION AND ORDER: Honorable G. Bryan Lyndon, Commissioner

FILED: July 21, 2009

APA SUBMISSIONS

Pursuant to the Administrative Procedures Act, the claimant submitted the following records, reports and correspondence into evidence:

Physician	Practice	Date	Pages
1. Stephanie B. Boyd, Ph.D	Harbison Psychological Services	8/20/02 – 10/17/07	1-35
2. Palmetto Baptist Hospital		2/27/06 – 8/16/06	36-90
3. Bonnie J. Ramsey, M.D.		9/20/06	91-94
4. Elin B. Berg, M.D., Ph.D.		5/4/05	95-98
5. Todd Murphy, MS, CRC	Page Rehabilitation	4/21/05	99-107
6. Dr. Lisa Klohn, Social Security Assessment		6/205	108-123
7. Dr. Edward Waller Social Security Assessment		2/15/06	124-140
8. Social Security Administration Notice of Award		10/30/06	141-143
9. Dr. William Stewart	USC School of Medicine	4/19/09	144-147

Pursuant to the Administrative Procedures Act, Defendants submitted the following records, reports and correspondence into evidence:

Physician	Practice	Date	Pages
1. Stephanie B. Boyd, Ph.D.	Harbison Psychological Services	07/14/2004–03/27/2009	1-103
2. Palmetto Health Baptist		04/23/2006–12/27/2006	104-112
Other		Date	
1. Deposition of Carmen Morgan		July 24, 2009	
2. Deposition of Dr. Stephanie B. Boyd, PhD		March 16, 2009	

STIPULATIONS

At the call of the claim, the parties stipulated to the following issues:

1. Notice of the hearing was timely and properly served upon all parties of interest;
2. The South Carolina Workers' Compensation Commission has jurisdiction over this claim;
3. Venue, set in Richland County, is proper.
4. The average weekly wage and compensation rate are \$359.05 and \$220.01, respectively.

STATEMENT OF THE CASE

The circumstances giving rise to this case occurred on August 8, 2002. On August 8, 2002, the Claimant was at work at the Assembly Street branch of South Carolina Bank and Trust when that branch was robbed. The claimant claimed that she sustained a neck/back injury and suffers from post-traumatic stress disorder as a result of the robbery. Defendants' accepted this claim and provided medical care and paid temporary total disability benefits. On March 4, 2003,

the claimant's treating orthopaedic physician found that there was no objective criterion to suggest she has a structural injury to her back, and recommended that she return to normal activity including a return to employment. The claimant was found to have reached maximum medical improvement for her psychological issues by her treating psychologist, Dr. Stephanie Boyd, on March 12, 2003. Defendants filed their first Form 21, Request for Hearing, on March 18, 2003.

A Hearing was held on May 13, 2003. The Hearing Commissioner found that the defendants were not entitled to stop payment of temporary benefits; that the claimant was entitled to a reasonable course of physical therapy and further psychological treatment and medication as outlined by Dr. Boyd; and that the defendants shall pay all causally related and authorized medical expenses. Defendants appealed that Decision to the South Carolina Workers' Compensation Commission Appellate Panel, and a Hearing was held on January 28, 2004.

By Order dated, March 30, 2004, the Full Commission found, in pertinent part, that the claimant had reached maximum medical improvement, the defendants are not entitled to a stop payment of benefits at this time, but that they are entitled to a credit towards any permanency ultimately awarded to the claimant for all payments made after January 28, 2004. Pursuant to that Order, defendants filed a Form 21 Request to Stop Payment of Benefits on April 1, 2004. A Hearing was scheduled for May 18, 2004, to determine whether defendants may stop payment of benefits; and if so, whether claimant is entitled to any further benefits. Also, defendants requested a credit for overpayment of temporary benefits paid.

