NORTH CAROLINA REGISTER

VOLUME 41 • ISSUE 10 • Pages 918 – 1119

November 16, 2026

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PUBLISHED BY
The Office of Administrative Hearings
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Raleigh, NC 27609
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Julie B. Eddins, Publications Coordinator
Serena Samuels, Publications Assistant

Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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1711 New Hope Church Road — 984-236-1850
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Rule Review and Legal Issues

Rules Review Commission
1711 New Hope Church Road — 984-236-1850
Raleigh, North Carolina 27609 — 984-236-1947 FAX

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Office of State Budget and Management
116 West Jones Street
Raleigh, North Carolina 27603-8005
Contact: Julie Ventaloro, Economic Analyst — osbmruleanalysis@osbm.nc.gov — 984-236-0694

Fiscal Research Division
Legislative Office Building
300 N. Salisbury Street, Suites 619 and 400
Raleigh, NC 27603-5925
Contact: Brian Matteson — brian.matteson@ncleg.gov — 919-733-4910

NC Association of County Commissioners — 919-715-2893
215 North Dawson Street
Raleigh, North Carolina 27603
contact: Amy Bason — amy.bason@ncacc.org

NC League of Municipalities — 919-715-2925
424 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
contact: Baxter Wells — bwells@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building
300 North Salisbury Street — 919-733-2578
Raleigh, North Carolina 27611 — 919-715-5460 FAX

Jason Moran-Bates, Staff Attorney
Chris Saunders, Staff Attorney
Aaron McGlothlin, Staff Attorney

NORTH CAROLINA REGISTER

Publication Schedule for January 2026 – December 2026

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270th day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027*	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

*Dates not approved by RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

NORTH CAROLINA REGISTER

Publication Schedule for January 2027 – December 2027

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41:14	01/15/27	12/23/26	01/30/27	03/16/27	03/20/27	04/29/2027	05/01/27	10/12/27
41:15	02/01/27	01/08/27	02/16/27	04/02/27	04/20/27	05/27/2027	06/01/27	10/29/27
41:16	02/15/27	01/25/27	03/02/27	04/16/27	04/20/27	05/27/2027	06/01/27	11/12/27
41:17	03/01/27	02/08/27	03/16/27	04/30/27	05/20/27	06/24/2027	07/01/27	11/26/27
41:18	03/15/27	02/22/27	03/30/27	05/14/27	05/20/27	06/24/2027	07/01/27	12/10/27
41:19	04/01/27	03/10/27	04/16/27	06/01/27	06/20/27	07/29/2027	08/01/27	12/27/27
41:20	04/15/27	03/24/27	04/30/27	06/14/27	06/20/27	07/29/2027	08/01/27	01/10/28
41:21	05/03/27	04/12/27	05/18/27	07/02/27	07/20/27	08/26/2027	09/01/27	01/28/28
41:22	05/17/27	04/26/27	06/01/27	07/16/27	07/20/27	08/26/2027	09/01/27	02/11/28
41:23	06/01/27	05/10/27	06/16/27	08/02/27	08/20/27	09/28/2027	10/01/27	02/26/28
41:24	06/15/27	05/24/27	06/30/27	08/16/27	08/20/27	09/28/2027	10/01/27	03/11/28
42:01	07/01/27	06/10/27	07/16/27	08/30/27	09/20/27	10/28/2027	11/01/27	03/27/28
42:02	07/15/27	06/23/27	07/30/27	09/13/27	09/20/27	10/28/2027	11/01/27	04/10/28
42:03	08/02/27	07/12/27	08/17/27	10/01/27	10/20/27	11/23/2027	12/01/27	04/28/28
42:04	08/16/27	07/26/27	08/31/27	10/15/27	10/20/27	11/23/2027	12/01/27	05/12/28
42:05	09/01/27	08/11/27	09/16/27	11/01/27	11/20/27	12/16/2027	01/01/28	05/28/28
42:06	09/15/27	08/24/27	09/30/27	11/15/27	11/20/27	12/16/2027	01/01/28	06/11/28
42:07	10/01/27	09/10/27	10/16/27	11/30/27	12/20/27	01/20/2028*	02/01/28	06/27/28
42:08	10/15/27	09/24/27	10/30/27	12/14/27	12/20/27	01/20/2028*	02/01/28	07/11/28
42:09	11/01/27	10/11/27	11/16/27	12/31/27	01/20/28	02/17/2028*	03/01/28	07/28/28
42:10	11/15/27	10/22/27	11/30/27	01/14/28	01/20/28	02/17/2028*	03/01/28	08/11/28
42:11	12/01/27	11/05/27	12/16/27	01/31/28	02/20/28	03/16/2028*	04/01/28	08/27/28
42:12	12/15/27	11/22/27	12/30/27	02/14/28	02/20/28	03/16/2028*	04/01/28	09/10/28

*Dates not yet approved by RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) text of proposed rules;
(3) text of permanent rules approved by the Rules Review Commission;
(4) emergency rules
(5) Executive Orders of the Governor;
(6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
(7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOSH STEIN • Governor
DEVDUTTA SANGVAI • Secretary
KELLY KIMPLE • Acting Director, Public Health

Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following applications have been submitted to DHHS:

Application by: American Manufacturing Company, Inc
PO Box 97
Elkwood, VA 22718

For: Modifications to the Innovative Approvals for the American Perc-Rite Drip Systems

Application by: Anua
PO Box 77457
Greensboro, NC 27417

For: Modifications to the Innovative Approvals for Puraflo and Geoflow

Application by: AquaPoint3
39 Tarklin Place
New Bedford, MA 02745

For: Modifications to the Innovative Approval for Bioclere

Application by: AQWA, Inc
1908 Baldree Rd S
Wilson, NC 27893

For: Modifications to the Innovative Approval for the AQWA Drip System

Application by: BioMicrobics, Inc
16002 W 110th St
Lenexa, KS 66219

For: Modifications to the Innovative Approval for the MicroFAST and High Strength FAST Systems

Application by: Brunswick County Health Dept
PO Box 9
Bolivia, NC 28422

For: Modifications to the Innovative Approval for the Brunswick Bed in Fill System

Application by: FujiClean USA, LLC
41-2 Greenwood Rd
Brunswick, ME 04011

For: Modifications to the Innovative Approval for the FujiClean System

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH
LOCATION: 65 Moore Dr, Durham, NC 27713
MAILING ADDRESS: 1642 Mail Service Center, Raleigh, NC 27699-1642
www.ncdhhs.gov • TEL: 919-707-5874 • FAX: 919-845-3972
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Application by: Hydro-Action Industries
PO Box 640
Plymouth, IN 46563

For: Modifications to the Innovative Approval for the Hydro-Action AN Series System

Application by: Infiltrator Water Technologies, Inc
PO Box 768
Old Saybrook, CT 06475

For: Modifications to the Innovative Approvals for the Delta Drip Irrigation, Aquaworx, AES, EZflow, Flowtech, Infiltrator, and ADS Systems

Application by: E-Z Treat Company
PO Box 176
Haymarket, VA 20168

For: Modifications to the Innovative Approvals for the E-Z Treat Advanced Pretreatment and Drip Irrigation Systems

Application by: Norweco, Inc
220 Republic St
Norwalk, OH 44870

For: Modifications to the Innovative Approval for the Norweco Singulair and Bio-Kinetic Systems

Application by: Orenco Systems, Inc
814 Airway Ave
Sutherlin, OR 97479

For: Modifications to the Innovative Approvals for the AdvanTex, AdvanTex AX-RT, and Intermittent Sand Filter Systems

Application by: Premier Tech Environment, Inc
1, avenue Premier
Riviere-du-Loup, G5R 6C1 Canada

For: Modifications to the Innovative Approval for the Ecoflo System

Application by: Prinsco
1717 16th St NE
Wilmar, MN 56201

For: Modifications to the Innovative Approval for the Prinsco System

Application by: On-Site Water Protection Branch

For: Modifications to the Innovative Approvals for Flow Equalization, Off-Site, and Tire Chip Systems

DHHS Contact: Wilson Mize
919-270-9665
Fax: 919-845-3973
wilson.mize@dhhs.nc.gov

These applications may be reviewed by contacting the applicant or Wilson Mize, Branch Head, at 65 Moore Dr, Durham, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Wilson Mize, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, wilson.mize@dhhs.nc.gov, or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.



NC DEPARTMENT OF
HEALTH AND
HUMAN SERVICES

JOSH STEIN • Governor
DEVDUTTA SANGVAI • Secretary
KELLY KIMPLE • Acting Director, Public Health

MEMORANDUM

To: OAH Rules Division

cc: Virginia Niehaus
Wilson Mize

From: Tricia Angoli, On-Site Water Protection Branch

Date: October 24, 2026

Subject: Notice to be published in NC Registry

Please consider this as our request to have the accompanying NOTICE appear in the next issue of the North Carolina Registry.

This Notice is to announce receipt by the Department of Health and Human Services of an application for an Innovative Approval of Wastewater Systems manufactured by:

American Manufacturing Company, Inc
PO Box 97
Elkwood, VA 22718

and

Anua
PO Box 77457
Greensboro, NC 27417

and

AquaPoint3
39 Tarklin Place
New Bedford, MA 02745

and

AQWA, Inc
1908 Baldree Rd S
Wilson, NC 27893

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH
LOCATION: 65 Moore Dr, Durham, NC 27713
MAILING ADDRESS: 1642 Mail Service Center, Raleigh, NC 27699-1642
www.ncdhhs.gov • TEL: 919-707-5874 • FAX: 919-845-3972

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

and

BioMicrobics, Inc
16002 W 110th St
Lenexa, KS 66219

and

Brunswick County Health Dept
PO Box 9
Bolivia, NC 28422

and

FujiClean USA, LLC
41-2 Greenwood Rd
Brunswick, ME 04011

and

Hydro-Action Industries
PO Box 640
Plymouth, IN 46563

and

Infiltrator Water Technologies, Inc
PO Box 768
Old Saybrook, CT 06475

and

E-Z Treat Company
PO Box 176
Haymarket, VA 20168

and

Norweco, Inc
220 Republic St
Norwalk, OH 44870

and

Orenco Systems, Inc
814 Airway Ave
Sutherlin, OR 97479

and

Premier Tech Environment, Inc
1, avenue Premier
Riviere-du-Loup, G5R 6C1 Canada

and

Prinsco
1717 16th St NE
Wilmar, MN 56201

and

On-Site Water Protection Branch

This notification is required pursuant to NC General Statute 130A-343(g), requiring the Department to publish such a notice and to receive public comment on the application for at least 30 days after the date the notice is published in the North Carolina Register prior to acting on the application.

We shall concurrently provide you this Memorandum and Notice by Email and would greatly appreciate receipt of confirmation of the projected Issue Date for this notice in the Register.

Your assistance with this matter is greatly appreciated. Please let me know if you need any further information. I can be reached by phone at 919-218-2580 or by email at trish.angoli@dhhs.nc.gov.

Note from the Codifier: *The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.*
Statutory reference: G.S. 150B-21.2.

TITLE 11 – DEPARTMENT OF INSURANCE

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Manufactured Housing Board intends to readopt with substantive changes the rules cited as 11 NCAC 08 .0901- .0907, .0909- .0912, .1401, .1432, and readopt without substantive changes the rules cited as 11 NCAC 08 .0908, and .1402-.1431.*

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncosfm.gov/about/rules-and-legislative-reports/rules#ManufacturedHousingBoard-4082*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 2, 2026*
Time: *10:00 a.m.*
Location: *Office of the State Fire Marshal 1429 Rock Quarry Rd., Suite 105 Raleigh, NC 27610*

Reason for Proposed Action: *The North Carolina Manufactured Housing Board proposes to readopt rules in 11 NCAC 08 .0900 and .1400 pursuant to G.S. 150B-21.3A. The proposed amendments reflect current statutory requirements, agency organization, and administrative practices; clarify licensing application requirements and procedures; revise examination requirements for manufactured housing salespersons and set-up contractors; and update provisions governing license fees, bonding, complaint handling, and continuing education. The proposed amendments also remove obsolete language, improve clarity and consistency, and make technical and conforming corrections.*

Comments may be submitted to: *Kyle Heuser, 1202 Mail Service Center, Raleigh, NC 27699-1202; phone (919) 647-0100; email OSFM.Rulemaking@ncdoi.gov*

Comment period ends: *January 15, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ **State funds affected**
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (>= $1,000,000)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required**

CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION

SECTION .0900 - MANUFACTURED HOUSING BOARD

11 NCAC 08 .0901 MANUFACTURED HOUSING BOARD

The North Carolina Manufactured Housing Board is established to provide for a comprehensive framework for regulation of all segments of the manufactured housing industry. The ~~Commissioner of Insurance~~ State Fire Marshal or his designee shall serve as chairman of ~~a nine member board representing the industry and the public.~~ the Board.

Authority G.S. 143-143.8; 143-143.10.

11 NCAC 08 .0902 ADDRESS

The mailing address for the North Carolina Manufactured Housing Board is: North Carolina Manufactured Housing Board, c/o ~~North Carolina Department of Insurance,~~ Manufactured Building Division, 1202 Mail Service Center, Raleigh, NC 27699-1202.

Authority G.S. 143-143.8; 143-143.10; 143-143.17.

11 NCAC 08 .0903 RULE-MAKING AND HEARING PROCEDURES

Copies of ~~Standards~~ standards and rules adopted by the Manufactured Housing Board or the ~~Commissioner of Insurance~~ State Fire Marshal may be obtained by writing or calling:

North Carolina Manufactured Housing Board
Manufactured Building Division
1202 Mail Service Center

Raleigh, North Carolina 27699-1202
Phone (919) 647-0000
~~The Manufactured Building Division is located at:~~
~~325 North Salisbury Street~~
~~Raleigh, North Carolina 27603~~.

History Note: Legislative Objection Lodged Eff. December 22, 1982;
Authority G.S. 143-143.10; 143-143.11; 143-143.11B; 143-143.12; 143-143.14; 143-143.19;
Eff. January 1, 1983;
Amended Eff. March 1, 1988 at ARRC request to cure referenced Legislative Objection;
Amended Eff. January 1, 2018; June 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, ~~2018.~~ 2018;
Readopted Eff. March 1, 2027.

11 NCAC 08 .0904 FORMS

(a) As required by G.S. 143-143.11, ~~An~~ an application for a license as a manufactured housing manufacturer or manufactured housing dealer shall include the following:

(1) the name of the person or business applicant;
(2) the business mailing and street address of the applicant;
(3) ~~the state under whose laws the applicant firm or corporation is organized or incorporated;~~ business telephone number;
(4) ~~a resume of~~ biographical information regarding each ~~owner, partner, and officer~~ owner of the applicant firm or ~~corporation. Each resume shall state~~ corporation, including each individual's ~~his or her~~ birth date, social security number, mailing address, email address, ~~education,~~ and position within the applicant firm or corporation; ~~and a complete job history, as well as a listing of residences for the last seven years;~~
(5) the type of license applied for;
(6) a signature of the person with authority to legally obligate the applicant; and
(7) ~~a statement that the appropriate bond is attached.~~ a corporate surety bond or cash bond in the amount required by G.S. 143-143.12.

(b) An application for a license as a manufactured set-up contractor shall include the following:

(1) the name of the person or business applicant;
(2) the business mailing and street address of the applicant;
(3) ~~the state under whose laws the applicant firm or corporation is organized or incorporated;~~ business telephone number;
(4) ~~a resume of~~ biographical information regarding each ~~owner, partner, and officer~~ owner and qualifier of the applicant firm or ~~corporation. Each resume shall state~~ corporation, including each individual's ~~his or her~~ birth date, social security number, mailing address, email address, ~~education,~~ and position within the applicant firm or corporation; ~~and a complete job history, as well as a listing of residences for the last seven years;~~
~~(5)~~ ~~the type of license applied for;~~
~~(6)~~(5) a signature of the person with authority to legally obligate the applicant;
~~(7)~~(6) ~~a statement that the appropriate bond is attached;~~ a corporate surety bond or cash bond in the amount required by G.S. 143-143.12; and
~~(8)~~(7) a criminal history record check consent form signed by each ~~owner, partner, and officer~~ owner of the applicant firm or corporation with their initial application and other documentation or materials required by G.S. ~~143-143.10A; and~~ 143-143.10A.
~~(9)~~ ~~the social security number for each owner;~~

(c) An application for a license as a manufactured housing salesperson shall include the following:

(1) the name of the applicant;
(2) the applicant's street address;
(3) the name and business address of the dealer employing the applicant;
~~(4)~~ ~~the name and address of previous employers of the applicant for the past three years;~~
~~(5)~~ ~~three personal references;~~
~~(6)~~(4) a ~~wallet size~~ clear, front-facing photograph of the applicant and a copy of the applicant's valid government-issued identification;
~~(7)~~(5) a criminal history record check consent form signed by ~~each~~ the applicant with their initial application and other documentation or materials required by G.S. 143-143.10A; and
~~(8)~~(6) The applicant's social security number.

(d) Corporate surety bonds, as specified in 11 NCAC 08 .0905, shall include the name of the applicant, the name of the surety, the amount of the bond, and the terms of cancellation.

(e) The Board shall provide applications for renewal of licenses, which shall include the name and address of the applicant, the type of license, the date the license expires, the amount of the license renewal fee, and instructions for completion.

(f) A request for cancellation of license shall include the name and ~~address~~ license number of the licensee, the effective date of the cancellation, the specific reason for the cancellation, and the signature of the person with authority to legally obligate the licensee.

(g) All applications pursuant to this Rule shall use a form provided by the Manufactured Housing Board. Each application and form required by this Rule may be obtained from the North Carolina Manufactured Housing Board, c/o ~~North Carolina Department of Insurance,~~ Manufactured Building Division, 1202 Mail Service Center, Raleigh, NC 27699-1202.

Authority G.S. 110-142.1; 132-1.10; 143-143.10; 143-143.10A; 143-143.11; 143-143.12.

11 NCAC 08 .0905 LICENSING

(a) Any person employed by a dealer whose occupational activity is that of selling manufactured homes on behalf of the retail dealership shall be licensed as a salesperson. Each salesperson's

license shall be conspicuously displayed at all times by the dealership employing the salesperson.
(b) The following shall not be required to be licensed as a manufactured housing dealer:
(1) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court;
(2) Public officials while performing their official duties;
(3) Persons disposing of manufactured homes acquired for their own use, provided that said home is not used for the purpose of avoiding the provisions of G.S. 143-143.11;
(4) Licensed real estate salesmen or brokers who negotiate or sell a manufactured home for any individual who is the owner of not more than three manufactured homes;
(5) Banks and finance companies who sell repossessed manufactured homes who do not maintain a sales lot or building with one or more employed retail salespersons.
(c) Licenses shall be issued by the Board whenever the application is in compliance with the applicable laws and regulations. Such license shall entitle the licensee to conduct the specified business for a period of one year from date of issuance or the first day of July, whichever is earlier. The Board may, if it deems necessary, cause an investigation to be made to ascertain if all the requirements set forth in the application are true and shall not issue a license to the applicant until it is satisfied as to the accuracy of the application.
(d) Manufactured housing manufacturers, dealers, and set-up contractors shall conspicuously display their licenses at all times at their place of business.
(e) Whenever a bond is required by G.S. 143-143.12, before any license shall be issued by the Board, the applicant shall deliver to the Board a corporate surety ~~bond,~~ bond or cash ~~bond or fixed value equivalent.~~ bond. The bond shall be to the Board and in favor of any person who shall suffer any loss as a result of any violation of the law or administrative rules governing manufactured housing. The bond shall be for the license period and a new bond or proper continuation certificate shall be delivered to the Board at the beginning of each license period. The bond for one type of license may not be considered as the bond for another type of license. Cash bonds shall remain in escrow with the Board for twelve months from the date of lapse or inactivation of the license or until such time as the Board determines that no claims exist against the bond.
(f) License fees are as follows:
(1) three hundred dollars ($300.00) per ~~Certificate of Origin~~ manufacturing plant for manufactured housing manufacturers;
(2) two hundred fifty dollars ($250.00) ~~per county of operation~~ per place of business for manufactured housing dealers;
~~(3) one hundred dollars ($100.00) per county for supplemental manufactured housing dealer locations;~~
~~(4)~~(3) ~~twenty five~~ fifty dollars ~~($25.00)~~($50.00) for retail manufactured housing salesperson; and
~~(5)~~(4) two hundred fifty dollars ($250.00) per business location for set-up contractors.

Authority G.S. 143-143.10; 143-143.11.

11 NCAC 08 .0906 DUTIES AND RESPONSIBILITIES OF BOARD
(a) The Board shall be required to keep minutes and records of all its transactions, proceedings and meetings, and duly certified copies thereof shall be sufficient to comply with the rules of evidence.
(b) The Board may investigate on its own initiative or upon receipt of inquiries or complaints ~~(See 11 NCAC 8 .0910)~~ any allegation of a wrongful act or acts involving manufactured housing manufacturers, suppliers, dealers, ~~salesmen,~~ salespersons, or set-up contractors. Violation of the laws or administrative rules governing the manufactured housing industry shall be grounds for ~~revocation~~ revocation, ~~or suspension~~ suspension, or denial of licenses issued by the Board or for the civil penalties prescribed by G.S. 143-143.13.

Authority G.S. 143-143.10; 143-143.13; 143-143.14; 143-143.17; 143-143.18; 143-143.22.

11 NCAC 08 .0907 UNFAIR COMPETITION AND DECEPTIVE PRACTICES
Unfair methods of competition or unfair or deceptive commercial acts or practices shall include, but not be limited to:
(1) Failure to perform repairs, alterations and/or additions completely or in a workmanlike and competent manner.
(2) Repeated failure to give timely notice of inability to appear for a scheduled repair.
(3) Representing used manufactured homes, appliances, or fixtures as new or failure to identify used appliances, fixtures and/or equipment in new manufactured homes.
(4) Repeated failure to respond promptly to consumer complaints and inquiries.
(5) Failure to give clear and conspicuous notice that the wheels, axles, and/or tongue are not included in the sales price, when such is the case. An example of clear and conspicuous notice is a sticker or printed notice in bold face type ~~stating~~ stating: "The purchase price does not include the wheels, axles, and tongue of this manufactured home."
(6) Failure to give clear and conspicuous notice of the significance of leveling a manufactured home and when releveling becomes the customer's responsibility. An example of clear and conspicuous notice is a sticker or printed notice in bold face type ~~stating~~ stating: "Proper set-up, leveling and anchoring of your manufactured home is necessary in order to assure proper functioning and safe operation of your manufactured home."

(7) Misrepresenting the model year or size of a manufactured home. Size shall be calculated as follows:

(a) length means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space, but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments;

(b) width means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space, but not bay windows, porches, wall and roof extensions, or other attachments;

(c) measurements may be represented to the nearest foot.

Authority G.S. 143-143.10; 143-143.13.

11 NCAC 08 .0908 SUSPENSION OF IMMINENT SAFETY HAZARD PERIOD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .0909 MAINTENANCE OF RECORDS

(a) Every manufactured housing manufacturer, supplier, dealer, and set-up contractor shall maintain for at least five years all service records.

(b) Every manufactured housing manufacturer, supplier, dealer, or set-up contractor shall maintain a record of all ~~written~~ complaints listing the name and address of the complainant, the nature of the complaint, and the disposition of the complaint. This record shall be retained for at least five years.

(c) Nothing in this Rule shall be construed to prohibit use of electronic or photographic processes to store such records.

Authority G.S. 143-143.10 through 143-143.13; 143-143.17; 143-143.18; 143-143.22.

11 NCAC 08 .0910 COMPLAINT HANDLING AND INSPECTION PROCEDURE

(a) Complaints received by telephone shall be confirmed in writing over the signature of the owner of the manufactured home or his or her agent; however, this shall not delay any action to resolve the complaint. Complaints shall be processed as follows:

(1) The Manufactured Building Division shall forward complaints to the manufactured housing manufacturer, dealer, or set-up contractor as appropriate.

(2) If the complaint is not resolved, the Manufactured Building Division shall schedule an on-site inspection or the division head ~~deputy commissioner~~ shall arrange ~~a~~ an informal conference to discuss the problem. Unless otherwise agreed, concerned parties shall be given at least 72 hours notice, orally, in writing, or electronically, of the time and place of the inspection or informal conference and the opportunity to attend the inspection or informal conference.

(3) If the complaint is not resolved, the division head ~~deputy commissioner~~ shall refer the complaint to the Board. The secretary of the Board may recommend legal action be taken to ensure compliance with the applicable statutes and rules. Such action may include the convening of a public hearing.

(b) The Manufactured Building Division shall not knowingly attempt to resolve a complaint which is also the subject matter of a pending lawsuit filed by the complainant or on the complainant's behalf by the complainant's attorney unless authorized by the Board, which authorization shall occur upon mutual assent of all parties to the lawsuit, whether through the parties themselves or attorneys for the parties. If no lawsuit has been filed but the complainant has retained an attorney, the Manufactured Building Division shall, upon request by the complainant or the complainant's attorney, investigate a complaint, which investigation shall consist of inspecting the home for violations of the Code, as defined in G.S. 143-143.9, providing a copy of the inspection report to all the parties, and attempting to resolve the matter between the parties.

Authority G.S. 143-143.10; 143-143.13; 143-143.14; 143-143.17.

11 NCAC 08 .0911 ~~SALESMAN~~ SALESPERSON EXAM; TEMPORARY LICENSE; LICENSE TRANSFER; FEES

(a) A ~~salesman's~~ salesperson's license shall be issued to any applicant after the Board has approved the applicant's criminal history record check upon receipt by the Board of a properly executed application, receipt of the applicant of a passing grade (70 percent of a possible 100 percent) on ~~a written~~ an examination administered by the Board, and qualification of the applicant for licensure, except as follows:

(1) Those persons holding a Registered Housing Specialist certification from the North Carolina Manufactured Housing Institute on or before June 30, 1992, are exempt from the examination requirement.

(2) Any ~~salesman~~ salesperson who has been tested and licensed under this Section and whose license has lapsed is not required to be re-tested if he re-applies for licensing within 12 months after the expiration of the lapsed license.

(b) A temporary ~~salesman's~~ salesperson's license shall be issued prior to the Board's approval of the applicant's criminal history record check for a period of 90 days to a person upon request of the employing dealer. The holder of a valid s ~~salesman's~~ salesperson's or temporary ~~salesman's~~ salesperson's license may sell manufactured homes only for the dealer with whom he is employed as shown on the application. A temporary ~~salesman's~~ salesperson's license shall not be renewed.

(c) A ~~salesman's~~ salesperson's license is valid only as long as the person remains employed with the dealer shown on the

application. A ~~salesman~~ salesperson must apply for a new ~~salesman's~~ salesperson's license if he changes or transfers from one dealer to another. In lieu of applying for a new license, the ~~salesman~~ salesperson may transfer his license from one dealership to another upon application from the new dealer and the ~~salesman~~ salesperson and approval of the Board. When a ~~salesman~~ salesperson leaves employment with a dealer, the dealer shall report this fact to the Board within 10 days thereafter.
(d) The fee for a ~~salesman's~~ salesperson's or temporary ~~salesman's~~ salesperson's license shall be twenty five dollars ($25.00). The temporary ~~salesman's~~ salesperson's license fee shall apply toward the ~~salesman's~~ salesperson's license fee if both licenses are issued in the same license year. The fee for a ~~salesman's~~ salesperson's license transfer application shall be ~~fifteen~~ twenty-five dollars ~~($15.00).~~ ($25.00).
(e) A criminal history record check fee in the amount of fifty five dollars ($55.00) shall be submitted with each applicant application.

Authority G.S. 143-143.10; 143-143.10A; 143-143.11.

11 NCAC 08 .0912 SET-UP CONTRACTOR EXAMS
(a) Definitions. The definitions contained in G.S. 143-143.9 are incorporated into this Rule by reference. As used in this Rule, ~~"qualifier" means an individual taking the examination on behalf of an applicant that is not an individual.~~ "examinee" means an individual taking the examination required by this Rule, either as an applicant for a set-up contractor license or as a qualifier.
(b) Examination Required. Each applicant for a set-up contractor's license shall pass ~~a written~~ an examination administered by the Board or designate a qualifier who passes the examination before the Board ~~will issue~~ issues a license to the applicant. ~~Every applicant shall pass the examination with a grade of at least 70 percent.~~ An examinee shall receive a grade of at least 70 percent to pass the examination. An ~~applicant~~ examinee who does not pass the examination shall be allowed two additional attempts to retake the ~~exam.~~ examination within 90 days of the first attempt. If the examinee does not pass the examination within the time and number of attempts permitted by this Paragraph, the applicant shall submit a new application before the examinee may take the examination again.
(c) Time and Place of Examinations. The Board shall administer examinations ~~in its offices in Raleigh.~~ at times and locations determined by the Board. The Board shall ~~announce the time and place~~ notify each examinee of the date, time, and location ~~for each~~ of the examination at least 10 days before the date of the examination.
(d) Application Process. Each applicant shall ~~complete~~ submit an application for a manufactured housing set-up contractor license on a form provided by the ~~Board.~~ Board in accordance with 11 NCAC 08 .0904(b). ~~If the applicant is not an individual, the applicant shall identify on the application any individuals who will take the examination for the applicant.~~ An applicant that is not an individual shall identify each designated qualifier on the application. In order to take an examination on a particular date, an applicant shall ~~file~~ submit a completed application ~~no later than~~ at least 30 days before the scheduled date of the examination.
(e) ~~Person Taking Examination.~~ Qualifiers. ~~A~~ Each qualifier ~~shall be associated with the applicant, and~~ shall be actively engaged in ~~the work~~ performing or directly supervising the installation of manufactured homes on behalf of the ~~applicant for a minimum of 20 hours per week, or a majority of the hours operated by the applicant, whichever is less.~~ applicant. Each set-up contractor licensee shall notify the Board in writing within 10 days after any qualifier no longer meets the preceding requirements. If one qualifier ~~fails,~~ fails the examination, and another passes, the license shall be granted to that applicant. An individual shall not serve as a qualifier for more than one license. The applicant may have more than one individual serve as a qualifier.
(f) ~~General Requirements.~~ Identification. ~~All applicants scheduled for an examination shall bring a form of identification with a current picture.~~ Each examinee shall present a valid government-issued photographic identification before taking the examination. No visitors shall be allowed in the testing room.
(g) ~~Special Arrangements for the Disabled. If an applicant has a disability which will require special arrangements to take an examination, the applicant shall request in writing that appropriate special arrangements be made. The Board shall make reasonable accommodations for applicants requesting assistance pursuant to this Rule.~~ Accommodations for disabilities. An examinee requesting an accommodation for a disability shall notify the Board of the requested accommodation before the examination. The Board shall provide reasonable accommodations as required by the Americans with Disabilities Act of 1990, as amended.
(h) Cheating and Related Misconduct. ~~Applicants~~ Examinees shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any purpose with any person other than staff members for the Board during an examination.
(i) Notification of Results. The examination results shall be mailed to the applicant at the address on the application form within 30 days after the examination. Passing ~~applicants~~ examinees shall receive only a grade of "pass."
~~(j) Review of Examinations. Upon the applicant's written request, made within 30 days after the written notification of the examination results, an applicant who did not pass the examination shall be allowed to review his examination. The review shall be at the Board's offices, at a time schedule by the Board's staff. An applicant shall review his examination in the presence of a staff member of the Board and shall not be accompanied by any other individual at a review session. No other individual shall review an examination on behalf of the applicant. An applicant shall not be permitted to copy a question or answer contained in the examination report or alter an examination paper in any way. An applicant who has passed the examination shall not be permitted to review his examination. If the applicant is not an individual, the review of the examination shall be made by the applicant's qualifier.~~

Authority G.S. 143-143.10(b)(4); 143-143.11(h).

SECTION .1400 - MANUFACTURED HOUSING BOARD CONTINUING EDUCATION

11 NCAC 08 .1401 DEFINITIONS
As used in this Section:

(1) "Board" means the North Carolina Manufactured Housing Board, as defined in G.S. 143-143.9(1).
(2) "CE Administrator" means a person designated by the Board to receive all applications for course approval, course reports, course application and renewal fees, on behalf of the Board for the CE program.
(3) "Continuing education" or "CE" means any educational activity approved by the Board to be a continuing education activity.
(4) "Course" means a continuing education course directly related to manufactured housing principles and practices or a course designed and approved for licensees.
(5) "Credit hour" means at least 50 minutes of continuing education instruction.
(6) "Distance education course" or "distance learning course" means a continuing education course approved by the Board in which instruction is accomplished through the use of media whereby teacher and student are separated by distance and sometimes by time.
(7) "Licensee" means a manufactured housing salesperson or set-up contractor who holds a license issued by the Board in accordance with G.S. 143-143.11, but does not include a licensed manufacturer or dealer.
(8) "Qualifier" means the person or persons having passed the ~~written~~ Set-Up Contractor's Examination as administered by the Board and authorized in G.S. 143-143.11(h), and as defined in 11 NCAC 08 .0912(e), or a person who meets the requirements of 11 NCAC 08 .0912(e) and is designated by a licensee to obtain CE credits.
(9) "Sponsor" means an organization or individual who has submitted information to the Board as specified in this Section and has been approved by the Board to provide instruction for the purpose of CE.
(10) "Staff" means designated employees of the Manufactured Building Division of the Department of Insurance who are authorized to act on behalf of the Board with regard to continuing education matters.

Authority G.S. 143-143.10; 143-143.11B.

11 NCAC 08 .1402 CE COURSES -- GENERAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1403 SPONSOR ADVANCE APPROVAL REQUIRED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1404 SPONSOR NAME (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1405 ACCREDITATION STANDARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1406 CE COURSE SUBJECT MATTER (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1407 SCHEDULING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1408 NOTICE OF SCHEDULED COURSES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1409 ADVERTISING and PROVIDING COURSE INFORMATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1410 SOLICITATION OF STUDENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1411 CANCELLATION AND REFUND POLICIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1412 DENIAL OR WITHDRAWAL OF APPROVAL OF COURSE OR COURSE SPONSOR (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1413 RENEWAL OF COURSE AND SPONSOR APPROVAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1414 SPONSOR CHANGES DURING APPROVAL PERIOD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1415 CE REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1416 CONTINUING EDUCATION COORDINATOR (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1417 MONITORING ATTENDANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1418 INSTRUCTOR REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1419 STUDENT PARTICIPATION STANDARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1420 STUDENT FEE FOR CE COURSES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1421 MINIMUM CLASS SIZE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1422 CLASSES OPEN TO ALL LICENSEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1423 CLASSROOM FACILITIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1424 STUDENT CHECK-IN (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1425 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1426 COURSE COMPLETION REPORTING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1427 retention of COURSE RECORDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1428 REQUEST FOR VIDEO OF AN ELECTIVE COURSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1429 CHANGE IN SPONSOR OWNERSHIP (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1430 COURSE MONITORS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1431 NON-RESIDENT LICENSEES AND CE CREDITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 08 .1432 NON-COMPLIANCE

If a licensee fails to complete the CE requirements specified in ~~these Rules~~ this Section by June 30 of a given license year, ~~his or her~~ the licensee's license shall not be renewed. A licensee may renew a license at any time prior to the following June 30, but may not operate as either a manufactured housing salesperson or set-up contractor until such time as documentation of having completed the applicable CE requirements is furnished to the Board and the license has been renewed. A licensee who has not completed the CE requirements within one year of the original expiration shall be required to pass ~~written~~ the relevant State ~~examinations~~ examination in order to be re-licensed.

Authority G.S. 143-143.10; 143-143.11B.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g that the Industrial Commission intends to adopt the rules cited as 11 NCAC 23A .0621; 23B .0107, .0108, .0209; 23H .0102, .0207; 23I .0103, readopt with substantive changes the rules cited as 11 NCAC 23A .0101, .0104, .0107, .0108, .0301, .0302, .0403, .0404, .0404A, .0405, .0409, .0604, .0609, .0609A, .0610, .0612, .0617, .0619, .0702, .0903, .1001; 23B .0101, .0103, .0104, .0205, .0206, .0302, .0503; 23C .0105-.0110; 23D .0101, .0105-.0107, .0109; 23E .0101-.0104, .0203; 23G .0101-.0104, .0104A, .0105-.0109, .0111, .0112; 23H .0101, .0201-.0203, .0205; 23I .0101, .0102, .0201; 23J .0101; 23M .0102, .0103, .0203, readopt without substantive changes the rules cited as 11 NCAC 23A .0102, .0103, .0109, .0201, .0401, .0402, .0406, .0408, .0410, .0411, .0501-.0503, .0601-.0603, .0605-.0608, .0611, .0613-.0616, .0620, .0701, .0703, .0704, .0801, .0901, .0902; 23B .0102, .0105, .0106, .0202-.0204, .0208, .0301, .0307, .0308, .0310, .0401-.0404, .0501; 23C .0101, .0103, .0201; 23D .0108, .0110; 23E .0201, .0202, .0301, .0302; 23F .0101-.0107; 23G .0110; 23H .0206; 23I .0202, .0203; 23J .0102, .0103; 23L .0101-.0105; 23M .0101, .0201, .0202, .0301, .0401, .0501, and repeal through readoption the rules cited as 11 NCAC 23A .0106; 23D .0102, .0104; 23F .0108; 23H .0204; and 23I .0204.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ic.nc.gov/legal-resources/industrial-commission-rules/industrial-commission-rulemaking*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 2, 2026*
Time: *2:00 p.m.*
Location: *Dobbs Building, Utilities Commission Hearing Room (Room #2115), 430 N. Salisbury St., Raleigh, NC 27603*

Reason for Proposed Action: *Pursuant to G.S. 150B-21.3A, the Industrial Commission has reviewed its rules and proposes to readopt 68 rules with substantive changes; readopt 80 rules without substantive changes; repeal 6 rules; and adopt 7 new rules. Fiscal Notes have been prepared by the agency and approved and certified by OSBM for 11 NCAC 23A .0621, 11 NCAC 23B .0209, 11 NCAC 23G .0107 and 11 NCAC 23J .0101.*

With regard to the rule readoptions, the proposed changes are being made to the readopted rules to add clarity by deleting ambiguous text, reformatting the rules, deleting outdated text, and updating website links.

Additionally, the service provision in 11 NCAC 23A .0107 is being updated to state that if service is provided by both email and U.S. mail, notice shall be complete upon the earlier of the sending of the email or the placing of the item in the U.S. Mail and the rule is being updated to address notice pursuant to G.S. 97-85 in addition to notice pursuant to G.S. 97-86.

Additionally, 11 NCAC 23A .0108 is being updated to set a requirement that a party shall omit or redact all but the last four digits of any social security number contained in a document before filing that document with the Commission, unless an exception set forth in the rule applies.

Additionally, 11 NCAC 23A .0609A is being updated to add provisions for oral argument before the Full Commission, including limiting oral argument to ten minutes.

Additionally, 11 NCAC 23A .0617 is being updated to specify that attorneys representing employers shall include in the notice of representation the name of the employer, employer's carrier(s), and any third-party administrator and that attorneys representing claimants shall include in the notice of representation the name of the employee and, if the employee is deceased the name of any next of kin, potential dependents who may be beneficiaries, and estate representatives that the attorney represents. This rule is also being updated to state that an attorney withdrawing from representation whose client has a hearing request pending in a case where that client filed the Form 33 Request for Hearing shall state in a Motion to Withdraw whether the Form 33 is also being withdrawn.

Additionally, the sign language interpreter provisions in 11 NCAC 23A .0619 are being deleted and adopted in a new stand-alone rule.

Additionally, 11 NCAC 23A .0702 is being updated to clarify that Deputy Commissioners, not Commissioners, hear the initial appeals of administrative decisions.

Additionally, 11 NCAC 23B .0104 is being updated to set a requirement that a party shall omit or redact all but the last four digits of any social security number contained in a document before filing that document with the Commission, unless an exception set forth in the rule applies.

Additionally, 11 NCAC 23B .0302 is being updated to add provisions regarding motions to reconsider or to amend the decision of a Deputy Commissioner, submitting reply briefs, case citations, and orders filed by a single Commissioner.

Additionally, the definition of "employer network" is being added to 11 NCAC 23D .0101.

Additionally, 11 NCAC 23E .0104 is being updated to add a requirement that attorney requests for secure leave shall be filed electronically through the Commission's electronic document filing portal.

Additionally, 11 NCAC 23G .0103 is being updated to add provisions for the postponement or cancellation of mediation and to add a provision regarding the prohibition against recording a mediation.

Additionally, 11 NCAC 23G .0104A is being updated to include provisions for sign language interpreters.

Additionally, 11 NCAC 23G .0107 is being updated to align the one-time administrative mediator fee with Rule 7 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

Additionally, 11 NCAC 23G .0109 is being updated to add a provision regarding the prohibition against recording a neutral evaluation conference.

Additionally, 11 NCAC 23H .0201 is being updated to add instructions for initiating a claim.

Additionally, 11 NCAC 23J .0101 is being updated to establish maximum fees for medical records requests in North Carolina workers' compensation cases.

With regard to the rule adoptions, 11 NCAC 23A .0621 is being adopted to align with G.S. 8B-8, which requires agencies to pay the fees and expenses for sign language interpreters who appear before the agency;
11 NCAC 23B .0107 is being adopted to codify computation of time provisions for State Tort claims;
11 NCAC 23B .0108 and 11 NCAC 23H .0207 are being adopted to codify the current practice for attorneys retained in State tort claims and Public Safety Employees' Death Benefit Act claims;
11 NCAC 23B .0209 is being adopted partially in response to a petition for rulemaking and partially to align with G.S. 8B-8; and
11 NCAC 23H .0102 and 11 NCAC 23I .0103 are being adopted to codify electronic filing requirements for claims filed under the Public Safety Employees' Death Benefit Act and the Childhood Vaccine-Related Injury Compensation Program.

With regard to the rule repeals, 11 NCAC 23A .0106 is being repealed because the Industrial Commission no longer uses the data provided on the Form 51;
11 NCAC 23D .0102 is being repealed because "Employer" is defined in the Workers' Compensation Act; the definition of "Act" is unnecessary; and the definition of "employer network" is being added to 11 NCAC 23D .0101;
11 NCAC 23D .0104 is being repealed because it is unnecessary. G.S. 97-25.2 sets the reasons the Commission can change the medical provider;
11 NCAC 23F .0108 is being repealed because the history notes set forth the effective date of the rules;
11 NCAC 23H .0204 is being repealed because written or recorded statements are not taken in Public Safety Employees' Death Benefit Act cases; and
11 NCAC 23I .0204 is being repealed because the Industrial Commission does not have statutory authority to impose sanctions in Childhood Vaccine-Related Injury Compensation Program cases.

The fiscal notes for 11 NCAC 23A .0621, 11 NCAC 23B .0209, 11 NCAC 23G .0107, and 11 NCAC 23J .0101 can be found on the Industrial Commission's website at https://www.ic.nc.gov/legal-resources/industrial-commission-rules.

Comments may be submitted to: *Dana McGhee, 1240 Mail Service Center, Raleigh, NC 27699-1240; phone (919) 807-2674;*

email rulemaking@ic.nc.gov (NOTE: The Industrial Commission strongly suggests submitting any written comments via email at rulemaking@ic.nc.gov as opposed to sending written comments to the physical mailing address.)

Comment period ends: *January 15, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☒ **State funds affected**
☒ **Local funds affected**
☒ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 23 - INDUSTRIAL COMMISSION

SUBCHAPTER 23A - WORKERS' COMPENSATION RULES

SECTION .0100 - ADMINISTRATION

11 NCAC 23A .0101 LOCATION OF MAIN OFFICE AND HOURS OF BUSINESS

The main office of the North Carolina Industrial Commission is located ~~in~~ on the sixth floor of the Dobbs Building, 430 North Salisbury Street, Raleigh, NC 27603. ~~North Carolina. Documents that may be filed via hand-delivery in accordance with Rule .0108 of this Section may be filed at the main office between the hours of~~ The main office hours are 8:00 a.m. ~~and~~ to 5:00 ~~p.m. only.~~ p.m., Monday through Friday, except for State recognized holidays as set forth in 25 NCAC 01E .0901. ~~Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date.~~

Authority G.S. 97-80(a).

11 NCAC 23A .0102 OFFICIAL FORMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0103 NOTICE OF ACCIDENT AND CLAIM OF INJURY OR OCCUPATIONAL DISEASE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0104 EMPLOYER'S REQUIREMENT TO FILE FIRST REPORT OF INJURY

(a) ~~The form required to be provided by G.S. 97-92(a) is the Form 19 Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission. The Form 19 shall be used~~ An employer shall report an employee's injury or occupational disease to the Commission as provided in G.S. 97-92(a), by filing a Form 19 Employers Report of Employee's Injury or Occupational Disease, as set forth in 11 NCAC 23L .0109, with the Industrial Commission when the injury causes the employee to be absent from work for more than one day or when the charges for medical compensation exceed four thousand dollars ($4,000). The Form 19 shall be filed with the Commission in accordance with Rule ~~.0108(d)~~ .0108(e) of this Section.

(b) The employer, carrier, or administrator shall provide the employee with a copy of the completed Form 19 ~~Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission, along with~~ and a blank copy of the Form 18 Notice of Accident to Employer and Claim of Employee, Representative, or ~~Dependent~~ Dependent, as set forth in 11 NCAC 23L .0106, for ~~use by~~ the employee to use in making a claim.

Authority G.S. 97-80(a); 97-92.

11 NCAC 23A .0106 FILING OF ANNUAL REPORT REQUIREMENT

Authority G.S. 97-80(a); 97-92; 97-93; 97-130.

11 NCAC 23A .0107 COMPUTATION OF TIME AND NOTICE BY THE COMMISSION

(a) Except as otherwise provided by statute or rule, in computing any period of time prescribed or allowed by the Commission ~~Rules,~~ rules, order of the Commission, or any applicable statute, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period ~~so~~ computed shall be included, unless it is a Saturday, a Sunday, or a State recognized holiday as set forth in ~~established by the State Human Resources Commission pursuant to~~ 25 NCAC 01E .0901, ~~.0901 and any subsequent amendments thereto,~~ in which event the period runs until the end of the next State business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and State recognized holidays shall be excluded in the computation. Whenever a party has the right to do some act or take some proceedings within a prescribed period after the service of any document by mail, three days shall be added to the prescribed period.

(b) If the Commission provides service ~~is provided by electronic mail,~~ by email, notice pursuant to G.S. 97-85 or G.S. 97-86 is complete one hour after it is sent by the Commission, provided that:

(1) notice sent after 5:00 p.m. shall be complete at 8:00 a.m. the following State business day; and

(2) notice sent by electronic mail that is not readable by the recipient is not complete. Within five State business days of receipt of an unreadable document, the receiving party shall notify the Commission of the unreadability of the document.

(c) If service is provided by U.S. Mail, notice pursuant to G.S. 97-85 or G.S. 97-86 shall be complete upon the Commission's placing the item to be served, enclosed in a wrapper addressed to the party to be served, in the custody of the Mail Service Center or an official depository of the United States Postal Service.

(d) If service is provided by both email and U.S. mail, notice pursuant to G.S. 97-85 or G.S. 97-86 shall be complete upon the earlier of the sending of the email pursuant to Paragraph (b) of this Rule or the placing of the item in the U.S. Mail pursuant to Paragraph (c) of this Rule.

Authority G.S. 97-80; 97-81; 97-86.

11 NCAC 23A .0108 ELECTRONIC FILINGS WITH THE COMMISSION; HOW TO FILE

(a) All documents filed with the Commission in workers' compensation cases shall be submitted electronically in accordance with this Rule. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date. ~~Any document~~ Documents transmitted to the Commission in a manner not in accordance with this Rule shall not be accepted for filing. Any document filed with the Commission that requires contemporaneous payment of a processing fee pursuant to Rule 11 NCAC 23E .0203 shall not be deemed filed until the fee has been paid in full. The electronic filing requirements of this Rule shall not apply to employees or non-insured employers without legal representation. Employees and non-insured employers without legal representation may file all documents with the Commission using one of the following methods:

(1) via the Commission's Electronic Document Filing Portal ~~("EDFP")~~(EDFP); or

(2) by sending the documents to the Clerk of the Industrial Commission ~~via~~ via:

(A) ~~electronic mail (dockets@ic.nc.gov),~~ email to dockets@ic.nc.gov;

(B) ~~facsimile,~~ U.S. ~~Mail,~~ Mail to 1236 Mail Service Center, Raleigh, NC 27699-1236;

(C) private courier ~~service, or hand delivery.~~ service to the address provided in Rule .0101 of this Section; or

(D) hand delivery to the address set forth in Rule .0101 of this Section.

(b) Prior to filing any documents with the Commission, a party shall omit or redact all but the last four digits of all social security numbers from the documents.

(1) This requirement does not apply to the filing of an Industrial Commission Form 18 Notice of Accident to Employer and Claim of Employee, Representative, or Dependent as set forth in 11 NCAC 23L .0106 or Form 18B Claim by Employee, Representative, or Dependent for Benefits for Lung Disease as set forth in 11 NCAC 23L .0107, unless an IC file number has already been established based on the filing of a Form 19 Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission as set forth in 11 NCAC 23L .0109 or unless the Form 18 or Form 18B has been previously filed and is attached as an exhibit to a filing.

(2) This requirement does not apply if the social security number itself is related to a dispute in the claim.

~~(b)~~(c) Except as set forth in Paragraphs (d) and (e) of this Rule, all documents required to be submitted electronically to the Commission shall be filed via ~~EDFP.~~ EDFP found on the Commission's website at: https://ncic.my.site.com/s/?language=en_US. Information regarding how to use EDFP is available on the Commission's website ~~at~~ at: ~~http://www.ic.nc.gov/training.html.~~ https://ncic.my.site.com/s/help-documents?language=en_US. In the event EDFP is inoperable, all documents required to be filed via EDFP shall be transmitted to the Commission via ~~electronic mail~~ email to edfp@ic.nc.gov. Documents required to be filed via EDFP that are sent to the Commission via ~~electronic mail~~ email when EDFP is operable shall not be accepted for filing.

~~(c)~~(d) ~~Transcripts of depositions shall be filed with the Commission pursuant to this Rule by the~~ A court reporting ~~service.~~ service shall file with the Commission transcripts of depositions in accordance with this Rule. Transcripts filed with the Commission shall not have more than one transcript page ~~only one~~ per sheet of paper ~~page of text per page~~ and shall include all exhibits. The parties shall provide the case caption and file number to the ~~Commission's~~ court reporting service ~~with the information necessary to effectuate~~ for use in filing ~~of~~ the deposition transcripts and ~~attached~~ exhibits via EDFP. If ~~an~~ a deposition exhibit ~~to a deposition~~ cannot ~~is in a form that makes submission of an electronic copy impracticable,~~ be submitted electronically, counsel for the party offering the exhibit shall ~~make arrangements with~~ contact the Commission to facilitate ~~the~~ submission of the exhibit. Condensed transcripts and paper copies of deposition transcripts shall not be accepted for filing.

~~(d)~~(e) A Form 19 Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission as set forth in 11 NCAC 23L .0109 shall be filed as the first report of injury (FROI) via electronic data interchange ~~(EDI),~~ (EDI) located on the Commission's website: https://www.ncicedi.info/, except in the following claims a Form 19 shall be filed via EDFP or as otherwise permitted as set forth in Paragraph (a) of this Rule:

(1) claims involving non-insured ~~employers,~~ employers;

(2) ~~in~~ claims for lung ~~disease,~~ disease;

(3) ~~in~~ claims with multiple employers or multiple ~~carriers,~~ carriers; or

(4) ~~in~~ claims with six-character IC file ~~numbers,~~ numbers. ~~in which case the Form 19 shall be filed electronically via EDFP or as otherwise permitted pursuant to Paragraph (a) of this Rule. Information regarding how to register for and use EDI is available at www.ncicedi.info.~~

~~(e)~~(f) Documents to be filed with the Criminal Investigations & Employee Classification Division regarding fraud complaints shall be submitted ~~electronically~~ by email to fraudcomplaints@ic.nc.gov. Documents to be filed with the Criminal Investigations & Employee Classification Division regarding employee misclassification shall be submitted ~~electronically~~ by email to emp.classification@ic.nc.gov. Safety rules to be filed with the Commission under 11 NCAC 23A .0411 shall be submitted ~~electronically~~ by email to safety@ic.nc.gov.

~~(f)~~(g) A self-insured employer, carrier or guaranty association, third-party administrator, court reporting service, medical provider, or law firm may apply to the Commission for an emergency temporary waiver of the electronic filing requirement set forth in Paragraph (a) of this Rule when it is unable to comply because of temporary technical problems or lack of ~~electronic mail~~ email or internet access. The request for an emergency temporary waiver shall be included with any filing submitted via ~~facsimile, U.S. Mail,~~ U.S. Mail or hand delivery due to such temporary technical or access issues.

~~(g)~~(h) A Notice of Appeal to the North Carolina Court of Appeals shall be accepted for filing by the Commission via EDFP, U.S. Mail, private courier service, or hand delivery. ~~delivery, or any other means allowed by the Rules of Appellate Procedure or applicable statutes governing appeals from the General Courts of Justice. Notwithstanding the foregoing, employees~~ Employees and non-insured employers without legal representation may file all documents with the Commission as provided in Paragraph (a) of this Rule.

Authority G.S. 97-80; 97-81; 97-86.

11 NCAC 23A .0109 CONTACT INFORMATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 – NOTICE OF ACT

11 NCAC 23A .0201 POSTING REQUIREMENT FOR EMPLOYERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - INSURANCE

11 NCAC 23A .0301 PROOF OF INSURANCE COVERAGE

(a) Every employer, either personally or through its carrier or ~~third party~~ third-party administrator, subject to the provisions of the Workers' Compensation ~~Act~~ Act, shall file with the Commission proof that it has obtained workers' compensation insurance, and shall post notice of proof of insurance to employees consistent with Rule .0201 of this Subchapter.

(b) ~~Upon actual notice~~ When an employer is notified of a workers' compensation claim or upon reporting a workers' compensation claim to a carrier, third party administrator, servicing agent, professional employer organization as defined in G.S. 58-89A-5(14), or the Commission, ~~all~~ the ~~employers~~ employer shall provide the injured worker with the name of their insurance carrier and policy number or shall inform the injured worker of their self-insured status, membership in a self-insurance ~~group~~ group, or relationship with a professional employer organization that provides the insurance coverage.

(c) ~~Every carrier, third party administrator, servicing agent, or other entity~~ Carriers, third party administrators, servicing agents, or other entities filing a Form 19 Employer's Report of Employee's Injury or Occupational Disease to the Industrial ~~Commission~~ Commission, as set forth in 11 NCAC 23L .0109, shall ~~identify by name~~ provide to the Commission, the name and address ~~any~~ of the professional employer ~~organization~~ organization, if any, and the name of the client company employing the employee who is the subject of the Form 19. ~~19 Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission.~~

(d) A professional employer organization shall, within 30 days of initiation or termination of the professional employer organization's relationship with any client company, notify the Commission of either the initiation or termination of the relationship and the status of the client company's workers' compensation coverage.

(e) Upon notice from the Commission that an employer is non-insured, coverage has lapsed or been canceled, or coverage or self-insured status cannot be verified, an employer shall show proof of coverage to the Commission ~~by:~~ by submitting the following:

(1) a certificate of insurance issued by the insurance agent who procured workers' compensation insurance on behalf of the employer;

(2) ~~submitting~~ a copy of the letter of approval, license or amended license with subsidiary information, if applicable, from the North Carolina Department of Insurance notifying or indicating the employer has qualified as a self-insured employer for workers' compensation purposes;

~~(3) submitting a copy of the Form 18WC Application for Membership indicating the employer is a member of a self-insurance group or fund;~~

~~(4)~~(3) ~~submitting~~ a copy of a declaration of coverage page from an insurance policy procured in another state that indicates North Carolina is a covered jurisdiction under the workers' compensation policy;

~~(5)~~(4) ~~submitting~~ the names of the general contractor, subcontractor, professional employer ~~organization~~ organization, or other entity that has provided workers' compensation coverage for the employer; provided however, ~~that coverage shall be verified by~~ the Commission ~~in~~ shall verify the coverage prior to removing any case ~~order to be removed~~ from the non-insured docket; or

~~(6)~~(5) ~~submitting~~ other documentation or information relevant to the workers' compensation claim upon request of the Commission.

(f) A principal contractor, intermediate ~~contractor~~ contractor, or subcontractor may satisfy the requirements of G.S. 97-19 by obtaining a certificate of insurance issued by the insurance agent who procured insurance on behalf of the ~~subcontractor~~

subcontractor, or a certificate of compliance issued by the Department of Insurance to a self-insured subcontractor. If the subcontractor ~~has notice~~ is notified that the policy of insurance has lapsed, is cancelled, is not renewed, or the subcontractor ceases to qualify as a self-insured employer, the subcontractor shall, within 24 hours, notify any contractor to whom it has provided a certificate of insurance that the certificate or certificate of compliance is no longer valid.

Authority G.S. 97-19; 97-80(a); 97-93.

11 NCAC 23A .0302 REQUIRED CONTACT INFORMATION FROM CARRIERS

All insurance carriers, third party administrators, and self-insured employers shall designate a primary contact person for workers' compensation issues in North Carolina and shall ~~maintain and~~ provide that person's direct telephone number, fax number, mailing addresses, and email addresses ~~annually on July 1~~ to the Director of Claims Administration of the Commission via the Commission's Electronic Document Filing Portal ~~("EDFP")~~(EDFP) located on the Commission's website at https://ncic.my.site.com/s/?language=en_US. ~~the~~ The primary contact person's ~~current contact information, including direct telephone and facsimile numbers, mailing addresses, and email addresses. Contact~~ contact information shall be updated annually on July 1 and within 30 days of any change.

Authority G.S. 97-80(a); ~~97-94.~~

SECTION .0400 – DISABILITY, COMPENSATION, FEES

11 NCAC 23A .0401 CALCULATING THE SEVEN-DAY WAITING PERIOD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0402 SUBMISSION OF EARNINGS STATEMENT REQUIRED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0403 MANNER OF PAYMENT OF COMPENSATION

(a) ~~All payments~~ The employer or carrier shall make compensation payments ~~of compensation shall be made~~ directly to the employee, dependent, guardian or personal representative. The employer or carrier shall mail payments ~~Payment~~ of compensation ~~shall be mailed~~ by first class mail, postage pre-paid, to an address specified by the employee, unless another method is specified by and agreed upon by the parties.

(b) ~~All payments~~ Payments of compensation shall be made in accordance with the award issued by the Commission.

Authority G.S. 97-18; 97-80(a).

11 NCAC 23A .0404 TERMINATION AND SUSPENSION OF COMPENSATION

(a) ~~No~~ An application to terminate or suspend compensation shall not be approved by the Commission without a formal hearing if the effect of the approval is to set aside the provisions of an award of the Commission.

(b) When an employer, carrier, or administrator seeks to terminate or suspend temporary total disability compensation being paid pursuant to G.S. 97-29 for a reason other than those specified in G.S. 97-18(d)(payment without prejudice), G.S. 97-18.1(b)(trial return to work), or G.S. 97-29(b)(expiration of 500-week limit on disability compensation (only for claims arising on or after June 24, 2011)), the employer, carrier, or administrator shall notify the employee's attorney of record or the employee, if not represented, on Form 24, Application to Terminate or Suspend Payment of Compensation, as set forth in 11 NCAC 23L .0111. ~~Compensation. This form requests:~~

~~(1) the date of injury or accident and date the disability began;~~

~~(2) the nature and extent of injury;~~

~~(3) the number of weeks of compensation paid and the date range(s) during which such compensation was paid;~~

~~(4) the total amount of indemnity compensation paid to date;~~

~~(5) whether one of the following events has occurred:~~

~~(A) an agreement was approved by the Commission and the date;~~

~~(B) an employer admitted employee's right to compensation pursuant to G.S. 97-18(b);~~

~~(C) an employer paid compensation to the employee without contesting the claim within the statutory period provided under G.S. 97-18(d); or~~

~~(D) any other event related to the termination or suspension of compensation;~~

~~(6) whether the application is made to terminate or suspend compensation and the grounds; and~~

~~(7) whether the employee is in managed care.~~

(c) The employer, carrier, or administrator shall specify the grounds and the alleged facts supporting the application and shall complete the blank space in the "Important Notice to Employee" portion of the Form 24 ~~Application to Terminate or Suspend Payment of Compensation~~ by inserting a date 17 days from the date the employer, carrier, or administrator ~~serves~~ files the completed Form 24 with the Commission. The employer, carrier, or administrator shall file the Form 24 and attachments with the Commission via the Electronic Document Filing Portal (EDFP) as set forth in Rule .0108 of this Subchapter and, on the same day, shall serve a copy of the Form 24 and attachments ~~Application to Terminate or Suspend Payment of Compensation~~ on the employee's attorney of record by email, ~~e-mail or facsimile,~~ or the employee, if not represented, by first class mail. ~~The Form 24 Application to Terminate or Suspend Payment of Compensation and attached documents shall be sent to the Commission via upload to the Electronic Document Filing Portal in accordance with Rule .0108 of this Subchapter, and shall be contemporaneously served on employee's counsel by e-mail or facsimile, or on the employee, if unrepresented, by first class mail.~~ The Form 24 shall specify the number of pages of documents attached that are to be considered by the Commission.

(d) The employee may respond and object to the Form 24. The Form 24 objection and any supporting documentation available to the employee or the employee's attorney shall be filed in accordance with Rule .0108 of this Subchapter and, on the same day, shall be served via email on the employer, carrier, administrator, or their attorney, except that an unrepresented employee may serve the employer, carrier, administrator, or their attorney by email or by U.S. mail. The Form 24 objection shall specify the number of pages of documents attached that are to be considered by the Commission.

(e) The Form 24 or Form 24 objection may be supplemented with any additional relevant documentation received after the initial filing of that document.

~~(d)~~(f) ~~The Form 24 Application to Terminate or Suspend Payment of Compensation shall specify the number of pages of documents attached which are to be considered by the Commission.~~ If the employee or the employee's attorney of record objects by the date inserted on the ~~employer's~~ Form 24, ~~24 Application to Terminate or Suspend Payment of Compensation,~~ the Commission shall set the case for an informal ~~hearing,~~ hearing to be conducted within 25 days of the filing of the Form 24, unless the time is extended for good cause shown or ~~waived by~~ the ~~parties~~ employer, carrier, or administrator requests ~~in favor of~~ a formal ~~hearing.~~ hearing by filing a Form 33 Request that Claim be Assigned for Hearing, as set forth in 11 NCAC 23L .0123. The informal hearing may be held by teleconference. The informal hearing shall be no more than 30 minutes, and each side shall have 10 minutes to present its case and 5 minutes for rebuttal. ~~The objection shall be filed in accordance with Rule .0108 and shall be accompanied by all currently available supporting documentation. A copy of any objection shall be contemporaneously served on the employer, carrier, or administrator. The Form 24 Application to Terminate or Suspend Payment of Compensation or objection may be supplemented with any additional relevant documentation received after the initial filing. The term "carrier" or "administrator" also includes any successor in interest in the pending claim.~~

~~(e)~~(g) If an employee does not object on or before the date inserted on the Form 24, ~~within the allowed time,~~ the Commission shall review the Form 24 ~~Application to Terminate or Suspend Payment of Compensation~~ and any attached documentation, and shall render an Administrative Decision and Order ~~shall be rendered~~ without an informal hearing. ~~hearing as to whether there is a sufficient basis under the Workers' Compensation Act to terminate or suspend compensation, except as provided in Paragraph (g) of this Rule. Either party may seek review of the Administrative Decision and Order as provided by Rule .0702 of this Subchapter.~~

~~(f) If the employee timely objects to the Form 24 Application to Terminate or Suspend Payment of Compensation, the Commission shall conduct an informal hearing within 25 days of the receipt by the Commission of the Form 24 Application to Terminate or Suspend Payment of Compensation, unless the time is extended for good cause shown. The informal hearing may be by telephone conference between the Commission and the parties or their attorneys of record. The informal hearing may be conducted with the parties or their attorneys of record personally present with the Commission. The Commission shall make arrangements for the informal hearing with a view towards conducting the hearing in the most expeditious manner. The informal hearing shall be no more than 30 minutes, with each side given 10 minutes to present its case and five minutes for rebuttal. Notwithstanding the above, the employer, carrier, or administrator may waive the right to an informal hearing and proceed to a formal hearing by filing a request for hearing on a Form 33 Request that Claim be Assigned for Hearing.~~

~~(g)~~(h) Either party may appeal the Administrative Decision and Order of the Commission as provided by Rule .0702 of this Subchapter. A Deputy Commissioner shall conduct a hearing ~~which shall be a hearing~~ de novo. The hearing shall be peremptorily set and shall not require a Form 33. ~~33 Request that Claim be Assigned for Hearing.~~ The employer has the burden of producing evidence on the issue of the employer's application for termination or suspension of compensation. If the Deputy Commissioner reverses an order previously granting a Form 24, ~~24 Application to Terminate or Suspend Payment of Compensation motion,~~ the employer, carrier, or administrator shall promptly resume compensation or otherwise comply with the Deputy ~~Commissioners~~ Commissioner's decision, notwithstanding any appeal or application for review to the Full Commission pursuant to G.S. 97-85.

~~(h)~~(i) If the Commission is unable to reach a decision after an informal hearing, the ~~Industrial~~ Commission shall issue an Administrative Decision and Order to that effect that shall be in lieu of a Form 33, ~~33 Request that Claim be Assigned for Hearing,~~ and the case shall be peremptorily set on a hearing docket before a Deputy Commissioner. ~~placed on the formal hearing docket.~~ If additional issues are to be addressed, the employer, carrier, or administrator ~~shall~~ shall, within 30 days of the date of the Administrative Decision and ~~Order~~ Order, file a Form 33 listing all issues that are to be addressed at the formal hearing. If the employer, carrier, or administrator does not wish to pursue a formal hearing, the employer, carrier, or administrator shall, within 30 days of the date of the Administrative Decision and Order, ~~Request that Claim be Assigned for Hearing or~~ notify the Commission that a formal hearing is not currently necessary. The effect of placing the case on the docket shall be the same as if the Form 24 ~~Application to Terminate or Suspend Payment of Compensation~~ were denied, and compensation shall continue until such time as the case is decided by ~~a Commissioner or~~ a Deputy Commissioner following a formal hearing.

~~(i)~~(j) The Commission shall send a copy of the Administrative Decision and Order to a non-prevailing party who is without legal representation by certified mail.

~~(j)~~(k) ~~No~~ An order ~~issued as a result of an informal~~ approving a Form 24 ~~Application to Terminate or Suspend Payment of Compensation hearing~~ shall not terminate or suspend compensation retroactively to a date preceding the filing date of the Form 24, unless by agreement of the parties, if allowed by statute, or if the employee is incarcerated. ~~24 Application to Terminate or Suspend Payment of Compensation. Compensation may be terminated retroactively to a date preceding the filing date of the Form 24 Application to Terminate or Suspend Payment of Compensation without a formal hearing where there is agreement by the parties, where allowed by statute, or where the employee is incarcerated. Otherwise, retroactive~~ Retroactive termination or suspension of compensation to a date preceding the filing of a Form 24 ~~Application to Terminate or Suspend Payment of~~

~~Compensation~~ may be ordered as a result of a formal hearing. Additionally, nothing shall impair an employer's right to seek a credit pursuant to G.S. 97-42.

~~(k)~~(l) ~~Any~~ An Administrative Decision and Order or other Commission decision ~~allowing~~ that allows the employer, carrier, or administrator ~~suspension of~~ to suspend compensation on the grounds of noncompliance with medical treatment pursuant to G.S. 97-25 or G.S. 97-27, noncompliance with vocational rehabilitation pursuant to G.S. 97-25 or G.S. 97-32.2, or unjustified refusal to return to work pursuant to G.S. 97-32 ~~must specify what~~ shall state the action the employee ~~must~~ shall take to end the suspension and reinstate the compensation.

Authority G.S. 97-18.1(c); 97-18.1(d); 97-32.2(g); 97-80(a).

11 NCAC 23A .0404A TRIAL RETURN TO WORK

(a) Except as provided in Paragraph (g) of this Rule, when compensation for total disability being paid pursuant to G.S. 97-29 is terminated because the employee has returned to work for the same or a different employer, the termination is subject to the trial return to work provisions ~~of~~ set forth in G.S. 97-32.1. ~~97-32.1 (trial return to work).~~ When compensation is terminated under these circumstances, the employer, carrier, or administrator shall, within 16 days of the termination of compensation, file a Form 28T Notice of Termination of Compensation by Reason of Trial Return to Work with the ~~Commission~~ Commission, as set forth in 11 NCAC 23L .0118, in accordance with Rule .0108 of this Subchapter, and shall provide a copy of ~~it~~ the Form 28T to the employee's attorney of record or the employee, if unrepresented.

