

1 4 NCAC 10E .0101 is proposed for amendment as follows:

2 ~~SUBCHAPTER 10E – WORKERS’ COMPENSATION RULES FOR UTILIZATION REVIEW~~

3 ~~ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION~~

4 ~~SECTION .0100 – RULES ADMINISTRATION~~

5 4 NCAC 10E .0101 ~~UTILIZATION REVIEW PLAN INSTRUCTIONS FOR FILING A~~
6 ~~PETITION FOR RULE-MAKING~~

7 ~~(a) All insurance companies and self insured administrators providing benefits under the North Carolina Workers’~~
8 ~~Compensation Act shall, within 90 days of the effective date of these Rules, adopt, file with the Chairman of the~~
9 ~~North Carolina Industrial Commission at 430 N. Salisbury Street, Raleigh, NC 27611 and implement a Utilization~~
10 ~~Review Plan for containing medical compensation services costs. If an entity has in effect a Utilization Review Plan~~
11 ~~that predates these Rules, it may file it with the Chairman of the Commission in lieu of adopting a new plan.~~

12 ~~(b) The goal of such plans shall be to reduce costs without adversely affecting the quality of care to injured workers.~~

13 ~~(c) Each plan shall provide for monitoring, evaluating, improving and promoting the quality of care and quality of~~
14 ~~services provided.~~

15 ~~(d) Each plan shall address all areas and aspects of health care included in medical compensation within the~~
16 ~~meaning of the Workers’ Compensation Act.~~

17 ~~(e) Provider profiles shall be maintained and shall be filed with the Chairman of the Commission on a biennial~~
18 ~~basis, or on such other basis as may be ordered by the Commission from time to time, with the first filing to be made~~
19 ~~no later than 90 days after the effective date of these Rules.~~

20 (a) Any person may petition the Commission to adopt a new rule, or amend or repeal an existing rule by submitting
21 a rule-making petition to the Chairperson of the Commission at 4336 Mail Service Center, Raleigh, NC 27699-4336.
22 The petition must be titled “Petition for Rule-making” and must include the following information:

23 (1) the name and address of the person submitting the petition;

24 (2) a citation to any rule for which an amendment or repeal is requested;

25 (3) a draft of any proposed rule or amended rule;

26 (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested and the
27 effect of the new rule, amendment, or repeal on the procedures of the Commission; and

28 (5) any other information the person submitting the petition considers relevant.

29 (b) The Chairperson (Chair) must decide whether to grant or deny a petition for rule-making within 30 days of
30 receiving the petition. In making the decision, the Chair will shall consider the information submitted with the
31 petition and any other relevant information.

32 (c) When the Chair denies a petition for rule-making, he or she must send written notice of the denial to the person
33 who submitted the request. The notice must state the reason for the denial. When the Chair grants a rule-making
34 petition, he or she must initiate rule-making proceedings and send written notice of the proceedings to the person
35 who submitted the request.

36 *Authority* G.S. 150B-20;

37 *Eff.* January 1, 2013

1 **4 NCAC 10E .0102 is proposed for amendment as follows:**

2 **4 NCAC 10E .0102 MAILING LIST**

3 (a) Any person or agency desiring to be placed on the mailing list for the Commission's rule-making notices issued
4 pursuant to G.S. 150B-21.2 may file a request in writing to the Chairperson of the Commission at 4336 Mail Service
5 Center Raleigh, NC 27699-4336.

6 (b) The request shall:

7 (1) include the person's name and address;

8 (2) specify the subject areas within the authority of the Commission for which notice is requested; and

9 (3) state the calendar year(s) for which the notice is desired.

10 *Authority* G.S. 97-80(a); 150B-21.2(d);

11 *Eff.* January 1, 2013

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1 **4 NCAC 10E .0201 is proposed for amendment as follows:**

2 **SECTION .0200 – FEES**

3 **4 NCAC 10E .0201 DOCUMENT AND RECORD FEES**

4 (a) The fees in this Rule apply to all subject areas within the authority of the Commission.