The Hearing was scheduled to begin at 9:15 am, but was delayed because of the claimant's tardiness. Claimant had released her prior counsel and appeared pro se. Upon the call of the case, the claimant, for the first time since releasing her prior attorney, announced her

intention to hire an attorney to represent her in this matter. Defendants consented to allowing the claimant to hire an attorney, and having this matter rescheduled after claimant has acquired counsel. Notwithstanding, defendants requested that the Hearing Commissioner issue an immediate ruling regarding their entitlement to stop payment of temporary benefits to the claimant pending the rescheduling of the Hearing.

By Order dated June 1, 2004, the Hearing Commissioner found the defendants were entitled to immediately stop payment of benefits. This Finding was issued in accord with the Full Commission Order of the Workers' Compensation Commission dated March 30, 2004, and further based upon the evidence in the record. The Hearing Commissioner also ordered the claimant entitled to hire an attorney and that all issues regarding her entitlement to any further benefits will be heard before the Hearing Commissioner once the claimant advised the South Carolina Workers' Compensation Commission regarding her legal representation. This Order dated June 1, 2004, was mailed to counsel for the defendants and the pro se claimant on June 1, 2004.

On June 22, 2004, the claimant filed a Form 30, Request for Commission Review. On June 28, 2004, the claimant retained Joyce Farr Cheeks, Esquire, to serve as counsel for the claimant in this case. On July 7, 2004, defendants filed a Motion to Dismiss claimant's June 22, 2004, appeal as untimely pursuant to S.C. Code Ann § 42-17-50 and Regulation 67-701. That Motion was addressed by this Commission without oral argument, and the claimant was allowed to proceed with her appeal. On August 4, 2004, the claimant, through her attorney, filed an Amended Form 30, setting forth different and additional grounds for review from her first Form 30. Defendants filed a Motion to Dismiss Claimant's Amended Appeal on August 9, 2004, on the grounds that claimant's amended appeal was untimely pursuant to S.C. Code Ann § 42-17-50

and Regulation 67-701, and improper pursuant to Pringle v. Builders Transport, 298 S.C. 494, 381 S.E.2d 731 (1989).

A Review Hearing was scheduled for November 23, 2004, to hear the issues set forth in both of claimant's Form 30s. Prior to the call of the case, the Full Commission reviewed the defendants' Motion to Dismiss Claimant's Amended Appeal as well as claimant's Amended Form 30. Upon that review, the Commission granted defendants' Motion to Dismiss Claimant's Amended Appeal on the grounds that claimant's amended appeal was improper pursuant to Pringle v. Builders Transport, supra, and further improper because claimant failed to seek permission to amend her appeal.

On December 6, 2004, the Appellate Panel affirmed the June 1, 2004, Order but amended the Order to delete the provision giving the defendant credit for temporary total disability benefits paid from March 12, 2003, to January 28, 2004. This credit was determined to be a typographical error, and the Order correcting this mistake was filed on March 8, 2005. There were no appeals by either party from this Order.

On March 25, 2005, the claimant filed a Form 50 claiming temporary total disability benefits from March 18, 2004 to March 4, 2005, and the claimant also asserted total general disability and that her acne is causally related to the admitted accident. Defendants admitted that claimant sustained an accident but contend the claimant was treated and released for both her neck/back problems as well as her psychological condition. Defendants further contend claimant is not entitled to any permanent disability and assert they are entitled to a credit for all temporary total disability paid after maximum medical improvement. Furthermore, defendants contend claimant has not provided credible medical evidence that her acne is related to this claim. A hearing was scheduled for April 26, 2005. However, an extensive pre-hearing conference on

April 26th resulted in the Hearing Commissioner ordering a mandatory mediation before the hearing would take place. The Hearing Commissioner further requested that the defendants reinstate temporary total disability until the Mediation. Defendants complied with this request and reinstated temporary total disability. After the mediation failed, the parties returned for a hearing on June 27, 2005. The Hearing Commissioner issued an Order on June 27, 2008 determining that claimant sustained an admitted work-related accident on August 8, 2002; that the defendants had provided the claimant with competent medical care for her emotional problems and neck/back complaints; that the defendants were responsible for all causally-related authorized medical treatment and mileage as well as the unauthorized hospitalization recommended by Dr. Boyd at Three Rivers Center; that the claimant was not entitled to compensation for total and permanent disability for the admitted work-related accident; and that the defendants were entitled to stop payment of all weekly benefits if they had not already done so.