(b) If during the trial return to work period, the employee ~~must stop~~ stops working due to the injury for which compensation had been paid, the employee may complete and file with the Commission a Form 28U Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work, the requirements of which are set forth in 11 NCAC 23L .0119, ~~Work, without regard to whether~~ even if the employer, carrier or administrator has not filed a Form 28T ~~Notice of Termination of Compensation by Reason of Trial Return to Work~~ as required by Paragraph (a) of this Rule, and provide a copy of the completed form to the employer and carrier or administrator. ~~A Form 28U Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work contains a section that shall be completed by the~~ The physician who imposed the restrictions or one of the employee's authorized treating ~~physicians,~~ physicians shall, on the Form 28U, certify ~~certifying~~ that the employee's injury for which compensation had been paid prevents the employee from continuing the trial return to work. If the employee returned to work with an employer other than the employer at the time of injury, the employee may complete the "Employee's Release of Employment Information" section of ~~a~~ the Form 28U. ~~28U Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work.~~ An employee's failure to provide a Form 28U ~~Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work~~ does not preclude a subsequent finding by the Commission that the trial return to work was unsuccessful.

(c) Upon receipt of a completed Form 28U, ~~28U Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work,~~ the employer, carrier, or administrator shall resume payment of compensation for total disability. If the employee fails to provide the required certification of an authorized treating physician ~~as specified in~~ pursuant to Paragraph (b) of this Rule, or if the employee fails to execute the "Employees Release and Request" section of a Form ~~28U Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work,~~ 28U, if required pursuant to Paragraph (b) of this Rule, the employer, carrier, or administrator is not required to resume payment of compensation. Instead, the employer, carrier, or administrator shall return ~~a~~ the Form 28U ~~Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work~~ to the ~~employees~~ employee's attorney ~~of~~ or to the employee, if unrepresented, along with a statement explaining the reason the Form 28U ~~Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work~~ is being returned and the reason compensation is not being reinstated.

(d) The reinstated compensation shall be due and payable and subject to the provisions of G.S. 97-18(g) on the date and for the period commencing on the date the employer, carrier, or administrator receives a completed Form 28U ~~Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work~~ certifying an unsuccessful return to work. ~~Such resumption~~ The reinstatement of compensation does not preclude the employee's right to seek, nor the employer's, carrier's, or administrator's right to contest, the payment of compensation for the period ~~prior or subsequent to~~ before or after the reinstatement. ~~If it is thereafter determined by~~ If the Commission determines that any temporary total or temporary partial compensation, including the reinstated compensation, was not due and payable, a credit shall be given against any other compensation determined to be owed.

(e) When the employer, carrier, or administrator ~~has received~~ receives a completed Form 28U ~~Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work~~ and contests the employee's right to reinstatement of total disability compensation, the employer, carrier, or administrator may suspend or terminate compensation only as provided in G.S. 97-18.1, ~~G.S. 97-83~~ G.S. 97-83, or G.S. 97-84.

(f) ~~Upon resumption of~~ When payment of compensation for total ~~disability,~~ disability is reinstated, the employer, carrier, or administrator shall ~~complete and~~ file a Form 62 Notice of Reinstatement or Modification of ~~Compensation~~ Compensation, as set forth in 11 NCAC 23L .0130, or such other forms as may be required by the Workers' Compensation Act or by Commission rule. The employer, carrier, or administrator shall send a ~~A~~ copy of the Form 62 ~~Notice of Reinstatement or Modification of Compensation shall be sent~~ to the employee's attorney of record or the employee, if unrepresented.

(g) The trial return to work provisions do not apply to ~~the following:~~

~~(1) cases in which the employee is not absent from work for more than one day or in which medical expenses are less than two thousand dollars ($2,000);~~

~~(2) cases in which the employee has missed fewer than eight days from work;~~

~~(3)~~ cases in which the employee has been released to return to work by an authorized treating

physician as specified in Paragraph (b) of this Rule without restriction or limitation except that if the physician, within 45 days of the employee's return to work date, determines that the employee is not able to perform the job duties assigned, then the employer, carrier, or administrator shall resume benefits. If within the same time period, the physician determines that the employee may work only with restrictions, then the employee is entitled to a resumption of benefits commencing as of the date of the report, unless the employer is able to offer employment consistent with the restrictions, in which case a trial return to work period shall be deemed to have commenced at the time of the employee's initial return to work;

~~(4) cases in which the employee has accepted or agreed to accept compensation for permanent partial disability pursuant to G.S. 97-31, unless the trial return to work follows reinstatement of compensation for total disability under G.S. 97-29; and~~

~~(5) claims pending on or filed after 1 January 1995, when the employer, carrier, or administrator contests a claim pursuant to G.S. 97-18(d) within the time allowed thereunder.~~

(h) This Rule applies to any employee who leaves work on or after February 15, 1995 due to a compensable injury.

Authority G.S. 97-18(h); 97-29; 97-32.1; 97-80(a).

11 NCAC 23A .0405 REINSTATEMENT OF COMPENSATION

(a) In a claim in which the employer, carrier, or administrator has admitted liability, when an employee seeks reinstatement of compensation pursuant to G.S. 97-18(k), the employee may notify the employer, carrier, or administrator and the employer's, carrier's, or administrator's attorney of record on a Form 23 Application to Reinstate Payment of Disability ~~Compensation~~ Compensation, as set forth in 11 NCAC 23L .0110, or by the filing of a Form 33 Request that Claim be Assigned for ~~Hearing.~~ Hearing as set forth in 11 NCAC 23L .0123.

(b) When reinstatement is sought by the filing of a Form 23, ~~23 Application to Reinstate Payment of Disability Compensation,~~ the employee or the employee's attorney shall file the original Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ and the attached documents ~~shall be filed~~ with the Commission in accordance with Rule .0108 of this Subchapter, and contemporaneously send a copy of the ~~Form 23~~ form and attached documents to the employer, carrier, or administrator and the employer's, carrier's, or administrator's attorney of record. The employee shall specify the grounds and the alleged facts supporting the application and shall complete the blank space in the "Important Notice to Employer" portion of Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ by inserting a date 17 days from the date the employee serves the completed Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ on the employer, carrier, or administrator and the attorney of record, if any. The Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ shall specify the number of pages of documents attached that are to be considered by the Commission. Within 17 days from the date the employee serves the completed Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ on the employer, carrier, or administrator and the attorney of record, if any, the employer, carrier, or administrator shall complete Section B of the Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ and file it with the Commission in accordance with Rule .0108 of this Subchapter and send a copy contemporaneously to the employee or the employee's attorney of record.

(c) If the employer, carrier, or administrator does not object within the time allowed, the Commission shall review the Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ and the attached ~~documentation and, without an informal hearing, issue~~ documentation and shall render an Administrative Decision and Order without an informal hearing. ~~as to whether there is sufficient basis under the Workers' Compensation Act to reinstate compensation.~~ This Administrative Decision and Order shall be issued within five days of the expiration of the time within which the employer, carrier, or administrator could have filed a response to the Form 23. ~~23 Application to Reinstate Payment of Disability Compensation.~~ Either party may seek review of the Administrative Decision and Order as provided by Rule .0702 of this Subchapter.

(d) If the employer, carrier, or administrator timely objects to the Form ~~23~~ 23, ~~Application to Reinstate Payment of Disability Compensation,~~ the Commission shall conduct an informal hearing within 25 days of the receipt by the Commission of the Form 23, ~~23 Application to Reinstate Payment of Disability Compensation~~ unless the time is extended for good cause shown. The informal hearing may be conducted with the parties or their attorneys of record personally present with the Commission. The Commission shall make arrangements for the informal hearing with a view toward conducting the hearing in the most expeditious manner. The informal hearing shall be no more than 30 minutes, with each side being given 10 minutes to present its case and five minutes for rebuttal. Notwithstanding the foregoing, the employee may waive the right to an informal hearing and proceed to a formal hearing by filing a request for hearing on a Form 33. ~~33 Request that Claim be Assigned for Hearing.~~ Either party may appeal the Administrative Decision and Order of the Commission as provided by Rule .0702 of this Subchapter. A Deputy Commissioner shall conduct a hearing which shall be a hearing de novo. The hearing shall be peremptorily set and shall not require a Form 33. ~~33 Request that Claim be Assigned for Hearing.~~ The employee has the burden of producing evidence on the issue of the employee's application to reinstate compensation. If the Deputy Commissioner reverses an order previously granting a Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ motion, the employer shall promptly terminate compensation or otherwise comply with the Deputy Commissioner's decision, notwithstanding any appeal or application for review to the Full Commission under G.S. 97-85.

(e) If the Commission is unable to render a decision after the informal hearing, the Commission shall issue an order to that effect, which shall be in lieu of a Form 33, ~~33 Request that Claim be Assigned for Hearing,~~ and the case shall be placed on the formal hearing docket. If additional issues are to be addressed, the

employee, employer, carrier, or administrator shall file a Form 33 ~~Request that Claim be Assigned for Hearing~~ or notify the Commission that a formal hearing is not currently necessary, within 30 days of the date of the Administrative Decision or Order. The effect of placing the case on the docket shall be the same as if the Form 23 ~~Application to Reinstate Payment of Disability Compensation~~ was denied, and compensation shall not be reinstated until such time as the case is decided by a Commissioner or a Deputy Commissioner following a formal hearing.

Authority G.S. 97-18(k); 97-80(a).

11 NCAC 23A .0406 DISCOUNT RATE TO BE USED IN DETERMINING COMMUTED VALUES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0408 APPLICATION FOR OR STIPULATION TO ADDITIONAL MEDICAL COMPENSATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0409 CLAIMS FOR DEATH BENEFITS

(a) Within five days of knowledge ~~An employer shall notify the Commission of the occurrence~~ of a death resulting from an injury or occupational disease allegedly arising out of and in the course of ~~employment~~ employment, an employer shall notify the Commission by filing a Form 19 Employer's Report of Employee's Injury or Occupational Disease, as set forth in 11 NCAC 23L .0109. ~~Disease to the Industrial Commission within five days of knowledge of the death.~~

(b) An employer, carrier, or administrator shall conduct an investigation to determine the names and addresses of decedent's potential beneficiaries ~~under~~ as set forth in G.S. 97-38 and identify them on the Form 29 Supplemental Report for Fatal ~~Accidents.~~ Accidents, as set forth in 11 NCAC 23L .0120. The Form 29 ~~Supplemental Report for Fatal Accidents~~ shall be filed with the Commission within 45 days of notification of a death or allegation of death resulting from an injury or occupational disease arising out of and in the course of employment.

(c) If the employer, carrier, or administrator disputes that an employee's death is compensable or denies ~~it has~~ liability for the claim, the employer, carrier, or administrator shall notify the Commission ~~on~~ by filing a Form 61 Denial of Workers' Compensation ~~Claim.~~ Claim, as set forth in 11 NCAC 23L .0129. When the employer, carrier, or administrator denies liability for a claim involving an employee's death, the employer, carrier, or administrator shall send ~~the~~ a copy of the form to all known potential beneficiaries, their attorneys of record, if any, and all health care providers that have submitted bills to the employer, carrier, or administrator. ~~administrator, and the Commission.~~

(d) If the employer, carrier, or administrator accepts liability for a claim involving an employee's death and there are no issues necessitating a hearing for determination of beneficiaries or their respective rights, the parties shall ~~submit either~~ submit to the Commission a Form 30 Agreement for Compensation for ~~Death~~ Death, as set forth in ~~Rule .0501 of this Subchapter~~ 11 NCAC 23L .0121 or a proposed Opinion and Award.

(e) If the parties submit a Form 30, ~~30 Agreement for Compensation for Death,~~ the agreement shall be filed in accordance with Rule .0108 of this Subchapter with the following:

(1) a stipulation as to average weekly wage;
(2) any affidavits regarding dependents;
(3) the employee's death certificate;
(4) a Form 29 Supplemental Report for Fatal ~~Accidents;~~ Accidents as set forth in 11 NCAC 23L .0120;
(5) a Form 42 Application for Appointment of Guardian ad ~~Litem,~~ Litem as set forth in 11 NCAC 23L .0126, if any beneficiary is a minor or incompetent;
(6) proof of beneficiary status, such as marriage license, birth certificate, or divorce decree;
(7) a funeral bill or stipulation as to payment of the funeral benefit;
(8) a Form 30D Award Approving Agreement for Compensation for ~~Death;~~ Death as set forth in 11 NCAC 23L .0122; and
(9) an affidavit or itemized statement in support of an award of attorney's fees if an attorney is seeking fees for representation of one or more beneficiaries.

(f) If the parties seek a written Opinion and Award from the Commission regarding the payment of death benefits in lieu of submitting a Form ~~30 Agreement for Compensation for Death,~~ 30, the parties shall file, in accordance with Rule .0108 of this Subchapter, a proposed Opinion and Award with the following:

(1) a stipulation regarding all jurisdictional matters;
(2) the decedent's name, ~~social security number,~~ employer, insurance carrier or servicing agent, and the date of the injury giving rise to this claim;
(3) a stipulation as to average weekly wage;
(4) any affidavits regarding dependents;
(5) the employee's death certificate;
(6) a Form 29 Supplemental Report for Fatal Accidents;
(7) a Form 42 Application for Appointment of Guardian ad Litem, if any beneficiary is a minor or incompetent;
(8) proof of beneficiary status, such as marriage license, birth certificate, or divorce decree;
(9) medical records, if any;
(10) a statement of payment of medical expenses incurred, if any;
(11) a funeral bill or stipulation as to payment of the funeral benefit; and
(12) an affidavit or itemized statement in support of an award of attorney's fees if an attorney is seeking fees for representation of one or more beneficiaries.

(g) If ~~an issue exists as~~ there is a dispute as to whether a person is a beneficiary pursuant to G.S. 97-38 or if ~~any~~ there are other disputed ~~issue exists~~ issues in an accepted claim, the employer, carrier, administrator, potential beneficiary, or any person asserting a claim for benefits may request a hearing by filing with

the Commission a Form 33 Request that Claim be Assigned for ~~Hearing~~ Hearing, as set forth in 11 NCAC 23L .0123 in accordance with Rule .0602 of this Subchapter.

(h) Upon the Commission's approval ~~by the Commission~~ of a Form 30 ~~Agreement for Compensation for Death~~ or upon the Commission's issuance of a final order ~~of the Commission~~ directing payment of death benefits pursuant to G.S. 97-38, ~~payment shall be made by~~ the employer, carrier, or administrator ~~directly~~ shall make payment to the beneficiaries, with the following exceptions:

(1) ~~any applicable~~ an award of attorney's ~~fees~~ fees, which shall be paid directly to the attorney; and

(2) benefits due to a minor or ~~incompetent.~~ incompetent, which shall be paid as set forth in Paragraphs (j) and (k) of this Rule.

(i) In all cases involving minors and incompetent persons who are potential beneficiaries, a guardian ad litem shall be appointed pursuant to Rule .0604 of this Subchapter.

(j) Any benefits due to a minor pursuant to G.S. 97-38 shall be paid directly to the minor's parent, legal guardian, or legal custodian, if the minor remains in the physical custody of such person, or another person if ordered by the Commission for good cause shown. The benefits shall be for the exclusive use and benefit of the minor. When a beneficiary reaches the age of 18, any remaining benefits shall be paid directly to the beneficiary.

(k) The Commission shall order that the benefits for an incompetent beneficiary shall be paid to the person or entity authorized to receive funds on behalf of the beneficiary pursuant to a federal or state court order, or to the Clerk of Court in the county in which the beneficiary resides, for the beneficiary's exclusive use and benefit.

(l) Upon a change in circumstances, any interested party may request that the Commission amend the terms of any award with respect to a minor or incompetent person to direct payment to another party on behalf of the minor or incompetent person.

(m) In the case of benefits commuted to present value, only those sums that have not accrued at the time of the approval of a Form 30 Agreement for Compensation for Death or entry of a final order of the Commission directing payment of death benefits pursuant to G.S. 97-38 are subject to commutation pursuant to Rule .0406 of this Subchapter.

Authority G.S. 97-38; 97-39; 97-80(a).

11 NCAC 23A .0410 COMMUNICATION FOR MEDICAL INFORMATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0411 SAFETY RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 – AGREEMENTS

11 NCAC 23A .0501 AGREEMENTS FOR PROMPT PAYMENT OF COMPENSATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0502 COMPROMISE SETTLEMENT AGREEMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0503 NOTICE OF LAST PAYMENT FILING REQUIREMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 – CLAIMS ADMINISTRATION AND PROCEDURES

11 NCAC 23A .0601 EMPLOYER'S OBLIGATIONS UPON NOTICE; DENIAL OF LIABILITY; AND SANCTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0602 REQUEST FOR HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0603 RESPONDING TO A PARTY'S REQUEST FOR HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0604 APPOINTMENT OF GUARDIAN AD LITEM

(a) ~~Minors or incompetent individuals may bring an action only through their guardian ad litem. Upon the written application on~~ Persons seeking to appear on behalf of an infant or incompetent person in accordance with G.S. 1A-1, Rule 17 shall apply on a Form 42 Application for Appointment of Guardian Ad ~~Litem,~~ Litem, as set forth in 11 NCAC 23L .0126, in accordance with Rule .0108 of this Subchapter. ~~the~~ The Commission shall appoint the person as guardian ad litem, if the Commission determines it to be in the best interest of the minor or incompetent ~~individual.~~ person. The Commission shall appoint the guardian ad litem only after due inquiry as to the fitness of the person to be appointed.

(b) ~~No compensation due or~~ Compensation owed to an incompetent ~~individual~~ person shall not be paid directly to the guardian ad litem, unless the guardian ad litem has authority to receive the money pursuant to a federal or state court order. ~~No compensation due or~~ Compensation owed to a minor shall not be paid directly to the guardian ad litem, except that a parent, legal guardian, or legal custodian may receive compensation on behalf of a minor in his or her capacity as parent, legal guardian, or legal custodian.

(c) The Commission may assess a fee pursuant to G.S. 97-90 to be paid by the employer or the insurance carrier to an attorney who serves as a guardian ad litem for services rendered upon receipt of an affidavit of time spent in representation of the minor or incompetent ~~individual~~ person as part of the costs.

Authority G.S. 97-50; 97-79(e); 97-80(a); 97-91.

11 NCAC 23A .0605 DISCOVERY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0606 DISCOVERY - POST HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0607 DISCOVERY OF RECORDS AND REPORTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0608 STATEMENT OF INCIDENT LEADING TO CLAIM (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0609 MOTIONS PRACTICE

~~(b)~~(a) In cases not calendared for hearing before a Deputy Commissioner, in cases removed from a Deputy Commissioner's calendar, and after the filing of an Opinion and Award when the time for taking appeal has run, motions ~~Motions~~ and responses shall be filed with the Office of the Executive Secretary, except as follows: ~~Secretary in accordance with Rule .0108 of this Subchapter:~~

(1) ~~when a case is not calendared before a Deputy Commissioner;~~ Motions requesting an award of attorney's fees from ongoing compensation pursuant to G.S. 97-90 shall be filed with the Director of Claims Administration.

(2) ~~once a case has been continued or removed from a Deputy Commissioner's calendar; or~~ Motions to Withdraw as Counsel, Motions to Withdraw a Request for Hearing, Motions to Consolidate Claims for Hearing, and Motions to Approve Expert Witness Fees shall be filed with the Clerk of the Commission.

~~(3) after the filing of an Opinion and Award when the time for taking appeal has run.~~

~~(a)~~(b) In cases calendared for hearing ~~Motions and responses~~ before a Deputy ~~Commissioner:~~ Commissioner and in cases that have not been appealed to the Full Commission where reconsideration or amendment of the Deputy Commissioner's Opinion and Award is sought, motions and responses shall be addressed to that Deputy Commissioner. For cases pending before a Deputy Commissioner where the Deputy Commissioner has continued the case from the active hearing docket, motions and responses related to the issues before the Deputy Commissioner shall be addressed to that Deputy Commissioner and motions and responses not related to the issues before the Deputy Commissioner shall be filed with the Office of the Executive Secretary.

~~(1) in cases that are currently calendared for hearing before a Deputy Commissioner shall be filed in accordance with Rule .0108 of this Subchapter.~~

~~(2) to reconsider or amend an Opinion and Award, made prior to giving notice of appeal to the Full Commission, shall be addressed to the Deputy Commissioner who authored the Opinion and Award and filed in accordance with Rule .0108 of this Subchapter.~~

(c) ~~Motions and responses before~~ In cases appealed to the Full ~~Commission:~~ Commission but not yet calendared for hearing, motions and responses shall be addressed to the Chair of the Industrial Commission.

~~(1) in cases calendared for hearing before the Full Commission shall be addressed to the Chair of the Full Commission panel and filed in accordance with Rule .0108 of this Subchapter.~~

~~(2) filed after notice of appeal to the Full Commission has been given but prior to the calendaring of the case shall be addressed to the Chair of the Commission and filed in accordance with Rule .0108 of this Subchapter.~~

~~(3) in cases continued from the Full Commission hearing docket, shall be addressed to the Chair of the panel of Commissioners who ordered the continuance and filed in accordance with Rule .0108 of this Subchapter.~~

~~(4) filed after the filing of an Opinion and Award by the Full Commission but prior to giving notice of appeal to the Court of Appeals or the expiration of the period allowed to give notice of appeal to the Court of Appeals shall be addressed to the Commissioner who authored the Opinion and Award and filed in accordance with Rule .0108 of this Subchapter.~~

(d) In cases calendared for hearing before the Full Commission and in cases continued from the Full Commission hearing docket, motions and responses shall be addressed to the Full Commission panel chair.

(e) In cases where the Full Commission has filed an Opinion and Award but notice of appeal to the Court of Appeals has not been given or the period allowed to give notice of appeal to the Court of Appeals has expired, motions and responses shall be addressed to the Commissioner who authored the Opinion and Award.

~~(d) Motions requesting an award of attorney's fees from ongoing compensation pursuant to G.S. 97-90 that are not required to be filed with a Deputy Commissioner or the Full Commission pursuant to Paragraphs (a) and (c) of this Rule shall be filed with the Commission's Claims Administration Section in accordance with Rule .0108 of this Subchapter.~~

~~(e)~~(f) All motions and responses, ~~responses thereto,~~ including requests for extensions of time and requests to withdraw motions, shall include a caption containing the Industrial Commission file ~~number(s),~~ numbers, party names, and a title identifying the nature of the motion or response. Motions and responses set forth in the body of ~~electronic mail correspondence~~ an email or contained in a brief ~~will~~ shall not be accepted for filing by the Commission. This Paragraph does not apply to parties without legal representation.

~~(f)~~(g) A motion shall state with particularity the grounds on which it is based, the relief sought, and the opposing party's ~~position,~~ position on the motion, if known, and any effort made by the moving party to resolve the issue in dispute before ~~filing of the motion.~~ the motion was filed. The moving party shall serve the motion ~~Service shall be made~~ on all opposing attorneys of record, or on all opposing parties if not represented.

~~(g)~~(h) Motions to continue or remove a case from the hearing calendar ~~on which the case is set~~ shall be made as far in advance as possible of the scheduled hearing and may be made in written or oral form. In all cases, the moving party shall ~~provide~~ state the basis for the ~~motion~~ motion, ~~and~~ state that the other parties have been advised of the ~~motion~~ motion, and ~~relate the position of~~ state the other ~~parties~~ parties' position regarding the motion, or that

there has been ~~a reasonable~~ an attempt to contact the opposing party and ascertain its position ~~position regarding the motion.~~

~~(h)~~(i) If requested by a hearing officer, oral ~~Oral~~ motions shall be followed with a written motion from the moving party. ~~party, if requested by a hearing officer considering the interests of justice.~~

~~(i)~~(j) The responding party to a motion shall have 10 days after a motion is served ~~during which~~ to file and serve copies of a response in opposition to the motion. The Commission may shorten or extend the time for responding to any motion. ~~motion in the interests of justice or to promote judicial economy.~~ Parties in agreement may submit a written stipulation to a single extension of time for responding to any motion, except for medical motions pursuant to Rule .0609A of this Section. The parties submitting a stipulation shall agree to an extension of ~~a reasonable time,~~ time not to exceed 30 days.

~~(j)~~(k) Motions shall be ruled upon without oral argument unless the Commission determines that oral argument is necessary for a complete understanding of the issues.

~~(k)~~(l) All written motions and responses thereto shall include a proposed Order in Microsoft Word format to be considered by the Commission. The proposed Order shall include:

(1) the Industrial Commission file ~~number(s);~~ numbers;
(2) the case caption;
(3) the subject of the proposed Order;
(4) the procedural posture; and
(5) the party appearances or contact information. If a party is represented by counsel, then the appearance shall include the attorney and firm name, email address, telephone number, and fax number. If a party is unrepresented, ~~then~~ the proposed Order shall include the party's email address, telephone number, and fax number, if available.

(m) All motions and responses filed with the Commission pursuant to this Rule shall be filed in accordance with Rule .0108 of this Subchapter.

Authority G.S. 97-79(b); 97-80(a); 97-84; 97-91.

11 NCAC 23A .0609A MEDICAL MOTIONS AND EMERGENCY MEDICAL MOTIONS

(a) Medical motions brought pursuant to G.S. 97-25 and responses ~~thereto shall be brought before either the Office of the Chief Deputy Commissioner or the Executive Secretary and~~ shall be submitted in accordance with Rule .0108 of this Subchapter. ~~For parties to whom the electronic filing requirements~~ Parties required to file documents electronically as set forth in ~~of~~ Rule .0108(b) of this Subchapter shall use the Commission's Electronic Document Filing Portal (EDFP) category "Medical Motions and Responses" to submit ~~apply,~~ motions, responses, and notices of ~~appeal~~ appeal. ~~shall be submitted under the EDFP category "Medical Motions and Responses."~~ The submitting party shall contemporaneously serve a copy of the filing to the opposing party or opposing party's counsel, if represented.

(b) In addition to any notice of representation contained in a medical motion or response, an attorney who is retained by a party to prosecute or defend a medical motion or appeal before the Commission shall file a notice of representation in accordance with Rule .0108 of this Subchapter and send a copy of the notice to all other counsel and all unrepresented parties involved in the proceeding.

(c) Motions submitted pursuant to G.S. 97-25 and requesting medical relief other than emergency relief shall contain the following:

(1) a designation as a "Medical Motion" brought pursuant to G.S. 97-25 and a statement directly underneath the case caption clearly indicating the request is for either an administrative ruling by the Executive Secretary or an expedited full evidentiary hearing before a Deputy Commissioner;
(2) a statement of the treatment or relief requested;
(3) a statement of the medical diagnosis of the employee and the name of any health care provider having made a diagnosis or treatment recommendation that is the basis for the motion;
(4) a statement as to whether the claim has been admitted on a Form 60, Employer's Admission of Employee's Right to ~~Compensation,~~ Compensation (G.S. 97-18(b)), as set forth in 11 NCAC 23L .0128, Form 63, Notice to Employee of Payment of Compensation without Prejudice (G.S. 97-18(d)) or Payment of Medical Benefits Only without Prejudice (G.S. 97-2(19) & 97-25), as set forth in 11 NCAC 23L .0131, Form 21, Agreement for Compensation for ~~Disability,~~ Disability (G.S. 97-82), as set forth in 11 NCAC 23L .0101, or is subject to a prior Commission Opinion and Award or Order finding compensability, with supporting documentation attached;
(5) a statement of the time-sensitive nature of the request, if any;
(6) an explanation of opinions known and in the possession of the movant by any relevant experts, independent medical examiners, and second opinion examiners;
(7) if the motion requests a second opinion examination pursuant to G.S. 97-25, the motion shall specify whether the employee has made a prior written request to the defendants for the examination, as well as the date of the request and the date of the denial, if any;
(8) a representation that informal means of resolving the issue have been attempted in good faith, and a statement of the opposing party's ~~position~~ position, if known, or a statement that there has been a reasonable attempt to contact the opposing party and ascertain its position; and
(9) a proposed Order in Microsoft Word format, in accordance with Rule .0609 of this Section.

(d) Motions ~~submitted pursuant to G.S. 97-25 and~~ to request ~~requesting~~ emergency medical relief shall be filed with the Chief Deputy Commissioner and contain the criteria set forth in G.S. 97-25(f)(3) and the following:

(1) a boldface or otherwise emphasized designation as "Emergency Medical Motion";

(2) if the employee is unrepresented, the employee's telephone number and, if available, the employee's email address; ~~address and fax number;~~

(3) the adjuster's name, email address, telephone number, and fax number if the employer or carrier has not retained counsel; ~~counsel for the employer/carrier has not been retained;~~

~~(4) an explanation of the medical diagnosis and treatment recommendation of the health care provider that requires emergency attention;~~

~~(5) a statement of the need for a shortened time period for review, including relevant dates and the potential for adverse consequences if the recommended relief is not provided emergently;~~

~~(6) an explanation of opinions known and in the possession of the movant by any relevant experts, independent medical examiner, and second opinion examiners;~~

~~(7) a representation that informal means of resolving the issue have been attempted in good faith, and a statement of the opposing party's position or that there has been a reasonable attempt to contact the opposing party and ascertain its position;~~

~~(8) documents known and in the possession of the movant relevant to the request, including relevant medical records; and~~

~~(9)~~(4) a proposed Order in Microsoft Word format, in accordance with Rule .0609 of this Section.

(e) Upon receipt of an emergency medical motion, the non-moving ~~party(ies)~~ parties shall be advised by the Commission of any time allowed for response and whether informal telephonic oral argument is necessary. The Commission shall consider the interests of justice or judicial economy when determining the time allowed for response and whether informal telephonic oral argument is necessary.

(f) A party may appeal an Order of the Executive Secretary on a motion brought pursuant to G.S. 97-25(f)(1) or receipt of a ruling on a motion to reconsider filed pursuant to Rule .0702(b) of this Subchapter by filing notice of appeal in accordance with Rule .0108 of this Subchapter within 15 calendar days of receipt of the Order. Notices of appeal shall be submitted via EDFP under the category "Medical Motions and Responses." A letter or motion expressing an intent to appeal a decision of the Executive Secretary shall be considered a request for an expedited hearing pursuant to G.S. 97-25 and G.S. 97-84. The letter or motion shall specifically identify the Order from which the appeal is taken and shall indicate that the appeal is from an administrative Order by the Executive Secretary entered pursuant to G.S. 97-25(f)(1). After receipt of a notice of appeal, the appeal shall be assigned to a Deputy Commissioner and an Order under the name of the Deputy Commissioner to which the appeal is assigned shall be issued within five days of receipt of the notice of appeal.

(g) Depositions, ~~if~~ requested by the parties or ordered by the Deputy Commissioner, shall be taken in accordance with Rule .0612 of this Section and ~~on~~ the Deputy Commissioner's order pursuant to G.S. 97-25. In full evidentiary hearings conducted by a Deputy Commissioner pursuant to G.S. 97-25(f)(1) and (f)(2), depositions shall be completed and all transcripts, briefs, and proposed Opinion and Awards filed with the Deputy Commissioner in accordance with Rule .0108 of this Subchapter within 60 days of the filing of the motion or appeal. The Deputy Commissioner may reduce or enlarge the timeframe contained in this Paragraph for good cause shown or upon agreement of the parties.

(h) A party may appeal the decision of a Deputy Commissioner filed pursuant to G.S. 97-25(f)(2) by filing notice of appeal to the Full Commission in accordance with Rule .0108 of this Subchapter within 15 ~~calendar~~ days of ~~receipt~~ receiving notice of the Deputy Commissioner. "Notice" of a decision is defined in accordance with Rule .0107 of this Subchapter. ~~decision in accordance with Rule .0108 of this Subchapter.~~ A letter expressing an intent to appeal a Deputy Commissioner's decision filed pursuant to G.S. 97-25 shall be considered notice of appeal to the Full Commission, provided that the letter specifically identifies the decision from which appeal is taken and indicates that the appeal is taken from a decision by a Deputy Commissioner pursuant to G.S. 97-25(f)(2). After receipt of notice of appeal, the Commission shall acknowledge the appeal ~~shall be acknowledged by the Commission~~ within three days by sending an Order to the parties under the name of the ~~Chair of the Panel~~ panel chair assigned to the appeal. ~~to which the appeal is assigned.~~ The Order shall set the schedule for filing briefs. A Full Commission hearing on an appeal of a medical motion filed pursuant to G.S. 97-25 shall be held ~~telephonically~~ by teleconference or videoconference and shall not be recorded unless unusual circumstances arise and the Commission so orders. All correspondence, briefs, and motions related to the appeal shall be addressed to the ~~Chair of the Panel~~ panel chair and shall be filed in accordance with Rule .0108 of this Subchapter.

(i) A party may appeal the administrative decision of the Chief Deputy Commissioner or the Chief Deputy Commissioner's designee filed pursuant to G.S. 97-25(f)(3) by filing notice of appeal electronically in accordance with Rule .0108 of this Subchapter within 15 calendar days of receipt of the Order. A letter or motion expressing an intent to appeal the Chief Deputy Commissioner's or the Chief Deputy Commissioner's designee's Order filed pursuant to G.S. 97-25(f)(3) shall be considered a notice of appeal, provided that the letter specifically identifies the Order from which appeal is taken and indicates that the appeal is from an Order of a Deputy Commissioner entered pursuant to G.S. 97-25(f)(3). After receipt of notice of appeal, the appeal shall be acknowledged within five days by sending an Order to the parties under the name of the Deputy Commissioner to whom the appeal is assigned. The appeal of the administrative decision of the Chief Deputy Commissioner or the Chief Deputy Commissioner's designee shall be subject to G.S. 97-25(f)(2) and G.S. 97-84.

(j) Oral Argument before the Full Commission.

(1) Each appellant shall have 10 minutes to present oral argument and may reserve any amount of the ten-minute total allotment for rebuttal, unless otherwise specified by Order of the Commission. Each appellee shall also have 10 minutes to present oral argument, unless

otherwise specified by Order of the Commission. The appellees may not reserve rebuttal time. In the case of cross-appeals, each appealing party may reserve rebuttal time.

(2) Any party may request additional time to present oral argument in excess of the 10-minute allowance. Such requests shall be made in writing and submitted to the Full Commission no less than 10 days prior to the scheduled hearing date. The written request for additional time shall state with particularity the reasons for the request for additional time and the amount of additional time requested.

Authority G.S. 97-25; 97-78(f)(2); 97-78(g)(2); 97-80(a); S.L. 2014-77.

11 NCAC 23A .0610 PRE-TRIAL AGREEMENT

(a) A Pre-Trial Agreement shall be signed by the attorneys and filed with the Commission in accordance with Rule .0108 of this Subchapter 10 days before the hearing, unless a shorter ~~time~~ period is ordered upon agreement of the parties.

(b) The Pre-Trial Agreement shall be prepared in a form that conforms to the Order on Final Pre-Trial Conference adopted in the North Carolina Rules of Practice for the Superior and District Courts. ~~Should~~ If the parties fail to comply with a Pre-Trial Order, the Commissioner or Deputy Commissioner shall remove the case from the hearing docket if required in the interests of justice or to promote judicial economy. ~~Should~~ If the parties comply with the Pre-Trial Order after ~~the removal of~~ the ~~case,~~ case is removed from the docket, the Pre-Trial Agreement shall be directed to the Commissioner or Deputy Commissioner who removed the case from the docket and filed in accordance with Rule .0108 of this Subchapter. The Commissioner or Deputy Commissioner shall order the case returned to the hearing docket as if a Request for Hearing ~~had been~~ was filed on the date of the Order to return the case to the hearing docket. ~~No~~ A new Form 33 Request that Claim be Assigned for Hearing as set forth in 11 NCAC 23L .0123 is not required.

(c) If the parties need a conference, a Commissioner or Deputy Commissioner shall order the parties to participate in a pre-trial conference. The Commissioner or Deputy Commissioner shall schedule the pre-trial conference. This conference shall be conducted at ~~such~~ a time and place and by such method as the Commissioner or Deputy Commissioner deems appropriate in the interests of justice or judicial economy, including conference telephone calls.

(d) Any party may request a pre-trial conference to aid in settling the case or resolving contested issues prior to trial. Requests for such pre-trial conferences shall be directed to the Commissioner or Deputy Commissioner before whom the claim has been calendared.

Authority G.S. 97-80(a); 97-80(b); 97-83.

11 NCAC 23A .0611 HEARINGS BEFORE THE COMMISSION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0612 DEPOSITIONS

(a) Prior to a hearing before a Deputy Commissioner, the parties shall confer to determine the methods by which medical evidence will be submitted. To minimize the need for post-hearing depositions, ~~The~~ the parties shall stipulate in a Pre-Trial Agreement to the admission of all relevant medical records, reports, ~~and~~ forms, ~~as well as~~ and opinion letters from the employee's health care providers. ~~providers with the goal of minimizing the use of post-hearing depositions.~~ The parties shall state all experts to be deposed post-hearing. The parties shall certify that the parties have conferred to determine the methods by which medical evidence will be submitted. If ~~there is a disagreement~~ the parties disagree about the stipulation of medical evidence, the parties shall state the nature and basis of the disagreement.

(b) When the parties request medical or other expert testimony ~~is requested by the parties~~ for the disposition of a case, a Deputy Commissioner or Commissioner may order expert depositions to be taken on or before a day certain not to exceed 60 days from the date of the hearing; provided, however, the time allowed may be enlarged or shortened in the interests of justice or to promote judicial economy, or where required by the Act.

(c) The employer shall pay for the costs of up to two post-hearing depositions requested by the employee of health care providers who evaluated or treated the employee. The employer shall also bear the costs of a deposition of a second opinion doctor selected jointly by the parties or ordered by the Commission pursuant to G.S. 97-25.

(d) The parties may notice depositions of additional experts, and the party noticing the depositions shall bear the costs; ~~costs thereof shall be borne by the party noticing the depositions; provided,~~ however, if a ruling favorable to the employee is rendered and ~~is not timely appealed by the employer,~~ the employer does not appeal within the time set forth in G.S. 97-85 or G.S. 97-86, or the employer's appeal is dismissed or withdrawn, ~~then~~ the employer shall reimburse the employee the costs of ~~such~~ additional expert depositions.

(e) In claims pursuant to G.S. 97-29(d) or cases involving exceptional, unique, or complex injuries or diseases, the Commission may allow additional depositions of experts to be taken at the employer's expense, when requested by the employee and when necessary to address the issues in dispute. ~~dispute, in which case the~~ The employee shall state, and the Commission shall ~~consider~~ consider, the following factors ~~when determining~~ to determine whether ~~or not~~ the employer shall bear the costs of the depositions: ~~such depositions such factors as:~~

(1) the name and profession of the proposed deponent;

(2) if the proposed deponent is a health care provider, whether the health care provider evaluated, diagnosed or treated the employee;

(3) the issue to which the testimony is material, relevant and necessary;

(4) the availability of alternate methods for submitting the evidence and the efforts made to utilize alternate methods;

(5) the severity or complexity of the employee's condition;

(6) the number and complexity of the issues in dispute;
(7) whether the testimony is likely to be duplicative of other evidence; and
(8) the opposing party's position on the request.

(f) The term "costs" as used in this Rule ~~shall mean~~ means the expert's fee as approved by the Commission for the deposition, including the expert's time preparing for the deposition, if applicable. The term shall include fees associated with the production and delivery of a transcript of the deposition to the Commission, including the court reporter's appearance fee. The term shall not include costs for a party to obtain his or her own copy of the deposition transcript, or attorney's fees associated with the deposition, unless so ordered by the Commission pursuant to G.S. 97-88.1.

(g) Notwithstanding Paragraphs (c) and (d) of this Rule, the parties may come to a separate agreement regarding reimbursement of deposition costs, which shall be submitted to the Commission for approval.

(h) If the claimant is unrepresented at the time of a full evidentiary hearing before a Deputy Commissioner, the Commission shall confer with the parties and determine the best method for presenting medical evidence, if necessary, and the party responsible for bearing associated costs.

(i) If a party refuses to stipulate to relevant medical evidence, and as a result, the case is reset or depositions are ordered for testimony of medical or expert witnesses, a Deputy Commissioner or Commissioner may assess the costs of such hearing or depositions, including reasonable attorney fees, against the party who refused the stipulation, pursuant to G.S. 97-88.1.

(j) All evidence and ~~witnesses other than~~ witnesses, except those tendered as an expert ~~witness~~ witness, shall be offered at the hearing before the Deputy Commissioner. Non-expert evidence may be offered after the hearing before the Deputy Commissioner by order of a Deputy Commissioner or Commissioner. The party making the request shall bear the costs of obtaining non-expert testimony by ~~deposition shall be borne by the party making the request~~ deposition, unless otherwise ordered by the Commission in the interests of justice or to promote judicial economy.

Authority G.S. 97-26.1; 97-80(a); 97-88; 97-88.1.

11 NCAC 23A .0613 EXPERT WITNESSES AND FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0614 HEALTH CARE PROVIDER FEE DISPUTE PROCEDURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0615 CASES REMOVED FROM A HEARING CALENDAR (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0616 DISMISSALS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0617 ATTORNEYS RETAINED FOR PROCEEDINGS

(a) ~~Any~~ An attorney who is retained by a party in a proceeding before the Commission shall comply with the applicable rules of the North Carolina State Bar. An attorney shall serve a ~~A~~ copy of a notice of representation ~~shall be served upon~~ on all other counsel and all unrepresented ~~parties, and submitted~~ parties and submit the notice to the Commission in accordance with Rule .0108 of this Subchapter. For attorneys representing employers, the notice of representation shall include the name of the employer, the name of the employer's carrier or carriers, if any, and the name of any third-party administrator. For attorneys representing claimants, the notice of representation shall include the name of any employee and, if the employee is deceased, the notice of representation shall include the name of any of the following parties represented by the attorney:

(1) next of kin;
(2) potential dependents who may be beneficiaries; and
(3) estate representative.

~~Thereafter, all~~ Subsequent notices required to be served on a party shall be served upon the party's attorney. An opposing party or any person on his or her behalf shall not ~~No direct~~ contact or ~~communication~~ communicate with a represented party concerning contested matters ~~may be made with a represented party by the opposing party or any person on his or her behalf,~~ without permission from the represented party's attorney, ~~the attorney's permission~~ except as permitted by G.S. 97-32 or other applicable law.

(b) Any attorney who wishes to withdraw from representation in a proceeding before the Commission shall file with the Commission, in writing, a Motion to Withdraw that contains a statement of reasons for the request and that the request has been served on the client. The attorney shall make reasonable efforts to ascertain the last known contact information as defined in Rule .0109 of this Subchapter of the client and shall include this information in the motion. A Motion to Withdraw before an award of compensation is made shall state whether the withdrawing attorney requests an attorney's fee ~~from the represented party once an~~ on a future award of compensation. ~~compensation is made or approved.~~

(c) An attorney may withdraw from representation only by written order of the Commission. The issuance of an award of the Commission does not release an attorney as the attorney of record.

(d) An attorney withdrawing from representation whose client has a hearing request pending in a case where the client filed the Form 33 Request for Hearing, as set forth in 11 NCAC 23L .0123, shall specify in the Motion to Withdraw whether the Form 33 is also being withdrawn.

~~(d)~~(e) An attorney withdrawing from representation whose client wishes to appeal an Order, Decision, or Award to the Full Commission shall timely file a notice of appeal, as set forth in G.S. 97-85 and ~~out by~~ this Subchapter, on behalf of his or her client either before or with his or her Motion to Withdraw.

~~(e)~~(f) An attorney shall submit a Motion ~~Motions~~ to Withdraw ~~shall be submitted~~ in accordance with Rule .0108 of this Subchapter. The Motion to Withdraw shall include a proposed Order in Microsoft Word format that includes, in the appearances, the last known address of any pro se party or the contact

information as defined in Rule .0109 of this Subchapter of new counsel if such counsel has been retained. The proposed Order shall include ~~fax numbers~~ email addresses for all parties, if known.

Authority G.S. 97-80(a); 97-90; 97-91.

11 NCAC 23A .0619 FOREIGN LANGUAGE ~~AND SIGN LANGUAGE~~ INTERPRETERS

(a) When a person who does not speak or understand the English language ~~or who is speech or hearing impaired~~ is either called to testify in a hearing, other than in an informal hearing conducted pursuant to G.S. 97-18.1, or appears unrepresented before the Full Commission for an oral argument, the person, whether a party or a witness, shall be assisted by a qualified interpreter upon request. ~~For purposes of this Rule, "language" means foreign language or sign language.~~

(b) To qualify as a foreign language interpreter, a person shall possess sufficient experience and education, or a combination of experience and education, speaking and understanding English and the foreign language to be interpreted, to qualify as an expert witness pursuant to G.S. 8C-1, Rule 702. ~~For~~ A Spanish language ~~interpretation, the~~ interpreter ~~must~~ shall be "Level A" certified by the North Carolina Administrative Office of the Courts. A person qualified as an interpreter under this Rule shall not be interested in the claim and shall ~~make a declaration~~ declare under oath or affirmation to interpret accurately and truthfully, meaning without any additions or deletions, all questions propounded to the witness and all responses. ~~responses thereto.~~

~~(c) To qualify as a sign language interpreter, a person shall possess a license from the North Carolina Interpreter and Transliterator Licensing Board, under Chapter 90D of the North Carolina General Statutes.~~

~~(d)~~(c) Any party who is unable to speak or understand English, ~~or who is speech or hearing impaired,~~ or who intends to call as a witness a person who is unable to speak or understand ~~English or who is speech or hearing impaired,~~ English, shall ~~so~~ notify the Commission and the opposing party, in writing, not less than 21 days prior to the date of the hearing. The notice shall state the ~~language(s)~~ languages that shall be interpreted for the Commission.

~~(e)~~(d) Upon receiving or giving the notice required in Paragraph ~~(d)~~(c) of this Rule, the employer or insurer shall retain an interpreter who possesses the qualifications listed in Paragraph (b) ~~or (c)~~ of this Rule to appear at the hearing and interpret the testimony or oral argument of all persons identified in the notice given under ~~for whom the notice in~~ Paragraph ~~(d)~~(c) of this Rule. ~~Rule has been given or received.~~

~~(f)~~(e) The interpreter's fee shall constitute a cost as set forth in G.S. 97-80. A qualified interpreter who interprets testimony or oral argument for the Commission is entitled to payment of the fee agreed upon by the interpreter and employer or insurer that retained the interpreter. Except in cases where a claim for compensation has been prosecuted without reasonable ground, the ~~fee~~ employer or insurer shall pay the fee agreed upon by the interpreter and employer or insurer. ~~insurer shall be paid by the employer or insurer.~~ When the Commission ultimately determines that the request for an interpreter was unfounded, attendant costs shall be assessed against the movant.

~~(g)~~(f) Foreign language interpreters shall abide by the Code of Ethics and Professional Conduct for Court Interpreters, contained in Section 11 of Standards for Language Access Services, North Carolina Judicial Branch and promulgated by the North Carolina Administrative Office of the Courts, and shall ~~interpret, as~~ interpret word for word as is ~~practicable,~~ practicable without editing, commenting, or summarizing, testimony or other communications. The Code of Ethics and Professional Conduct for Court Interpreters is hereby incorporated by reference and includes subsequent amendments and editions. A copy may be obtained at no charge from the North Carolina Administrative Office of the Court's website, ~~https://www.nccourts.gov/assets/inline-files/02_2_NC_Standards_for_Language_Access_0.pdf?NhuszCAEVfS8KkdLetH97b9I4NRBcd.f,~~ https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf?VersionId=n5TwbJFTGat3fYaRbwKE5GUZzg3raDF, or upon request, at the offices of the Commission as set forth in Rule .0101 of this Subchapter. ~~Commission, located in the Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, 27603, between the hours of 8:00 a.m. and 5:00 p.m.~~

~~(h) Sign language interpreters shall interpret, as word for word as is practicable, without editing, commenting, or summarizing, testimony or other communications. Sign language interpreters shall abide by the ethical standards communicated in the training required by G.S. 90D-8.~~

Authority G.S. ~~97-79(b);~~ 97-80(a).

11 NCAC 23A .0620 WRITTEN COMMUNICATIONS WITH THE COMMISSION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0621 SIGN LANGUAGE INTERPRETERS

(a) When a person who is speech or hearing impaired is either called to testify in a hearing, other than an informal hearing conducted pursuant to G.S. 97-18.1, or appears before the Full Commission for an oral argument, the person, whether a party or a witness, shall be assisted by a qualified sign language interpreter.

(b) To qualify as a sign language interpreter, a person shall possess a license from the North Carolina Interpreter and Transliterator Licensing Board, under Chapter 90D of the North Carolina General Statutes.

(c) Any party who is speech or hearing impaired or who intends to call as a witness a person who is speech or hearing impaired, shall notify the Commission and the opposing party, in writing, not less than 21 days prior to the date of the hearing. Pursuant to G.S. 8B-8(e), the Commission shall pay the fees and expenses of the interpreter as set forth in G.S. 8B-8(a), except in cases where the Commission determines that the request for an interpreter was unfounded. If the Commission ultimately determines that the request for a sign language interpreter was unfounded, the attendant costs shall be assessed to the movant.

(d) Sign language interpreters shall interpret testimony or other communications as word for word as is practicable without editing, commenting, or summarizing. Sign language interpreters

shall abide by the ethical standards communicated in the training required by G.S. 90D-8.

Authority G.S. 8B-8; 97-80(a).

SECTION .0700 – APPEALS

11 NCAC 23A .0701 REVIEW BY THE FULL COMMISSION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0702 REVIEW OF ADMINISTRATIVE DECISIONS

(a) Administrative decisions include orders, decisions, and awards made in a summary manner, without findings of fact, including decisions on the following:

(1) applications to approve agreements to pay compensation and medical bills;
(2) applications to approve the termination or suspension or the reinstatement of compensation;
(3) applications to change the interval of payments; and
(4) applications for lump sum payments of compensation.

(b) Administrative decisions made in cases not set for hearing before a Commissioner or Deputy Commissioner or before the Full Commission for review shall be reviewed upon the filing of a Motion for Reconsideration, upon a request for hearing on the administrative decision, or upon request for hearing on the ruling on a Motion for Reconsideration. A Motion for Reconsideration shall be filed within 15 days of ~~receipt~~ notice of the administrative decision and addressed to the Administrative Officer who made the decision. A request for hearing shall be filed within 15 days of notice of the administrative decision or a notice of ruling on a Motion for ~~Reconsideration.~~ Reconsideration, whichever is later. As used in this Paragraph, "Notice" of a decision or ruling is defined in accordance with Rule .0107 of this Subchapter. Notwithstanding the provisions ~~above,~~ in this Paragraph, issues addressed by an administrative decision may be raised and determined at a subsequent hearing.

(c) Motions for Reconsideration and requests for hearings to review an administrative decision shall not stay the effect of the order, decision, or award; provided that the Administrative Officer making the decision or the Deputy Commissioner hearing an appeal of the administrative decision ~~a Commissioner~~ may enter an order staying its effect pending the ruling on the Motion for Reconsideration or pending a decision by ~~a Commissioner or~~ the Deputy Commissioner following a formal hearing. In determining whether or not to grant a stay, the Commissioner or Administrative Officer shall consider whether granting the stay will frustrate the purposes of the order, decision, or award. Motions to Stay shall not be filed with both the Administrative Officer and ~~a~~ the Deputy Commissioner.

(d) Any request for a hearing to review an administrative decision pursuant to Paragraph (b) of this Rule shall be filed with the Office of the Clerk. The Commission shall designate a Commissioner or Deputy Commissioner to hear the review. The Commissioner or Deputy Commissioner hearing the matter shall consider all issues de novo, and no issue shall be considered moot solely because the order has been fully executed during the pendency of the hearing.

(e) Any request for review by the Full Commission of an administrative decision by a Commissioner or Deputy Commissioner made during the pendency of a case assigned to them pursuant to G.S. 97-84 shall be filed with the Office of the ~~Clerk.~~ Clerk within 15 days of notice of the administrative decision. As used in this Paragraph, "Notice" of a decision is defined in accordance with Rule .0107 of this Subchapter. If the administrative decision made by the authoring Commissioner or Deputy Commissioner is a final judgment as to one or more issues or parties and the administrative decision contains a certification that there is no just reason for delay, the request for review shall be referred directly to a panel of the Full Commission. If the administrative decision contains no certification, requests for review will be referred to the Chair of the Commission for a determination regarding the right to immediate review, and the parties shall address the grounds upon which immediate review shall be allowed.

(f) Orders filed by a single Commissioner in matters before the Full Commission for review pursuant to G.S. 97-85, including orders dismissing reviews to the Full Commission or denying a request for immediate review to the Full Commission, are administrative orders and are not final determinations of the Commission. As such, an order filed by a single Commissioner is not appealable to the North Carolina Court of Appeals. A one-signature order filed by a single Commissioner may be reviewed by:

(1) filing a Motion for Reconsideration addressed to the Commissioner who filed the order; or
(2) requesting a review to a Full Commission panel by requesting a hearing within 15 days of ~~receipt~~ notice of the order or ~~receipt~~ notice of the ruling on a Motion for Reconsideration.

(g) This Rule shall not apply to medical motions filed pursuant to G.S. 97-25; provided, however, that a party may request reconsideration of an administrative ruling on a medical motion, or may request a stay, or may request an evidentiary hearing de novo, all as set forth in G.S. 97-25.

Authority G.S. 97-79(g); 97-80(a); 97-85; S.L. 2014-77.

11 NCAC 23A .0703 APPEAL TO THE COURT OF APPEALS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0704 REMAND FROM THE APPELLATE COURTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0800 – RULES OF THE COMMISSION

11 NCAC 23A .0801 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0900 – REPORT OF EARNINGS

11 NCAC 23A .0901 CHECK ENDORSEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0902 NOTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23A .0903 EMPLOYEE'S OBLIGATION TO REPORT EARNINGS

(a) A self-insured employer, carrier, or third-party administrator may require the employee who has filed a claim and is receiving wage loss benefits under G.S. 97-29 or G.S. 97-30 to complete a Form 90 Report of ~~Earnings~~ Earnings, as set forth in 11 NCAC 23L .0132, when reasonably necessary but not more than once every six months.

(b) The self-insured employer, carrier, or third-party administrator shall send the ~~The~~ Form 90 ~~Report of Earnings shall be sent~~ to the employee by certified mail, return receipt requested, and shall include a self-addressed stamped envelope for the return of the form. When the employee is represented by an attorney, the Form 90 Report of Earnings shall be sent only to the attorney for the employee and shall be sent by any method of transmission that provides proof of receipt, including ~~electronic mail, facsimile,~~ email, fax, or certified mail, return receipt requested.

(c) The employee shall complete and return the Form 90 ~~Report of Earnings~~ within 15 days of receipt. ~~after receipt of a Form 90 Report of Earnings.~~ If the employee fails to complete and return the Form 90 ~~Report of Earnings~~ within 30 days of receipt of the form, the self-insured employer, carrier, or third-party administrator may seek to suspend compensation being paid pursuant to G.S. 97-29 by filing a Form 24 Application to Terminate or Suspend Payment of Compensation, as set forth in 11 NCAC 23L .0111, as allowed by G.S. 97-18.1 and Rule .0404 of this Subchapter.

(d) If compensation is suspended pursuant to Paragraph (c) of this Rule and the employee subsequently completes and returns the Form ~~90 Report of Earnings,~~ 90, the self-insured employer, carrier, or third-party administrator shall reinstate payment of compensation to the employee with back payment. However, if the earnings information provided by the employee on the Form 90 ~~Report of Earnings~~ does not indicate continuing eligibility for disability compensation, the self-insured employer, carrier, or third-party administrator is not required to reinstate payment of compensation. If the earnings information provided by the Form 90 ~~Report of Earnings~~ indicates continuing eligibility for temporary partial disability compensation, the self-insured employer, carrier, or third-party administrator shall make payment of compensation pursuant to G.S. 97-30 with back payment within 14 days of receipt of documentation establishing the amount of compensation due. If payment of compensation is not reinstated following submission of the completed Form 90 ~~Report of Earnings~~ and the employee claims entitlement to ongoing disability compensation, the employee may seek reinstatement by filing a Form 23 Application to Reinstate Payment of Disability Compensation as set forth in 11 NCAC 23L .0110 or Form 33 Request that Claim be Assigned for ~~Hearing.~~ Hearing as set forth in 11 NCAC 23L .0123.

Authority G.S. 97-80(a).

SECTION .1000 – PREAUTHORIZATION FOR MEDICAL TREATMENT

11 NCAC 23A .1001 PREAUTHORIZATION FOR SURGERY AND INPATIENT TREATMENT

(a) An insurer that requires preauthorization ~~must~~ shall establish a preauthorization review policy that describes the process for requesting preauthorization review. The policy ~~must~~ shall be publicly available on the insurer's website.

(b) As used in this Section:

(1) "insurer" means an insurance carrier, self-insured administrator, managed care organization, employer, or any other entity that conducts preauthorization review;

(2) "preauthorization" means the determination by an insurer that proposed surgical or inpatient treatment is medically necessary; and

(3) "preauthorization review" means a prospective review process conducted by an insurer to determine whether a proposed surgical or inpatient treatment is medically necessary.

(c) Insurers shall, on an annual basis, electronically submit an electronic copy or link for any medical practice guidelines the insurer utilizes in the preauthorization review process to the Commission at the following email address, execsec@ic.nc.gov, by July 1 of each year.

(d) The insurer shall list each surgical procedure and each inpatient service for which preauthorization review is required. These procedures and services shall be publicly available on the insurer's website.

(e) The preauthorization review policy shall follow the standards set forth in G.S. 97-25.3 and shall include:

(1) procedures for requesting preauthorization, responding to and approving requests for preauthorization, and appealing a denial of preauthorization;

(2) procedures via telephone, ~~fax~~ fax, and email for communicating with the preauthorization agent with decision making powers on a pending request for ~~preauthorization (including~~ preauthorization, including ~~Peer Review Physicians)~~ peer review physicians, on a continuous basis on every business day ~~(which excludes weekends and holidays)~~ between the hours of 8:00 a.m. and 8:00 p.m. eastern standard time;

(3) methods by which the insurer shall respond to requests for preauthorization and methods by which a health care provider, claimant, person, or entity requesting preauthorization may respond to inquiries or determinations by the insurer;

(4) a statement that the insurer will provide a statement with supporting documentation of the substantive clinical justification for a denial of preauthorization, including the relevant clinical criteria upon which the denial is based. Denials based upon lack of information shall specify

~~what~~ the information ~~is~~ needed to make a determination;

(5) an outline of the appeal rights and procedures with instructions on how to submit appeals by mail, email or fax;

(6) a statement that advises the appealing party of the right to seek authorization for any denied treatment from the Commission; and

(7) the name, title, address, telephone number, fax number, and email address ~~and other contact information~~ for the person with authority over all decision-making for preauthorization ~~determinations (in~~ determinations, in addition to the claims ~~adjuster),~~ adjuster, and the normal business hours and time zone of this contact person.

(f) Delivery of a request for preauthorization to the claims adjuster or other designated ~~Preauthorization Agent~~ preauthorization agent ~~at the place (email~~ via the email address, fax number, or telephone ~~number)~~ number provided by the insurer shall constitute receipt of the preauthorization request by the claims adjuster.

(g) Preauthorization agents shall acknowledge receipt of all communications within two business days of the request, and the acknowledgment shall satisfy G.S. 97-25.3(a)(2).

(h) Upon receipt of a request for preauthorization, the insurer shall provide ~~to~~ the health care provider or person making the request with the name, telephone number, fax ~~number~~ number, and email address of the ~~Preauthorization Agent.~~ preauthorization agent. The ~~Preauthorization Agent~~ preauthorization agent ~~must~~ shall be available on a continuous basis, every business day ~~(which excludes weekends and holidays)~~ from 8:00 a.m. to 8:00 p.m. Eastern Standard Time to facilitate responses to insurer communications or determinations.

(i) Insurers that utilize a ~~Peer Review Physician~~ peer review physician in making preauthorization decisions shall indicate in their preauthorization review policy the name, licensure, and specialty area of that ~~Peer Review Physician~~ peer review physician and shall provide a profile ("Peer Review Physician Profile") of that ~~Peer Review Physician.~~ peer review physician. The ~~Peer Review Physician~~ peer review physician shall be licensed in either North Carolina, South Carolina, Georgia, Virginia, or Tennessee and shall hold professional qualifications, certifications, and fellowship training in a like specialty that is at least equal to that of the treating provider who is requesting preauthorization of surgery or inpatient treatment.

(j) Insurers shall, on an annual basis, electronically submit their ~~Peer Review Physician Profiles~~ peer review physician profiles to the Commission at the following email address, execsec@ic.nc.gov, by July 1 of each year.

(k) All requests for preauthorization by health care providers, claimant's attorneys, or unrepresented claimants, and all preauthorization determinations made by insurers on the preauthorization requests shall be submitted on Industrial Commission Form ~~25PR.~~ 25PR Request for Preauthorization of Medical Treatment, as set forth in 11 NCAC 23L .0112. The ~~Preauthorization Agent~~ preauthorization agent is responsible for providing the preauthorization review (PR) claim number and for forwarding medical records, communications, and preauthorization review determinations to the proper entities upon receipt, unless the insurer's ~~Preauthorization Plan~~ preauthorization plan designates and identifies another person to perform this requirement.

(l) The failure of an insurer to make a determination on a request for preauthorization within seven business days as specified in G.S. 97-25.3 shall result in an automatic waiver of the insurer's right to contest the requested treatment, unless:

(1) an extension of time, not to exceed seven business days, is agreed upon by the insurer and the medical provider requesting preauthorization (or the claimant's attorney or unrepresented claimant, if no medical provider has requested preauthorization); or

(2) an additional extension of time is granted by the Commission pursuant to G.S. 97-25.3(a)(3).

(m) Requests made to the Commission for an extension of time shall be directed to the Office of the Executive Secretary, and shall be simultaneously copied to the requesting health care provider, if any, and to the claimant's attorney or to the claimant, if unrepresented.

(n) In accordance with G.S. 97-18(i), insurers are obligated to pay for any surgery or inpatient treatment provided under G.S. 97-25.3, for which preauthorization was requested for an admitted condition after the right to contest the preauthorization request is waived.

Authority G.S. 97-25.3; 97-80(a).

SUBCHAPTER 23B – TORT CLAIMS RULES

SECTION .0100 – ADMINISTRATION

11 NCAC 23B .0101 LOCATION OF MAIN OFFICE AND HOURS OF BUSINESS

The main office of the North Carolina Industrial Commission is located ~~in~~ on the sixth floor of the Dobbs Building, 430 North Salisbury Street, Raleigh, ~~North Carolina.~~ NC 27603. ~~Documents that are not being filed electronically may be filed at the~~ The main office hours are ~~between the hours~~ of 8:00 a.m. ~~and~~ to 5:00 p.m. ~~only.~~ p.m., Monday through Friday, except for State recognized holidays as set forth in 25 NCAC 01E .0901. ~~Documents permitted to be filed electronically may be so filed until 11:59 p.m. on the required filing date.~~

Authority G.S. 143-291; 143-300.

11 NCAC 23B .0102 OFFICIAL FORMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0103 FILING AND FILING FEES

(a) To initiate a tort claim, the claimant shall file with the Commission a Form T-1 Affidavit, as set forth in 11 NCAC 23L .0201, or an affidavit setting forth the information required by G.S. 143-297(1)-(5) in accordance with Rule .0104 of this Section.

~~(a)~~(b) No tort claim shall be accepted for filing with the Commission unless the claim is accompanied by an attorney's check, certified check, money order, or electronic transfer of funds in payment of a filing fee in an amount equal to the filing

fee required for the filing of a civil action in the Superior Court division of the General Court of Justice.

~~(b)~~(c) The provisions of Paragraph (a) of this Rule notwithstanding, a tort claim that is accompanied by a Petition to Sue as an Indigent shall be accepted for filing upon the date of its receipt.

~~(c)~~(d) A Petition to Sue as an Indigent Person shall consist of an affidavit sufficient to satisfy the provisions of G.S. 1-110, stating that plaintiff is unable to comply with Paragraph (a) of this Rule.

~~(d)~~(e) If the Commission determines the plaintiff is able to pay the fee assessed under this Rule, an Order shall be issued directing payment of that fee, and the plaintiff shall, within 30 days from receipt of the Order, forward to the Commission an attorney's check, certified check, money order, or electronic transfer of funds for the full amount required to be paid. Failure to submit the required amount of the filing fee within this time shall result in the tort claim being dismissed without prejudice.

~~(e)~~(f) Upon consideration of a prison inmate's Petition to Sue as an ~~Indigent,~~ Indigent Person, the Commission shall determine whether the inmate's tort claim is frivolous and whether to dismiss the claim, pursuant to G.S. 1-110. Appeals from the dismissal of a frivolous tort claim pursuant to G.S. 1-110 shall proceed directly to the Full Commission and shall be decided without oral argument.

Authority G.S. 143-291.2; 143-300.

11 NCAC 23B .0104 TORT CLAIMS: HOW TO FILE

(a) ~~All~~ Tort claim filings shall be submitted electronically to the Commission via the Commission's Electronic Document Filing Portal (EDFP) located on the Commission's website at: https://ncic.my.site.com/s/?language=en_US. Instructions for using EDFP can be found at: https://ncic.my.site.com/s/help-documents?language=en_US. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date. ~~in tort claims shall be submitted electronically in accordance with this Rule.~~ Any document transmitted to the Commission in a manner not in accordance with this Rule shall not be accepted for filing. Plaintiffs without legal representation may file all documents with the Office of the Clerk of the Commission via ~~the Commission's Electronic Document Filing Portal ("EDFP")~~ EDFP, ~~or by~~ sending the documents to the Clerk of the Industrial Commission via ~~electronic mail (dockets@ic.nc.gov),~~ email to dockets@ic.nc.gov, ~~facsimile,~~ U.S. Mail, private courier service, or hand ~~delivery.~~ delivery at the address set forth in 11 NCAC 23B .0101.

(b) Prior to filing any documents with the Commission, a party shall omit or redact all but the last four digits of all social security numbers from the documents.

~~(b)~~(c) ~~Information regarding how to use EDFP is available at http://www.ic.nc.gov/training.html.~~ In the event EDFP is inoperable, all documents required to be filed via EDFP shall be transmitted to the Commission via ~~electronic mail~~ email to edfp@ic.nc.gov. Documents required to be filed via EDFP that are sent to the Commission via ~~electronic mail~~ email when EDFP is operable shall not be accepted for filing.

~~(c)~~(d) Any party may apply to the Commission for an emergency temporary waiver of the electronic filing requirement set forth in Paragraph (a) of this Rule if it is unable to comply because of temporary technical problems or lack of electronic mail or internet access. The request for an emergency temporary waiver shall be included with any filing submitted via facsimile, U.S. Mail, or hand delivery due to such temporary technical or access issues.

~~(d)~~(e) A Notice of Appeal to the North Carolina Court of Appeals shall be accepted for filing by the Commission via EDFP, U.S. Mail, hand delivery, or any other means allowed by the Rules of Appellate Procedure or applicable statutes governing appeals from the General Courts of Justice. Notwithstanding the foregoing, plaintiffs without legal representation may file all documents with the Commission as provided in Paragraph (a) of this Rule.

Authority G.S. 143-291; 143-293; 143-297; 143-300.

11 NCAC 23B .0105 CONTACT INFORMATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0106 NOTICE BY THE COMMISSION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0107 COMPUTATION OF TIME

Except as otherwise provided by statute or rule, in computing any period of time prescribed or allowed by the Commission rules, order of the Commission, or G.S. 143-292, G.S. 143-293, and G.S. 143-299, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a State recognized holiday as set forth in 25 NCAC 01E .0901, in which event the period runs until the end of the next State business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. Whenever a party has the right to do some act or take some proceedings within a prescribed period after the service of any document by mail, three days shall be added to the prescribed period.

Authority G.S. 143-300.

11 NCAC 23B .0108 ATTORNEYS RETAINED FOR PROCEEDINGS

(a) An attorney who is retained by a party in a proceeding before the Commission shall comply with the North Carolina State Bar Rules of Professional Conduct at https://www.ncbar.gov/for-lawyers/ethics-and-governing-rules/rules-of-professional-conduct/. An attorney shall serve a copy of a notice of representation on all other counsel and unrepresented parties and submit the notice to the Commission in accordance with Rule .0104 of this Subchapter. Subsequent notices required to be served on a party shall be served upon the party's attorney. An opposing party or any person on his or her behalf shall not contact or communicate with a represented party concerning contested matters without permission from the represented party's attorney.

