

## FISCAL IMPACT ANALYSIS

**Agency Proposing Rule(s):** North Carolina Industrial Commission

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:        Readopt as amended

Impact Summary:	State Government:	No
	Local Government:	No
	Substantial Economic:	No
	Federal Certification:	No

- **Subchapter A – Workers’ Compensation Rules**
  - Section .0100 – Administration
  - Section .0200 – Notice of Act
  - Section .0300 – Insurance
  - Section .0400 – Disability, Compensation, Fees
  - Section .0500 - Agreements
  - Section .0600 – ~~Contested Cases~~ Claims Administration and Procedures
  - Section .0700 – Appeals
  - Section .0800 – Rules of the Commission
  - Section .0900 – Report of Earnings
  - Section .1000 – Preauthorization for Medical Treatment

**Baseline for Costs and Benefits of Proposed Rules:**

The rules outlined above have been in existence and establish a baseline for the fiscal analysis. The rules have been reviewed to ensure that the content is clearly written, relevant, an up-to-date with existing policy and procedures of the Commission. Any changes have been

reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

Rule Number	Title of Rule Change	Statutory Citation	Summary of the Rule Change	Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact
4 NCAC 10A .0101	LOCATION OF OFFICES AND HOURS OF BUSINESS	G.S. 97-80	This Rule establishes the physical location of the Industrial Commission, and the hours during which paper and electronic versions of documents may be filed. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0102	<del>TRANSACTION OF BUSINESS BY THE COMMISSION</del> <u>OFFICIAL FORMS</u>	G.S. 97-80(a); 97-81(a)	This Rule establishes that the Industrial Commission may supply requisite Forms, Rules and Minutes upon request. Existing Rule 4 NCAC 10A .0102 Transaction of Business by the Commission is being repealed and replaced by Official Forms. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0103 Official Forms. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0103	<del>OFFICIAL FORMS</del> <u>NOTICE OF ACCIDENT AND CLAIM OF INJURY OR OCCUPATIONAL DISEASE</u>	G.S. 97-22; 97-24; 97-58; 97-80(a); 97-81	This Rule provides parties with notice of the requirements for how an employee may provide notice of their claim. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0104 Employer's Report of Injury. Existing Rule 4 NCAC 10A .0103 Official Forms is being moved to 4 NCAC 10A .0102 Official Forms. This Rule is being readopted with minor technical changes.	None
4 NCAC 10A .0104	<del>EMPLOYER'S REPORT OF INJURY</del>	G.S. 97-80(a); G.S. 97-92	This Rule establishes the manner and time in which employers are to report injuries to their carrier or	None

	REQUIREMENT TO FILE A FORM 19		administrator, and the Industrial Commission. This Rule further establishes an employer's duty to provide a Form 18 to employees who have reported an injury. Parts of existing Rule 4 NCAC 10A .0104 are being moved to 4 NCAC 10A .0103. This Rule is being readopted with minor technical amendments and clarifies existing policies.	
4 NCAC 10A .0105	<u>FILING OF ANNUAL REPORT REQUIREMENT</u>	G.S. 97-80(a); G.S. 97-92; G.S. 97-93	This Rule requires carriers and employers to annually file a Form 51 regarding "medical only" and "lost time" cases. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A. 0407(e) Fees for Medical Compensation. This Rule is being readopted with minor technical amendments and does not create new or eliminate any existing requirements.	None
4 NCAC 10A .0106	<u>COMPUTATION OF TIME</u>	G.S. 97-80	This Rule establishes how due dates for required documents are calculated. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A. 0609(h) Motions Practice in Contested Cases. This Rule is being readopted with minor technical amendments	None
4 NCAC 10A .0201	<del>NOTICE OF EMPLOYMENT</del> SUBJECT TO THE <del>ACT</del> POSTING REQUIREMENTS FOR EMPLOYERS	G.S. 97-80; G.S. 97-93	This Rule establishes that employers must display notice to their employees in a conspicuous location that it is subject to the Workers' Compensation Act and that insurance coverage has been obtained. Subsection (b) of this Rule changes the requirement from removing the Form 17 within 5 days after a lapse in coverage to amending the Form 17 to reflect any changes in coverage. This Rule is being readopted with minor substantive and technical amendments.	The Industrial Commission will implement any future changes to the Form 17 that can be easily reflected by employers, resulting in a minimal cost to the employer if an amendment to the

				Form 17 is required.
4 NCAC 10A .0301	PROOF OF INSURANCE COVERAGE	G.S. 97-19; G.S. 97- 80(a); G.S. 97-93	<p>This Rule establishes that employers provide the Industrial Commission with proof that they have obtained workers' compensation insurance or self-insurance coverage. The filing requirements will provide updated detailed information to the Industrial Commission regarding employer insurance coverage. The current Rule requires Employers to submit this information to the Rate Bureau; the proposed Rule requires employers to report this information directly to the Industrial Commission. The submission of this information to the Industrial Commission may be provided electronically; therefore, there will be minimal cost.</p> <p>In addition, the proposed Rule requires employers to provide notice to their employees regarding their workers' compensation insurance coverage.</p>	There are not expected to be any changes regarding costs to employers as they are currently required to provide insurance information to the Rate Bureau under the existing Rule. Additionally, the employers may incur minimal costs as they are now required to post their worker's compensation insurance information to provide their employees notice.
4 NCAC 10A .0302	REQUIRED CONTACT INFORMATION FROM CARRIERS	G.S. 97-93	This Rule requires employers, carriers, third party administrators and self-insured employers to designate a primary contact person and provide the Industrial Commission with current contact information for that person. The language regarding sanctions has been deleted, as the authority exists in 4 NCAC 10A .802 Sanctions. This Rule is being readopted with minor technical amendments.	None
4 NCAC	<del>WHEN DISABILITY</del>	G.S. 97-28; G.S. 97-	This Rule establishes how the seven-day waiting	None

10A .0401	<del>BEGINS FOR THE PURPOSE OF COMPUTING DISABILITY</del> CALCULATING THE SEVEN-DAY WAITING PERIOD	80(a)	period is calculated. The word “partial” was added to subsection (d) to clarify when the seven day waiting period becomes subject to compensation. This Rule is being readopted with minor technical amendments.	
4 NCAC 10A .0402	<del>COMPUTATION OF DAILY WAGE</del> SUBMISSION OF EARNINGS STATEMENT REQUIRED	G.S. 97-2(5); G.S. 97-18(b); G.S. 97-80(a); G.S. 97-81	This Rule establishes that an employee or the Industrial Commission may request the employer to submit a verified statement of the days worked and wages earned by of the employee during the 52-week period preceding the injury, similar to the statement and information presently set forth on the Form 22. This Rule merely outlines the requirements of an existing form, allowing the parties to submit the information in a feasible, calculated manner. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0403	MANNER OF PAYMENT OF COMPENSATION	G.S. 97-18; G.S. 97-18(e); G.S. 97-80(a)	This Rule establishes the applicable standard for payments of compensation and allows the parties to come to a separate agreement regarding the manner of payment of compensation. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0404	<u>TERMINATION AND SUSPENSION</u> OF COMPENSATION	G.S. 97-18(c)(d); G.S. 18.1; G.S. 97-32.2(g); G.S. 97-80(a)	This Rule establishes the manner and procedures by which an employer, carrier, or administrator may seek to terminate or suspend compensation being paid to an employee, and addresses specifically the codification of G.S. 97-18(k), G.S. 97-29, and G.S. 97-32 in N.C. Sess. Law 2011-287. The title of this Rule has been amended to reflect the true procedural application. Finally, this Rule has been amended to reflect the information	Effective January 1, 2013, the Application to Terminate or Suspend Payment of Compensation must be electronically submitted. It is not expected that this will create any significant

			presently set forth on the Form 24. This Rule is being readopted with minor technical amendments.	impact. If any, it may result in a minor savings.
4 NCAC 10A .0404(A)	TRIAL RETURN TO WORK	G.S. 97-18(h); G.S. 97-29; G.S. 97-32.1; G.S. 97-80	This Rule establishes that when total disability compensation is terminated after an employee returns to work, said termination is subject to G.S. 97-32.1. This Rule further establishes the manner in which an employee may seek certification of a failed trial return to work. Finally, this Rule spells out the existing cap for “medical only” cases at \$2,000 which was added in order to clarify this Rule. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0405	<del>COMPUTATION OF COMPENSATION FOR AMPUTATIONS</del> REINSTATEMENT OF COMPENSATION	G.S. 97-18(k); G.S. 97-80(a)	This Rule addresses specifically the codification of G.S. 97-18(k) in N.C. Sess. Law 2011-287. The goal of this Rule and of G.S. 97-18(k) is to provide guidance to parties in pending workers’ compensation claims as to the standard that will be applied by the Industrial Commission in decisions to reinstate compensation benefit payments to employees. This Rule establishes the manner in which, and procedures by which, compensation that has been suspended or terminated may be reinstated in accordance with G.S. 97-18(k) in N.C. Sess. Law 2011-287. The portion of this Rule dealing with compensation for amputations has been deleted as this information is set forth in G.S. 97-31. This Rule is being adopted in accordance with G.S. 97-18(k) in N.C. Sess. Law 2011-287.	Prior to G.S. 97-18(k) in N.C. Sess. Law 2011-287, requests for reinstatement would have been handled by the Industrial Commission’s motion process. This Rule provides a uniform process via a Form 23, that would not increase costs and will likely generate some administrative cost savings for litigating parties.
4 NCAC 10A .0406	DISCOUNT TABLE RATE TO BE USED IN	G.S. 97-40; 97-44	This Rule addresses the manner in which compensation is commuted through the use of a	None