The claimant retained her current attorney in this matter, Everett H. Garner, Esquire, in January of 2006. The claimant, through her attorney, appealed the Decision and Order to the Full Commission on September 28, 2006. The claimant submitted that the Commissioner erred in finding that she was not entitled to compensation for total and permanent disability or permanent partial disability due to her failure to demonstrate a permanent loss of earning capacity. After careful review, the Panel, by unanimous vote in an Order dated September 28, 2006, determined all of the Findings of Fact and Rulings of Law were correct as stated, and sustained the Order in its entirety. On November 17, 2006 claimant filed her Notice of Intent to Appeal to the Circuit Court on the same grounds as her previous appeal to the Full Commission.

Briefs were filed and submitted by both parties. In a decision dated August 29, 2007 the Circuit Court Affirmed the Order and Decision of the Commission.

Claimant, through her attorney, filed a change of condition Form 50 dated January 12, 2009 alleging that her condition had worsened at or near the time of her hospitalizations beginning on or about February 28, 2006 and continuing until May 16, 2006. The defendants denied claimant had sustained a compensable change of condition and also asserted that any change of condition claim was barred by the statute of limitations and laches. They also asserted the claim was barred by res judicata and requested that the Commission assess costs against claimant for the filing of a frivolous claim. Furthermore, defendants requested a finding that certain of claimant's treatment was not causally connected to claimant's claim, specifically claimant's hospital stays at Palmetto Baptist from February 28, 2006 to May 16, 2006, and finally assessed that there had been intervening circumstances that had broken the causal connection in the Claimant's treatment with Dr. Boyd. Defendants also requested a determination that they not be held responsible for payment to Dr. Boyd for treatment after February 2008. This hearing was then set for May 5, 2009 for the purpose of determining issues raised on Forms 50 and 51, specifically the change of condition alleged by the claimant.

EVIDENCE OF THE CASE

TESTIMONY:

The claimant failed to appear for the hearing. After a lengthy pretrial conference, counsel for the claimant and the defendants requested the Hearing Commissioner proceed with the hearing and make a finding as to all issues raised based upon the submissions of the parties. The Hearing Commissioner also allowed both parties to state their cases on the record in the form of

oral arguments. Furthermore, the deposition of the Claimant dated July 24, 2008 and Dr. Boyd dated March 16, 2009 were submitted into the record.

MEDICAL EVIDENCE:

Dr. Stephanie Boyd, the claimant's authorized treating psychologist, placed the claimant at maximum medical improvement on March 12, 2003. This assessment was based on Dr. Boyd's treatment of claimant from August 14, 2002, to February 27, 2003. Dr. Boyd also gave the claimant a ten percent (10%) whole person impairment rating.

On March 4, 2005, the Dr. Boyd again placed the claimant at MMI. Her report relates the claimant's alcohol abuse as well as her high risk of substance abuse. She also provided a thirty-one percent (31%) rating for the psychological problems.

Todd Murphy conducted a vocational evaluation of the claimant on April 21, 2005. He stated the claimant may not be presently employable, but she has transferable skills and could return to work in the future. Furthermore, Mr. Murphy believed the claimant is qualified to perform a variety of jobs.

Both Dr. Boyd and Dr. Morgan opined that the claimant should engage in a desensitization process to enter the work force. Further, neither provider gave the opinion that the claimant is permanently disabled from work due to the work incident of August 8, 2002.