(b) Any attorney who wishes to withdraw from representation in a proceeding before the Commission shall file with the Commission, in writing, a Notice of Withdrawal that contains a statement that it has been served on the client. The attorney shall make reasonable efforts to ascertain the last known contact

information as defined in Rule .0105 of this Subchapter of the client and shall include this information in the Notice.
(c) An attorney withdrawing from representation whose client has a hearing pending in a case where the client has filed a Form T-1 Claim for Damages Under Tort Claims Act as set forth in 11 NCAC 23L .0201 or a Verified Petition as set forth in G.S. 143-297 shall specify in the Motion to Withdraw whether the hearing request is also being withdrawn.
(d) An attorney withdrawing from representation whose client wishes to appeal an Order, Decision, or Award to the Full Commission shall timely file a separate notice of appeal, as set forth in G.S. 143-292 and this Subchapter on behalf of his or her client either before or with his or her Notice of Withdrawal.

History Note: *G.S. 143-292; 143-300;*
Eff. March 1, 2027.

SECTION .0200 - CLAIMS PROCEDURES

11 NCAC 23B .0202 MEDICAL MALPRACTICE CLAIMS BY UNREPRESENTED PRISON INMATES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0203 INFANTS AND INCOMPETENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0204 MOTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0205 MEDIATION
(a) Any party participating in mediation shall be bound by the Rules for Mediated Settlement and Neutral Evaluation Conferences of the Commission, ~~found~~ set forth in 11 NCAC 23G, except to the extent these Rules conflict with the Tort Claims Act or the other rules in this Subchapter, in which case the Tort Claims Act and the other rules in this Subchapter shall apply.
(b) An employee or agent of the named governmental entity or agency shall either physically attend or be available via ~~telecommunication.~~ teleconference or videoconference. Mediation shall not be delayed due to the absence or unavailability of the employee or agent of the named governmental entity or agency.

Authority G.S. 143-295; 143-296; 143-300.
11 NCAC 23B .0206 HEARINGS
(a) ~~The Commission may, on its own motion, order a~~ For any hearing, rehearing, or pre-trial conference of any tort claim in ~~dispute. The~~ dispute, the Commission shall set the date, time, and location of the hearing, and provide notice of the hearing to the parties. If the plaintiff is incarcerated at the time of the hearing, rehearing, or ~~Any~~ pre-trial conference, ~~as well as hearings of claims in which the plaintiff is incarcerated at the time of~~ the ~~hearing,~~ hearing, rehearing, or pre-trial conference may be conducted via videoconference or telephone conference in lieu of an in-person ~~hearing.~~ hearing, rehearing, or pre-trial conference. ~~Where~~ If a party ~~has~~ does not ~~notified~~ provide the name of its attorney to the Commission ~~of the attorney representing the party~~ prior to the mailing of hearing calendars, ~~calendars for hearing,~~ notice to that party constitutes notice to the party's attorney. ~~Any scheduled~~ Scheduled hearings shall proceed to completion unless recessed, continued, or removed by Order of the Commission. ~~Commission, and shall not be limited by the business hours of the Commission as set forth in Rule .0101 of this Subchapter.~~
(b) ~~When an attorney is notified~~ If the Commission notifies an attorney to appear for a pre-trial conference, motion hearing, hearing, or any other appearance the attorney shall, consistent with the North Carolina Rules of Professional Conduct, appear or ~~have~~ designate a partner, associate, or other attorney ~~appear.~~ to appear on his or her behalf. The counsel ~~Counsel~~ for each party or ~~any party~~ the party, if unrepresented, ~~without legal representation~~ shall remain in the hearing room throughout the course of the hearing, unless excused by the Commission.
(c) A motion for a continuance shall be allowed only in the discretion of ~~by~~ the Commissioner or Deputy Commissioner before whom the case is set. ~~set in the interests of justice or to promote judicial economy.~~
~~(d) In cases involving property damage of less than five hundred dollars ($500.00), the Commission may, upon its own motion or upon the motion of either party, order a videoconference or telephone conference hearing on the matter.~~
~~(e)~~(d) Unless otherwise ordered by the Commission, in the event of inclement weather or natural disaster, hearings set by the Commission shall be cancelled or delayed and rescheduled when the proceedings before the General Courts of Justice in that county are cancelled or delayed.
~~(f)~~(e) Unless otherwise ordered or waived by the Commission, applications for issuance of a writ of habeas corpus ad testificandum requesting the appearance of witnesses incarcerated by the North Carolina ~~Division~~ Department of Adult ~~Corrections,~~ Correction, shall be filed with the Commission with a copy to the opposing party or counsel, for review by the Commission in accordance with G.S. 143-296.

Authority G.S. 143-296; 143-300.

11 NCAC 23B .0208 HEARING COSTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0209 FOREIGN LANGUAGE AND SIGN LANGUAGE INTERPRETERS IN TORT CLAIMS
(a) If a claimant or witness in a tort claim does not speak or understand the English language or is speech or hearing impaired, they shall be assisted by a qualified interpreter in any evidentiary hearing, oral argument, or pre-trial conference. Each party shall pay for its own foreign language interpreter unless Paragraph (d) of this Rule applies. The Industrial Commission shall pay for sign language interpreters in all cases, consistent with G.S. 8B-8(e).
(b) To qualify as a foreign language interpreter, a person shall possess sufficient experience and education, or a combination of experience and education, speaking and understanding English and the foreign language to be interpreted, to qualify as an expert witness pursuant to G.S. 8C-1, Rule 702. A Spanish language interpreter shall be "Level A" certified by the North Carolina Administrative Office of the Courts. A person qualified as an interpreter under this Rule shall not be interested in the claim and shall declare under oath or affirmation to interpret accurately and truthfully, meaning without any additions or deletions, all questions propounded to the witness and all responses. In cases

where the interpreter is needed for a claimant, the interpreter shall declare under oath or affirmation to interpret accurately and truthfully the entirety of the proceedings for the claimant, without additions or deletions.

(c) To qualify as a sign language interpreter, a person shall possess a license from the North Carolina Interpreter and Transliterator Licensing Board, under Chapter 90D of the North Carolina General Statutes.

(d) A tort claimant who is authorized by Order of the Industrial Commission to bring suit as an indigent person and who is unable to speak or understand English or who intends to call as a witness a person who is unable to speak or understand English shall notify the Commission in writing not less than 21 days prior to the date of the hearing of the need for a foreign language interpreter and shall send a copy of the notification to the opposing party. The notice shall state the languages to be interpreted for the Commission.

(e) Upon receiving the notice required in Paragraph (d) of this Rule or upon the Industrial Commission's own determination that a foreign language interpreter is needed, the Industrial Commission shall retain a foreign language interpreter who possesses the qualifications listed in Paragraph (b) of this Rule to appear at the hearing and interpret the testimony or oral argument of the persons identified in the notice given under Paragraph (d) of this Rule.

(f) Any party who is speech or hearing impaired or who intends to call as a witness a person who is speech or hearing impaired shall notify the Commission in writing not less than 21 days prior to the date of the hearing of the need for a sign language interpreter and shall send a copy of the notification to the opposing party.

(g) Upon receiving the notice required in Paragraph (f) of this Rule or upon the Industrial Commission's own determination that a sign language interpreter is needed, the Industrial Commission shall retain a qualified sign language interpreter as set forth in Paragraph (c) of this Rule to appear at the hearing and interpret the testimony or oral argument of the persons identified in the notice given under Paragraph (f) of this Rule.

(h) Pursuant to G.S. 7A-305(d)(8) and G.S. 6-20, when a qualified interpreter as set forth in Paragraphs (b) and (c) of this Rule interprets testimony or oral argument for the Commission in a hearing, the hearing officer shall, following the hearing and following submission of an invoice from the interpreter, determine in his or her discretion, the amount of the fees to be paid to the interpreter by the party that required interpreter unless Paragraph (d) or (f) of this Rule applies, in which case the Industrial Commission will pay the interpreter. If the hearing officer determines that a request for an interpreter made pursuant to Paragraph (d) or (f) of this Rule was made without reasonable grounds, the hearing officer may order the party that requested the interpreter to reimburse the Industrial Commission in the full amount of the interpreter fee paid by the Industrial Commission.

(i) Foreign language interpreters shall abide by the Code of Ethics and Professional Conduct for Court Interpreters, contained in Section 11 of Standards for Language Access Services, North Carolina Judicial Branch and promulgated by the North Carolina Administrative Office of the Courts, and shall interpret word for word as is practicable without editing, commenting, or summarizing, testimony or other communications. The Code of Ethics and Professional Conduct for Court Interpreters is hereby incorporated by reference and includes subsequent amendments and editions. A copy may be obtained at no charge from the North Carolina Administrative Office of the Court's website, https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf?VersionId=n5TwbJFTGat3fYaRbwKE5GUZzg3raDF, or upon request, at the offices of the Commission at the address set forth in Rule .0101 of this Section.

(j) Sign language interpreters shall interpret word for word as is practicable without editing, commenting, or summarizing, testimony or other communications. Sign language interpreters shall abide by the ethical standards communicated in the training required by G.S. 90D-8.

(k) A Commissioner or Deputy Commissioner is authorized to provide a qualified interpreter during a hearing if the Commissioner or Deputy Commissioner believes a witness or claimant needs an interpreter to facilitate their testimony. If the Commissioner or Deputy Commissioner provides an interpreter, he or she shall assess the interpreter's fees as set out in Paragraph (h) of this Rule.

Authority G.S. 143-300.

SECTION .0300 - APPEALS TO FULL COMMISSION

11 NCAC 23B .0301 SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0302 APPEALS TO THE FULL COMMISSION

(a) Notice of appeal shall be made to the Commission within 15 days from the date ~~when~~ the appellant receives notice of the Deputy Commissioner's Order or Decision and Order. ~~Order has been received by the appellant.~~ The notice of appeal shall specify, by tort claim number and filing date, the Order or Decision and Order from which appeal is taken. The notice of appeal shall include a written statement confirming that a copy of the notice of appeal has been sent to the opposing party or parties.

(b) A motion to reconsider or to amend the decision of a Deputy Commissioner shall be filed with the Deputy Commissioner within 15 days of receipt of notice of the award. The time for filing an appeal of the decision of a Deputy Commissioner under the rules in this Subchapter shall be tolled until a motion to reconsider or to amend the decision has been ruled upon by the Deputy Commissioner. However, if either party files an appeal of the decision as set forth in Paragraph (a) of this Rule after a motion to reconsider or to amend has been filed with the Deputy Commissioner, jurisdiction shall be transferred to the Full Commission. Any party who had a pending motion to reconsider or amend the decision of the Deputy Commissioner may file a motion with the Chair of the Commission requesting remand to the Deputy Commissioner with whom the motion was pending. Upon remand, jurisdiction shall be transferred to the Deputy Commissioner. Following the Deputy Commissioner's ruling on the motion to reconsider or amend the decision, a party appealing the initial decision of the Deputy Commissioner or the ruling on the motion to reconsider or amend the decision shall file an appeal

as set forth in Paragraph (a) of this Rule to transfer jurisdiction of the matter back to the Full Commission.

~~(b)~~(c) After receipt of the notice of appeal, the Commission shall acknowledge the notice of appeal in writing. Within 30 days of the acknowledgement, the Commission shall prepare and provide, at no charge to the parties, electronic copies of any official transcript, any exhibits, and a Form T-44 Application for ~~Review.~~ Review, as set forth in 11 NCAC 23E .0202. In cases where it is not possible to provide a party with the official transcript and exhibits electronically, the Commission shall provide the official transcript, all exhibits, and a Form T-44 ~~Application for Review~~ via any class of prepaid U.S. mail. ~~mail that is fully prepaid.~~

~~(c)~~(d) Within 25 days of receipt of the official transcript and exhibits or receipt of notice that there will be no official transcript and exhibits, the appellant shall submit a Form T-44 ~~Application for Review~~ or written statement stating with particularity all assignments of error and grounds for review, including, where applicable, the pages in the transcript or the record on which the alleged errors are recorded. The Form T-44 ~~Application for Review~~ or ~~the~~ written statement shall include a declaration ~~be accompanied by confirmation~~ that a copy of the Form T-44 or written statement ~~document~~ has been sent to the opposing party or parties. Failure to state the proposed issues on appeal, either by Form T-44 ~~Application for Review~~ or by written statement, shall be grounds for dismissal of the appeal either upon the motion of the non-appealing party or upon the Full Commission's own motion.

~~(d)~~(e) Within 25 days after receipt of the official transcript and exhibits or receipt of notice that there will be no official transcript and exhibits, an appellant, ~~An appellant~~ may file a brief in support of the grounds for appeal with the Commission, with a written declaration ~~statement~~ confirming that a copy of the brief has been sent to the opposing party or parties. ~~parties, within 25 days after receipt of the official transcript and exhibits or receipt of notice that there will be no official transcript and exhibits.~~ The appellee shall have 25 days from service of the appellant's brief to file a ~~reply~~ responsive brief with the Commission with a written ~~statement~~ declaration confirming that a copy of the appellee's brief has been sent to the opposing party or parties. If the appellant fails to file a brief, the appellee shall file a brief within 25 days after the appellant's time for filing a brief has expired. If multiple parties appeal, each party may file an appellant's brief and appellee's brief on the schedule set forth in this Rule. If the matter has not been calendared for hearing, any party may file a written stipulation to a single extension of time not to exceed 15 days with the Office of the Clerk. The cumulative extensions of time shall not exceed 30 days. A party who fails to file a brief shall not be allowed oral argument before the Full Commission.

~~(e)~~(f) Briefs to the Full Commission shall not exceed 35 pages, excluding attachments. No page limit applies to the length of attachments. Typed briefs shall be prepared using 12-point proportional type, shall be double spaced, and shall be prepared with non-justified right margins. Each page of the brief shall be numbered at the bottom right of the page. If a party quotes or paraphrases testimony or evidence from the official transcript or exhibits in a brief, the party shall include, at the end of the sentence, a parenthetic entry that designates the source and page number of the quoted or paraphrased material. The party shall use "T" for transcript and "Ex" for exhibit. For example, (1) if a party quotes or paraphrases material located in the transcript on page 11, the party shall use the following format "(T 11)," and (2) if a party quotes or paraphrases material located in an exhibit on page 12, the party shall use the following format "(Ex 12)". If a party quotes or paraphrases testimony or other evidence in the transcript of a deposition, the party shall include, at the end of the sentence, a parenthetic entry that contains the name of the person deposed and the page number in the transcript of the deposition. For example, if a party quotes or paraphrases the testimony of John Smith located on page 11 of the transcript of the deposition, the party shall use the following format "(Smith 11)". Cases shall be cited to the North Carolina Reports, the North Carolina Court of Appeals Reports, or the North Carolina Reporter and, if possible, to the South Eastern Reporter. Briefs shall be based upon the record in the matter, pursuant to G.S. 143-292. Parties shall not discuss matters outside the record, assert personal opinions or relate personal experiences, or attribute wrongful acts or motives to opposing counsel or members of the Commission.

(g) Within 10 days of service of the appellee's brief, a party may request by motion to file a reply brief. The motion shall not contain a reply brief. A reply brief may only be filed if ordered by the Full Commission. Reply briefs shall not exceed 15 pages, excluding attachments. Reply briefs shall be prepared in accordance with the requirements of Paragraph (f) of this Rule. Any reply brief filed shall be limited to a concise rebuttal of arguments set out in the appellee's brief, and shall not reiterate arguments set forth in the appellant's principal brief.

(h) Case citations shall be to the North Carolina Reports, the North Carolina Court of Appeals Reports, or the North Carolina Reporter, and when possible, to the South Eastern Reporter. An unpublished appellate decision does not constitute controlling legal authority. If a party believes that an unpublished opinion has precedential or persuasive value to a material issue in the case and that there is no published opinion that would serve as well, the party may cite the unpublished opinion. When citing an unpublished opinion, a party shall indicate the opinion's unpublished status. If no reporter citation is available at the time a brief is filed, the party citing to the case shall attach a copy of the case to its brief.

~~(g)~~(i) A request for review by the Full Commission of an order by a Commissioner or Deputy Commissioner made during the pendency of a case assigned to them shall be filed with the Office of the Clerk. If the order made by the authoring Commissioner or Deputy Commissioner is a final judgment as to one or more issues or parties and the order contains a certification that there is no just reason for delay, the request for review shall be referred directly to a panel of the Full Commission. If the order contains no certification, requests for review shall be referred to the Chair of the Commission for a determination regarding the right to immediate review, and the parties shall address the grounds upon which immediate review shall be allowed.

(j) Orders filed by a single Commissioner in matters before the Full Commission for review, including orders dismissing reviews to the Full Commission or denying a request for immediate review to the Full Commission, are administrative orders and are not final determinations of the Commission. As such, an order filed by a single Commissioner is not appealable to the North Carolina Court of Appeals. A one-signature order filed by a single Commissioner may be reviewed by:

(1) filing a Motion for Reconsideration addressed to the Commissioner who filed the order; or

(2) requesting a review to a Full Commission panel by requesting a hearing within 15 days of receipt of the order or receipt of the ruling on a Motion for Reconsideration.

Authority G.S. 143-292; 143-300.

11 NCAC 23B .0307 MOTIONS BEFORE THE FULL COMMISSION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0308 STAYS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0310 ORAL ARGUMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - APPEALS TO THE COURT OF APPEALS

11 NCAC 23B .0401 SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0402 STAYS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0403 MOTIONS FOR COURT OF APPEALS CASES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0404 REMAND FROM APPELLATE COURTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 – RULES OF THE COMMISSION

11 NCAC 23B .0501 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23B .0503 SANCTIONS

The Commission may, on its own initiative or motion of a party, impose a sanction against a party, or attorney, or both, when the Commission determines that ~~such~~ the party, or attorney, or both failed to comply with the ~~Rules~~ rules in this ~~Subchapter,~~ Subchapter, the rules in 11 NCAC 23E, the rules in 11 NCAC 23G, an Order of the Commission, the North Carolina Rules of Civil Procedure, ~~and~~ or the North Carolina Rules of Professional Conduct, or other applicable law.

Authority G.S. ~~1A-1, Rule 11 and Rule 37;~~ 143-291; 143-296; 143-300.

SUBCHAPTER 23C - NORTH CAROLINA INDUSTRIAL COMMISSION RULES FOR UTILIZATION OF REHABILITATION PROFESSIONALS IN WORKERS' COMPENSATION CLAIMS

SECTION .0100 – ADMINISTRATION

11 NCAC 23C .0101 APPLICABILTY OF THE RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23C .0103 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23C .0105 QUALIFICATIONS REQUIRED

(a) Rehabilitation professionals in cases subject to the rules in this Subchapter shall follow the Code of Ethics specific to their certification as well as any statutes specific to their occupation.

(b) This Rule describes the qualifications required for rehabilitation professionals to be approved by the Industrial Commission to provide medical and vocational rehabilitation in workers' compensation claims as described in Rule .0101(a) of this Section. Rehabilitation professionals who have been approved by the Industrial Commission are listed on the Industrial Commission Registry of Workers' Compensation Rehabilitation Professionals found on the Commission's website at: https://ncic.my.site.com/s/rehab-registry?language=en_US.

~~(b)~~(c) Rehabilitation professionals who are Registered Nurses providing medical rehabilitation services in North Carolina ~~must~~ shall have a North Carolina license to practice and are subject to the requirements of the North Carolina Nursing Practice ~~Act.~~ Act, Article 9A of Chapter 90 of the North Carolina General Statutes. Rehabilitation professionals who are Registered Nurses providing medical rehabilitation services to an injured worker receiving medical care in another state ~~outside North Carolina must~~ shall have a license to practice in ~~the state in~~ that state. ~~which the medical care is provided.~~

~~(c)~~(d) To provide medical and vocational rehabilitation services ~~and vocational rehabilitation services~~ in cases subject to the ~~Rules~~ rules in this Subchapter, a rehabilitation professional ~~professionals must either~~ shall meet the requirements for ~~be~~ a qualified rehabilitation professional or a conditional rehabilitation professional as set forth in this Rule.

~~(d)~~(e) ~~To qualify as a~~ A qualified rehabilitation ~~professional, a rehabilitation~~ professional ~~must:~~ shall:

(1) possess one of the following certifications:

(A) Certified Rehabilitation Counselor (CRC), as certified by the Commission on Rehabilitation Counselor Certification;

(B) Certified Registered Rehabilitation Nurse (CRRN), as certified by the Rehabilitation Nursing Certification Board;

(C) Certified Disability Management Specialist (CDMS), as certified by the Certification of Disability Management Specialists Commission;

(D) Certified Vocational Evaluator (CVE), as certified by the Commission on Rehabilitation Counselor Certification;

(E) Certified Occupational Health Nurse-Specialist (COHN-S), as certified by

the American Board of Occupational Health Nurses;

(F) Certified Occupational Health Nurse (COHN), as certified by the American Board of Occupational Health Nurses;

(G) Orthopaedic Nurse Certified (ONC), as certified by the Orthopaedic Nurses Certification Board; or

(H) Certified Case Manager (CCM), as certified by the Commission for Case Manager Certification; or

(2) have previously been employed with ~~prior employment within~~ the North Carolina Department of Health and Human Services as a vocational rehabilitation provider. This Subparagraph only applies to vocational rehabilitation professionals.

~~(e)~~(f) A qualified rehabilitation professional ~~must~~ shall also:

(1) possess two years of full-time work ~~experience, or its equivalent,~~ experience within the past 15 years where at least 30 percent of the rehabilitation professional's time was spent providing ~~in workers' compensation case management,~~ case management services to injured workers or other individuals with disabling conditions or diseases; ~~where at least 30 percent of the rehabilitation professional's time was spent managing medical or vocational rehabilitation services to persons with disabling conditions or diseases within the past 15 years;~~ and

(2) within six months of beginning to provide rehabilitation services in cases subject to the rules in this Subchapter, complete the comprehensive course entitled, "Workers' Compensation Case Management in NC: A Basic Primer for Medical and Vocational Case Managers," provided by the Industrial Commission. ~~Commission or the International Association of Rehabilitation Professionals of the Carolinas.~~

~~(f)~~(g) To maintain ~~"qualified"~~ qualified status, a rehabilitation professional shall attend a two-hour refresher course provided by the Industrial Commission every five ~~years, beginning with~~ years from the date of the original course completion. ~~Rehabilitation professionals who completed the course in its pilot phase prior to March 17, 2011 have until July 1, 2016 to meet the refresher program mandate.~~

~~(g)~~(h) ~~Effective July 1, 2013, any~~ Any rehabilitation professional on the Industrial Commission ~~Commission's~~ Registry of Workers' Compensation Rehabilitation Professionals who does not hold ~~a certificate~~ all required certificates of completion for the mandated ~~course~~ courses referenced in Subparagraph (f)(2) and Paragraph (g) of this Rule shall lose ~~"qualified"~~ qualified rehabilitation professional ~~status~~ status. A rehabilitation professional who fails to complete the course referenced in Paragraph (g) of this Rule five years from the last course completion ~~and~~ may work as a conditional rehabilitation professional under the supervision of a qualified rehabilitation professional for no longer than six ~~months~~ months. ~~before completing the required course.~~ If the rehabilitation professional does not complete the course referenced in Paragraph (g) of this Rule within the six-month period, they shall be removed from the Registry and shall be required to retake the course referenced in Subparagraph (f)(2) of this Rule in order to be placed back on the Registry.

~~(h) After July 1, 2013, any rehabilitation professional who begins providing rehabilitation services in cases subject to the Rules in this Subchapter shall have six months to obtain a certificate of completion of the mandated course.~~

~~(i) The Commission shall oversee the implementation and ongoing administration of the mandated course and training.~~

~~(j)~~(i) Conditional rehabilitation professionals permitted to provide services in cases subject to the rules in this Subchapter include:

(1) individuals who possess one of the certifications for qualified rehabilitation professionals listed in ~~Subparagraph~~ Paragraphs ~~(d)~~(e) and ~~(e)~~(f) of this Rule, but who do not possess the ~~workers' compensation~~ case management experience required by the rules in this Subchapter;

(2) individuals with a post-baccalaureate degree in a health-related field from an institution accredited by an agency recognized by the United States Department of Education and one year of experience providing rehabilitation services to ~~persons~~ injured workers or other individuals with disabling conditions or diseases;

(3) individuals with a baccalaureate degree in a health-related field from an institution accredited by an agency recognized by the United States Department of Education and two years of experience providing rehabilitation services to injured workers or other individuals with disabling conditions or diseases; and

(4) individuals with current North Carolina licensure as a registered nurse and three years of experience in clinical nursing providing care for adults with disabling conditions and diseases.

~~(k)~~(j) To provide services as a rehabilitation professional in cases subject to the rules in this Subchapter, a conditional rehabilitation professional ~~must~~ shall work under the direct supervision of a qualified rehabilitation professional, who shall ensure that the conditional rehabilitation professional's work meets the requirements of the rules in this ~~Subchapter and any applicable statute,~~ Subchapter. The qualified rehabilitation professional who is supervising the conditional rehabilitation professional shall be identified ~~and whose~~ by name, ~~address~~ address, email address, and telephone number ~~shall be~~ on all ~~documents~~ reports submitted by ~~identifying~~ the conditional rehabilitation professional.

~~(l)~~(k) As used in this Rule, ~~direct supervision includes~~ "direct supervision" means ~~regular~~ case ~~review~~ review, ~~between the conditional rehabilitation professional and the qualified rehabilitation professional supervisor,~~ review of the conditional rehabilitation professional's progress reports, by the qualified rehabilitation professional supervisor, ~~supervisor of all reports,~~

and quarterly meetings between the conditional rehabilitation professional and the qualified rehabilitation professional. ~~periodic meetings that occur at least on a quarterly basis.~~

~~(m)~~(l) A rehabilitation professional may maintain conditional rehabilitation professional status for only two years. ~~a period of two years only. To continue providing services as a rehabilitation professional in cases subject to the rules in this Subchapter beyond the two-year period, the conditional rehabilitation professional must obtain the qualifications for a qualified rehabilitation professional listed under Paragraph (d) of this Rule.~~

~~(n)~~(m) A rehabilitation ~~Rehabilitation~~ professional ~~professionals~~ shall, upon request, provide a ~~resume~~ document listing ~~of~~ their qualifications and credentials to ~~during initial meetings with parties~~ any parties or ~~and~~ health care providers involved in the workers' compensation case. ~~providers.~~

Authority G.S. 97-25.4; 97-25.5; 97-32.2; 97-80.

11 NCAC 23C .0106 PROFESSIONAL RESPONSIBILITY OF THE REHABILITATION PROFESSIONAL IN WORKERS' COMPENSATION CLAIMS

(a) A rehabilitation professional shall exercise independent professional judgment in making and documenting recommendations for medical and vocational rehabilitation for an injured worker, including any alternatives for medical treatment and cost-effective return-to-work options. It is not the role of the rehabilitation professional to direct medical care.

(b) A rehabilitation professional shall inform the parties of his or her assignment and role in the case. Upon assignment, a rehabilitation professional shall disclose to health care providers and the parties any possible conflict of interest, including any compensation and ~~the carrier's or employer's~~ any carrier or employer ~~ownership of or~~ affiliation with or interest in the rehabilitation ~~professional.~~ professional or their business.

(c) Subject to the provisions for medical care and treatment set forth in the Workers' Compensation Act, Chapter 97 of the North Carolina General Statutes, ~~the~~ a medical rehabilitation professional may explain medical information to the injured worker and shall discuss with the injured worker all treatment options ~~appropriate to~~ for the injured worker's conditions, but shall not advocate any one source for treatment or change in treatment.

(d) As case consultants or expert witnesses, rehabilitation professionals shall provide unbiased, objective opinions. The nature of ~~limits of their~~ any ~~relationships~~ relationship with the party or parties that retained them as a case consultant or expert witness shall be ~~defined~~ disclosed through written or oral means in accordance with the ~~following,~~ following ~~applicable professional~~ codes of professional ethics or ~~professional~~ conduct, which are hereby incorporated by reference, including subsequent amendments and editions:

(1) for Certified Rehabilitation Counselors and Certified Vocational Evaluators, the Commission on Rehabilitation Counselor Certification Code of Professional Ethics;

(2) for Certified Registered Rehabilitation Nurses and Orthopaedic Nurse Certifieds, the Code of Ethics for Nurses;

(3) for Certified Disability Management Specialists, the Certification of Disability Management Specialists Commission Code of Professional Conduct;

(4) for Certified Occupational Health Nurses and Certified Occupational Health Nurse-Specialists, the American Association of Occupational Health Nurses, Inc. Code of Ethics; and

(5) for Certified Case Managers, the Code of Professional Conduct for Case Managers.

(e) Copies of the codes of professional ethics or ~~professional~~ conduct listed in Subparagraphs (d)(1) through ~~(d)(5)~~(d)(3) and (d)(5) of this Rule may be obtained at no cost, either upon request at the offices of the Commission, located in the Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, between the hours of 8:00 a.m. and 5:00 p.m., or at one of the following ~~applicable~~ websites:

(1) for Certified Rehabilitation Counselors and Certified Vocational Evaluators, the Commission on Rehabilitation Counselor Certification Code of Professional Ethics), ~~http://www.crccertification.com/filebin/pdf/CRCCodeOfEthics.pdf;~~ https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf;

(2) for Certified Registered Rehabilitation Nurses and Orthopaedic Nurse Certifieds, the Code of Ethics for Nurses, ~~http://www.nursingworld.org/MainMenuCategories/EthicsStandards/CodeofEthicsforNurses/Code-of-Ethics.pdf;~~ https://codeofethics.ana.org/provisions;

(3) for Certified Disability Management Specialists, the Certification of Disability Management Specialists Commission Code of Professional Conduct, ~~http://new.cdms.org/docs/CDMS%20Code%20of%20Professional%20Conduct%20080120111.pdf;~~ https://yourcommission.org/sites/commish/files/docs/Updated%20Guides/CDMS%20-%20Code%20of%20Professional%20Conduct%202.2026.pdf; and

~~(5)~~(4) for Certified Case Managers, the Code of Professional Conduct for Case Managers ~~http://www.ccmcertification.org/sites/default/files/downloads/2012/CCMC_Code_of_Conduct%202-22-12.pdf.~~ https://yourcommission.org/sites/commish/files/docs/Updated%20Guides/CDMS/CCM%20-%20Code%20of%20Professional%20Conduct%20for%20Case%20Managers%201.2026.pdf.

~~(4)~~(f) ~~for~~ For Certified Occupational Health Nurses and Certified Occupational Health Nurse-Specialists, listed in Subparagraph (d)(4) of this Rule, the American Association of Occupational Health Nurses, Inc. Code of ~~Ethics,~~ Ethics is available at

https://aaohn.users.membersuite.com/shop/store/a7e69e88-00ce-c164-6e2a-0b4446aea697/detail for a cost of twenty-five dollars ($25.00).
https://www.aaohn.org/dmdocuments/Code_of_Ethics_2009.pdf ; and
(f)(g) Rehabilitation professionals shall practice only within the boundaries of their competence, based on their education, training, professional experience, and other professional credentials.
(g)(h) A rehabilitation professional shall not conduct or assist any party in claims negotiation or investigative activities.
(h)(i) A rehabilitation professional shall not advise the worker as to an injured worker on any legal matter including the following:

(1) claims settlement options or procedures, procedures;
(2) monetary evaluation of claims, claims; or
(3) the applicability to the worker of benefits available to the injured worker of any kind under pursuant to the Workers' Compensation Act, Chapter 97 of the North Carolina General Statutes. Act during his or her assignment in the case.

The A rehabilitation professional shall advise the a non-represented injured worker to direct such legal questions to the Information Specialists at the Industrial Commission, and the a represented injured worker to direct legal questions to his or her attorney.

(i)(j) Rehabilitation professionals shall not accept any compensation or a reward from any source as a result of a settlement.

Authority G.S. 97-25.4; 97-25.5; 97-32.2; 97-80.

11 NCAC 23C .0107 COMMUNICATION

(a) The An insurance carrier or its designee shall notify the Commission and all parties on a Form 25N Notice to the Commission of Assignment of Rehabilitation Professional Professional as set forth in 11 NCAC 23L .0302, when a rehabilitation professional is assigned to a case and shall identify the purpose of the rehabilitation involvement.
(b) At the initial meeting, the rehabilitation professional shall provide the injured worker with a copy of the Rules rules in this Subchapter, and shall inform the injured worker that the rehabilitation professional is required to share the injured worker's relevant medical and vocational rehabilitation information and other material information with the employer and insurance carrier and that the rehabilitation professional may be compelled to testify regarding any information obtained.
(i)(c) For workers represented by an attorney, If if requested by the injured worker or his or her attorney, the initial meeting of the injured worker and rehabilitation professional shall take place at the office of the worker's attorney and shall occur within 20 days of the request.
(c) The rehabilitation professional shall timely inform injured workers that the Rehabilitation Professional will share relevant and material information with the employer and insurance carrier and that the Rehabilitation Professional may be compelled to testify regarding any information obtained.
(d) In cases where the employer is paying medical compensation to a provider rendering treatment under pursuant to the Workers' Compensation Act, Chapter 97 of the North Carolina General Statutes, the injured worker, if requested by a rehabilitation professional, shall sign a Form 25C Authorization for Rehabilitation Professional to Obtain Medical Records of Current Treatment Treatment, as set forth in 11 NCAC 23L .0301, authorizing the rehabilitation professional to obtain records of the current treatment.
(e) The rehabilitation professional shall provide copies of all correspondence and reports contemporaneously to all parties by the same mode of transmission.
(f) In preparing written and oral reports, the rehabilitation professional shall present only information relevant and material to the worker's medical and vocational rehabilitation and vocational rehabilitation and shall make every effort to avoid not include details unrelated to the worker's rehabilitative treatment. invasion of the worker's privacy.
(g) The rehabilitation professional shall make periodic accurate and complete written reports documenting accurately and completely the substance of all rehabilitation activity in the case. case, including rehabilitation activity. The rehabilitation professional shall provide furnish a worker an unrepresented worker who is unrepresented by counsel with a copy of each periodic written report, or, in the alternative, or the rehabilitation professional shall advise the worker unrepresented worker, either orally or in writing (at writing, least as often as every time written reports are produced) produced as to of the plan for and progress of the case, case and the fact that the worker has the right to request from the employer or carrier a copy of the all written reports under as set forth in 11 NCAC 23A .0607.
(h) The frequency Frequency and timing of periodic written reports shall be determined by the rehabilitation professional at the time of referral and shall depend on the type of rehabilitation service provided. The rehabilitation professional shall notify Communication of activity to all parties by telephone, facsimile, electronic media, email or letter must occur when information relevant to the rehabilitation process is obtained, when changes or revisions are recommended or occur in medical or vocational treatment plans, or on any other occasion when the worker's understanding and cooperation is critical to the implementation of the rehabilitation plan.
(j)(i) The rehabilitation professional may coordinate rehabilitation activities with the injured worker's attorney, and, at the employer or carrier's discretion, with the attorney or attorneys for the employer or carrier. defense attorney.
(k)(j) If the rehabilitation professional believes the injured worker is not complying with the provision of rehabilitation services, the rehabilitation professional shall detail in writing the actions required that the rehabilitation professional believes of the injured worker is required to take to return to compliance. In determining whether the injured worker is in compliance with the provision of rehabilitation services, the rehabilitation professional shall rely on his or her independent professional judgment and training and shall focus on the overall effect that the worker's actions or inactions are having on the rehabilitation goals.

Authority G.S. 97-2(19); 97-25.4; 97-25.5; 97-32.2; 97-80.

11 NCAC 23C .0108 INTERACTION WITH PHYSICIANS

(a) At the initial visit with a ~~physician~~ physician, the rehabilitation professional shall provide a company identification or business card to the physician as a form of identification ~~in the form of a company identification or business card~~ and explain the rehabilitation professional's role in the case.

(b) In all cases, the rehabilitation professional shall advise the injured worker ~~that the worker has the~~ of his or her right to a private examination by the health care provider ~~outside of the presence of~~ without the rehabilitation professional present. ~~professional.~~ If the injured worker prefers, he or she may request that the rehabilitation professional accompany him or her during the examination. However, if the injured worker or the injured worker's attorney notifies the rehabilitation professional in writing that the injured worker desires a private examination, ~~no~~ a subsequent waiver of that right shall not be effective unless the waiver is made in writing by the injured worker or, if represented, by the injured worker's attorney.

(c) If the rehabilitation professional desires ~~needs to have~~ an in-person conference with the physician following an examination, the rehabilitation professional shall ask ~~reserve with~~ the physician to reserve time to meet. ~~sufficient appointment time for the conference.~~ The injured worker shall be offered the opportunity to attend the conference with the physician. If the injured worker declines the opportunity to attend the conference, or the physician does not consent to a ~~joint conference,~~ conference with the injured worker and rehabilitation professional, or if in the physician's opinion it is medically contraindicated for the injured worker to participate in the conference, the rehabilitation professional shall note this in his or her report, may communicate ~~directly~~ with the ~~physician,~~ physician outside of the injured worker's presence, and shall make a written report documenting the substance of the ~~communication.~~ communication with the physician pursuant to Rule .0107 of this Subchapter.

(d) ~~When~~ If the rehabilitation professional determines that it is necessary to communicate with a physician outside of the injured worker's presence, ~~other than at a joint meeting,~~ the rehabilitation professional shall first notify the injured worker, or his or her attorney if represented, of the rehabilitation professional's intent to communicate and the reasons ~~therefore.~~ for the communication. ~~When~~ If a rehabilitation professional communicates with a physician without the prior consent or presence of the injured worker, the rehabilitation professional ~~must~~ shall document the reasons ~~for~~ and the substance of the communication in a written report ~~and report the reasons and substance~~ to the injured worker or his or her attorney, if represented, pursuant to Rule ~~.0106~~ .0107 of this Subchapter. The rehabilitation professional is not required to obtain prior consent from the injured ~~worker's~~ worker or his or her ~~attorney's prior consent~~ attorney ~~if:~~ in the following circumstances:

(1) ~~The~~ the communication is limited to scheduling issues or requests for time-sensitive medical records;

(2) ~~A~~ a medical emergency is involved;

(3) ~~The~~ an injured worker's health or medical treatment would either be adversely affected by a delay or benefited by immediate action;

(4) ~~The~~ the communication is limited to advising the physician of ~~the~~ employer or carrier approval for recommended testing or treatment;

~~(5) The injured worker or attorney has consented to the communications;~~

~~(6)~~(5) ~~The~~ the communication is initiated by the physician; or

~~(7)~~(6) ~~The~~ the injured worker failed to show up for a scheduled appointment or arrived at a time other than the scheduled appointment time.

~~When a rehabilitation professional communicates with a physician without the prior consent or presence of the injured worker, the rehabilitation professional must document the reasons for and the substance of the communication and report the reasons and substance to the injured worker or his or her attorney, if represented, pursuant to Rule .0106 of this Subchapter.~~

(e) The following requirements apply to interactions regarding impairment ~~ratings,~~ ratings as set forth in G.S. 97-31, independent medical examinations, second ~~opinions~~ opinions, ~~or consults:~~ and consultations:

(1) When a party or health care provider requests the appointment ~~a consult, second opinion, or independent medical examination that~~ and it is authorized by the carrier or ~~ordered,~~ ordered by the Commission, the rehabilitation professional may, if requested, assemble and forward medical records and information, schedule and coordinate ~~an~~ the appointment, and, if the injured worker consents, have a ~~joint meeting~~ conference with the health care provider and the worker after ~~a~~ the injured worker's private ~~exam.~~ examination.

(2) When ~~any such~~ an exam is requested by the carrier, the injured worker shall receive at least 10 calendar days' notice of the appointment unless the parties agree otherwise. ~~otherwise or unless otherwise required by statute.~~

(f) The rehabilitation professional shall simultaneously send ~~to~~ the parties copies of all written communications with health care providers and shall ~~accurately and completely~~ create accurate and complete written reports of ~~record and report~~ all oral ~~communications.~~ communications with health care providers pursuant to Rule .0107 of this Subchapter.

Authority G.S. 97-25.4; 97-25.5; 97-32.2; 97-80.

11 NCAC 23C .0109 VOCATIONAL REHABILITATION SERVICES AND RETURN TO WORK

(a) When performing the vocational assessment and formulating and drafting the individualized written rehabilitation plan for the ~~employee~~ required by G.S. 97-32.2(c), the vocational rehabilitation professional shall follow G.S. 97-32.2.

(b) The rehabilitation professional shall not commence job ~~Job~~ placement activities ~~may not be commenced~~ until ~~after~~ a vocational assessment and an individualized written rehabilitation plan for vocational rehabilitation services ~~specifying~~ that specifies the goals and the priority for return-to-work options have been completed ~~in the case~~ in accordance with G.S. 97-32.2. Job

placement activities shall direct the injured worker to jobs that meet the definition of suitable employment ~~be directed~~ as defined by Rule .0103(5) of this ~~Subchapter~~ Section. ~~or by applicable statute.~~

(c) ~~Return-to-work options should be considered~~ The rehabilitation professional shall review return-to-work options in the following order of priority:

(1) current job, current employer;
(2) new job, current employer;
(3) on-the-job training, current employer;
(4) new job, new employer;
(5) on-the-job training, new employer;
(6) formal education or vocational training to prepare the worker for a job with current or new employer; and
(7) self-employment, only when its feasibility is documented with reference to the employee's aptitudes and training, ~~adequate~~ capitalization, and market conditions.

(d) When an employee requests retraining or education as permitted in G.S. 97-32.2(a), the vocational rehabilitation professional shall evaluate the employee's request and ~~provide~~ make a written assessment ~~of the employee's request that includes an evaluation of:~~ that includes the following:

(1) ~~the~~ a description of the retraining or education requested;
(2) the availability, location, cost, and identity of providers of the requested retraining or education;
(3) the likely duration until completion of retraining or education, the number of credits needed to complete the retraining or education, the course names and schedules for the retraining or education, and identification of which courses are available on-line versus in person;
(4) the current or projected availability of employment upon completion of the requested retraining or education; and
(5) the anticipated pay range for employment upon completion of the requested retraining or education.

(e) The rehabilitation professional shall obtain a list of work restrictions from the health care provider that addresses the demands of any proposed employment. If ordered by a physician, the rehabilitation professional shall schedule an appointment with a ~~third party~~ third-party provider to evaluate ~~an injured~~ the employee's functional capacity, physical capacity, or ~~impairments to work.~~ work restrictions.

(f) The rehabilitation professional shall refer the worker only to opportunities for suitable employment, as defined by Rule .0103(5) of this Section. ~~Subchapter or by applicable statute.~~

(g) If the rehabilitation professional intends to utilize written or videotaped job descriptions in the return-to-work process, the rehabilitation professional shall provide a copy of the description to all parties for review before the job description is provided to the ~~doctor.~~ physician. The employee or the employee's attorney shall have seven business days from the mailing of the job description to notify the rehabilitation ~~professional,~~ professional and all parties ~~parties, and the physician~~ of any objections or ~~amendments thereto.~~ amendments to the job description. The rehabilitation professional shall simultaneously submit the job description and the objections or amendments, if any, ~~shall be submitted~~ to the physician. ~~physician simultaneously. This process shall be expedited when job availability is critical.~~ This waiting period does not apply if the employee or the employee's attorney has given prior approval to the job description.

(h) In preparing written job descriptions, the rehabilitation professional shall utilize standards such as ~~standards including, but not limited to,~~ the Dictionary of Occupational Titles and the Handbook for Analyzing Jobs published by the United States Department of Labor. These standards ~~can be accessed~~ are available at no cost at https://www.dol.gov/agencies/oalj/topics/libraries/LIBDOT and https://skilltran.com/index.php/support-area/documentation/1991rhaj, respectively. ~~The Handbook for Analyzing Jobs may also be purchased from major online booksellers for approximately eighty-five dollars ($85.00).~~

(i) The rehabilitation professional may ~~conduct follow-up~~ follow up with the worker after job placement to verify that the job is suitable employment as defined in Rule .0103(5) of this Section. ~~appropriateness of the job placement.~~

(j) The rehabilitation professional shall not initiate or continue placement activities that do not appear ~~reasonably~~ likely to result in placement of the injured worker in suitable employment. The rehabilitation professional shall report to the parties when efforts to initiate or continue placement activities do not appear ~~reasonably~~ likely to result in placement of the injured worker in suitable employment.

Authority G.S. 97-2(22); 97-25.5; 97-32.2; S.L. 2014-77, s. 6(4).

11 NCAC 23C .0110 CHANGE OF REHABILITATION PROFESSIONAL

(a) By agreement or stipulation of the parties, the rehabilitation professional may be changed.

(b) A ~~rehabilitation professional may be removed from a case upon motion by either~~ party or ~~by~~ the Commission may file or initiate a motion to remove a rehabilitation professional from a case for failure to comply with a rule in this Section. ~~for good cause.~~ The ~~motion shall be filed~~ party shall file the motion ~~with the Executive Secretary's Office~~ in compliance with the requirements of 11 NCAC 23A .0108. ~~and served upon all parties and the rehabilitation professional. Any~~ A party or the rehabilitation professional may file a response to the motion in accordance with 11 NCAC 23A .0609 and 11 NCAC 23A .0108. ~~within 10 days~~.

(c) A party or the rehabilitation professional may request reconsideration of a ruling or appeal from an order as provided in 11 NCAC 23A .0702 or pursuant to G.S. 97-83 and G.S. 97-84.

Authority G.S. 97-25.4; 97-25.5; 97-32.2; 97-80; 97-83; 97-84.

SECTION .0200 – RULES OF THE COMMISSION

11 NCAC 23C .0201 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 23D – WORKERS' COMPENSATION RULES FOR MANAGED CARE ORGANIZATIONS

SECTION .0100 – RULES

11 NCAC 23D .0101 PURPOSE

The rules in this Subchapter apply to the utilization of Managed Care Organizations to provide ~~are intended to facilitate the timely and cost effective delivery of appropriate~~ medical compensation ~~services to fulfill the employer's duty to provide~~ under the Workers' Compensation Act. ~~such services as are reasonably necessary to effect a cure, give relief, or shorten the period of disability resulting from compensable injuries through the use of Managed Care Organizations (MCOs).~~ The rules in this Subchapter do not ~~affect~~ apply to informal lists or "employer ~~networks"~~ networks." ~~of providers assembled by employers or insurers for their own referrals.~~ For purposes of this Section, "employer network" means any group of providers assembled by or for an entity liable for medical compensation that agrees to accept the referrals of that entity's workers' compensation patients, and from among whom an adjuster, officer, employee, or insured patient of the entity chooses the initial provider; provided, the entity has no right to sell the services of the providers to a third party.

Authority 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).

11 NCAC 23D .0102 DEFINITIONS

Authority G.S. 58-50-50; 97-2(3); 97-2(20); 97-2(21); 97-25; 97-25.2; 97-26(b); 97-26(c); 97-77; 97-79.

11 NCAC 23D .0104 QUALIFICATION AND REVOCATION

Authority G.S. 97-25; 97-25.2.

11 NCAC 23D .0105 NOTICE TO COMMISSION

(a) Upon contracting with an employer to provide medical compensation services, ~~an MCO~~ a Managed Care Organization (MCO) shall provide ~~to~~ the Commission with the ~~following:~~ following by emailing it to execsec@ic.nc.gov:

(1) a copy of ~~that~~ the portion of the contract containing the provisions ~~specified~~ set forth in Rule .0106 of this ~~Subchapter~~ Section and the method for determining payment to the MCO, excluding those of its terms the employer asserts to be confidential or proprietary, ~~kept confidential by the North Carolina Department of Insurance,~~ initialed by the employer;

(2) a copy of its ~~current certificate(s)~~ certificate of authority issued ~~annually~~ by the ~~North Carolina~~ Department of Insurance pursuant to ~~G.S.~~ Chapter ~~58;~~ 58 of the North Carolina General Statutes; and

(3) the name and address of all owners or shareholders, or related groups of owners or shareholders, ~~holding~~ that hold more than 10 percent interest in the MCO, and whether they ~~are or~~ have any relationship with a provider.

(b) Persons or firms are related, for the purpose of this Rule, if they have a financial interest in the other, have officers, agents, or employees in common, or have a family relationship with first cousins or closer. ~~if either has the following:~~

~~(1) a financial interest in the other;~~

~~(2) shares officers, agents, or employees; or,~~

~~(3) if natural persons, are first cousins or closer in kinship.~~

~~(c) An MCO subject to the Rules in this Subchapter shall report its medical compensation expenditures annually on I.C. Form 51.~~

Authority G.S. 97-25.2.

11 NCAC 23D .0106 CONTRACT PROVISIONS

~~An MCO's~~ A Managed Care Organization's (MCO) contract with an employer subject to the ~~Rules~~ rules in this Subchapter shall include:

(1) the principal ~~place(s)~~ places of employment of the covered employees, including ~~address(es) and phone number(s) of the workplace(s);~~ addresses and phone numbers of the workplaces;

(2) the name, title, mailing address, phone number, ~~fax number,~~ and email address, if any, of an officer or responsible employee of the MCO empowered to assent to the treatment or referral of covered employees, capable of obtaining and providing complete business, ~~administrative~~ administrative, and medical records generated pursuant to the contract, and empowered to resolve ~~routine~~ disputes with employees, ~~employers~~ employers, and providers under the Commission's jurisdiction;

(3) the name, title, mailing address, phone number, ~~fax number,~~ and email address, if any, of an adjuster, officer, ~~agent~~ agent, or employee of the employer empowered to negotiate the resolution of ~~routine~~ medical compensation disputes, and receive orders of the Commission on behalf of the employer;

(4) an acknowledgment that the MCO is bound by applicable requirements of Chapters 58 and 97 of the North Carolina General Statutes and the rules in this Subchapter, and is subject to orders of the Commission to the same extent as the employer;

(5) ~~the agreement of~~ a statement that the employer ~~that it~~ will cooperate and assist in furnishing its employees and supervisors with a phone number and instructions ~~for obtaining~~ to obtain emergency treatment and ~~contacting~~ will contact the MCO upon notice of injury to any employee ~~during the workday or on the employer's premises~~ requiring physician attention;

(6) a dispute resolution plan in accordance with G.S. 97-25.2, including provisions for notice of

decision ~~in~~ on appeals within 30 days, or within 72 hours of appeal when the regular appeals process would cause a delay in ~~the rendering of health care~~ medical treatment ~~that would be~~ detrimental to the health of the employee;

(7) a description of physician panels, including specialties ~~represented, and the employee's right to select his or her attending physician from the appropriate panel, and to subsequently change attending physicians once within the members of the panel;~~ represented; and

(8) whether the MCO or the employer will be responsible for securing the services of a non-panel member provider when the employee requires medical treatment from a type of provider not represented on the MCO's physician panels. ~~"out-of-network" providers when needed.~~

Authority G.S. 97-25.2.

11 NCAC 23D .0107 INFORMATION FOR EMPLOYEE

(a) ~~Following the onset of an~~ Upon ~~injury,~~ an injury of an employee, the employer or Managed Care Organization (MCO) ~~MCO~~ shall provide ~~to~~ the employee with a printed statement ~~explanation of the system being utilized for his care, suitable for sharing~~ to be shared by the employee with emergency, "out-of-network", and referral physicians. ~~physicians, that shall be filed with any Form 19 submitted to the Commission; provided, that electronic filers may otherwise notify the Commission of the identity of the MCO.~~ This statement shall include the following information:

(1) the offices to contact concerning medical treatment for the injury, including a telephone number;

(2) ~~if known at that time,~~ the employee's chosen treating physician, if known, ~~including~~ and a phone number to call if the employee needs medical assistance at a time the physician's office is closed; ~~for seeking medical assistance outside normal business hours if the injury might cause such a need;~~

(3) the ~~applicable~~ methods for choosing and changing treating physicians and resolving disputes concerning physicians or treatment pursuant to G.S. 97-25.2;

(4) that the MCO can provide access to licensed physicians of all specialties;

(5) the employer's obligation to pay for treatment for which the employee is referred to the MCO, whether or not the employer admits liability for the injury per G.S. 97-90(e);

(6) the employee's duty to cooperate in treatment, and right to secure treatment at his or her own expense that does not interfere with the treating physician's treatment; and

(7) the Commission's File Number, if known when filed.

(b) ~~Providers may~~ The MCO shall include identifying billing information on the statement.

Authority G.S. 97-25.2.

11 NCAC 23D .0108 INCLUSIVE PROVIDER PANELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23D .0109 QUALITY ASSURANCE AND UTILIZATION REVIEW

~~An MCO~~ A Managed Care Organization subject to the ~~Rules~~ rules in this Subchapter shall comply with the requirements of the North Carolina Department of Insurance for quality assurance and utilization review ~~plans,~~ plans as set forth in G.S. 58-67-11(a)(3) and G.S. 58-60-61, and upon request, provide the Commission with copies of records generated by, or utilized in, the operation of those programs, and copies of plans or amendments to plans. ~~plans not yet filed with the Department of Insurance.~~

Authority G.S. 97-25.2.

11 NCAC 23D .0110 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 23E – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION

SECTION .0100 – ADMINISTRATION

11 NCAC 23E .0101 INSTRUCTIONS FOR FILING A PETITION FOR ~~RULE-MAKING~~ RULEMAKING

(a) Any person may petition the Commission to adopt a new rule, or amend or repeal an existing rule by submitting a ~~rule-making~~ rulemaking petition to the Commission Rulemaking Coordinator at 1240 Mail Service Center, Raleigh, NC ~~27699-1240.~~ 27699-1240 or by email to the Rulemaking Coordinator at rulemaking@ic.nc.gov.

(b) The petition must be titled "Petition for ~~Rule-making"~~ Rulemaking" and ~~must~~ shall include the following information:

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

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

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

(4) an explanation of why the new ~~rule~~ rule, or amendment or repeal of an existing rule is requested and the effect of the new rule, amendment, or repeal on the ~~procedures of the Commission; and~~ Commission to include the effect on those over whom the Commission has jurisdiction.

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

~~(b)~~(c) The Commission ~~must decide whether to~~ shall grant or deny a petition for ~~rule-making~~ rulemaking within 120 days of receiving the petition. In making the decision, the Commission

shall consider the information submitted with the petition. ~~petition and any other relevant information.~~

~~(c)~~(d) When the Commission denies a petition for ~~rule-making,~~ rulemaking, the Commission shall send the petitioner a written notice of the denial including the reason for the denial. ~~must be sent to the person who submitted the request. The notice must state the reason for the denial.~~

(e) When the Commission grants a ~~rule-making~~ rulemaking petition, the Commission ~~must~~ shall notify the petitioner in writing that the rulemaking petition has been granted. ~~initiate rule-making proceedings and send written notice of the proceedings to the person who submitted the request.~~

Authority G.S. 97-73; 150B-20.

11 NCAC 23E .0102 MAILING LIST

~~(a)~~ Any person or agency desiring to be placed on the mailing list for the Commission's ~~rule-making~~ rulemaking notices issued pursuant to G.S. 150B-21.2 may ~~file a~~ submit the request in writing to the Commission's Rulemaking Coordinator ~~of the Commission~~ at 1240 Mail Service Center Raleigh, NC ~~27699-1240.~~ 27699-1240, including the person's name, address, and email address, or by subscribing to the Commission's rulemaking email list online at https://www.ic.nc.gov/about-the-industrial-commission/subscribe-receive-rulemaking-notices.

~~(b) The request shall:~~

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

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

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

Authority G.S. 97-73; 97-80(a); 150B-21.2(d).

11 NCAC 23E .0103 ADMISSION OF OUT-OF-STATE ATTORNEYS TO APPEAR BEFORE THE COMMISSION

(a) Attorneys residing in and licensed to practice law in another state who seek to be admitted to practice before the Commission to represent a client in a claim ~~pursuant to G.S. 84-4.1~~ shall file a motion with the Commission that complies with the requirements of G.S. ~~84-4.1.~~ 84-4.1 in accordance with 11 NCAC 23A .0108 for worker's compensation cases or 11 NCAC 23B .0104 for tort claims. The motion may be filed by the out-of-state attorney, or by the North Carolina attorney with whom the out-of-state attorney associates. The motion shall be accompanied by a proposed order that includes the email addresses for all counsel of record. ~~associates pursuant to G.S. 84-4.1(5) may file the motion instead as long as it complies with the requirements of G.S. 84-4.1.~~

(b) The motion shall be filed with the Executive Secretary of the Commission except under the following circumstances:

(1) If the motion is filed in a claim that is set for hearing before or pending decision by a Deputy Commissioner or the Full Commission, the motion shall be filed with the Deputy Commissioner or ~~chair of the~~ Full Commission ~~panel,~~ panel chair, respectively.

(2) If the motion is filed in a claim involving a form application regarding a death claim, the motion shall be filed with the Director of Claims Administration.

(3) If the motion is filed in a claim involving a stipulated Opinion and Award regarding a death claim, the motion shall be filed with the Chief Deputy Commissioner.

~~(c) A proposed Order granting pro hac vice admission that includes the facsimile numbers for all counsel of record shall be provided with the motion.~~

~~(d)~~(c) Following review of the motion, the Commission shall issue an ~~Order~~ order granting or denying the motion. ~~The Commission has the discretionary authority to deny such motions even if they comply with the requirements of G.S. 84-4.1.~~

~~(e)~~(d) Upon receipt of an ~~Order~~ order granting a motion for pro hac vice admission, the admitted attorney or the associated North Carolina attorney shall pay the fee set forth in G.S. 84-4.1(7), by sending a check made payable to the North Carolina Industrial Commission accompanied by ~~fees to the North Carolina State Bar and General Court of Justice required by G.S. 84-4.1 and file a statement with the~~ a statement documenting ~~Executive Secretary documenting payment of said fees and~~ the submission of ~~any~~ the pro hac vice admission registration statement required by the North Carolina State ~~Bar.~~ Bar, the IC file number, the name of the sponsoring North Carolina attorney, and the name of the out-of-state attorney allowed admission pro hac vice by the order. The check and statement shall be mailed to: North Carolina Industrial Commission, Attn: Pro Hac Vice Fees, 1236 Mail Service Center, Raleigh, NC 27699-1236.

Authority G.S. 84-4.1; 97-80(a); S.L. 2025-19, s. 3.1.

11 NCAC 23E .0104 SECURE LEAVE PERIODS FOR ATTORNEYS

(a) Any attorney may request one or more secure leave periods each year as provided in this Rule.

(b) For the purpose of this Paragraph only, a "secure leave period" is defined as a partial calendar week or a complete calendar week. Within a calendar year, an attorney is entitled to obtain secure leave periods totaling up to 15 business days for any purpose.

(c) For the purpose of this Paragraph only, a "secure leave period" is defined as a complete calendar week. Within a 24-week period surrounding the birth or adoption of an attorney's child, that attorney is entitled to have the benefit of up to 12 additional secure leave periods.

(d) To request a secure leave period, an attorney shall file a written request, by letter or motion, containing the information required by Paragraph (e) of this Rule with the Office of the Chair of the Industrial Commission within the time period provided in Paragraph (f) of this Rule. The request with the letter or motion shall be submitted through the Commission's Electronic Document Filing Portal located on the Commission website at: https://ncic.my.site.com/s/?language=en_US. Upon such filing, the Chair shall review the request. If the request is made pursuant to Paragraph (b) or Paragraph (c) of this Rule and the request complies with Paragraphs (e) and (f) of this Rule, the Chair shall issue a letter allowing the requested secure leave period. The attorney shall not be required to appear at any trial, hearing,

deposition, or other proceeding before the Commission during a secure leave period that is allowed.

(e) The request shall contain the following information:

(1) the attorney's name, mailing address, telephone number, email address, and state bar number;

(2) the ~~date(s)~~ dates for which secure leave is being requested;

(3) the dates of all other secure leave periods during the current calendar year that have previously been designated by the attorney pursuant to this Rule;

(4) a statement that the secure leave period is not being designated for the purpose of delaying, hindering, or interfering with the disposition of any matter in any pending action or proceeding;

(5) a statement that no action or proceeding in which the attorney has entered an appearance has been scheduled, tentatively set, or noticed for trial, hearing, deposition, or other proceeding during the designated secure leave period; and

(6) for secure leave requests that arise under Paragraph (c) of this Rule, the expected birth date or adoption date of the child.

(f) The request shall be filed:

(1) no later than 90 days before the beginning of the secure leave period; and

(2) before any trial, hearing, deposition, or other matter has been scheduled, peremptorily set, or noticed for a time during the designated secure leave period.

(g) The Chair may, as set forth in Rule .0301 of this Subchapter, make exception to the 15-day aggregate limit set forth in Paragraph (b) of this Rule, the requirement set forth in Subparagraph (e)(5) of this Rule, and the limitations set forth in Paragraph (f) of this Rule. An attorney requesting that the Chair make an exception under this Paragraph shall inform the Chair of all known actions or proceedings involving that attorney that are scheduled, tentatively set, or noticed for trial, hearing, deposition, or other proceeding during the requested secure leave period. The attorney also shall provide notice to all opposing parties or, if represented, opposing counsel of record in all cases subject to the jurisdiction of the Industrial Commission of the beginning and ending dates of the requested secure leave period and of all known actions or proceedings involving that attorney that are scheduled, tentatively set, or noticed for trial, hearing, deposition, or other proceeding during the requested secure leave period.

(h) After a secure leave period has been allowed pursuant to this Rule, if any trial, hearing, or other proceeding is scheduled or tentatively set for a time during the secure leave period, the attorney shall file with the Deputy Commissioner or Chair of the Full Commission panel in accordance with 11 NCAC 23A .0108 for workers' compensation cases, 11 NCAC 23B .0104 for tort claims, 11 NCAC 23H .0102 for public safety employees' death benefits claims, and 11 NCAC 23I .0103 for childhood vaccine-related injury claims before which the matter was calendared or set, and serve on all parties, a copy of the letter allowing the secure leave period with a certificate of service attached. Upon receipt, the proceeding shall be rescheduled for a time that is not within the attorney's secure leave period.

(i) After a secure leave period has been allowed pursuant to this Rule, if any deposition is noticed for a time during the secure leave period, the attorney shall serve on the party that noticed the deposition a copy of the letter allowing the secure leave period with a certificate of service attached, and that party shall reschedule the deposition for a time that is not within the attorney's secure leave period.

Authority G.S. 97-80(a).

SECTION .0200 – FEES

11 NCAC 23E .0201 DOCUMENT AND RECORD FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23E .0202 HEARING COSTS OR FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23E .0203 FEES SET BY THE COMMISSION

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

(1) four hundred dollars ($400.00) for ~~the~~ processing ~~of~~ a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the ~~employer(s)~~ employer or the employer's ~~carrier(s).~~ carrier. The ~~employer(s)~~ employer or the employer's ~~carrier(s)~~ carrier shall pay ~~such~~ the fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of ~~such~~ the fee against settlement proceeds;

(2) two hundred dollars ($200.00) for ~~the~~ processing ~~of~~ a ~~I.C.~~ Form MSC5, Report of Mediator, as set forth in 11 NCAC 23L .0403, to be paid 50 percent by the employee and 50 percent by the ~~employer(s)~~ employer or the employer's ~~carrier(s).~~ carrier. The ~~employer(s)~~ employer or the employer's ~~carrier(s)~~ carrier shall pay ~~such~~ the fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of ~~such fees~~ the fee when the case is concluded from any compensation that may be determined to be due to the employee. The ~~employer(s)~~ employer or the employer's ~~carrier(s)~~ carrier may withhold funds from any award for this purpose; and

(3) a fee equal to the filing fee required to file ~~of~~ a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 33I Intervenor's Request that Claim be Assigned for ~~Hearing,~~ Hearing as set forth in 11 NCAC 23L .0124, to be paid by the intervenor.

(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 Court division of the General Court of ~~Justice.~~ Justice, unless the tort claim is accompanied by a Petition to Sue as an Indigent Person as set forth in 11 NCAC 23B .0103.

Authority G.S. 7A-305; 97-17; 97-26(i); 97-73; 97-80; 143-291.2; 143-300; S.L. 2014-77.

SECTION .0300 – RULES OF THE COMMISSION

11 NCAC 23E .0301 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23E .0302 EMERGENCY ORDERS AND DIRECTIVES OF THE CHIEF JUSTICE OF THE NORTH CAROLINA SUPREME COURT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 23F –ELECTRONIC BILLING RULES

SECTION .0100 –ADMINISTRATION

11 NCAC 23F .0101 ELECTRONIC MEDICAL BILLING AND PAYMENT REQUIREMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23F .0102 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23F .0103 FORMATS FOR ELECTRONIC MEDICAL BILL PROCESSING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23F .0104 BILLING CODE SETS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23F .0105 ELECTRONIC MEDICAL BILLING, REIMBURSEMENT, AND DOCUMENTATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23F .0106 EMPLOYER, INSURANCE CARRIER, MANAGED CARE ORGANIZATION, OR AGENTS' RECEIPT OF MEDICAL BILLS FROM HEALTH CARE PROVIDERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23F .0107 COMMUNICATION BETWEEN HEALTH CARE PROVIDERS AND PAYERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23F .0108 EFFECTIVE DATE

Authority G.S. 97-26(g1); 97-80.

SUBCHAPTER 23G – ~~NORTH CAROLINA INDUSTRIAL COMMISSION RULES FOR~~ MEDIATED SETTLEMENT AND NEUTRAL EVALUATION CONFERENCES

SECTION .0100 – MEDIATION AND SETTLEMENT

11 NCAC 23G .0101 ORDER FOR MEDIATED SETTLEMENT CONFERENCE

(a) Mediation Upon Agreement of the Parties. If the parties to a workers' compensation claim or ~~state~~ State tort claim agree to mediate the claim, the parties may schedule and proceed with mediation on their own, or the parties may submit a request for a mediation order pursuant to Paragraph (d) of this Rule. ~~No~~ An order from the Commission is not ~~necessary~~ required if the parties mutually agree to mediate the claim, but the mediator shall file a report of mediation with the Commission as required by ~~Paragraph (g) of~~ Rule ~~.0106~~ .0106(g) of this Subchapter. ~~If the parties proceed with mediation in the absence of an order from the Commission and the Commission thereafter enters a mediation order, the parties shall notify the Commission that the parties have agreed upon the selection of a mediator or, if the mediated settlement conference has been completed, that the parties request to be excused from any further mediation obligations pursuant to Paragraph (f) of this Rule.~~

(b) Referral Upon Receipt of a Form 33. ~~33 Request that Claim be Assigned for Hearing.~~ In any case in which the Commission receives a Form 33 Request that Claim be Assigned for Hearing, as set forth in 11 NCAC 23L .0123, the Commission shall order the case to a mediated settlement conference unless the case involves a non-insured defendant, a medical motion pursuant to G.S. 97-25(f)(2), or an administrative appeal pursuant to 11 NCAC 23A .0702. ~~doing so would be contrary to the interests of justice.~~

(c) By Order of the Commission. Commissioners, Deputy Commissioners, the Commission's Dispute Resolution Coordinator, and such other employees as the Commission Chair designates may, by written order, require the parties and their representatives to attend a mediated settlement conference concerning a dispute within the workers' compensation ~~and state~~ or State tort claim jurisdiction of the Commission. Requests to dispense with or defer a mediated settlement conference shall be addressed to the Dispute Resolution Coordinator. Unless the context otherwise requires, references to the "Commission" in the rules in this Subchapter shall mean the Dispute Resolution Coordinator.

(d) Mediation Upon Request of a Party. If a case is not otherwise ordered to a mediated settlement conference, a party may move the Commission to order a conference. The motion shall be served on the non-moving parties and shall state the reasons why the order should be entered. Responses may be filed in writing with the Commission within 10 days after the date of the service of the motion. Any motion for a mediation order shall be submitted on ~~a form~~ a Form MSC2 Petition for Order Referring Case to Mediated Settlement Conference, as set forth in 11 NCAC 23L .0401 provided by the Commission.

(e) Deadline for Completion of Conference. The scheduled date of the mediated settlement conference shall be within 120 days of the Mediation Order. ~~Timing of the Order. The order requiring mediation may be issued whenever it appears that the parties have a dispute arising under the Workers' Compensation Act or the Tort Claims Act.~~

(f) Motion to Dispense with ~~or Defer~~ Mediated Settlement Conference. Any party may move to dispense with the mediated

settlement conference. A motion shall state with particularity the grounds on which the relief is sought and the opposing party's position, if known. Service shall be made on all opposing attorneys of record, or on all opposing parties if not represented. The Commission ~~Mediation~~ may ~~be dispensed~~ dispense with mediation ~~by the Commission~~ in the interests of justice or judicial economy. As used in this Rule, the term ~~"dispensed~~ "dispense with" means ~~setting~~ to set aside or rescind ~~rescinding the~~ any mediation ~~order(s)~~ order entered in the ~~case,~~ case or to excuse ~~excusing~~ the parties from their obligations under ~~the~~ any applicable ~~order(s)~~ orders or the ~~Rules~~ rules in this Subchapter. ~~Mediation may not be dispensed with by the parties or the mediator unless the parties have agreed, subject to Commission approval, on a full and complete resolution of all disputed issues set forth in the request for hearing filed in the case, and the parties have given notice of the settlement to the Dispute Resolution Coordinator. Within 55 days of the filing of a Form 33 Request that Claim be Assigned for Hearing, or otherwise within the deadline set forth in the Commission's order entered pursuant to Paragraph (c) or Paragraph (d) of this Rule, a party may move to dispense with or defer the mediated settlement conference. The motion shall state the reasons the relief is sought and must be received by the Dispute Resolution Coordinator within the applicable deadline.~~

(g) Dispensing with Mediation by Agreement Upon Resolution. Upon resolving all disputed issues set forth in the request for hearing, the parties may agree to dispense with mediation, subject to Commission approval. The parties shall notify the Dispute Resolution Coordinator of the resolution and their agreement to dispense with mediation.