5 (b) Upon written request, to the extent permitted by Article 1 of Chapter 97, Article 31 of Chapter 143, and Chapter
6 132 of the North Carolina General Statutes, transcripts of Commission proceedings, copies of recordings of
7 Commission proceedings, copies of exhibits from Commission proceedings, and copies of all other public
8 documents are available at the “actual cost” as defined by G.S. 132.6.2(b). The Commission shall provide the
9 “actual cost” on the Commission’s website. the actual cost.

10 (f) Certified copies are available upon request at a cost of one dollar (\$1.00) per certification in addition to any
11 other applicable cost for the document. Electronic copy certification is not available.

12 (g) Documents shall be sent via certified mail upon request at the actual cost established by the United States Postal
13 Service.

14 (h) North Carolina sales tax shall be added if applicable.

15 Authority G.S. 7A-305; 97-79; 97-80; 132-6.2; 143-291.1; 143-291.2; 143-300

16 Eff. January 1, 2013

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1 **4 NCAC 10E .0202 is proposed for amendment as follows:**

2 **4 NCAC 10E .0202 HEARING COSTS OR FEES**

3 (a) The following hearing costs or fees apply to all subject areas within the authority of the Commission:

4 (1) one hundred twenty dollars (\$120.00) for a hearing before a Deputy Commissioner;

5 (2) one hundred twenty dollars (\$120.00) if a case is withdrawn after the case is calendared for a
6 specific hearing date;

7 (3) two hundred twenty dollars (\$220.00) for a hearing before the Full Commission;

8 (4) one hundred twenty dollars (\$120.00) if an appeal or request for review to the Full Commission is
9 withdrawn before the appeal or request for review is scheduled for specific hearing date;

10 (5) one hundred fifty-five dollars (\$155.00) if an appeal or request for review to the Full Commission
11 is withdrawn after the appeal or request for review is calendared for specific hearing date;

12 (6) one hundred twenty dollars (\$120.00) for the dismissal of an appeal or request for review due to
13 the failure to prosecute or perfect the appeal or request for review before the appeal or request for
14 review is calendared for a specific hearing date; and

15 (7) one hundred and fifty-five dollars (\$155.00) for the dismissal of an appeal or request for review
16 due to the failure to prosecute or perfect the appeal or request for review after the appeal or
17 request for review is calendared for a specific hearing date.

18 (b) Failure to pay fees or costs assessed by the Commission may result in further penalty, including a notice and
19 order to show cause as to why a fee or cost assessed by the Commission has not been paid.

20 *Authority* G.S. 7A-305; 97-80; 143-291.1; 143-291.2; 143-300;

21 *Eff.* January 1, 2013

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1 **4 NCAC 10E .0203 is proposed for amendment as follows:**

2 **4 NCAC 10E .0203 FEES SET BY THE COMMISSION**

3 (a) In workers' compensation cases, the Commission sets the following fees:

4 (1) three hundred seventy-five dollars (\$375.00) for the processing of a compromise settlement
5 agreement;

6 (2) two hundred fifty dollars (\$250.00) for the processing a Form 21 *Agreement for Compensation for*
7 *Disability*, Form 26 *Supplemental Agreement as to Payment of Compensation*, or Form 26A
8 *Employer's Admission of Employee's Right to Permanent Partial Disability*;

9 (3) three hundred dollars (\$300.00) for the processing of a request for a third party distribution
10 order;

11 (4) one hundred seventy-five dollars (\$175.00) for the processing of a Form 24 *Application to Stop or*
12 *Suspend Payment of Compensation*; and

13 (5) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the
14 General Court of Justice for the processing of a Form 33I *Intervenor's Request that Claim be Assigned*
15 *for Hearing*.

16 (b) In tort claims cases, the filing fee is an amount equal to the filing fee required to file a civil action in the Superior
17 Court division of the General Court of Justice.