	DETERMINING COMMUTED VALUES		standardized discount rate. The Industrial Commission currently has the discretion to set the rate and this Rule outlines the procedure for determining the proper standardized discount rate chosen by the Industrial Commission. The Industrial Commission will continue to provide the calculation chart, and the parties still bear the responsibility of calculating the values based upon the standardized discount rate. This Rule is being readopted with minor substantive and technical amendments.	
4 NCAC 10A .0407	FEES FOR MEDICAL COMPENSATION	G.S. 97-18(i); G.S. 97-25.6; G.S. 97-26; G.S. 97-80(a); G.S. 138-6	This Rule is being moved to 10J .0101.	
4 NCAC 10A .0408	<del>ADDITIONAL MEDICAL COMPENSATION</del> APPLICATION FOR OR STIPULATION TO ADDITIONAL MEDICAL COMPENSATION	G.S. 97-25.1; 97-80(a)	This Rule establishes the manner in which an employee may apply for additional medical compensation through the filing of a Form 18M <i>Employee's Application for Additional Medical Compensation</i> or a Form 33 <i>Request that Claim be Assigned for Hearing</i> . This Rule further provides that the parties may stipulate or agree to the additional medical compensation, and is set forth in greater detail by the deletion of paragraph (a) and replacing it with paragraph (c). Paragraph (d) has been deleted as the standard for appeal is set forth in 4 NCAC 10A .702 Review of Administrative Decisions. This Rule is being readopted with minor substantive and technical amendments.	This proposed amendments to the Rule provide a uniform process that would provide a benefit to litigating parties by allowing stipulations thereby reducing litigation costs.
4 NCAC 10A .0409	CLAIMS FOR DEATH BENEFITS	G.S. 97-38; 97-39	This Rule requires employers, carriers, or administrators to report an employee's death in a timely manner when related to a workplace injury	None

			or occupational disease and to make a good faith effort to identify beneficiaries. This Rule further establishes the manner in which minor and incompetent beneficiaries may receive compensation. The elimination of Subsection (a)(1) will not result in any policy changes but is an elimination of redundant language. This Rule is being readopted with minor technical amendments.	
4 NCAC 10A .0410	<u>COMMUNICATION FOR MEDICAL INFORMATION</u>	G.S. 97-25.6; G.S. 97-80(a)	This Rule addresses specifically the codification of G.S. 97-25.6 in N.C. Sess. Law 2011-287. The goal of this Rule and of G.S. 97-25.6 is to provide guidance to the parties in pending workers' compensation claims with regard to the manner in which an employer may communicate with an employee's medical provider to request information. This Rule further establishes the manner in which an employee may seek a protective order regarding the employer's proposed communication. This Rule is being adopted in accordance with G.S. 97-25.6 in N.C. Sess. Law 2011-287.	Prior to G.S. 97-25.6 in N.C. Sess. Law 2011-287, requests for production of documents or materials to treating physicians would have been handled by the Industrial Commission's motion process. This Rule provides a uniform process that would not increase costs and will likely generate some administrative cost savings for litigating parties.
4 NCAC 10A .0501	<u>AGREEMENTS FOR PROMPT PAYMENT OF COMPENSATION</u>	G.S. 97-18; 97- 80(a); 97-82	This Rule sets forth the requirements of form agreements submitted to the Industrial Commission. The portion of the Rule requiring an employer, carrier, or administrator to file a Form 28 after the last payment of compensation for	None.

			either temporary or permanent disability has been moved to 4 NCAC 10A .0503 Notice of Last Payment Filing Requirement. This Rule is being readopted with minor technical amendments.	
4 NCAC 10A .0502	COMPROMISE SETTLEMENT AGREEMENTS	G.S. 97-17; G.S. 97-80(a); G.S. 97-82	This Rule explains the requirements for approval of Compromise Settlement Agreements and the satisfaction of unpaid medical bills in claims settled with Compromise Settlement Agreements. Paragraphs (b)(7) and (b)(8) will not have any impact on Compromise Settlement Agreements, as the proposed amendments to this Rule merely clarify existing policies. This Rule is being readopted with minor substantive and technical amendments.	None
4 NCAC 10A .0503	<del>APPROVAL OF AGREEMENT CONSTITUTES AWARD</del> <u>NOTICE OF LAST PAYMENT FILING REQUIREMENT</u>	G.S. 97-18(h); G.S. 97-80(a)	This Rule enumerates the forms required by G.S. 97-18(h) that articulate the date of the final payment of compensation. The existing 4 NCAC 10A .0503 Approval of Agreement Constitutes Award is being repealed and replaced with the new Rule 4 NCAC 10A .0503 Notice of Last Payment Filing Requirement, which was previously codified as 4 NCAC 10A .0501 Agreements for Prompt Payment of Compensation, the content of which is being readopted with minor substantive and technical amendments.	None

4 NCAC 10A .0601	<del>EMPLOYER EMPLOYER'S OBLIGATIONS UPON NOTICE;; DENIAL OF LIABILITY SANCTIONS;; AND DENIAL OF LIABILITY SANCTIONS</del>	G.S. 97-18; 97- 80(a); 97-81(a)	This Rule informs the parties of the proper forms to be filed by an employer, carrier, or administrator in response to the initiation of a claim by an employee. This Rule is being readopted with minor technical amendments and clarifies existing policy.	None
4 NCAC 10A .0602	REQUEST FOR HEARING	G.S. 97-80(a); G.S. 97-83	This Rule lists the requirements of a request for hearing made to the Industrial Commission. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0603	<u>RESPONSE TO RESPONDING TO A PARTY'S REQUEST FOR HEARING</u>	G.S. 97-80(a); 97-83	This Rule lists the requirements of a response to a request for hearing made to the Industrial Commission. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0604	APPOINTMENT OF GUARDIAN <i>AD LITEM</i>	1A-1, Rule 17; 97- 50; 97-79(e); 97- 80(a); 97-91	This Rule requires the appointment of a guardian <i>ad litem</i> in cases where minors or incompetents bring workers' compensation actions. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0605	DISCOVERY	G.S. 97-80(a); 97- 80(f)	This Rule administrates the pre-hearing discovery process in workers' compensation actions. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0606	DISCOVERY – POST HEARING	G.S. 97-80(a); 97- 80(f)	This Rule limits the post-hearing discovery process in workers' compensation actions. This is Rule is	None

			being readopted with minor technical amendments and clarifies existing policies. This Rule is being readopted with minor technical amendments and clarifies existing policies.	
4 NCAC 10A .0607	DISCOVERY OF RECORDS AND REPORTS	G.S. 97-80(a); 97- 80(b); 97-80(f) G.S. 97-80(a); 97-80(b); 97-80(f)	This Rule explains the ongoing obligation of parties to workers' compensation claims, upon written request of the opposing party, to produce any and all medical records, vocational reports, rehabilitation reports, employment records, Commission forms, and written communications with medical providers in their possession. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0608	STATEMENT <del>ABOUT</del> <u>OF</u> INCIDENT LEADING TO CLAIM	G.S. 97-80(a)	This Rule explains the obligation of the employer or employer's agent, prior to the taking of a written or recorded statement regarding the facts and circumstances surrounding the claim, to advise the employee that such statement may be used to determine whether the claim is paid or denied, as well as the obligation that the transcript of such statement be furnished to the employee upon request or upon a request for hearing. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0609	MOTIONS PRACTICE IN CONTESTED CASES	G.S. 97-79(b); G.S. 97-80(a); G.S. 97- 84; G.S. 97-91	This Rule administrates motions practice in workers' compensation actions. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0609A	<u>EXPEDITED</u> MEDICAL MOTIONS AND EMERGENCY MEDICAL MOTIONS	G.S. 97-25; 97- 78(f)(2); 97- 78(g)(2); 97-80(a)	This Rule administrates expedited medical motions and emergency medical motions practice in workers' compensation actions. This Rule is being readopted with minor technical amendments and clarifies existing policy.	None
4 NCAC	PRE-TRIAL	G.S. 97-80(a); 97-	This Rule requires the submission of a pre-trial	None