On July 31, 2003, Dr. Boyd noted in a Session evaluation that the claimant was making progress in social and interpersonal functioning. In addition, Dr. Boyd's report on October 21, 2003, stated there were "overall improvements- specifically in interpersonal and social functioning". It was at this point that claimant moved to Augusta, Georgia, and Dr. Boyd's session report stated the claimant would call for an appointment if needed.

Dr. Boyd's report of July 14, 2005, related the claimant's alcohol abuse. The claimant was also diagnosed as alcohol dependent by Three Rivers Hospital after she stayed there from September 30, 2004, to October 8, 2004.

Carl O. Kinard, M.D. of Palmetto Health Baptist reported on May 16, 2006 that claimant was admitted for hospitalization following an altercation with her mother, with whom claimant was living, that got physical. Dr. Kinard's report stated that the claimant "seemed content to remain in the hospital for long periods of time; in fact this admission was over 30 days". In Dr. Kinard's discharge summary he found that upon updated physical examination there were no interval changes from her previous admittance. Claimant was discharged without medication as she left against medical advice and refused to stay for more timely discharge. (APA # 2, pg. 107).

Claimant was admitted to Palmetto Health Baptist in December of 2006 for the delivery of her baby which unfortunately was delivered stillborn as evidenced by report dated December 20, 2006.

In a letter written October 17, 2007 Dr. Boyd states the claimant's condition had "worsened at or shortly preceding the above referenced hospitalizations and have continued with fairly unstable improvement of many of her symptoms." (Claimant's APA # 1, pg. 1). Dr. Boyd clarified in her deposition testimony that Claimant's condition exacerbated or climaxed around these hospitalizations sometime between February 28, 2006 and May 16, 2006. (Deposition of Dr. Boyd page 11, lines 5-18). Dr. Boyd further testified she has not been hospitalized for her workers' compensation claim injuries since her discharge on April 11, 2006. (*Id.* at 12, lines 8-11). According to Dr. Boyd, there were several unrelated issues that affected the Claimant's condition. Dr. Boyd referenced the birth of her stillborn baby after her hospitalization in 2006 as

a “destabilizing” event, but to her credit she went back to her prior level of dysfunction after a short time period. (Id. at 20, lines 13-18). She also mentioned the birth of her healthy baby which tended to stabilize the Claimant. (Id. at 14, lines 8-10). Dr. Boyd commented that Claimant’s relationship with her new baby’s father was a negative stressor and described their relationship as “a lot of conflict and a lot of negative emotions.” (Id. at 21, lines 11-16). Claimant was also experiencing financial difficulties with the new baby and the father was not contributing which was another stressor Dr. Boyd pointed out. (Id. at 22 lines 2-11).

On April 19th, 2009 a vocational rehabilitation evaluation was conducted of claimant’s workers’ compensation file by a vocational provider retained by Claimant’s attorney. Claimant was scheduled for a face-to-face evaluation but was unable to attend. (Claimant’s APA # 10, page 144). Dr. William Stewart conducted the evaluation without ever seeing the claimant but recommended psychological and psychiatric care and treatment nonetheless (Id. at 147).

FINDINGS OF FACT

After a careful review of the evidence presented by the parties, including the evidence submitted through the APA, IT IS FOUND AS A FACT THAT:

1. Per the Workers’ Compensation Commission Order dated June 11, 2003, defendants have continued to provide adequate and appropriate medical treatment to the claimant. This Finding is based upon prior Commission Order and a review of all medical records to date.
2. By Order dated June 1, 2004, the Hearing Commissioner found that the defendants were entitled to immediately stop payment of benefits. The stop payment was then affirmed by the Full Commission in the December 6, 2004 Order and furthermore upheld again

in the Order of the Hearing Commissioner dated June 27, 2005 when Claimant again raised the issue. This Finding is based on prior Commission Order

4. Claimant retained Joyce Farr Cheeks, Esquire on June 28, 2004, to serve as counsel for the claimant in this case. Claimant, through her attorney, filed a Form 30, request for Commission Review on August 4, 2004. On March 8, 2005, the Appellate Panel affirmed the June 1, 2004 Order but amended it to delete the provision giving defendants credit for temporary total disability benefits paid from March 12, 2003 to January 28, 2004 because of typographical error. Neither party appealed. This Finding is based upon Prior Commission Order.