~~(g)~~(h) Exemption from Mediated Settlement Conference. The State shall not be compelled to participate in a mediation or neutral evaluation procedure with a prison inmate.

~~(h)~~(i) Motion to Authorize the Use of Neutral Evaluation Procedures. The parties may move the Commission to authorize the use of a neutral evaluation procedure contained in Rule .0109 of this Subchapter in lieu of a mediated settlement conference. The motion shall be filed ~~on a form provided by~~ with the Commission within 55 days of the filing of a Form 33, ~~33 Request that Claim be Assigned for Hearing,~~ or otherwise within the deadline set forth in the Commission's order entered pursuant to Paragraph (c) or ~~Paragraph~~ (d) of this Rule, and shall state:

(1) that all parties consent to the motion;

(2) that the neutral evaluator and the parties have agreed upon the selection and all terms of compensation of the neutral selected; and

(3) the name, address, and telephone number of the neutral evaluator selected by the parties.

~~(i)~~(j) If the parties are unable to agree to the matters listed in Paragraph ~~(h),~~ (i) of this Rule, the Commission shall deny the motion for authorization to use a neutral evaluation procedure, and the parties shall attend the mediated settlement conference as originally ordered by the Commission. If the parties ~~are able to~~ agree on the matters listed in Paragraph ~~(h),~~ (i) of this Rule, the Commission shall order the use of a neutral evaluation proceeding; provided, however, that the Commission shall not order the use of a neutral evaluation proceeding in any case in which the plaintiff is not represented by counsel.

~~(j)~~(k) Cases Involving Plaintiffs Not Represented by Counsel. ~~Unless an unrepresented plaintiff requests that the plaintiff's case be mediated, the Commission shall enter an order dispensing with mediation.~~ In a case involving a plaintiff who is not represented by counsel, the parties shall have 55 days from the filing of the request for hearing to notify the Commission that they agree to mediate. If the parties do not provide notice within 55 days, the case shall be assigned for hearing.

Authority G.S. 97-80(a),(c); 143-296; 143-300; Rule 1 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0102 ~~SELECTION~~ DESIGNATION AND APPOINTMENT OF MEDIATOR

~~(a) By Agreement of Parties. The parties in a workers' compensation case or a state tort claims case may, by agreement, select a mediator certified by the North Carolina Dispute Resolution Commission within 55 days of the filing of a Form 33 Request that Claim be Assigned for Hearing, or otherwise within the deadline set forth in the Commission's order entered pursuant to Paragraph (c) or Paragraph (d) of Rule .0101 of this Subchapter, subject to the Commission's authority to remove the mediator selected by the parties due to a conflict of interest. The stipulation may be transmitted by either party, shall be dated as of the date it is transmitted to the Commission, and must be received by the Dispute Resolution Coordinator within 55 days of the filing of a Form 33 Request that Claim be Assigned for Hearing, or otherwise within the deadline set forth in the Commission's order entered pursuant to Paragraph (c) or Paragraph (d) of Rule .0101 of this Subchapter. The scheduled date of the mediated settlement conference shall be within 120 days of the mediation order. The stipulation shall include the date of the scheduled mediation, the name, address and telephone number of the mediator selected by agreement, and shall confirm that the mediator is certified by the Dispute Resolution Commission. The applicable deadline shall be extended by the Dispute Resolution Coordinator upon request of the parties. Any party may waive the applicable deadline for the selection and suggestion of mediators and request that the Commission appoint a mediator.~~

~~(b) Appointment by Commission. If the parties fail to notify the Commission of the parties' selection of a mediator within 55 days of the filing of a Form 33 Request that Claim be Assigned for Hearing, or otherwise within the deadline set forth in the Commission's order entered pursuant to Paragraph (c) or Paragraph (d) of Rule .0101 of this Subchapter, the Commission shall appoint a mediator to hold a mediated settlement conference in the case. The Commission shall appoint a mediator who meets the requirements in Paragraph (b) of Rule .0108 of this Subchapter. In the absence of any suggestions by the parties with regard to the appointment of mediators, the Commission shall select the mediator for the case by random order, unless the Commission determines that, because of unusual circumstances, a particular mediator should be appointed in a particular case.~~

~~(c) Disqualification of Mediator. Any party may move the Commission for an order disqualifying a mediator. For good cause, such order shall be entered. If the mediator is disqualified, an order shall be entered for the selection of a replacement~~

~~mediator pursuant to this Rule. Nothing in this Paragraph shall preclude mediators from disqualifying themselves.~~

(a) Designation by Agreement of Parties in Cases Ordered to Mediation. In a workers' compensation case or a State tort claims case ordered to mediation by the Commission, the parties may, by agreement, designate a mediator. The parties shall have 55 days from the filing of a Form 33 Request that Claim be Assigned for Hearing, as set forth in 11 NCAC 23L .0123, or the deadline set forth in an order entered pursuant to Rule .0101(c) or (d) of this Subchapter, as applicable, to designate a mediator by agreement and file notice of the designation with the Commission. The Dispute Resolution Coordinator shall extend the deadline upon request of all parties. Any party may waive the remaining time to designate a mediator and request that the Commission appoint a mediator.

(b) Appointment of Mediator in Cases Ordered to Mediation. If the parties do not designate a mediator by agreement within the applicable deadline, the Commission shall appoint a mediator who meets the requirements in Rule .0108(b) of this Subchapter. Before the Commission appoints a mediator, any party or the parties jointly may suggest one or more mediators for the Commission's consideration.

(c) Designation by Agreement in Voluntary Mediations. In a case that has not been ordered to mediation by the Commission, parties that voluntarily agree to mediate shall designate a mediator and file notice of the designation with the Commission before the mediated settlement conference is held.

(d) Information Provided to the Commission. Any party may file notice of a designation under Paragraph (a) or (c) of this Rule. The notice shall be provided on a Form MSC4 Designation of Mediator by Agreement of Parties, as set forth in 11 NCAC 23L .0402, and shall include the date and time of the scheduled mediated settlement conference, the mediator's name, email address, and telephone number; and confirmation that the mediator is certified by the North Carolina Dispute Resolution Commission. If the Commission appoints the mediator pursuant to Paragraph (b) of this Rule, the parties shall notify the Commission of the date and time of the scheduled mediated settlement conference.

(e) Disqualification or Withdrawal of Mediator. Any party may move the Commission to disqualify a mediator for good cause, including a conflict of interest. The Commission may also disqualify a mediator on its own motion for good cause. A mediator who wishes to withdraw from a case shall file notice of withdrawal with the Commission. If a mediator withdraws or is disqualified, the Commission shall enter an order providing for the designation or appointment of a replacement mediator.

Authority G.S. 97-80(a),(c); 143-296; 143-300; Rule 2 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0103 THE MEDIATED SETTLEMENT CONFERENCE

(a) Where Conference Is to Be Held. Unless all parties ~~in a workers' compensation case or a state tort claims case~~ and the mediator ~~otherwise agree,~~ agree otherwise, the mediated settlement conference shall be held in the county where the workers' compensation case or State tort claim is pending. The mediator shall ~~reserve a place and~~ make arrangements for the conference and give notice of the time and location of the conference to all ~~attorneys and unrepresented parties~~ attorneys, unrepresented parties, and other parties required to attend. ~~of the time and location of the conference.~~ Nothing in this Paragraph precludes the use of remote technology to conduct a mediated settlement conference.

(b) When Conference Is to Be Held. The conference shall be held at the time agreed to by the parties and the ~~mediator, or~~ mediator or, if the parties do not agree, at the time specified by the mediator.

(c) ~~Request to Extend Date of~~ Extending Deadline for Completion. In the interests of justice, the Commission may extend the deadline for completion of the conference upon the Commission's own motion, a motion or stipulation of the ~~parties~~ parties, or the suggestion of the mediator.

(d) Postponement or Cancellation:

(1) For the purposes of this Subchapter, postponement means rescheduling or otherwise delaying a mediated settlement conference once a date for the conference has been scheduled.

(2) After a conference is scheduled to convene on a specific date, the conference may not be postponed or canceled unless the requesting party notifies all other parties of the grounds for the requested postponement or cancellation and obtains the consent and approval of the mediator or the Dispute Resolution Coordinator. A party may not unilaterally postpone or cancel the conference.

~~(d)~~(e) Recesses. The mediator may recess the conference at any time and may set times for reconvening. If the time for reconvening is set before the conference is recessed, no further notification is required for persons present at the ~~recessed~~ conference. If the conference is recessed and will reconvene after the deadline for completion, the mediator or any party shall notify the Commission and request an extension of the deadline pursuant to Paragraph (c) of this Rule.

~~(e)~~(f) The Mediated Settlement Conference Is Not to Delay Other Proceedings. A mediated settlement conference is not cause for delay of other proceedings in the case, including the completion of discovery and the filing or hearing of motions, unless ordered by the Commission in the interests of justice. No depositions shall be taken following a Commission order requiring mediation until mediation is concluded, except by agreement of the parties or order of the Commission in the ~~interest~~ interests of justice.

~~(f)~~(g) Inadmissibility of Settlement Negotiations. ~~Negotiations by Parties and Attorneys.~~ Evidence of statements made and conduct occurring in a mediated settlement conference or other settlement proceeding conducted pursuant to the ~~Rules~~ rules in this Subchapter, whether attributable to a party, the mediator, other neutral, or ~~a~~ neutral observer present at the settlement conference or proceeding, ~~are~~ is not subject to discovery and shall be inadmissible in any proceeding in the action or other actions on the same claim, except:

(1) proceedings for sanctions for violations of the attendance or payment of mediation fee provisions contained in Rule .0104 and Rule .0107 of this Subchapter;

(2) proceedings to enforce or rescind a settlement of the action;
(3) disciplinary proceedings before the North Carolina State Bar or any agency enforcing standards of conduct for mediators or other neutrals, including the Commission; or
(4) proceedings to enforce laws concerning juvenile or elder abuse.

~~(g)~~(h) Settlement Agreements. No settlement agreement to resolve any or all issues reached at the settlement conference or proceeding conducted under this Subchapter or reached during a recess in the conference or proceeding shall be enforceable unless the settlement agreement has been reduced to writing and signed by the parties. No evidence otherwise discoverable shall be inadmissible solely because the evidence is presented or discussed in a mediated settlement conference or other settlement proceeding.

~~(h)~~(i) Inadmissibility of Mediator Testimony. No mediator, other neutral, or neutral observer present at a settlement proceeding shall be compelled to testify or produce evidence concerning statements made and conduct occurring in anticipation of, during, or as a follow-up to a mediated settlement conference or other settlement proceeding conducted pursuant to the Rules in this Subchapter in any Commission case or civil proceeding for any purpose, including proceedings to enforce or rescind a settlement of the action, except:

(1) to attest to the signing of any settlement agreements;
(2) proceedings for sanctions for violations of the attendance or payment of mediation fee provisions contained in Rule .0104 and Rule .0107 of this Subchapter;
(3) disciplinary proceedings before the North Carolina State Bar or any agency enforcing standards of conduct for mediators or other neutrals, including the Commission; and
(4) proceedings to enforce laws concerning juvenile or elder abuse.

~~(i)~~(j) As used in this Subchapter, the term "neutral observer" includes persons seeking mediator certification, persons studying dispute resolution processes, and persons acting as interpreters.

(k) No Recordings. There shall be no audio, video, stenographic, or other recording of the mediation process by any participant. This prohibition includes recording either surreptitiously or with the agreement of the parties.

Authority G.S. 97-80(a),(c); 143-296; 143-300; Rule 3 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0104 DUTIES OF PARTIES, REPRESENTATIVES, AND ATTORNEYS

(a) Attendance. The following persons shall attend the mediated settlement conference:

(1) all individual parties;
(2) in a workers' compensation case, a representative of the employer at the time of injury if:
(A) the employer, instead of or in addition to the insurance company or administrator, has decision-making authority with respect to settlement;
(B) the employer is offering the claimant employment and the suitability of that employment is at issue; or
(C) the employer and ~~the~~ claimant have agreed to simultaneously mediate non-compensation issues arising from the injury.
(3) an officer, employee, or agent of any party, that is ~~not~~ neither a natural person ~~or~~ nor a governmental entity, who is not the party's outside counsel and who has the authority to decide on behalf of the party whether and on what terms to settle the action;
(4) in a workers' compensation case, an employee or agent of any party that is a governmental entity who is not the party's outside counsel or Attorney General's counsel responsible for the case and who has the authority to decide on behalf of the party whether and on what terms to settle the action;
(5) notwithstanding Subparagraphs (3) and (4) of this Paragraph, when ~~the~~ governing law ~~prescribes that the terms~~ requires approval of a proposed settlement ~~may be approved only~~ by a board, an employee or agent who is not the party's outside counsel or Attorney General's counsel responsible for the case and who has the authority to negotiate on behalf of and to make a recommendation to the board. In claims ~~with settlements~~ in which a settlement is subject to the review and approval by the Industrial Commission under G.S. 143-295, an employee or agent of the named governmental entity or agency is not required to attend the mediated settlement conference. ~~The~~ Instead, the Attorney ~~General~~ General's counsel shall attempt to make an employee or agent of the named governmental entity or agency ~~in a State tort claim~~ available ~~via~~ by telecommunication, ~~and~~ but the mediation shall not be delayed due to the absence or unavailability of the employee or agent; ~~agent of the named governmental entity or agency;~~
(6) ~~the counsels~~ counsel of record. Appearance by counsel does not dispense with or waive the required attendance of the ~~parties~~ persons listed in Subparagraphs (1) through ~~(5);~~ (5) of this Paragraph;
(7) a representative of each ~~defendant's~~ primary workers' compensation or liability insurance carrier or self-insured employer that may be obligated to pay all or part of any claim presented in the action. Each carrier or self-insured employer shall be represented at the conference by an officer, employee, or agent

who is not the party's outside counsel and who either has the authority to decide ~~on behalf of the carrier or self-insured~~ whether and on what terms to settle the ~~action,~~ action or ~~who~~ has ~~been authorized~~ authority to negotiate ~~on behalf of the carrier or self-insured~~ and can communicate during the conference with ~~persons~~ a person who ~~have~~ has ~~the decision making~~ settlement authority.

(8) any employer or carrier ~~who~~ that may be obligated to pay all or part of ~~any~~ a claim presented in the action and ~~who~~ is not required to attend ~~the mediated settlement conference~~ pursuant to Subparagraphs (1) through (7) of this Paragraph may elect to attend the conference. ~~conference if the employer or carrier elects to attend.~~

If, during the conference, the mediator determines that the attendance of one or more additional persons is necessary to resolve the matters in dispute ~~in the subject action,~~ the mediator may recess ~~the conference~~ and reconvene the conference at a later date and time to allow the additional person or persons to attend.

(b) Any party or person required to attend a mediated settlement conference shall attend the conference until an agreement is reduced to writing and signed as provided in Paragraph (e) of this Rule, or until an impasse has been declared. The attendance method for Industrial Commission mediations shall be the same as the attendance method set forth in Rule 4 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions, which is hereby incorporated by reference and includes subsequent amendments and editions. A copy of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions may be obtained at no charge from the North Carolina Judicial Branch website, at ~~https://www.nccourts.gov/courts/supreme-court/court-rules/rules-for-mediated-settlement-conferences-and-other-settlement-procedures-in-superior-court-civil-actions,~~ https://www.nccourts.gov/assets/inline-files/Rules%20for%20Mediated%20Settlement%20Conferences%20and%20Other%20Settlement%20Procedures%20in%20Superior%20Court%20Civil%20Actions%20-%20Codified%206%20January%202025.pdf?VersionId=ZvKRmnYJlQgwHJySUl9g82LWsghNGbYf, or upon request at the ~~main office~~ offices of the ~~Industrial~~ Commission, as set forth in 11 NCAC 23A .0101. ~~located on the 6th floor of the Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays established by the State Human Resources Commission. All parties and persons required to attend the conference, including the mediator, shall comply with all public health and safety requirements set forth in the mediation rules approved by the North Carolina Supreme Court for use in the Superior Court division that are in effect at the time of the mediation.~~ The mediator and all parties and persons required to attend a mediated settlement conference shall comply with all federal, State, and local safety guidelines that are in place for trial court proceedings at the time of the conference.

(c) ~~In appropriate cases, the Commission or the~~ The mediator, with the consent of the parties, or the Commission may allow a party or other person, including an insurance carrier ~~representative~~ representative, who is required to attend a mediated settlement conference in person under this Rule to attend the conference by ~~telephone, conference call, speaker telephone, or videoconferencing.~~ using remote technology. The ~~attending~~ party or ~~representative~~ person attending by remote technology shall bear ~~all~~ any costs ~~of the telephone calls or videoconferencing.~~ associated with remote attendance. ~~In addition, the mediator may communicate directly with the insurance representative with regard to matters discussed in mediation, and the~~ The mediator may ~~set a subsequent~~ reconvene the mediated settlement conference at a later date and require the ~~which all~~ parties and ~~representatives~~ persons to ~~shall~~ attend the mediated settlement conference in person. ~~person, subject to Paragraph (b) of this Rule. The failure to appear by telephone or videoconferencing~~ Failure to attend by remote technology in accordance with this Paragraph shall subject the responsible party or ~~representative~~ persons to sanctions pursuant to Rule .0105 of this Subchapter.

(d) Excusing the Attendance Requirement. Any party or person may be excused from the requirement to attend a mediated settlement conference with the consent of the mediator and all parties and persons required to attend the conference.

~~(d)~~(e) Notice of Mediation Order. Within seven days after the receipt of an order for a mediated settlement conference, the carrier or self-insured employer named in the order shall provide a copy of the order to the employer and ~~all~~ to any other carriers or employers who may be obligated to pay all or part of any claim presented in the workers' compensation case or any related third-party tortfeasor ~~claims, and~~ claims. The carrier or self-insured employer named in the order shall also provide the mediator and the other parties ~~in the action~~ with the name, address, and telephone number of ~~all~~ each such carriers.

~~(e)~~(f) Finalizing Agreement. If an agreement is reached in the mediated settlement conference, the parties shall reduce the agreement to writing, specifying all terms ~~of the agreement~~ that bear on the resolution of the dispute before the Commission, and ~~shall~~ sign the agreement along with their counsel. The parties may use IC Form ~~MSC8,~~ MSC8 Mediated Settlement ~~Agreement,~~ Agreement, as set forth in 11 NCAC 23L .0406, or Form ~~MSC9,~~ MSC9 Mediated Settlement Agreement – Alternative ~~Form,~~ Form, as set forth in 11 NCAC 23L .0407, for this purpose. Execution by counsel of a mediated settlement agreement ~~for~~ on behalf of an employer or carrier ~~who~~ that does not ~~physically~~ attend the mediated settlement conference in person shall be deemed to ~~be in compliance~~ comply with this Rule and 11 NCAC 23A .0502. ~~By stipulation of the parties and at the parties' expense, the agreement may be electronically or stenographically recorded.~~ All agreements for payment of compensation shall be submitted for Commission approval in accordance with 11 NCAC 23A .0501 and .0502.

~~(f)~~(g) Payment of Mediator's Fee. The mediator's fee shall be paid at the conclusion of the mediated settlement conference, unless otherwise provided by Rule .0107 of this Subchapter, or by agreement with the mediator.

~~(g)~~(h) Related Cases. Upon application by any party or any person as defined in G.S. 97-2(4), and upon notice to all parties, the Commission ~~may, in the interests of justice,~~ may order an

attorney of record, party, or representative of an insurance carrier who may be liable for all or any part of a claim pending ~~in a~~ before the Commission ~~case~~ to attend a mediated settlement conference ~~convened~~ in ~~another~~ a related pending case, regardless of the forum in which the ~~other~~ related case ~~may be~~ is pending, provided that all parties in the ~~other pending~~ related case consent to the attendance. ~~consent to the attendance ordered pursuant to this Paragraph.~~ Any ~~disputed issues~~ disputes concerning such an order shall be addressed to the ~~Commission's~~ Dispute Resolution Coordinator. Unless otherwise ordered, any attorney, party, or insurance carrier representative who attends a mediated settlement conference pursuant to this Paragraph shall not be required to pay any of the mediation fees or costs related to ~~that~~ the conference. ~~Requests~~ A request that a party, attorney of record, or insurance carrier representative in a related case attend a mediated settlement conference in a Commission case shall be addressed to the court or agency ~~where~~ in which the related case is pending, provided that all parties in the Commission case consent to the ~~requested~~ attendance.

Authority G.S. 97-80; 143-296; 143-300.

11 NCAC 23G .0104A FOREIGN LANGUAGE AND SIGN LANGUAGE INTERPRETERS

(a) Any party who is unable to speak or understand English or who is speech or hearing impaired shall ~~so~~ notify the Commission, the ~~mediator,~~ mediator or neutral evaluator, and the opposing party or parties in ~~writing,~~ writing not less than 21 days prior to the date of the mediated settlement conference or neutral evaluation conference. The notice shall ~~contain~~ state the ~~party's primary language~~ languages to be interpreted and how the party plans to communicate ~~in English~~ during the ~~mediation.~~ mediation or neutral evaluation conference.

(b) The party requesting the assistance of a qualified foreign language or sign language interpreter shall bear the costs.

(c) If the ~~certified mediator,~~ mediator or neutral evaluator, in his or her discretion, ~~notifies the parties of the need for~~ determines that a qualified foreign language or sign language interpreter is necessary, the mediator or neutral evaluator shall notify the parties, ~~interpreter, the parties~~ and the party needing the assistance of an interpreter shall retain a disinterested interpreter who possesses the qualifications listed in ~~Paragraph~~ Paragraphs (d) and (e) of this Rule. ~~Rule to assist at the mediated settlement conference. The fee of the foreign language interpreter and any postponement fees necessitated by the need for a qualified foreign language interpreter shall be shared by the parties unless the parties agree otherwise.~~

(d) A qualified foreign language interpreter shall possess sufficient ~~experience and~~ experience, education, or a combination ~~of~~ thereof ~~experience and education,~~ in speaking and understanding English and the foreign language to be ~~interpreted,~~ interpreted to qualify as an expert witness pursuant to G.S. 8C-1, Rule 702.

(e) A qualified sign language interpreter shall possess a license from the Interpreter and Transliterator Licensing Board, under Chapter 90D of the North Carolina General Statutes.

~~(e)~~(f) ~~Qualified foreign~~ Foreign language interpreters shall abide by the ~~Code of Conduct and Ethics of Foreign Language Interpreters and Translators,~~ Code of Ethics and Professional Conduct for Court Interpreters contained in ~~Part 4 of Policies and Best Practices for the Use of Foreign Language Interpreting and Translating Services in the North Carolina Court System~~ Section 11 of Standards for Language Access Services in North Carolina Courts and promulgated by the North Carolina Administrative Office of the Courts, and shall ~~interpret, as~~ interpret word for word as is ~~practicable,~~ practicable without editing, commenting, or ~~summarizing, testimony or other~~ summarizing communications. The Code of ~~Conduct and~~ Ethics and Professional Conduct for Court ~~of Foreign Language~~ Interpreters ~~and Translators~~ is hereby incorporated by reference and includes subsequent amendments and editions. A copy may be obtained at no charge from the North Carolina Administrative Office of the ~~Court's~~ Courts' website, ~~http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/guidelines.pdf,~~ https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf?VersionId=n5TwbJFTGat3fYaRbwKE5GUZzg3raaDF, or upon ~~request,~~ request at the offices of the ~~Commission,~~ Commission as set forth in Rule 11 NCAC 23A .0101.

(g) Sign language interpreters shall interpret word for word as is practicable without editing, commenting, or summarizing communications. Sign language interpreters shall abide by the National Association of the Deaf and the Registry of Interpreters for the Deaf, Inc. (NAD-RID) Code of Professional Conduct. The NAD-RID Code of Professional Conduct is hereby incorporated by reference and includes subsequent amendments and editions. A copy may be obtained at no charge from the Registry of Interpreters for the Deaf website at https://acrobat.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A154885ef-2f50-3664-ba5e-f9654c395ddf&viewer%21megaVerb=group-discover, or upon request at the offices of the Commission as set forth in 11 NCAC 23A .0101.

Authority G.S. 97-80(a); 97-80(c); 143-296; 143-300.

11 NCAC 23G .0105 SANCTIONS ~~(EFFECTIVE JULY 1, 2014)~~

If a person or party whose attendance at a mediated settlement conference is required by Rule .0104 of this Subchapter fails to attend ~~or cancels,~~ without good cause or cancels a duly ordered mediated settlement conference without Commission approval in accordance with ~~Paragraph (f) of~~ Rule ~~.0101~~ .0101(f), (g), or .0103(d) of this Subchapter, ~~a duly ordered mediated settlement conference without good cause,~~ the Commission may impose upon the person or party any lawful sanction, including holding the person or party in contempt or requiring the ~~party to pay~~ payment of fines, attorneys' fees, mediator fees and ~~expenses~~ expenses, and loss of ~~earning~~ earnings incurred by persons attending the conference. ~~Any sanctions that are assessed against a party consistent with the Workers' Comp Act, the Tort Claims Act and the Rules in this Subchapter, including mediated settlement conference postponement fees and sanctions for the unauthorized cancellation or failure to appear at the conference, may be assessed against the party depending on whose conduct necessitated the assessment of sanctions.~~ Mediated settlement conference postponement fees and sanctions for failure to attend

the conference may be assessed against the party whose conduct necessitated the assessment.

Authority G.S. 97-80(a),(c); 143-296; 143-300; Rule 5 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0106 AUTHORITY AND DUTIES OF MEDIATORS

(a) Control of Conference. The mediator shall at all times be in control of the mediated settlement conference and the procedures to be followed. ~~Except as otherwise set forth in the Rules in this Subchapter with regard to the finalization of the parties' agreement, there shall be no audio, video, electronic or stenographic recording of the mediation process by any participant.~~

(b) Private Consultation. The mediator may meet and consult privately with any participant prior to or during the conference. The fact that private communications have occurred with a participant prior to the conference shall be disclosed to all other participants at the beginning of the conference.

(c) Scheduling and Conducting the Conference. It is the duty of the mediator to schedule and conduct the mediated settlement conference prior to the conference completion deadline set out in the Commission's order. The mediator shall make a good faith effort to schedule the conference at a time that is convenient ~~with~~ for the parties, attorneys and mediator. In the absence of an agreement, the mediator shall select the date for the conference. The conference completion deadline set by the Commission shall be strictly observed by the mediator, unless the deadline is changed by written order of the Dispute Resolution Coordinator.

(d) Information to the Parties. At the beginning of a mediated settlement conference, the ~~The~~ mediator shall ~~define and describe~~ explain the following to the parties: ~~parties at the beginning of the mediated settlement conference:~~

(1) the process of mediation;

(2) the differences between mediation and other forms of conflict resolution;

(3) the costs of the conference;

(4) ~~the facts~~ that the conference is not a trial or hearing, that the mediator is not acting in the capacity of a Commissioner or Deputy Commissioner and shall not act in ~~such~~ that capacity in the ~~subject~~ case at any time in the future, and that the parties retain their right to a hearing if the parties do not reach a settlement;

(5) the circumstances under which the mediator may meet ~~alone~~ and communicate privately with any of the parties or with any other person;

(6) whether and under what conditions, communications with the mediator will be held in confidence during the conference;

(7) the inadmissibility of conduct and statements as provided by G.S. 8C-1, Rule 408 and ~~Paragraph (f)~~ of Rule ~~.0103~~ .0103(g) of this Subchapter;

(8) the duties and responsibilities of the mediator and the ~~parties; and~~ participants;

(9) ~~the fact~~ that any agreement reached will be reached by mutual consent of the ~~parties.~~ parties;

(10) that Rule .0103(k) of this Subchapter prohibits any recording of the conference; and

(11) that the parties may be subject to sanctions for violating the rules in this Subchapter.

(e) Disclosure. The mediator shall be impartial and advise all parties of any circumstances bearing on possible bias, ~~prejudice~~ prejudice, or partiality.

(f) Declaring Impasse. The mediator shall determine when mediation is ~~not~~ no longer viable ~~viable, that an impasse exists, or~~ and ~~that mediation~~ the mediated settlement conference should end. The mediator shall consider the desires of the parties to cease or continue the conference.

(g) Reporting Results of Conference. In all cases within the Commission's jurisdiction, whether mediated voluntarily or pursuant to an order of the Commission, the mediator shall report the results of the mediated settlement conference on a Form MSC5 Report of Mediator, as set forth in 11 NCAC 23L .0403, within 10 days after the conclusion of mediation or within 10 days of the mediator being notified of the settlement. ~~form provided by the Commission.~~ If an agreement was reached, the report shall state whether the issue or matter ~~under mediation~~ will be resolved by Commission form agreement, compromise settlement agreement, other settlement agreement, voluntary ~~dismissal~~ dismissal, or removal from the hearing ~~docket,~~ docket. ~~and shall identify the persons designated to file or submit for approval the agreement, or dismissal.~~ If a partial agreement was reached at the conference, the report shall state that the parties reached an agreement on some but not all issues. The mediator shall not attach a copy of the parties' memorandum of agreement to the mediator's report transmitted to the Commission and, except as permitted under the ~~Rules~~ rules in this Subchapter, ~~or unless deemed necessary in the interests of justice by the Commission,~~ the mediator shall not disclose the terms of settlement in the mediator's report. ~~The Commission shall require the mediator to provide statistical data for evaluation of the mediated settlement conference program on forms provided by the Commission.~~

~~(h) Scheduling and Holding the Conference. The mediator shall schedule the mediated settlement conference in consultation with the parties and conduct the conference prior to the completion deadline set out in the Commission's order. Deadlines for completion of the conference shall be observed by the mediator unless the time limits are changed by the Commission.~~

~~(i)~~(h) Standards of Conduct. All mediators conducting mediated settlement conferences pursuant to the ~~Rules~~ rules in this Subchapter shall adhere to the Standards of Professional Conduct for Mediators adopted by the Supreme Court of North Carolina and enforced by the North Carolina Dispute Resolution Commission. The Standards of Professional Conduct for Mediators is hereby incorporated by reference and includes subsequent amendments and editions. A copy may be obtained at no charge from the North Carolina Administrative Office of the Court's website, https://www.nccourts.gov/courts/supreme-court/court-rules/standards-of-professional-conduct-for-mediators, or upon ~~request,~~ request at the offices of the ~~Commission,~~ Commission as set forth in 11 NCAC 23A .0101. ~~located in the Dobbs Building, 430 North Salisbury Street,~~

~~Raleigh, North Carolina, between the hours of 8:00 a.m. and 5:00 p.m.~~

Authority G.S. 97-80(a),(c); 143-296; 143-300; Rule 6 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0107 COMPENSATION OF THE MEDIATOR

(a) ~~By~~ Mediator Designated by Agreement. When the mediator is ~~stipulated to by~~ designated by agreement of the parties, the mediator's compensation shall be as agreed upon ~~between~~ by the parties and the mediator.

(b) ~~By Commission Order.~~ Mediator Appointed by the Commission. When the mediator is appointed by the Commission, the mediator's ~~compensation shall be as follows:~~ conference fee and the one-time administrative fee shall be the same as set forth in Rule 7 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions, which is hereby incorporated by reference and includes subsequent amendments and editions. A copy of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Count Civil Actions may be obtained at no charge from the Judicial Branch website, at https://www.nccourts.gov/assets/inline-files/Rules%20for%20Mediated%20Settlement%20Conferences%20and%20Other%20Settlement%20Procedures%20in%20Superior%20Court%20Civil%20Actions%20-%20Codified%206%20January%202025.pdf?VersionId=ZvKRmnYJlQgwHJySUl9g82LWsghNGbYf, or upon request at the offices of the Commission as set forth in 11 NCAC 23A .0101.

~~(1) Conference Fees. The mediator shall be paid by the parties at the rate of one hundred fifty dollars ($150.00) per hour for mediation services provided at the mediated settlement conference.~~

~~(2) Administrative Fees. The parties shall pay to the mediator a one time, per case administrative fee of one hundred fifty dollars ($150.00).~~ The mediator's administrative fee shall be paid in full unless, within 10 days after the mediator has been appointed, ~~written notice is given to~~ the mediator and ~~to the~~ Dispute Resolution Coordinator receive written notice that the issues for which a request for hearing was filed have been ~~fully~~ resolved or that the hearing request has been withdrawn.

~~(3)~~(1) Postponement for Good Cause. ~~Postponement Fees. As used in this Subchapter, the term "postpone" means to reschedule or otherwise not proceed with a scheduled mediated settlement conference after the conference has been scheduled to convene on a specific date. After a conference is scheduled to convene on a specific date, the conference may not be postponed unless the requesting party notifies all other parties of the grounds for the requested postponement and obtains the consent and approval of the mediator or the Dispute Resolution Coordinator.~~ A mediated settlement conference may be postponed by the mediator for good cause only after the requesting party provides notice to all parties of the reason for the postponement and the mediator finds good cause. Good cause exists when the reason for the postponement involves a situation over which the party seeking the postponement has no control, including the following:

(A) the illness of a party or attorney;

(B) a death in the family of a party or attorney;

(C) a sudden and unexpected demand by a judge that a party or attorney for a party appear in court for a purpose not inconsistent with the guidelines established by Rule 3.1(d) of the General Rules of Practice for the Superior and District Courts;

(D) inclement weather that makes travel prohibitive.

If the mediator finds good cause, the mediator shall not assess a postponement fee against a party.

(2) Postponement Fees Without Good Cause. If the conference is postponed without good cause, the mediator shall be paid a postponement ~~fee. The postponement fee shall be~~ fee of three hundred dollars ($300.00) if the conference is postponed ~~within~~ seven or fewer calendar days ~~of~~ before the scheduled ~~date,~~ date and one hundred fifty dollars ($150.00) if the conference is postponed more than seven calendar days ~~prior to~~ before the scheduled date. ~~Unless otherwise ordered by the Commission in the interests of justice,~~ The postponement ~~fees~~ fee shall be ~~allocated in equal shares to~~ assessed against the party or parties requesting the ~~postponement.~~ postponement and allocated equally among them. ~~As used in this Rule, "good cause" shall mean that the reason for the postponement involves a situation over which the party seeking the postponement has no control, including a party or attorney's illness, a death in a party or attorney's family, a demand by a judge that a party or attorney for a party appear in court, or inclement weather such that travel is prohibitive.~~

~~(4)~~(3) Cancellation Due to Settlement. The parties shall notify the mediator upon settlement. Notwithstanding Subparagraph (1) of this Paragraph, ~~The~~ the settlement of a case ~~prior to~~ before the scheduled date of the mediated settlement conference ~~shall be~~ constitutes good cause for cancellation. No cancellation fee shall be charged if the mediator is notified at least 14 calendar days before the scheduled date of the conference. ~~good cause to cancel the mediation without the approval of the mediator or the~~

~~Dispute Resolution Coordinator. The parties shall notify the mediator of any cancellation due to settlement.~~ The mediator may charge a cancellation fee of one hundred fifty dollars ($150.00) if notified of the cancellation ~~within 14~~ 8 to 13 calendar days ~~of~~ before the scheduled date, or three hundred dollars ($300.00) if notified ~~within~~ seven or fewer calendar days ~~of~~ before the scheduled date.

(c) Payment of Mediator's Compensation by Parties. Payment is due upon completion of the mediated settlement ~~conference; provided,~~ except that the State shall be billed at the conference and shall pay within 30 days of receipt of the bill, and an insurance ~~companies~~ company or ~~carriers~~ carrier whose written procedures do not provide for payment of the mediator at the conference shall pay within 15 days of the conference. Unless otherwise agreed ~~to~~ upon by the parties or ordered by the Dispute Resolution Coordinator due to a ~~party or parties violating~~ party's violation of a rule in this Subchapter, the costs of the conference shall be allocated ~~to the parties,~~ as follows:

(1) one share by ~~plaintiff(s);~~ plaintiffs;

(2) one share by the workers' compensation defendant-employer or its insurer, or if more than one employer or carrier is involved, or if there is a dispute between ~~employer(s) or carrier(s),~~ employers or carriers, one share by each separately represented entity;

(3) one share by participating third-party tort defendants or their ~~carrier, or~~ carrier; if there are conflicting interests among them, one share ~~from~~ by each defendant or group of defendants having shared interests; and

(4) if applicable, one share by the defendant State agency in a Tort Claims Act case.

Parties obligated to pay a share of the costs ~~are~~ shall be responsible for equal shares; provided, however, that in workers' compensation claims the defendant shall pay the plaintiff's share of ~~mediation,~~ the mediator's compensation, including ~~postponement, and substitution~~ postponement or cancellation fees, as well as the defendant's own share. If the plaintiff requests postponement of the mediated settlement conference, the defendants shall be entitled to a credit for the entire amount of the postponement fee.

(d) Reimbursement of Costs. Unless the Dispute Resolution Coordinator enters an order allocating ~~such fees~~ the mediator's compensation to a particular party ~~due to the party violating~~ based upon a violation of a ~~Rule~~ rule in this Subchapter, the mediator's compensation, including postponement or cancellation fees, ~~fees~~ may be taxed as other costs by the Commission in an Order or Opinion and Award. After the case is concluded, the defendant shall be reimbursed for the plaintiff's share of ~~such fees~~ the mediator's compensation from any compensation determined to be due to the ~~plaintiff,~~ plaintiff and ~~the defendant~~ may withhold funds from any award for this ~~purpose.~~ purpose, unless otherwise ordered by the Commission or the Dispute Resolution Coordinator.

Authority G.S. 97-80(a); 97-80(c); 143-296; 143-300; Rule 7 of Rules for Mediated Settlement Conference and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0108 MEDIATOR CERTIFICATION AND DECERTIFICATION

(a) ~~Party Selection.~~ Mediators Designated by Agreement. ~~The parties may, by mutual consent, select any North Carolina Dispute Resolution Commission certified mediator, with or without the qualifications in Paragraph (b) of this Rule, as the parties' mediator.~~ A mediator designated by agreement of the parties pursuant to Rule .0102(a) or (c) of this Subchapter shall be certified by the North Carolina Dispute Resolution Commission but is not required to meet the additional requirements for appointment by the Commission under Paragraph (b) of this Rule.

(b) ~~Appointment of Mediators.~~ Mediators Appointed by the Commission. ~~If the parties have agreed or been ordered to mediate, and cannot agree on the selection of a mediator, the Commission shall appoint a mediator, who holds current certification from the North Carolina Dispute Resolution Commission that he or she is qualified to carry out mandatory mediations in the Superior Courts of the State of North Carolina and who has filed a declaration with the Commission, on forms provided by the Commission, stating that the declarant agrees to accept and perform mediations of disputes before the Commission with reasonable frequency when called upon for the fees and at the rates of payment specified by the Commission.~~ A mediator appointed by the Commission pursuant to Rule .0102(b) of this Subchapter shall:

(1) hold a current certification from the North Carolina Dispute Resolution Commission to conduct mediated settlement conferences in Superior Court cases; and

(2) have filed a declaration with the Commission on Form MSC6 Mediator's Declaration of Interest and Qualifications, as set forth in 11 NCAC 23L .0404, agreeing to accept appointments to conduct mediations with reasonable frequency and for the fees set forth in Rule .0107(b) of this Subchapter

A mediator ~~making this~~ who has filed a declaration pursuant to this Paragraph shall notify the Commission if ~~when~~ any of the facts or information in the declaration ~~declared~~ are no longer accurate.

(c) Failure of Mediator to Appear at Conference. If a mediator fails to appear at a scheduled mediated settlement conference, the mediator is not entitled to the administrative fee for the case.

Authority G.S. 97-80(a),(c); 143-296; 143-300; Rule 8 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0109 NEUTRAL EVALUATION

(a) Nature of Neutral Evaluation. As used in this Subchapter, neutral evaluation is an informal, abbreviated presentation of facts and issues by the parties to a neutral evaluator at an early stage of the case. The neutral evaluator is responsible for evaluating the strengths and weaknesses of the case, and for providing a candid assessment of liability, settlement ~~value,~~ value and options, and ~~a~~

~~dollar value or~~ the range of potential awards if the case proceeds to a hearing. The neutral evaluator is also responsible for identifying areas of agreement and disagreement and suggesting necessary and appropriate discovery.

(b) When Conference Is to Be Held. he provisions applicable to the scheduling of mediated settlement conferences set forth in Rule .0103 of this Subchapter also apply to neutral evaluation ~~proceedings.~~ conferences.

(c) Pre-conference Submissions. No later than 20 days prior to the date established for the neutral evaluation conference to begin, each party ~~may, but is not required to,~~ shall furnish the neutral evaluator with a written ~~information about~~ summary of the ~~case,~~ case and shall ~~at the same time~~ certify to the neutral evaluator that the party ~~has~~ served a copy of ~~such~~ the summary on all other parties. ~~parties in the case.~~ The information provided to the neutral evaluator and the other parties ~~under this Rule~~ shall be a summary of the facts and issues in the case, shall not be more than 10 pages in length, and shall include as attachments copies of any documents supporting the party's summary. Information provided to the neutral evaluator and to the other parties pursuant to this Paragraph shall not be filed with the Commission.

(d) Replies to Pre-conference Submissions. No later than five days prior to the date established for the neutral evaluation conference, ~~conference to begin,~~ any party ~~may, but is not required to,~~ may send additional written information to the neutral evaluator responding to the submission of an opposing party. The ~~party's~~ response shall not exceed five pages in length, and the party sending the response shall certify to the neutral evaluator that the party ~~has~~ served a copy of the response on all other parties. ~~parties in the case.~~ The response shall not be filed with the Commission.

(e) Conference Procedure. Prior to a neutral evaluation conference, the neutral evaluator ~~may, if he or she deems it necessary,~~ may request additional written information from any party. At the conference, the neutral evaluator may address questions to the parties and give the parties an opportunity to ~~complete their summaries with~~ make a brief oral statement.

(f) Modification of Procedure. Subject to the approval of the neutral evaluator, the parties may agree to modify the procedures for neutral evaluation required by the ~~Rules~~ rules in this Subchapter, or the procedures may be modified by order of the Commission in the interests of justice. ~~The modified procedures may include the presentation of submissions in writing or by telephone in lieu of physical appearance at a neutral evaluation conference, and may also include revisions to the time periods and page limitations concerning the parties' submissions.~~

(g) No Recordings. There shall be no audio, video, stenographic, or other recording of the neutral evaluation conference by any participant. This prohibition includes recording either surreptitiously or with the agreement of the parties.

~~(g)~~(h) Evaluator's Opening Statement. At the beginning of the neutral evaluation conference, the neutral evaluator shall ~~define and describe~~ explain the following ~~points~~ to the parties:

~~(1) the facts that:~~

~~(A)~~(1) the conference is not a ~~hearing,~~ hearing;

~~(B)~~(2) the neutral evaluator is not acting in the capacity of a Commissioner or Deputy Commissioner and shall not act in ~~such~~ that capacity in the ~~subject~~ case at any time in the ~~future,~~ future;

~~(C)~~(3) the neutral evaluator's opinions are not binding on any ~~party, and~~ party;

~~(D)~~(4) the parties retain ~~their~~ the right to a hearing if ~~the parties~~ they do not reach a settlement;

~~(2)~~(5) ~~the fact that~~ any settlement reached ~~will~~ shall be ~~only~~ by mutual consent of the parties;

~~(3)~~(6) the process of the ~~proceeding;~~ conference;

~~(4)~~(7) the differences between the ~~proceeding~~ neutral evaluation and other forms of conflict resolution;

~~(5)~~(8) the costs of the ~~proceeding;~~ conference;

~~(6)~~(9) the inadmissibility of conduct and statements as provided by G.S. 8C-1, Rule 408 and ~~Paragraph (f) of~~ Rule ~~.0103~~ .0103(g) of ~~in~~ this Subchapter; ~~and~~

~~(7)~~(10) the duties and responsibilities of the neutral evaluator and the ~~participants.~~ participants; and

(11) recording of the conference is prohibited pursuant to Paragraph (g) of this Rule.

~~(h)~~(i) Oral Report to Parties by Evaluator. In addition to the written report to the Commission required under the ~~Rules~~ rules in this Subchapter, at the conclusion of the neutral evaluation conference, the neutral evaluator shall issue an oral report to the parties advising ~~the parties~~ them of the neutral evaluator's opinion ~~of~~ about the case. The opinion shall include a candid assessment of the strengths and weaknesses of the parties' claims and defenses, liability, estimated settlement ~~values~~ value and options, and the range of potential awards ~~strengths and weaknesses of the parties' claims and defenses~~ if the case proceeds to ~~a~~ hearing. The oral report shall also contain a suggested settlement or disposition of the case and the ~~reasons therefor.~~ reason for the neutral evaluator's suggestion. The neutral evaluator shall ~~not~~ neither reduce ~~his or her~~ the oral report to writing ~~and shall not~~ nor inform the Commission ~~thereof.~~ of the oral report.

~~(i)~~(j) Report of Evaluator to Commission. Within 10 days after the completion of the neutral evaluation conference, the neutral ~~evaluator:~~ evaluator

~~(1)~~ shall submit to the Dispute Resolution Coordinator a written report using Form MSC7 Report of Evaluator, as set forth in 11 NCAC 23L .0405, ~~a form prepared and distributed by the Commission,~~ stating:

~~(A)~~(1) when and where the conference was ~~held,~~ held;

~~(B)~~(2) ~~the names of those persons who attended the conference,~~ the name of any party or other person known to the neutral evaluator who failed to attend without permission;

~~(C)~~(3) whether ~~or not~~ an agreement was reached by the ~~parties,~~ parties; and

~~(D)~~(4) whether the issue or matter will be resolved by a Commission form agreement, compromise settlement agreement, other settlement agreement, voluntary ~~dismissal~~ dismissal, or removal from the hearing ~~docket;~~ docket.

~~(2) shall identify the persons designated to file or submit for approval such agreement, or dismissal; and~~

~~(3) shall provide statistical data for evaluation of the settlement conference programs on forms provided by the Commission.~~

~~(j)~~(k) Evaluator's Authority to Assist Negotiations. If all parties at the neutral evaluation conference request and agree, the neutral evaluator may assist the parties in settlement discussions. If the parties do not reach a settlement during the discussions, the neutral evaluator shall complete the neutral evaluation conference and ~~make his or her~~ submit the written report to the Commission as if the settlement discussions had not occurred.

~~(k)~~(l) Finalizing Agreement. If the parties ~~are able to~~ reach an agreement ~~before the conclusion of~~ at the neutral evaluation conference, ~~conference and before the evaluator provides his report to the Commission,~~ the parties shall reduce the agreement to writing, specifying all ~~the~~ terms ~~of the parties' agreement~~ that bear on the resolution of the dispute before the Commission, and ~~shall~~ sign the agreement along with ~~the parties' respective~~ their counsel. ~~By stipulation of the parties and at their expense, the agreement may be electronically or stenographically recorded.~~ All agreements for payment of compensation shall be submitted for Commission approval in accordance with 11 NCAC 23A .0501 and .0502. ~~and shall be filed with the Commission within 20 days of the conclusion of the conference.~~

~~(l)~~(m) Applicability of Mediation Rules and Duties. ~~All~~ The provisions and duties applicable to mediated settlement conferences set forth in ~~Rule~~ Rules .0103 through ~~Rule~~ .0107 of this ~~Subchapter,~~ Subchapter that ~~are~~ do not ~~in~~ conflict with the provisions and duties of this Rule ~~.0109 of this Subchapter,~~ also apply to neutral evaluation conferences. ~~conferences conducted under the Rules in this Subchapter.~~

~~(m)~~(n) Ex Parte Communications Prohibited. Unless all parties agree otherwise, there shall be no ex parte communication prior to the conclusion of the ~~proceeding~~ conference between the neutral evaluator and any counsel or party ~~on~~ concerning any matter related to the ~~proceeding~~ neutral evaluation, except with regard to administrative matters.

~~(n)~~(o) ~~Adherence to~~ Standards of Conduct. ~~Conduct for Neutrals~~. All neutral evaluators conducting neutral evaluation conferences pursuant to the ~~Rules~~ rules in the Subchapter shall adhere to any applicable standards of conduct. ~~conduct that are adopted by the North Carolina Dispute Resolution Commission and are hereby incorporated by reference and include subsequent amendments and editions. A copy may be obtained at no charge from The North Carolina Court System's website, http://www.nccourts.org/Courts/CRS/Councils/DRC/Default.asp , or upon request, at the offices of the Commission, located in the Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, between the hours of 8:00 a.m. and 5:00 p.m.~~

Authority G.S. 97-80(a),(c); 143-296; 143-300; Rule 11 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

11 NCAC 23G .0110 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23G .0111 MOTIONS

Unless otherwise ~~indicated~~ provided by the ~~Rules~~ rules in this Subchapter or an ~~applicable~~ order ~~by~~ of the ~~Commission in the interests of justice or judicial economy,~~ Commission, motions pursuant to ~~the Rules in~~ this Subchapter shall be addressed to the ~~Commission's~~ Dispute Resolution Coordinator and served on all parties involved in the mediated settlement conference. ~~to the claim and the settlement procedure.~~ Responses may be filed with the Commission within 10 days after the date of receipt of the motion. Notwithstanding the ~~above,~~ foregoing, the Commission may, in the interests of justice, act upon oral ~~motions,~~ motions or ~~act upon~~ rule on any motions prior to the expiration of the 10-day response period. Motions shall be decided without oral argument unless otherwise ordered in the interests of justice. ~~Any appeals~~ An appeal from ~~orders~~ an order issued pursuant to a motion under ~~the Rules in~~ this Subchapter shall be filed within 15 days of receipt of the administrative order and ~~addressed~~ directed to the ~~attention of the~~ Commission Chair or the Chair's designee for appropriate action.

Authority G.S. 97-80(a),(c); 97-85; 143-92; 143-296; 143-300.

11 NCAC 23G .0112 ~~MISCELLANEOUS~~ COMPUTATION OF TIME PERIODS

~~Throughout the Rules in this Subchapter any reference to the number of days within which any act may be performed shall mean and refer to calendar days, and shall include Saturdays, Sundays and holidays established by the State Personnel Commission. Provided, however, that if the last day (a) to file a motion, (b) to give notice of the selection of a mediator, or (c) for a pro se plaintiff to give notice that the plaintiff requests mediation is a Saturday, Sunday or holiday established by the State Personnel Commission, the motion or notice may be filed or given on the next day that is not a Saturday, Sunday or holiday established by the State Personnel Commission.~~ All time periods prescribed by the rules in this Subchapter shall be calculated using calendar days. If the last day of a prescribed period falls on a Saturday, Sunday, or holiday established by the State Human Resources Commission, the period shall extend to the next day that is not a Saturday, Sunday, or holiday.

Authority G.S. 97-80(a),(c); 143-296; 143-300.

SUBCHAPTER 23H – RULES OF THE INDUSTRIAL COMMISSION RELATING TO THE PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT

SECTION .0100 – ADMINISTRATION

11 NCAC 23H .0101 LOCATION OF OFFICES AND HOURS OF BUSINESS

~~For purposes of this Subsection, the offices~~ The main office of the North Carolina Industrial Commission ~~are~~ is located ~~in~~ on the sixth floor of the Dobbs Building, 430 North Salisbury Street, Raleigh, ~~North Carolina.~~ NC 27603. ~~Documents that are not being filed electronically may be filed between the hours of~~ The main office hours are 8:00 a.m. ~~and~~ to 5:00 p.m., Monday through Friday, except for State recognized holidays set forth in 25 NCAC 01E .0901. ~~p.m. only. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date.~~

Authority G.S. 143-166.4.

11 NCAC 23H .0102 PUBLIC SAFETY EMPLOYEES' DEATH BENEFIT CLAIMS: HOW TO FILE

(a) All filings related to the Public Safety Employees' Death Benefits Act shall be submitted electronically to the Commission via the Commission's Electronic Document Filing Portal (EDFP) located on the Commission's website at: https://ncic.my.site.com/s/?language=en_US. Instructions for using EDFP can be found at: https://ncic.my.site.com/s/help-documents?language=en_US. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date. Plaintiffs without legal representation may file all documents with the Office of the Clerk of the Commission via EDFP, email to dockets@ic.nc.gov, U.S. Mail, private courier service, or hand delivery at the address set forth in Rule .0101 of this Section.

(b) Prior to filing any documents with the Commission, a party shall omit or redact all but the last four digits of all social security numbers from the documents.

(c) If EDFP is inoperable, all documents required to be filed via EDFP shall be transmitted to the Commission via email to edfp@ic.nc.gov. Documents required to be filed via EDFP that are sent to the Commission via email when EDFP is operable shall not be accepted for filing.

(d) Any party may apply to the Commission for an emergency temporary waiver of the electronic filing requirement set forth in Paragraph (a) of this Rule if it is unable to comply because of temporary technical problems or lack of electronic mail or internet access. The request for an emergency temporary waiver shall be included with any filing submitted via facsimile, U.S. Mail, or hand delivery due to such temporary technical or access issues.

Authority G.S. 143-166.4.

SECTION .0200 - HEARINGS ~~RULES OF COMMISSION~~

11 NCAC 23H .0201 DETERMINATION BY COMMISSION AS TO WHETHER A HEARING IS NEEDED ~~OF CLAIMS BY THE COMMISSION~~

(a) To initiate a claim for benefits under the Public Safety Employees' Death Benefits Act, G.S. 143-166, a claimant shall file the Commission form Claim for Benefits under the Public Safety Employees' Death Act, as set forth in 11 NCAC 23L .0501, and supporting documentation. A checklist of supporting documentation is available on the Commission's website, https://www.ic.nc.gov/other-claims/public-safety-injury-death-benefits-act-claims, or the claimant may contact the Commission's Information Specialists Section at (800) 688-8349, (919) 716-1700 or InfoSpec@ic.nc.gov for assistance.

~~(a)~~(b) Upon receipt of an application for an award under the provisions of the Public Safety Employees' Death Benefits Act, the Commission shall ~~determine whether sufficient evidence is contained~~ review the claim form and any supporting documentation, as well as any further documentation contained in the Commission's workers' compensation or other files, ~~files upon which to base an order for the payment of benefits.~~ to determine whether a hearing is needed to make a determination as to whether benefits are due under the Public Safety Employees' Death Benefits Act. If the Commission determines that a hearing is not needed, the Commission shall, without conducting a hearing, file a Decision and Order ~~is satisfied that such an order should be issued, it shall, without conducting a hearing, file an award~~ directing the payment of ~~benefits.~~ benefits under the Public Safety Employees' Death Benefits Act.

~~(b)~~(c) If the Commission ~~is of the opinion that the Commission's workers' compensation or other files have insufficient evidence upon which to base an award for the payment of benefits, the Commission shall place the case upon the Commission's hearing docket. The Commission shall set a contested case~~ determines that a hearing is needed, the Commission shall set the case for hearing and hold the hearing by telephone, videoconference, or in a location deemed convenient to witnesses and the Commission.

Authority G.S. 143-166.4.

11 NCAC 23H .0202 HEARINGS BEFORE THE COMMISSION

(a) The Commissioner or Deputy Commissioner before whom a case regarding the Public Safety Employees' Death Benefits Act is set for hearing may order a pre-trial conference to be conducted via telephone conference or videoconference at a time and place convenient to the plaintiff. ~~hearing, shall order the parties to participate in a pre-trial conference. This conference shall be conducted at such place and by such method as the Commissioner or Deputy Commissioner deems appropriate in consideration of the interests of justice and judicial economy, including conference telephone calls.~~

(b) The Commission shall give notice of any hearing. ~~hearing in every case. Postponement or continuance~~ Continuance of a scheduled hearing ~~shall~~ may be granted in the discretion of the Commission, if requested or on the Commission's own initiative, in the interests of justice or to promote judicial economy.

(c) The Commission shall give notice ~~Notice~~ of the hearing ~~shall be given~~ to the Attorney General of the State of North Carolina. ~~Carolina, who may appear as amicus curiae.~~

Authority G.S. 143-166.4.

11 NCAC 23H .0203 APPOINTMENT OF GUARDIAN AD LITEM

(a) ~~Infants or incompetents may bring an action under this Subchapter on~~ l ~~y through their guardian ad litem.~~ Should a claimant be an infant or, following reasonable inquiry by the Commission, found to be an incompetent person, the Commission shall take the necessary steps to appoint a guardian ad litem for the claimant in accordance with G.S. 1A-1, Rule 17. ~~The Commission shall appoint a person as guardian ad litem if the Commission determines it to be in the best interest of the infant or incompetent.~~ The Commission shall appoint a guardian ad litem only after due inquiry as to the fitness of the person to be appointed.

(b) ~~No compensation due or~~ Compensation owed to ~~the infant or~~ an incompetent person shall not be paid directly to the guardian ad ~~litem.~~ litem, unless the guardian ad litem has authority in some other capacity to receive the money pursuant to a federal or state court order. Compensation owed to an infant shall not be paid directly to the guardian ad litem, except that a parent or legal

guardian may receive compensation on behalf of an infant in his or her capacity as parent or legal guardian if so ordered.
(c) The Commission may assess a fee to be paid to an attorney who serves as a guardian ad litem for actual services rendered upon receipt of an affidavit of actual time spent on representation of the infant or ~~incompetent.~~ incompetent person. Any fee shall come out of the compensation due and shall not be in addition to it.

Authority G.S. 143-166.4.

11 NCAC 23H .0204 WRITTEN OR RECORDED STATEMENT

Authority G.S. 143-166.4.

11 NCAC 23H .0205 REVIEW BY THE FULL COMMISSION
(a) A request for review by the Full Commission of a Decision and Order filed by a Deputy Commissioner may be filed by the claimant or the Office of the Attorney General within 15 days of the receipt of such Decision and Order. ~~A party may request a review of an award filed by a Deputy Commissioner in an action pursuant to Article 12A of Chapter 143 of the General Statutes by filing a letter expressing a request for review to the Full Commission within 15 days of receipt of the award. The award is binding on the parties if not appealed.~~ The Decision and Order is binding if no request for review is filed within 15 days of receipt of such Decision and Order.
(b) After receipt of ~~notice of review, the Commission~~ the request for review by the Full Commission, the Commission shall ~~supply to~~ provide the claimant and the Office of the Attorney General with ~~appellant and to the appellee~~ a transcript of the record upon which the Decision and Order ~~award~~ is based and from which a review is being taken to the Full Commission. The appellant shall, within ~~ten~~ 10 days of receipt of transcript of the record, file with the Commission a written statement of the particular grounds for the appeal, with service on the other side. ~~all opposing parties.~~
(c) Grounds for review not set forth in the written statement referenced in Paragraph (b) of this Rule are deemed to be abandoned and argument thereon shall not be heard before the Full Commission.
(d) When a request for review is made to the Full Commission, the appellant's brief, if any, in support of his or her grounds ~~ground~~ for appeal shall be filed with the Full Commission, with service on the other side ~~all opposing parties~~ no less than 15 days prior to the hearing on review. The appellee shall have five days ~~in which~~ to file a reply brief, if deemed necessary, with the Full Commission, with service on the other side. ~~all opposing parties.~~
(e) Any motions by either side ~~party~~ shall be filed with the Full Commission, with service on the other side. ~~all opposing parties.~~
(f) Upon the request of the appellant or appellee, ~~a party,~~ or its own motion, the Full Commission may waive oral arguments in the interests of justice or to promote judicial economy. ~~In the event of such waiver,~~ If the Full Commission waives oral arguments, the Full Commission shall file a Decision and Order ~~an award~~ based on the record and briefs.

Authority G.S. 143-166.4.

11 NCAC 23H .0206 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23H .0207 ATTORNEYS RETAINED FOR PROCEEDINGS
(a) An attorney who is retained by a claimant in a proceeding before the Commission shall comply with the North Carolina State Bar Rules of Professional Conduct at https://www.ncbar.gov/for-lawyers/ethics-and-governing-rules/rules-of-professional-conduct/. An attorney who is retained by a claimant shall serve a copy of a notice of representation on the Office of the Attorney General and shall submit the notice to the Commission in accordance with Rule .0102 of this Subchapter. Should the Office of the Attorney General make an appearance in a proceeding before the Commission, its representative shall comply with the North Carolina State Bar Rules of Professional Conduct at https://www.ncbar.gov/for-lawyers/ethics-and-governing-rules/rules-of-professional-conduct/, shall serve a copy of the notice of representation on the claimant or claimant's attorney, and shall submit the notice to the Commission in accordance with Rule .0102 of this Subchapter. Subsequent notices required to be served by the claimant shall be served on the Office of the Attorney General, and vice versa.
(b) Any attorney who wishes to withdraw from representation in a proceeding before the Commission shall file with the Commission, in writing, a Notice of Withdrawal that contains a statement that it has been served on the client. The attorney shall make reasonable efforts to ascertain the last known contact information of the client and shall include this information in the Notice.
(c) An attorney withdrawing from representation whose client wishes to request a review by the Full Commission of a Deputy Commissioner Decision and Order shall timely file a separate request for review, as set forth in Rule .0205 of this Subchapter on behalf of his or her client either before or with his or her Notice of Withdrawal.

History Note: G.S. 143-166.4;
Eff. March 1, 2027.

SUBCHAPTER 23I - NORTH CAROLINA CHILDHOOD VACCINE-RELATED INJURY COMPENSATION PROGRAM ~~RULES OF THE NORTH CAROLINA INDUSTRIAL COMMISSION~~

SECTION .0100 –ADMINISTRATION

11 NCAC 23I .0101 LOCATIONS OF OFFICES AND HOURS OF BUSINESS
~~For purposes of this Subsection, the offices~~ The main office of the North Carolina Industrial Commission ~~are~~ is located ~~in~~ on the sixth floor of the Dobbs Building, 430 North Salisbury Street, Raleigh, ~~North Carolina.~~ NC 27603. ~~Documents pertaining to the Childhood Vaccine-Related Injury claims that are not being filed electronically may be filed between the hours of~~ The main office hours are 8:00 a.m. ~~and~~ to 5:00 p.m., Monday through Friday, except for State recognized holidays set forth in 25 NCAC 01E .0901. ~~p.m. only. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date.~~

Authority G.S. 130A-424; 130A-425(d).

11 NCAC 23I .0102 OFFICIAL FORMS

The use of any printed forms related to Childhood Vaccine-Related Injury Compensation Program claims, other than those provided by the Commission is prohibited, except that ~~insurance carriers, self-insurers, attorneys~~ claimants, attorneys, and other parties may reproduce forms for their own use, provided:

(1) no statement, question, or information blank contained on the Commission form is omitted from the substituted form; and

(2) the substituted form is identical in size and format with the Commission form.

Authority G.S. 130A-424; 130A-425(d).

11 NCAC 23I .0103 CHILDHOOD VACCINE-RELATED INJURY CLAIMS: HOW TO FILE

(a) All filings related to the Childhood Vaccine-Related Injury Compensation Program shall be submitted electronically to the Commission via the Commission's Electronic Document Filing Portal (EDFP) located on the Commission's website at: https://ncic.my.site.com/s/?language=en_US. Instructions for using EDFP can be found at: https://ncic.my.site.com/s/help-documents?language=en_US. Documents permitted to be filed electronically may be filed until 11:59 p.m. on the required filing date. Plaintiffs without legal representation may file all documents with the Office of the Clerk of the Commission via EDFP, email to dockets@ic.nc.gov, U.S. Mail, private courier service, or hand delivery at the address set forth in Rule .0101 of this Section.

(b) Prior to filing any documents with the Commission, a party shall omit or redact all but the last four digits of all social security numbers from the documents.

(c) If EDFP is inoperable, all documents required to be filed via EDFP shall be transmitted to the Commission via email to edfp@ic.nc.gov. Documents required to be filed via EDFP that are sent to the Commission via email when EDFP is operable shall not be accepted for filing.

(d) Any party may apply to the Commission for an emergency temporary waiver of the electronic filing requirement set forth in Paragraph (a) of this Rule if it is unable to comply because of temporary technical problems or lack of electronic mail or internet access. The request for an emergency temporary waiver shall be included with any filing submitted via facsimile, U.S. Mail, or hand delivery due to such temporary technical or access issues.

(e) A Notice of Appeal to the North Carolina Court of Appeals shall be accepted for filing by the Commission via EDFP, U.S. Mail, hand delivery, or any other means allowed by the Rules of Appellate Procedure or applicable statutes governing appeals from the General Courts of Justice. Notwithstanding the foregoing, plaintiffs without legal representation may file all documents with the Commission as provided in Paragraph (a) of this Rule.

Authority G.S. 130A-425.

SECTION .0200 – RULES OF COMMISSION

11 NCAC 23I .0201 PROCEDURE

(a) To initiate a claim for a vaccine-related injury, the claimant shall file a verified petition setting forth the information required in G.S. 130A-425(b) with the Commission. A claimant may utilize the Industrial Commission Form V-1 Claim for Compensation for Childhood Vaccine-Related Injury, as set forth in 11 NCAC 23L .0601, for this purpose. Upon receipt of the filed claim, ~~verified petition,~~ the Commission shall enter the case on the hearing docket, serve the filed claim ~~verified petition~~ on each ~~respondent,~~ respondent by registered or certified mail, and send a copy to the Department of Health and Human ~~Services~~ Services, who shall be a party to all proceedings involving the claim, and the Attorney ~~General~~ General, who shall represent the State's interests in all proceedings involving the claim, as set forth in G.S. 130A-425(c).

(b) When a claim is filed in accordance with G.S. 130A-425(b), each ~~the~~ respondent shall determine and report its position to the claimant and the Commission on the issues listed in G.S. 130A-426(a) within 90 days. If the respondent agrees that the claimant has established damages which entitle the claimant to money compensation meeting or exceeding the maximum amount set forth in G.S. 130A-427(b), the Commission shall ~~so~~ notify the claimant and all other respondents, ~~respondent,~~ and further notify the claimant and all respondents ~~them~~ of the services the Department of ~~Human Resources~~ Health and Human Services proposes to provide pursuant to G.S. 130A-427(a)(5). The Commission shall allow the parties an opportunity to settle the matter before proceeding to hearing.

Authority G.S. 130A-423; 130A-424; 130A-425; 130A-427.

11 NCAC 23I .0202 ATTORNEYS' FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23I .0203 WAIVER OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23I .0204 SANCTIONS

Authority G.S. 130A-425(d).

SUBCHAPTER 23J – FEES FOR MEDICAL COMPENSATION

SECTION .0100 – FEES FOR MEDICAL COMPENSATION

11 NCAC 23J .0101 GENERAL PROVISIONS

(a) Pursuant to G.S. 97-26, the Commission adopts a Medical Fee Schedule composed of maximum amounts, reimbursement rates, and payment guidelines, as set out in the rules of this Subchapter. The amounts and reimbursement rates prescribed in the applicable published Medical Fee Schedule shall govern and apply according to G.S. 97-26(c).

(b) The Medical Fee Schedule is available on the Commission's website at https://www.ic.nc.gov/divisions-contacts/medical-fees-section/fee-schedule-disclaimer.

~~http://www.ic.nc.gov/ncic/pages/feesched.asp and in hardcopy at the offices of the Commission as set forth in 11 NCAC 23A .0101.~~

(c) Insurers and managed care organizations, or administrators on their behalf, may review and reimburse charges for all medical compensation, including medical, hospital, and dental fees, without submitting the charges to the Commission for review and approval.

(d) A provider of medical compensation shall submit its bill for services within 75 days of the rendition of the service, or if treatment is longer, within 30 days after the end of the month during which multiple treatments were provided. However, in cases where liability is initially denied but subsequently admitted or determined by the Commission, the time for submission of medical bills shall run from the time the health care provider received notice of the admission or determination of liability. Within 30 days of receipt of the bill, the employer, carrier, or managed care organization or administrator on its behalf, shall pay the bill or send the provider written objections to the bill. If an employer, carrier, administrator, or managed care organization disputes a portion of the provider's bill, the employer, carrier, administrator, or managed care organization, shall pay the uncontested portion of the bill and shall resolve disputes regarding the balance of the charges through its contractual arrangement or through the Commission.

(e) When the 10 percent addition to the bill pursuant to G.S. 97-18(i) is uncontested, payment shall be made to the provider without notifying or seeking approval from the Commission. When the 10 percent addition to the bill is contested, any party may request a hearing by the Commission pursuant to G.S. 97-83 and G.S. 97-84.

