04 NCAC 10A .0108 is amended with changes as published in 31:08 NCR 741 as follows:

04 NCAC 10A .0108 ELECTRONIC FILINGS WITH THE COMMISSION; HOW TO FILE

(a) All documents filed with the Commission in workers' compensation cases shall be submitted electronically in accordance with this Rule. Any document transmitted to the Commission in a manner not in accordance with this Rule shall not be accepted for filing. Any document filed with the Commission which that requires contemporaneous payment of a processing fee pursuant to Rule 04 NCAC 10E .0203 shall not be deemed filed until the fee has been paid in full. The electronic filing requirements of this Rule shall not apply to elaimants and claimants, medical providers, or non-insured employers without legal representation. Claimants Claimants, medical providers, and non-insured employers without legal representation may file all documents with the Commission via EDFP, the Commission's Electronic Document Filing Portal ("EDFP"), electronic mail, facsimile, U.S. Mail, private courier service, or hand delivery.

(b) Except as set forth [below] in Paragraphs (d) and (e) of this Rule, All-all documents listed in Table 1 below shall be transmitted to the Commission via the Commission's Electronic Document Filing Portal ("EDFP"). EDFP. Information regarding how to register for and use EDFP is available at http://www.ic.nc.gov/training.html. In the event EDFP is inoperable, all documents listed in Table 1 below required to be filed via EDFP shall be sent transmitted to the Commission via electronic mail to edfp@ic.nc.gov. Documents listed in Table 1 below required to be filed via EDFP which that are sent to the Commission via electronic mail when EDFP is operable shall not be accepted for filing.

Table 1: Documents to be filed via EDFP

Appeal of Administrative Order to Full Commission
Appeal of Medical Motion Order to Full Commission
Appeal of Opinion and Award of Deputy Commissioner
Appeal of Order of Executive Secretary (Non Medical)
Attorney Representation Letter (in cases with an IC file number)
Brief to the Full Commission
Brief or Contentions
Compromise Settlement Agreement
Confirmation of Scheduling of Mediation
Court of Appeals Notice of Appeal
Deposition
Form 18M
Form 21
Form 23 Application
Form 23 Response
Form 23 Additional Documentation

Form 24 Application
Form 24 Response
Form 24 Additional Documentation
Form 26
Form 26A
Form 33
Form 33R
Form 44
MSC2
MSC4
MSC5
Pre trial Agreement
Notice of Scheduled Mediation

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(c) Transcripts of depositions shall be filed with the Commission pursuant to this Paragraph Rule by the court reporting service. The transcripts filed with the Commission shall have only one page of text per page and shall include all exhibits. The exhibits. The parties shall provide the Commission's court reporting service with the information necessary to effectuate electronic filing of the deposition transcripts and attached exhibits, exhibits via EDFP. If an exhibit to a deposition is in a form that makes submission of an electronic copy impracticable, counsel for the party offering the exhibit shall make arrangements with the Commission to facilitate the submission of the

- 8 exhibit. Condensed transcripts and paper copies of deposition transcripts shall not be accepted for filing. 9 (d) A Form 19 shall be filed as the first report of injury (FROI) via electronic data interchange (EDI), except in claims
- involving non-insured employers or in claims for lung disease, in which case the Form 19 shall be filed in accordance with Paragraph (e) of this Rule. Information regarding how to register for and use EDI is available at 11
- 12 www.ncicedi.info.
- (e)(e) The workers' compensation forms and documents listed in Table 2 Table 1 below and all other documents to 13
- be filed with the Commission's Claims Administration Section shall be sent to the Commission via electronic mail to 14
- 15 forms@ic.ne.gov. shall not be required to be transmitted via EDFP provided all applicable qualifying conditions are
- 16 met.

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18 Table 2: Table 1: Forms and documents to be filed via electronic mail to forms@ic.ne.gov exempt from EDFP filing 19 requirements and how to file them:

Form 18		
Form 18B		
Form 26D		
Form 28		

Form 28B
Form 28C
Form 28T
Form 29
Form 30
Form 30A
Form 30D
Form 31
Form 60
Form 61
Form 62
Form 63

DOCUMENT	QUALIFYING CONDITION(S)	HOW TO FILE
<u>Form 18</u>	No IC file number has been assigned	Electronically to forms@ic.nc.gov,
		by mail to 4335 Mail Service
		Center, Raleigh, North Carolina
		27699-4335, or as otherwise
		permitted pursuant to Paragraph
		(a) of this Rule
Form 18B	Always exempt from EDFP filing	Electronically to forms@ic.nc.gov,
	<u>requirement</u>	by mail to 4335 Mail Service
		Center, Raleigh, North Carolina
		27699-4335, or as otherwise
		permitted pursuant to Paragraph
		(a) of this Rule
<u>Form 19</u>	1. The claim involves a non-insured	Electronically to forms@ic.nc.gov,
	employer; or	by mail to 4335 Mail Service
	2. The claim is for lung disease.	Center, Raleigh, North Carolina
		27699-4335, or as otherwise
		permitted pursuant to Paragraph
		(a) of this Rule
Form 51	Always exempt from EDFP filing	Electronically to forms@ic.nc.gov
	<u>requirement</u>	
Plaintiff's Attorney	No IC file number has been assigned	Electronically to forms@ic.nc.gov
Representation Letter		