5. On March 25, the claimant filed a Form 50 claiming temporary total disability benefits from March 18, 2004 through March 4, 2005. The claimant also asserted total general disability. The Hearing Commissioner found on June 27, 2005, that the claimant was not entitled to compensation for total and permanent disability and the defendants were entitled to stop payment of all weekly benefits if they had not already done so. This Finding is based upon prior Commission Order.

6. The claimant retained Everett H. Garner, Esquire to serve as Claimant's new counsel in this case in January of 2006. The claimant, through her new attorney, appealed the Decision and Order to the Full Commission on September 28, 2006. After careful review, the Panel, by unanimous vote, determined all of the Findings of Fact and Rulings of Law were correct as stated, and sustained the Order in its entirety. Claimant appealed this Order again to the Circuit Court, and in a decision dated August 29, 2007 the Circuit Court Affirmed the Order and Decision of the undersigned. This Finding is based upon prior Commission Order as well as prior Circuit Court Decision.

7. On October 17, 2007, claimant filed her first Form 50 change of condition. A Hearing was set to hear the issues set forth in claimant's Form 50 and defendants' Form 51, however the parties were unable to complete discovery at that time due to claimant's medical condition and requested the Hearing be continued and the matter returned to general files. This Finding is based upon a review of the relevant documents.

8. The claimant filed another Form 50 change of condition on May 29, 2008. A Hearing was set for September 8, 2008 to determine the issues set forth on Forms 50 and 52. Prior to the scheduled Hearing, the parties agreed that there were no issues ready for determination at that point pending completion of MSA and they requested the claim be returned to general files. This Finding is based upon a review of the relevant documents.

9. Claimant filed a third Form 50 change of condition on January 12, 2009. A Hearing was set for May 5, 2009 to determine the issues as set forth on Forms 50 and 51.

10. Claimant's allegations of neck, back, and shoulder problems are addressed in the unappealed Full Commission Order filed November 30, 2004. This Finding is based upon prior Commission Order.

11. Claimant failed to timely file her change of condition petition pursuant to §42-17-90. This Finding is based upon a review of claimant's initial change of condition petition filed October 17, 2007 and the two subsequent change of condition petitions filed May 29, 2008 and January 13, 2009.

12. Claimant is barred by the statute of limitations in her current change of condition petition dated on January 12, 2009. More than one year elapsed following the payment of compensation as defined by the statute prior to the filing of the Change of Condition Form 50.

This Finding is based upon previous Order from the undersigned Commissioner dated September 28, 2005.

13. Claimant's hospitalization at Baptist Hospital in February 28, 2006 to May 16, 2006 was unrelated to the August 8, 2002 work-related injury. This Finding is based upon a review of the medical records and reports.

14. Claimant did not establish a compensable change of condition causally connected to the admitted claim. This Finding of Fact is based upon claimant's deposition, the deposition of Dr. Boyd, and the medical records submitted by the parties.

15. Dr. Boyd opined she was unable to separate claimant's treatment for work-related and non-work-related issues. Defendants are responsible for payment of claimant's treatment with Dr. Boyd. This Finding is based upon the deposition of Dr. Boyd dated March 16, 2009.