(f) When the responsible party seeks an audit of hospital charges, and has paid the hospital charges in full, the payee hospital, upon request, shall provide access to and copies of ~~appropriate~~ related records, without charge or fee, to the ~~person(s)~~ persons chosen by the payor to review and audit the records.

(g) The responsible employer, carrier, managed care organization, or administrator shall pay the bills of medical compensation providers to whom the employee has been referred by the treating physician authorized by the insurance carrier for the compensable injury or body part, unless it has requested that the physician obtain authorization for referrals or tests. Compliance with the request shall not unreasonably delay the treatment or service to be rendered to the employee.

(h) Employees are entitled to reimbursement for travel expenses when the travel is medically necessary and the mileage is 20 or more miles, round trip, at the business standard mileage rate set by the Internal Revenue Service per mile of travel and the actual cost of any tolls paid. Employees are entitled to lodging and meal expenses, at the rate established for state employees by the North Carolina Director of Budget, when it is medically necessary that the employee stay overnight at a location away from the employee's usual place of residence. Employees are entitled to reimbursement for the costs of parking or a vehicle for hire, when the costs are medically necessary, at the actual costs of the expenses. The current reimbursement rates referenced in this Paragraph are contained in the Form 25T, Itemized Statement of Charges for Travel, as set forth in 11 NCAC 23L .0113, which shall be used to claim travel expenses.

(i) Any employer, carrier, or administrator denying a claim in which medical care has previously been authorized is responsible for all costs incurred prior to the date that notice of denial is provided to each health care provider to whom authorization has been previously given.

(j) The maximum fees for searching, handling, copying, and mailing records are set as follows:

(1) Medical providers shall provide one free copy of medical records, whether paper or electronic, to the first requesting party among the following:
  (A) employers;
  (B) carriers;
  (C) third party administrators; and
  (D) rehabilitation professionals.

(2) For all subsequent requesting parties, medical providers shall inform the subsequent requesting party that the medical provider previously supplied the records at no charge to one of the requesting parties listed in Subparagraph (1) of this Paragraph, identify the party to whom the records were previously provided, and charge each subsequent requesting party as follows:
  (A) For paper copies of medical records, a fee of no more than seventy-five cents ($.75) per page for the first 25 pages, fifty cents ($.50) per page for pages 26 through 100, and twenty-five cents ($.25) per page for each page in excess of 100 pages, with a minimum charge of ten dollars ($10.00); and
  (B) For electronic copies of medical records, a fee of no more than seventy-five cents ($.75) per page for the first 25 pages, fifty cents ($.50) per page for pages 26 through 100, and twenty-five cents ($.25) per page for each page in excess of 100 pages, with a minimum charge of ten dollars ($10.00) and a maximum charge of two hundred dollars ($200.00).

(k) For purposes of Paragraph (j) of this Rule, medical records shall include all medical bills related to the records. The medical bills shall include copies of any CMS-1500 or UB-04 medical billing forms completed by the medical provider in addition to any invoices, bills, or account statements that reflect the charge summary and any payments or discounts already applied.

(l) Paragraphs (j) and (k) of this Rule do not apply to medical documentation required to support a medical bill for payment. The medical reports and records necessary for an employer, carrier, or third-party administrator to adjudicate a medical bill for payment shall be provided at no cost with the medical bill or after the presentation of the medical bill if requested by the payor to support the bill.

Authority G.S. 97-18(i); 97-25; 97-25.6; 97-26; 97-26.1; 97-80(a); 138-6; S.L. 2013-410.

11 NCAC 23J .0102 FEES FOR PROFESSIONAL SERVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23J .0103 FEES FOR INSTITUTIONAL SERVICES [EFFECTIVE JUNE 1, 2018] (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 23L – INDUSTRIAL COMMISSION FORMS

SECTION .0100 – WORKERS' COMPENSATION FORMS

11 NCAC 23L .0101 FORM 21 – AGREEMENT FOR COMPENSATION FOR DISABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23L .0102 FORM 26 – SUPPLEMENTAL AGREEMENT AS TO PAYMENT OF COMPENSATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23L .0103 FORM 26A – EMPLOYER'S ADMISSION OF EMPLOYEE'S RIGHT TO PERMANENT PARTIAL DISABILITY (EFFECTIVE DECEMBER 1, 2020) (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23L .0104 FORM 36 – SUBPOENA (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23L .0105 FORM T-42 – APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 23M – RULES FOR THE UTILIZATION OF OPIOIDS, RELATED PRESCRIPTIONS, AND PAIN MANAGEMENT TREATMENT IN WORKERS' COMPENSATION CLAIMS

SECTION .0100 – GENERAL PROVISIONS

11 NCAC 23M .0101 PURPOSE AND APPLICABILITY OF THE RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23M .0102 DEFINITIONS

~~As used~~ The following definitions apply to the rules in this Subchapter:

(1) "Acute phase" means 12 weeks of treatment for pain following an injury by accident, occupational disease, surgery for an injury by accident or occupational disease, or subsequent aggravation of an injury by accident or occupational disease. There may be more than one acute phase during treatment for an injury or occupational disease.

(2) "Chronic phase" means continued treatment for pain immediately following a 12-week period of treatment for pain using a targeted controlled substance.

(3) "Confirmatory urine drug test" means a definitive urine drug test that verifies the results of a presumptive urine drug ~~test. A confirmatory urine drug~~ test and identifies individual drugs and drug ~~metabolites. Health care providers shall use a confirmatory drug test for~~ metabolites using the lowest number of drug classes necessary based on the results of the presumptive urine drug test, not to exceed 21 drug classes.

(4) "CSRS" means the Controlled Substances Reporting System as established by the North Carolina Controlled Substances Reporting System Act, Article 5E of Chapter 90 of the North Carolina General Statutes.

(5) "Long-acting opioid" or "extended-release opioid" means any targeted controlled substance that is formulated to release the drug gradually into the bloodstream or to have a long half-life for prolonged activity with an analgesic effect of 8 to 72 hours or longer.

(6) "Lowest effective dosage" means the lowest dose necessary to achieve the clinical goal.

(7) "Morphine equivalent dose" means conversion of various opioids to an equivalent morphine dose by using the most current conversion guidelines provided by the Centers for Disease Control and Prevention ~~("CDC").~~ (CDC). The ~~CDC Opioid Prescribing Guideline Mobile App and the~~ CDC's guidelines for Calculating Total Daily Dose of Opioids for Safer Dosage ~~are~~ is hereby incorporated by reference, including any subsequent amendments or editions. These materials are available online at no cost at https://stacks.cdc.gov/view/cdc/38481. ~~https://www.cdc.gov/drugoverdose/pdf/calculating_total_daily_dose-a.pdf and https://www.cdc.gov/drugoverdose/pdf/App_Opioid_Prescribing_Guideline-a.pdf.~~

(8) "Opioid antagonist" means the term as defined in G.S. 90-12.7(a).

(9) "Pain" means pain resulting from an injury by accident or occupational disease.

(10) "Presumptive urine drug test" means an initial urine drug test that identifies negative specimens and presumptive positive specimens, and is interpreted through visual examination. Examples include dipstick tests and drug test cups. ~~A health care provider who is providing pain management treatment in the chronic phase to an employee may administer a presumptive urine drug test that is qualitative and interpreted or analyzed with instrumental or chemical assistance if the health care provider believes, in his or her medical opinion, that a more sensitive presumptive urine drug test is~~

~~appropriate and is likely to reduce the need for a confirmatory urine drug test.~~

(11) "Short-acting opioid" means any targeted controlled substance with a quick onset of action and short duration of analgesic activity that is formulated for dosing at intervals of two to six hours.

(12) "Targeted controlled substance" means any controlled substance included in G.S. 90-90(1) or (2) or G.S. 90-91(d).

Authority G.S. 97-25.4; 97-80(a); S.L. 2017-203, s. 4.

11 NCAC 23M .0103 WAIVER OR VARIANCE OF RULES

In the interests of justice or to promote judicial economy, ~~the Commission may,~~ and except as otherwise provided by the rules in this Subchapter, the Commission may waive or vary the requirements or provisions of any of the rules in this Subchapter in a case pending before the Commission upon written application of a party or upon its own ~~initiative.~~ initiative only if the plaintiff is not represented by counsel. Factors the Commission shall ~~use~~ consider in determining whether to grant the waiver are:

(1) the necessity of a waiver;

(2) the party's responsibility for the conditions creating the need for a waiver;

(3) the party's prior requests for a waiver;

(4) the precedential value of ~~such~~ a waiver;

(5) notice to and opposition by the opposing parties; and

(6) the harm to the party if the waiver is not granted.

Authority G.S. 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4.

SECTION .0200 – UTILIZATION RULES FOR OPIOID AND OTHER PHARMACOLOGICAL PAIN MANAGEMENT TREATMENT

11 NCAC 23M .0201 FIRST PRESCRIPTION OF MEDICATION FOR PAIN IN AN ACUTE PHASE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23M .0202 PRESCRIPTION OF MEDICATION FOR PAIN IN AN ACUTE PHASE FOLLOWING THE FIRST PRESCRIPTION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 23M .0203 PRESCRIPTION OF MEDICATION FOR PAIN IN A CHRONIC PHASE

(a) This Rule applies to prescriptions for medication to an employee for pain during a chronic phase.

(b) Before prescribing a targeted controlled substance, a health care provider shall document his or her medical opinion in the medical record that non-pharmacological and non-opioid therapies are insufficient to treat the employee's pain.

(c) A health care provider shall not prescribe more than one targeted controlled substance at a time in a chronic phase without documentation of justification in the medical record. A health care provider shall not prescribe more than two targeted controlled substances at a time in a chronic phase, to include no more than one short-acting opioid and one long-acting or extended-release opioid.

(d) A health care provider shall prescribe the lowest number of days' supply of a targeted controlled substance necessary in his or her medical opinion to treat an employee's pain.

(e) A health care provider shall prescribe the lowest effective dosage of a targeted controlled substance, not to exceed 50 mg morphine equivalent dose per day.

(1) However, the health care provider may prescribe a morphine equivalent dose higher than 50 mg per day, but not higher than 90 mg per day, after documenting the medical justification for the prescription, including a comparison of the expected benefits to the employee versus any potential risks of increasing the employee's dosage. If the health care provider prescribes a morphine equivalent dose higher than 50 mg per day in the chronic phase, the health care provider shall review at all subsequent evaluations whether the employee experienced the expected benefits and consider whether to continue the higher dosage and document the medical record accordingly.

(2) If a health care provider considers it necessary to prescribe a morphine equivalent dose higher than 90 mg per day to treat an employee's pain, the health care provider shall seek preauthorization from the employer or carrier. If the employer or carrier authorizes, or the Commission orders, authorization of a prescription of a morphine equivalent dose higher than 90 mg per day, the health care provider shall review at all subsequent evaluations whether the employee experienced the expected benefits of the increased dosage and consider whether to continue the higher dosage and document the medical record accordingly.

The dosage limits in this Paragraph apply only to an opioid prescription being prescribed pursuant to this Rule.

(f) A health care provider shall not prescribe transcutaneous, transdermal, transmucosal, or buccal opioid preparations included in G.S. 90-90(1) or (2) without documentation in the medical record that oral opioid dosing is medically contraindicated for the employee.

(g) A health care provider shall seek preauthorization from the employer or carrier before prescribing transdermal fentanyl. A health care provider shall seek preauthorization from the employer or carrier before prescribing methadone for pain in a chronic phase.

(h) A health care provider shall not prescribe benzodiazepines for pain or as muscle relaxers in a chronic phase.

(i) A health care provider shall seek preauthorization from the employer or carrier before prescribing carisoprodol and a targeted controlled substance in a chronic phase. A health care provider shall advise the employee of the potential risks of combining a

targeted controlled substance and carisoprodol if both medications are prescribed.
(j) If an employee is taking benzodiazepines or carisoprodol prescribed by another health care provider, the health care provider shall not prescribe a targeted controlled substance to the employee without advising the employee of the potential risks of combining a targeted controlled substance and benzodiazepines or carisoprodol. The health care provider shall also communicate with the health care provider prescribing the benzodiazepines or carisoprodol to inform that health care provider of the prescription of a targeted controlled substance.
(k) ~~A~~ Pursuant to G.S. 90-113.74C(a) health care provider shall review the information in the ~~CSRS~~ Controlled Substance Reporting System (CSRS) pertaining to the employee for the preceding 12-month period at every appointment with the employee at which a targeted controlled substance is prescribed or every three months, whichever is more frequent. The health care provider shall document in the medical record the review and any potential contraindications to prescribing a targeted controlled substance found in the CSRS. ~~The effective date of this Paragraph is November 1, 2018, or shall coincide with the date of application in S.L. 2017-74, s. 15.(e), and any amendments thereto, whichever is earlier.~~
(l) Before first prescribing a targeted controlled substance in a chronic phase, a health care provider shall administer and document in the medical record the results of a presumptive urine drug test as defined in Rule .0102 of this Subchapter.
(m) Following compliance with Paragraph (l) of this Rule, a health care provider shall administer a presumptive urine drug test as defined in Rule .0102 of this Subchapter and document the results in the medical record a minimum of two times per year and a maximum of four times per year during a chronic phase, unless additional urine drug tests are authorized by the employer or carrier at the request of the health care provider. The limitation on the number of urine drug tests to be conducted per year without authorization by the employer or carrier for additional urine drug tests shall not apply in those cases where a patient is being prescribed targeted controlled substances for the purpose of substance use disorder treatment in addition to pain management.
(n) The health care provider may meet the requirements of Paragraphs (l) and (m) by requiring that the employee take random, unannounced urine drug tests. The health care provider may administer a presumptive urine drug test that is qualitative and interpreted or analyzed with instrumental or chemical assistance if the health care provider believes, in his or her medical opinion, that a more sensitive presumptive urine drug test is appropriate and is likely to reduce the need for a confirmatory urine drug test.
(o) If the result of a presumptive urine drug test administered pursuant to this Rule is positive for non-disclosed drugs or negative for prescribed medications, the health care provider shall obtain confirmatory urine drug testing as defined in Rule .0102 of this Subchapter. The health care provider may obtain the confirmatory urine drug test results before prescribing a targeted controlled substance. Alternatively, the health care provider may order a limited supply of a targeted controlled substance pending the results of the confirmatory urine drug test. The results of any confirmatory urine drug test shall be documented in the medical record. Nothing ~~herein~~ in this Paragraph prevents a health care provider from ordering a confirmatory urine drug test for a medical reason other than the presumptive urine drug test results if the medical reason is documented in the medical record.
(p) If an employee's medical treatment involving the prescription of targeted controlled substances is transferred to a health care provider in a different health care practice from the one that administered the opioid risk screening and assessment tool required by Rule .0202(l)(2) of this Section, the new health care provider shall administer and document in the medical record the results of a tool for screening and assessing opioid risk that has been validated by clinical studies, including those in Rule ~~.0202(l)(1)(A).~~0202(l)(2)(A) through (D) of this Section.
(q) A health care provider shall document in the medical record whether the information obtained by complying with Paragraphs (k), (l), (m), ~~(o)~~(o), or (p) of this Rule indicates an increased risk for opioid-related harm. If the health care provider continues the prescription of a targeted controlled substance despite any increased risks identified, the health care provider shall document in the medical record the reasons justifying the continued prescription.

Authority 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4.

SECTION .0300 – UTILIZATION RULES FOR OPIOID ANTAGONISTS

11 NCAC 23M .0301 CO-PRESCRIPTION OF OPIOID ANTAGONIST (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 – UTILIZATION RULES FOR NON-PHARMACOLOGICAL TREATMENT FOR PAIN

11 NCAC 23M .0401 NON-PHARMACOLOGICAL TREATMENT FOR PAIN (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 – UTILIZATION RULES FOR TREATMENT FOR SUBSTANCE USE DISORDER

11 NCAC 23M .0501 TREATMENT FOR SUBSTANCE USE DISORDER INVOLVING A TARGETED CONTROLLED SUBSTANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)TITLE 11 - DEPARTMENT OF INSURANCE

* * * * * * * * * * * * * * * * * * * *

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Industrial Commission intends to adopt the rules cited as 11 NCAC 23L .0106-.0133, .0201, .0202, .0301, .0302, .0401-.0407, .0501, and .0601.*
Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ic.nc.gov/legal-resources/industrial-commission-rules/industrial-commission-rulemaking*

Proposed Effective Date: *March 1, 2027*

Public Hearing:

Date: *December 2, 2026*
Time: *2:00 p.m.*
Location: *Dobbs Building, Utilities Commission Hearing Room (Room #2115), 430 N. Salisbury St., Raleigh, NC 27603*

Reason for Proposed Action: *11 NCAC 23L .0106-.0132, .0201, .0202, .0301, .0302, .0401-.0407, and .0501 are being adopted to comply with the requirements of G.S. 150B-2(8a)d.*
11 NCAC 23L .0133 Form 28D Notice of Termination of Compensation by Reason of Employee's Death is being adopted to provide employers and carriers with a manner to notify the Industrial Commission and an employee's family of termination of temporary total disability compensation due to an employee's death.
11 NCAC 23L .0601 Form V-1 Claim for Compensation for a Childhood Vaccine-Related Injury is being adopted to provide a form for filing a claim for a childhood vaccine-related injury in accordance with G.S. 130A-425(b).

Comments may be submitted to: *Dana McGhee, 1240 Mail Service Center, Raleigh, NC 27699-1240; phone (919) 807-2674; email rulemaking@ic.nc.gov (NOTE: The Industrial Commission strongly suggests submitting any written comments via email at rulemaking@ic.nc.gov as opposed to sending written comments to the physical mailing address.)*

Comment period ends: *January 15, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ **State funds affected**
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (>= $1,000,000)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required**

Date: *December 2, 2026*
Time: *2:00 p.m.*
Location: *Dobbs Building, Utilities Commission Hearing Room (Room #2115), 430 N. Salisbury St., Raleigh, NC 27603*

Reason for Proposed Action: *11 NCAC 23L .0106-.0132, .0201, .0202, .0301, .0302, .0401-.0407, and .0501 are being adopted to comply with the requirements of G.S. 150B-2(8a)d.*
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Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ **State funds affected**
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (>= $1,000,000)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required**

CHAPTER 23 - INDUSTRIAL COMMISSION

SUBCHAPTER 23L – INDUSTRIAL COMMISSION FORMS

SECTION .0100 – WORKERS' COMPENSATION FORMS

11 NCAC 23L .0106 FORM 18 NOTICE OF ACCIDENT TO EMPLOYER AND CLAIM OF EMPLOYEE, REPRESENTATIVE, OR DEPENDENT

An employee may use a Form 18 Notice of Accident to Employer and Claim of Employee, Representative, or Dependent to give notice of an accident under G.S. 97-22 and to file a claim for compensation under G.S. 97-24 or 97-53. The Form 18 can be found on the Commission's website at https://www.ic.nc.gov/media/326/download?attachment and is as follows:

North Carolina Industrial Commission

NOTICE OF ACCIDENT TO EMPLOYER AND CLAIM OF EMPLOYEE, REPRESENTATIVE, OR DEPENDENT

IC File #_____

Emp. Code #_____

Carrier Code #_____

The I.C. File # is the unique identifier for this injury. It will be provided by return letter and is to be referenced in all future correspondence.

Social Security Number Disclosure Statement

The North Carolina Public Records Act (N.C. Gen. Stat. § 132-1.10) permits the North Carolina Industrial Commission to request a social security number from an individual when doing so is imperative to the performance of its duties and responsibilities. The purpose of requesting your social security number on this form is for the Industrial Commission to verify the correct employer with the North Carolina Department of Commerce, Division of Employment Security and to identify workers' compensation insurance coverage. The disclosure of a social security number by an individual to the Industrial Commission is voluntary. Social security numbers are confidential and exempt from public disclosure by the Industrial Commission. The Industrial Commission may not share your social security number unless otherwise permitted to do so pursuant to N.C. Gen. Stat. § 132-1.10.

Employee's Name | Email Address | Address | City | State | Zip | ( ) - Home Telephone | ( ) - Work Telephone | ☐ M ☐ F Sex | - - Social Security Number | / / Date of Birth

Employer's Name | Email Address | ( ) - Telephone Number | Employer's Address | City | State | Zip | Insurance Carrier | Policy Number | Carrier's Address | City | State | Zip | ( ) - Carrier's Telephone Number | Adjuster's Name | Email Address

EMPLOYEE – This form must be filed with the Industrial Commission within two years of the date of injury or occupational disease or your claim may be barred. Notice shall be given to the employer immediately after the accident or as soon as practicable and within 30 days. (This form should also be used for occupational disease claims; however, for asbestosis, silicosis and byssinosis, Form 18B is to be used.)

Notice is hereby given, as required by law, that the above-named employee sustained an injury or contracted an occupational disease, described as follows: _____ (Time of Injury) on ___/___/___ (Date (required)) at _____ (City and County). Describe the injury or occupational disease, including the specific body part involved (e.g., right hand, left hand) _____

Describe how the injury or occupational disease occurred: _____

Occupation when injured: _____ Nature of employer's business: _____

Medical treatment received? ☐ Yes ☐ No Number of days out of work due to injury: _____

Weekly wage: $_____ Number of hours worked per day: _____ Days worked per week: _____

NOTE: If employee is unable to sign this form, another may sign for him. This form should be typed or printed by hand in black ink, if possible. Employee should retain one signed copy of this notice, mail one signed copy to the Industrial Commission at the address below, and provide one signed copy to employer.

Signature of (Check One) ☐ Employee, ☐ Attorney, ☐ Representative, or ☐ Dependent | Printed Name of Signer | E-mail Address | ( ) - Telephone Number

Address | City | State | Zip Code | / / Date Completed

EMPLOYER: This notice is being sent to you in compliance with requirements of the North Carolina Workers' Compensation Act, in order that the medical services prescribed by the Act may be obtained; and, if disability extends beyond 7 days duration, or if death ensues, compensation may be paid according to law.

FOR IC USE ONLY
RESEARCHER: _____
CC: _____
EC: _____
DATA ENTRY: _____

FORM 18

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEES: E-MAIL TO FORMS@IC.NC.GOV
OR MAIL TO: NCIC - CLAIMS SECTION
1235 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1235
MAIN PHONE: (919) 807-2500 HELPLINE: (800) 688-8349

FORM 18

PAGE 1 OF 2

GENERAL INFORMATION ON THE FORM 18

1. What does a Form 18 do?

A Form 18 establishes a legal claim of injury on your behalf if filed within two years of the date of injury or occupational disease, and gives the required written notice to the employer if a copy is submitted to the employer within 30 days of the injury. The employer is required by law to file a Form 19 if the employee misses more than one day of work due to the injury or if the medical bills exceed $4,000.00. However, the employer's filing of a Form 19 does not satisfy the employee's obligation to file a claim. In order to ensure the employee's rights are protected, the employee must file a Form 18 even though the employer may be paying compensation or the Industrial Commission may have opened a file for the injury.

2. To whom should the Form 18 be sent?

The original Form 18 should be submitted to the Industrial Commission. The injured worker should keep one copy for his or her records and one copy should be submitted to the employer at the time of the injury.

3. What numbers do I write in the upper right corner?

You do not need to fill in the spaces on the upper right corner of the Form 18. If you know that your employer has already filed a report of injury, (Form 19) and you know what your I.C. (Industrial Commission), File Number is, you may write the number in the "I.C. File No." space. If you do not already have an I.C. File Number, the Industrial Commission will assign one upon receipt of the Form 18. The other two spaces "Emp. Code No." and "Carrier Code No." are for internal use only.

4. What if I do not know who my employer's insurance carrier is?

If you do not know who the employer's insurance carrier is you may either ask your employer for the information, call the Industrial Commission's Claims Administration Section at (800) 688-8349 then press "3" after the prompt, or simply leave the line blank.

5. When listing the number of days out of work, do I count partial days?

Yes, you include partial as well as whole calendar days not worked. However, the days do not need to be consecutive.

6. What happens after I file the Form 18?

The Industrial Commission will mail an acknowledgement letter to you after your Form 18 is processed. Processing time varies according to current workload. The Industrial Commission will mail a copy of the acknowledgement letter to the employer or its workers' compensation insurance carrier asking them to contact you and inform you if compensation will be paid to you voluntarily.

Authority G.S. 97-22; 97-24; 97-53; 97-81(a).

11 NCAC 23L .0107 FORM 18B – CLAIM BY EMPLOYEE, REPRESENTATIVE, OR DEPENDENT FOR BENEFITS FOR LUNG DISEASE

An employee may use the Form 18B Claim by Employee, Representative, or Dependent for Benefits for Lung Disease to file a claim for lung disease caused by exposure to cotton dust, silica, asbestos, or other substance. The Form 18B can be found on the Commission's website at https://www.ic.nc.gov/media/327/download?attachment and as is follows:

North Carolina Industrial Commission

CLAIM BY EMPLOYEE, REPRESENTATIVE, OR DEPENDENT FOR BENEFITS FOR LUNG DISEASE

IC File #_____
Emp. Code #_____
Carrier Code #_____

Social Security Number Disclosure Statement
The North Carolina Public Records Act (N.C. Gen. Stat. § 132-1.10) permits the North Carolina Industrial Commission to request a social security number from an individual when doing so is imperative to the performance of its duties and responsibilities. The purpose of requesting your social security number on this form is for the Industrial Commission to verify the correct employer with the North Carolina Department of Commerce, Division of Employment Security and to identify workers' compensation insurance coverage. The disclosure of a social security number by an individual to the Industrial Commission is voluntary. Social security numbers are confidential and exempt from public disclosure by the Industrial Commission. The Industrial Commission may not share your social security number unless otherwise permitted to do so pursuant to N.C. Gen. Stat. § 132-1.10.

Employee's Name | Social Security Number | ☐M ☐F Sex | / / Date of Birth

Address | If Employee is deceased, list Personal Representative

City | State | Zip | Spouse's Name

( ) Employee's Home Telephone | ( ) Work Telephone | Name of Attorney if represented

PRINT OR TYPE ALL ANSWERS

Notice is hereby given, as required by law, that the above-named employee sustained an occupational disease caused by exposure to: cotton dust ; silica ; asbestos ; or other substance and, if known, state substance: _____.
Date of diagnosis _____ By: Dr. _____ Attach diagnosing medical records.
Date of death, if applicable_____

List of Employer-Defendants (Attach additional pages if necessary). NOTE: While you are not required to attach your SSA Earnings Report to this form, doing so will help confirm that you have listed the correct employers on this form.

Employer Name: _____ Telephone: (___) _____ Dates of Employment _____
Address: _____ Location of Job(s) _____
City State Zip

Employer Name: _____ Telephone: (___) _____ Dates of Employment _____
Address: _____ Location of Job(s) _____
City State Zip

Employer Name: _____ Telephone: (___) _____ Dates of Employment _____
Address: _____ Location of Job(s) _____
City State Zip

IT IS REQUIRED THAT BOTH PAGES OF THIS FORM BE COMPLETED IN ORDER TO PROCESS THIS CLAIM

FORM 18B
PAGE 1 OF 2

FORM 18B

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEES: E-MAIL TO FORMS@IC.NC.GOV
OR MAIL TO: NCIC - CLAIMS SECTION
1235 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1235
MAIN PHONE (919) 807-2500 HELPLINE: (800) 688-8349

Employment History, Beginning with Most Recent Employment (Attach additional pages if necessary):

Employer	From / To:	Employer's Type of Business	Employee's Job Title
If you were exposed to the listed substance(s) while working for this employer, describe in detail the exposures:			

Employer	From / To:	Employer's Type of Business	Employee's Job Title
If you were exposed to the listed substance(s) while working for this employer, describe in detail the exposures:			

Employer	From / To:	Employer's Type of Business	Employee's Job Title
If you were exposed to the listed substance(s) while working for this employer, describe in detail the exposures:			

List the names and addresses of all family physicians, treating physicians and hospitals that have provided medical services or treatment to you over a 20 year period prior to the filing of this claim.

Year	Name	Address (City)	Purpose for which treated (if known)

I hereby authorize the above named medical sources to disclose medical records (including images such as x-rays, CT scans, MRIs, sonograms, etc.) regarding my treatment, hospitalization, and/or outpatient care for any condition during the period(s) identified above to all parties (including insurance companies) or State agencies that may review my application for compensation. I also hereby authorize that a photocopy of this authorization be accepted with the same authority as this original. The information disclosed will be used in connection with my claim for benefits under the Workers' Compensation Act.

I understand this authorization will automatically expire when my application for benefits is finally decided.

_____ (___) _____

Signature of (Check One) ☐ Employee, ☐ Attorney, ☐ Representative, or ☐ Dependent — Telephone Number

Address — City — State — Zip — Date Completed

Employee should return original of this form to the Industrial Commission, furnish his/her employer with one signed copy and retain a copy.

FORM 18B

PAGE 2 OF 2

FORM 18B

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEES: E-MAIL TO FORMS@IC.NC.GOV
OR MAIL TO: NCIC - CLAIMS SECTION
1235 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1235
MAIN PHONE (919) 807-2500 HELPLINE: (800) 688-8349

Authority G.S. 97-53; 97-54; 97-55; 97-57; 97-81(a).

11 NCAC 23L .0108 FORM 18M - EMPLOYEE'S APPLICATION FOR ADDITIONAL MEDICAL COMPENSATION

An employee may use the Form 18M Employee's Application for Additional Medical Compensation as set forth in 11 NCAC 23A .0408. The Form 18M can be found on the Commission's website at https://www.ic.nc.gov/media/328/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____
Emp. Code #_____
Carrier Code #_____

EMPLOYEE'S APPLICATION FOR ADDITIONAL MEDICAL COMPENSATION (G.S. § 97-25.1)

(APPLICABLE TO INJURIES BY ACCIDENT OR OCCUPATIONAL DISEASES CONTRACTED ON OR AFTER 5 JULY 1994)

Employee's Name	Email Address		Employer's Name	Email Address	( ) Telephone Number
Address			Employer's Address	City	State Zip
City	State	Zip	Insurance Carrier		
( ) Home Telephone	( ) Work Telephone		Carrier's Address	City	State Zip
XXX-XX- ☐ M ☐ F	/ /		( ) Carrier's Telephone Number	Adjuster's Name	Email Address
Last 4 Digits of SSN Sex	Date of Birth				

SECTION A. TO BE COMPLETED BY EMPLOYEE:

1. The above-named employee claims additional medical compensation as a result of an injury by accident or an occupational disease which occurred on or by _____ (Date) because _____
   _____
   (Reason for Additional Medical Compensation)
2. Additional medical and/or other supporting documentation ☐ is / ☐ is not attached (*optional*).
   (Place your I.C. File # on each attachment.)

_____
SIGNATURE OF EMPLOYEE DATE COMPLETED

Name and address of employee's attorney, if any: _____
_____

EMPLOYEE: SEND THE ORIGINAL OF THIS FORM AND ANY SUPPORTING DOCUMENTATION TO THE INDUSTRIAL COMMISSION AS INSTRUCTED AT THE BOTTOM OF THIS FORM AND SEND A COPY TO THE EMPLOYER OR CARRIER/ADMINISTRATOR.

SECTION B. TREATING PHYSICIAN'S STATEMENT (OPTIONAL) :

This is to certify that:

1. I am the above-named employee's treating physician. My area of medical practice is _____, and my treatment of the employee began on _____. (mo/day/yr)
2. In my opinion, there is a substantial risk that the employee will need the following additional medical care or monitoring (including medical, surgical, hospital, nursing, rehabilitation services, medicines, sick travel, replacement of artificial members, medical and surgical supplies, and other treatment):_____.

   The need for this medical treatment results from the injury by accident or occupational disease as set forth in Section A. above.

_____
SIGNATURE OF TREATING PHYSICIAN PRINTED NAME DATE

_____
ADDRESS CITY STATE ZIP

FORM 18M

PAGE 1 OF 1

FORM 18M

ATTORNEYS/CARRIERS:
FILE VIA ELECTRONIC DOCUMENT FILING PORTAL HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS:
E-MAIL TO EXECSEC@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-EXECUTIVE SECRETARY
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-25.1; 97-81(a).

11 NCAC 23L .0109 FORM 19 - EMPLOYER'S REPORT OF EMPLOYEE'S INJURY OR OCCUPATIONAL DISEASE TO THE INDUSTRIAL COMMISSION

A Form 19 Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission is required to be used by the employer and any carrier or administrator pursuant to G.S. 97-92(a) and as set forth in 11 NCAC 23A .0104. The Form 19 can be found on the Commission's website at https://www.ic.nc.gov/media/329/download?attachment and as follows:

North Carolina Industrial Commission

EMPLOYER'S REPORT OF EMPLOYEE'S INJURY OR OCCUPATIONAL DISEASE TO THE INDUSTRIAL COMMISSION

IC File #_____

Emp. FEIN_____

Carrier FEIN_____

Carrier File #_____

To the Employer:
A copy of this Form 19 accompanied by a blank Form 18 must be given to the employee. It does not satisfy the employee's obligation to file a claim. The filing of this report is required by law. This form MUST be transmitted to the Industrial Commission through your Insurance Carrier.

To the Employee:
This Form 19 is not your claim for workers' compensation benefits. To make a claim, you must complete and sign the enclosed **Form 18** and mail it to Claims Administration, N.C. Industrial Commission, 1235 Mail Service Center, Raleigh, NC 27699-1235 within two years of the date of your injury or last payment of medical compensation. For occupational diseases, the claim must be filed within two years of the date of disability or the date your doctor told you that you have a work-related disease, whichever is later.

The I.C. File # is the unique identifier for this injury. It will be provided by return letter and is to be referenced in all future correspondence.

Social Security Number Disclosure Statement
The North Carolina Public Records Act (N.C. Gen. Stat. § 132-1.10) permits the North Carolina Industrial Commission to request a social security number when doing so is imperative to the performance of its duties and responsibilities. The purpose of requesting a social security number on this form is for the Industrial Commission to verify the correct employer with the North Carolina Department of Commerce, Division of Employment Security and to identify workers' compensation insurance coverage. The disclosure of a social security number to the Industrial Commission is voluntary. Social security numbers are confidential and exempt from public disclosure by the Industrial Commission. The Industrial Commission may not share a social security number unless otherwise permitted to do so pursuant to N.C. Gen. Stat. § 132-1.10.

Employee's Name	Email Address		Employer's Name	Email Address	( ) - Telephone Number
Address			Employer's Address	City	State Zip
City	State	Zip	Insurance Carrier	Policy Number	
( ) - Home Telephone	( ) - Work Telephone		Carrier's Address	City	State Zip
- - Social Security Number	☐ M ☐ F Sex	/ / Date of Birth	( ) - Carrier's Telephone Number	Adjuster's Name	Email Address

Employer	1.	Give nature of employer's business
Time And Place	2.	Location of plant where injury occurred County Department State if employer's premises
	3.	Date of injury / / 4. Day of week Hour of day : ☐ A.M. ☐ P.M.
	5.	Was employee paid for entire day 6. Date disability began / /
	7.	Date you or the supervisor first knew of injury / / 8. Name of supervisor
Person Injured	9.	Occupation when injured
	10.	(a) Date employment began (b) Wages per hour $
	11.	(a) No. hours worked per day (b) Wages per day $ (c) No. of days worked per week (d) Avg. weekly wages w/ overtime $ (e) If board, lodging, fuel or other advantages were furnished in addition to wages, estimated value per day, week or month. $ per
Cause And Nature Of Injury	12.	Describe fully how injury occurred and what employee was doing when injured: (Statement made without prejudice and without vouching for correctness of information)
	13.	List all injuries and specify body part involved (e.g. right hand or left hand):
	14.	Date & hour returned to work / / at : .M. 15. If so, at what wages $ per
	16.	At what occupation 17. Employee's salary continued in full?
	18.	Was employee treated by a physician
Fatal Cases	19.	Has injured employee died 20. If so, give date of death (Submit Form 29) / /

Employer name _____ Date Completed / /

Signed by _____ Official Title _____

FOR IC USE ONLY
RESEARCHER:_____
CC:_____
EC:_____
DATA ENTRY:_____

FORM 19

FORM 19

SELF-INSURED EMPLOYER OR CARRIER, FILE AS **FROI** VIA **EDI: HTTPS://WWW.IC.NC.GOV/EDIFORM19.HTML**

UNINSURED EMPLOYERS OR LUNG DISEASE CLAIMS:
E-MAIL TO: FORMS@IC.NC.GOV OR MAIL TO: NCIC - CLAIMS SECTION, 1235 MAIL SERVICE CENTER, RALEIGH, NC 27699-1235
MAIN TELEPHONE: (919) 807-2500 HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV/

PAGE 1 OF 2

OSHA 301 Information:

Case Number from Log:	Date Hired: / /	Time Employee began work on date of incident: : ☐ A.M. ☐ P.M.	If off-site medical treatment provided, answer entire next line.	
Name of facility:		Address: Street/City/Zip/Telephone	ER visit? ☐ Yes ☐ No	Overnight stay? ☐ Yes ☐ No
Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.				

IMPORTANT INFORMATION FOR EMPLOYER

Employer must furnish a copy of this form, as completed, to the employee or the employee's representative when submitted to the Insurance Carrier or Claims Administrator for transmission to the Commission. Every question must be answered. This Form 19 must be transmitted to the Commission through your insurance carrier/claims administrator, and is required by law to be filed within 5 days after knowledge of accident. Employer must also give employee a blank Form 18.

IMPORTANT INFORMATION FOR EMPLOYEE

Reporting an Injury

If you do not agree with the description or time of the accident given on this form, you should make a written report of injury to the employer within thirty (30) days of the injury.

Making A Claim

To be sure you have filed a claim, complete a Form 18, Notice of Accident, within two years of the date of the injury and send a copy to the Industrial Commission and to your employer. The employer is required by law to file this Form 19, but the filing of the Form 19 does not satisfy the employee's obligation to file a claim. The employee must file a Form 18 even though the employer may be paying compensation without an agreement, or the Commission may have opened a file on this claim. A claim may also be made by a letter describing the date and nature of the injury or occupational disease. This letter must be signed and sent to the Industrial Commission and to your employer.

FOR ASSISTANCE OR TO OBTAIN A FORM 18 FROM THE INDUSTRIAL COMMISSION, YOU MAY CALL (800) 688-8349

USE YOUR I.C. FILE NUMBER (IF KNOWN) OR SOCIAL SECURITY NUMBER ON
ALL FUTURE CORRESPONDENCE WITH THE COMMISSION

[SPANISH TRANSLATION]

INFORMACIÓN IMPORTANTE PARA LOS EMPLEADOS

Reporte de una Lesión (Reporting an Injury)

Si usted no está de acuerdo con la descripción o la hora del accidente que aparece en el formulario, debe hacer un reporte de la lesión por escrito y dárselo a su empleador dentro de un período de treinta (30) días a partir de la fecha de la lesión.

Cómo Presentar una Reclamación (Making a Claim)

Para ceriorarse de que ha presentado una reclamación, complete el Formulario 18 Notificación de Accidente dentro de un período de dos años a partir de la fecha de la lesión y envíe una copia a la Comisión Industrial y una copia a su empleador. Por ley, el empleador debe presentar el Formulario 19, sin embargo, el presentar el Formulario 19 no cumple con la obligación que tiene el empleado de presentar una reclamación. El empleado debe presentar el Formulario 18 aunque el empleador esté pagando compensación sin tener un acuerdo o si la Comisión ha creado un expediente con respecto a esta reclamación. También se puede presentar una reclamación por medio de una carta explicando la fecha y la naturaleza de la lesión o la enfermedad ocupacional. Esta carta se debe firmar y enviar a la Comisión Industrial así como al empleador.

PARA RECIBIR ASISTENCIA O PARA OBTENER EL FORMULARIO 18 DE LA COMISIÓN INDUSTRIAL, USTED PUEDE HABLAR AL (800) 688-8349

EN TODA LA CORRESPONDENCIA QUE ENVÍE A LA COMISIÓN INDUSTRIAL POR FAVOR ESCRIBA
EL NÚMERO DE CASO DESIGNADO POR LA COMISIÓN *[I.C. FILE NUMBER]* (SI LO SABE)
O SU NÚMERO DE SEGURO SOCIAL.

FORM 19

PAGE 2 OF 2

FORM 19

SELF-INSURED EMPLOYER OR CARRIER, FILE AS **FROI** VIA **EDI:**
HTTPS://WWW.IC.NC.GOV/EDIFORM19.HTML

UNINSURED EMPLOYERS OR LUNG DISEASE CLAIMS:
E-MAIL TO: **FORMS@IC.NC.GOV** OR MAIL TO: **NCIC - CLAIMS SECTION,**
1235 MAIL SERVICE CENTER, RALEIGH, NC 27699-1235
MAIN TELEPHONE: **(919) 807-2500** HELPLINE: **(800) 688-8349**
WEBSITE: **HTTPS://WWW.IC.NC.GOV/**

Authority G.S. 97-81(a); 97-92(a).

11 NCAC 23L .0110 FORM 23 - APPLICATION TO REINSTATE PAYMENT OF DISABILITY COMPENSATION

An employee may use the Form 23 Application to Reinstate Payment of Disability Compensation as set forth in 11 NCAC 23A .0405. The Form 23 can be found on the Commission's website at https://www.ic.nc.gov/media/332/download?attachment and as follows:

North Carolina Industrial Commission

IC File #_____

APPLICATION TO REINSTATE PAYMENT OF DISABILITY COMPENSATION (G.S. § 97-18(k))

Carrier File #_____

Employee's Name	Email Address	Employer's Name / Email Address	( ) Telephone Number
Address		Employer's Address	City State Zip
City	State Zip	Insurance Carrier	
( ) Home Telephone	( ) Work Telephone	Carrier's Address	City State Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex / / Date of Birth	( ) Carrier's Telephone Number	Adjuster's Name / Email Address

IMPORTANT NOTICE TO EMPLOYER: **The employee in this claim has applied for reinstatement of compensation. If the employer or carrier believes that compensation should not be reinstated, the employer or carrier must respond to this Application by completing Section B of this Form and returning one copy to the Industrial Commission. If the Industrial Commission has not received the completed copy of this Form from the employer or carrier by _____, an Order may be issued reinstating compensation. If the employer or carrier timely objects to reinstatement, the matter will be scheduled for informal telephonic hearing. (The date to be inserted above by the employee shall be 17 days after this Application was sent to the employer or carrier and Industrial Commission, whether by mail, facsimile, or e-mail.)**

SECTION A. TO BE COMPLETED BY THE EMPLOYEE:

1. Date of injury by accident or occupational disease: _____
2. Nature and extent of injury or occupational disease: _____
3. (a) Has your claim been accepted or determined to be compensable by the Industrial Commission: Yes: ☐ No: ☐
   (b) If so, how: Form 21 ☐ Form 60 ☐ Form 63 ☐ Opinion and Award ☐
   Other_____
4. Number of weeks compensation already paid: _____ From:_____/_____/_____ To:_____/_____/_____
5. Date from which seeking compensation:_____
6. Application is made to reinstate compensation on the grounds that:_____

YOU MUST ATTACH DOCUMENTATION TO SUPPORT THIS APPLICATION FOR REINSTATEMENT OF COMPENSATION.

NUMBER OF PAGES ATTACHED: _____

TELEPHONE NUMBER AT WHICH YOU CAN BE REACHED IF AN INFORMAL HEARING IS SCHEDULED, FROM MONDAY THROUGH FRIDAY BETWEEN 8:00 A.M. AND 5:00 P.M.: _____ THE INDUSTRIAL COMMISSION WILL NOTIFY YOU IF AN INFORMAL HEARING IS SCHEDULED.

IN ADDITION TO FILING THE ORIGINAL OF THIS APPLICATION AND SUPPORTING DOCUMENTS WITH THE INDUSTRIAL COMMISSION, I HEREBY CERTIFY THAT A COPY OF THIS APPLICATION, TOGETHER WITH ALL SUPPORTING DOCUMENTS, WAS SENT TO THE EMPLOYER OR CARRIER/ADMINISTRATOR AT: (ADDRESS/FAX NO):_____
AND THE EMPLOYER/CARRIER'S ATTORNEY OF RECORD, IF ANY, AT: (EMAIL/FAX NO.) _____
(IF E-MAIL, USE THE DIRECT E-MAIL ADDRESS OF THE ATTORNEY OF RECORD)

SIGNATURE OF EMPLOYEE OR ATTORNEY: _____ DATE:_____

FORM 23

PAGE 1 OF 2

FORM 23

ATTORNEYS/CARRIERS:

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS:
E-MAIL TO EXECSEC@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-EXECUTIVE SECRETARY
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

I.C. No. _____

SECTION B. TO BE COMPLETED BY THE EMPLOYER OR CARRIER/ADMINISTRATOR

1. THE EMPLOYER/CARRIER MUST COMPLETE EITHER 1.(a) OR 1.(b)

(a) If reinstatement of compensation is not contested, complete the following:

Compensation in the amount of $_____ per week was or will be reinstated from _____/_____/_____

commencing on: _____/_____/_____

If compensation is reinstated on a date other than the date requested by the employee in Section A.5., please explain:_____
_____
_____
_____

(b) Compensation should not be reinstated because:_____
_____
_____
_____

2. (a) Specify whether this claim has been accepted, denied or determined compensable by the Industrial Commission:_____
_____

(b) How: Form 61 ☐ Form 21 ☐ Form 60 ☐ Form 63 ☐ Opinion and Award ☐

Other_____

3. If compensation has been paid, provide the number of weeks: _____From:_____/_____/_____To:_____/_____/_____

IF REINSTATEMENT OF COMPENSATION IS CONTESTED, GIVE A TELEPHONE NUMBER AT WHICH YOU CAN BE REACHED WHEN THE INFORMAL HEARING IS SCHEDULED, FROM MONDAY THROUGH FRIDAY BETWEEN 8:00 A.M. AND 5:00 P.M. _____ AND A FACSIMILE NUMBER OR E-MAIL ADDRESS FOR SERVICE OF THE HEARING NOTICE AND ANY OTHER CORRESPONDENCE:

IN ADDITION TO FILING THE ORIGINAL OF THIS RESPONSE WITH THE INDUSTRIAL COMMISSION, I HEREBY CERTIFY THAT A COPY OF THIS RESPONSE, TOGETHER WITH SUPPORTING DOCUMENTS, WAS SENT TO THE EMPLOYEE OR THE EMPLOYEE'S ATTORNEY OF RECORD, IF ANY, AT (ADDRESS/FAX NO:)_____

_____

ON _____

SIGNATURE OF EMPLOYER,
CARRIER/ADMINISTRATOR OR
ATTORNEY:_____DATE:_____

FORM 23

PAGE 2 OF 2

FORM 23

ATTORNEYS/CARRIERS:

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS:
E-MAIL TO EXECSEC@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-EXECUTIVE SECRETARY
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18(k); 97-81(a).

11 NCAC 23L .0111 FORM 24 – APPLICATION TO TERMINATE OR SUSPEND PAYMENT OF COMPENSATION

An employer, carrier, or administrator shall use the Form 24 Application to Terminate or Suspend Payment of Compensation as set forth in 11 NCAC 23A .0404. The Form 24 can be found on the Commission's website at https://www.ic.nc.gov/media/333/download?attachment and is as follows:

North Carolina Industrial Commission

APPLICATION TO TERMINATE OR SUSPEND PAYMENT OF COMPENSATION (G.S. § 97-18.1)

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

Employee's Name		Email Address	Employer's Name	Email Address	Telephone Number
Address			Employer's Address	City	State Zip
City	State	Zip	Insurance Carrier		
Home Telephone	Work Telephone		Carrier's Address	City	State Zip
XXX-XX-	M ☐ F ☐	/ /			
Last 4 Digits of SSN	Sex	Date of Birth	Carrier's Telephone Number	Adjuster's Name	Email Address

IMPORTANT NOTICE TO EMPLOYEE: YOUR BENEFITS MAY BE STOPPED UNLESS YOU OBJECT IMMEDIATELY. IF YOU BELIEVE YOUR BENEFITS SHOULD NOT BE STOPPED, YOU MUST FILL OUT SECTION B. OF THIS FORM AND RETURN ONE COPY OF THIS FORM TO THE INDUSTRIAL COMMISSION. IF THE INDUSTRIAL COMMISSION HAS NOT RECEIVED THE COMPLETED COPY OF THIS FORM FROM YOU BY_____, YOUR BENEFITS MAY BE STOPPED WITHOUT FURTHER NOTICE TO YOU. IF YOU OBJECT, YOU MAY HAVE THE RIGHT TO AN INFORMAL HEARING BY THE INDUSTRIAL COMMISSION BEFORE YOUR BENEFITS CAN BE STOPPED. (THE DATE TO BE INSERTED ABOVE BY THE EMPLOYER OR CARRIER/ADMINISTRATOR SHALL BE AT LEAST 17 DAYS AFTER THIS APPLICATION WAS ELECTRONICALLY FILED WITH THE INDUSTRIAL COMMISSION.)

SECTION A. TO BE COMPLETED BY THE EMPLOYER OR CARRIER/ADMINISTRATOR:

1. Date of injury by accident: _____ Date disability began: _____
2. Nature and extent of injury: _____
3. Number of weeks compensation paid: _____ From: _____ To: _____
4. Total amount of indemnity compensation paid to date: $ _____
5. Check applicable box(s):
   - ☐ a. An agreement was approved by the Industrial Commission on _____
   - ☐ b. The employer admitted employee's right to compensation pursuant to N.C. Gen. Stat. § 97-18(b).
   - ☐ c. The employer paid compensation to employee without contesting claim within the statutory period provided under N.C. Gen. Stat. § 97-18(d).
   - ☐ d. Other: _____
6. Application is made to ☐ terminate or ☐ suspend compensation to the employee on the grounds that:
7. Check box if employee is in managed care. ☐

ATTORNEYS FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS
E-MAIL TO: EXECSEC@IC.NC.GOV
FAX TO: (919) 715-0282
MAIL TO: NCIC - EXECUTIVE SECRETARY
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FORM 24

PAGE 1 OF 2

FORM 24

IC File #_____

In addition to filing this application and supporting documents with the Industrial Commission, I hereby certify that a copy of this application, together with all supporting documents, was served on the employee via Standard U. S. Mail, at:

(address) _____

(city, state, zip) _____

OR on the employee's attorney of record, if any, by e-mail or facsimile to:

_____
(If e-mail, use the direct e-mail address for employee's attorney of record)

On the day of: _____. The attached documents consist of _____ pages.
(date) (number)

_____
SIGNATURE PRINTED NAME DATE

_____
TELEPHONE NUMBER DIRECT E-MAIL ADDRESS

TO BE COMPLETED BY THE EMPLOYEE

SECTION B. IF YOU THINK YOUR COMPENSATION SHOULD NOT BE STOPPED, YOU SHOULD COMPLETE THIS SECTION.

1. I do not think my compensation should be stopped because: _____

2. Enclose and specify the number of pages of documents the Industrial Commission should consider: _____

3. Provide a telephone number below at which you can be reached when the informal hearing is scheduled, from Monday through Friday between 8:00 a.m. and 5:00 p.m.. The Industrial Commission will notify you of the date and time of the hearing.

_____
SIGNATURE OF EMPLOYEE OR ATTORNEY, IF REPRESENTED PRINTED NAME DATE

_____
TELEPHONE NUMBER DIRECT E-MAIL ADDRESS

If you need assistance in completing this form, you may contact the Industrial Commission at (800) 688-8349. You must contact the Office of the Executive Secretary at (919) 807-2657 to obtain an extension of time in which to submit medical records, or to obtain documents you have not been able to obtain.

EMPLOYEE: SEND A COPY YOUR RESPONSE ON THIS FORM AND SUPPORTING DOCUMENTS TO THE ATTORNEY IN SECTION A WHO FILED THIS FORM 24 APPLICATION ON BEHALF OF THE EMPLOYER AND CARRIER/ADMINISTRATOR FROM WHOM YOU ARE RECEIVING COMPENSATION. FILE A COPY WITH THE INDUSTRIAL COMMISSION AS INSTRUCTED AT THE BOTTOM OF THE FORM.

FORM 24

PAGE 2 OF 2

FORM 24

ATTORNEYS FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS
E-MAIL TO: EXECSEC@IC.NC.GOV
FAX TO: (919) 715-0282
MAIL TO: NCIC - EXECUTIVE SECRETARY
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18.1; 97-81(a).

11 NCAC 23L .0112 FORM 25PR – REQUEST FOR PREAUTHORIZATION OF MEDICAL TREATMENT

The Form 25PR Request for Preauthorization of Medical Treatment shall be used as set forth in 11 NCAC 23A .1001. The Form 25PR can be found on the Commission's website at https://www.ic.nc.gov/media/410/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____

Date of Injury_____

REQUEST FOR PREAUTHORIZATION OF MEDICAL TREATMENT

Employee's Name			Requesting Provider	( ) Telephone Number	
Address			Provider Billing Address	City	State Zip
City	State	Zip	Tax ID		
( ) Home Telephone	( ) Work Telephone		Form Prepared By		
XXX-XX- Last 4 digits of SSN	☐ M ☐ F Sex	/ / Date of Birth	( ) Telephone Number	Email Address	

1. The health care provider above requests preauthorization for the following surgery or inpatient admission and all pertinent clinical documentation regarding this request is attached.

Diagnosis: _____ Facility/Place of Service: _____

Setting: _____ Address: _____

Outpatient or Inpatient Phone & Fax: _____/_____

Diagnosis Code ICD-9:: _____ Tax ID: _____

Principal CPT Code: _____ Billing Contact: _____

2. Requested Service (include description, including body part(s)):

_____

_____

_____

_____

3. Frequency and Date(s) of Service (include date or length of service and admission date for inpatient treatment):

_____

_____

4. To be completed by Insurer: Procedure/Admission is ☐ Authorized.(or) ☐ Denied upon initial review. (Attach any explanation for decision or state additional information needed.) Insurer determinations shall be sent to all interested medical providers.

Date Completed: _____ Company Name: _____

Signed By: _____ Official Title: _____

Print Name: _____ Preauthorization Number: _____

This form shall be transmitted by the health care provider to the insurer at the e-mail address or fax number designated in the insurer's preauthorization review policy:

CLAIMS ADJUSTER OR DESIGNATED PREAUTHORIZATION AGENT: _____

FAX NUMBER: _____

EMAIL: _____

FORM 25PR
PAGE 1 OF 2

Form 25PR

North Carolina Industrial Commission

IC File #_____

Date of Injury_____

Employee Name_____

REQUEST FOR PREAUTHORIZATION OF MEDICAL TREATMENT (CONTINUED)

PROVIDER TO COMPLETE THIS PAGE TO APPEAL INITIAL DENIAL OF REQUEST.

Review Professional		Requesting Provider	( ) Telephone Number
Address		Provider Billing Address	City State Zip
City	State Zip	Tax ID	
Email Address	( ) Telephone	Form Prepared By	
		( ) Telephone Number	Email Address

1. Professional Qualifications and Areas of Specialty and State(s) of Licensure of Review Professional:

2. Review Findings and Determination (G.S. 97-25.3(a)(4)):

3. Procedure is ☐ Authorized (or) ☐ Denied. (Complete 2 above and attach any further explanation for decision or state additional information needed.) Insurer determinations shall be sent to all interested medical providers.

Date Completed: _____

Signed By: _____

Print Name: _____

Peer To Peer Conducted? ☐ YES ☐ NO

Date: _____

Precertification Number _____

This form shall be transmitted by the health care provider to the insurer at the e-mail address or fax number designated in the insurer's preauthorization review policy:

CLAIMS ADJUSTER OR DESIGNATED PREAUTHORIZATION AGENT: _____

FAX NUMBER: _____

EMAIL: _____

FORM 25PR
PAGE 2 OF 2

Form 25PR

Authority G.S. 97-25.3; 97-81(a).

11 NCAC 23L .0113 FORM 25T – ITEMIZED STATEMENT OF TRAVEL CHARGES

Employees shall use a Form 25T Itemized Statement of Travel Charges to seek reimbursement for travel expenses as set forth in 11 NCAC 23J .0101. The Form 25T can be found on the Commission's website at https://www.ic.nc.gov/media/339/download?attachment and is as follows:

North Carolina Industrial Commission

ITEMIZED STATEMENT OF CHARGES FOR TRAVEL

IC File #_____

Emp. Code #_____

Carrier Code #_____

Employee's Name | Email Address

Address

City | State | Zip

( ) - Home Telephone | ( ) - Work Telephone

Employer's Name | Email Address | ( ) - Telephone Number

Employer's Address | City | State | Zip

Insurance Carrier

Carrier's Address | City | State | Zip

( ) - Carrier's Telephone Number | Adjuster's Name | Email Address

Mileage reimbursement rates can be found on the Industrial Commission website at https://www.ic.nc.gov/dockets.html. Use the mileage reimbursement rate in effect on the date of travel. No reimbursement is allowed for trips to purchase medications or supplies unless medically necessary. These items much be purchased on visits to medical providers (G.S. § 97-25).

DATE	NAME OF MEDICAL PROVIDER	CITY	TOTAL MILES ROUNDTRIP
/ /			
/ /			
/ /			
/ /			
/ /			

OTHER EXPENSES	If overnight stay is necessary, lodging and meals shall be reimbursed by the carrier. Lodging and meal expense reimbursement amounts be found on the Industrial Commission website at https:///www.ic.nc.gov/dockets.html. Use the lodging and meal expense reimbursement amount in effect on the date of Travel. Copies of lodging and meal receipts must be attached to this form.		Total Miles:	
			X [mileage rate]*	
	Total Lodging Expense:			
	Total Meal Expense:			
	Total parking & cab expense (actual charge):		Other expenses:	
	Total for other expenses:		Total all expenses:	

I hereby certify that I have incurred all expenses listed above as a result of my workers' compensation injury.

Employee signature

Employee:
This form and supporting documentation should be returned to the carrier at the address above for payment.

Carrier's approval

Employer or Carrier/Administrator:
Travel may be reimbursed directly to the employee. It is not necessary to submit bills to the Commission for approval. Pay and retain copy in carrier's file.

FORM 25T

PAGE 1 OF 1

FORM 25T

FOR ASSISTANCE, CALL:
N.C. INDUSTRIAL COMMISSION
MAIN TELEPHONE: ***(919) 807-2500***
HELPLINE: ***(800) 688-8349***

Authority G.S. 97-25.

11 NCAC 23L .0114 FORM 26D - AGREEMENT FOR PAYMENT OF UNPAID COMPENSATION IN UNRELATED DEATH CASES

If an employee's dependent, next of kin, or personal representative and the employer, carrier, or administrator reach an agreement in regard to compensation, they may enter into a memorandum of agreement pursuant to G.S. 97-37 on a Form 26D Agreement For Payment of Unpaid Compensation in Unrelated Death Cases. The Form 26D can be found on the Commission's website at https://www.ic.nc.gov/media/341/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____
Emp. Code #_____
Carrier Code #_____
Carrier File #_____

AGREEMENT FOR PAYMENT OF UNPAID COMPENSATION IN UNRELATED DEATH CASES (G.S. § 97-37)

Deceased Employee's Name

Address

City State Zip

( ) ( )
Home Telephone Work Telephone

XXX-XX- ☐ M ☐ F / /
Last 4 Digits of SSN Sex Date of Birth

Employer's Name Email Address ( ) Telephone Number

Employer's Address City State Zip

Insurance Carrier

Carrier's Address City State Zip

( )
Carrier's Telephone Number Adjuster's Name Email Address

WE, THE UNDERSIGNED, DO HEREBY AGREE AND STIPULATE AS FOLLOWS:

1. All parties hereto are subject to and bound by the provisions of the North Carolina Workers' Compensation Act.
2. Deceased employee contracted an occupational disease or sustained an injury by accident arising out of and in the course of employment on _____(date of accident or occupational disease).
3. The accident or occupational disease resulted in the following injury and disability: _____
   _____
   Description of injury and permanent disability
4. The employee earned an average weekly wage of $ _____, which resulted in payment of compensation at the rate of $ _____ per week for temporary total disability for _____weeks covering the period from _____ to _____ and for permanent partial disability for _____weeks, and is entitled to the unpaid balance of _____weeks of permanent partial disability compensation for _____.
   Rating of body part pursuant to G.S. 97-31
5. Employee died on _____, 20 ___, from causes unrelated to the occupational disease or injury by accident referenced in No. 2 above.
6. The following is/are the ☐ whole dependent(s), ☐ partial dependent(s), ☐ next of kin, ☐ or personal representative of the estate of deceased employee: _____
7. The parties agree to pay and receive the balance of the compensation at the rate of $ _____per week for a period of _____weeks beginning _____, 20 ___.

Signature of dependent, next of kin or personal representative

Signature of dependent, next of kin or personal representative

Signature of Employer Title

Signature of Carrier/Administrator Title

Signature of claimant's attorney

Attorney's address

NORTH CAROLINA INDUSTRIAL COMMISSION
THE FOREGOING AGREEMENT IS HEREBY APPROVED:

CLAIMS EXAMINER DATE

ATTORNEY'S FEE APPROVED

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEES EMAIL TO: FORMS@IC.NC.GOV OR
MAIL TO: NCIC – CLAIMS SECTION
1235 MAIL SERVICE CENTER
RALEIGH, NC 27699-1235
HELPLINE: (800) 688-8349 WEBSITE: HTTPS://
WWW.IC.NC.GOV

FORM 26D

PAGE 1 OF 1

FORM 26D

Authority G.S. 97-37; 97-81(a).

11 NCAC 23L .0115 FORM 26I – MEDICAL PROVIDER DISPUTE RESOLUTION QUESTIONNAIRE

Health care providers seeking to resolve a dispute regarding payment of charges for medical compensation as set forth in 11 NCAC 23A .0614 shall use the Form 26I Medical Provider Dispute Resolution Questionnaire. The Form 26I can be found on the Commission's website at https://www.ic.nc.gov/media/343/download?attachment and is as follows:

NORTH CAROLINA INDUSTRIAL COMMISSION

MEDICAL PROVIDER DISPUTE RESOLUTION QUESTIONNAIRE

(N.C. GEN. STAT. §97-26(i))

Medical Provider MUST Complete Sections A-C Below

A. MEDICAL PROVIDER INFORMATION

Medical Provider

Date(s) of Service

Total Charges for Services Provided

Contact Name

Address City State Zip

( ) - ( ) -

Telephone Fax

Email

The above named medical provider is seeking payment for the attached medical services provided in a workers' compensation claim. The medical provider has received information that the employer is

□ Insured by the carrier listed below □ Self-insured □ Uninsured

B. EMPLOYEE/CLAIMANT

Employee's Name IC File No

Address

City State Zip

( ) - ( ) -

Home Telephone Work Telephone

XXX-XX □ M □ F / /

Last 4 Digits of SSN Sex Date of Birth

C. EMPLOYER/CARRIER INFORMATION

( ) -

Employer's Name Telephone Number

Employer's Address City State Zip

Insurance Carrier Policy Number

Adjustor

Carrier's Address City State Zip

( ) -

Carrier's Telephone Number Carrier's Email Address

Employer/Carrier MUST Complete Section D Below

D. EMPLOYER/CARRIER RESPONSE

The above named employer and/or workers' compensation insurance carrier must provide the information requested below regarding this case and the attached medical expenses to the above named medical provider within 20 days of receiving this questionnaire.

The above named employer and/or workers' compensation insurance carrier:

□ is not the employer or carrier for this claim.

□ denies liability for this workers' compensation claim. Date of Denial: _____

□ admits liability for this workers' compensation claim.

If liability admitted, do you accept liability for the attached medical expenses? □ Yes □ No

If liability denied for this claim or the attached medical expenses, please explain: _____

Has either party to this claim requested a hearing before the Industrial Commission? □Yes □ No

Has a compromise settlement agreement been approved? □ Yes □ No Date Approved: _____

Signature of (Check One) □ Employer, □ Attorney, □ Carrier Representative Date

Print Name

FORM 26I

Authority 97-26(i); 97-81(a).

11 NCAC 23L .0116 FORM 28B – REPORT OF EMPLOYER OR CARRIER/ADMINSTRATOR OF COMPENSATION AND MEDICAL COMPENSATION PAID AND NOTICE OF RIGHT TO ADDITIONAL MEDICAL COMPENSATION

An employer, carrier, or administrator shall use the Form 28B Report of Employer or Carrier/Administrator of Compensation and Medical Compensation Paid and Notice of Right to Additional Medical Commission to report the amount of compensation paid to an employee and to give notice to the employee of the time limits on the employee's right to additional medical compensation. The Form 28B can be found on the Commission's website at https://www.ic.nc.gov/media/345/download?attachment and is as follows:

North Carolina Industrial Commission

REPORT OF EMPLOYER OR CARRIER/ADMINISTRATOR OF COMPENSATION AND MEDICAL COMPENSATION PAID AND NOTICE OF RIGHT TO ADDITIONAL MEDICAL COMPENSATION

IC File #_____
Emp. Code #_____
Carrier Code #_____
Carrier File #_____

Employee's Name | Email Address | Employer's Name | Email Address | ( ) Telephone Number

Address | Employer's Address | City | State | Zip

City | State | Zip | Insurance Carrier

( ) Home Telephone | ( ) Work Telephone | Carrier's Address | City | State | Zip

XXX-XX- | ☐ M ☐ F | / / | ( ) Carrier's Telephone Number | Adjuster's Name | Email Address

Last 4 Digits of SSN | Sex | Date of Birth

1. Date of accident or disability from occupational disease_____.
2. Salary ☐ was / ☐ was not continued. Total Dollar Amount
3. Number of weeks temporary total _____ from _____, through _____ $_____
   _____ from _____, through _____ $_____
4. Number of weeks temporary partial _____ from _____, through _____ $_____
   _____ from _____, through _____ $_____
5. Number of weeks permanent partial _____ from _____, through _____ $_____
6. Disfigurement amount paid $ _____
7. Death benefits paid $ _____
8. Loss of organ or body part benefits paid $ _____
9. Total of lines 3 through 8, including any attorney fee paid to employee's attorney $ _____
10. Compromise Settlement Agreement amount $ _____
11. a. Total medical paid $ _____ Does this include final medical? ☐ Yes / ☐ No
    (Include bills for nursing, doctor, hospital, drugs, etc., but exclude rehabilitation and "medical only" paid)
    b. Total rehabilitation paid $ _____
    c. Total "medical only" paid $ _____
12. Total of lines 9, 10, 11a, and 11b. $ _____
13. Miscellaneous payments:
    Funeral benefits $ _____
    Second injury fund $ _____
    Hearing Costs $ _____
    Expert witness fees $ _____
    Other $ _____
    Total Miscellaneous Payments
    $_____
14. Has employee returned to work? ☐ Yes / ☐ No If so, on what date? _____ At what wage? _____
15. Date last compensation check forwarded _____ Was this the final payment? ☐ Yes / ☐ No
16. Date last medical compensation paid _____ Was this the final payment? ☐ Yes / ☐ No

NAME OF EMPLOYER OR CARRIER/ADMINISTRATOR

SIGNATURE | TITLE | DATE

This form must be filed with the Industrial Commission at the address below, and a copy provided the employee with his last compensation check within 16 days following final payment of compensation and final medical payment.

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

FORM 28B

PAGE 1 OF 2

FORM 28B

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FOR INDUSTRIAL COMMISSION USE ONLY	
Days	_____
Compensation Paid	$_____
Medical	$_____
IC Code:	_____

IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL WEEKLY COMPENSATION CHECKS OR LUMP SUM PAYMENT

If you claim further compensation, you must notify the Industrial Commission in writing within two years from the date of receipt of your last compensation check or your rights to these benefits may be lost.

IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL MEDICAL BENEFITS INJURED BEFORE JULY 5, 1994

If your injury occurred before July 5, 1994, you are entitled to medical compensation as long as it is reasonably necessary, related to your workers' compensation case, and authorized by the carrier or the Industrial Commission.

IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL MEDICAL BENEFITS INJURED ON OR AFTER JULY 5, 1994

If your injury occurred on or after July 5, 1994, your right to future medical compensation will depend on several factors. Your right to payment of future medical compensation will terminate two years after your employer or carrier/administrator last pays any medical compensation or other compensation, whichever occurs last. If you think you will need future medical compensation, you must apply to the Industrial Commission in writing within two years, or your right to these benefits may be lost. To apply you may also use Industrial Commission Form 18M.

DEFINITION OF MEDICAL COMPENSATION

The term "medical compensation" means medical, surgical, hospital, nursing and rehabilitative services, and medicines, sick travel, and other treatment, including medical and surgical supplies, as may reasonably be required to effect a cure or give relief, and for such additional time, as in the judgment of the Industrial Commission, will tend to lessen the period of disability; and any original artificial members as may reasonably be necessary at the end of the healing period, and the replacement of such artificial members when reasonably necessitated by ordinary use or medical circumstances. **N.C. Gen. Stat. § 97-2(19)**.

NEED ASSISTANCE?

If you have questions or need help and you do not have an attorney, you may contact the Industrial Commission's Information Specialists at **(800) 688-8349**

FORM 28B

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FORM 28B

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18(h); 97-25.1; 97-81(a).