10A .0610	<del>CONFERENCE AGREEMENT</del>	80(b); 97-83	agreement and sets forth the pre-trial agreement's form and content requirements. The portion of this Rule dealing with expert witnesses has been moved to 4 NCAC 10A .0613 Expert Witnesses and Fees. This Rule is being readopted with minor technical amendments and clarifies existing policy.	
4 NCAC 10A .0611	<del>HEARINGS BEFORE THE INDUSTRIAL COMMISSION</del>	G.S. 97-79; G.S. 97-80; G.S. 97-84; G.S. 97-91	This Rule administrates logistical details surrounding Commission hearings. This Rule is being readopted with minor technical changes.	None
4 NCAC 10A .0612	<del>DEPOSITIONS AND ADDITIONAL HEARINGS</del>	G.S. 97-80; G.S. 97-88; 97-88.1	This Rule administrates logistical details surrounding lay witness depositions pertaining to Commission hearings. This Rule is being readopted with minor technical changes and offers clarification regarding the Rule.	None
4 NCAC 10A .0613	<del>DISMISSAL AND REMOVALS EXPERT WITNESSES AND FEES</del>	G.S. 97-18(i); 97-80(a)	This Rule administrates logistical details surrounding expert witness depositions connected to Industrial Commission hearings and provides standards to ensure prompt payment. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0610 Pre-trial Agreement. Existing Rule 4 NCAC 10A .0613 Dismissals and Removals is being moved to 4 NCAC 10A .0616 Dismissals. This Rule is being readopted with minor technical changes.	None
4 NCAC 10A .0614	<del>ATTORNEYS RETAINED FOR PROCEEDINGS MEDICAL PROVIDER FEE DISPUTE PROCEDURE</del>	G.S. 97-26(i); 97-80(a)	This Rule formalizes, pursuant to G.S. 97-26(i), the existing policy regarding the dispute process used when there are contested unpaid medical charges. Existing Rule 4 NCAC 10A .0614 Attorneys Retrained for Proceedings is being moved to 4 NCAC 10A .0617. This Rule is being adopted for G.S. 97-26(i).	Prior to this Rule, requests for payment by medical providers would have been handled by the Industrial Commission's motion process. This

				Rule provides a uniform process that would not increase costs and will likely generate some administrative cost savings for litigating parties.
4 NCAC 10A .0615	<del>DISQUALIFICATION OF DEPUTY COMMISSIONER OR COMMISSIONER</del> <u>CASES REMOVED FROM A HEARING CALENDAR</u>	G.S. 97-80(a); 97-84; 97-91	This Rule sets forth the conditions under which a case may be removed from and reset on a hearing docket. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0613 Dismissals and Removals. Existing Rule 4 NCAC 10A .0615 Disqualification of Deputy Commissioner or Commissioner is being moved to 4 NCAC 10A .0618. This Rule is being readopted with minor technical changes.	None
4 NCAC 10A .0616	<del>FOREIGN LANGUAGE INTERPRETERS</del> <u>DISMISSALS</u>	G.S. 97-80(a); 97-84; 97-91	This Rule sets forth the conditions under which a case may be dismissed. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0613 Dismissals and Removals. Existing Rule 4 NCAC 10A .0616 Foreign Language Interpreters is being moved to 4 NCAC 10A .0619. This Rule is being readopted with minor technical changes.	None
4 NCAC 10A .0617	<del>ELECTRONIC SERVICE AND VERIFICATION OF SERVICE</del> <u>ATTORNEYS RETAINED FOR PROCEEDINGS</u>	G.S. 97-80(a); 97-90; 97-91	This Rule sets forth the conditions under which attorneys can be retained for and may withdraw from Industrial Commission cases. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0614 Attorneys Retained for Proceedings, and replaces the existing Rule 4 NCAC .0617. This Rule is being readopted	None

			with minor technical amendments and clarifies existing policies.	
4 NCAC 10A .0618	<u>DISQUALIFICATION OF A COMMISSIONER OR DEPUTY COMMISSIONER</u>	G.S. 97-79(b); 97-80(a)	This Rule provides the procedure applicable when it becomes necessary that Commissioners and Deputy Commissioners recuse themselves from the hearing of a case and also that a majority of the Full Commission may remove a Commissioner or Deputy Commissioner from the hearing of a case. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0615 Disqualification of a Commissioner or Deputy Commissioner. This Rule has been readopted with minor technical changes.	None
4 NCAC 10A .0619	<u>FOREIGN LANGUAGE INTERPRETERS</u>	G.S. 97-79(b); 97-80(a)	This Rule administrates the logistics surrounding the use of interpreters in workers' compensation hearings. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0616 Foreign Language Interpreters. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0701	<u>APPEAL TO THE REVIEW BY THE FULL COMMISSION</u>	G.S. 97-80; G.S. 97-85	This Rule administrates the logistical processes surrounding Full Commission review of Deputy Commissioner decisions. This Rule is being readopted with minor technical changes and clarifies existing policy. Existing Subsection (f) has been eliminated and readdressed by the proposed Subsection (f) requiring that a Motion be filed in order for the Full Commission to review new evidence. This Rule is being readopted with minor substantive and technical amendments.	None
4 NCAC 10A .0702	<u>APPEAL TO THE COURT OF APPEALS</u>	G.S. 97-80; G.S. 97-85	This Rule administrates the logistical processes surrounding Full Commission or Deputy	None

	<u>REVIEW OF ADMINISTRATIVE DECISIONS</u>		Commissioner review of administrative decisions. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0703 Review of Appeals from Administrative Decisions. This Rule is being readopted with minor technical amendments.	
4 NCAC 10A .0703	<del>REVIEW OF APPEALS FROM ADMINISTRATIVE DECISIONS</del> <u>APPEAL TO THE COURT OF APPEALS</u>	G.S. 97-80(a); 97-86	This Rule administrates the procedural requirements associated with appeals of Full Commission decisions to the North Carolina Court of Appeals. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0702 Appeal to the Court of Appeals. This Rule has been revised to minimize duplication of the applicable statutes and appellate rules. Existing Rule 4 NCAC 10A .0703 Review of Appeals from Administrative Decisions is being moved to 4 NCAC 10A .0702. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .0704	<u>REMAND FROM THE APPELLATE COURTS</u>	G.S. 97-80(a); 97-86	This Rule administrates the logistical processes surrounding the filings of parties when a case is remanded to the Full Commission from the North Carolina Court of Appeals. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10A .0702A Remand from the Appellate Courts. This Rule is being readopted with minor technical amendments	None
4 NCAC 10A.0801	<del>WAIVER OF THE RULES</del> <u>SUSPENSION OF RULES</u>	G.S. 97-80(a)	This Rule establishes the applicable standard for waiver of Rules. This Rule is being readopted with minor technical amendments and clarifies existing policy.	None
4 NCAC 10A.0802	SANCTIONS	<u>G.S. 1A-1, Rule 37; 97-18; 97-80(a); 97-</u>	This Rule provides uniformity with Industrial Commission rules and establishes the applicable	None

		<u>88(1)</u>	standard for sanctions in claims brought under the Workers' Compensation Act. This Rule is being readopted with minor technical amendments.	
4 NCAC 10A.0803	<del>PROCEDURE FOR WORKERS' COMPENSATION RULE MAKING BY THE INDUSTRIAL COMMISSION</del>		This Rule is being repealed in accordance with N.C. Sess. Law 2011-287, which required the Commission to undertake rulemaking in accordance with the Administrative Procedure Act (G.S. 150B).	None
4 NCAC 10A.0901	CHECK ENDORSEMENT	G.S. 97-80(a); 97-88.2	This Rule establishes a standardized language to be used on payments by employers, carriers, or third party administrators to employees. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A.0902	NOTICE	G.S. 97-80(a); 97-88.2	This Rule establishes the standardized notice language that must be provided to employees prior to use of check endorsement language. This Rule is being readopted with minor technical amendments and clarifies existing policy.	None
4 NCAC 10A.0903	EMPLOYEE'S OBLIGATION TO REPORT EARNINGS	G.S. 97-80(a); 97-88.2	This Rule establishes the process for requesting and completion of a Form 90 <i>Report of Earnings</i> . This Rule is being readopted with minor technical amendments.	None
4 NCAC 10A .1001	<u>PREAUTHORIZATION FOR SURGERY AND INPATIENT TREATMENT</u>	G.S. 97-25.3; 97-80(a)	This Rule sets forth the policy and procedure that has been applied in workers' compensation claim and previously set forth in 4 NCAC 10E .0101 Utilization Review Plan. This Rule outlines the procedure that has been applied in relation to G.S. 97-25.3. The procedure was developed by the Commission, with extensive involvement of external stakeholders and implements industry standards regarding preauthorization for surgery and inpatient treatment. The language in this	None

			proposed rule is different than that of 4 NCAC 10E .0101; however, the foundation for the proposed Rule is outlined by the Utilization Review Plan and is being readopted with substantive and technical amendments. The proposed Rule provides additional details regarding the policy and procedure.	

