

Michael F. Easley, Governor  
Pamela T. Young, Chair



Bernadine S. Ballance, Commissioner  
Buck Lattimore, Commissioner  
Laura K. Mavretic, Commissioner  
Danny Lee McDonald, Commissioner  
Christopher Scott, Commissioner  
Dianne C. Sellers, Commissioner

## North Carolina Industrial Commission

### MINUTES

#### ADOPTION OF PROCEDURES FOR PROCESSING EMERGENCY MEDICAL MOTIONS

Pursuant to North Carolina General Statute §97-78(f), the Commission memorializes the attached procedures for processing medical motions regarding an *emergency* situation.

This the 22 day of July 2008.

Handwritten signature of Pamela T. Young in cursive.

PAMELA T. YOUNG  
CHAIR

Handwritten signature of Bernadine S. Ballance in cursive.

BERNADINE S. BALLANCE  
COMMISSIONER

Handwritten signature of Buck Lattimore in cursive.

BUCK LATTIMORE  
COMMISSIONER

Handwritten signature of Laura K. Mavretic in cursive.

LAURA KRANIFELD MAVRETIC  
COMMISSIONER

Handwritten signature of Danny Lee McDonald in cursive.

DANNY LEE MCDONALD  
COMMISSIONER

Handwritten signature of Christopher Scott in cursive.

CHRISTOPHER SCOTT  
COMMISSIONER

Handwritten signature of Dianne C. Sellers in cursive.

DIANNE C. SELLERS  
COMMISSIONER

## **ESO Emergency Medical Motion Procedure**

1. As motions are received, they are reviewed by the staff and those motions marked “urgent” or “emergency” or “for expedited review” or otherwise designated as potentially needing expedited handling are brought to the attention of the Executive Secretary or a Special Deputy Commissioner, on the same day of receipt, for consideration of shortening the time frame for response pursuant to Rule 609(4) or acting on the motion pursuant to Rule 609(5).
2. Upon review, the ES or SDC reviews the motion and the file and assesses whether and how much to shorten the time frame for a ruling. The request should fall into one of the following categories:
  - Same day review – For example, the motion is seeking the filling of a prescription that is about to run out.
  - 1-2 day review – For example, the motion is seeking the authorization of a procedure or appointment that is already scheduled and is imminent.
  - Shortened period for response – The circumstances are urgent, but there is no specific date at issue. A 5-day time period is generally allowed in such cases.
3. A fax memorandum or e-mail notice is sent to counsel and/or the parties informing them of receipt of the motion and the shortened response deadline. If same day review is allowed, an Order may be filed without a response pursuant to Rule 609(5).
4. Upon receipt of response or expiration of the deadline, whichever comes first, the motion is reviewed and evaluated, then an Order is issued and e-mailed to counsel/parties.

Adopted March 2008

## **Procedure for Expediting Emergency Medical Motions Filed in the Deputy Commissioner Section**

When the Deputy Commissioner Section receives an emergency medical motion, it shall first be given to the Chief Deputy Commissioner who shall promptly record receipt of the motion and gather all relevant facts. Upon completion of a brief fact-finding stage, the Chief Deputy shall render a decision. Upon the Chief Deputy's timely decision, the Chief Deputy shall prepare a written Order and send it to all parties. A copy of the Order shall be maintained in the Chief Deputy's office.

If the Chief Deputy is absent from the office upon receipt of an emergency medical motion, the Chief Deputy's Legal Secretary shall refer the matter to any available Deputy Commissioner who, after attempting to contact the Chief Deputy, shall decide the matter. If the Chief Deputy and the Chief Deputy's Legal Secretary are both absent from the office, the recipient of an emergency medical motion shall deliver it to any available Deputy Commissioner whose Legal Secretary shall record receipt of the motion and return it to the respective Deputy Commissioner who, after attempting to contact the Chief Deputy Commissioner, may decide the matter. That Deputy Commissioner's Legal Secretary shall prepare the written Order and send it to all parties. A copy of the Order shall be forwarded to the Chief Deputy's office, where it shall be maintained.

## **Procedure for Expediting Emergency Medical Motions Filed in the Office of the Chair**

When the Office of the Chair receives an emergency medical motion, it shall first be given to the Chair's Agency Legal Specialist, who shall promptly record receipt of the motion and gather all relevant facts. Upon completion of a brief fact-finding stage, the motion and related information shall immediately be forwarded to the Chair for decision. Upon the Chair's timely decision, the Agency Legal Specialist shall prepare a written Order and send it to all parties. A copy of the Order shall be maintained in the Chair's office.

If the Chair is absent from the office upon receipt of an emergency medical motion, the Chair's Agency Legal Specialist shall refer the matter to any available Commissioner who, after attempting to contact the Chair, shall decide the matter. If the Chair and the Chair's Agency Legal Specialist are both absent from the office, the recipient of an emergency medical motion shall deliver it to the Chair's Administrative Assistant who shall record receipt of the motion and deliver it to a Commissioner who, after attempting to contact the Chair, may decide the matter. That Commissioner's Agency Legal Specialist shall prepare the written Order and send it to all parties. A copy of the Order shall be forwarded to the Chair's office, where it shall be maintained.