11 NCAC 23L .0117 FORM 28C – REPORT OF EMPLOYER OR CARRIER/ADMINISTRATOR OF COMPENSATION AND MEDICAL COMPENSATION PAID PURSUANT TO A COMPROMISE SETTLEMENT AGREEMENT

An employer, carrier, or administrator shall use the Form 28C Report of Employer or Carrier/Administrator of Compensation and Medical Compensation Paid Pursuant to A Compromise Settlement Agreement to report the amount of compensation paid to an employee pursuant to a compromise settlement agreement. The Form 28C can be found on the Commission's website at https://www.ic.nc.gov/media/396/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

REPORT OF EMPLOYER OR CARRIER/ADMINISTRATOR OF COMPENSATION AND MEDICAL COMPENSATION PAID PURSUANT TO A COMPROMISE SETTLEMENT AGREEMENT

THIS FORM IS ONLY TO BE USED IN SETTLED CASES

Employee's Name _____ Email Address _____

Address _____

City _____ State _____ Zip _____

( ) _____ Home Telephone ( ) _____ Work Telephone

XXX-XX- _____ Last 4 Digits of SSN ☐ M ☐ F Sex / / Date of Birth

Employer's Name _____ Email Address _____ ( ) _____ Telephone Number

Employer's Address _____ City _____ State _____ Zip _____

Insurance Carrier _____

Carrier's Address _____ City _____ State _____ Zip _____

( ) _____ Carrier's Telephone Number Adjuster's Name _____ Email Address _____

1. Date of accident or disability from occupational disease _____.
2. Salary ☐ was / ☐ was not continued.

					Total Dollar Amount
3.	Number of weeks temporary total	_____	from _____	, through _____	$_____
		_____	from _____	, through _____	$_____
4.	Number of weeks temporary partial	_____	from _____	, through _____	$_____
		_____	from _____	, through _____	$_____
5.	Number of weeks permanent partial	_____	from _____	, through _____	$_____

6. Disfigurement amount paid $_____
7. Loss of organ or body part benefits paid $_____
8. TOTAL OF LINES 3 THROUGH 7 $_____
9. Compromise Settlement Agreement amount $_____
10. Total Medical Paid $_____

NAME OF EMPLOYER OR CARRIER/ADMINISTRATOR

SIGNATURE TITLE DATE

This form must be filed with the Industrial Commission at the address below.

FOR INDUSTRIAL COMMISSION USE ONLY	
Days	_____
Compensation Paid	$_____
Medical	$_____
IC Code:	_____

FORM 28C

PAGE 1 OF 1

FORM 28C

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18(h); 97-81(a).

11 NCAC 23L .0118 FORM 28T – NOTICE OF TERMINATION OF COMPENSATION BY REASON OF TRIAL RETURN TO WORK

When an employee's compensation is terminated due to trial return to work, the employer, carrier, or administrator shall use the Form 28T Notice of Termination of Compensation by Reason of Trial Return to Work as set forth in 11 NCAC 23A .0404A. The Form 28T can be found on the Commission's website at https://www.ic.nc.gov/media/344/download?attachment and is as follows:

North Carolina Industrial Commission

NOTICE OF TERMINATION OF COMPENSATION BY REASON OF TRIAL RETURN TO WORK G.S. § 97-18.1(b) AND G.S. § 97-32.1

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

Employee's Name	Email Address		Employer's Name	Email Address	( ) Telephone Number
Address			Employer's Address	City State	Zip
City	State	Zip	Insurance Carrier		
( ) Home Telephone	( ) Work Telephone		Carrier's Address	City State	Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex	/ / Date of Birth	( ) Carrier's Telephone Number	Adjuster's Name	Email Address

Important Notice to Employee: Your disability compensation has been stopped because you have returned to work. You are entitled to a trial return to work for a period not to exceed nine months, unless you have been released by an authorized treating physician to unrestricted work, in which case your trial return to work may be limited to 45 days. During your trial return to work, you may be entitled to partial disability compensation if, because of your on-the-job injury, you earn less wages now than before your injury. In order to request that your compensation be reinstated if your trial return to work is unsuccessful, you should complete Form 28U, which may be obtained by calling (800) 688-8349. In addition, you should notify an appropriate person at the company named below in order to request that your compensation be reinstated:

_____

NAME OF EMPLOYER OR CARRIER/ADMINISTRATOR ADDRESS TELEPHONE NUMBER

When an employee returns to work other than on a trial return to work basis [see I.C. Rule 11 NCAC 23A .0404A(g)], Form 28 must be used.

EMPLOYER: COMPLETE THE FOLLOWING.

1. Date of injury: _____ 2. Date disability began: _____
3. Date temporary total compensation was/will be terminated: _____.
4. Date the employee returned/will return to work: _____
   at the ☐ **same or greater wages**, than received at the time of injury, or
   at ☐ **reduced wages** which were/are paid at the rate of $ _____ weekly.
   If employee has returned to work at reduced wages, is employee entitled to compensation for partial disability pursuant to N.C. Gen. Stat. § 97-30? ☐ **yes** ☐ **no**
   If "Yes", submit proper Form, such as Form 26 or Form 62
   If not, explain: _____
5. If different employment has been verified, name of employer: _____
   Address: _____
   Telephone: ( ) _____

SIGNATURE OF EMPLOYER OR CARRIER/ADMINISTRATOR TITLE DATE

Employer: The original of this form shall be mailed to the address below, and a copy sent to the employee and the employee's attorney of record, if any. Form 28B must be filed to report the amount and last date compensation and/or medical compensation were paid.

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

FORM 28T

PAGE 1 OF 1

FORM 28T

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18.1(b); 97-32.1; 97-81(a).

11 NCAC 23L .0119 FORM 28U – EMPLOYEE'S REQUEST THAT COMPENSATION BE REINSTATED AFTER UNSUCCESSFUL TRIAL RETURN TO WORK

An employee may use a Form 28U Employee's Request that Compensation be Reinstated after Unsuccessful Trial Return to Work as set forth in 11 NCAC 23A .0404A. The Form 28U can be found on the Commission's website at https://www.ic.nc.gov/media/346/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____
Emp. Code #_____
Carrier Code #_____

EMPLOYEE'S REQUEST THAT COMPENSATION BE REINSTATED AFTER UNSUCCESSFUL TRIAL RETURN TO WORK

Employee's Name | Email Address
Address
City | State | Zip
( ) Home Telephone | ( ) Work Telephone
XXX-XX- Last 4 Digits of SSN | ☐ M ☐ F Sex | / / Date of Birth

Employer's Name | Email Address | ( ) Telephone Number
Employer's Address | City | State | Zip
Insurance Carrier
Carrier's Address | City | State | Zip
( ) Carrier's Telephone Number | Adjuster's Name | Email Address

SECTION A.

EMPLOYEE: COMPLETE AND MAIL TO EMPLOYER AND CARRIER/ADMINISTRATOR, AND TO THE INDUSTRIAL COMMISSION AT THE ADDRESS BELOW:

1. I request that my total disability compensation be resumed immediately. I had a trial return to work with _____ (name of employer) from _____ (date first worked) until _____ (date last worked).
   The date of my injury by accident or the date of disability from my occupational disease was _____
2. Explain in detail the reasons you are no longer working: _____
3. The employee **MUST** obtain the following from an authorized treating physician:

TREATING PHYSICIAN'S STATEMENT

This is to certify that the employee is unable to continue the trial return to work due to the employee's injury for which compensation has been paid. My medical specialty is: _____

SIGNATURE OF AUTHORIZED TREATING PHYSICIAN | PRINTED NAME | DATE

ADDRESS | CITY | STATE | ZIP

IF RETURN TO WORK WAS WITH THE EMPLOYER FROM WHOM YOU HAVE RECEIVED WORKERS' COMPENSATION, SIGN HERE AND DO NOT COMPLETE THE REMAINDER OF THIS FORM. IF RETURN TO WORK WAS WITH A DIFFERENT EMPLOYER, COMPLETE SECTION B BELOW.

SIGNATURE OF EMPLOYEE | DATE

SECTION B.

EMPLOYEE'S RELEASE OF EMPLOYMENT INFORMATION

I hereby request and authorize my last employer, _____
(Name and address of last employer)
to release to my prior employer and carrier/administrator listed above, or their attorney of record, the following information relating to my trial return to work: first and last date worked, total wages earned, and the reasons this employee is no longer so employed.

READ BEFORE SIGNING _____
SIGNATURE OF EMPLOYEE | DATE

SEND A COPY OF THIS FORM TO THE EMPLOYER AND CARRIER/ADMINISTRATOR FROM WHOM YOU WERE RECEIVING WORKERS' COMPENSATION. SEND THE ORIGINAL TO THE INDUSTRIAL COMMISSION AT THE ADDRESS BELOW.

ATTORNEYS/CARRIERS:
FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEE FILING OPTIONS:
E-MAIL TO EXECSEC@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-EXECUTIVE SECRETARY 1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FORM 28U

FORM 28U

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Authority G.S. 97-32.1; 97-81(a).

11 NCAC 23L .0120 FORM 29 – SUPPLEMENTAL REPORT FOR FATAL ACCIDENTS

An employer, carrier, or administrator shall use the Form 29 Supplemental Report for Fatal Accidents as set forth in 11 NCAC 23A .0409. The Form 29 can be found on the Commission's website at https://www.ic.nc.gov/media/347/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____

Emp. Code #_____

Carrier Code # _____

The I.C. File # is the unique identifier for this injury. It will be provided by return letter and is to be referenced in all future correspondence. Code numbers assigned to each employer and carrier should be inserted before mailing.

SUPPLEMENTAL REPORT FOR FATAL ACCIDENTS

(FORM 19, EMPLOYER'S REPORT OF EMPLOYEE'S INJURY TO THE INDUSTRIAL COMMISSION, MUST ALSO BE SUBMITTED IN EVERY CASE)

Deceased Employee's Name

Address

City State Zip

( ) ( )
Home Telephone Work Telephone

XXX-XX- ☐ M ☐ F / /
Last 4 Digits of SSN Sex Date of Birth

Employer's Name Email Address ( ) Telephone Number

Employer's Address City State Zip

Insurance Carrier

Carrier's Address City State Zip

( )
Carrier's Telephone Number Adjuster's Name Email Address

1. Date of accident: _____ 2. Date of death: _____, 20___

3. Dependents, or if employee left no dependents, next of kin: (Indicate which are non-resident aliens)

	Name	Date of Birth	Relationship	Present Address
a.				
b.				
c.				
d.				
e.				
f.				

4. Immediate cause of death: _____

5. Amount of burial expenses authorized $ _____

Signature of Employer or Carrier/Administrator Title Date

FORM 29

PAGE 1 OF 1

FORM 29

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-38; 97-81(a).

11 NCAC 23L .0121 FORM 30 – AGREEMENT FOR COMPENSATION FOR DEATH

The employer, carrier, or administrator shall use the Form 30 Agreement for Compensation for Death as set forth in 11 NCAC 23A .0409. The Form 30 can be found on the Commission's website at https://www.ic.nc.gov/media/348/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____

AGREEMENT FOR COMPENSATION FOR DEATH

Emp. Code #_____
Carrier Code#_____

Deceased Employee's Name		Employer's Name / Email Address	( ) Telephone Number
Address		Employer's Address	City State Zip
City	State Zip	Insurance Carrier	
( ) Home Telephone	( ) Work Telephone	Carrier's Address	City State Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex / / Date of Birth	( ) Carrier's Telephone Number	Adjuster's Name / Email Address

We, the dependent(s) or next of kin listed below and the employer and carrier/administrator hereby stipulate to the following facts as to the death of the deceased employee:

1. The employer and the deceased employee were bound by the provisions of the N.C. Workers' Compensation Act;
2. The deceased employee sustained a compensable injury by accident (or occupational disease) on _____, _____, that arose out of and in the course of his employment and resulted in his death on _____, _____.
3. The average weekly wage of deceased employee was $ _____, and the weekly compensation rate is $ _____.
4. The parties hereto have provided the Industrial Commission with the names and addresses of all known persons wholly or partially dependent for support upon the earnings of the deceased employee at the time of the accident, or the next of kin who might be entitled to compensation if there are no whole or partial dependents.
5. The following are the only persons entitled to receive compensation as a result of the death of employee:

Name	Address	Date of Birth	Age	Relationship	Indicate whole or partial dependent or next of kin

(IF ADDITIONAL SPACE NEEDED USE REVERSE SIDE)

6. Based upon the above stipulated facts, the employer and its carrier or third party administrator, agree to pay and the dependents, or next of kin agree to accept compensation based upon a weekly rate of $ _____payable as follows: (Check all that apply)
   - ☐ if widow/widower only, for 500 weeks
   - ☐ if widow/widower and minor child(ren), in equal shares for 500 weeks; however, minor child(ren) shall continue to receive compensation if they have not yet reached age 18 within the 500 week period
   - ☐ if minor child(ren) only, in equal shares for 500 weeks or until they reach age 18, whichever is longer
   - ☐ If whole dependent(s) other than widow/widower and/or child(ren), for 500 weeks
   - ☐ if partial dependent(s) only, in the weekly amount of $ _____ (compensation rate multiplied by the percentage of support provided by deceased) for 500 weeks
   - ☐ if next of kin, for 500 weeks payable in a lump sum commuted to present value in equal shares

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FORM 30

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FORM 30

7. The parties agree that the employee's surviving widow/widower ☐ was able or ☐ was unable to support herself/himself because of physical or mental disability as of the date of death of the employee, and ☐ will or ☐ will not continue to receive additional weekly benefits during his/her lifetime or until remarriage.

8. The employer and its carrier agree to pay burial expenses not exceeding $10,000.00 for deaths on or after June 24, 2011 and medical expenses in accordance with Commission procedure.

9. Compensation for death to be paid under this agreement . . . . . $ _____
Amount due for expense of burial . . . . . $ _____
Total amount to be paid . . . . . $ _____

10. The date of this agreement is _____, 20 ___.

_____
Signature of Dependent or Next of Kin

_____
Signature of Dependent or Next of Kin

_____
Signature of Dependent or Next of Kin

_____
Signature of Dependent or Next of Kin

_____
Signature of Plaintiff's Attorney

_____
Signature of Employer Title

_____
Signature of Carrier/Administrator Title

NOTICE TO EMPLOYER OR CARRIER: See Rule 11 NCAC 23A .0409(e) for information required to be filed with a Form 30.

FORM 30

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FORM 30

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-38; 97-39; 97-81(a).

11 NCAC 23L .0122 FORM 30D – AWARD APPROVING AGREEMENT FOR COMPENSATION FOR DEATH

The Form 30D Award Approving Agreement for Compensation for Death shall be filed with the Form 30 set forth in Rule .0121 of this Section. The Form 30D can be found on the Commission's website at https://www.ic.nc.gov/media/350/download?attachment and is as follows:

North Carolina Industrial Commission

AWARD APPROVING AGREEMENT FOR COMPENSATION FOR DEATH

IC File #_____

Emp. Code #_____

Carrier Code #_____

Deceased Employee's Name	Employer's Name / Email Address / ( ) - Telephone Number
Address	Employer's Address / City / State / Zip
City / State / Zip	Insurance Carrier
( ) - Home Telephone / ( ) - Work Telephone	Carrier's Address / City / State / Zip
XXX-XX- Last 4 Digits of SSN / ☐ M ☐ F Sex / / / Date of Birth	( ) - Carrier's Telephone Number / Adjuster's Name / Email Address

Employer or carrier shall complete and submit to the Industrial Commission for approval this form or a document containing all pertinent information

The parties now have executed and submitted for approval a Form 30 Agreement for Compensation for Death, which is incorporated herein by reference. The Commission hereby approves said Agreement and directs payment of compensation to the person(s) and at the rate(s) as follows:

Person(s) Receiving Compensation	Compensation Rate	Time Period or Lump Sum

In addition, the employer and its insurance carrier, if any, shall pay burial expenses not exceeding $10,000.00 to the person or persons entitled for deaths occurring on or after June 24, 2011.

The employer and its insurance carrier, if any, shall pay all medical, hospital, nursing and other treatment expenses incurred by or on behalf of deceased employee as a result of the injury causing death when bills have been submitted to and approved through the procedure adopted by the Industrial Commission.

An attorney's fee of $_____ is approved for counsel for claimant(s). This amount shall be deducted from the amount claimant(s) is/are to receive, and paid directly to counsel.

This is an award of the Industrial Commission and any interested party may give notice of appeal within the time and in the manner provided by law.

NORTH CAROLINA INDUSTRIAL COMMISSION
THE FOREGOING AGREEMENT IS HEREBY APPROVED:

_____
CLAIMS EXAMINER

/ /
_____
DATE

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FORM 30D

PAGE 1 OF 1

FORM 30D

Authority G.S. 97-38; 97-39; 97-81(a).

11 NCAC 23L .0123 FORM 33 – REQUEST THAT CLAIM BE ASSIGNED FOR HEARING

A party may use a Form 33 Request that Claim be Assigned for Hearing to request a hearing on a disputed issue or denied claim. The Form 33 can be found on the Commission's website at https://www.ic.nc.gov/media/353/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____

REQUEST THAT CLAIM BE ASSIGNED FOR HEARING

Employee's Name (LAST NAME) (FIRST NAME)		Employer's Name Email Address	( ) Telephone Number
Address Email Address		Employer's Address City State Zip	
City State Zip		Insurance Carrier	
( ) Home Telephone	( ) Work Telephone	Carrier's Address City State Zip	
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex / / Date of Birth	( ) Carrier's Telephone Number	Adjuster's Name Email Address

Date of injury: _____ Part of body: _____

City and county where the injury occurred: _____

Estimated length of hearing: _____

This case will be set in the county where the injury occurred unless otherwise authorized by the Commission. If the requesting party wants the hearing to be set in a different county, name the county below and the reason for that location.

_____ (County) _____ (Reason for setting)

I, _____, ☐ Plaintiff/Attorney ☐ Defendant/Attorney, respectfully notify you that the above named parties have failed to reach an agreement regarding compensation, and I request a hearing.

We have been unable to agree because (State reason with specificity. If appealing an Administrative Order, provide the file date of the Order and the name of the hearing officer who issued the order.):

_____

_____

_____

_____

_____

Employee believes he or she is entitled to the following workers' compensation benefits (check all that apply):

- ☐ Payment of compensation for days missed (give dates): _____
- ☐ Payment of medical expenses/treatment: _____
- ☐ Payment for permanent partial disability: _____
- ☐ Payment for permanent and total disability: _____
- ☐ Payment for scars: _____
- ☐ Other: _____

Has claimant participated in mediation? ☐ Yes ☐ No

ATTORNEYS:
FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS:
E-MAIL TO DOCKETS@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-DOCKET SECTION
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FORM 33

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FORM 33

Below is a list of names of all witnesses, including doctors, whose testimony is to be taken by the requesting party. Addresses must be provided for the doctors listed below.

NAME	ADDRESS

I hereby certify that this case is ready for hearing. When a date of hearing is set, I respectfully request the Commission to send me signed subpoenas for my witnesses. When I receive these subpoenas, I will serve them pursuant to the instructions on Industrial Commission Form 36.

Signature of Party Requesting Hearing
Check one: ☐ Employee, ☐ Employer; ☐ Attorney

Printed Name of Party Requesting Hearing

Mailing Address: Street and number, city, state and ZIP Code

Telephone Number: **Date of Notice:**

E-mail Address:

Notice to Employees: The original of this form must be sent to the Industrial Commission at the address below or by e-mail to dockets@ic.nc.gov. A copy of the form must be sent to opposing parties.

CERTIFICATE OF SERVICE

I hereby certify that on _____, I served a copy of this Form 33 Request for Hearing, together with all supporting documents, on the following party(ies) by way of

_____.
(U.S. Mail, special delivery mail, e-mail, fax, hand delivery, etc.)

[Note: List name and address of each attorney or party served. Attach a separate sheet if necessary.]

Signature Printed Name Date

FORM 33

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FORM 33

ATTORNEYS:
FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS:
E-MAIL TO DOCKETS@IC.NC.GOV FAX TO (919) 715-0282
MAIL TO NCIC-DOCKET SECTION 1236 MAIL SERVICE CENTER RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-81(a); 97-83.

11 NCAC 23L .0124 FORM 33I – INTERVENOR'S REQUEST THAT CLAIM BE ASSIGNED FOR HEARING

A health care provider that has been allowed a limited intervention in a workers' compensation claim pursuant to G.S. 97-26(i) may request a hearing as set forth in 11 NCAC 23A .0614 by filing a Form 33I Intervenor's Request that Claim be Assigned for Hearing. The Form 33I can be found on the Commission's website at https://www.ic.nc.gov/media/352/download?attachment and is as follows:

North Carolina Industrial Commission IC File # _____

INTERVENOR'S REQUEST THAT CLAIM BE ASSIGNED FOR HEARING
(N.C. GEN. STAT. § 97-26(i))

A. INTERVENOR/MEDICAL PROVIDER INFORMATION

Medical Provider
Date(s) of Service
Total Charges for Services Provided
Contact Name
Address City State Zip
( ) - ( ) -
Telephone Fax
Email

B. EMPLOYEE/CLAIMANT

Employee's Name Email Address
Address
City State Zip
( ) - ( ) -
Home Telephone Work Telephone
XXX - XX - □ M □ F / /
Social Security Number Sex Date of Birth

C. EMPLOYER/CARRIER INFORMATION

Employer's Name Email Address ( ) Telephone Number
Employer's Address City State Zip
Insurance Carrier Policy Number
Adjustor
Carrier's Address City State Zip
( ) -
Carrier's Telephone Number Adjuster's Name Email Address

The above-named Intervenor, _____ files notice that, pursuant to N.C. Gen. Stat. § 97-26(i) and Rule 24 of the North Carolina Rules of Civil Procedure, N.C. Gen. Stat. § 1A-1, it has been allowed a limited intervention in this matter by Order dated _____. The Intervenor and the parties above have failed to resolve a dispute regarding payment of charges for medical services indicated above and request a hearing.

Name of Individual Receiving Services: _____

Date of Injury: _____

Has Claim been:
□ Admitted. □ Denied. Date of Denial: _____

Has a compromise settlement agreement been approved? □ Yes □ No Date Approved: _____
Has any party to this claim previously requested a hearing before the Industrial Commission? □Yes □ No

CERTIFICATION

I, _____, hereby certify that this case is ready for hearing
Print Name
and request a hearing in □ Wake County or □ _____ County.

Signature of (Check One) □ Attorney, □ Medical Provider/Intervenor Date

Note: A copy of this form must be sent to opposing parties. The original of this form must be sent to the Industrial Commission at the address below.

FORM 33I

PAGE 1 OF 1

FORM 33I

FILE VIA EDFP OR E-MAIL TO DOCKETS@IC.NC.GOV
OR MAIL TO
CLERK'S OFFICE
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
TELEPHONE: (919) 807-2500
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-26(i); 97-81(a).

11 NCAC 23L .0125 FORM 33R – RESPONSE TO REQUEST THAT CLAIM BE ASSIGNED FOR HEARING

A party may use a Form 33R Response to Request that Claim be Assigned for Hearing to respond to a request for hearing filed by the opposing party as set forth in 11 NCAC 23A .0603. The Form 33R can be found on the Commission's website at https://www.ic.nc.gov/media/354/download?attachment and is as follows:

North Carolina Industrial Commission IC File #_____

RESPONSE TO REQUEST THAT CLAIM BE ASSIGNED FOR HEARING

Employee's Name	Email Address	Employer's Name	Email Address / ( ) Telephone Number
Address		Employer's Address	City State Zip
City State Zip		Insurance Carrier	
( ) Home Telephone	( ) Work Telephone	Carrier's Address	City State Zip
XXX-XX- ☐M ☐F	/ /	( ) Carrier's Telephone Number	Adjuster's Name Email Address
Last 4 Digits of SSN Sex	Date of Birth		

In response to the Request for Hearing filed we have been unable to agree because (state reason with specificity):

_____

_____

_____

PLAINTIFF/DEFENDANT AGREES TO THE FOLLOWING:

Compensability Denied

Subject to Act: _____
Employment relationship: _____
Insurance coverage: _____
Date of injury: _____
Injury by accident _____
Arising out of and in the course of employment:
_____
Occupational disease _____
Average weekly wage $ _____
Part of body: _____
Other: _____

Compensability Admitted

Form 21 approved on: _____
Form 60 approved on: _____
Temp. total paid from: _____
to _____
Temp. partial paid from: _____
to _____
Perm. partial paid from: _____
to _____
for _____% ppd of _____

Form 26 approved on: _____
Form 24 approved on: _____
Form 28B filed on: _____
Other: _____
Part of body: _____

City and county wherein injury occurred: _____

Estimated length of hearing: _____

ATTORNEYS/CARRIERS: *FILE VIA ELECTRONIC DOCUMENT FILING PORTAL:* ***HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML***

EMPLOYEE FILING OPTIONS:
E-MAIL TO ***DOCKETS@IC.NC.GOV*** *OR*
FAX TO ***(919) 715-0282***
OR MAIL TO
NCIC-DOCKET SECTION
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: ***(800) 688-8349***
WEBSITE: ***HTTPS://WWW.IC.NC.GOV***

FORM 33R

PAGE 1 OF 2

FORM 33R

Below is a list of names and addresses of all witnesses, including doctors, whose testimony is to be taken by the undersigned.

NAME	ADDRESS

When a date of hearing is set, I respectfully request the Commission to send me signed subpoenas for my witnesses. When I receive these subpoenas, I will serve them pursuant to the instructions on Page 2 of the Industrial Commission Form 36.

Signature **Date** **Printed Name** of Party Responding **Title**

Mailing Address: Street and number, city, state and ZIP Code

Telephone Number:

E-mail Address:

Notice to Employees: The original of this form must be sent to the Industrial Commission at the address below or by e-mail to dockets@ic.nc.gov. A copy of the form must be sent to opposing parties.

CERTIFICATE OF SERVICE

I hereby certify that on _____, I served a copy of this Form 33R Response to Request That Claim Be Assigned for Hearing, together with all supporting documents, on the following party(ies) by way of

_____.
(U.S. Mail, special delivery mail, e-mail, fax, hand delivery, etc.)

[Note: List name and address of each attorney or party served. Attach a separate sheet if necessary.]

Signature Printed Name Date

FORM 33R

PAGE 2 OF 2

FORM 33R

ATTORNEYS/CARRIERS: *FILE VIA ELECTRONIC DOCUMENT FILING PORTAL:* ***HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML***

EMPLOYEE FILING OPTIONS:
E-MAIL TO ***DOCKETS@IC.NC.GOV*** *OR*
FAX TO ***(919) 715-0282***
OR MAIL TO
NCIC-DOCKET SECTION
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: ***(800) 688-8349***
WEBSITE: ***HTTPS://WWW.IC.NC.GOV***

Authority G.S. 97-81(a); 97-83.

11 NCAC 23L .0126 FORM 42 – APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM

A person seeking an order appointing a Guardian Ad Litem for a minor or incompetent person in workers' compensation claims shall use the Form 42 Application for Appointment of Guardian Ad Litem as set forth in 11 NCAC 23A .0604. The Form 42 can be found on the Commission's website at https://www.ic.nc.gov/media/356/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____

Emp. Code #_____

Carrier Code #_____

APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM

_____ _____

_____ _____

_____ v. _____

Plaintiff (s) Defendant (s)

TO THE NORTH CAROLINA INDUSTRIAL COMMISSION:

The undersigned _____ respectfully shows unto the North Carolina Industrial Commission that _____ Is an ☐ infant or ☐ incompetent without general or testamentary guardian in this State, and that by reason thereof can bring an action only by a guardian ad litem; that the person has a cause of action against the defendants on account of the following matter and things:

_____

The undersigned is a reputable person closely connected with the infant or incompetent having the relationship with the infant or incompetent as follows: _____

WHEREFORE, the undersigned prays the Commission that a fit and proper person be appointed Guardian Ad Litem for the infant or incompetent for the purpose of bringing in his behalf an action as above set out.

_____

Signature of Applicant Date

(Please complete page 2 of form)

ORDER APPOINTING GUARDIAN AD LITEM

It appearing to the North Carolina Industrial Commission from the above application that _____ _____ is an ☐ infant or ☐ incompetent having no general or testamentary guardian within this State and that said infant (or incompetent) appears to have a good cause of action against the defendant(s) ; and it further appearing to the Commission after due inquiry that _____ is a fit and proper person to be appointed guardian ad litem for the infant or incompetent for the purpose of bringing this action in his or her behalf;

IT IS THEREFORE ORDERED that _____ be and is hereby appointed guardian ad litem of _____ to bring this action in his or her behalf.

This _____ day of _____.

_____

Commissioner/Deputy Commissioner/Executive Secretary

PLEASE TYPE OR PRINT:

FORM 42

PAGE 1 OF 2

FORM 42

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEE FILING OPTIONS:
EMAIL TO: DOCKETS@IC.NC.GOV
FAX TO: (919) 715-0282
MAIL TO: NCIC – DOCKET SECTION 1236
MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

PLEASE TYPE OR PRINT:

Full name and address of minor or incompetent:

_____

_____

Birth date of minor: _____

Full name and address of proposed guardian ad litem:

_____

_____

Rule 11 NCAC 23A .0604 sets forth the procedure and requirements relating to the appointment of a guardian ad litem for minors or incompetent individuals in workers' compensation cases. The rule also contains important information regarding whether a guardian ad litem may receive funds on behalf of a minor or incompetent individual. The rule can be found at this link: 11 NCAC 23A .0604.

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FORM 42

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEE FILING OPTIONS:
EMAIL TO: DOCKETS@IC.NC.GOV
FAX TO: (919) 715-0282
MAIL TO: NCIC – DOCKET SECTION 1236
MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-49; 97-50; 97-79; 97-81(a).

11 NCAC 23L .0127 FORM 44 – APPLICATION FOR REVIEW

A party may use a Form 44 Application for Review to appeal a Deputy Commissioner's Opinion and Award. The Form 44 can be found on the Commission's website at https://www.ic.nc.gov/media/357/download?attachment and is as follows:

North Carolina Industrial Commission

IC File #_____

APPLICATION FOR REVIEW

_____ (Employee)
_____ (Address)

v.

_____ (Employer)
_____ (Address)
_____ (Insurer)
_____ (Address)

_____ (Name of Party) ☐ Plaintiff ☐ Defendant, hereby submits this application for review stating grounds for review in the above referenced case to the Full Commission of the North Carolina Industrial Commission. Error is alleged as follows:

1. _____
2. _____
3. _____
4. _____
5. _____

(If additional space is needed, attach another page.)

All grounds for review not specifically set forth herein are hereby waived and abandoned except as otherwise provided by law and the rules of the Industrial Commission.

Signature: _____ Date: _____

Check: ☐ Attorney, ☐ Plaintiff; ☐ Defendant

CERTIFICATE OF SERVICE

I hereby certify that on _____, I served a copy of this Form 44 Application for Review, together with all supporting documents, on the following party(ies) by way of

_____.
(U.S. Mail, special delivery mail, e-mail, fax, hand delivery, etc.)

[Note: List name and address of each attorney or party served. Attach a separate sheet if necessary.]

_____ Signature _____ Printed Name _____ Date

_____
Employee: Please provide your **e-mail address** if you would prefer to receive Industrial Commission correspondence via e-mail.

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07/2026
PAGE 1 OF 2

FORM 44

ATTORNEYS/CARRIERS:
FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS:
E-MAIL TO DOCKETS@IC.NC.GOV FAX TO (919) 715-0282
MAIL TO NCIC-DOCKET SECTION
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

INSTRUCTIONS

The signed Form 44 must be filed with the Industrial Commission and one copy must be sent to the opposing party(ies) or their counsel. If a brief is filed, a copy must be filed with the Industrial Commission and a copy must be sent to the opposing party(ies). Time for filing of a brief and Form 44 is set out in Industrial Commission Rule 11 NCAC 23A .0107.

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FORM 44

ATTORNEYS/CARRIERS:
FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

EMPLOYEE FILING OPTIONS:
E-MAIL TO DOCKETS@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-DOCKET SECTION
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-80(a); 97-81(a); 97-85.

11 NCAC 23L .0128 FORM 60 – EMPLOYER'S ADMISSION OF EMPLOYEE'S RIGHT TO COMPENSATION

An employer may use a Form 60 Employer's Admission of Employee's Right to Compensation to notify the Commission and the employee that the employer is admitting the employee's right to compensation as set forth in G.S. 97-18(b) and 11 NCAC 23A .0601. The Form 60 can be found on the Commission's website at https://www.ic.nc.gov/media/358/download?attachment and is as follows:

North Carolina Industrial Commission

EMPLOYER'S ADMISSION OF EMPLOYEE'S RIGHT TO COMPENSATION (G.S. § 97-18(b))

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

Employee's Name	Email Address	Employer's Name	Email Address	( ) - Telephone Number
Address		Employer's Address	City	State Zip
City	State Zip	Insurance Carrier	Policy Number	
( ) - Home Telephone	( ) - Work Telephone	Carrier's Address	City	State Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex / / Date of Birth	( ) - Carrier's Telephone Number	Adjuster's Name	Email Address

TO DEFENDANTS: Describe with particularity the body part(s) or condition(s) for which you are admitting liability and compensability.
TO EMPLOYEE: Your employer admits your right to compensation for an

☐ injury by accident on __/__/____ (date) (Specify body part(s) involved):

☐ occupational disease on __/__/____ (date) (Specify condition(s) and body part(s) involved):

THE FOLLOWING ITEMS 1 THROUGH 4 ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND DO NOT CONSTITUTE AN AGREEMENT:

1. The description of the injury or occupational disease, including body parts involved is:

2. The employee was paid for the entire day of injury. ☐ Yes ☐ No
3. The employee's average weekly wage, subject to verification, including overtime and all allowances, was $_____, which results in a weekly compensation rate of $_____.
   - ☐ a. Temporary total compensation is being paid at the compensation rate above.
   - ☐ b. Temporary partial compensation is being paid in the amount of $_____.
   - ☐ c. Other: _____
4. The disability resulting from the injury began on __/__/____ (date), and compensation commenced on __/__/____ (date).

_____ / /

SIGNATURE OF EMPLOYER OR CARRIER/ADMINISTRATOR **TITLE** **DATE**

EMPLOYER: Failure to file Form 28B, Report of Compensation and Medical Compensation Paid, within 16 days after last payment pursuant to an agreement or award subjects employer or carrier/administrator to a penalty pursuant to N.C. Gen. Stat. § 97-18(h). Form 30 must be used for compensable injuries resulting in death. A copy of this Form 60 shall be provided to the employee and the employee's attorney of record, if any, and the original provided to the Industrial Commission at the address below.

FORM 60

PAGE 1 OF 1

FORM 60

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
CONTACT INFORMATION:

NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18(b); 97-81(a).

11 NCAC 23L .0129 FORM 61 – DENIAL OF WORKERS' COMPENSATION CLAIM

An employer may use a Form 61 Denial of Workers' Compensation Claim to notify the Commission and the employee that the employer denies the employee's right to compensation as set forth in G.S. 97-18(c) and 11 NCAC 23A .0601. The Form 61 can be found on the Commission's website at https://www.ic.nc.gov/media/359/download?attachment and is as follows:

North Carolina Industrial Commission

DENIAL OF WORKERS' COMPENSATION CLAIM (G.S. §97-18(c) AND G.S. §97-18(d))

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

Employee's Name	Email Address	Employer's Name	Email Address	( ) - Telephone Number
Address		Employer's Address	City	State Zip
City	State Zip	Insurance Carrier	Policy Number	
( ) - Home Telephone	( ) - Work Telephone	Carrier's Address	City	State Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex / / Date of Birth	( ) - Carrier's Telephone Number	Adjuster's Name	Email Address
Date of Injury:				

TO EMPLOYEE (TO DEPENDENT(S) OR NEXT OF KIN IN CASE OF DEATH):

This is to inform you that the claim for the ☐ injury on _____, or ☐ occupational disease as of _____, or ☐ death on _____ is **DENIED** for the following reasons:

SIGNATURE EMPLOYER OR CARRIER/ADMINISTRATOR	**TITLE**	/ / **DATE**

Employer/Insurance Carrier must provide a detailed statement of the grounds for denying compensability of the claim or liability for the claim where payments have previously been made without prejudice under N.C. Gen. Stat. § 97-18(d). Failure to specify a particular ground may preclude asserting certain defenses at a later date pursuant to N.C. Gen. Stat. § 97-18(f).

Employee: If you disagree with this denial, you are entitled to request a hearing by submitting a Form 33. If you need assistance you may contact the Industrial Commission at the address below or telephone the Industrial Commission at (800) 688-8349.

Employer: A copy of this form shall be sent to the employee and employee's attorney of record, if any, and all known health care providers which have submitted bills to the employer/carrier. The original of this form shall be sent to the Industrial Commission at the address below.

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

FORM 61

PAGE 1 OF 1

FORM 61

CONTACT INFORMATION:
NCIC- CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18(c); 97-18(d); 97-81(a).

11 NCAC 23L .0130 FORM 62 – NOTICE OF REINSTATEMENT OR MODIFICATION OF COMPENSATION

An employer, carrier, or administrator shall complete and file a Form 62 Notice of Reinstatement or Modification of Compensation when an employee's compensation for total disability is reinstated as set forth in G.S. 97-18(b), G.S. 97-32.1, and 11 NCAC 23A .0404A. The Form 62 can be found on the Commission's website at https://www.ic.nc.gov/media/360/download?attachment and is as follows:

North Carolina Industrial Commission

NOTICE OF REINSTATEMENT OR MODIFICATION OF COMPENSATION (G.S. § 97-32.1 OR § 97-18(b))

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

Employee's Name	Email Address	Employer's Name	Email Address	( ) - Telephone Number
Address		Employer's Address	City	State Zip
City	State Zip	Insurance Carrier	Policy Number	
( ) - Home Telephone	( ) - Work Telephone	Carrier's Address	City	State Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex / / Date of Birth	( ) - Carrier's Telephone Number	Adjuster's Name	Email Address
Date of Injury:				

Compensation in the amount of $. _____ per week was reinstated or modified on _____ pursuant to ☐ N.C. Gen. Stat. § 97-32.1 or ☐ N.C. Gen. Stat. § 97-18(b).

Give reason for reinstatement or modification:

The employee's average weekly wage, including overtime and all allowances, was $. _____, which results in a weekly compensation rate of $. _____.

☐ a. Temporary total compensation is being paid at the compensation rate above.
☐ b. Temporary partial compensation is being paid in the amount of $. _____.
☐ c. Other: _____.

SIGNATURE EMPLOYER OR CARRIER/ADMINISTRATOR	TITLE	/ / DATE

Employer: The original of this form must be sent to the Industrial Commission at the address below. A copy shall be provided to the employee and the employee's attorney of record, if any.

FORM 62

PAGE 1 OF 1

FORM 62

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-18(b); 97-32.1; 97-81(a).

11 NCAC 23L .0131 FORM 63 – NOTICE TO EMPLOYEE OF PAYMENT OF COMPENSATION WITHOUT PREJUDICE OR PAYMENT OF MEDICAL BENEFITS ONLY WITHOUT PREJUDICE

An employer may use a Form 63 Notice to Employee of Payment of Compensation Without Prejudice or Payment of Medical Benefits Only Without Prejudice to notify the Commission and the employee that the employer is initiating compensation payments without prejudice and without admitting liability, subject to the 90-day period or extension thereof as set forth in G.S. 97-18(d) and 11 NCAC 23A .0601 or to notify the Commission and the employee that the employer is paying medical benefits only without prejudice. The Form 63 can be found on the Commission's website at https://www.ic.nc.gov/media/362/download?attachment and is as follows:

North Carolina Industrial Commission

NOTICE TO EMPLOYEE OF PAYMENT OF COMPENSATION WITHOUT PREJUDICE (G.S. § 97-18(d)) OR PAYMENT OF MEDICAL BENEFITS ONLY WITHOUT PREJUDICE (G.S. § 97-2(19) & § 97-25)

IC File # _____
Emp. Code # _____
Carrier Code # _____
Carrier File # _____

Employee's Name	Email Address	Employer's Name	Email Address	( ) - Telephone Number
Address		Employer's Address	City State	Zip
City	State Zip	Insurance Carrier	Policy Number	
( ) - Home Telephone	( ) - Work Telephone	Carrier's Address	City State	Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex / / Date of Birth	( ) - Carrier's Telephone Number	Adjuster's Name	Email Address

TO EMPLOYEE (TO DEPENDENT(S) OR NEXT OF KIN IN CASES OF DEATH):

This is to inform you with regard to your claim for

☐ injury on __/__/____ (date) (Specify body part(s) involved):

☐ occupational disease as of __/__/____ (date) (Specify condition(s) and body part(s) involved):

☐ death on __/__/____ (date)

TO EMPLOYER/CARRIER: FILL OUT ONLY THE APPLICABLE SECTION 1 OR 2 BELOW
NOTE: THE FOLLOWING ARE FOR INFORMATIONAL PURPOSES ONLY AND DO NOT CONSTITUTE AN AGREEMENT

SECTION 1: INDEMNITY BENEFITS

☐ Payments of workers' compensation benefits, both indemnity (money) and medical, will be made without prejudice to later deny your claim or Defendants' liability. Compensation may be continued during the investigation of your claim. The investigation may take up to 90 days, with a possible 30 day extension. During this period, Defendants may admit liability; contest your claim or Defendants' liability; or by Defendants' lack of action, waive the right to contest your claim.

The date on which Defendants first had written or actual notice of this claim was __/__/____(date)

Disability began on __/__/____(date) and the first payment of compensation is being mailed on__/__/____ (date)

Subject to verification, employee's average weekly wage was $_____, which results in a weekly compensation rate of $_____.

SECTION 2: MEDICAL BENEFITS ONLY (PAID WITHOUT PREJUDICE, NOT SUBJECT TO 90-DAY REQUIREMENT IN SECTION 1 ABOVE)

☐ Payment of medical compensation is expressly being made without prejudice to Defendants to later deny the compensability of your claim. In the event you miss more than 7 days of work, you must notify your employer or carrier because you may be entitled to additional benefits. Completion of this section (Section 2) does not constitute an agreement to pay indemnity (money) benefits to you under G.S. § 97-18(d).

The date on which Defendants first had written or actual notice of this claim was __/__/____(date).

SIGNATURE OF EMPLOYER OR CARRIER/ADMINISTRATOR	TITLE	/ / DATE

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FORM 63

PAGE 1 OF 1

FORM 63

Authority G.S. 97-2(19); 97-18(d); 97-25; 97-81(a).

11 NCAC 23L .0132 FORM 90 – REPORT OF EARNINGS

The Form 90 report of earnings can be found on the Commission's website at https://www.ic.nc.gov/media/366/download?attachment and is as follows:

North Carolina Industrial Commission

REPORT OF EARNINGS

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

(EMPLOYER/INSURANCE CARRIER TO COMPLETE THIS SECTION)

Employee's Name	Email Address			Employer's Name	Email Address		( ) Telephone Number
Address				Employer's Address		City	State Zip
City		State	Zip	Insurance Carrier			
( ) Home Telephone		( ) Work Telephone		Carrier's Address		City	State Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex	/ / Date of Birth		( ) Carrier's Telephone Number	Adjuster's Name		Email Address

To Employees: The Employer/Insurance Carrier periodically needs to verify your continuing eligibility for workers' compensation benefits and to update their records. **You are required to complete Page 2 of this Report of Earnings and return it to the insurer or employer address provided on page 2 of this form within 15 days after receipt of this form, even if you have no earnings.**

****YOUR WORKERS' COMPENSATION BENEFITS MAY BE SUSPENDED IF YOU FAIL TO COMPLETE THIS REPORT IN A TIMELY MANNER.****

NOTICE TO EMPLOYEES RECEIVING WORKERS' COMPENSATION

When you are receiving weekly workers' compensation benefits, YOU MUST REPORT ANY EARNINGS YOU RECEIVE TO THE INSURANCE CARRIER (OR EMPLOYER IF THE EMPLOYER IS SELF-INSURED) THAT IS PAYING YOU THE BENEFITS. "Earnings" include any cash, wages or salary received from self-employment or from any employment other than the employment where you were injured. Earnings also include commissions, bonuses, and the cash value for all payments received in any form other than cash (e.g., a building custodian receiving a rent-free apartment). Commissions, bonuses, etc., earned before your disability do not constitute earnings that must be reported.

You must report any work in any business, even if the business lost money or if profits or income were reinvested or paid to others.

Your endorsement on a benefit check or deposit of the check into an account is your statement that you are entitled to receive workers' compensation benefits. Your signature on a benefit check is a further affirmation that you have made no false claims or statements or concealed any material fact regarding your right to receive workers' compensation benefits.

MAKING FALSE STATEMENTS FOR THE PURPOSE OF OBTAINING WORKERS' COMPENSATION BENEFITS MAY RESULT IN CIVIL AND CRIMINAL PENALTIES.

TIME PERIOD COVERED BY THIS REPORT: _____ to _____
(Employer/Insurance Carrier must complete)

FORM 90

PAGE 1 OF 3

FORM 90

NORTH CAROLINA INDUSTRIAL COMMISSION
1240 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1240
MAIN TELEPHONE: (919) 807-2500
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV/

EMPLOYEE: COMPLETE SECTION BELOW	
(1) Did you receive earnings from work during the time period indicated on Page 1? ☐ YES ☐ NO	(2) Did you work for a business or any person during that time period? ☐ YES ☐ NO
(3) If you answered **NO** to both questions 1 and 2, **sign and return** the form to the insurance carrier or to the individual identified by the insurance carrier or employer listed below.	
(4) If you answer **YES** to either question, **complete item 5 below,** sign and return the form to the insurance carrier or to the individual identified by the insurance carrier or employer listed below. For the purposes of this statement, "Gross Earnings" include all pre-tax earnings, bonuses, commissions, and/or the cash value of any payment received in any form other than cash.	
(5) 1st Employer or Business Name (include self-employment): Location: _____ Dates worked: _____ Gross Earnings: _____ Next Employer or Business Name (include self-employment): Location: _____ Dates worked: _____ Gross Earnings: _____	
Attach additional page(s) if necessary.	
Employee Signature: _____ **Date:** _____. **(Required)**	

NOTICE TO EMPLOYEE:

Failure to report earnings as defined herein may subject you to criminal prosecution and civil liability including the suspension or forfeiture of your benefits. The Form 90 must be signed and returned to the insurance carrier listed below even if you have no earnings.

NOTICE TO PARTIES:

11 NCAC 23A .0903(c) provides that if the employee fails to complete and return the Form 90 within 30 days of receipt of the form, a Form 24 Application may be filed to request suspension of compensation being paid pursuant to G.S. 97-29.

11 NCAC 23A .0903(d) provides that if compensation is suspended pursuant to 11 NCAC 23A .0903(c) and the employee subsequently completes and returns the Form 90, the employee's compensation shall be reinstated with back payment unless the Form 90 indicates the employee is not eligible for continuing disability compensation. If the Form 90 indicates continuing eligibility for temporary partial disability compensation, payment of compensation pursuant to G.S. 97-30 shall be made with back payment within 14 days of receipt of documentation establishing the amount of compensation due. If payment of compensation is not reinstated following submission of the completed Form 90 and the employee claims entitlement to ongoing disability compensation, the employee may seek reinstatement by filing a Form 23 Application or Form 33 hearing request.

Insurance carrier or Employer must list the name and address below of the person to whom this form must be returned.
11 NCAC 23A .0903(b) provides that the Form 90 shall be sent to the employee by certified mail, return receipt requested, and shall include a self-addressed stamped envelope for the return of the form. When the employee is represented by an attorney, the Form 90 shall be sent only to the attorney for the employee and shall be sent by any method of transmission that provides proof of receipt, including electronic mail, facsimile, or certified mail, return receipt requested.

Name: _____.

Address: _____.
City State Zip

FORM 90
1
PAGE 2 OF 3

FORM 90

NORTH CAROLINA INDUSTRIAL COMMISSION
1240 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1240
MAIN TELEPHONE: (919) 807-2500
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV/

NOTICE TO INSURER OR EMPLOYER:
Any person who willfully makes a false statement or representation of a material fact for the purpose of denying or assisting another in denying any benefit or payment under the Workers' Compensation Act shall be guilty of a Class 1 misdemeanor if the amount at issue is less than $1000. Violation is a Class H felony if the amount at issue exceeds $1000. Any person who threatens an employee with criminal prosecution under the provisions of the Act for the purpose of coercing or attempting to coerce an employee into agreeing to compensation under the Act shall be guilty of a Class H felony.

FORM 90

PAGE 3 OF 3

FORM 90

NORTH CAROLINA INDUSTRIAL COMMISSION
1240 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1240
MAIN TELEPHONE: (919) 807-2500
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV/

Authority G.S. 97-81(a); 97-88.2.

11 NCAC 23L .0133 FORM 28D – NOTICE OF TERMINATION OF COMPENSATION BY REASON OF EMPLOYEE'S DEATH

The Form 28D Notice of Termination of Compensation by Reason of Employee's Death may be utilized by the employer or carrier to notify the Commission that an employee's disability compensation has been terminated by reason of the death of the employee. The Form 28D can be found on the Commission's website at https://www.ic.nc.gov/forms-filings/forms and is as follows:

North Carolina Industrial Commission

IC File #_____

NOTICE OF TERMINATION OF COMPENSATION BY REASON OF EMPLOYEE'S DEATH

Employee's Name		Email Address		Employer's Name	( ) - Telephone Number	Email Address		
Address				Employer's Address		City	State	Zip
City		State	Zip	Insurance Carrier		Policy Number		
( ) - Home Telephone		( ) - Work Telephone		Carrier's Address		City	State	Zip
XXX-XX- Last 4 Digits of SSN	☐ M ☐ F Sex	/ / Date of Birth		( ) - Carrier's Telephone Number	Adjuster's Name		Email Address	

The undersigned party/counsel hereby notifies the Commission that the payment of disability compensation to the employee has been terminated by reason of death of the employee.

Date of employee's death:_____

Type of compensation terminated: ____ Temporary total disability compensation
____ Temporary partial disability compensation
____ Permanent partial disability compensation
____ Permanent total disability compensation

The last date for which compensation was paid: _____

Signature	Printed name	Email address	Date

Upon the filing of this form, the employer/carrier shall contemporaneously send a copy to the employee's last known mailing address or, if represented, to counsel for the employee via electronic mail.

Employer/Carrier: Pursuant to G.S. 97-29(j), if the employee's death resulted from the injury or occupational disease for which G.S. 97-29 benefits were being paid, the employer/carrier shall pay compensation in accordance with the provisions of G.S. 97-38. Pursuant to G.S. 97-37, if the employee's death is unrelated to the injury or occupational disease for which the employee was entitled to compensation under G.S. 97-31, the employer/carrier shall pay compensation in accordance with the provisions of G.S. 97-37.

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML

FORM 28D
PAGE 1 OF 1

FORM 28D

CONTACT INFORMATION:
NCIC-CLAIMS ADMINISTRATION
TELEPHONE: (919) 807-2502
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 97-29; 97-30; 97-31; 97-37; 97-38; 97-81.

SECTION .0200 – TORT CLAIM FORMS

11 NCAC 23L .0201 FORM T-1 – AFFIDAVIT OF CLAIM FOR DAMAGES UNDER THE TORT CLAIMS ACT

A claimant may use a Form T-1 Affidavit of Claim for Damages Under the Tort Claims Act to file a claim under Chapter 143, Article 31 of the North Carolina General Statutes. The Form T-1 can be found on the Commission's website at https://www.ic.nc.gov/media/380/download?attachment and is as follows:

STATE OF NORTH CAROLINA
COUNTY OF _____

AFFIDAVIT

_____ , being duly sworn, deposes and says:
(Print Name of Claimant)

1. My name is _____

2. I live at _____ and my mailing address is _____

_____ *(See requirements on p. 2 regarding change of mailing address)*

3. I hereby file a claim against _____
(State Agency or County Board of Education)
and its mailing address is _____

4. I have been damaged in the amount of $ _____ by reason of the negligent conduct of the employee/agent named here _____.
(Name(s) of negligent employee/agent)

5. The injury or accident giving rise to this claim occurred at _____
(Print Name of County and Exact Location Where Accident Occurred)
_____ on _____ _____ M.
(Month) (Day) (Year) (Time)

6. The injury or property damage occurred in the following manner: _____
(Give **BRIEF** Statement of What Happened, Witness Names, etc.)

_____

_____

_____

_____

_____

_____

_____

7. The damages claimed above consist of _____
(Itemize Repair Bill, Medical Bills, etc.)

_____

_____

_____

*NOTARIZATION IS MANDATORY _____
(Signature of Claimant) (Email address) (Date)

Subscribed and sworn to before me this _____ day of _____.

_____ My Commission Expires _____
Signature and Seal of Clerk of Court or Notary Public

SEE FILING FEE REQUIREMENTS ON P. 2

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
PLAINTIFFS: MAIL TO: INDUSTRIAL COMMISSION CLERK'S OFFICE
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
VIA HAND DELIVERY: BUSINESS DAYS FROM 8 AM - 5 PM
DOBBS BUILDING
430 NORTH SALISBURY STREET
RALEIGH, NC 27603

FORM NCIC-T-1
PAGE 1 OF 2

FORM T-1 **CLAIM FOR DAMAGES UNDER TORT CLAIMS ACT**

INSTRUCTIONS

The North Carolina Tort Claims Act requires that every affidavit submitted must show **ALL** of the following:

1. The name of the claimant.

2. The name of the state department, institution or agency against which the claim is filed.

3. The name of the state employee upon whose alleged negligence the claim is based.

4. The amount of damages sought to be recovered.

5. The time and place where the injury occurred.

6. A brief statement of the facts and circumstances surrounding the injury.

7. If the claim involves a school bus, the claim should be filed against the particular **COUNTY** Board of Education concerned and **NOT** against the State Board of Education.

8. A claim for property damage to a motor vehicle must be in the **NAME OF THE REGISTERED OWNER OF THE VEHICLE ONLY.**

INDUSTRIAL COMMISSION REQUIREMENTS REGARDING CONTACT INFORMATION (INCLUDING CHANGE OF MAILING ADDRESS) ARE SET OUT IN RULE 11 NCAC 23B .0105.

INDUSTRIAL COMMISSION REQUIREMENTS REGARDING FILING FEES ARE SET OUT IN RULE 11 NCAC 23B .0103.

FORM NCIC-T-1
PAGE 2 OF 2

FORM T-1 **CLAIM FOR DAMAGES UNDER TORT CLAIMS ACT**

Authority G.S. 143-291; 143-297.

11 NCAC 23L .0202 FORM T-44 – APPEALS TO THE FULL COMMISSION

A party may use a Form T-44 Appeals to the Full Commission to appeal a Deputy Commissioner's Order or Decision and Order. The Form T-44 can be found on the Commission's website at https://www.ic.nc.gov/media/381/download?attachment and is as follows:

North Carolina Industrial Commission

IC File # TA-_____
N.C. Prisoner No._____
(if applicable)

_____
(Plaintiff)

_____
(Address)

v.

_____
(Defendant)

APPLICATION

FOR

REVIEW

THE UNDERSIGNED HEREBY GIVES NOTICE OF APPEAL AND APPLICATION FOR REVIEW in the above case to the North Carolina Industrial Commission, sitting as the Full Commission. Error is alleged as follows:

1. _____
2. _____
3. _____
4. _____
5. _____

(If additional space is needed, attach another page)

All grounds for appeal not specifically set forth herein are hereby waived and abandoned except as otherwise provided by law and the rules of the Industrial Commission. The undersigned hereby certifies that a copy of this document has been served on opposing party or parties.

Date of this Application: _____
By: _____

INSTRUCTIONS ON HOW TO FILE

One signed copy of Form T-44 must be sent to the Commission and one copy to the opposing parties or their counsel. If a brief is filed, the Commission must be furnished one copy and one copy must be sent to the appellee. The timeline for filing a T-44 and brief is set in the rules on the next page.

Rules for Appeals to the Full Commission:
11 NCAC 23B .0204(e); 11 NCAC 23B .0302;
11 NCAC 23B .0307; 11 NCAC 23B .0308; and
11 NCAC 23B .0310

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
PLAINTIFF FILING OPTIONS:
EMAIL TO: DOCKETS@IC.NC.GOV
FAX TO: (919) 715-0282
MAIL TO: INDUSTRIAL COMMISSION CLERK'S OFFICE
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236

FORM T-44
03/2019
PAGE 1 OF 2

FORM T-44

APPLICATION FOR REVIEW

Authority G.S. 143-292; 143-300.

SECTION .0300 – REHABILITATION FORMS

11 NCAC 23L .0301 FORM 25C – AUTHORIZATION FOR REHABILITATION PROFESSIONAL TO OBTAIN MEDICAL RECORDS OF CURRENT TREATMENT

A rehabilitation professional shall use the Form 25C Authorization for Rehabilitation Professional to Obtain Medical Records of Current Treatment as set forth in 11 NCAC 23C .0107. The Form 25C can be found on the Commission's website at https://www.ic.nc.gov/media/335/download?attachment and is as follows:

North Carolina Industrial Commission

AUTHORIZATION FOR REHABILITATION PROFESSIONAL TO OBTAIN MEDICAL RECORDS OF CURRENT TREATMENT

IC File #_____
Emp. Code #_____
Carrier Code #_____
Carrier File #_____

Employee's Name	Email Address	Employer's Name	Email Address
Address		Employer's Address	City
City	State Zip	Insurance Carrier	
( ) -	( ) -	Carrier's Address	City
Home Telephone	Work Telephone	( ) -	
XXX-XX-	☐ M ☐ F / /	Carrier's Telephone Number	
Last 4 Digits of SSN	Sex Date of Birth		

( ) -		
Telephone Number		
State	Zip	
State	Zip	
Email Address		

I, _____, the employee-claimant, hereby authorize the
(Please Print)
release of all my medical records of treatment resulting from a work-related injury/occupational disease that occurred/was contracted on _____ to the Rehabilitation
(Please Print)
Professional assigned to me. That Rehabilitation Professional is:

Name: _____
Address: _____
_____
Telephone: ( ) -

_____ / /
Employee's Signature Date

NOTE: THE REFUSAL OF THE CLAIMANT TO SIGN THIS FORM UPON THE REQUEST OF THE REHABILITATION PROFESSIONAL MAY BE DEEMED BY THE INDUSTRIAL COMMISSION TO BE NONCOMPLIANCE WITH REHABILITATION AND MAY RESULT IN THE SUSPENSION OF BENEFITS.

PLEASE MAIL THIS COMPLETED FORM TO THE REHABILITATION PROFESSIONAL NAMED ABOVE.

FORM 25C
PAGE 1 OF 1

FORM 25C

NORTH CAROLINA INDUSTRIAL COMMISSION
MAIN TELEPHONE: (919) 807-2500
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV/

Authority G.S. 97-25.5; 97-81(a).

11 NCAC 23L .0302 FORM 25N – NOTICE TO THE COMMISSION OF ASSIGNMENT OF REHABILITATION PROFESSIONAL

An insurance carrier shall use the Form 25N Notice to the Commission of Assignment of Rehabilitation Professional as set forth in 11 NCAC 23C .0107. The Form 25N can be found on the Commission's website at https://www.ic.nc.gov/media/336/download?attachment and is as follows:

North Carolina Industrial Commission

NOTICE TO THE COMMISSION OF ASSIGNMENT OF REHABILITATION PROFESSIONAL

IC File #_____

Emp. Code #_____

Carrier Code #_____

Carrier File #_____

Employee's Name	Email Address	Employer's Name	Email Address / ( ) - Telephone Number
Address		Employer's Address	City / State / Zip
City / State / Zip		Insurance Carrier	
( ) - Home Telephone / ( ) - Work Telephone		Carrier's Address	City / State / Zip
XXX-XX Last 4 Digits of SSN / ☐ M ☐ F Sex / / Date of Birth		( ) - Carrier's Telephone Number	Email Address

1. The case has been assigned to the following rehabilitation professional who meets the qualifications as outlined in Rule 11 NCAC 23C .0105 of the Industrial Commission Rules for Utilization of Rehabilitation Professionals in Workers' Compensation Claims.

   Name of RP: _____ Telephone Number: ( ) -

   _____ Fax Number: ( ) -

   Name of Supervisor of Conditional Provider if Applicable

   Company: _____ Type of Certification: _____

   Address: _____ Certificate Number: _____

   CHECK ONE: ☐ FIELD/ON SITE CASE MANAGEMENT ☐ TELEPHONIC CASE MANAGEMENT

2. The purpose of this rehabilitation assignment is:

   Purpose (check all that apply): ☐ **Medical Case Management** ☐ **Vocational Rehabilitation**

   Date of Injury: / /

   Type of Injury:

3. This rehabilitation professional was assigned by the following carrier, self-insured employer, or third-party administrator:

   Date Completed: _____ Company Name: _____

   Signed By: _____ Official Title: _____

   Print Name: _____ cc: Plaintiff's Attorney _____

4. The Commission should return this completed form to _____ (Name) at E-Mail: _____ (E-Mail Address)

By accepting this assignment, the above-named Rehabilitation Professional agrees that he/she meets the qualifications of a qualified/conditional rehabilitation provider as outlined in Rule 11 NCAC 23C .0105 of the Industrial Commission Rules for Utilization of Rehabilitation Professionals.

NORTH CAROLINA INDUSTRIAL COMMISSION
THE FOREGOING ASSIGNMENT IS HEREBY ACKNOWLEDGED:

FORM 25N

FILE VIA EDFP (MAY BE FILED WITHOUT IC FILE NUMBER IF NOT YET ASSIGNED)
HTTP://WWW.IC.NC.GOV/DOCFILING.HTML
NCIC-NURSES SECTION
TELEPHONE: (919) 807-2616
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

FORM 25N

PAGE 1 OF 1

Authority G.S. 97-2(19); 97-25.4; 97-25.5; 97-32.2; 97-81(a).

SECTION .0400 – MEDIATION FORMS

11 NCAC 23L .0401 FORM MSC2 – PETITION FOR ORDER REFERRING CASE TO MEDIATED SETTLEMENT CONFERENCE

A party may move the Commission to order a mediated settlement conference pursuant to 11 NCAC 23G .0101 using a Form MSC2 Petition for Order Referring Case to Mediated Settlement Conference. The Form MSC2 can be found on the Commission's website at https://www.ic.nc.gov/media/368/download?attachment and is as follows:

File via Electronic Document Filing Portal
https://www.ic.nc.gov/docfiling.html

IC Form MSC2

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. FILE NUMBER: _____

_____, Plaintiff

v.

_____, Defendant-Employer

_____, Defendant-Insurer

PETITION FOR ORDER REFERRING CASE TO MEDIATED SETTLEMENT CONFERENCE

APPEARANCES

_____ _____
Name of Plaintiff or Plaintiff's Attorney *Telephone number*

_____
Email Address

_____ _____
Name of Defendant or Defendant's Attorney *Telephone number*

_____
Email Address

* * * * * * * * * * *

The undersigned party requests that the Commission order this case to mediation pursuant to the North Carolina Industrial Commission Rules for Mediated Settlement and Neutral Evaluation Conferences. In support of this request, the undersigned states as follows:

This case should be ordered to a mediated settlement conference for the following reasons:

_____

_____

_____

_____

Any objection to this Petition shall be filed with the Commission in writing within 10 days of service. The Commission may rule on this Petition without further hearing.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____ (date), a copy of the foregoing Petition was served on the following party or parties in the manner indicated below:

☐ U.S. Mail ☐ Email ☐ Hand Delivery ☐ Other: _____

_____	_____
Name of Party Served	*Service Address*
_____	_____
Name of Party Served	*Service Address*
_____	_____
Name of Party Served	*Service Address*

[Attach additional sheets if necessary]

_____

Signature ***Printed Name*** ***Date***

Authority G.S. 97-80(a),(c); 97-81(a); 143-296; 143-300.

11 NCAC 23L .0402 FORM MSC4 – DESIGNATION OF MEDIATOR BY AGREEMENT OF PARTIES

When the parties select a mediator by agreement, the parties shall notify the Commission by filing a Form MSC4 Designation of Mediator by Agreement of Parties to notify the Commission. The Form MSC4 can be found on the Commission's website at https://www.ic.nc.gov/media/370/download?attachment and is as follows:

File via Electronic Document Filing Portal
https://www.ic.nc.gov/docfiling.html

IC Form MSC4

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. FILE NUMBER: _____

_____, Plaintiff

v.

_____, Defendant-Employer

_____, Defendant-Insurer

DESIGNATION OF MEDIATOR BY AGREEMENT OF PARTIES

APPEARANCES

_____ _____
Name of Plaintiff or Plaintiff's Attorney *Telephone number*

_____
Email Address

_____ _____
Name of Defendant or Defendant's Attorney *Telephone number*

_____
Email Address

* * * * * * * * * * * *

Pursuant to the Order referring this matter to a mediated settlement conference ("MSC"), the parties have selected the following DRC-certified mediator, who has agreed to serve:

Mediator's Name: _____

_____ _____
Email Address Telephone number

The MSC will be held on _____(date) at _____(time).

If the scheduled date is more than 120 days from the Order for Mediated Settlement Conference and the parties jointly request an extension of time to complete mediation, check here: ☐

Contact information for IC Form MSC5, *Report of Mediator*, invoice:

Name: _____ Email Address: _____

_____
Signature of Plaintiff / Defendant or Representative

Authority G.S. 97-80(a),(c); 97-81(a); 143-296; 143-300.

11 NCAC 23L .0403 FORM MSC5 – REPORT OF MEDIATOR

Mediators shall use the Form MSC5 Report of Mediator to notify the Commission of the results of a mediated settlement conference. The Form MSC5 can be found on the Commission's website at https://www.ic.nc.gov/media/372/download?attachment and is as follows:

File via Electronic Document Filing Portal
https://www.ic.nc.gov/docfiling.html

IC Form MSC5 (rev 08/2026)

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. FILE NUMBER: _____

_____, **Plaintiff**

v.

_____, **Defendant-Employer**

_____, **Defendant-Insurer**

REPORT OF MEDIATOR
☐ INTERIM ☐ FINAL

_____ _____
Name of Mediator *Telephone Number*

_____
Email Address

The undersigned mediator reports the following results of a mediated settlement conference:

Conference was held on _____
(list all dates)

☐ and **completed**
☐ but **not completed** because _____

☐ Conference was **not held** because _____

Names of parties, attorneys, insurance representatives, or others who were absent: _____

_____

_____

If the parties and the mediator request an extension of time to complete mediation, check here: ☐
Note: If the case has been placed on a hearing docket, a request to continue the hearing to allow additional time for mediation must also be filed with the assigned Deputy Commissioner.

Anticipated date of completion: _____
Note: If mediation was held open or rescheduled, list the date above.

The parties reached an: ☐ agreement on all issues ☐ agreement on some issues ☐ impasse

Issues settled will be disposed of by: ☐ clincher ☐ Form 26A ☐ removal from hearing docket ☐ voluntary dismissal ☐ other agreement _____

_____

Mediator's Fee

ADMINISTRATIVE FEE: $_____
($175.00 for appointed mediator)

MEDIATION FEE: $_____
Total time spent in Mediation Settlement Conference: _____._____
($150.00 per hour for appointed mediator, billed in quarter hour segments)

OTHER FEE: *(postponement or cancellation)* $_____

TOTAL FEE **$_____**

Mediator's fee will be paid as follows:

Party owing fee	*Amount owed*	*Email address of party*

**If the mediator's fee is being split by multiple defendants, please indicate above.*

Mediator's Signature	*Printed Name*	*Date*

IMPORTANT NOTES

A Final Report of Mediator shall be filed with the Commission in all cases, whether mediated voluntarily or pursuant to an order of the Commission, within ten days after the conclusion of mediation or within ten days of the mediator being notified of the settlement, regardless of the result.

An Interim Report of Mediator is not required but may be filed with the Commission to request an extension of time to complete mediation when the mediation is held open or rescheduled beyond the deadline set by the Commission. Otherwise, the parties should file a separate request for an extension of time to complete mediation.

Authority G.S. 97-73; 97-80(a); 97-80(c); 143-296; 143-300.

11 NCAC 23L .0404 FORM MSC6 – MEDIATOR'S DECLARATION OF INTEREST AND QUALIFICATIONS

Prior to conducting any mediations in cases under the jurisdiction of the Industrial Commission, a mediator shall file a Form MSC6 Mediator's Declaration of Interest and Qualifications. The Form MSC6 can be found on the Commission's website at https://www.ic.nc.gov/media/546/download?attachment and is as follows:

Email to: mediation@ic.nc.gov **IC Form MSC6** (rev. 08/2026)

NORTH CAROLINA INDUSTRIAL COMMISSION

MEDIATOR'S DECLARATION OF INTEREST AND QUALIFICATIONS

_____
Name of Mediator

_____
Firm/Business Name

_____ _____
Email Address *Telephone number*

_____ _____
Website *County*

_____
Mailing Address

In accordance with Rule 11 NCAC 23G .0108, I certify the following: *(check all that apply)*

1. ☐ I am a mediator certified by the North Carolina Dispute Resolution Commission to conduct Mediated Settlement Conferences in Superior Court cases.

