**South Carolina General Assembly**

126th Session, 2025-2026

**S. 286**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Johnson, Turner and Rankin

Companion/Similar bill(s): 3874

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Introduced in the Senate on January 29, 2025

Currently residing in the Senate Committee on **Judiciary**

Summary: Medical Fee Schedule

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/29/2025 Senate Introduced and read first time (Senate Journal‑page 5)

 1/29/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 5)

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**VERSIONS OF THIS BILL**

[01/29/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/286_20250129.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 42‑15‑90, RELATING TO FEES OF ATTORNEYS AND PHYSICIANS AND HOSPITAL CHARGES APPROVED BY COMMISSION, SO AS TO ALLOW THE WORKERS’ COMPENSATION COMMISSION TO ESTABLISH MEDICAL FEE SCHEDULES AND RELATED SYSTEMS, AND PROVIDE THAT THE WORKERS’ COMPENSATION COMMISSION SHALL REVIEW THE FEE SCHEDULES ON AN ANNUAL BASIS AND WHEN APPROPRIATE TO INCLUDE FACTORS SUCH AS THE MEDICAL CONSUMER PRICE INDEX AND THE FEE SCHEDULES OF OTHER STATES IN THE REGION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 42‑15‑90 of the S.C. Code is amended to read:

 Section 42‑15‑90. (A) Attorney fees, physician fees, and hospital charges for services under this title are subject to the approval of the commission, but a physician or hospital may not collect a fee from an employer or insurance carrier until the physician or hospital has made the reports required by the commission in connection with the case.

 (B)(1) A person may not:

 (a) receive a fee, gratuity, or other consideration for a service rendered pursuant to this title unless the fee, gratuity, or other consideration is approved by the commission or a court of competent jurisdiction; or

 (b) make it a business to solicit employment for an attorney or himself with respect to a claim or award for compensation under this title.

 (2) A violation of this section constitutes a misdemeanor and, upon conviction, each offense is subject to a fine of not more than five hundred dollars, imprisonment for not more than one year, or both.

 (C)(1) The commission may adopt criteria to establish a new fee schedule or adjust an existing fee schedule to establish maximum allowable payments for medical services provided by medical practitioners exclusive of hospital inpatient services and hospital outpatient services and ambulatory surgery centers based in whole or in part on the requirements of a federally funded program, but if it adopts adjustments to an existing fee schedule, it must adopt these adjustments on an annual basis and the adjustments may not exceed the percentage change indicated by the federally funded program. The commission shall conduct an evidentiary hearing to review a proposed adjustment to increase or reduce these fees by more than ten percent annually to determine whether to:

 (a) increase or reduce the proposed adjustment as the commission considers appropriate; or

 (b) accept the proposed adjustment.

 (2)(a) A decision of the commission to increase or reduce a fee schedule to establish maximum allowable payments for medical services provided by medical practitioners exclusive of hospital inpatient services and hospital outpatient services and ambulatory surgery centers by more than ten percent is reviewable by expedited appeal to the Administrative Law Court pursuant to the Administrative Procedures Act.

 (b) On appeal, the court may:

 (i) accept the increase or decrease;

 (ii) impose a lesser increase or decrease;

 (iii) revert the fee schedule as it was immediately prior to the annual adjustment;

 (iv) adjust the appropriate conversion factors as necessary; or

 (v) make other adjustments the court considers reasonable.

 (c) The court shall issue a decision within ninety days after it receives the appeal.

 (d) During the pendency of this appeal, the portion of the fee schedule under review must remain the same as it was immediately prior to the proposed changes, but all other portions of the fee schedule or conversion factors are effective and remain unchanged.

 (C)(1) The commission may establish medical fee schedules and a related system that includes, but is not limited to, procedures for a review of charges and enforcement and implementation procedures. In establishing the fee schedules, the commission shall strive to assure the delivery of quality medical care in workers’ compensation cases and access by injured workers to primary and specialist care while controlling prices and system costs. The commission may consider any and all reimbursement systems and methodologies in developing the fee schedules, including, but not limited to, applying multiple conversion factors to a relative value scale calculation.

 (2) The commission may retain experts to assist in the development of the fee schedules and related systems.

 (3) The commission shall review the fee schedules adopted pursuant to this section on an annual basis, and when appropriate, the commission shall revise the fee schedules as necessary. The annual review should consider among other factors, the medical consumer price index and the workers’ compensation fee schedules of other states in the region.

SECTION 2. This act takes effect upon approval by the Governor.

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