## FISCAL IMPACT ANALYSIS

**Agency Proposing Rule(s):** North Carolina Industrial Commission

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:        Readopt as amended

Impact Summary:	State Government:	No
	Local Government:	No
	Substantial Economic:	No
	Federal Certification:	No

- **Subchapter B – Tort Claims Rules**
  - Section .0100 – Administration
  - Section .0200 – Claims Procedures
  - Section .0300 – Appeals to the Full Commission
  - Section .0400 – Appeals to the Court of Appeals
  - Section .0500 – Rules of the Commission

**Baseline for Costs and Benefits of Proposed Rules:**

The rules outlined above have been in existence and establish a baseline for the fiscal analysis. The rules have been reviewed to ensure that the content is clearly written, relevant, and up-to-date with existing policy and procedures of the Commission. Any changes have been reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule making

in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

Rule Number	Title of Rule Change	Statutory Citation	Summary of the Rule Change	Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact
4 NCAC 10B .0101	LOCATION OF OFFICES AND HOURS OF BUSINESS	G.S. 143-291; 143-300	This Rule establishes the physical location of the Industrial Commission, and the hours during which paper and electronic versions of documents may be filed.	None.
4 NCAC 10B .0102	<del>TRANSACTION OF BUSINESS BY THE COMMISSION</del> <u>OFFICIAL FORMS</u>	G.S. 143-300	This Rule explains how copies of the Commission's rules, forms, and minutes can be obtained and what forms are allowed and prohibited. The prior statement pertaining to the Transaction of Business by the Commission has been removed from this Rule to eliminate unnecessary rules.	None.
4 NCAC 10B .0103	<del>OFFICIAL FORMS</del> <u>FILING FEES</u>	G.S. 143-291.2; 143-300	This rule sets the requirement of and method for filing fees when filing a claim under the State Tort Claims Act. The rule sets forth the requirements to request to sue as an indigent and how the Commission may rule on such request.	None.
4 NCAC 10B .0104	<del>FILING BY TELEFACSIMILE</del> <u>FACSIMILE TRANSMISSION</u>	G.S. 143-300; 143-291; 143-291.2; 143-297	This Rule allows filings with the Commission to be made by facsimile and provides that the filing fee must be received by the Commission contemporaneously with the facsimile by electronic transfer of funds.	None.
4 NCAC 10B .0201	RULES OF CIVIL PROCEDURE	G.S. 143-300	This rule provides that the North Carolina Rules of Civil Procedure as provided in G.S.1A-1 shall apply to tort claims before the Commission to the extent that the Rules of Civil Procedure are not inconsistent	None.

			with the Tort Claims Act. If there is an inconsistency, this Rule provides that the Tort Claims Act and the Commission's tort rules shall control.	
4 NCAC 10B .0202	<del>FILING FEES</del> <u>MEDICAL MALPRACTICE CLAIMS BY PRISON INMATES</u>	G.S. 143-300	This Rule sets forth the requirements and procedures for an inmate to file a medical practice claim against the State of North Carolina. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10B .0201 Rules of Civil Procedure.	None.
4 NCAC 10B .0203	<del>ENLARGEMENT OF TIME</del> <u>INFANTS AND INCOMPETENTS</u>	G.S. 143-300; 143-291; 143- 295	This Rule requires the appointment of a guardian <i>ad litem</i> in cases where infants or incompetents bring tort actions. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10B .0204 Infants and Incompetents.	None.
4 NCAC 10B .0204	<del>INFANTS AND INCOMPETENTS</del> <u>MOTIONS</u>	G.S. 143-300; 143-296	This rule sets forth the motions procedure for tort claims pending before the Commission. This Rule has been in existence and is being set out from the prior placement in either 04 NCAC 10B .0203 Enlargement of Time or 04 NCAC 10B .0205 Motions.	None.
4 NCAC 10B .0205	<u>MOTIONS MEDIATION</u>	G.S. 143-300; 143-295; 143- 296; 4 NCAC 10G .0101(g)	This Rule outlines the applicable process of mediation in claims filed under the Tort Claims Act. This	None.
4 NCAC 10B .0206	Hearings	G.S. 143-300; 143-296	This Rule provides the process and procedures for hearings before the Commission.	None.

4 NCAC 10B .0207	<u>COSTS HEARINGS OF CLAIMS BY PRISON INMATES</u>	G.S. 143-300; 143-296; 97-101.1	This Rule provides the process and procedures for hearings before the Commission in which the claims are made by prison inmates.	None.
4 NCAC 10B T.0208	<u>HEARING COSTS</u>	G.S. 143-291.1; 143-291.2; 143-300; 7A-305	This rule sets forth that hearing costs payable to the Commission are due upon receipt of a bill or statement of the Commission. This Rule has been in existence and is being set out from the prior placement in either 04 NCAC 10B .0207 Costs.	None.
4 NCAC 10B T.0301	<del>NOTICE OF APPEAL TO THE FULL COMMISSION SCOPE</del>	G.S. 143-300; 143-292	This Rule provides that the subsequent rules in Section .0300 are applicable to the appeals to the Full Commission.	None.
4 NCAC 10B T.0302	<u>TRANSCRIPTS NOTICE OF APPEAL TO THE FULL COMMISSION</u>	G.S. 143-300; 143-292	This Rule provides that a letter expressing an intent to appeal to the Full Commission will be considered as a notice of appeal to the Full Commission. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10B .0301 Notice of Appeal to the Full Commission.	None.
4 NCAC 10B .0303	<u>ASSIGNMENTS OF ERROR PROPOSED ISSUES ON APPEAL</u>	G.S. 143-300; 143-292; <i>Dogwood Development and Management Co., LLC v. White Oak Transport Co., Inc.</i> , 362 N.C. 191, 657 S.E.2d 361 (2008)	This Rule provides a timeframe for the appealing party to prepare and serve the proposed issues on appeal and puts the appealing party on notice that failure to file the proposed issues on appeal may result in dismissal. This Rule has been in existence and is being set out from the prior placement in 04 NCAC 10B .0303 Assignment of Error.	None.
4 NCAC 10B .0304	<del>DISMISSALS OF APPEALS</del>		The Rule is being repealed. The content of this Rule remains in existence and is being taken from the prior placement combined in the proposed amended in 04 NCAC 10B .0303 <u>Assignments of Error Proposed</u>	None.

			<u>Issues on Appeal.</u>	
4 NCAC 10B .0305	<u>BRIEFS TO THE FULL COMMISSION</u>	G.S. 143-300; 143-296	This Rule clarifies the process and filing requirements for the Form T-44 and briefs by all parties to the Full Commission.	None.
4 NCAC 10B .0306	<del>MOTION FOR NEW HEARING</del>		This Rule is being repealed. The content of this Rule remains in existence and is being taken from the prior placement combined in the proposed amended in 04 NCAC 10B .0307 Motions Before <u>the</u> Full Commission.	None.
4 NCAC 10B T.0308	STAYS	G.S. 143-300; 143-292; 143-296	This Rule provides that order, opinion and awards, or decision and orders appealed to the Full Commission are stayed pending appeal	None.
4 NCAC 10B .0309	NEW EVIDENCE		This Rule is being repealed. The content of this Rule remains in existence and is being taken from the prior placement combined in the proposed amended in 04 NCAC 10B .0307 Motions Before <u>the</u> Full Commission.	None.
4 NCAC 10B T.0310	WAIVER OF ORAL ARGUMENT	G.S. 143-300; 143-292; 143-296	This Rule provides that the Full Commission may on its own motion or motion by either party waive oral arguments before the Full Commission to prevent manifest injustice, promoted judicial economy, or expeditious decision.	None.
4 NCAC 10B .0401	<del>RULES OF APPELLATE PROCEDURE SCOPE</del>	G.S. 143-293; G.S. 143-300	This Rule establishes the applicable rules for appeals to the Court of Appeals.	None.
4 NCAC 10B .0402	<del>APPEAL BOND STAYS</del>	G.S. 143-300; 143-292; 143-294; 143-296	This Rule, as amended, stays all orders, opinions and awards, or decisions and orders of the Full Commission upon an appeal to the Court of Appeal. It was enacted to make the Tort Claims Rules uniform with the Workers' Compensation Rules and implements a policy currently in place.	None.

4 NCAC 10B .0403	<u>MOTIONS FOR COURT OF APPEALS CASES)</u>	G.S. 143-300; 143-293	This Rule provides instructions on filing motions concerning appeals with the North Carolina Court of Appeals and motions to reconsider or amend an award of the Full Commission.	None.
4 NCAC 10B .0404	<del>SETTLING RECORD ON APPEAL REMAND FROM APPELLATE COURTS</del>	G.S. 143-300; 143-292; 143- 296	This Rule, as amended, provides information on what a party may do after a remand from the North Carolina Court of Appeals. This Rule was enacted to make the Tort Claims Rules uniform with the Workers' Compensation Rules and implements a policy currently in place.	None.
4 NCAC 10B .0501	<del>WAIVER OF RULES SUSPENSION OF RULES</del>	G.S. 143-300; 143-291	This Rule establishes the applicable standard for waiver of Rules.	None.
4 NCAC 10B .0502	<del>RULEMAKING</del>		This Rule is being repealed in accordance with: (1) N.C. Sess. Law 2011-287, and (2) Executive Order 70.	None.
4 NCAC 10B .0503	SANCTIONS	G.S. 143-292; G.S. 143-296; G.S. 143-300	This Rule provides uniformity with Industrial Commission rules and establishes the applicable standard for sanctions in claims brought under the Workers' Compensation Act.	None.