DRC Mediator ID: _____ DRC Certification Date: _____

2. ☐ I am an attorney in good standing with the North Carolina State Bar.

NC State Bar ID: _____

3. ☐ I agree to accept and perform mediations of disputes before the Industrial Commission with reasonable frequency and for the fees set forth in 11 NCAC 23G .0107(b).

Appointed mediations will be conducted: ☐ in-person only ☐ remote only ☐ both

For in-person mediations, specify how many hours (one-way) you are willing to drive to conduct settlement conferences in appointed cases: _____ hours

I will notify the Commission if any declaration or qualification stated above is no longer accurate.

_____
Mediator's Signature *Printed Name* *Date*

Authority G.S. 97-80(c); 97-81(a).

11 NCAC 23L .0405 FORM MSC7 - REPORT OF EVALUATOR

A neutral evaluator shall use a Form MSC7 Report of Evaluator to report the results of a neutral evaluation conference to the Commission pursuant to 11 NCAC 23G .0109. The Form MSC7 can be found on the Commission's website at https://www.ic.nc.gov/media/374/download?attachment and is as follows:

File via Electronic Document Filing Portal
https://www.ic.nc.gov/docfiling.html

IC Form MSC7 (3/2027)

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. FILE NUMBER: _____

_____, Plaintiff

v.

_____, Defendant-Employer **REPORT OF EVALUATOR**

_____, Defendant-Insurer

_____ _____
Name of Evaluator *Telephone Number*

_____
Email Address

The undersigned evaluator reports the following results of the neutral evaluation conference:

Conference was held on _____
(list all dates)

☐ and **completed**
☐ but **not completed** because _____

☐ Conference was **not held** because _____

Names of parties, attorneys, insurance representatives, or others who were absent: _____
_____
_____

The parties reached an: ☐ agreement on all issues ☐ agreement on some issues ☐ impasse

Issues settled will be disposed of by: ☐ clincher ☐ Form 26A ☐ removal from hearing docket ☐ voluntary dismissal ☐ other agreement _____
_____

Evaluator's Fee

ADMINISTRATIVE FEE: $_____

EVALUATION FEE: $_____
Total time spent in Neutral Evaluation Conference: _____. __

OTHER FEE: *(postponement, etc.)* $_____

TOTAL FEE $_____

Evaluator fees will be paid as follows:

Party owing fee	*Amount owed*	*Email address of party*

**If the evaluator's fee is being split by multiple defendants, please indicate above.*

Evaluator's Signature	*Printed Name*	*Date*

IMPORTANT NOTE

This Report shall be filed with the Commission in all cases within ten days after the conclusion of the neutral evaluation conference, regardless of the result.

Authority G.S. 97-80(a),(c); 97-81(a); 143-296; 143-300.

11 NCAC 23L .0406 FORM MSC8 – MEDIATED SETTLEMENT AGREEMENT

If an agreement is reached in a mediated settlement conference, the parties may use a Form MSC8 Mediated Settlement Agreement to specify the terms of the agreement. The Form MSC8 can be found on the Commission's website at https://www.ic.nc.gov/media/376/download?attachment and is as follows:

IC Form MSC8

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. FILE NUMBER: _____

_____, Plaintiff

v.

_____, Defendant-Employer

_____, Defendant-Insurer

MEDIATED SETTLEMENT AGREEMENT

At the Mediated Settlement Conference ("MSC") held on _____, the parties agree to the following as set forth herein. No rights other than those arising under the provisions of the NC Workers' Compensation Act are compromised or released by this Mediated Settlement Agreement ("MSA"). The parties and their counsel acknowledge all handwritten notations on this agreement were completed before signing except for those items initialed which indicate a change or addition after initial signing.

1. **Compensability**. There is a need for finality in the litigation, and
   - ☐ Defendants have admitted Plaintiff's claims for compensation.
   - ☐ Defendants have reasonably denied Plaintiff's claims for compensation.
   - ☐ Defendants have admitted in part, and reasonably denied in part, Plaintiff's claims for compensation.

2. **Employment Status**. Plaintiff certifies that Plaintiff ☐ has or ☐ has not returned to work at the same as or a greater average weekly wage as Plaintiff was earning for Defendant-Employer prior to the date of Plaintiff's alleged injury/injuries. ☐ The parties disagree as to whether the Employee's work status relates to an occupational injury.

3. **Compromise Settlement Agreement**. Defendants shall pay Plaintiff the total sum of $_____. The timing of said payment shall comply with N.C. Gen. Stat. § 97-18. In consideration of this payment, Plaintiff knowingly and intentionally waives the right to further benefits under the NC Workers' Compensation Act for the injury which is the subject of this agreement, including any right to reimbursement for expenses paid by Plaintiff. Plaintiff and Defendants agree to execute all necessary Forms and/or a standard Compromise Settlement Agreement ("CSA") which complies with N.C. Gen. Stat. § 97-17. Such Forms and/or CSA shall be prepared by Defendants and submitted to the Commission within the time prescribed by the Commission. The CSA shall include the following:
   - ☐ Terms and conditions related to any Social Security offset.
   - ☐ Terms and conditions related to any Medicare interest.

4. **Indemnity Payments**. ☐ In addition to the foregoing lump sum payment, Defendants shall continue payments of weekly temporary total disability benefits until approval of the CSA by the North Carolina Industrial Commission.

5. **Medical Payments**. Plaintiff acknowledges that Plaintiff's medical condition is uncertain and is subject to change. Plaintiff accepts those risks. Plaintiff shall be responsible for the payment of all medical expenses except as set forth herein. Defendant-Insurer's obligation as medical compensation shall be limited to payment of:

- ☐ All related and authorized medical expenses through the date of this MSA per the approval of the North Carolina Industrial Commission.
- ☐ All related and authorized medical expenses through the date of this MSA as reflected in the attached list of medical expenses.
- ☐ Defendants shall pay no medical expenses of any nature, and Plaintiff is responsible for any such expenses in accordance with 11 NCAC 23A .0502.
- ☐ Other: _____

6. **Liens**. Plaintiff ☐ has or ☐ has not put Defendants on notice of any liens against the settlement proceeds herein. Defendants shall not be responsible for the payment of any liens against the settlement proceeds herein, except as specified in Paragraph 12.

7. **Other Interests**. The parties hereto have considered the interests of all the parties and of any person, including a health benefit plan that may have paid medical expenses of the Plaintiff, and also including any interest that could be asserted by and/or on behalf of Medicare. The parties agree that their positions as to the payment of medical expenses are reasonable, and that the settlement memorialized herein is otherwise fair and just.

8. **Third-Party Claims**. Any claims or rights of any party to this MSA which may exist under N.C. Gen. Stat. § 97-10.2 are not resolved by this MSA, except as specified in Paragraph 12.

9. **Mediator's Fees**. The mediator's fees shall be paid:

- ☐ pro rata, consistent with the Rules for Mediated Settlement Conferences.
- ☐ by Defendants. (If more than one employer or carrier is involved, specify any fee split in Paragraph 12.)
- ☐ pursuant to the terms of a separate agreement.

10. **Reliance**. Plaintiff acknowledges that Plaintiff has reviewed the terms of this MSA with Plaintiff's attorney, if represented. Plaintiff has not relied upon any representations, promises, or agreements not specifically set forth in this MSA.

11. **Finality**. The parties and their respective attorneys acknowledge that all material settlement terms are included in this MSA in accordance with 11 NCAC 23A .0502, that this settlement is not contingent upon any act, event, and/or occurrence EXCEPT as is set forth in Paragraph 12, and that this MSA is fair, just, and otherwise in the best interests of all parties. The parties intend to be bound by the terms of this MSA, and each party consents to the North Carolina Industrial Commission reviewing this MSA and entering an order approving the parties' settlement based upon the terms and conditions contained herein.

12. **Other**. _____

_____

_____

_____

_____

_____

_____

_____

Entered into this the _____ day of _____, _____.

_____	_____	_____
Plaintiff	Defendant	Mediator
_____	_____	_____
Plaintiff's Attorney	Defendant's Attorney	Translator

Mediator Attestation:

_____ (Initial) Mediator attests that at the conclusion of the MSC, all participants either signed this MSA in the Mediator's presence or acknowledged to the Mediator that the signature affixed to this MSA was the participant's signature.

_____ (Initial) One or more signatures were affixed to this MSA after the conclusion of the MSC or outside the Mediator's presence, and the Mediator attests only that a copy of the MSA bearing such signature(s) was provided to the Mediator.

Translation Certification:

_____ (Initial) If this MSA is signed by a Translator, Plaintiff certifies that before signing, the Translator provided Plaintiff with a translation of this MSA or read this MSA to Plaintiff.

This Agreement was translated/read to Plaintiff in the following language: _____

The following medical expenses shall be paid by Defendants pursuant to the IC Fee Schedule under this settlement agreement:

Provider	Charge	Amount Paid	Paid By	Balance Due

The following medical expenses are disputed by Defendants and shall not to be paid by Defendants under this settlement agreement:

Provider	Charge	Amount Paid	Paid By	Balance Due

Authority 97-80; 97-81(a); 143-296; 143-300.

11 NCAC 23L .0407 FORM MSC9 – MEDIATED SETTLEMENT AGREEMENT

If an agreement is reached in a mediated settlement conference, the parties may use a Form MSC9 Mediated Settlement Agreement to specify the terms of the agreement. The Form MSC9 can be found on the Commission's website at https://www.ic.nc.gov/media/378/download?attachment and is as follows:

IC Form MSC9 – Alternative Form (8/2026)

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. FILE NUMBER: _____

_____, Plaintiff

v.

_____, Defendant-Employer

_____, Defendant-Insurer

MEDIATED SETTLEMENT AGREEMENT

At the Mediated Settlement Conference ("MSC") held on _____, a resolution of the following issue(s) in dispute was reached as set forth herein. The parties agree that:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Entered into this the _____ day of _____, _____.

_____	_____	_____
Plaintiff	Defendant	Mediator
_____	_____	_____
Plaintiff's Attorney	Defendant's Attorney	Translator

Mediator Attestation:

_____ (Initial) Mediator attests that at the conclusion of the MSC, all participants either signed this Agreement in the Mediator's presence or acknowledged to the Mediator that the signature affixed to this Agreement was the participant's signature.

_____ (Initial) One or more signatures were affixed to this Agreement after the conclusion of the MSC or outside the Mediator's presence, and the Mediator attests only that a copy of the Agreement bearing such signature(s) was provided to the Mediator.

Translation Certification:

_____ (Initial) If this Agreement is signed by a Translator, Plaintiff certifies that before signing, the Translator provided Plaintiff with a translation of this Agreement or read this Agreement to Plaintiff.

This Agreement was translated/read to Plaintiff in the following language: _____

Authority G.S. 97-80; 97-81(a); 143-296; 143-300.

SECTION .0500 – PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT FORMS

11 NCAC 23L .0501 CLAIM FOR BENEFITS UNDER THE PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT

A claimant shall use the Commission form Claim for Benefits under the Public Safety Employees' Death Benefits Act to file a claim pursuant to G.S. 143-166. The Claim for Benefits under the Public Safety Employees' Death Benefits Act form can be found on the Commission's website at https://www.ic.nc.gov/media/393/download?attachment and is as follows:

NORTH CAROLINA INDUSTRIAL COMMISSION **DOCKET NO.**_____

CLAIM FOR BENEFITS UNDER THE PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT, G.S. § 143-166, *ET SEQ.*

_____ _____, being first duly sworn, deposes and says:
(Print Name of Claimant) (County)

1. This claim is filed for benefits under the Law Enforcement Officers' Death Benefits Act by reason of the death of _____

2. The said employee was killed in the discharge of his/her official duties as a full-time law enforcement officer on the _____ day of _____, 20_____.

3. The injury and death occurred in the following manner: _____
_____

4. The name of the employer was _____
(address)_____

5. Workers' compensation benefits have been paid or are being paid by reason of this death and I. C. File Number _____ has been assigned to said workers' compensation claim.

6. The name, address, and last 4 digits of the social security number of the surviving spouse are:
(Name)_____ (Last 4 Digits of SSN)_____
(Address)_____
(Phone Number) _____ (Email Address) _____

The names, dates of birth, addresses, and last 4 digits of the social security numbers of the minor children of this employee are (please list additional children on back of this form):
(Name)_____ (Relationship)_____ (Last 4 Digits of SSN)_____
(Address)_____

(Name)_____ (Relationship)_____ (Last 4 Digits of SSN)_____
(Address)_____

7. The surviving spouse was □, was not □ residing with employee on the date of the injury or death.
Date of marriage:_____ Place of marriage:_____

8. There are no children or eligible surviving spouse. The eligible beneficiaries are listed below:
(Name)_____ (Last 4 Digits of SSN)_____
(Address)_____
(Phone Number) _____ (Email Address) _____

(Name)_____ (Last 4 Digits of SSN)_____
(Address)_____
(Phone Number) _____ (Email Address) _____

9. The surviving spouse resided with employee continuously for 6 months prior to death? Yes__ No__

_____
(Signature of Claimant)

Subscribed and sworn to before me this
the _____ day of _____, 20_____.

_____
(Address)

_____
(Email Address)

_____ _____
Signature and Seal of Notary Public or Clerk of Court (Phone Number)
My Commission expires:_____

PLEASE SUBMIT TO: DOCKET DIRECTOR
NCIC CLERK'S OFFICE
1236 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1236

9/2021

Authority G.S. 143-166.3;
Eff. March 1, 2027.

SECTION .0600 – CHILDHOOD VACCINE-RELATED INJURY COMPENSATION PROGRAM FORMS

11 NCAC 23L .0601 FORM V-1 - CLAIM FOR COMPENSATION FOR VACCINE-RELATED INJURY PURSUANT TO G.S. 130A-425(B)

A claimant may utilize the Form V-1 Claim for Compensation for Vaccine-Related Injury Pursuant to G.S. 130A-425(b) to file a claim for a vaccine-related injury. The Form V-1 can be found on the Commission's website at https://www.ic.nc.gov/forms-filings/forms and is as follows:

I.C. FILE NO._____

NORTH CAROLINA INDUSTRIAL COMMISSION

CLAIM FOR COMPENSATION FOR VACCINE-RELATED INJURY PURSUANT TO G.S. 130A-425(b)

VERIFIED PETITION

1. Name of Claimant: _____
2. Address of Claimant:_____
3. Respondent(s): (Note: Pursuant to G.S. 130A-422(4), "Respondent" means the person or entity the claimant identifies as the agent of causality of the vaccine-related injury. Pursuant to G.S. 130A-422(5), "Vaccine-related injury" means any injury, disability, illness, death or condition caused by the vaccine but shall not mean any injury, disability, illness, death or condition caused by the method of injection into the body).

   Name:_____ Name:_____

   Address:_____ Address:_____

4. Dollar amount of compensation sought: _____
5. Services sought:_____

   _____
6. Date of Injury:_____Time of Injury:_____
8. Place where injury occurred:_____
9. Brief statement of facts and circumstances surrounding the injury and giving rise to the claim:_____

   _____

   _____
10. State whether medical documentation supporting the vaccine-related injury claim is being submitted with this verified petition, as required by G.S. 130A-425(b)(6): Yes ____ No ____
11. State whether the claimant filed an election pursuant to Section 2121 of the Public Health Service Act, P.L. 99-660, permitting the claimant to file a civil action for damages for a vaccine-related injury or death: Yes_____ No_____
12. If the claimant has filed a Section 2121 election, is documentation showing that the claimant has filed the Section 2121 election being submitted with this verified petition, as required by G.S. 130A-425(b)(7)? Yes_____ No_____
13. If the claimant has not filed a Section 2121 election, is the claimant otherwise permitted by federal law to file an action against a vaccine manufacturer? Yes_____ No_____
14. If the claimant is otherwise permitted by federal law to file an action against a vaccine manufacturer, is supporting documentation being submitted with this verified petition, as required by G.S. 130A-425(b)(7)? Yes_____ No_____

IN TESTIMONY WHEREOF, the said _____has hereunto set his/her
(Name of Claimant/Guardian/Attorney)
hand and seal this _____day of _____, 20____.

_____
(Signature of Claimant/Guardian/Attorney) (Email address)

Subscribed and sworn to before me this _____ day of _____.

_____ My Commission Expires _____
Signature and Seal of Clerk of Court or Notary Public

FORM NCIC-V-1
Page 1 of 1

FORM V-1

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
E-MAIL TO DOCKETS@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-DOCKET SECTION
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 130A-424; 130A-425;
Eff. March 1, 2027.

SECTION .0500 – PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT FORMS

11 NCAC 23L .0501 CLAIM FOR BENEFITS UNDER THE PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT

A claimant shall use the Commission form Claim for Benefits under the Public Safety Employees' Death Benefits Act to file a claim pursuant to G.S. 143-166. The Claim for Benefits under the Public Safety Employees' Death Benefits Act form can be found on the Commission's website at https://www.ic.nc.gov/media/393/download?attachment and is as follows:

NORTH CAROLINA INDUSTRIAL COMMISSION **DOCKET NO.**_____

CLAIM FOR BENEFITS UNDER THE PUBLIC SAFETY EMPLOYEES' DEATH BENEFITS ACT, G.S. § 143-166, *ET SEQ.*

_____ _____, being first duly sworn, deposes and says:
(Print Name of Claimant) (County)

1. This claim is filed for benefits under the Law Enforcement Officers' Death Benefits Act by reason of the death of _____

2. The said employee was killed in the discharge of his/her official duties as a full-time law enforcement officer on the _____ day of _____, 20_____.

3. The injury and death occurred in the following manner: _____
_____

4. The name of the employer was _____
(address)_____

5. Workers' compensation benefits have been paid or are being paid by reason of this death and I. C. File Number _____ has been assigned to said workers' compensation claim.

6. The name, address, and last 4 digits of the social security number of the surviving spouse are:
(Name)_____ (Last 4 Digits of SSN)_____
(Address)_____
(Phone Number) _____ (Email Address) _____

The names, dates of birth, addresses, and last 4 digits of the social security numbers of the minor children of this employee are (please list additional children on back of this form):
(Name)_____ (Relationship)_____ (Last 4 Digits of SSN)_____
(Address)_____

(Name)_____ (Relationship)_____ (Last 4 Digits of SSN)_____
(Address)_____

7. The surviving spouse was □, was not □ residing with employee on the date of the injury or death.
Date of marriage:_____ Place of marriage:_____

8. There are no children or eligible surviving spouse. The eligible beneficiaries are listed below:
(Name)_____ (Last 4 Digits of SSN)_____
(Address)_____
(Phone Number) _____ (Email Address) _____

(Name)_____ (Last 4 Digits of SSN)_____
(Address)_____
(Phone Number) _____ (Email Address) _____

9. The surviving spouse resided with employee continuously for 6 months prior to death? Yes__ No__

_____
(Signature of Claimant)

Subscribed and sworn to before me this
the _____ day of _____, 20_____.

_____
(Address)

_____
(Email Address)

_____ _____
Signature and Seal of Notary Public or Clerk of Court (Phone Number)
My Commission expires:_____

PLEASE SUBMIT TO: DOCKET DIRECTOR
NCIC CLERK'S OFFICE
1236 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1236

9/2021

Authority G.S. 143-166.3.

SECTION .0600 – CHILDHOOD VACCINE-RELATED INJURY COMPENSATION PROGRAM FORMS

11 NCAC 23L .0601 FORM V-1 - CLAIM FOR COMPENSATION FOR VACCINE-RELATED INJURY PURSUANT TO G.S. 130A-425(B)

A claimant may utilize the Form V-1 Claim for Compensation for Vaccine-Related Injury Pursuant to G.S. 130A-425(b) to file a claim for a vaccine-related injury. The Form V-1 can be found on the Commission's website at https://www.ic.nc.gov/forms-filings/forms and is as follows:

I.C. FILE NO._____

NORTH CAROLINA INDUSTRIAL COMMISSION

CLAIM FOR COMPENSATION FOR VACCINE-RELATED INJURY PURSUANT TO G.S. 130A-425(b)

VERIFIED PETITION

1. Name of Claimant: _____
2. Address of Claimant:_____
3. Respondent(s): (Note: Pursuant to G.S. 130A-422(4), "Respondent" means the person or entity the claimant identifies as the agent of causality of the vaccine-related injury. Pursuant to G.S. 130A-422(5), "Vaccine-related injury" means any injury, disability, illness, death or condition caused by the vaccine but shall not mean any injury, disability, illness, death or condition caused by the method of injection into the body).

   Name:_____ Name:_____

   Address:_____ Address:_____

4. Dollar amount of compensation sought: _____
5. Services sought:_____

   _____

6. Date of Injury:_____Time of Injury:_____
8. Place where injury occurred:_____
9. Brief statement of facts and circumstances surrounding the injury and giving rise to the claim:_____

   _____

   _____

10. State whether medical documentation supporting the vaccine-related injury claim is being submitted with this verified petition, as required by G.S. 130A-425(b)(6): Yes ____ No ____
11. State whether the claimant filed an election pursuant to Section 2121 of the Public Health Service Act, P.L. 99-660, permitting the claimant to file a civil action for damages for a vaccine-related injury or death: Yes_____ No_____
12. If the claimant has filed a Section 2121 election, is documentation showing that the claimant has filed the Section 2121 election being submitted with this verified petition, as required by G.S. 130A-425(b)(7)? Yes_____ No_____
13. If the claimant has not filed a Section 2121 election, is the claimant otherwise permitted by federal law to file an action against a vaccine manufacturer? Yes_____ No_____
14. If the claimant is otherwise permitted by federal law to file an action against a vaccine manufacturer, is supporting documentation being submitted with this verified petition, as required by G.S. 130A-425(b)(7)? Yes_____ No_____

IN TESTIMONY WHEREOF, the said _____has hereunto set his/her
(Name of Claimant/Guardian/Attorney)
hand and seal this _____day of _____, 20____.

_____

(Signature of Claimant/Guardian/Attorney) (Email address)

Subscribed and sworn to before me this _____ day of _____.

_____ My Commission Expires _____

Signature and Seal of Clerk of Court or Notary Public

FORM NCIC-V-1
Page 1 of 1

FORM V-1

FILE VIA ELECTRONIC DOCUMENT FILING PORTAL
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
E-MAIL TO DOCKETS@IC.NC.GOV
FAX TO (919) 715-0282
MAIL TO NCIC-DOCKET SECTION
1236 MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

Authority G.S. 130A-424; 130A-425.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Sheriffs' Education and Training Standards Commission intends to readopt with substantive changes the rules cited as 12 NCAC 10B .0301, .0402, .0412, .0503, .0603, .1302, .1304, .1307, .1602, .1606, .2002- .2009, .2101, .2102, .2105, readopt without substantive changes the rules cited as 12 NCAC 10B .1303, .1305, .1306, .1901, repeal through readoption the rules cited as 12 NCAC 10B .0406, .1308, and .2103.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncdoj.gov/law-enforcement-training/sheriffs/all-certification-forms-publications/proposed-rule-amendments/*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 1, 2026*
Time: *10:00 a.m.*
Location: *1700 Tryon Park Dr., Raleigh NC 27610*

Reason for Proposed Action:
For Readoption w/o Changes - These are necessary rules that require no changes.
12 NCAC 10B .1303 Time Req/Completion/Telecommunicator Cert. Course
12 NCAC 10B .1305 Trainee Attendance
12 NCAC 10B .1306 Completion of Telecommunicator Certification Course
12 NCAC 10B .1901 Military and Military Spouses Transferees

For Readoption with Substantive Changes
12 NCAC 10B .0301 Minimum Standards for Justice Officers - Amended to clarify the definition of "good moral character."
12 NCAC 10B .0402 Probationary Certification - Amended to clarify when an officer can receive probationary certification.
12 NCAC 10B .0412 Department Head Responsibilities: Critical Incident Reporting - Amended to replace department head with agency head.
12 NCAC 10B .0503 Time Req/Completion/Basic Law Enforcement Training - Amended to remover reference to "program" and to clarify the requirements.
12 NCAC 10B .0603 Evaluation for Training Waiver - Amended to add clarifying language.
12 NCAC 10B .1302 Telecommunicator Certification Course - Amended to remover reference to "program".
12 NCAC 10B .1304 Evaluation for Training Waiver - Amended to add clarifying language.
12 NCAC 10B .1307 Comprehensive Written Exam - Telecommunicator Certification Course - Amended to make the language more succinct and clear.
12 NCAC 10B .1602 Eligibility for Professional Certificate (Telecommunicator) - Amended to define further "experience gained" for dual-certified justice officers.
12 NCAC 10B .1606 How to Apply - Amended to replace department head with agency head and to further define "eligible training."
12 NCAC 10B .2002 Certification Specific Programs - Amended to remover reference to "program".
12 NCAC 10B .2003 In-Service Training Coordinator - Amended to replace department head with agency head and to further define the document required to be submitted.
12 NCAC 10B .2004 Instructors - Amended to clarify the requirements for instructors who teach in Commission mandated in-service training.
12 NCAC 10B .2005 Minimum Training Requirements - Amended to replace department head with agency head and to further define the minimum training requirements for in-service training.
12 NCAC 10B .2006 In-Service Training Programs Specifications - Amended to remover reference to "program".
12 NCAC 10B .2007 Sheriff/Agency Head Responsibilities - Amended to replace department head with agency head and to further clarify the requirements.
12 NCAC 10B .2008 Failure to Complete In-Service Training Programs - Amended to remover reference to "program".
12 NCAC 10B .2009 Training Delivery - Amended to make the requirements more succinct.
12 NCAC 10B .2101 Sheriff Responsibilities - Amended to remover reference to "program" and to clearly state the additional requirements for annual firearms requalification training.
12 NCAC 10B .2102 Instructors - Amended to remover reference to "program".
12 NCAC 10B .2105 Failure to Qualify - Amended to reference correct rules.

For Repeal - Language contained within these rules is being moved to other rules.
12 NCAC 10B .0406 Lateral Transfers and Reinstatements
12 NCAC 10B .1308 Satisfaction of Minimum Training Requirements
12 NCAC 10B .2103 Minimum Training Requirements

Comments may be submitted to: *Robin Pendergraft, 1700 Tryon Park Dr., Raleigh, NC 27610; phone (919) 779-8213; email rpendergraft@ncdoj.gov*

Comment period ends: *January 15, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the

rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0300 – MINIMUM STANDARDS FOR EMPLOYMENT AND CERTIFICATION AS A JUSTICE OFFICER

12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS

Every justice officer employed or certified in North Carolina shall:

(1) be a citizen of the United States;
(2) be at least 20 years of age for all deputies and detention officers or be at least 18 years of age for all telecommunicators;
(3) be a high school graduate, or the equivalent as defined in 12 NCAC 10B .0302;
(4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 10B .0303;
(5) have had a medical examination as required by 12 NCAC 10B .0304;
(6) have produced a negative result on a drug screen as described in 12 NCAC 10B .0410;
(7) have been administered a psychological screening examination as in accordance with G.S. 17E-7. This psychological screening examination shall be valid for a period of one year from the date on which it was administered;
(8) have been interviewed as described in 12 NCAC 10B .0306;
(9) have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC 10B .0305;
(10) not have committed or been convicted of a crime or crimes specified in 12 NCAC 10B .0307;
(11) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 10B .2103 and .2104. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency approved service handguns and any other weapons that the applicant has been issued or authorized to use by the agency; ~~and~~
(12) be of good moral character. ~~character as defined as defined in: In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); In re Applicants for License 143 N.C. 1, 55 S.E. 635 (1906); and later court decisions.~~ For purposes of this Rule, good moral character means the disposition, demonstrated through a person's pattern of conduct, to be honest and to act with candor, to discharge one's responsibilities, to respect the rights of others and the laws of the State and nation, and to do what is right notwithstanding that it is unpleasant or contrary to one's own interest; and
(13) make the following notifications:
    (a) within five business days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged, arrested, pleads no contest, pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI).
    (b) within five business days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order pursuant to G.S. 50B and any Civil No Contact Order pursuant to G.S. 50C that are issued by a judicial official against the officer;
    (c) within five business days of the date the case was disposed of in court, the

agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;

(d) within five business days of the issuance of all Domestic Violence Protective Orders pursuant to G.S. 50B and Civil No Contact Orders pursuant to G.S. 50C, the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.

(e) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item.

(14) The requirements of this Rule shall apply to all applications for certification and shall also apply at all times during which the justice officer is certified by the Commission.

Authority G.S. 17E-7.

SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

~~12 NCAC 10B .0402 PROBATIONARY CERTIFICATION (EFFECTIVE UNTIL JUNE 30, 2024)~~

~~All justice officers, except those transferred or reinstated pursuant to Rule .0406 of this Section shall serve a probationary certification period of one year; provided that the one year probationary period has not been extended for cause pursuant to 12 NCAC 10B .0303(e); .0503(a); or .0602(a) or .1303(a). For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office. For certification as a detention officer or telecommunicator, the probationary period begins on the date the person was appointed.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .0402 PROBATIONARY CERTIFICATION ~~(EFFECTIVE JULY 1, 2024)~~

All justice officers, except those transferred or reinstated pursuant to Rule .0406 of this Section shall serve a probationary certification period of one year; provided that the one year probationary period has not been extended for cause pursuant to 12 NCAC 10B .0602(a) or .1303(a). For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office. ~~Office after completion of Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205.~~ For certification as a detention officer or telecommunicator, the probationary period begins on the date the person was appointed.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .0406 LATERAL TRANSFERS AND REINSTATEMENTS

~~(a) The general certification, pursuant to Rule .0404 of this Section, or grandfather certification, as defined in G.S. 17E-7(a), of a detention officer, as defined in Rule .0103(6) of this Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, is eligible for lateral transfer to an agency and be certified upon compliance with Paragraphs (b) and (c) of this Rule.~~

~~(b) The employing agency shall verify the applicant's certification status with the Division prior to submission of the application for certification as a lateral transfer.~~

~~(c) In order for a detention officer or telecommunicator to be certified pursuant to Paragraph (a) of this Rule, the employing agency shall submit to the Division, along with the Report of Appointment (F-4 or F-4T), the documents required in Rule .0408 of this Section.~~

~~(d) A justice officer whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter is eligible to have the certification reinstated provided that:~~

~~(1) the period of suspension was six months or less;~~

~~(2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a); and~~

~~(3) the officer has successfully completed the basic training requirements as prescribed in Sections .0500, .0600, or .1300 of this Subchapter.~~

~~(e) A justice officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is re-appointed in the same agency, is eligible for reinstatement provided that:~~

~~(1) the period of separation has been six months or less; and~~

~~(2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a).~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .0412 ~~DEPARTMENT~~ AGENCY HEAD RESPONSIBILITIES: CRITICAL INCIDENT REPORTING

(a) For all law enforcement agencies in the State that employ personnel certified by the North Criminal Sheriffs' Education and Training Standards Commission, the ~~Department Head~~ agency head shall submit the Critical Incident Report, Form F-27, to the Sheriff's Standards Division no later than 30 days after making the determination that an incident involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has occurred. The Critical Incident Report (F-27) shall contain the following:

(1) date and time of incident;
(2) location of incident;
(3) officer involved; and
(4) whether the incident involved serious bodily injury or death
(5) notice that the officer has 30 days after receipt to request a hearing in superior court for a determination of whether the officer's involvement was properly placed in the database described in Paragraph (d) of this Rule, and that if a copy of that filing is not provided to the Division within the 30 days, the officer's name will be placed in the database.

(b) Information contained in the submitted Critical Incident Report, (F-27), that is confidential under state or federal law shall remain confidential.

~~(d)~~(c) The Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data in North Carolina that is reported to the Division.

Authority G.S. 17E-15.

SECTION .0500 - MINIMUM STANDARDS OF TRAINING FOR DEPUTY SHERIFFS

~~**12 NCAC 10B .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE (EFFECTIVE UNTIL JUNE 30, 2024)**~~

~~(a) Each deputy sheriff holding temporary or probationary certification shall complete a Commission-certified basic training course pursuant to 12 NCAC 09B .0405, within one year from the date of his or her Oath of Office. Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall not exercise the powers of a deputy sheriff, including the power of arrest. If, however, an officer has enrolled in a Commission-certified basic law enforcement training program that concludes later than the end of the officer's probationary period, the Commission may extend the probationary period for a period not to exceed 12 months. In determining whether to grant an extension, the Commission shall consider the circumstances that created the need for the extension.~~

~~(b) Any person who has completed a Commission-certified basic law enforcement training program, but has not been duly appointed and certified in a sworn law enforcement position within one year of completion of the course, shall complete a subsequent Commission-certified basic recruit training program and pass the State Comprehensive Examination within the 12 month probationary period. The Director shall waive this requirement and accept a course that was completed outside of the one year time period as set forth in Paragraph (a) of this Rule unless he or she determines that a delay in applying for certification was due to negligence on the part of the applicant or employing agency. The extension of the one year period shall not exceed 30 days from the expiration date of a commission-certified basic training program.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE ~~(EFFECTIVE JULY 1, 2024)~~

(a) ~~Each deputy sheriff shall have completed with passing scores the accredited basic training course as prescribed in 12 NCAC 09B .0205 prior to obtaining probationary certification.~~ Each deputy sheriff holding probationary certification shall complete a Commission-certified basic training course pursuant to 12 NCAC 09B .0405, within one year from the date of his or her Oath of Office. Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall not exercise the powers of a deputy sheriff, including the power of arrest. If, however, an officer has enrolled in a Commission certified basic law enforcement training program that concludes later than the end of the officer's probationary period, the Commission may extend the probationary period for a period not to exceed 12 months. In determining whether to grant an extension, the Commission shall consider the circumstances that created the need for the extension.

(b) Any applicant for certification who has completed a Commission-certified basic law enforcement training ~~program,~~ but has not been duly appointed and certified in a sworn law enforcement position within one year of completion of the course, shall complete a subsequent Commission-certified basic law enforcement training ~~program~~ and pass the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. The Director shall waive this requirement to complete a subsequent Commission-certified basic law enforcement training ~~program~~ and pass the State Comprehensive Examination and accept a basic law enforcement training ~~program~~ and pass the State Comprehensive Examination that was completed outside of the one year time period as set forth in this Rule unless he or she determines that a delay in applying for certification was due to negligence on the part of the applicant or employing agency. The extension of the one year period shall not exceed 30 days from the expiration date of the commission-certified basic law enforcement training ~~program~~ completed by the applicant.

Authority G.S. 17E-4; 17E-7.

SECTION .0600 - MINIMUM STANDARDS OF TRAINING FOR DETENTION OFFICERS

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

(a) Applicants for detention officer certification with prior detention or correctional officer experience who have been employed and certified as a detention or correctional officer may seek a training waiver evaluation pursuant to this Section.

(b) The Division shall use the following to evaluate a detention officer's training and experience to grant a training waiver:

(1) Persons who separated from a detention officer position during the probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as set forth in Rule .0602(a) of this Section.

(2) Persons who separated from a detention officer position during their probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), but need not complete an additional training program.

(3) Persons who separated from a detention officer position during the probationary period without completion of a commission-certified Detention Officer Certification Course, or whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter and who have remained separated or suspended for over one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in Rule .0602(a) of this Section.

(4) Persons holding General Justice Officer Certification as a detention officer pursuant to Rule .0404 of this Subchapter who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than one year but less than three years shall be recertified upon the completion of the previous year in-service training.

~~(4)~~(5) Persons holding General Justice Officer Certification as a detention officer pursuant to Rule .0404 of this Subchapter who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than ~~one year~~ three years shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

~~(5)~~(6) Persons holding ~~Grandfather~~ grandfather Detention Officer Certification pursuant to G.S. 17E-7(a), who separate from a detention officer position and remain separated from a detention officer position for more than one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

~~(6)~~(7) Persons transferring to a sheriff's office from another law enforcement agency who hold a detention officer certification issued by the North Carolina Criminal Justice Education and Training Standards Commission are subject to evaluation of their prior training and experience on an individual basis. The Division shall review the training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 based upon topics covered and determine what additional training, if any, is required under Rule .0601.

(c) The Division shall grant a training waiver to individuals that:

(1) hold general certification as a correctional officer from the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;

(2) completed training as a correctional officer between January 1, 1981 and August 1, 2002;

(3) are an applicant for justice officer certification as a detention officer through a sheriff's office or a district confinement facility; and

(4) do not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Applicants that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section. During this probationary period, they must take and successfully complete the State Comprehensive Examination in its entirety as set forth in Rule .0606 of this Section after completing the following topic areas in a commission-certified Detention Officer Certification Course:

Orientation	3 hours
Legal Aspects of Management & Supervision	14 hours
Medical Care in the Jail	6 hours
Investigative Process in the Jail	8 hours
Criminal Justice System	2 hours
Introduction to Rules and Regulations Governing Jails	2 hours
Compliance and Control Tactics	40 hours
TOTAL HOURS	75 hours

(d) The Division shall grant a training waiver to individuals that:

(1) hold general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
(2) have completed training as a correctional officer after August 1, 2002;
(3) are applicants for detention officer certification through a sheriff's office or a district confinement facility; and
(4) do not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Detention officers that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section and provide the record of completion of the Basic Correctional Officer Training Course as defined in 12 NCAC 09G .0411. The Division shall review the course curriculum of the correctional officer training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 of this Section. Based upon topics covered in the basic correctional officer training course, the Division shall determine if additional training is required to ensure the applicant has received training comparable to that specified in Rule .0601 of this Section. The Division shall notify the employing agency of the resulting training requirements, if any, and the officer shall take and successfully complete the State Comprehensive Examination as set forth in Rule .0606 of this Section in its entirety during the probationary period after completing any training as determined to be necessary by the training evaluation referenced in this section, in a commission-certified Detention Officer Certification Course.

(e) Applicants for detention officer certification who hold probationary justice officer certification as a deputy pursuant to Rule .0402 of this Subchapter or general justice officer certification as a deputy pursuant to Rule .0404 of this Subchapter, with the North Carolina Sheriffs' Education and Training Standards Commission, or a law enforcement officer that has probationary law enforcement officer certification, pursuant to 12 NCAC 09C .0303 or general law enforcement officer certification, pursuant to 12 NCAC 09C .0304, issued by the Criminal Justice Education and Training Standards Commission, shall be granted a training waiver pursuant to this Section provided the individual:

(1) has successfully completed the NC Basic Law Enforcement Training Course as outlined in 12 NCAC 09B .0205;
(2) has had no break in service as a deputy sheriff or law enforcement officer exceeding one year;
(3) serves a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this Section; and
(4) takes and successfully completes the State Comprehensive Examination for the Detention Officer Certification Course in its entirety as set forth in Rule .0606 of this Section during that probationary period after:

(A) completing the following topic areas in a full delivery of a commission-certified Detention Officer Certification Course:

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
Supervision and Management of Inmates	5 hours
Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

or

(B) completing a commission certified truncated delivery of the Detention Officer Certification Course that covers the following topic areas:

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours

Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
Supervision and Management of Inmates	5 hours
Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

(f) A truncated delivery of the Detention Officer Certification Course that only teaches blocks as specified in Paragraph (e) of this Rule is hereby authorized and shall comply with the following requirements:

(1) Each applicant shall complete form F-1, Medical History Statement, and pass the medical exam as required by Rule .0304 of this Subchapter.

(2) Each executive officer or officers of the institution or agency sponsoring a truncated Detention Officer Certification Course shall comply with the provisions of Rule .0703 of this Subchapter except for Part .0703(c)(3)(D).

(3) Each school director shall submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-7A) in compliance with Rule .0704(6) of this Subchapter.

(4) Each school director shall not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B) in compliance with Rule .0704(13) of this Subchapter.

(5) The delivering institution or agency must be certified to deliver the Detention Officer Certification Course under Rule .0802 of this Subchapter.

(6) Each presentation of the truncated Detention Officer Certification Course shall be reported to the Commission in compliance with Rule .0803 of this Subchapter.

(7) All instructors, school directors, executive officers, or lecturers involved in teaching and administering a truncated Detention Officer Certification Course shall hold the same certifications and qualifications required of instructors, school directors, executive officers, or lecturers in the full Detention Officer Certification Course.

Authority G.S. 17E-4; 17E-7.

SECTION .1300 - MINIMUM STANDARDS OF TRAINING FOR TELECOMMUNICATORS

12 NCAC 10B .1302 TELECOMMUNICATOR CERTIFICATION COURSE

(a) The telecommunicator certification training ~~program~~ shall consist of the 47-hour Telecommunicator Certification Course developed by the North Carolina Justice Academy and approved by the Commission to ensure compliance with Paragraph (b) of this Rule.

(b) Each Telecommunicator Certification Course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	2 hours
(2)	Introductory Topics for the Telecommunicator	3 hours
(3)	Interpersonal Communication	2 hours
(4)	Civil Liability for the Telecommunicator	5 hours
(5)	Telecommunications Systems and Equipment	3 hours
(6)	Overview of Emergency Services	7 hours
(7)	Call Reception and Prioritization	8 hours
(8)	Broadcasting Techniques and Resource Allocation	7 hours
(9)	Telecommunicator Training Practicum	8 hours
(10)	State Comprehensive Examination	2 hours
TOTAL HOURS		47 hours

(c) No Telecommunicator Certification Course shall be offered by any agency or institution without first complying with the requirements set forth in Rules .0709 and .0804 of this Subchapter. Any agency or institution desiring to offer the Telecommunicator Certification Course shall file a Pre-Delivery Report, Form F-7A-T, with the Division.

Authority G.S. 17E-4(a).

12 NCAC 10B .1303 TIME REQ/COMPLETION/TELECOMMUNICATOR CERTIFICATION COURSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 10B .1304 EVALUATION FOR TRAINING WAIVER

(a) Applicants for certification with prior telecommunicating experience shall have been employed and certified in a telecommunicator position in order to be considered for training evaluation under this Rule.

(b) Persons who separated from a telecommunicator position during their probationary certification period after having completed a commission-accredited Telecommunicator Certification Course and who have been separated from a telecommunicator position for one year or less shall serve the remainder of the initial probationary period, but need not complete an additional training program.

(c) Persons who separated from a telecommunicator position during their probationary <u>certification</u> period without having completed a commission-accredited Telecommunicator Certification Course, or whose certification was suspended pursuant to 12 NCAC 10B .0204(b)(1), and who have remained

separated or suspended for over one year shall complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in 12 NCAC 10B .1303(a).

(d) Persons holding General Justice Officer Certification as a telecommunicator pursuant to Rule .0404 of this Subchapter who completed a commission-certified Telecommunicator Certification Course and who separated from a telecommunicator position for more than one year but less than three years shall be recertified upon the completion of the previous year in-service training. ~~shall complete a subsequent commission-certified Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .1303 of this Section.~~

(e) Persons holding General Justice Officer Certification as a telecommunicator pursuant to Rule .0404 of this Subchapter who completed a commission-certified Telecommunicator Certification Course and who separated from a telecommunicator position for more than three years shall complete a subsequent commission-certified Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .1303 of this Section.

~~(e)~~(f) Persons previously holding grandfather telecommunicator certification in accordance with G.S. 17E-7(c1) who have been separated from a telecommunicator position for more than one year shall be required to complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary certification period as prescribed in 12 NCAC 10B .1303(a).

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .1305 TRAINEE ATTENDANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 10B .1306 COMPLETION OF TELECOMMUNICATOR CERTIFICATION COURSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 10B .1307 ~~COMPREHENSIVE WRITTEN EXAM~~ TELECOMMUNICATOR CERTIFICATION COURSE EXAM

(a) At the conclusion of a school's offering of the "Telecommunicator Certification Course", an authorized representative of the Commission shall administer ~~a comprehensive written~~ an examination to each trainee who has satisfactorily completed all of the required course work. ~~A trainee shall not be administered the comprehensive written examination until such time as all course work is successfully completed.~~

(b) The examination shall be an objective test covering the topic areas as described in 12 NCAC 10B .1302(b).

~~(c) The Commission's representative shall submit to the school director within 10 days of the administration of the examination a report of the results of the test for each trainee examined.~~

~~(d)~~(c) A trainee shall ~~successfully complete the comprehensive written examination if he/she achieves~~ achieve a minimum of 70 percent correct answers in order to successfully complete the examination.

~~(e)~~(d) A trainee who ~~has fully participated in a scheduled delivery of a commission-approved training course and has demonstrated satisfactory competence in each motor-skill or performance area of the course curriculum but~~ has failed to achieve the minimum score of 70 percent on the Commission's comprehensive written examination may request the Director to authorize a re-examination of the trainee.

(1) A trainee's Request for Re-examination shall be made in writing ~~on the Commission's form~~ within 30 days after the original examination and shall be received by the Division before the expiration of the trainee's probationary certification as a telecommunicator.

~~(2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the trainee's "Telecommunicator Certification Course".~~

~~(3)~~(2) A trainee shall have only one opportunity for re-examination and shall satisfactorily complete the subsequent examination in its entirety within 90 days after the original examination.

~~(4)~~(3) ~~A trainee shall be assigned in writing by the~~ The Division shall issue to the trainee ~~a place, time, and date~~ written approval for re-examination.

~~(5)~~(4) ~~Should the trainee on re-examination~~ If the trainee does not achieve the prescribed minimum score of 70 on the ~~examination~~ re-examination, the trainee may not be recommended for certification and must enroll and complete a subsequent course in its entirety before further examination may be permitted.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .1308 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS

~~In order to satisfy the minimum training requirements for certification as a telecommunicator, a trainee shall:~~

~~(1) Achieve a score of 70 percent correct answers on the Commission administered comprehensive written examination; and~~

~~(2) Demonstrate successful completion of a commission-approved offering of the "Telecommunicator Certification Course" as shown by the certification of the school director .~~

Authority G.S. 17E-4; 17E-7.

SECTION .1600 - PROFESSIONAL CERTIFICATE PROGRAM FOR TELECOMMUNICATORS

12 NCAC 10B .1602 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the telecommunicator professional certificates, a telecommunicator shall first meet the following preliminary qualifications:

(1) be a full-time telecommunicator who holds a valid general or grandfather certification, as defined in G.S. 17E-7(a). A telecommunicator serving under a probationary certification is not eligible for consideration;

(2) any telecommunicator subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, shall not be eligible for any telecommunicator professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation; and

(3) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .1300 of this Subchapter.

(b) Employees of a North Carolina sheriff's office or other agency who have previously held general or grandfather telecommunicator certification under the Commission, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification, are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office or agency from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(c) Only training and experience gained in a telecommunicator's area of expertise, as described in Paragraph (d) of this Rule, shall be eligible for application to this program. For a dual-certified justice officer as defined in Rule .0103(9) of this Subchapter, "experience gained" shall mean time spent performing the duties of a telecommunicator as the primary role, as determined pursuant to Rule .2006(b) of this Subchapter, and shall not include time spent performing the duties of a deputy sheriff or detention officer.

(d) Certificates shall be awarded based upon a formula contained herein that combines formal education, training, and experience as a telecommunicator. Points are computed in the following manner:

(1) each semester hour of college credit shall equal one education point and each quarter hour of college credit shall equal two thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited institution, as set out in Paragraph (g) of this Rule, credits the courses towards a degree;

(2) 20 hours of telecommunicator training shall equal one training point; and

(3) experience as a full-time telecommunicator, as defined in Rule .0103(20) of this Subchapter.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Telecommunicator Professional Certificate shall have acquired the following combination of educational points or degrees, telecommunicator training points, and years of telecommunicator experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Telecommunicator Experience	8	6	4	4	2
Minimum Telecommunicator Training Points	5	10	14	12	10
Minimum Total Education and Training Points	12	20	28	12	10

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Telecommunicator Professional Certificate shall possess or be eligible to possess the Intermediate Telecommunicator Professional Certificate and shall have acquired the following combination of educational points or degrees, telecommunicator training points, and years of telecommunicator experience:

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Telecommunicator Experience	12	9	9	6	4
Minimum Telecommunicator Training Points	10	12	17	14	12
Minimum Total Education and Training Points	20	23	17	14	12

(g) Educational points or degrees claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, or a national or regional accrediting body. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(h) No more than 40 hours of training obtained by completing the telecommunicator certification course, as set out in Rule .1302 of this Subchapter, shall be credited toward training points.

Authority G.S. 17E-4.

12 NCAC 10B .1606 HOW TO APPLY

(a) All applicants for an award of the telecommunicator intermediate or advanced professional certificates shall complete

the "Application for Professional Certificate/Service Award," Form F-6.
(b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the accredited institution.
(c) Documentation of training shall be provided ~~by~~ with verified ~~copies of~~ training records signed by the agency's training officer or ~~department~~ agency head. ~~head, or by providing certificates of completion.~~ Eligible training in a telecommunicator's area of expertise must be presented from an established lesson plan, delivered either in person or online, and documented with an attendance roster, transcript, and/or certificate of completion. No out-of-state training shall be accepted, unless the officer is employed in North Carolina as a justice officer as defined in G.S. 17E-2 during the of training.
(d) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, certified letters of verification of employment from present or former employers may be requested of an applicant if confirmation of dates of service is required. No out-of-state length of service shall be applicable to this certificate program.
(e) The "Application for Professional Certificate/Service Award," Form F-6, shall be signed by the ~~department~~ agency head and forwarded to the Division. Certificates shall be issued to the ~~department~~ agency head for award to the applicant.

Authority G.S. 17E-4.

SECTION .1900 – MILITARY TRAINED APPLICANT AND MILITARY SPOUSE

12 NCAC 10B .1901 MILITARY AND MILITARY SPOUSE TRANSFEREES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .2000 - IN-SERVICE TRAINING FOR JUSTICE OFFICERS

12 NCAC 10B .2002 CERTIFICATION-SPECIFIC TRAINING ~~PROGRAMS~~

The following Justice Officer In-Service Training ~~Programs~~ shall be required for justice officers who are active in the certification specified:

(1) Firearms Training and Requalification for deputy sheriffs and detention officers as set out in Section .2100 of these Rules;
(2) Law Enforcement In-Service Training ~~Program~~ for deputy sheriffs as set out in Rule .2005 of this Section;
(3) Detention Officer In-Service Training ~~Program~~ as set out in Rule .2005 of this Section; and
(4) Telecommunicator In-Service Training ~~Program~~ as set out in Rule .2005 of this Section.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2003 IN-SERVICE TRAINING COORDINATOR

(a) If a Sheriff or ~~Department Head~~ agency head chooses to conduct its own in-service training, then the Sheriff or ~~Department Head~~ agency head must also appoint an "In-Service Training Coordinator" who meets the following criteria:

~~(1) Has four years of experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;~~
~~(2)~~(1) Holds General Instructor certification; and
~~(3)~~(2) Has successfully participated in the "Coordinating In-Service Training" course presented by the NC Justice Academy for the purpose of familiarization with trainee and instructor evaluation.

(b) The Sheriff or ~~Department Head~~ agency head shall submit the completed Form F-18, Appointment of In-Service Training Coordinator Form specifying that the individual meets the criteria in Paragraph (a) of this Rule above. ~~an application for such appointment to the Division for approval of this designation.~~
~~(b)~~(c) An In-Service Training Coordinator shall:

(1) Administer the delivery of the course curriculum.
(2) Select and schedule instructors.
(3) Ensure that each instructor utilizes a lesson plan previously approved by the Sheriff or his or her designee.
(4) Monitor, or designate a certified instructor to monitor the presentations of instructors during course deliveries and prepare a written evaluation on their performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure the instructor is using the Instructional System Development model, as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery is objective based, documented by and consistent with a Commission-approved lesson plan.
(5) Maintain records of all in-service training received by the agency's deputies, detention officers, and telecommunicators including:
    (A) the course title;
    (B) the delivery hours of course;
    (C) the course delivery dates;
    (D) the names and addresses of instructors utilized for each topic; and
    (E) A roster of enrolled trainees documenting class attendance.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2004 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct a Commission-mandated In-Service Training Program:

(1) The instructors shall:

(a) hold ~~General~~ Criminal Justice Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and ~~.0306;~~ .0306, except for instructors who exclusively deliver:
  (i) CPR certifications that include cognitive and skills testing;
  (ii) use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
  (iii) Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

(b) when teaching a legal block of instruction, hold Professional Lecturer Instructor certification issued either by ~~either~~ the Commission as set out in ~~either~~ 12 NCAC 10B .0906 or .0916, or by the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, or hold Criminal Justice ~~General~~ Instructor Certification as issued by the ~~North Carolina~~ Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306; ~~.0306, when teaching a legal block of instruction;~~

(c) when teaching a medical or psychological block of instruction, hold Professional Lecturer Instructor certification issued by the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306; ~~.0306, when teaching a medical or psychological block of instruction; or~~

(d) hold ~~Specific~~ Specialized Instructor Certification issued by the Criminal Justice Education and ~~training~~ Training Standards Commission when teaching the lesson plans published by the NC Justice Academy as follows:
  (i) Firearms range qualification must be taught by a Specialized Firearms Instructor certified in accordance with 12 NCAC 09B .0304(f). The instructor who teaches the classroom instruction regarding use of force may either hold Professional Lecturer Certification as set out in 12 NCAC 09B ~~.0306(a)(1);~~ .0306(a)(1), 12 NCAC 10B .0906, or 12 NCAC 10B .0916 or hold a ~~Specific Certification Firearms~~ Specialized Firearms Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission;
  (ii) Weapons Retention and Disarming ~~Techniques~~ Techniques, Spontaneous Attack Defense and Compliance Control Tactics, Handcuffing and Impact Weapons Refresher, and Compliance and Control Tactics: Equipment Retention courses must be taught by ~~Subject Control Arrest Techniques~~ a Specialized Compliance and Control Tactics (CCT) Instructor certified in accordance with 12 NCAC 09B .0304(d);
  ~~(iii) Spontaneous Attack Defense and Subject Control/Arrest Techniques must be taught by a Subject Control Arrest Techniques Instructor certified in accordance with 12 NCAC 09B .0304(d);~~
  ~~(iv) Handcuffing and Impact Weapons Refresher and Subject Control Arrest Techniques: Equipment Retention must be taught by a Subject Control Arrest Techniques Instructor certified in accordance with 12 NCAC 09B .0304(d);~~
  ~~(v)~~(iii) Wellness and Stress Awareness and Health and Fitness for Detention Officers must be taught by a Specialized Physical Fitness Instructor certified in

accordance with 12 NCAC 09B .0304(h);

~~(vi)~~(iv) Law Enforcement Driver Training (classroom and practical) must be taught by a Specialized Law Enforcement Driver Training Instructor certified in accordance with 12 NCAC 09B .0304(g); and

~~(vii)~~(v) Active Shooter: Practical Refresher must be taught by a ~~General~~ certified Criminal Justice Instructor as set out in Sub-item (1)(a) of this Rule, who has also completed the North Carolina Justice Academy's "Rapid Deployment Instructor Training Course."

(e) In addition, each instructor certified by the Criminal Justice Education and Training Standards Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Competent includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.

~~In addition, each instructor certified by the Criminal Justice Education and Training Standards Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Competent includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.~~

(2) Instructors who teach a required in-service training ~~course~~ topic, other than those topics outlined in Sub-items (1)(a)(i) through (1)(a)(iii) of this Rule, ~~must~~ shall achieve a passing grade on a topic-specific ~~course-specific~~ test developed by the North Carolina Justice Academy or by the agency delivering the ~~training.~~ training before delivering the topic of instruction.

(3) Instructors who teach a required in-service training ~~course~~ topic online, in addition to meeting the above testing requirement, ~~must~~ shall also complete the in-service training for the ~~course~~ topic he or she will be ~~teaching.~~ teaching before delivering the topic of instruction.

(4) Instructors who teach an in-service training course in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests as outlined in this section and have their instruction documented by the Sheriff, Agency Head, or In-Service Training Coordinator once completed.

~~(3)~~(5) The use of guest participants is permitted provided they are subject to the direct on-site supervision of a commission-certified instructor.

~~(4)~~(6) The instructor shall deliver the training consistent with the specifications as established in the rules in this Section.

~~(5)~~(7) The instructor shall document the successful or unsuccessful completion of training for each person attending a training program and forward a record of their completion to each person's Sheriff or ~~Department~~ Agency Head. For firearms qualification, pursuant to Rule .2104 of this Subchapter, the Specialized Firearms Instructor shall also document the target used, the scoring matrix used, and the course of fire.

(8) When an individual fails to qualify with a weapon, pursuant to Rules .2104 and .2105 of this Subchapter, the instructor shall inform the officer of the failure to qualify. The instructor shall then provide the individual with Firearms Qualification Record Form F-9A, pursuant to Rule .2201 of this Subchapter, which the individual is required to sign. The F-9A form shall require the individual to notify the Sheriff or Agency Head within 24 hours of the qualification failure. The instructor shall also provide the completed F-9A form to the Sheriff or Agency Head within 72 hours of the qualification failure.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS

(a) All annual in-service training topics identified by the Commission per G.S. 17E-4 shall be developed by the North Carolina Justice Academy and completed in person or through the North Carolina Justice Training and Certification portal. Training topics not developed by the North Carolina Justice Academy, completed as agency 'topics of choice', may be developed and delivered in person or virtually, pursuant to the requirements of this Rule.

~~(a)~~(b) A Sheriff or ~~Department Head~~ agency head may use a lesson plan for agency topics of choice developed by the North Carolina Justice Academy or a lesson plan ~~for any of the topic areas~~ developed by another entity such as a different law enforcement agency or training provider. The Sheriff or ~~Department Head~~ agency head may also use a lesson plan for agency topic of choice developed by a certified instructor, provided that the instructor develops the lesson plan in accordance with the Instructional Systems Development model as taught in Criminal Justice Instructor Training and as described in 12 NCAC 09B .0209.

(c) Lesson plans shall be designed to be delivered in hourly increments. A student who completes the training shall receive the number of credits that correspond to the number of hours assigned to the course, regardless of the amount of time the student spends completing the course, where each hour of instruction shall be worth one credit (e.g., "Legal Update" is designed to be delivered in four hours and will yield four credits).
(d) With the exception of Firearms Training and Requalification, successful completion of training shall be demonstrated by passing tests as developed by the delivering agency or as written by the North Carolina Justice Academy. A written test comprised of at least five questions per hour of training shall be developed by the delivering agency, or the agency may use the written test developed by the North Carolina Justice Academy, for each in-service training topic of choice. A student shall pass each test by achieving 70 percent correct answers. Firearms Training and Requalification shall be demonstrated qualification with a firearm as set out in Section .2100 of this Subchapter.
~~(b)~~(e) The in-service training for topic areas of the Sheriff's or ~~Department Head's~~ agency head's choosing required by this Rule shall either:

(1) meet the requirements of Paragraph (a) and (b) of this Rule; or
(2) be delivered pursuant to National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year to satisfy these topics in part or in whole. It is not required that this IADLEST training be written in the Instructional Systems Design (ISD) format or delivered by a Commission certified instructor.

~~(c) Annual in-service training topics and credits shall be established by the Sheriffs' Education and Training Standards Commission in accordance with G.S. 17E-4.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2006 IN-SERVICE TRAINING ~~PROGRAM~~ SPECIFICATIONS

(a) Justice officers who have been active as a deputy sheriff, detention officer, or telecommunicator between January and July of each calendar year shall complete the respective In-Service Training ~~Program(s)~~ established by 12 NCAC 10B .2002 by the end of December of each calendar year.
(b) For each justice officer holding multiple certifications from the Commission with the same agency, the Sheriff shall designate the officer's primary duties for the purpose of selecting which one of the in-service training ~~programs~~ the officer shall complete for a calendar year.
(c) A justice officer who fails to complete in-service training as required, but is either separated or made inactive prior to the end of the calendar year, may be re-activated after completing the in-service training ~~program~~ prescribed for the year immediately preceding the year in which the officer is being activated.
(d) Persons who have prior service as a criminal justice officer as defined in 12 NCAC 09A .0103(7) between January and July of the current year, and who then become an active deputy sheriff are required to complete the in-service training ~~program~~ for that year, unless the person is also either a detention officer or telecommunicator with the same Sheriff's Office and the Sheriff has designated the officer's primary function to be either a detention officer or telecommunicator.
(e) Persons who have prior service as a criminal justice officer as defined in 12 NCAC 09A .0103(7) between January and July of a prior year who failed to complete in-service training for that year, shall complete the in-service training program prescribed for the year preceding the year in which the officer is being activated as a deputy, unless the person was also reported to this Commission as a telecommunicator with the same agency and completed the telecommunicator in-service training for that year.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2007 ~~SHERIFF/AGENCY~~ SHERIFF AND AGENCY HEAD RESPONSIBILITIES

Each Sheriff or ~~Department Head~~ agency head shall ensure that the ~~respectively~~ required In-Service Training ~~Program~~ established by this Section is ~~conducted. In addition, the Sheriff or Department Head shall:~~ conducted, and;

~~(1) report to the Division those deputy sheriffs, detention officers and telecommunicators who are inactive;~~
~~(2)~~(1) maintain ~~a roster of~~ documentation for each deputy sheriff, detention ~~officer~~ officer, and telecommunicator who successfully completes the respectively required In-Service Training ~~Program;~~ and
~~(3)~~(2) report to the Division by January 15th of each year:
(a) those active telecommunicators who fail to complete the prior year's Telecommunicator Officer In-Service Training ~~Program~~ in accordance with 12 NCAC 10B . ~~2012;~~ 2002;
(b) those active detention officers who fail to complete the prior year's Detention Officer In-Service Training ~~Program~~ in accordance with 12 NCAC 10B ~~.2012;~~ .2002; ~~and~~
(c) those active deputy sheriffs who fail to complete the prior year's Law Enforcement In-Service Training ~~Program~~ in accordance with 12 NCAC 10B ~~.2005.~~ .2002 and .2005; ~~The reporting shall be on a Commission form.~~ and
(d) the reporting shall be on a Commission form.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2008 FAILURE TO COMPLETE IN-SERVICE TRAINING ~~PROGRAMS~~

(a) Failure to complete the Commission mandated ~~respectively required~~ In-Service Training ~~Program(s)~~, except for firearms qualification as set forth in Section .2100 of these Rules ~~Paragraph (c) of this Rule, in accordance with this Section~~ shall result in the

summary suspension of certification by the Commission if the Commission finds that the public health, safety, or welfare requires immediate action.

(b) Certification may be reinstated at the request of the justice officer's ~~Sheriff/Agency Head~~ sheriff or agency head provided the justice officer completes the respectively required In-Service Training ~~Program~~ within one year of the date of suspension of certification. ~~An~~ In-Service Training ~~Program~~ completed under this provision shall be credited to the prior year of non-compliance and shall not be credited toward the current year of mandated in-service training. ~~completion~~.

~~(c) Failure to qualify a justice officer in accordance with Section .2100 of these Rules is governed by 12 NCAC 10B .2105.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2009 TRAINING DELIVERY

~~The training provider shall ensure that the:~~

(a)~~(1)~~ If the agency does not have an in-service training coordinator, the training provider shall maintain documentation of the following: ~~training is documented by roster that includes:~~

(1)~~(a)~~ student names;

(2)~~(b)~~ date and time of training;

(3)~~(c)~~ instructional topic;

(4)~~(d)~~ hours taught;

(5)~~(e)~~ instructor's name; and

(6)~~(f)~~ training provider.

~~The training provider may also issue a certificate to the officer;~~

(b) The training provider may issue a certificate to the officer if:

(1)~~(2)~~ training is taught by a Commission certified instructor;

(2)~~(3)~~ instructors use the lesson plans prepared by the NC Justice Academy, another entity or develop their own developed in accordance with the provisions of 12 NCAC 10B .2005(a);

(3)~~(4)~~ instructors provide each student with a copy of the student lesson plan during the course delivery; and

(4)~~(5)~~ a copy of the lesson plan(s) is maintained indefinitely by the training provider.

Authority G.S. 17E-4; 17E-7.

SECTION .2100 - DEPUTY SHERIFF S' AND DETENTION OFFICERS' FIREARMS IN-SERVICE TRAINING REQUALIFICATION ~~PROGRAM~~

12 NCAC 10B .2101 SHERIFF RESPONSIBILITIES

The sheriff shall ensure that the deputy sheriffs' and detention officers' In-Service Firearms Training and Requalification ~~Program~~ is conducted according to minimum specifications as outlined in 12 NCAC 10B ~~.2103 and~~ .2104. In addition, the sheriff or designee:

(1) shall maintain copies of each course of fire adopted for use by his or her office ~~department~~ and shall make those courses available for review by the Commission's representative upon request; ~~and~~

(2) shall maintain in each officer's personnel file a copy of a commission-approved Firearms Requalification Record Form F-9A which verifies that the officer did, or did not, successfully complete the minimum annual in-service firearms training requirement; ~~and~~

~~(3) may, where the officer fails to qualify with any of the weapons specified in 12 NCAC 10B .2104 prohibit access or possession of such weapon while on duty or when acting in the discharge of that agency's official duties and may deny the officer authorization to carry such weapons concealed when off duty, except when the officer is on his/her own premises; and~~

~~(4)~~(3) shall report to the Division once each calendar year a roster of all deputy sheriffs and detention officers who fail to successfully complete the annual in-service firearms training and qualification and shall certify that all deputy sheriffs and detention officers required to qualify pursuant to 12 NCAC 10B .2104 who are not listed did successfully complete the training. This roster shall reflect the annual in-service firearms training and qualification status of all deputy sheriffs and detention officers employed by the agency as of December 31st of each calendar year and shall be received by the Division no later than the following January 15th; and

~~(5)~~(4) shall ensure that in addition to conducting Annual Firearms Requalification as prescribed in 12 NCAC 10B .2104, a Specialized Firearms Instructor provides instruction on the following:

(a) Use of Force: the authority to use deadly force including relevant case law and materials.

(b) Safety:

(i) Range rules and regulations;

(ii) Handling of a firearm; and

(iii) Malfunctions.

(c) Review of Basic Marksmanship Fundamentals:

(i) Grip, stance, breath control, trigger press, and trigger reset;

(ii) Sight alignment and sight picture; and

(iii) Nomenclature.

(d) Operation and Maintenance of all agency-authorized weapons.

~~shall report to the Division not later than January 15th of each calendar year a list of those deputy sheriffs and detention officers employed by the agency who are not authorized by the sheriff to carry a weapon; and~~

~~(6) may ensure that once each year all officers receive a review of departmental policies regarding the use of force. It is recommended by the Commission that all officers be tested on departmental policies.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2102 INSTRUCTORS - FIREARMS IN-SERVICE

The following requirements and responsibilities are hereby established for instructors who conduct the Deputy Sheriffs' and Detention Officers' In-Service Firearms Training and Requalification ~~Program:~~ ;

(1) The instructor who performs the range qualification shall hold "Specific Instructor Certification-Firearms" issued by the North Carolina Criminal Justice Education and Training Standards Commission;

(2) The instructor who teaches the classroom instruction regarding use of force may either hold a Professional Lecturer Certification as set out in 12 NCAC 09B .0306(a)(1); 12 NCAC 10B .0906, or 12 NCAC 10B .0916 or hold a "Specific Certification-Firearms" issued by the North Carolina Criminal Justice Education and Training Standards Commission;

(3) The instructor shall deliver the training consistent with the minimum specifications as established by 12 NCAC 10B .2103 and .2104; and shall be present at all times during which said training is being conducted to personally provide all supervision, classroom training, range training, and scoring for certification purposes;

(4) The instructor shall document the successful or unsuccessful completion of training for each officer on a commission Firearms Requalification Record Form F-9A and forward such form to each officer's sheriff; and

(5) The instructor shall submit to the sheriff copies of all courses of fire used for qualification of deputy sheriffs and detention officers in compliance with 12 NCAC 10B .2101(1).

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS

~~In addition to conducting Annual Firearms Qualification, as prescribed in 12 NCAC 10B .2104, Specialized Firearms Instructors shall provide instruction on the following specified topics:~~

~~(1) Use of Force: the authority to use deadly force including relevant case law and materials.~~

~~(2) Safety:~~

~~(a) Range rules and regulations;~~

~~(b) Handling of a firearm; and~~

~~(c) Malfunctions.~~

~~(3) Review of Basic Marksmanship Fundamentals:~~

~~(a) Grip, stance, breath control, trigger press, and trigger reset;~~

~~(b) Sight alignment and sight picture; and~~

~~(c) Nomenclature.~~

~~(4) Operation and Maintenance of all agency authorized weapons.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2105 FAILURE TO QUALIFY

(a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall surrender their weapons to the sheriff or his or her authorized designee upon failure and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

(b) Failure to qualify within the time period allowed in Paragraph (a) of this Rule shall result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

(c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

(1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied with the requirements of 12 NCAC 10B ~~.2103 and .2104~~ .2104; and

(2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or detention officer.