16. Defendants are responsible for authorized causally related medical treatment for psychological problems pursuant to Dodge v. Brucoli, Clark, Layman Inc., 514 S.E.2d 593 (S.C. 1999). This Finding is based upon the prior Order of the Commission.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, and as provided by the Code of Laws of South Carolina Section 42-17-40, it is the determination of this Commissioner that:

1. Pursuant to §42-1-130, the claimant was a covered employee at the time in question, and §42-1-140 the Defendant/Employer was a covered employer.

2. Pursuant to §42-1-160, claimant sustained an admitted work-related accident on August 8, 2002.

3. Pursuant to §42-15-60, defendants provided the claimant with competent medical care for her emotional problems and neck/back complaints.

4. Pursuant to §42-15-60, the defendants are responsible for all causally related authorized medical treatment and mileage.

5. Pursuant to §42-17-90, the claimant failed to prove by a preponderance of the evidence that there has been a change of condition caused by the original injury after the last payment of compensation.

6. Pursuant to §42-17-90, even if the claimant had proven a compensable change of condition, the Claimant failed to timely file her change of condition petition.

7. Pursuant to §42-15-60, the Defendants are to continue to provide causally related medicals for psychological problems as long as medically necessary under Dodge v. Brucoli Clark, Layman, Inc. 514 S.E.2d 593 (S.C. 1999).

8. Pursuant to § 42-15-60, the defendants are not responsible for claimant's hospitalization from February 28, 2006 through May 16, 2006 at Baptist Hospital.

9. Pursuant to § 42-15-60, the defendants are responsible for payment of medical treatment and evaluations performed by Dr. Boyd.

10. Defendants' request for costs pursuant to § 42-17-80 is denied.

ORDER

THEREFORE, IT IS ORDERED THAT, claimant did not sustain a compensable change of condition as defined by § 42-17-90. Furthermore, even if claimant had sustained a compensable change of condition the claim was not timely asserted and is barred by the statute of limitations as set forth in § 42-17-90. It is further ordered that defendants are to pay all causally related authorized medicals and mileage excluding claimant's hospitalization on or about February 28, 2006 through May 16, 2006 at Baptist Hospital as those stays were not causally related to the work-related injury. No costs are assessed.

IT IS SO ORDERED.

SOUTH CAROLINA WORKERS' COMPENSATION
COMMISSION

By: *G. Bryan Lyndon*
Honorable G. Bryan Lyndon, Commissioner

Columbia, South Carolina

7/20, 2009

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the office of the undersigned and parties to this cause and that the undersigned has paid postage paid, in the United States, and is being deposited to the attorney or attorney-in-chief of record.

This 21st day of July, 2009.
By: *Chiana Adams*
Administrative Assistant to the Commissioner

EHG
STP



Harbison Psychological Services, LLC

One Harbison Way • Suite 229
Columbia, SC 29212
Tel: 803.749.6620 • Fax: 803.407.6905

October 17, 2007

RE: Carmen Morgan

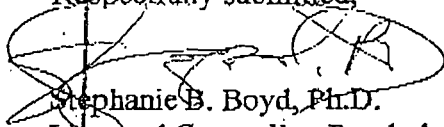
To Whom It May Concern:

Please be advised that Carmen Morgan has been under my care on a frequent and continual basis since August 14, 2002 until the present time. Ms. Morgan was admitted to the psychiatric ward of Baptist Hospital on or about February 28, 2006 and was initially discharged on March 7, 2006. Her admitting diagnoses were depression, suicidal ideations, and posttraumatic stress disorder.

Ms. Morgan was re-admitted to the psychiatric ward at Baptist Hospital on March 14, 2006 and left the hospital on April 21, 2006. She was again treated in the emergency room on April 22, 2006 and re-admitted to the hospital psychiatric ward as an inpatient until her discharge on May 16, 2006 for problems of depression, posttraumatic stress disorder and suicidal ideations.

