



North Carolina Industrial Commission

NEW INDUSTRIAL COMMISSION FORMS AND PROCEDURES

Frequently Asked Questions

Effective August 1, 2008, the North Carolina Industrial Commission implemented new forms and procedures. Additional information regarding the new forms and procedures is available on the North Carolina Industrial Commission website, www.comp.state.nc.us.

Q: What are the new forms?

A: Effective August 1, 2008, the Industrial Commission implemented a new Form 26A for payment of permanent partial impairment ratings. The Form 63 was significantly revised to include an option to pay medical benefits only. The Industrial Commission also revised the Forms 18, 19, 25R, 26 and 60. A document highlighting the changes to each of these forms is available on the Industrial Commission website, www.comp.state.nc.us.

Q: What are the new procedures?

A: There are four new procedures:

- 1) The Industrial Commission no longer accepts the Acord form for the First Report of Injury;
- 2) An employer, carrier or third party administrator may pay a permanent partial impairment rating on a Form 26A;
- 3) A new procedure for handling emergency or expedited medical motions has been created; and
- 4) An employer, carrier or third party administrator must file the appropriate form either accepting (Form 21 or Form 60), denying (Form 61) or accepting without prejudice (Form 63) within thirty days of the Form 18 acknowledgment letter in order to avoid a \$200.00 sanction.

Q: I need additional time to make software changes in order to use the new forms. Is there a grace period?

A: Effective August 1, 2008, the new or revised forms should be used by all parties. In order to make software changes, the Industrial Commission has implemented a thirty day “grace period” for the use of new forms. However, this “grace period” **does not** affect the Form 18 sanctions.

Q: How can I get I.C. forms in .pdf or Microsoft Word format?

A: All Industrial Commission forms are available in .pdf format on the I.C. website, www.comp.state.nc.us, “Forms” link. A fillable .pdf Form 18 and 19 is also available. Some of the forms are available in Microsoft Word. If you need a form in Microsoft Word that is not on the website, please call 919-807-2501.

Q: How do I find out if I am using the correct Industrial Commission form version? What happens if I use the wrong I.C. form version?

A: The date an Industrial Commission form was adopted is on each I.C. form in the bottom left-hand corner. All of the current versions of the Industrial Commission forms are available on the I.C. website, www.comp.state.nc.us, “Forms” link. A list of all discontinued I.C. forms is also on the website.

Currently no parties are sanctioned for using the incorrect form. However, you may not be providing all of the required information if you use the incorrect I.C. form version. This could become an issue in a hearing.

Q: May I use the “Acord” form instead of the I.C. Form 19 for the First Report of Injury?

A: No. Effective August 1, 2008, the Industrial Commission will no longer accept the Acord form. Beginning August 4, 2008, any party that submits the Acord form will receive a notice informing them that the Acord form is no longer accepted. Within a few months, any entity that submits the Acord form will receive a request to fill out the I.C. Form 19.

Q: The revised Form 19 requires the employer or carrier to provide the employer code and carrier code. How do I get this information?

A: This is not a new requirement. All employers and carriers should have been providing this information when submitting any Industrial Commission form, including the Form 19. The carrier code and employer code information is available on the Industrial Commission website, www.comp.state.nc.us by clicking on the “employer code search” link in the left hand column and conducting a search for the information. For a small fee, you may also subscribe to a monthly report of all employer codes associated with your carrier code

number. Please contact the Claims Administration Department at 919-807-2502 with any questions or concerns.

Q: Do I need to file a Form 19 in a medical only claim?

A: A Form 19 should be filed in all cases where the employee is absent more than one day due to the work-related injury or more than \$2000 in medical compensation is paid. If either of these requirements is met, the Form 19 must be filed even if the employee is not yet entitled to temporary total disability compensation.

Q: An employee filed a Form 18; however, the employee is not yet entitled to temporary total disability compensation. Do I need to file a Form 21, 60, 61, or 63?

A: Yes. A Form 21, 60, 61, or 63 must be filed within thirty days of the Form 18 acknowledgment letter. If the employee is not yet entitled to temporary total disability compensation, there are two options:

- a) Investigate the claim and determine whether to file a Form 21, 60, 61, or 63;
or
- b) Provide medical benefits by filing a Form 63.

Under option b, medical benefits may be provided without prejudice and not subject to a 90-day requirement.

