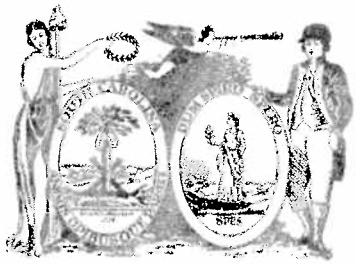
State of South Carolina
Executive Department



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OCT 24 2007

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO.

2007-19

WHEREAS, Executive Order 2007-16 was issued on September 20, 2007, directing "the Commission and each of its individual commissioners in all contested cases to strictly apply either AMA Guides or any other accepted medical treatise or authority in making their injury compensation determinations" and to provide quarterly confirmation of their compliance with this directive; and

WHEREAS, on September 24, 2007, the Workers' Compensation Commission asked for clarification as to whether Executive Order 2007-16 requires "commissioners [to] limit permanency awards to the impairment ratings shown in the AMA Guidelines" and stated that such interpretation would be contrary to the Workers' Compensation Act and the case law which flows from it; and

WHEREAS, I replied to the Commission's request for clarification by letter dated September 27, 2007, and confirmed that Executive Order 2007-16 did not direct the commissioners to act contrary to any constitutional or statutory laws or the case law which flows from them, but was intended to direct better adherence to and proper application of the laws of this State as enacted by the General Assembly and interpreted and applied by our courts.

NOW THEREFORE, in further response to the Workers' Compensation Commission's request for clarification, I hereby direct the Workers' Compensation Commission, as provided in South Carolina case law, to make awards under Section 42-9-30 of the South Carolina Code of Laws (as amended by Act No. 111 of 2007) according to the medical model of workers' compensation and on the basis of the degree of physical impairment as determined by medical experts in strict accordance with the AMA Guides or any other accepted medical treatise. The economic model of workers' compensation shall be applicable only to awards made pursuant to Sections

42-9-10 and 42-9-20 of the South Carolina Code of Laws (as amended by Act No. 111 of 2007).

This Order is a supplement to Executive Order 2007-16 which remains in effect.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA ON OCTOBER 24th, 2007.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
Secretary Of State