## FISCAL IMPACT ANALYSIS

**Agency Proposing Rule(s):** North Carolina Industrial Commission

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:        Readopt as amended

Impact Summary:        State Government:            No  
                                  Local Government:            No  
                                  Substantial Economic:        No  
                                  Federal Certification:        No

- **Subchapter C** – Commission Rules for Utilization of Rehabilitation Professionals in Workers’ Compensation Claims
  - Section .0100 – ~~Rules Administration~~
  - Section .0200 – Rules of the Commission

**Baseline for Costs and Benefits of Proposed Rules:**

The rules outlined above have been in existence and establish a baseline for the fiscal analysis. The rules have been reviewed to ensure that the content is clearly written, relevant, an up-to-date with existing policy and procedures of the Commission. Any changes have been reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules

information for the Industrial Commission.

Rule Number	Title of Rule Change	Statutory Citation	Summary of the Rule Change	Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact
4 NCAC 10C .0101	<del>APPLICATION</del> <del>APPLICABILITY OF</del> <del>THE RULES</del>	G.S. 97-25.4; 97-25.5; 97-32.2; 97-80; 97-18(d)	This Rule establishes when vocational rehabilitation is applicable for pending workers' compensation claims. This Rule is being readopted with minor technical amendments.	None.
4 NCAC 10C .0102	<del>PURPOSE OF THE</del> <del>RULES</del>		This Rule is being repealed in accordance with: (1) N.C. Sess. Law 2011-287, and (2) Executive Order 70.	None.
4 NCAC 10C .0103	<del>APPLICATION OF THE</del> <del>RULES</del> <u>DEFINITIONS</u>	G.S. 97-25.4; 97-32.2; 97-25.5; 97-2(22); 97-80	This Rule defines the terms most commonly used by rehabilitation professionals in workers' compensation claims. This Rule is being readopted with minor technical amendments and has been revised to offer clarification. The revisions also eliminate unnecessary and redundant language.	None.
4 NCAC 10C .0105	QUALIFICATIONS REQUIRED	G.S. 97-25.4; 97-32.2; 97-25.5; 97-80	This Rule establishes the qualification standards for a rehabilitation professional in workers' compensation claims. One substantive change has been made to this Rule which requires that a rehabilitation professional complete a course in order to be considered "qualified". On March 17, 2011, the Industrial Commission recognized a need to establish a consistency in the provision of rehabilitation services for workers' compensation claims in the State of North Carolina. In response to this need, the Industrial Commission adopted a policy to mandate rehabilitation professionals providing rehabilitation services to complete a comprehensive course entitled " <i>Workers'</i>	The Rule change does not anticipate any fiscal impact on the expenditure or distribution of state funds, such as the State Budget Act, and does not anticipate any fiscal impact on local governments. The benefits received from the proposed, amended Rule text will be to

			<p><i>Compensation Case Management in NC: A Basic Primer for Medical and Vocational Case Managers.”</i>  The commission would not spend any significant time overseeing the course and training as it would only occur every six months and is currently being prepared through the International Association of Rehabilitation Professionals. The remainder of this Rule has been readopted with minor technical amendments.</p>	<p>establish consistency in the provision of rehabilitation services for workers’ compensation claims. It is possible that this course will have a minimal impact on current state employed rehabilitation professionals in the amount of \$50.00 as there is no waiver for state employees.</p>
4 NCAC 10C .0106	PROFESSIONAL RESPONSIBILITY OF THE REHABILITATION PROFESSIONAL IN WORKERS’ COMPENSATION	G.S. 97-25.4; 97-32.2; 97-25.5; 97-80	<p>This Rule establishes the role of a rehabilitation professional in workers’ compensation claims. This Rule is being readopted with minor technical amendments and clarifications.</p>	None.
04 NCAC 10C .0107	COMMUNICATION	G.S. 97-25.4; 97-25.5, 97-32.2, 97-2(19), 97-80	<p>This Rule establishes the communication standards for a rehabilitation professional in workers’ compensation claims. This Rule is being readopted with minor technical amendments.</p>	None.
04 NCAC 10C .0108	INTERACTION WITH PHYSICIANS	G.S. 97-25.4; 97-25.5; 97-32.2; 97-80	<p>This Rule establishes the communication standards for a rehabilitation professional with physicians in workers’ compensation claims. This Rule has been re-organized to provide guidance to the parties as to the appropriate communications. This Rule is being readopted with minor technical amendments.</p>	None.
04 NCAC	VOCATIONAL	G.S. 97-25.4;	<p>This Rule addresses and incorporates the codification</p>	None.

10C .0109	<u>REHABILITATION SERVICES AND RETURN TO WORK</u>	97-25.5; 97-32.2; 97-2(22)	of G.S. 97-32.2 in N.C. Sess. Law 2011-287. The goal of this rule and of G.S. 97-32.2 is to provide guidance to rehabilitation professionals as job placement services are provided in workers' compensation claims. This Rule is being readopted with minor technical amendments and additional clarifying language regarding G.S. 97-32.2 in N.C. Sess. Law 2011-287.	
04 NCAC 10C .0110	<del>MOTION FOR CHANGE OF RP:</del> <u>REHABILITATION PROFESSIONAL SANCTIONS</u>	G.S. 97-25.4; 97-25.5; 97-32.2; 97-80; 97-83 97-84	This Rule establishes the procedure for removal of a rehabilitation professional from a workers' compensation claim. The paragraph of the existing Rule regarding Sanctions has been moved to 4 NCAC 10C .0202. Rule .0110 is being readopted with minor technical changes.	None.
4 NCAC <u>10C .0201</u>	<u>SUSPENSION OF RULES</u>	G.S. 97-25.4; 97-80	This Rule provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC and establishes the applicable standard for the Commission regarding the waiver of any Rule in this Subchapter. The adoption of this Rule is an implementation of current policy and will result in no changes.	None.
4 NCAC <u>10C .0202</u>	<u>SANCTIONS</u>	G.S. 97-25.4; 97-25.5; 97-32.2; 97-80; 97-84	This Rule establishes the procedure for sanctioning a rehabilitation professional. The procedures in this Rule have been in existence and are being relocated from 4 NCAC 10C .0110 with minor technical amendments.	None.



Rule Number	Title of Rule Change	Statutory Citation	Summary of the Rule Change	Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact
4 NCAC 10D. 0101	PURPOSE	G.S. G.S. 97-2(19); 97-2(20); 97-2(21); 97-25; 97-25.2; 97-25.3(e); 97-25.4(a); 97-26(b); 97-26(c)	This Rule sets forth an explanation of the role of Managed Care Organizations (MCO) in pending workers' compensation claims. This Rule is being readopted with minor technical amendments.	None.
4 NCAC 10D .0102	DEFINITIONS	G.S. 58-50-50; 97-2(3); 97-2(20); 97-26(b); 97-26(c); 97-2(21); 97-25; 97-25.2; 97-77; 97-79	This Rule establishes a uniform meaning for terms used in the context of managed care organizations. This Rule has been reviewed in conjunction with the statutory authority and the deleted terms are set forth in the statutes. This Rule is being readopted with minor technical amendments. .	None.
4 NCAC 10D .0103	<del>QUALIFICATION BY DEPARTMENT OF INSURANCE</del>		This Rule is being repealed in accordance with: (1) N.C. Sess. Law 2011-287, and (2) Executive Order 70 as Managed Care Organizations are controlled by the Department of Insurance. As such, the qualifications standards are not set forth in the statutes governing workers' compensation claims and this Rule is unnecessary. The Commission only governs Managed Care Organizations as they relate to Worker's Compensation Claims as set out by the remaining Rules in this Subsection.	
4 NCAC 10D .0104	QUALIFICATION AND REVOCATION	G.S. 97-25.2	Rule establishes the applicable standard for the Commission to reach a determination to revoke an MCO's ability to be involved in pending workers' compensation claims. The first portion of this rule has been deleted upon review of the rule. This	None.

			remaining portion of this Rule is readopted with minor technical amendments. It should be noted that the change in language from “may” to “shall” is not expected to create any impact as the Commission currently has the option of suspending or revoking an MCO’s permission to deal with workers’ compensation matter.	
4 NCAC 10D .0105	NOTICE TO COMMISSION	G.S. 97-25.2	This Rule establishes the filing requirements and notification standards for MCOs involved in pending workers’ compensation claims. This Rule is being readopted with minor technical amendments.	None.
4 NCAC 10D .0106	CONTRACT PROVISIONS	G.S. 97-25.2	This Rule establishes the accepted contents for contracts of MCOs in pending workers’ compensation claims. This Rule is being readopted with minor technical amendments.	None.
4 NCAC 10D. 0107	INFORMATION FOR <del>EMPLOYEE/PATIENT</del> <u>EMPLOYEE</u>	G.S. 97-25.2	This Rule establishes the standard information to be provided to claimants by employers or MCOs in pending workers’ compensation claims. This Rule is being readopted with minor technical amendments.	None.
4 NCAC 10D .0108	INCLUSIVE PROVIDER PANELS	G.S. 97-2(19); 97- 2(20); 97-25; 97- 25.2	This Rule establishes how claimants may obtain access to additional or different medical providers. This Rule is being readopted with minor technical amendments.	None.
4 NCAC 10D .0109	QUALITY ASSURANCE AND UTILIZATION REVIEW	G.S. 97-25.2	This Rule establishes the Industrial Commission’s ability to inquire or request additional information about MCOs participating in pending workers’ compensation claims. This Rule is being readopted with minor technical amendments.	None.
4 NCAC 10D. 0110	<del>WAIVER</del> <u>SUSPENSION OF</u> <u>RULES</u>	G.S. 97-80(a); 97- 25.2;	This Rule establishes the applicable standard for waiver of Rules. This Rule is being readopted with minor technical amendments.	None.