If the seven-day waiting period is met, then the appropriate form accepting, denying, or paying compensation without prejudice must be filed. However, if the seven-day waiting period is met and ninety (90) days from the date the employer, carrier or third party administrator had written or actual notice of the injury has passed, a Form 63 cannot be filed. Rather, a Form 21, 60, or 61 must be filed. If the ninety (90) days has not passed, the investigation time period is limited to the number of days remaining in the ninety day time period.

Also, N.C. Gen. Stat. § 97-18 requires the appropriate form to be filed when the employer admits the employee's right to compensation and initiates payments (Form 21 or Form 60) or initiates payments without prejudice (Form 63). This is required even if the employee has not filed a Form 18. See N.C. Gen. Stat. § 97-18(b) and (d).

Q: If I file a Form 63 for medical benefits only, how long do I have to investigate the claim?

A: If the employee is not yet entitled to temporary total disability compensation, there is no time limitation on the period of investigation. When the seven day waiting period for payment of TTD is satisfied, the employer or carrier must file

the appropriate form either accepting or denying the claim. If ninety (90) days from the date the employer had actual or written notice of the injury has not passed, the employer or carrier may use the balance of the ninety (90) days to investigate the claim. In this situation, a Form 63 for payment of indemnity benefits must be filed.

Q: I filed a Form 63 for payment of indemnity compensation and medical benefits. Am I subject to the 90-day time period? What if I need longer than 90 days to investigate?

A: Yes, you are subject to the 90-day time period. If you need longer than 90 days to investigate, you may request a thirty-day extension by filing a motion with the Director of Claims Administration, Keischa Lovelace. Please send the extension request to 4335 Mail Service Center, Raleigh, North Carolina 27699-4335.

Q: Can I use a “medical only letter” instead of filing a Form 21, 60, 61, or 63 in “medical only” cases?

A: A “medical only” letter does not satisfy the requirement to file a Form 19 or to respond to a Form 18. A Form 19 must be filed in all cases where the employee is absent more than one day due the work-related injury or more than \$2000.00 in medical compensation is paid. An employer, carrier or third party administrator must also file a Form 21, 60, 61, or 63 within thirty days of the Form 18 acknowledgment letter.

Q: How do I receive notice that a claim has been filed against an employer for whom my company provides workers’ compensation coverage?

A: After the Form 18 is processed, a Form 18 acknowledgment letter is sent to the employer, carrier, third party administrator, self-insured employer, or noninsured employer informing the entity of the filing of the Form 18, the employee’s name, the employer, the IC file number, the date of injury and sanctions notice. A copy of the Form 18 is also sent. Also, each day a report is sent to each carrier, third party administrator or self-insured employer informing them of all I.C. file numbers assigned the previous day to cases in which a Form 18 or 19 was filed with that entity as the carrier, TPA or self-insured employer.

Q: I received a Form 18 acknowledgment letter indicating that my company is the carrier on the claim for an employer for whom we do not provide workers’ compensation coverage. How do I resolve this problem?

A: Please send a written letter to North Carolina Industrial Commission Claim Administration, 4335 Mail Service Center, Raleigh, North Carolina 27699-4335. Please state the reason why you think the carrier was incorrectly identified and include a copy of the correspondence received from the Industrial Commission and a copy of the Form 18 or other I.C. form or report.

In certain instances, you may also need to verify whether the correct information is on file with the North Carolina Rate Bureau. The information contained in the Industrial Commission database is based upon the information contained in the North Carolina Rate Bureau database. The I.C. database is updated nightly to contain the information contained in the rate bureau database. The Industrial Commission also has access to the North Carolina Rate Bureau database which is utilized to help identify the correct carrier on the claim. You may contact the North Carolina Rate Bureau at 919-828-5725 or visit their website at www.ncrb.org.

Q: I received a sanction for not filing a Form 21, 60, 61, or 63 within thirty days of the Form 18 acknowledgment letter. Is there any way to have the sanction lifted?

A: You have ten days from the date of the sanction order to file the appropriate form and the sanction will be lifted.

Q: Is the Form 25A required with the Form 26A? Do I need to use a Form 25A with a Form 26A?

A: A Form 25A is not required with the Form 26A or the August 1, 2008 version of the Form 26.

Q: A Form 26A has been approved by the Commission. When should I issue the first payment to the employee?

A: You should indicate on Line 8 when the first payment will be paid. The date must be either the date of MMI or the date the employee returned to work full duty, whichever is later.