Medical motions, responses, and	Always exempt from EDFP filing	Electronically to
appeals of administrative orders	<u>requirement</u>	medicalmotions@ic.nc.gov or as
on medical motions filed		otherwise permitted pursuant to
pursuant to Rule .0609A of this		Paragraph (a) of this Rule
Subchapter		
Documents to be filed with the	Always exempt from EDFP filing	Electronically to
Commission's Compliance &	<u>requirement</u>	fraudcomplaints@ic.nc.gov or as
Fraud Investigative Division		otherwise permitted pursuant to
		Paragraph (a) of this Rule
Documents to be filed with the	Always exempt from EDFP filing	Electronically to
Commission's Medical Fees	<u>requirement</u>	medicalfees@ic.nc.gov or as
Section		otherwise permitted pursuant to
		Paragraph (a) of this Rule
Documents to be filed with the	Always exempt from EDFP filing	Electronically to safety@ic.nc.gov
Commission's Safety Education	<u>requirement</u>	or as otherwise permitted pursuant
& Training Section		to Paragraph (a) of this Rule
A Form 25N to be filed with the	No IC file number has been assigned	Electronically to [25n@ic.nc.gov]
Commission's Medical		25N@ic.nc.gov
Rehabilitation Nurses Section		
Rehabilitation referrals to be	No IC file number has been assigned	Electronically to
filed with the Commission's		rehab.referrals@ic.nc.gov
Medical Rehabilitation Nurses		
Section		

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(d) Motions, motion responses, and all other documents not referenced in Paragraphs (b) and (c) of this Rule shall be filed with the Commission via electronic mail in accordance with Subparagraphs (1) through (11) (6) below:

4 5 1) Medical motions and appeals of administrative orders on medical motions filed pursuant to Rule
.0609A of this Subchapter shall be filed via electronic mail to medicalmotions@ic.nc.gov.

6 7 (2)

Motions or notices filed with the Office of the Executive Secretary pursuant to Rule .0609(b) of this Subchapter and any other documents to be filed with the Office of the Executive Secretary which are not listed in Table 1 or Table 2 above shall be sent via electronic mail to execsec@ic.nc.gov.

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(3) Motions before a Deputy Commissioner filed pursuant to Rule .0609(a) of this Subchapter and any other documents to be filed with a Deputy Commissioner which are not listed in Table 1 or Table 2 above shall be sent via electronic mail to deputy@ic.nc.gov.

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(4) Motions before the Full Commission filed pursuant to Rule .0609(c) of this Subchapter and any other documents to be filed with the Full Commission which are not listed in Table 1 or Table 2 above shall be sent via electronic mail to fullcommission@ie.ne.gov.

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1	(5)	Motions and any other documents to be filed with the Commission's Claims Administration Section
2		which are not listed in Table 1 or Table 2 above shall be sent via electronic mail to forms@ic.nc.gov.
3	(6)	Documents to be filed with the Commission's Docket Section which are not listed in Table 1 or
4		Table 2 above shall be sent via electronic mail to dockets@ic.nc.gov.
5	(7)	Documents to be filed with the Commission's Mediation Section which are not listed in Table 1 or
6		Table 2 above shall be sent via electronic mail to mediation@ic.nc.gov.
7	(8)	Documents to be filed with the Commission's Compliance & Fraud Investigative Division which
8		are not listed in Table 1 or Table 2 above shall be sent via electronic mail to
9		fraudcomplaints@ic.nc.gov.
10	(9)	Documents to be filed with the Commission's Medical Fees Section which are not listed in Table 1
11		or Table 2 above shall be sent via electronic mail to medicalfees@ic.nc.gov.
12	(10)	Documents to be filed with the Commission's Safety Education & Training Section which are not
13		listed in Table 1 or Table 2 above shall be sent via electronic mail to safety@ic.nc.gov.
14	(11)	Forms 25N to be filed with the Commission's Medical Rehabilitation Nurses Section shall be sent
15		via electronic mail to 25n@ic.nc.gov. Rehabilitation referrals to be filed with the Commission's
16		Medical Rehabilitation Nurses Section shall be sent via electronic mail to rehab.referrals@ic.nc.gov.
17	(e) A one year	waiver shall be granted to a self-insured employer, carrier, third-party administrator, or law firm that
18	notifies the Com	umission of its inability to comply with the electronic filing requirements in Paragraph (a) of this Rule
19	due to a lack of	the necessary internet technology resources. The notification shall indicate why the entity is unable
20	to comply with	the rule and outline its plan for coming into compliance within the one year period. The notification
21	shall be filed wi	th the Office of the Clerk of the Commission via facsimile or U.S Mail.
22	(f) A self-insure	d employer, carrier, carrier or guaranty association, third-party administrator, court reporting service,
23	or law firm may	apply to the Commission for an emergency temporary waiver of the electronic filing requirement set
24	<u>forth</u> in Paragra _l	oh (a) of this Rule when it is unable to comply because of temporary technical problems and/or or lack
25	of electronic ma	il or internet access. The request for an emergency temporary waiver shall be included with any filing
26	submitted via fa	csimile, U.S. Mail, or hand delivery due to such temporary technical or access issues.
27	(h) A Notice of	Appeal to the North Carolina Court of Appeals shall be accepted for filing by the Commission via
28	EDFP or U.S. M	<u>lail.</u>
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30	History Note:	Authority G.S. 97-80; 97-81;
31		Eff. February 1, 2016;
32		Amended Eff. February 1, 2017.
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