4 NCAC 10D .0111	<u>SANCTIONS</u>	G.S. 97-18(i); 97-25; 97-25.2; § 97-80(a); § 97-88(1); 1A-1, Rule 37;	This Rule provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC and establishes the applicable standard for sanctions. This Rule is substantially similar to the Rules in other Sections regarding Sanctions.	None.
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## FISCAL IMPACT ANALYSIS

**Agency Proposing Rule(s):** North Carolina Industrial Commission

**Agency Contacts:**

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:        Adopt as amended in accordance with G.S. 150B

Impact Summary:	State Government:	Yes
	Local Government:	No
	Substantial Economic:	No
	Federal Certification:	No

- **Subchapter E – Workers’ Compensation Rules for Utilization Review Administrative Rules of the Industrial Commission**
  - Section .0100 – Rules Administration
  - Section .0200 – Fees
  - Section .0300 – Rules of the Commission

**Baseline for Costs and Benefits of Proposed Rules:**

Section .0100 has been implemented to facilitate the rule making procedure set forth in the Administrative Procedure Act found in G.S. 150B. The remaining sections of the rules outlined above have been in existence and establish a baseline for the fiscal analysis. The rules have been reviewed to ensure that the content is clearly written, relevant, an up-to-date with existing policy and procedures of the Commission. Any changes have been reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

Included with this fiscal note is the 2010-2011 Commerce Fee Report which provides financial information for the Industrial Commission. The proposed Rules are not expected to

cause any significant increase or decrease in revenues. The fees reflected on this report are authorized by G.S. 97-80(b).

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule-making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

Rule Number	Title of Rule Change	Statutory Citation	Summary of the Rule Change	Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact
4 NCAC 10E .0101	<del>UTILIZATION REVIEW PLAN</del> <u>INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING</u>	G.S. 150B-20	This Rule sets out a rule making procedure for the Industrial Commission, in compliance with the Administrative Procedure Act (APA). This Rule has been adopted from the existing rule applied by the Office of Administrative Hearings. The deleted portion of this Rule's text has been re-organized to 4 NCAC 10A .1001 Preauthorization for Surgery and Inpatient Treatment.	The adoption of this Rule benefits the public in providing an opportunity to present proposed Rules to the Commission. Costs associated with this rule would be minimal but would include the opportunity cost of time for staff and members of the Commission to review and consider petitions.:-
4 NCAC 10E .0102	<u>MAILING LIST</u>	G.S. 150B-21.2(d)	This Rule establishes the procedure for placement on the Industrial Commission's rule making mailing list, in compliance with the Administrative Procedure Act (APA). This Rule has been adopted from the existing rule applied by the Office of Administrative Hearings.	The costs of this process would be borne by the Commission and the parties requesting information, but the associated opportunity costs are expected to be minimal.
4 NCAC 10E .0201	<u>DOCUMENT AND RECORD FEES</u>	G.S. 7A-305; 97-79; 97-80; 132-6.2; 143-291.1; 143-291.2; 143-300	This Rule formally adopts the fees associated with obtaining records from the Industrial Commission. This Rule adopts costs as are being applied in accordance with other courts of general jurisdiction.	The Commission currently charges costs for obtaining records, and this Rule ensures the Commission's costs are

				similar to other courts of general jurisdiction. Please see attached fee report.
4 NCAC 10E .0202	<u>HEARING COSTS OR FEES</u>	G.S. 7A-305; 97-80; 143-291.1; 143-291.2; 143-300	This Rule formally adopts the fees and costs associated with hearings before the Industrial Commission. The contents of this Rule have been applied by the Industrial Commission and are being formally incorporated into a rule pursuant to N.C. Sess. Law 2011-287, Section 21(c). These costs and fees have been applied in a uniform manner to all pending claims before the Industrial Commission.	There are no likely costs or benefits related to the proposed Rule text, as the fees have been in existence prior to the rule making requirements set forth in N.C. Sess. Law 2011-287, Section 21(c). Please see attached fee report.
4 NCAC 10E .0203	<u>FEES SET BY THE COMMISSION</u>	G.S. 97-10.2; 97-17; 97-18.2; 97-26(i); 97-73; 97-80; 143-291.2; 143-300	This Rule formally adopts the fees associated with filing of specifically identified documents with the Industrial Commission. The contents of this Rule have been applied by the Industrial Commission and are being formally incorporated into a rule pursuant to N.C. Sess. Law 2011-287, Section 21(c). These costs and fees have been applied uniformly to all pending claims before the Industrial Commission.	There are no likely costs or benefits related to the proposed Rule text, as the fees have been in existence prior to the rule making requirements set forth in N.C. Sess. Law 2011-287, Section 21(c). Please see attached fee report.
4 NCAC 10E .0204	<u>ACCIDENT PREVENTION AND SAFETY EDUCATIONAL PROGRAM FEES</u>	G.S. 97-73(d); 97-80	This Rule formally adopts the fees associated with accident prevention and safety education conducted by the Industrial Commission. The contents of this Rule have been applied by the Industrial Commission and are being formally incorporated into a rule pursuant to N.C. Sess. Law 2011-287, Section 21(c). The fees for the workshops have been applied uniformly by the Commission.	There are no likely costs or benefits related to the proposed Rule text, as the fees have been in existence prior to the rule making requirements set forth in N.C. Sess. Law 2011-287, Section 21(c). Please see attached fee

				report.
4 NCAC 10E .0301	<u>SUSPENSION OF RULES</u>	G.S. 97-25.2; 97-25.4; 97-80; 130A-425(d); 143-166.4; 143-296; 143-300	This Rule is being adopted for this Subchapter and provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC. This Rule establishes the applicable standard for the Commission regarding the waiver of any Rule in this Subchapter.	None.
4 NCAC 10E .0302	<u>SANCTIONS</u>	G.S. 1A-1, Rule 37; G.S. 97-18; 97-25; 97-25.2; 97-25.4; 97-25.5; 97-32.2; 97-80; 97-84; 97-88(1); 130A-425(d); 143-166.4; 143-296; 143-30	This Rule is being adopted for this Subchapter and provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC. This Rule establishes the applicable standard for sanctions in claims pending before the Industrial Commission.	None.



Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

<b>Rule Number</b>	<b>Title of Rule Change</b>	<b>Statutory Citation</b>	<b>Summary of the Rule Change</b>	<b>Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact</b>
4 NCAC 10A .0101	ELECTRONIC PAYMENT OF COSTS	G.S. 97-80	This Rule requires the electronic payment of fees and costs. This Rule is being readopted minor technical changes and requires electronic payment of costs rather than authorizing electronic payment of costs.	Given the current state of information technology, there are no likely new costs or benefits related to the proposed amendments.
4 NCAC 10F .0102	<u>MEDICAL FEE SCHEDULE DEFINITIONS</u>	G.S. 97-26(g1); 97-80	This Rule defines the terms most commonly used for electronic transactions in workers' compensation claims.	None
4 NCAC 10F .0103	<u>BACKGROUND FORMATS FOR ELECTRONIC MEDICAL BILL PROCESSING</u>	G.S. 97-26(g1); 97-80	This Rule provides notification of when administrative simplification standards will apply under 45 C.F.R. § 162. This Rule is being adopted in accordance with IAIABC industry standards. The electronic formats being adopted are in accordance with 45 C.F.R. § 162 and must be implemented on or before March 14, 2014.	Aside from those set out by 45 C.F.R. § 162, no additional requirements are expected for compliance with this Rule and no additional parties will be affected.
4 NCAC 10F .0104	<u>BILLING CODE SETS</u>	G.S. 97-26(g1); 97-80	This Rule defines the code sets used for electronic transactions in workers' compensation claims.	None
4 NCAC 10F .0105	<u>ELECTRONIC MEDICAL BILLING, REIMBURSEMENT, AND DOCUMENTATION</u>	G.S. 97-26(g1); 97-80	This Rule defines the standards for medical billing and the necessary documentation for electronic billing in pending workers' compensation.	Aside from those set out by 45 C.F.R. § 162, no additional requirements are expected for compliance with this Rule and no additional parties will be affected.