18 Authority G.S. 97-10.2; 97-17; 97-18.2; 97-26(i); 97-73; 97-80; 143-291.2; 143-300;

19 Eff. January 1, 2013

1 **4 NCAC 10E .0204 is proposed for amendment as follows:**

2 **4 NCAC 10E .0204 ACCIDENT PREVENTION AND SAFETY EDUCATIONAL PROGRAM**

3 **FEES**

4 (a) The following fees shall be assessed for accident prevention and safety educational programs:

5 (1) one hundred twenty-five dollars (\$125.00) per person for an Accident Prevention
6 Awareness (APCAP) Workshop;

7 (2) seventy-five dollars (\$75.00) per person for an Advanced APCAP Workshop;

8 (3) thirty dollars (\$30.00) per person for a Safety and Health Workshop;

9 (4) twenty dollars (\$20.00) per person for a First Aid, CPR, and AED Course , plus
10 fifteen dollars (\$15.00) per person for materials;

11 (5) fifteen dollars per person (\$15.00) for a First Aid Course, plus twelve dollars
12 (\$12.00) per person for materials;

13 (6) fifteen dollars per person (\$15.00) for a CPR and AED Course, plus twelve
14 dollars (\$12.00) per person for materials;

15 (7) twenty dollars (\$20.00) per person for a Defensive Driving Course, plus four
16 dollars (\$4.00) per person for materials;

17 (8) fifty dollars (\$50.00) per person for a HAZWOPER OPS Course or Refresher
18 Course ;

19 (9) thirty dollars (\$30.00) per person for a HAZWOPER Awareness Course;

20 (10) twenty-five dollars (\$25.00) per person for a Work Zone Flagger Course , plus
21 five dollars (\$5.00) for materials;

22 (11) thirty dollars (\$30.00) per person for a Trenching Competent Person Course;

23 (12) thirty-five dollars (\$35.00) per person for a Competent Person Scaffolding
24 Course;

25 (13) forty-five dollars (\$45.00) per person for an eight-hour NFPA E Arc Flash
26 Course;

27 (14) thirty dollars (\$30.00) per person for a four-hour NFPA E Arc Flash Course;

28 (15) fifty dollars (\$50.00) per person for a Safety for Supervisors Course;

29 (16) one hundred fifty dollars (\$150.00) per person for a Safety Leadership Course;

30 (17) a two hundred dollar (\$200.00) flat fee for a (five to eight-hour) Workplace
31 Training;

32 (18) a one hundred-fifty dollar (\$150.00) flat fee for a (three to four-hour) Workplace
33 Training (3-4 hours); and

34 (19) a one hundred dollar (\$100.00) flat fee for a (one to two-hour) Workplace
35 Training.

1 (b) In addition to the fees listed in Paragraph (a), each individual or group registering for a class must pay a four
2 dollar and ninety-five cent (\$4.95) registration processing fee to the Commission's third party vendor upon
3 registering for an educational program listed in Paragraph (a).
4 *Authority* G.S. 97-73(d); 97-80;
5 *Eff.* January 1, 2013

1 **4 NCAC 10E .0301 is proposed for amendment as follows:**

2 **SECTION .0300 – RULES OF THE COMMISSION**

3 **4 NCAC 10E .0301 SUSPENSION OF RULES**

4 To prevent manifest injustice to a party, or to expedite a decision in the public interest, the Commission may, except
5 as otherwise provided by the Rules in this Subchapter, suspend or vary the requirements or provisions of any of the
6 Rules in this Subchapter in a case pending before the Commission upon application of a party or upon its own
7 initiative, and may order proceedings in accordance with its directions.

8 *Authority* G.S. 97-25.2; 97-25.4; 97-80; 130A-425(d); 143-166.4; 143-296; 143-300;

9 *Eff.* January 1, 2013

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1 **4 NCAC 10E .0302 is proposed for amendment as follows:**

2 **4 NCAC 10E .0302 SANCTIONS**

3 (a) The Commission may, on its own initiative or motion of a party, impose a sanction against a party or attorney or
4 both when the Commission determines that such party, or attorney, or both failed to comply with the Rules in this
5 Subchapter. The Commission may impose sanctions of the type and in the manner prescribed by Rule 37 of the
6 North Carolina Rules of Civil Procedure.

7 (b) Failure to timely file forms as required by either the Rules in this Subchapter or pursuant to the Act may result
8 in fines or other sanctions.

9 *Authority* 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);
10 130A-425(d); 143-166.4; 143-296; 143-300;

11 *Eff.* January 1, 2013

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