Based on my treatment of Ms. Morgan over an extended period of time and my review of her diagnoses and records pertaining to the above hospital visits, it is my opinion to a reasonable degree of medical certainty that Ms. Morgan's work-related psychological conditions most probably severely worsened at or shortly preceding the above referenced hospitalizations and have continued with fairly unsustainable improvement of many of her symptoms. She continues to suffer from residual and often debilitating conditions such as significantly impaired interpersonal and social functioning, affective instability, fear, and distortions of thought that exhibits as paranoia. She continues to have an ongoing need for psychiatric and psychological interventions.

Respectfully submitted,



Stephanie B. Boyd, Ph.D.
Licensed Counseling Psychologist

Result type: Discharge Summary
Result date: ~~16 May 2006 12:40~~
Result status: Auth (Verified)
Result title: Discharge Summary
Performed by: Kinard MD, Carl O on 16 May 2006 12:40
Verified by: Kinard MD, Carl O on 17 May 2006 12:31
Encounter info: B0607301923, Baptist, PYB-Mental Health Inpatient, 03/14/06 - 04/21/06

Discharge Summary

HISTORY OF PRESENT ILLNESS: This 26-year-old black single female was recently discharged from this facility and has presented back with complaints of increasing suicidal ideation. She reports that she has a history of depression and post-traumatic stress disorder since an armed robbery at work in 2002. Since that time she has not worked. She had been staying with friends and relatives, but has run out of resources. The original admission was after she had been ejected from her mother's residence after a disagreement in which the patient says she "got physical" with her mother. She is currently involved in a suit having to deal with Workman's Compensation. Her previous admission was generally unsatisfactory because it was very hard to get her to focus on any sort of coping skills. We had to literally lock her room door to get her to participate in therapy groups to start with. Her rapid readmission is disappointing.

PHYSICAL EXAMINATION: Physical examination was updated and there were no interval changes.


LABORATORY DATA: Laboratory evaluation included a CBC which was within normal limits, basic metabolic profile within normal limits, TSH was 1.96. HcG was negative. Drug screen for substances of abuse was negative.

TREATMENT PLAN AND COURSE IN THE HOSPITAL: The course in the hospital was very similar to the previous course. We had tried a variety of alternatives for depression and did offer the patient electroconvulsive therapy which she repeatedly refused, both during the previous admission and this admission. The patient did show a very prominent anger as well as the prominent anergia. We also tried to target these specifically with our choices of medicines and augmenting medicines, using several potent antidepressants including notably Paxil and Effexor, Remeron, Lithium, atypical neuroleptics, BuSpar augmentation; saw very little change in the core of symptoms. The patient continued to have difficulty engaging in active problem solving in terms of trying to use the coping skills in the DBT groups, actively seeking for alternatives outside the hospital. She seemed content to remain in the hospital for long periods of time; in fact this admission was over 30 days and we did discuss the possibility of needing to transfer her to a different facility for longer term treatment if we could not safely discharge her and she discounted this as a possibility, stating that we simply could not do so. The patient became angry at rules of the unit and so was disruptive on Five Avert, that she was transferred by the physician on call to Sixth and then insisted on

CERTIFICATE OF COUNSEL

Respondent, by and through his undersigned counsel, hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 8, 2013



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Shannon T. Poteat, Esquire
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Attorneys for Respondents

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SC Court of Appeals

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

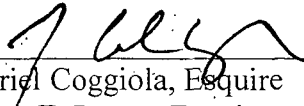
DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2010-CP-40-4071

Carmen Morgan, Appellant,
v.
South Carolina Bank and Trust (Employer), and
Cincinnati Insurance Company (Carrier), Respondents.

PROOF OF SERVICE

I certify that I have served the Supplemental Record on Appeal on Carmen Morgan by depositing a copy of it in the United States Mail, postage prepaid, on March 8, 2013, addressed to her attorney of record, Everett Hope Garner, P.O. Box 11006, Columbia, South Carolina, 29211.



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Attorneys for Respondents

Other Counsel of Record:

Everett Hope Garner, Esquire
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Attorney for Appellant