4 NCAC 10F .0106	<u>EMPLOYER, INSURANCE CARRIER, MANAGED CARE ORGANIZATION, OR AGENTS' RECEIPT OF MEDICAL BILLS FROM HEALTH CARE PROVIDERS</u>	G.S. 97- 26(g1); 97-80	This Rule provides detailed information concerning a payer's receipt of medical bills, communication between the payer and the medical provider regarding medical bills, and payment of medical bills in accordance with G.S. 97-26(g1) which requires the Commission to adopt "administrative standards for code sets, identifiers, formats, and electronic transactions to be used in processing electronic medical bills" that complies with 45 C.F.R. § 162.	Aside from those set out by 45 C.F.R. § 162, no additional requirements are expected for compliance with this Rule and no additional parties will be affected.
4 NCAC 10F .0107	<u>COMMUNICATION BETWEEN HEALTH CARE PROVIDERS AND PAYERS</u>	G.S. 97- 26(g1); 97-80	This Rule provides standards for communication regarding electronic transactions in pending workers' compensation claims.	None
4 NCAC 10F .0108	<u>SANCTIONS</u>	G.S. 1A-1; Rule 37; 97-26(g1); 97-80	This Rule provides uniformity with Industrial Commission rules and establishes the Commission's ability to impose sanctions for noncompliance with the Rules of this Subchapter.	None
4 NCAC 10F .0109	<u>EFFECTIVE DATE</u>	G.S. 97- 26(g1); 97-80	This Rule provides the effective date for electronic transactions in pending workers' compensation claims.	None

**FISCAL IMPACT ANALYSIS**

**Agency Proposing Rule(s):** North Carolina Industrial Commission

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:    Readopt as amended

Impact Summary:    State Government:            No  
                                  Local Government:            No  
                                  Substantial Economic:        No  
                                  Federal Certification:        No

- **Subchapter G** – Commission Rules for Mediated Settlement and Neutral Evaluation Conferences
  - Section .0100 – Mediation and Settlement

**Baseline for Costs and Benefits of Proposed Rules:**

The rules outlined above have been in existence and establish a baseline for the fiscal analysis. These Rules track the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions per the statutory mandate contained in G.S. 97-80(c) and G.S. 143-296 that directs the Industrial Commission to adopt mediation rules that are “substantially similar to those approved by the Supreme Court for use in the Superior Court division, except the Commission shall determine the manner in which the payment of the costs of the mediation settlement conference is assessed.”

The rules have been reviewed to ensure that the content is clearly written, relevant, an up-to-date with existing policy and procedures of the Commission. Any changes have been reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

<b>Rule Number</b>	<b>Title of Rule Change</b>	<b>Statutory Citation</b>	<b>Summary of the Rule Change</b>	<b>Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact</b>
4 NCAC 10G .0101	ORDER FOR MEDIATED SETTLEMENT CONFERENCE	G.S. 97-80; 143-293; 143-300	This rule sets out the guidelines regarding Mediated Settlement Conferences. It tracks Rule 1 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions and is being readopted with minor technical changes.	There is no expectation that any changes will have any fiscal impact. Specifically, the elimination of the reference to the administrative fee of up to \$100.00 will not have any impact as reference to any fees is being moved to Subchapter E.
4 NCAC 10G .0102	SELECTION OF MEDIATOR	G.S. 97-80; 143-293; 143-300	This Rule establishes the guidelines for selecting a mediator. It tracks Rule 2 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions and is being readopted with minor technical changes.	None
4 NCAC 10G .0103	THE MEDIATED SETTLEMENT CONFERENCE	G.S. 97-80; 143-293; 143-300	This Rule establishes the procedures for a scheduling and conducting a Mediated Settlement Conference. It tracks Rule 3 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions and is being readopted with minor technical changes.	None
4 NCAC 10G .0104	DUTIES OF PARTIES, REPRESENTATIVES, AND ATTORNEYS	G.S. 97-80; 143-293; 143-300	This Rule establishes the duties of parties, representatives, and attorneys in mediated settlement conferences. The only relatively significant substantive change is that, in state tort claims, an employee or agent of the governmental entity or agency being sued is no longer required to attend the mediated settlement	The clarification of the Attorney General's role in mediation provides clarification in the existing Rule and will reduce litigation costs and expenses for the parties, thereby providing a

			conference because G.S. 143-295 provides the Attorney General with settlement authority on behalf of governmental entities and agencies in state tort claims. This Rule tracks Rule 4 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions. .	benefit. The proposed Rule would eliminate the requirement that a state employee also attend the mediation, in addition to the attorney general. As such, this may result in a savings of time and travel costs; however, insufficient information exists to quantify the potential benefits.
4 NCAC 10G .0104A	FOREIGN LANGUAGE INTERPRETERS	G.S. 97-79(b); 97-80; 143-293; 143-300	This Rule establishes the guidelines regarding the use of foreign language interpreters. This Rule is being readopted with minor technical changes.	None
4 NCAC 10G .0105	SANCTIONS	G.S. 97-80; 143-293; 143-300	This Rule provides the Commission with the ability to impose sanctions against parties that fail to attend a Mediated Settlement Conference without good cause or otherwise fail to comply with the Rules. It tracks Rule 5 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions. This Rule is being readopted with minor technical changes.	None
4 NCAC 10G .0106	AUTHORITIES AND DUTIES OF MEDIATORS	G.S. 97-80; 143-293; 143-300	This Rule establishes the mediator's authority and duties. It tracks Rule 6 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions. This Rule is being adopted with minor technical changes.	None
4 NCAC 10G .0107	COMPENSATION OF THE MEDIATOR	G.S. 97-80; 143-	This Rule contains the provisions governing compensation of the mediator. It tracks Rule 7 of	While Subparagraph (b)(3) of this Rule appears to increase

		293; 143-300	the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions. This Rule is being adopted with minor technical changes.	certain “postponement” fees, the baseline amount of the fees in this Subparagraph, as it appears in the North Carolina Administrative Code (NCAC), is a misprint. The fees have been \$300.00 and \$150.00, effective January 1, 2011 as set forth in current Rule 7, Compensation of the Mediator, of the North Carolina Industrial Commission Rules for Mediated Settlement and Neutral Evaluation Conferences. As such, no significant substantive changes are being made to this Rule.
4 NCAC 10G .0108	MEDIATOR CERTIFICATION AND DECERTIFICATION	G.S. 97-80; 143-296; 143-300	This Rule establishes includes provisions for the selection of a mediator and the consequences of his or her failure to appear at a scheduled conference. It tracks Rule 8 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions. This proposed Rule modifies the requirements for mediators serving in Industrial Commission cases so that said requirements more closely track the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions in accordance with the statutory mandates contained in G.S. 97-80(c) and G.S. 143-296, and any portions of the rule that exceed the standardized mediation rules has been deleted. This Rule is being adopted with minor	None

			technical changes.	
4 NCAC 10G .0109	<del>RULES FOR NEUTRAL EVALUATION</del>	G.S. 97- 80; 143- 293; 143- 300	This Rule establishes the applicable rules in obtaining a Neutral Evaluation. It tracks Rule 11 of the Rules Implementing Statewide Mediated Settlement Conference in Superior Court Civil Actions. This Rule is being readopted with minor technical changes.	None
4 NCAC 10G .0110	<del>WAIVER SUSPENSION OF RULES. RULES</del>	G.S. 97- 80; 143- 293; 143- 300	This Rule provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC and establishes the applicable standard for the Commission regarding the waiver of any Rule in this Subchapter. In conjunction with this, the title and wording of the Rule is being changed; however, this Rule is being readopted with minor technical amendments.	None
4 NCAC 10G .0111	MOTIONS	G.S. 97- 80; 143- 293; 143- 300	This Rule provides instructions on filing motions pursuant to the Rules in this Subchapter. This Rule is being readopted with minor technical amendments.	None
4 NCAC 10G .0112	MISCELLANEOUS	G.S. 97- 80; 143- 293; 143- 300	This Rule establishes the meaning of “days” in uniformity with Industrial Commission Rules in other Subchapters of the North Carolina Administrative Code (NCAC) and provides information regarding deadlines. This Rule is being readopted with minor technical amendments.	None

## FISCAL IMPACT ANALYSIS

**Agency Proposing Rule(s):** North Carolina Industrial Commission

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:        Readopt as amended for placement in the North Carolina Administrative Code

Impact Summary:	State Government:	No
	Local Government:	No
	Substantial Economic:	No
	Federal Certification:	No

- **Subchapter H – Rules for the Industrial Commission Relating to the Law-Enforcement Officers’, Fireman’s, Rescue Squad Workers’ and Civil Air Patrol Members’ Death Benefits Act**
  - Section .0100 – Administration
  - Section .0200 – Rules of the Commission

**Baseline for Costs and Benefits of Proposed Rules:**

The rules outlined above have been in existence and establish a baseline for the fiscal analysis. The rules were not in the North Carolina Administrative Code, but have been published, maintained, and administered through the Commission’s annotated code book and the Commission’s website. The rules have been reviewed to ensure that the content is clearly written, relevant, an up-to-date with existing policy and procedures of the Commission. Any changes have been reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule-making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

