

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

2 **SUBCHAPTER 10I - CHILDHOOD VACCINE-RELATED INJURY RULES**

3 **OF THE NORTH CAROLINA INDUSTRIAL COMMISSION**

4 **ARTICLE I. SECTION .0100 – ADMINISTRATION**

5 **Rule 101. Locations of Offices and Hours of Business. 4 NCAC 10I .0101 LOCATIONS OF**
6 **OFFICES AND HOURS OF BUSINESS**

7 For purposes of this Subsection, the offices of the North Carolina Industrial Commission are located in the Dobbs
8 Building, 430 North Salisbury Street, in Raleigh, North Carolina, 27611. ~~The same office hours as are or may be~~
9 observed by other State offices in Raleigh will be observed by the Industrial Commission. Documents pertaining to
10 the Childhood Vaccine-Related Injury claims that are not being filed electronically may be filed between the hours
11 of 8:00 a.m. and 5:00 p.m. only. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the
12 required filing date.

13 *History Note:* Authority G.S. 130A-424; 130A-425(d);

14 Amended Eff. January 1, 2013

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

2 ~~Rule 103. Official Forms.~~ **4 NCAC 10I .0102** **OFFICIAL FORMS**

3 The use of any printed forms related to Childhood Vaccine-Related Injury claims, other than those ~~approved and~~
4 ~~adopted provided by this the~~ Commission is prohibited, ~~except that~~ . ~~Approved forms may be obtained from the~~
5 ~~Commission. Insurance~~ insurance carriers, and self-insurers, attorneys and other parties may reproduce ~~prepare~~
6 forms for their own use, provided: ~~(1) that the color of the paper upon which the form is printed shall be~~
7 ~~substantially identical to that used on the approved Commission's form, (2) no statement, question, or information~~
8 ~~blank contained on the approved Commission's form is omitted from the substituted form, and (3) such substituted~~
9 ~~form is substantially identical in size and format with the approved Commission's form.~~

10 ~~(2)~~ (1) no statement, question, or information blank contained on the ~~approved Commission's~~
11 Commission form is omitted from the substituted form; and

12 ~~(3)~~ (2) such the substituted form is ~~substantially~~ identical in size and format with the ~~approved~~
13 Commission's Commission form.

14 *History Note:* *Authority* G.S. 130A-424; 130A-425(d);

15 *Amended Eff.* January 1, 2013

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

2 **ARTICLE H. SECTION .0200 - RULES OF COMMISSION**

3 **Rule 201. Rule of Civil Procedure. 4 NCAC 10I .0201** **RULES OF CIVIL PROCEDURE**

4 The Rules of Civil Procedure ~~apply in cases involving a purported~~ as provided in G.S. § 130A-17 apply in
5 Childhood Vaccine-Related Injury claims, to the extent that such Rules are not inconsistent so long as such rules are
6 ~~consistent~~ with Article 17 of Chapter 130A of the North Carolina General Statutes. Statutes, except as hereinafter
7 ~~specifically provided.~~ In the event of such inconsistency, the Childhood Vaccine-Related Injury Compensation
8 Program Act and the Rules of this Subchapter control.

9 *History Note:* *Authority* G.S. 130A-425(d);
10 *Amended Eff.* January 1, 2013

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

2 **~~Rule 202. Procedure.~~ 4 NCAC 10I .0202 PROCEDURE**

3 Upon provision of a copy of the claim and supporting documentation, including all available medical records
4 ~~pertaining to the alleged injury, as provided in~~ When a claim is filed in accordance with N.C.G.S. § G.S. 130A-
5 425(b), the respondent further proceedings shall be suspended for a period of ninety (90) days during which the
6 responsible government agencies shall determine and report their- its position to the claimant and the commission on
7 the issues listed in N.C.G.S. § 130A-426(a). G.S. 130A-426(a) within 90 days. If the said agencies agree respondent
8 agrees that the claimant claimant is entitled has established damages which entitle claimant to money compensation
9 meeting or exceeding the maximum amount set forth in G.S. §130A-427(b), the Commission shall so notify the
10 claimant claimant and respondents-responent, and further notify them of the services the Department of Human
11 Resources proposes to provide pursuant to G.S. §130A-427(a)(5). The Commission shall allow the parties an
12 opportunity to settle the matter before proceeding thereafter allow the parties a reasonable period of time to settle the
13 matter before proceeding to hearing.

14 *History Note:* Authority G.S. 130A-423; 130A-424; 130A-425; 130A-427;

15 Amended Eff. January 1, 2013

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

2 ~~Rule 203. Attorneys Fees.~~ **4 NCAC 10I .0203 ATTORNEYS' FEES**

3 ~~At the conclusion of the case, counsel for the plaintiff shall submit to the Commission an account of time~~
4 ~~and services rendered the plaintiff for consideration in setting a fee pursuant to [§130A-427\(a\)\(4\)](#).~~

5 An attorney seeking fees pursuant to G.S. 130A-427(a)(4) shall submit to the Commission a copy of the fee
6 agreement, a request for payment of fee, and an affidavit or itemized statement in support of an award of
7 attorneys' fees.

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9 *History Note:* Authority G.S. 130A-425(d); 130A-427(a)(4);

10 *Amended Eff. January 1, 2013*

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

2 **4 NCAC 10I .0204** **SUSPENSION OF RULES**

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

7 History Note: Authority G.S. 130A-425(d);

8 Eff. January 1, 2013

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1 4 NCAC 10I .0205 is proposed for amendment as follows:

2 **4 NCAC 10I .0205** **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 Childhood
8 Vaccine-Related Injury Compensation Program may result in fines or other sanctions.

9 *History Note:* *Authority* G.S. 130A-425(d);

10 *Eff.* January 1, 2013.

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