

**Workers' Compensation Advisory Council
Meeting Agenda
Kneip Building, Conference Room #3
700 Governor Drive, Pierre
July 31, 2007
10:00 A.M., CDT**

Agenda

- A. Call to order
- B. Roll call
- C. Approval of May 30, 2007, meeting minutes
- D. Opening remarks

10:05 – 12:00 P.M.

- E. Discussion, public hearing and council action on the following items:
 - Issue 7.** Permanent Total Disability – eligibility standards (Scheid case) SDCL 62-4 new section. DOL and American Insurance Association.
 - Issue 8.** Various issues. Fern Stanton Johnson.
 - Issue 9.** Delays – Approval of Permanent Benefit Filings – SDCL 62-4 new section. Farmers Insurance.
 - Issue 10.** Penalty for failure to provide medical reports – SDCL 62-4-45 amendment. Farmers Insurance.
 - Issue 11.** Delays- requiring prompt payment of medical bills – SDCL 62-4 new section. Fern Stanton Johnson.
 - Issue 12.** Increasing penalties for late reporting – SDCL 62-6-2 amendment. DOL.

12:00 – 1:00 P.M. Lunch Break

1:00 – 3:00 P.M., DOL Issues

- Issue 1.** Causation – “contributing factor” vs “a major contributing cause.” (Orth case) SDCL 62-1-1 amendment.
- Issue 2.** Payment pursuant to fee schedule – (Wise case) SDCL 62-1-1.3 amendment.
- Issue 3.** Medical Findings vs Expert Medical Opinion – (Orth case) SDCL 62-1-15 amendment.
- Issue 4.** Willful Misconduct – (Vansteenwyk case) SDCL 62-4-37 amendment.
- Issue 5.** Employer Notice – employer’s “actual knowledge of” (Orth case and Streytle case) SDCL 62-7-10 amendment.
- Issue 6.** Medical Release – SDCL 62-4 new section.

3:00 – 3:15 Break

3:15 P.M.

F. Public Hearing

- Open to public testimony on any items of interest the public may have

G. Committee discussion

H. Next meeting and public hearing, August 27, 2007, at 10:00 a.m., Kneip Conference Room 3

I. Adjourn