<b>Rule Number</b>	<b>Title of Rule Change</b>	<b>Statutory Citation</b>	<b>Summary of the Rule Change</b>	<b>Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact</b>
4 NCAC 10H .0101	LOCATION OF OFFICES AND HOURS OF BUSINESS	G.S. 143-166.4	This Rule establishes the physical location of the Industrial Commission, and the hours during which paper and electronic versions of documents may be filed. This Rule is being readopted with minor and technical amendments.	None.
4 NCAC 10H .0201	DETERMINATION OF CLAIMS BY THE COMMISSION	G.S. 143-166.4	This Rule sets forth when a claim may be filed and the Industrial Commission's determination as to whether a hearing should be conducted. The Commission is proposing to move much of the content of the existing rule (Rule III Determinations of Claims in the Commission's annotated codebook) to newly proposed rules 10H .0202 - .0204. The remaining content is being readopted with minor and technical amendments.	None.
4 NCAC 10H .0202	HEARINGS BEFORE THE COMMISSION	G.S. 143-166.4	This Rule establishes the procedure for hearings at the Deputy Commissioner level within the Industrial Commission. It breaks out several paragraphs (dealing with hearings) that were previously located in the Rule for Determination of Claims (existing Rule III in the Commission's annotated codebook) by the Industrial Commission into a Rule dealing solely with hearings.	None.
4 NCAC 10H .0203	APPOINTMENT OF GUARDIAN AD LITEM	G.S. 1A-1, Rule 17(b)(2); 143-166.4	This Rule requires the appointment of a guardian <i>ad litem</i> in cases where minors or incompetents bring a claim under the Law-Enforcement Officers', Fireman's Rescue Squad Workers' and Civil Patrol Members' Death Benefits Act. The content of the proposed rule is currently present in Rule III Determination of Claims in	None.

			the Commission's annotated codebook.	
4 NCAC 10H .0204	WRITTEN OR RECORDED STATEMENT	G.S. 143- 166.4	This Rule was previously organized under the Rule for Determination of Claims (existing Rule III in the Commission's annotated codebook) by the Industrial Commission. This proposed Rule has been set out separately and in uniformity with a counterpart Workers' Compensation Rule, 4 NCAC 10A.0608.	None.
4 NCAC 10H .0205	REVIEW BY THE FULL COMMISSION	G.S. 143- 166.4	This Rule outlines the procedural process of a request for review (i.e., an appeal) to the Full Commission from a Deputy Commissioner. This Rule was previously organized under Rule IV in the Commission's annotated codebook entitled, Appeal to the Full Commission. The name of this rule is being changed to more closely track the language used in Article 12A of Chapter 143 of the General Statutes.	None.
4 NCAC 10H .0206	SUSPENSION OF RULES	G.S. 143- 166.4	This Rule provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC and establishes the applicable standard for the Commission regarding the waiver of any Rule in this Subchapter.	None.
4 NCAC 10H .0207	<u>SANCTIONS</u>	G.S. 1A-1, Rule 37; 143-166.4	This Rule provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC and establishes the applicable standard for sanctions in claims brought under the Law-Enforcement Officers', Fireman's, Rescue Squad Workers' and Civil Patrol Members' Death Benefits Act.	None.

## FISCAL IMPACT ANALYSIS

**Agency Proposing Rule(s):** North Carolina Industrial Commission

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:        Readopt as amended for placement in the North Carolina Administrative Code

Impact Summary:	State Government:	No
	Local Government:	No
	Substantial Economic:	No
	Federal Certification:	No

- **Subchapter I – Childhood Vaccine-Related Injury Rules of the North Carolina Industrial Commission**
  - Section .0100 – Administration
  - Section .0200 – Rules of the Commission

**Baseline for Costs and Benefits of Proposed Rules:**

The rules outlined above have been in existence and establish a baseline for the fiscal analysis. The rules were not in the North Carolina Administrative Code, but have been published, maintained, and administered through the Commission’s annotated code book and the Commission’s website. The rules have been reviewed to ensure that the content is clearly written, relevant, an up-to-date with existing policy and procedures of the Commission. Any changes have been reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule-making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

<b>Rule Number</b>	<b>Title of Rule Change</b>	<b>Statutory Citation</b>	<b>Summary of the Rule Change</b>	<b>Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact</b>
4 NCAC 10I .0101	LOCATIONS OF OFFICES AND HOURS OF BUSINESS	G.S. 130A-424; 130A-425(d)	This Rule establishes the physical location of the Industrial Commission, and the hours during which paper and electronic versions of documents may be filed. This Rule (existing currently as Rule 101 in the Commission’s annotated codebook) is proposed for re-adoption with minor and technical amendments.	None
4 NCAC 10I .0102	OFFICIAL FORMS	G.S. 130A-424; 130A-425(d)	This Rule establishes the forms that may be filed with the Industrial Commission and the location of the identified forms. This Rule (existing currently as Rule 103 in the Commission’s annotated codebook) is proposed for re-adoption with minor and technical amendments.	None.
4 NCAC 10I .0201	RULES OF CIVIL PROCEDURE	G.S. 1A-1; 130A-425(d)	This Rule provides that the North Carolina Rules of Civil Procedure as provided in G.S.1A-1 shall apply to tort claims before the Industrial Commission to the extent that the Rules of Civil Procedure are not inconsistent with the Childhood Vaccine-Related Injury Compensation Program. If there is an inconsistency, this rule provides that the Childhood Vaccine-Related Injury Compensation Program and the Industrial Commission’s childhood vaccine-related rules shall control. This Rule (existing currently as Rule 201 in the Commission’s annotated	None.

			codebook) is proposed for re-adoption with minor and technical amendments.	
4 NCAC 10I .0202	PROCEDURE	G.S. 130A-423; 130A-424; 130A-425; 130A-427	This Rule establishes a procedure for litigation of claims brought under the Childhood Vaccine-Related Injury Compensation Program. This Rule (existing currently as Rule 202 in the Commission's annotated codebook) is proposed for re-adoption with minor and technical amendments.	None.
4 NCAC 10I .0203	ATTORNEYS' FEES	G.S. 130A-425(d); 130A-427(a)(4)	This Rule establishes the procedural requirements for seeking payment of attorney fees allowed by statutory authority. This Rule (existing currently as Rule 203 in the Commission's annotated codebook) is proposed for re-adoption with minor and technical amendments.	None.
4 NCAC 10I .0204	<u>SUSPENSION OF RULES</u>	G.S. 130A-425(d)	This Rule provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC and establishes the applicable standard for the Commission regarding the waiver of any Rule in this Subchapter.	None.
4 NCAC 10I .0205	<u>SANCTIONS</u>	G.S. 130A-425(d)	This Rule provides uniformity with Industrial Commission Rules in other Subchapters of the NCAC and establishes the applicable standard for sanctions in claims brought under the Childhood Vaccine-Related Injury Compensation Program.	None.

## FISCAL IMPACT ANALYSIS

**Agency Proposing Rule(s):** North Carolina Industrial Commission

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**Fiscal Note Category:** Tier I – De Minimis

**Proposed Rule Actions and Fiscal Impact**

Proposed Action:        Readopt as amended for placement in the North Carolina Administrative Code

Impact Summary:	State Government:	No
	Local Government:	No
	Substantial Economic:	No
	Federal Certification:	No

- **Subchapter J – Fees for Medical Compensation**
  - Section .0100 – Fees for Medical Compensation

**Baseline for Costs and Benefits of Proposed Rules:**

The rules outlined above have been in existence and establish a baseline for the fiscal analysis. The rules were not in the North Carolina Administrative Code, but have been published, maintained, and administered through the Commission’s annotated code book and the Commission’s website. The rules have been reviewed to ensure that the content is clearly written, relevant, an up-to-date with existing policy and procedures of the Commission. Any changes have been reviewed and determined to be *de minimis* by the Commission. This fiscal note includes summaries of the proposed rule changes in the table set forth below.

**Public Interest:**

Pursuant to Sess. Law 2011-287, the Industrial Commission will conduct all rule-making in accordance with the North Carolina Administrative Procedure Act found in G.S. 150B. This

process should result in public comment and involvement in the rule making process, along with ensuring that citizens of the State of North Carolina are aware of timely and accurate rules information for the Industrial Commission.

<b>Rule Number</b>	<b>Title of Rule Change</b>	<b>Statutory Citation</b>	<b>Summary of the Rule Change</b>	<b>Impact on State/Local/Federal Government and/or Private Sector or Substantial Economic Impact</b>
4 NCAC 10J .0101	FEES FOR MEDICAL COMPENSATION	G.S. 97-18(i); G.S. 97-25.6; G.S. 97-26; G.S. 97-80(a); G.S. 138-6	This Rule establishes the manner and timing in which medical providers can seek payment for provided medical services. This Rule also adopts standards used by the State of North Carolina for reimbursement of expenses. Portions of the rule that restate the statute have been deleted. Subparagraph (e) has been re-organized to 4 NCAC 10A .0107 Filing of Annual Report Requirement. This Rule is current Rule 4 NCAC 10A .0107 and is being moved and readopted with minor substantive and technical amendments.	The adoption of standards used by the State of North Carolina for reimbursement expenses is a benefit to all parties to ensure clarity and uniformity in determining the costs.