(d) Any deputy sheriff or detention officer not previously authorized by the sheriff to carry a weapon but whose status changed to "authorized to carry a weapon," shall comply with the provisions set out in 12 NCAC 10B ~~.2103 and~~ .2104 and may not carry a firearm until:

(1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied with the requirements of 12 NCAC 10B ~~.2103 and~~ .2104; and

(2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that the Commission has amended the officer's status to "authorized to carry a weapon" and all Commission certification files reflect the same.

Authority G.S. 17E-4; 17E-7; 17E-9.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

***Notice** is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rules cited as 14B*

NCAC 15A .0501, .0601-.0603, .0605-.0608, .0801, and .0803-.0805.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://abc.nc.gov*

Proposed Effective Date: *April 1, 2027*

Public Hearing:
Date: *January 13, 2027*
Time: *10:00 a.m.*
Location: *Hearing Room, ABC Commission. 400 East Tryon Road, Raleigh, NC 27610*

Reason for Proposed Action: *Mandatory Review pursuant to G.S. 150B-21.3A*

Comments may be submitted to: *Renee Metz, 400 East Tryon Street, Raleigh, NC 27610; phone (919) 948-7919; email rules@abc.nc.gov*

Comment period ends: *January 15, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

SUBCHAPTER 15A - ORGANIZATIONAL RULES: POLICIES AND PROCEDURES

SECTION .0500 – DECLARED EMERGENCY

14B NCAC 15A .0501 REVOCATION OR SUSPENSION OF PERMIT

~~The Commission may revoke or suspend the permit of any person who violates any order of the Governor issued pursuant to G.S. 18B-110 when the sale of alcoholic beverages is suspended in any area of the State pursuant to a state of emergency as declared by the Governor in accordance with Article 1A of Chapter 166A of the General Statutes.~~ When the Governor declares an emergency as defined in G.S. 166A-19.3 and suspends the sales, transportation, and manufacture of alcoholic beverages pursuant to G.S. 18B-110, the Commission has the authority to impose a penalty pursuant to G.S. 18B-104 for a person who violates the order of the Governor.

Authority G.S. ~~18B-110;~~ 18B-104; 18B-110; 18B-207.

SECTION .0600 - DECLARATORY RULINGS

14B NCAC 15A .0601 ISSUANCE: GROUNDS

Upon request ~~of~~ by an aggrieved ~~party, except where the Commission for good cause finds issuance of a ruling undesirable,~~ party, the Commission shall issue a declaratory ruling if the request for such a ruling will:

(1) determine the validity of a rule ~~previously~~ adopted by the Commission; ~~or~~
(2) determine the applicability of a particular statute or rule administered or adopted by the Commission to a ~~given~~ specific fact ~~situation.~~ situation; or
(3) resolve a conflict or inconsistency within the agency regarding an interpretation of law or rule adopted by the Commission.

Authority G.S. 18B-100; 18B-207; 150B-4.

14B NCAC 15A .0602 REQUEST FOR DECLARATORY RULING

(a) ~~All requests~~ Requests for a declaratory ruling to contest the validity of a rule adopted by the Commission shall ~~supply~~ include the following information:

(1) name and address of person aggrieved;
(2) statute or rule to which the request relates;
(3) ~~a~~ brief statement of the manner in which the person aggrieved is affected or may be affected by the statute or rule;
(4) names and addresses of additional third persons known to the person aggrieved who may ~~possibly~~ be affected by the requested ruling;
(5) statement of all material facts;
(6) statement whether ~~or not~~ the person aggrieved is aware of ~~any~~ a pending Commission action or court action that may bear on the applicability of the statute or rule to the person's ~~particular~~ specific situation;
(7) statement of the arguments and legal authority supporting the person's position on the applicability of this statute or rule; and
(8) statement of whether ~~or not~~ a conference is desired and reasons for requesting a conference.

The person aggrieved shall sign and verify the request before ~~an officer~~ a person qualified to administer oaths that the information supplied in the request ~~form~~ is true and accurate.

(b) The ~~request and any~~ requestor shall ~~mail~~ send the request and supporting materials ~~relevant to the request shall be sent to North Carolina Alcoholic Beverage Control Commission, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.~~ to the attention of the Legal Section at the address in 14B NCAC 15A .0102 or shall email the documents to legal@abc.nc.gov.

(c) The Commission shall either deny the request, stating the reasons ~~therefore,~~ for the denial, or issue a declaratory ruling. The Commission shall deny a request for a declaratory ruling when the Commission determines that:

(1) the request does not comply with the procedural guidelines ~~within~~ of Paragraphs (a) and (b) of this Rule;

(2) the Commission has ~~previously~~ already issued a declaratory ruling on ~~substantially~~ similar facts;

(3) the Commission has ~~previously~~ issued a final agency decision in a contested case on ~~substantially~~ similar facts;

(4) the facts underlying the request for a declaratory ruling were considered at the time of the adoption of the rule in question;

(5) the subject matter is one ~~concerning which~~ the Commission is without authority to ~~make a decision binding~~ bind the Commission or the ~~petitioner;~~ requestor;

(6) the ~~petitioner~~ requestor is not aggrieved by the rule or statute in question or otherwise has no interest in the subject matter of the request;

~~(7) there is reason to believe that the petitioner or some other person or entity materially connected to the subject matter of the request is acting in violation of the G.S. 18B or the rules adopted by the Commission; or~~

~~(8)~~(7) the subject matter of the request is involved in pending litigation, legislation, or ~~rulemaking.~~ rulemaking; or,

(8) the requestor or the request is the subject of, or related to, an investigation by the Commission or party to a contested case before OAH or the Commission.

~~(d) The Commission shall not issue a declaratory ruling when the petitioner or his or her request is the subject of, or materially related to, an investigation by the Commission or contested case before the Commission.~~

Authority G.S. 18B-100; 18B-207; 150B-4.

14B NCAC 15A .0603 GROUNDS FOR DENIAL OF RULING ON VALIDITY

The Commission may deny a ~~A~~ request for a declaratory ruling to determine the validity of a rule ~~may be denied~~ unless:

(1) ~~It is shown that since the adoption of the rule by the Commission, circumstances have so changed that a declaratory ruling is warranted;~~ circumstances have changed since the adoption of the Rule by the Commission that a declaratory rule is warranted; or

(2) ~~It is shown that in the records of the rule-making hearing that was held upon the rule in question,~~ during the rulemaking hearing for the Rule, the Commission failed to consider ~~specified~~ specific relevant matters.

Authority G.S. 18B-100; 18B-207; 150B-4.

14B NCAC 15A .0605 WITHDRAWAL OF REQUEST FOR DECLARATORY RULING

A ~~petitioner~~ requestor may ask ~~for a withdrawal of that person's~~ to withdraw their request for a declaratory ruling by filing a written request with the Commission Legal Section ~~at any time~~ prior to the issuance of a ruling. ~~Upon this request, the~~ The Commission shall permit an aggrieved party to withdraw the request for a declaratory except when the Commission determines ~~that~~ other persons regulated by ~~this~~ the Rule would benefit from ~~the~~ a ruling.

Authority G.S. 18B-100; 18B-207; 150B-4.

14B NCAC 15A .0606 EFFECT OF DECLARATORY RULING

Unless the Commission finds a misstatement or omission of material fact that makes a request for a declaratory ruling misleading, a ~~A~~ declaratory ruling shall be binding ~~upon~~ on the Commission in its dealings with the requesting ~~party~~ party. ~~requesting the ruling unless the Commission finds a misstatement of material fact or the failure to state a material fact, the omission of which makes the request misleading.~~ The ~~Commission, however,~~ Commission shall not be bound by ~~that~~ a declaratory ruling ~~in dealing with~~ regarding third parties where the ~~Commission, for good cause, believes~~ Commission finds for good cause ~~that a different course of action is justified and~~ that a ruling should be changed ~~with respect to~~ due to different persons or fact situations.

Authority G.S. 18B-100; 18B-207; 150B-4.

14B NCAC 15A .0607 ALTERATION OF DECLARATORY RULING

The Commission, ~~on its own motion, or upon the motion of any interested person,~~ upon its own motion or the motion of an interested person, may ~~change or~~ modify a declaratory ruling ~~previously issued~~ by the adoption of a new or different ruling. ~~Such a subsequent ruling shall apply prospectively only.~~ Modified rulings are not retroactive.

Authority G.S. 18B-100; 18B-207; 150B-4.

14B NCAC 15A .0608 JUDICIAL REVIEW OF DECLARATORY RULINGS

For purposes of judicial review, the Commission shall preserve ~~any and~~ all requests for rulings, written comments by interested parties, ~~any~~ manuscripts or summaries of oral proceedings, ~~any matter~~ all matters considered by the Commission in making the

decision, and the ~~decision, together with the reasons therefor.~~ decision, including the reasons.

Authority G.S. 18B-100; 18B-207; 150B-4.

SECTION .0800 - ADJUDICATION: CONTESTED CASES

14B NCAC 15A .0801 NOTICE OF ALLEGED VIOLATION

If facts reported by a law enforcement officer indicate a violation of the ABC laws, the Commission shall send a notice of alleged violation to the permittee. Service of the notice of alleged violation shall ~~be deemed complete in accordance~~ comply with G.S. 1A-1, Rule 5(b). The permittee's last known address ~~as stated on the permit~~ shall be ~~considered~~ the permittee's ~~last known address.~~ address as stated on the permit.

Authority G.S. 18B-100; 18B-203(a)(12); 18B-207.

14B NCAC 15A .0803 ARTICLE 12 HEARINGS; PETITION AND NOTICE

(a) Initiation of Hearing. A hearing under Article 12 of Chapter 18B of the General Statutes (Wine Distribution Agreements Act) shall ~~be commenced by~~ commence upon the filing of a petition with the Commission. The petition shall state the party's contentions in ~~detail,~~ detail and set forth chronologically the events surrounding the winery's termination of the agreement.

(b) Requests for Relief. ~~In any case in which a wholesaler requests that the Commission provide relief in a dispute with a winery under Article 12, the Commission may deem that request to be in the nature of a request for a hearing,~~ The Commission may deem a request from a wholesaler to provide relief in a dispute with a winery under Article 12 to be a request for a hearing. The Commission ~~and~~ may conduct a hearing to determine ~~if~~ whether the winery has good cause to terminate an agreement with the ~~wholesaler,~~ wholesaler or to determine if the wholesaler has rectified the reasons given by the winery for the termination.

(c) Notice of Hearing. The Commission or the assigned hearing officer shall mail a ~~A~~ Notice of Hearing ~~shall be mailed~~ to the parties in a dispute under Article 12 at least 15 days prior to the hearing. The notice ~~will~~ shall be served by certified mail or in accordance with G.S. 1A-1, Rule 4 (j1). ~~In the event~~ If service is made by certified mail, the delivery date on the return receipt shall be the date of notice. The notice will contain a short and plain statement of the issues to be resolved by the Commission, the date, time, and place of the hearing, and the name of the hearing officer who will conduct the ~~hearing,~~ hearing if the Commission ~~determines that it~~ will not preside at the initial hearing.

(d) Rules of Procedure. Hearings conducted under Article 12 of Chapter 18B of the General Statutes ~~will~~ shall be conducted in accordance with the Rules of Civil Procedure as contained in G.S. 1A-1, available for free at https://ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_1A.html, and the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General ~~Statutes.~~ Statutes or for free at https://www.nccourts.gov/courts/supreme-court/court-rules/general-rules-of-practice-for-the-superior-and-district-courts.

Authority G.S. 18B-100; 18B-200; 18B-207; 18B-1205.

14B NCAC 15A .0804 ARTICLE 12 HEARINGS; EVIDENCE

The provisions of G.S. 150B-29 relating to evidence shall apply to hearings conducted under Article 12 of Chapter 18B of the General ~~Statutes.~~ and can be found for free at https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150b/GS_150b-29.html.

Authority G.S. 18B-100; 18B-207; 18B-1205.

14B NCAC 15A .0805 ARTICLE 12 HEARINGS; FINAL ADMINISTRATIVE DECISION; ORDER

~~(a) Right to Submit Proposed Findings. The parties in a hearing conducted under Article 12 of Chapter 18B of the General Statutes shall have an opportunity to file proposed findings of fact and conclusions of law within 30 days of the conclusion of the initial hearing.~~

~~(b)~~(a) Recommended Decision. If a hearing conducted under Article 12 is presided over by a hearing officer, the hearing officer shall issue a recommended decision that contains proposed findings of fact and conclusions of law. The hearing officer shall serve a copy of the recommended decision upon all parties and the members of the Commission who will make the final administrative decision. Service shall be in the manner prescribed in ~~Rule .0803(c) of this Section.~~ 14B NCAC 15A .0803(c).

~~(c)~~(b) Exceptions. The parties to a case heard under Article 12 shall have the right to file written exceptions to a recommended decision by the hearing officer. Exceptions shall be filed with the Commission within 30 days of receipt of the recommended decision.

~~(d)~~(c) Hearing Conducted by Commission. In lieu of assigning a hearing officer to preside over the initial hearing, the Commission may conduct the initial hearing. The parties shall have an opportunity to file proposed findings of fact and conclusions of law within 30 days of the conclusion of the initial hearing. After the time for the filing of proposed findings of fact and conclusions of law by the parties has expired, the Commission will issue a final administrative decision and order that determines the issues set forth in any pre-hearing order.

~~(e)~~(d) Petition to Office of Administrative Hearings. In any case heard by the Commission under Article 12 of Chapter 18B of the General Statutes, if the Commission or the hearing officer finds evidence of violations of Article 12 of Chapter 18B, or ~~any~~ other ABC law, ~~it~~ the Legal Section of the Commission may commence proceedings in accordance with the provisions of ~~Rule .0801 of this Section.~~ 14B NCAC 15A ,0801.

Authority G.S. 18B-100; 18B-207; 18B-1205; 18B-1207(c).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 20 - FORESTERS

***Notice** is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Registration for Foresters intends*

to readopt with substantive changes the rules cited as 21 NCAC 20 .0102- .0104, .0106, .0113, .0115-.0117, and readopt without substantive changes the rules cited as 21 NCAC 20 .0101, .0105, .0107, .0108, .0111, .0114, .0118, and .0120-.0126.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncbrf.nc.gov/*

Proposed Effective Date: *May 1, 2027*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice)*: *To demand a public hearing, interested parties should contact Jennifer Grantham by phone at 919-847-5441 or email at info@ncbrf.org.*

Reason for Proposed Action: *State Board of Registration for Foresters is readopting these rules in order to update and clarify language for procedures currently followed in activities of the Board.*

Comments may be submitted to: *Jennifer Grantham, P.O. Box 27393, Raleigh, NC 27611; email info@ncbrf.org*

Comment period ends: *January 30, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 20 – BOARD OF REGISTRATION FOR FORESTERS

SECTION .0100 - PURPOSE

21 NCAC 20 .0101 PURPOSE OF PROGRAM (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0102 CONTACTING THE BOARD

All communications with the Board shall be through the secretary of the Board ~~at the following address:~~
~~Secretary of the State Board of Registration for Foresters~~
~~P. O. Box 27393~~
~~Raleigh, North Carolina 27611.~~
address, telephone number, and email posted to the Board's website, www.ncbrf.nc.gov.

Authority G.S. 89B-6.

21 NCAC 20 .0103 QUALIFICATIONS FOR REGISTRATION

(a) An application may be obtained from the Board's website at ~~www.ncbrf.org~~ www.ncbrf.nc.gov.

(b) An applicant shall submit an application to the Board that shall include:

(1) Official college transcripts, if applicable;
(2) Five references as required in Rule .0105 of this Section;
(3) Proof of professional work experience in forestry; and
(4) Payment of the application fee as set out in Rule .0106 of this Section.

(c) For purposes of G.S. 89B-9(a)(1), a forestry curriculum is a curriculum that satisfies the education requirements used by the Society of American Foresters (SAF) to become a Certified Forester. The education requirements of the SAF are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed at no cost at ~~www.safnet.org~~ www.eforester.org.

(d) An applicant who holds a forestry or related natural resources degree from a program that is not SAF-accredited shall submit their transcript to SAF for review prior to applying to the Board. SAF shall determine if the applicant's education meets the SAF education requirements to be qualified to take the SAF Certified Forester exam. If SAF determines that the applicant's education meets the requirements to be qualified to take the SAF Certified Forester exam, SAF will issue a letter stating this determination. The applicant shall submit this letter as part of his or her application to the Board. An applicant whose education satisfies the education requirements to be qualified to take the SAF Certified Forester exam shall be deemed to have met the education requirements to take the North Carolina Registered Forester exam.

(e) Forester-in-training certificates issued pursuant to G.S. 89B-9(b1) shall be valid for four years.

Authority G.S. 89B-6; 89B-9.

21 NCAC 20 .0104 EXAMINATIONS

~~(a) Applicants meeting the requirements of G.S. 89B-9(a)(1) shall take the Level 2 examination that focuses on the practice of forestry in North Carolina.~~

~~(b) Applicants not meeting the education requirements of G.S. 89B-9(a)(1) shall take the Level 1 examination that tests the applicants' knowledge of forestry approximating that obtained through graduation from a four-year curriculum in forestry and focuses on the practice of forestry in North Carolina.~~

~~(c)~~(a) The Board shall offer ~~both~~ the ~~Level 1 and Level 2~~ examination twice annually.

~~(d)~~(b) The Board shall notify applicants of the date, location, and time that the exam is scheduled, not less than 60 days before each scheduled examination. Applicants must notify the Board at least 30 days prior to the exam date of his or her intent to take the exam.

~~(e)~~(c) The passing grade for registration shall be 70 percent on any exam. The determination by the Board as to the score on each exam shall be final.

~~(f)~~(d) There is no limit to the number of times that an applicant may attempt the exam. Re-examination fees shall be ~~forty dollars ($40.00) per examination~~ set by the Board and will not exceed the initial exam fee.

Authority G.S. 89B-6; 89B-9; 89B-12.

21 NCAC 20 .0105 REFERENCES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0106 REGISTRATION FEES

~~Fees sent to the Board for any segment of the registration process shall be payable to the Secretary, Board of Registration for Foresters. The application fee for registration is fifty dollars ($50.00), which shall be submitted by the applicant at the time of application. An approved applicant shall submit an additional fee of forty dollars ($40.00) to receive a certificate of registration. Annual renewal fee is fifty dollars ($50.00). The Board shall waive renewal fees for Registered Foresters for hardship circumstances, such as military deployment, extended illness, or other similar circumstances, upon written petition by the Registered Forester or Registered Forester's agent for this exemption.~~

(a) Fees submitted to the Board for any segment of the registration process shall be payable to the Board of Registration for Foresters and may be remitted by check or electronic payment in a form approved by the Board.

(b) The Board shall charge an application fee, a certificate issuance fee, and an annual renewal fee. Each fee shall be established by the Board and shall not exceed the maximum amounts authorized by G.S. 89B-10 and G.S. 89B-11.

(c) The Board may waive or reduce the renewal fee upon written petition for good cause, including but not limited to military deployment, serious illness or other extenuating circumstances.

(d) The current fee schedule adopted by the Board shall be:

(1) posted on the Board's official website; and

(2) maintained as an official Board record.

Authority G.S. 89B-6; 89B-10; 89B-11; 93B-15(b).

21 NCAC 20 .0107 INCOMPLETE APPLICATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0108 DELINQUENT FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0111 REGISTRATION CERTIFICATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0113 REJECTIONS

A person whose application for registration has been rejected shall be notified of the fact and of the basis for rejection. The applicant will be provided every opportunity to submit additional evidence and references for further consideration by the Board. Requests for reconsideration of the Board's action shall be made in writing to the Board. Failure to comply with a written request of the Board to appear for an interview or to appear for examination shall be considered as proper grounds for rejection of registration. Following rejection, no subsequent application from the same individual shall be accepted by the Board for 12 months from the date of the rejection. Failure of an applicant to attain a passing score on the required examination shall not be considered a rejection of the application and does not limit the applicant's eligibility to retake the examination pursuant to Rule .0104 of this Chapter.

Authority G.S. 89B-6; 89B-9.

21 NCAC 20 .0114 RE-REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0115 CODE OF ETHICS

In their signed affidavits, all applicants shall indicate their agreement to adhere to the following Code of Ethics. The code shall be used by the Board to help govern its decisions in adjudicating flagrant misconduct in the practice of forestry under G.S. 89B-13.

Code of Ethics

(1) A Registered Forester shall practice forestry consistent with ecologically sound principles and all applicable laws.

(2) A Registered Forester shall not engage in unlawful acts or business practices.

(3) A Registered Forester shall present truthful, accurate, and complete information while practicing forestry.

(4) A Registered Forester shall practice forest management in accordance with landowner objectives and in a sustainable manner. In selecting methods to meet this responsibility, a Registered Forester shall consider the Forestry Best Management Practices as described in the "North Carolina Forestry Best Management Practices Manual to Protect Water Quality" published by the ~~Department of Environment and Natural Resources~~ North Carolina Forest Service. ~~, or will advise landowners of the consequences of deviating from Forestry Best Management Practices.~~ A Registered Forester shall employ those Best Management Practices that are reasonably necessary under the circumstances and shall advise landowners of the potential consequences of deviating from such practices. A pattern of failing to apply Best Management Practices in situations where they

are warranted may constitute a violation of this Rule.

(5) A Registered Forester shall advertise and perform only those services for which the Registered Forester is qualified.

(6) A Registered Forester shall indicate on whose behalf any public statements are made, and keep proprietary information confidential unless the appropriate person authorizes its disclosure.

(7) A Registered Forester must avoid conflicts of interest or even the appearance of such conflicts. If, despite such precaution, a conflict of interest is discovered, it must be disclosed to the Registered Forester's employer or client, and the Registered Forester must attempt to resolve the conflict.

(8) A Registered Forester shall: act in a civil and professional manner; respect the needs, contributions, and viewpoints of others, and; give credit to others for their methods, ideas, or assistance.

(9) A Registered Forester shall not accept compensation or expenses from more than one employer for the same service, unless the parties involved are informed and consent.

(10) A Registered Forester having evidence of violation of this code by another Registered Forester shall present the information and charges to the State Board of Registration for Foresters.

Authority G.S. 89B-6; 89B-9; 89B-13.

21 NCAC 20 .0116 REVOCATION OR SUSPENSION

(a) The registration of any registered forester may be revoked or suspended by the Board for conduct found to violate the code of ethics adopted under Rule .0115 of this Chapter or G.S. 89B-13. The registration of any Registered Forester who is convicted of a misdemeanor or felony directly related to the practice of forestry shall be revoked, and the individual shall be permanently ineligible to obtain or hold registration as a Registered Forester in the future. Board action taken pursuant to this sentence shall not require a hearing.

(b) For all revocations or suspensions under Paragraph (a) of this Rule other than those based on a conviction described in Paragraph (a) of this Rule, ~~Before any such Board action,~~ the registrant shall have an opportunity for a full hearing in front of the Board. The hearing shall be held in accordance with procedures found in Article 3A of G.S. 150B.

Authority G.S. 89B-6; 89B-13; 150B-3; 150B-38.

21 NCAC 20 .0117 RECIPROCITY

(a) ~~For residents of North Carolina, within one year of establishing residency for voting purposes in North Carolina, individuals who are legally registered or licensed as foresters in another state, shall submit evidence of such registration or licensing to the Board. A statement from the Board of registration or licensing in the state in which they are legally registered or licensed attesting that they are legally registered or licensed to practice forestry in that state, and indicating the final date on which their registration or license remains valid, shall be accepted by the Board as adequate evidence. This provision does not apply unless the state in which the applicant is registered or licensed observes similar rules of reciprocity in regard to persons registered under the provisions of G.S. 89B.~~

A non-resident of North Carolina who is currently registered or licensed as a forester in another state and is in good standing, may apply for registration in North Carolina by submitting to the Board:

(1) An application obtained from the Board's website at www.ncbrf.nc.gov;

(2) A Verification Form completed by the licensing or registration authority in the applicant's current state; and

(3) Payment of the application fee as set forth in Rule .0106 of this Section.

(b) ~~If the Board determines that the reciprocity applicant is qualified to practice as a registered forester in North Carolina, the Board shall issue a letter conveying this approval.~~ This provision does not apply unless the state in which the applicant is registered or licensed observes similar reciprocity provisions for North Carolina registered foresters under G.S. 89B. A current list of states with reciprocity agreements will be posted on the Board's website at www.ncbrf.nc.gov.

~~(c) The fee for obtaining such reciprocity is the same as is charged a North Carolina resident seeking to obtain registration in the state of North Carolina. (See Rule .0106 of this Section.)~~

Authority G.S. 89B-6; 89B-9.

21 NCAC 20 .0118 REGISTERED FORESTERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0120 CERTIFICATION OF CONSULTING FORESTERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0121 REJECTION OF CONSULTANT AFFIDAVIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0122 HANDLING OF COMPLAINTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0123 CONTINUING EDUCATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0124 COMPLIANCE WITH ANNUAL REPORTS REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0125 PETITION FOR RULE-MAKING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 20 .0126 DECLARATORY RULINGS: AVAILABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

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CHAPTER 28 - LANDSCAPE CONTRACTORS

Notice *is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g that the Landscape Contractors' Licensing Board intends to readopt with substantive changes the rules cited as 21 NCAC 28B .0101- .0104, .0202- .0204, .0301- .0303, .0402, .0404, .0405, .0501, .0502, .0504- .0508, .0511, .0601, .0701, .0801, .0901, readopt without substantive changes the rules cited as 21 NCAC 28B .0401, .0403, .0503, .0509, .0510, and .0802-.0804 and repeal through readoption the rule cited as 21 NCAC 28B .0406.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://nclclb.com/*

Proposed Effective Date: *April 1, 2027*

Public Hearing:
Date: *December 7, 2026*
Time: *10:00 a.m.*
Location: *2700 Wycliff Rd., Ste. 220, Raleigh, NC 27607*

Reason for Proposed Action:
• .0101 – To provide name and location of Board
• .0102 – To establish process for setting meetings
• .0103 – To set requirements for supervision and display of license number
• .0104 – To establish escrow account procedures and reporting
• .0201 – To set forth the application process for initial licensure
• .0202 – To set forth the process for application for licensure by reciprocity
• .0203 – To set forth the process for application for licensure of military trained applicants and military spouses
• .0204 – To set forth the requirements to maintain current information with the Board
• .0301 – To set forth the process to renew a license
• .0302 – To set forth the process for application for reinstatement of licensure
• .0303 – To establish criteria for the qualifier associated with the license and use of assumed names
• .0401 – To set forth standards for continuing education
• .0402 – To establish continuing education requirements for licensure renewal
• .0403 – To establish standards for retention of continuing education records
• .0404 – To establish a process for requesting extension of time to complete continuing education as a result of an undue hardship
• .0405 – To establish application process for requesting approval as continuing education provider
• .0406 – To repeal rule promulgated for emergency extensions of continuing education requirements during the COVID pandemic
• .0501 – To establish minimum standards of ethics
• .0502 – To establish minimum standards of ethics related to planting
• .0503 - To establish minimum standards of ethics related to establishing natural turf
• .0504 - To establish minimum standards of ethics related to grading
• .0505 – To establish minimum standards of ethics related to design and consultation services
• .0506 – To establish minimum standards of ethics related to installing drainage systems and cisterns
• .0507 - To establish minimum standards of ethics related to installing low-voltage landscape lighting systems
• .0508 - To establish minimum standards of ethics related to installing retaining walls
• .0509 - To establish minimum standards of ethics related to paving
• .0510 - To establish minimum standards of ethics related to pruning
• .0511 - To establish minimum standards of ethics related to establishing wildflower, native grass, or no-mow seeding
• .0601 – To establish fees
• .0701 – To establish a complaint process
• .0801 – To establish a probable cause process following submission of complaint
• .0802 – To establish a process for conducting disciplinary hearings
• .0803 - To establish a process for issuance of subpoenas
• .0804 - To establish a process for issuance of summary suspensions
• .0901 - To establish a process for consideration of petitions for rulemaking

Comments may be submitted to: *A. Grant Simpkins, 2700 Wycliff Rd., Ste. 220, Raleigh, NC 27607, Raleigh, NC 27607; phone (984) 459-8790; email gsimpkins@hedrickgardner.com*

Comment period ends: *January 20, 2027*
Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via

email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SUBCHAPTER 28B – LICENSING BOARD RULES

SECTION .0100 – STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 28B .0101 NAME AND LOCATION OF BOARD

(a) All communications shall be addressed to the North Carolina Landscape Contractors' Licensing Board ("Board") at 3901 Barrett Drive, Suite 202, Raleigh, North Carolina 27609. Applications and other information are available on the Board's website: www.nclclb.com.

(b) The Board office is open from 9:00 a.m. until 5:00 p.m., Monday through Friday.

(c) The Board office is closed on State and Federal holidays.

Authority G.S. ~~89D-14;~~ 89D-15(1); 89D-15(2); 89D-15(13).

21 NCAC 28B .0102 MEETINGS

(a) Regular meetings of the Board ~~will~~ shall be held at the Board office or other location chosen by the Chairman. Additional meetings may be held at such other times and places as the Board deems necessary.

(b) The Board shall hold ~~an annual~~ a meeting ~~every January.~~ in either January or February of each year. At that meeting, the Board shall elect a chairman, a vice chairman, a secretary-treasurer, and such other officers as may be deemed necessary by the Board.

Authority G.S. 89D-14; 89D-15(2).

21 NCAC 28B .0103 PRACTICE OF LANDSCAPE CONTRACTING; DISPLAY OF LICENSE NUMBER

(a) An individual who is "readily available to exercise supervision over the landscape construction and contracting work" as set forth in G.S. 89D-12(a) and G.S. 89D-17(f) is an individual who is physically located no more than 100 miles from where the construction or contract project is located or who is available electronically with the ability to view the construction or contract project.

(b) The contractor's license number, and corporate license number, if applicable, shall be displayed in accordance with G.S. 89D-12(e). License numbers displayed on vehicles used in the contractor's landscaping business shall be a minimum of one inch in height.

(c) A decal issued by the Board to the contractor shall be placed in a location visible to the public on all crew vehicles and supervisor vehicles used in the contractor's business. The decal is an adherable vehicle sticker bearing the Board's seal and the contractor's license expiration date.

~~(c)~~(d) In addition to the requirements of G.S. 89D-12(e), individual and corporate license numbers shall be included on all estimates and proposals.

~~(d)~~(e) All contracts, estimates, and proposals shall be signed by the contractor or his or her designee.

Authority G.S. 89D-12(a); ~~and (e);~~ 89D-12(e); 89D-15(2); 89D-17(f).

21 NCAC 28B .0104 ANNUAL REPORTS

(a) On or before October 31 of each year, the Board shall prepare and file reports required pursuant to G.S. 93B-2. The Board shall file reports in the manner requested by receiving agency or committee.

(b) The Board shall maintain an escrow account at ~~the~~ a financial institution used for deposits and checks. Fees tendered during a period of suspension under G.S. 93B-2(d) shall be deposited into this escrow account.

Authority G.S. 89D-15; 93B-2.

SECTION .0200 – LICENSURE; RECIPROCITY

21 NCAC 28B .0202 RECIPROCITY

(a) All applicants for licensure by reciprocity shall submit an application to the Board. The application form shall be available on the Board website at https://nclclb.com/licensing-2/reciprocity/ or may be obtained by contacting the Board ~~office located as described in Rule .0101 of this Subchapter.~~ office.

(b) All applications shall include the following:

(1) The applicant's name, date of birth, residential address, phone number, and email address;

(2) The name of the business under which licensee will be operating, if any, along with the business's address, phone number, website, and email address;

~~(1)~~(3) The license by reciprocity application fee as set forth in Rule .0601 of this Subchapter;

~~(2)~~(4) Documentation establishing that the qualifier for the applicant holds an active license, certification, or registration as a landscape contractor in another state or country;

~~(3)~~(5) Information indicating whether the applicant or qualifier has any disciplinary history with any other occupational licensing, registration or certification ~~board~~ board, or agency;

~~(4)~~(6) The surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);

~~(5)~~(7) ~~Contact information for three personal references;~~ Three personal letters of reference;

~~(6)~~(8) ~~Contact information for two professional references; and~~ Two professional letters of reference;

~~(7)~~(9) Documentation regarding all crimes of which the applicant has been ~~convicted.~~ convicted, if any;

(10) The applicant's notarized signature to certify that:

(A) he or she has prepared and read the application;

(B) the information provided in the application is true;

(C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and

(D) he or she understands that false or fraudulent representation is grounds for denial, suspension, or revocation of a license certificate.

If there is any evidence to show that the applicant has committed any acts that would constitute a violation under G.S. 89D-22, the applicant shall not be licensed by reciprocity.

(c) Once an applicant has submitted a complete application and the Board has determined that the requirements for licensure, certification, or registration in the applicant's home jurisdiction are substantially equivalent to the requirements in G.S. 89D-16, the Board shall issue a license to the applicant.

(d) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-refundable.

Authority G.S. 89D-15(2); 89D-15(3); 89D-15(4); 89D-16; 89D-19; 89D-22.

21 NCAC 28B .0203 MILITARY-TRAINED APPLICANT; MILITARY SPOUSE

(a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military-trained applicant, the Board shall issue a license to the applicant who satisfies the following conditions:

(1) submission of a complete application for licensure in accordance with Rule .0201 of this Section; and

(2) ~~submission of an application fee in accordance with Rule .0601 of this Subchapter; and~~ providing documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1), (2), and (3).

~~(3) providing documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1), (2) and (3).~~

(b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license to the applicant who satisfies the following conditions:

(1) submission of a complete application for licensure in accordance with Rule .0201 of this Section;

(2) ~~submission of an application fee in accordance with Rule .0601 of this Subchapter;~~ submission of written documentation demonstrating that the applicant is married to an active member of the U.S. military; and

(3) submission of written documentation demonstrating that the applicant is married to an active member of the U.S. military; and providing documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1), (2), (3), and (4).

~~(4) providing documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1), (2), (3) and (4).~~

Authority G.S. 89D-15(2); 89D-15(4); ~~89D-21;~~ 93B-15.1.

21 NCAC 28B .0204 MAINTAIN CURRENT INFORMATION

(a) Every licensee shall keep the Board advised of the licensee's current mailing address, phone number, email address, and the name or names under which the licensee is practicing. If any change occurs, the licensee shall notify the Board in writing of the change within 30 days.

(b) Upon the dissolution of a professional relationship, the member or members thereof shall notify the Board in writing within 30 days concerning such ~~dissolution and~~ dissolution, of the succeeding business ~~status~~ status, and addresses of the individuals or firm.

(c) A licensee shall maintain ~~a~~ continuous surety bond coverage or an irrevocable letter of credit while the license is active. Within 5 days after the lapse of a surety bond or revocation of a letter of credit prescribed in G.S. 89D-16(a)(4), a licensee shall notify the Board in writing. If a licensee fails to renew the surety bond or obtain a new letter of credit within 30 days after the lapse or revocation, the license shall be revoked.

(d) Failure to notify the Board of the changes described in this Rule shall constitute a violation of G.S. 89D-22(a)(6).

Authority G.S. 89D-15(2), 89D-15(11); 89D-16(a)(4); 89D-17(h); 89D-22(a)(8).

SECTION .0300 – LICENSE RENEWAL; REINSTATEMENT

21 NCAC 28B .0301 LICENSE RENEWAL; WAIVER

(a) All licensees seeking renewal shall submit annually to the Board a renewal ~~application.~~ application that is available on the Board's website at https://nclclb.com/licensing-2/license-renewal/individual-license-renewal-2/ or by contacting the Board office. The deadline for submission is August 1 ~~in~~ of the renewal year. Applications shall be postmarked or received by the Board no later than August 1. If August 1 falls on a Saturday or Sunday, the application shall be postmarked or received no later than the following Monday. The application form is available on the Board website or may be obtained by contacting the Board office.

(b) All renewal applications shall include the following:

(1) The applicant's name, date of birth, residential address, phone number, and email address;

(2) The name of the business under which licensee will be operating, if any, along with the

business's address, phone number, website, and email address;

~~(1)~~(3) The license renewal fee set forth in Rule .0601 of this Subchapter;

~~(2)~~(4) Documentation showing that the licensee has met the Board's continuing education requirements as set forth in Section .0400 of this Subchapter. However, if the licensee was licensed by examination within the previous 12 months, the licensee is not required to submit evidence of continuing education; and

~~(3)~~(5) Documentation regarding all crimes of which the licensee has been convicted since the previous licensure or ~~renewal.~~ renewal, if any; and

(6) The applicant's signature to certify that:

(A) he or she has prepared and read the application;

(B) the information provided in the application is true;

(C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and

(D) he or she understands that false or fraudulent representation is grounds for denial, suspension, or revocation of a license certificate, if renewed.

(c) Incomplete applications shall not be processed. Renewal fees are non-refundable.

(d) An individual who is serving in the Armed Forces of the United States shall receive an extension of time to pay the license renewal fee upon submission of the following to the Board:

(1) Written request for waiver; and

(2) Documentation that the licensee is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

Authority G.S. 89D-15(2); 89D-15(4); 89D-20; 93B-15; 105-249.2.

21 NCAC 28B .0302 REINSTATEMENT

(a) All applicants for reinstatement under this Rule shall submit an application to the Board. The application form ~~shall~~ shall be available on the Board website at https://nclclb.com/individual-license-reinstatement/ or may be obtained by contacting the Board office. The reinstatement application shall require the following:

(1) The applicant's ~~home and business contact information including phone number and email address;~~ name, date of birth, residential address, phone number, and email address;

(2) The name of the business under which licensee will be operating, if any, along with the business's address, phone number, website, and email address;

~~(2)~~(3) Corporate surety bond or an irrevocable letter of credit as required by G.S. 89D-16(a)(4);

~~(3)~~(4) Documentation showing that the licensee has met the Board's continuing education requirements as set forth in Section .0400 of this Subchapter;

~~(4)~~(5) Documentation regarding all crimes of which the applicant has been convicted since the previous application or renewal was filed with the ~~Board;~~ Board, if any;

~~(5)~~(6) Reinstatement, license renewal and renewal late fees in accordance with Rule .0601 of this Subchapter; and

~~(6)~~(7) Attestation, by signature, that the licensee has not engaged in the practice of landscape construction or contracting after ~~revocation~~ revocation, and that all information supplied on the reinstatement application is true and accurate.

(b) Any licensee whose license is suspended for failure to obtain continuing education as required by G.S. 89D-20(b) and this Subchapter may request reinstatement pursuant to G.S. 89D-20(b).

Authority G.S. 89D-15(2); 89D-15(4); 89D-20.

21 NCAC 28B .0303 QUALIFIER/QUALIFYING PARTY; USE OF ASSUMED NAME

(a) Each license shall have a person associated with the license who shall be deemed the "qualifier" or the "qualifying party." The qualifier shall be an individual who has passed the Board's examination in accordance with the Board's statutes and rules.

(b) If the license is an individual license, the qualifier shall be the same person as the person holding the individual ~~license name.~~ license. If the licensee is a legal entity authorized under the Board's practice act, the qualifier shall be as follows:

(1) If a corporation, the qualifier shall be an officer or a full-time employee;

(2) If a limited liability company, the qualifier shall be a manager as defined in G.S. 57D-1-03 or a full-time employee;

(3) If a partnership, the qualifier shall be a general partner or full-time employee; and

(4) If the holder of an assumed or designated trade name, the qualifier shall be an owner of no less than 50 percent of the business or a full-time employee.

(c) If a qualifier ceases his or her relationship with ~~the licensee and~~ a licensee, the qualifier and licensee shall notify the Board in writing within 30 days of the termination of the relationship. If pursuant to G.S. 89D-17(h) a license seeks additional time to acquire a qualifier, the licensee shall submit a written request to the Board. If more than ~~30~~ 120 days pass without a ~~qualifier~~ qualifier, and no written request for additional time is submitted, the license is automatically ~~suspended.~~ suspended and the corporation, partnership, or person shall cease practicing landscape construction or contracting. If more than one year

passes and the license is not renewed, the license shall be revoked pursuant to G.S. 89D-20.
(d) "Full-time employee" means a person who is paid a salary or wage and is engaged in the work of the licensee a minimum of 20 hours per week or a majority of the hours operated by the ~~applicant,~~ licensee, whichever is less. A qualifier shall not be an independent contractor.
(e) Any applicant or licensee seeking to operate under an assumed name shall submit to the Board a Certificate of Assumed Name filed in accordance with Chapter 66, Article 14A of the General Statutes. Applications submitted to the Board on behalf of corporations, limited liability ~~companies~~ companies, and partnerships shall be accompanied by a copy of any documents required to be filed with the North Carolina Secretary of State's office, such as Articles of Incorporation or Certificate of Authority.
(f) All licensees shall comply with the requirements of G.S. 66-71.4 and shall notify the Board within 30 days of any change in the name in which the licensee is conducting business in the State of North Carolina.
(g) No applicant or licensee shall use or adopt an assumed name used by any other licensee, or any name so similar to an assumed name used by another licensee that could confuse or mislead the public.

Authority G.S. ~~66-71-4;~~ 66-71.4; 89D-16; 89D-17; 89D-20.

SECTION .0400 - CONTINUING EDUCATION

21 NCAC 28B .0401 GENERAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 28B .0402 CONTINUING EDUCATION UNITS

(a) A licensee shall complete ~~in-person~~ seven continuing education units (CEUs) in person during the year preceding renewal. At least three of the seven CEUs must be technical credits and at least two of the seven CEUs must be business credits. If the information provided by the licensee or continuing education provider to the Board as required by this Section is unclear, the Board may request additional information from a licensee or continuing education provider in order to assure compliance with continuing education requirements.
(b) For the purposes of this Rule:
(1) "technical credits" are defined as credits relating to the subject matter of landscape contracting as described in G.S. 89D-11(3) and Rules .0502 through .0511 in this Subchapter. The rules shall be grouped as follows:
(A) Group A: topics covered in Rules .0502, .0503, .0510, and .0511 in this Subchapter;
(B) Group B: topics covered in Rules .0504 and .0506 in this Subchapter;
(C) Group C: topics covered in Rules .0507 through .0509 in this Subchapter;
(D) Group D: topics covered in Rule .0505; and
(2) "business credits" are defined as credits relating to general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.
(c) CEUs shall be determined as follows:

Type of Qualifying Activity	Minimum time required for 1 CEU
Live course	50 minutes
Online course	50 minutes
Trade Shows, Field Days, and Tours	4 hours
Green Industry Board Member Service	1 hour
Teaching or instructing	1 hour
In-house or Green Industry training	1 hour
NC Landscape Contractors Licensing Board Service	1 hour

Green Industry Board members and NC Landscape Contractors Licensing Board members may earn no more than five hours per CE year (three technical credits and two business credits) for Green Industry or Landscape Licensing board service.
(d) No more than two CEU credits shall be given for qualifying teaching or instructing in one year.
(e) Credit shall not be given in increments of less than .5 CEUs. Breaks in courses shall not be counted towards CEU credit.
(f) Requests for pre-approval as set forth in Rule .0405 of this Subchapter shall be submitted at least 45 days prior to the first day of the course or event.
(g) All continuing education shall be taken in-person by the individual receiving credit.
(h) A licensee shall not take the same CEU course within two consecutive licensing years.
(i) A licensee licensed less than 12 months shall not be subject to continuing education requirements for the initial renewal date as set forth in this Rule.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b).

21 NCAC 28B .0403 CONTINUING EDUCATION RECORDS; AUDIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 28B .0404 EXTENSION OF TIME

(a) The Board shall grant a licensee an extension of time to complete CEU requirements during a period of service in the Armed Forces of the United States upon submission of the following to the Board:
(1) Written request for an extension; and
(2) Documentation that the licensee is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.
(b) The Board shall grant a licensee an extension of time or waiver to obtain CEU requirements if he or she has a disability or

illness that prevents him or her from complying with CEU requirements. In order to receive the waiver, a licensee shall provide the Board with the following:

(1) Written request for waiver; and

(2) Documentation that describes the disability or illness and explains how the disability or illness prevents the licensee from complying with the Board's CEU requirements. Documentation includes a letter from a licensed physician, nurse practitioner (NP), or physician assistant (PA).

(c) Where ~~on a case-by-case basis~~ the Board determines ~~that~~ that, due to an undue hardship ~~(such as~~ caused by active military service, natural disaster, ~~or~~ the illness of the licensee or the illness of family ~~member)~~ member, the licensee could not reasonably be expected to comply with the Board's CEU requirements, the licensee shall be granted an extension of time in which to obtain the required CEUs. To be considered for an extension of time, a licensee shall submit the following:

(1) Written request for extension; and

(2) Documentation that supports the reason for the extension.

(d) The Board shall grant a waiver of CEU requirements upon submission of documentation that a licensee is in active duty while serving in the Armed Forces and is or has been deployed for at least eight months during the twelve-month period during which CEUs were required.

(e) An extension granted under Paragraphs (b) or (c) of this Rule shall not exceed one year. Prior to the expiration of the ~~one year~~ one-year extension of time, a licensee may request an additional extension in accordance with this Rule.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b); 93B-15; 105-249.2.

21 NCAC 28B .0405 REQUESTS FOR APPROVAL

(a) ~~All requests for CEU approval shall include the following:~~ All applicants for continuing education credit shall submit an application to the Board. The application form shall be available on the Board website at https://nclclb.com/continuing-education/continuing-education-provider-information/ or may be obtained by contacting the Board office. The application shall be submitted at least 45 days prior to the date of the qualifying activity and shall require the following:

~~(1) All applicants for continuing education credit shall submit an application to the Board. The application form shall be available on the Board website or may be obtained by contacting the Board office. The application shall require the following:~~

~~(i) Applicant's contact information including phone number and email address;~~

~~(ii) Name of business under which the applicant is operating;~~

~~(iii) Type of qualifying activity in accordance with Rule .0402 of this Subchapter;~~

~~(iv) Title of the qualifying activity;~~

~~(v) Date(s) and time(s) of the qualifying activity;~~

~~(vi) Complete address where the qualifying activity will be held;~~

~~(vii) Qualifying activity registration information;~~

~~(viii) Name of presenter(s) and credentials;~~

~~(ix) Course agenda and supporting materials; and~~

~~(x) Attestation, by signature, that the qualifying activity provider will maintain attendance records for this course for one year after the date of this course.~~

~~(2) The number of Continuing Education Units (CEUs) requested; and~~

~~(3) The Location, date(s), and time(s) of course, activity, or Landscape Contractor's Licensing Board meetings attended or to be attended.~~

(1) The applicant's name, mailing address, email address, and phone number, along with his or her license number, if any;

(2) Name of business under which the applicant is operating;

(3) Type of qualifying activity in accordance with Rule .0402 of this Subchapter;

(4) The course number previously assigned to the qualifying activity by the Board, if previously approved, and the title of the qualifying activity;

(5) Dates and times of the qualifying activity;

(6) The address where the qualifying activity will be held;

(7) Qualifying activity registration information and website address for the course;

(8) Name of presenters and credentials;

(9) Course agenda and supporting materials;

(10) Attestation, by signature, that the qualifying activity provider will maintain attendance records for this course for one year after the date of this course;

(11) The number of CEUs requested and whether the applicant considers the course material to be advanced, intermediate, or introductory;

(12) Whether the applicant is requested NCDA Pesticide License credit for the qualifying activity and, if so, how many pesticide credit hours being requested; and

(13) A description of the course objectives and importance to a practitioner of landscape contracting, along with any information covering the statutes and rules regulated by the Board.

(b) For live and online courses and teaching or instructing activity, in addition to the requirements of Paragraph (a) of this Rule, all requests shall include the following:

(1) The course ~~title(s)~~ titles and a description of course content;

(2) The name and educational or professional credentials of the instructor;

(3) The duration of the course or activity; and

(4) An attestation that the course provider will maintain attendance records for one year after the date of the course.

(c) For trade shows, field days, and tours, requests for approval shall, in addition to the requirements of Paragraph (a) of this Rule, include materials or handouts promoting or obtained during the event.

(d) For in-house or Green Industry training, requests for approval shall include the following, in addition to the requirements of Paragraph (a) of this Rule:

(1) A description of training provided; and

(2) The ~~name(s)~~ names of training instructors.

(e) For the purposes of this Rule, "Green Industry" is defined as greenhouse, nursery, floriculture, sod, Christmas tree producers, and related industry trades.

Authority G.S. 89D-15(2); 89D-15(4); 89D-20(b).

21 NCAC 28B .0406 EMERGENCY EXTENSIONS OF CONTINUING EDUCATION REQUIREMENTS: LICENSED LANDSCAPE CONTRACTORS

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b).

SECTION .0500 - MINIUMUM STANDARDS

21 NCAC 28B .0501 GENERAL

(a) Prior to commencing work, services performed by a licensed landscape contractor ~~("licensed contractor")~~ that exceed five thousand dollars ($5,000) in value shall be described in a written agreement. This agreement may be authored by either party and shall contain:

(1) The business name, license number, business address, and telephone number of the licensed contractor;

(2) The name and address of client or customer;

(3) The address or location of work to be performed, if different from the client or customer's address;

(4) The date of the proposal;

(5) The description of the work to be performed;

(6) The total value in lump sum, unit price, or time and material price;

(7) The estimated time of completion unless already identified in an original prime contract, if applicable;

(8) The terms of payment;

(9) The terms of warranty, ~~(if any);~~ if any;

(10) The terms of maintenance, including the party responsible for maintenance;

(11) The signatures of all parties by individuals legally authorized to act on behalf of the parties;

(12) Affixation of a seal described in G.S. 89D-12(d) or a statement that the licensed contractor is licensed by the Board and the current address and phone number of the Board; and

(13) The date of signing.

Contracts that are lump sum and have no breakout of cost for services that are either covered or noncovered under G.S. 89D-11 through G.S. 89D-13 shall be inclusive of covered services under G.S. 89D-13(5).

(b) All work performed by a licensed contractor shall meet all applicable building codes, local ordinances, and project specifications. All work performed by a licensed contractor shall meet manufacturer's specifications.

(c) If project plans or specifications prepared by someone other than the licensed contractor do not meet pertinent codes and ordinances, the licensed contractor shall bring this to the attention of the client or customer.

(d) If the licensed contractor observes a condition while ~~the work is being performed~~ providing landscape contracting services that requires attention beyond the original scope of work, the contractor shall report the condition to a supervisor, the owner, or the person responsible for authorizing the work. If project plans or specifications change, the licensed contractor shall notify the client or customer in writing before implementing the change.

(e) The licensed contractor shall call for utility location services pursuant to the Underground Utility Safety and Damage Prevention Act, G.S. 87-115 et seq., also known as the N.C. 811 law.

(f) The licensed contractor shall maintain a worksite that meets state and local standards for a safe workplace.

Authority G.S. 89D-13(5); 89D-15(2); 89D-15(16).

21 NCAC 28B .0502 PLANTING

When planting, the licensed contractor shall:

(1) Avoid potential planting conflicts with utilities and sight ~~lines.~~ lines;

(2) Protect plant material from physical damage and desiccation during ~~transport.~~ transport;

(3) Maintain plants during landscape ~~construction.~~ construction;

(4) Consider the cultural requirements of individual ~~plants.~~ plants;

(5) Excavate the plant hole sufficiently to ensure plant establishment and to promote long-term health, typically two times the width of the plant ball or container ~~size.~~ size;

(6) Scarify the sidewalls of the planting ~~pit.~~ pit;

(7) Set plants in an upright, plumb position, unless design intent dictates ~~otherwise.~~ otherwise;

(8) Set plants on a firm, solid ~~base.~~ base;

(9) Remove all strings, twine, and strapping from around the trunk of ~~trees.~~ trees;

(10) Remove the top third to top half of burlap or other wrapping material from the rootball of balled and burlapped ~~trees.~~ trees;

(11) Remove top third to top half of wire baskets on balled and burlapped trees or bend basket wire back to be flush with the side of the ~~ball.~~ ball;

(12) Set the plant so that the top of rootball is at or slightly above surrounding soil and does not exceed four inches above the surrounding ~~soil.~~ soil;

(13) Prior to planting, insure that the trunk flare of a tree is not covered with soil, is at or above the surrounding finished grade, and that no soil has been placed on top of the ~~rootball.~~ rootball;

(14) Prior to planting containerized plants, manage the rootball to mitigate problems such as circling roots. Acceptable mitigation methods shall include slicing the rootball, shaving the rootball, or redirecting ~~roots.~~ roots;

(15) Utilize backfill soil that is similar to the soil at the planting site or is amended to meet a specific landscaping ~~objective.~~ objective;
(16) Not firm backfill to a density that inhibits root ~~growth.~~ growth;
(17) Install backfill soil in such a manner that it is settled in layered sections to limit future ~~settling.~~ settling;
(18) Not utilize screened soil as the sole material for ~~backfill.~~ backfill;
(19) When mulching plants, maintain a mulch depth that is beneficial to the health of the ~~plants.~~ plants;
(20) When mulch is applied, apply mulch so that it does not touch a tree trunk or root ~~flare.~~ flare
(21) Water plants thoroughly and immediately after planting in accordance with the needs of the ~~plant.~~ plant;
(22) Notify client of his or her responsibility to water plants following ~~installation.~~ installation;
(23) Stake trees only when required due to high winds, extreme slopes, or soft ~~soils;~~ soils, as follows:
    (a) If trees are staked, the guys shall not be installed so as to provide pressure on the ~~trunk.~~ trunk; and
    (b) Guys in contact with the tree shall be of a material that will not damage the ~~tree.~~ tree;
(24) Provide plants that are true to name and ~~species.~~ species;
(25) Provide plants that are healthy and in good ~~condition.~~ condition;
(26) Prune any broken ~~limbs.~~ limbs;
(27) Prune co-dominant leaders in shade trees that typically have dominant ~~leaders.~~ leaders; and
(28) If a condition is observed while the work is being performed that is detrimental to the long-term health of the plant, the condition shall be reported to the customer or client, a supervisor, the owner, or person responsible for authorizing the work.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0503 TURF (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 28B .0504 FINISH GRADE

When grading, the licensed contractor shall:
(1) Grade the surface such that the finish grade is smooth and free of depressions and debris;
(2) ~~Insure~~ Ensure positive water flow through the site, away from structures, and in such a manner that there is no puddling or ponding; and
(3) Comply with all applicable local and national building codes and ordinances regarding slopes and drainage.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0505 DESIGN AND CONSULTATION

(a) The licensed contractor shall be permitted to perform ~~work~~ design and consultation services as defined in G.S. 89D-11(3) and G.S. 89D-12 on the following project sites:
(1) A single family residential project of any size;
(2) A non-single family project under one acre in total area;
(3) A residential, institutional, or commercial project over one acre in total area that involves only planting and mulching; and
(4) Any other project not prohibited by, or specifically exempted from, the provisions of G.S. 83A, G.S. 89A, or G.S. 89C.

(b) Additionally, the licensed contractor shall:
(1) Obtain direct knowledge of site conditions by visiting the site;
(2) ~~Insure~~ Ensure that designs meet all applicable state and local codes and standards; and
(3) Consider the cultural requirements of individual plants.

Authority G.S. 89D-11(3); 89D-12; 89D-15(2); 89D-15(16).

21 NCAC 28B .0506 DRAINAGE SYSTEMS AND CISTERNS

Licensed contractors shall:
(1) Install drainage systems and cisterns in accordance with state and local codes and ordinances;
(2) Install drainage conveyances in such a way that there is a positive flow;
(3) Install drainage systems with measures that allow cleaning of the system;
(4) Install drainage systems with adequate structural integrity so as to prevent crushing of the drainage system;
(5) Install French drain systems to drain to daylight or into existing storm drainage; and
(6) ~~Insure~~ Ensure that cisterns and closed drywells include an overflow outlet.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0507 LOW-VOLTAGE LIGHTING; POOLS

(a) When installing low-voltage landscape lighting systems, the licensed contractor shall:
(1) ~~Insure~~ Ensure that all wire connections are waterproof;
(2) Only use weather-proof fixtures;
(3) Supply lamps per the manufacturer's specifications with all fixtures;
(4) Ensure that the total lamp wattage of each circuit does not exceed the National Electrical Code (NEC) standard for the size of wire being used;

(5) Not load a wire to more than 80 percent of the wire's capacity;
(6) Connect all exterior low-voltage wiring to a ground fault circuit interrupter (GFCI) circuit;
(7) Mount transformers a minimum of 18 inches above grade;
(8) Perform a post-installation inspection to verify that the lighting system is fully operational as intended per the manufacturer's recommendations; and
(9) Provide literature to the client about the lighting components that lists lamps per the manufacturer's specifications for fixtures.

(b) All garden pools shall be installed in accordance with state and local codes. A garden pool is an ornamental water feature that is not defined as a swimming pool under any state or local code.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0508 WALLS

(a) When installing retaining walls, the licensed contractor shall:
(1) Adhere to all pertinent building codes;
(2) Adhere to all NC Department of Insurance requirements regarding the construction of retaining walls which are hereby incorporated by reference and can be found at www.ncosfm.gov/codes free of charge;
(3) Adhere to manufacturer's or design ~~professionals~~ professional's specifications;
(4) Bury the first course of a retaining wall;
(5) Not construct dry-laid stone walls of a height more than 3 feet above grade;
(6) Include a subdrain system that is constructed and sized to release the subsurface water behind the wall and not allow hydrostatic pressure to build behind the wall;
(7) Construct on a level, well-compacted base of granular material at least 6 inches deep;
(8) Place backfill behind retaining walls in lifts no greater than 6 inches before compacted ~~(each lift shall be well-compacted);~~ and ensure that each lift well-compacted;
(9) Prevent excessive runoff from passing over a retaining wall;
(10) Construct vertically-set timber walls with above-ground heights equal to or less than the depth of timbers below grade;
(11) Install deadmen every fourth course on 8 feet centers when constructing horizontally-set timber retaining walls with staggered joints;
(12) Stagger the joints when constructing dry-laid stone walls. If successive vertical joints occur, the licensed contractor shall avoid running vertical joints more than two courses; and
(13) Assure that segmental walls meet the manufacturer's specifications.

(b) When installing retaining walls of dry-laid stone or concrete rubble, the licensed contractor shall:
(1) Construct the wall no higher than 3 feet above grade; and
(2) Stagger the joints when constructing a dry-laid stone wall.

(c) When installing freestanding walls, the licensed contractor shall:
(1) Install footings for masonry and cast-in-place concrete freestanding walls of reinforced concrete. The top of the footing shall be at least 1 foot below ~~grade.~~ grade;
(2) Reinforce freestanding walls as needed to prevent displacement from wind ~~loads.~~ loads;
(3) Ensure that moisture is prevented from entering a cavity wall during ~~construction.~~ construction; and
(4) Ensure that segmental wall construction meets segmental wall manufacturer's specifications.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0509 PAVING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 28B .0510 PRUNING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 28B .0511 WILDFLOWER, NATIVE GRASS, AND NO-MOW SEED ESTABLISHMENT

When establishing wildflower, native grass, or no-mow seeding, a licensed contractor shall:
(1) Prior to construction, inform the owner or construction manager of the time required to establish native bunch grasses and forbs from seed and whether this time is compatible with the construction ~~schedule.~~ schedule;
(2) Confirm the suitability of the specified seed for the project as determined by the land, soil type, and sun/shade ~~exposure.~~ exposure;
(3) Select seed that is regionally appropriate and of the geographic ecotype for the location of the project by following the recommended seeding rate from the ~~supplier.~~ supplier;
(4) Use pure live seed (PLS) rates for seeding. If bulk seed is utilized, adjust the rates ~~accordingly.~~ accordingly;
(5) Use a temporary cover, nurse crop, or mulch that is non-allelopathic and seasonally appropriate when ~~seeding.~~ seeding;
(6) Use highest seed rates on slopes greater than 30 degrees or when a dormant seeding schedule is ~~utilized.~~ utilized; and
(7) Employ a seeding method that buries seed less than one-quarter inch in depth, and cultipack or roll after seed distribution.

Authority G.S. 89D-15(2); 89D-15(16).

SECTION .0600 - FEES

21 NCAC 28B .0601 FEE SCHEDULE

(a) The Board shall charge the following fees:

(1) Application: $75.00;
(2) Examination: $150.00;
(3) Individual license fee: $100.00;
(4) Corporate license fee: $100.00;
(5) License renewal: $100.00;
(6) Late renewal: $25.00;
(7) Individual license reinstatement: $100.00;
(8) Corporate license reinstatement: $100.00;
(9) License by reciprocity: $100.00; and
(10) Duplicate license: $25.00.

(b) If the Board elects to use a testing service for the preparation, administration, or grading of examinations, the Board shall charge the applicant the actual cost of the examination services and a prorated portion of the examination fee.

(c) The late renewal and reinstatement fees shall be imposed for renewal applications submitted after August 1. All licenses shall expire on August 1 unless renewed.

(d) All fees charged by the Board are non-refundable. If an applicant fails to appear for a scheduled examination, his or her examination fee shall not be credited toward any subsequently scheduled examination.

Authority G.S. 89D-15(2); 89D-15(10); 89D-21.

SECTION .0700 - COMPLAINTS; INVESTIGATIONS

21 NCAC 28B .0701 COMPLAINTS; INVESTIGATIONS

(a) All complaints filed with the Board shall be filed either on a form provided by the Board or via the Board's online complaint process at ~~www.nclclb.com.~~ https://nclclb.com/statutes-and-rules/complaint-information/. All complaints must contain the following information:

(1) Date of alleged violation;
(2) Contact information for licensee/unlicensed contractor;
(3) Contractor license number, if known;
(4) Complainant name and contact information;
(5) Address where alleged ~~violation(s)~~ violations occurred;
(6) Description of work performed;
(7) Copy of written contract; and
(8) Attestation, by signature, that information provided is true and accurate to the best of complainant's knowledge.

The Board will not investigate anonymous complaints. Incomplete complaints will not be investigated.

(b) Upon completion of the investigation, the investigator's report will be forwarded to ~~a designated Board member~~ the Board's Disciplinary Review Committee and Board staff, who will make a recommendation, based upon whether the investigation produces evidence of a violation of G.S. 89D-22 through ~~24~~ G.S. 89D-24 or the rules of this Subchapter, to the full Board as to whether the case should be dismissed or whether further action by the Board is warranted.

Authority G.S. 89D-15(2); 89D-15(6); 89D-15(7).

SECTION .0800 - HEARINGS PROCESS; SUMMARY SUSPENSION

21 NCAC 28B .0801 PROBABLE CAUSE

Upon a determination by Board staff and the Board's Disciplinary Review Committee that there is probable cause to believe a ~~violation of~~ licensed contractor violated G.S. 89D or the rules of this Subchapter exists, the Board shall issue a Notice of Hearing pursuant to G.S. 150B-38(b) and (c). Any party served with a Notice of Hearing may file a written response pursuant to G.S. 150B-38(d).

Authority G.S. 89D-15(2); 89D-15(7); 89D-15(8); 150B-38.

21 NCAC 28B .0802 HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 28B .0803 SUBPOENAS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 28B .0804 SUMMARY SUSPENSION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0900 – RULEMAKING

21 NCAC 28B .0901 RULEMAKING PETITION

(a) Any person may petition the Board to adopt a rule by submitting to the Board a written request that shall include the following:

(1) Petitioner's contact information including phone number and email address;
(2) Proposed rule, proposed amendment, or rule to be repealed; and
(3) An explanation of why the proposed adoption, amendment or repeal is being requested.

The request shall be submitted in writing to the Board ~~office as set out in 21 NCAC 28B .0101.~~ office.

(b) The Board shall consider a petition at its next regularly scheduled meeting unless the petition is filed less than 15 days prior to such meeting. If a petition is filed less than 15 days prior to the next regularly scheduled Board meeting, the Board shall consider the petition at the next subsequent Board meeting. In all cases, the Board shall make its decision within the timeframe set out in G.S. 150B-20(b).

(c) If the Board denies a petition, a copy of the decision shall be served upon the petitioner by one of the methods for service of process under G.S. 1A-1, Rule 5(b). If service is by registered, certified, or first-class mail, by signature confirmation as provided by the United States Postal Service, or by designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) with delivery receipt, the copy shall be addressed to the petitioner at the latest address given by the petitioner to the Board. Service by one of the additional methods provided in G.S. 1A-1, Rule 5(b), is effective as provided therein and shall be accompanied by a certificate of service as provided in G.S. 1A-1, Rule 5(b)(1).

Authority G.S. 150B-20.

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CHAPTER 30 - MASSAGE AND BODYWORK THERAPY

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Massage and Bodywork Therapy intends to readopt with substantive changes the rules cited as 21 NCAC 30 .0509, .0515, .0602, .1005, .1011, and readopt without substantive changes the rules cited as 21 NCAC 30 .0101, .0102, .0201-.0206, .0301-.0303, .0306, .0401-.0405, .0501-.0508, .0510-.0514, .0601, .0603, .0604, .0607-.0636, .0701-.0704, .0801-.0803, .0901-.0905, .1001-.1004, .1006-.1010, and .1012-.1014.*

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://bmbt.org/mtpages/news.html*

Proposed Effective Date: *April 1, 2027*

Public Hearing:
Date: *December 10, 2026*
Time: *10:00 a.m.*
Location: *GlenLake One, 4140 Parklake Avenue, Raleigh, NC 27612; 4th Floor Conference room*

Reason for Proposed Action: *These rules are being submitted for readoption as part of the periodic review process.*

Comments may be submitted to: *Elizabeth Kirk, 4140 Parklake Avenue, Suite 100, Raleigh, NC 27612; email admin@bmbt.org*

Comment period ends: *January 15, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 30 - NC BOARD OF MASSAGE AND BODYWORK THERAPY

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

21 NCAC 30 .0101 PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0102 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - APPLICATION FOR LICENSE

21 NCAC 30 .0201 APPLICATION AND SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0202 INTERVIEWS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0203 EXEMPTIONS FROM LICENSURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0204 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0205 TERM OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0206 BACKGROUND INVESTIGATION REQUIRED FOR APPLICANT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - LICENSING

21 NCAC 30 .0301 PROFESSIONAL DESIGNATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0302 DISPLAY OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0303 LICENSE RENEWAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0306 GROUNDS FOR LICENSE DENIAL OR DISCIPLINE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - BUSINESS PRACTICES

21 NCAC 30 .0401 ADDRESS OF RECORD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0402 TRADE NAMES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0403 CHANGE OF ADDRESS OR TRADE NAME (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0404 ADVERTISING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0405 PLACE OF PRACTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - STANDARDS OF PROFESSIONAL CONDUCT

21 NCAC 30 .0501 PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0502 GENERAL REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0503 CLIENT ASSESSMENT AND INFORMED CONSENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0504 DOCUMENTATION; REFERRALS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0505 CONFIDENTIALITY, ROLES AND BOUNDARIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0506 DRAPING REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0507 HYGIENE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0508 SEXUAL ACTIVITY DEFINED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0509 SEXUAL ACTIVITY PROHIBITED

To preserve the safety and integrity of the therapeutic relationship, the following requirements shall apply during the period from the beginning to the end of the ~~client/therapist relationship, and continue for six months after the termination of such~~ client-therapist relationship. Licensees shall:

(1) not engage in sexual activity, as defined in Rule .0508, between the licensee and the client, whether such activity is consensual or otherwise;

(2) not engage in or permit any person or persons to engage in sexual activity with a client in a location where the practice of massage and bodywork therapy is conducted;

(3) not use such location to make arrangements to engage in sexual activity with a client in any other place; and

(4) define the boundaries of the professional relationship in the event that the client initiates or asks the licensee to engage in sexual activity.

Authority G.S. 90-626(9).

21 NCAC 30 .0510 PROVIDING OR TERMINATING SERVICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0511 BUSINESS AND ETHICAL REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0512 IMPAIRMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0513 FACILITY REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0514 INFORMING BOARD OF VIOLATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0515 CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS

(a) Licensees with actual knowledge shall report to the Board any and all charges of the following criminal offenses, whether committed by themselves or by other licensees:

(1) Felonies;
(2) Crimes that involve moral turpitude;
(3) Alcohol or drug-related offenses;
(4) Sexual-related offenses; ~~and~~
(5) ~~Assault.~~ Assault; and
(6) Battery.

(b) Licensees with actual knowledge shall report to the Board any and all convictions of, or pleas of guilty or no contest to the following criminal offenses, whether committed by themselves or by other licensees:

(1) Felonies;
(2) Crimes that involve moral turpitude;
(3) Alcohol or drug-related offenses;
(4) Sexual-related offenses; ~~and~~
(5) ~~Assault.~~ Assault; and
(6) Battery.

(c) Licensees ~~are under a duty to~~ shall report to the Board if they are named as a defendant in a civil suit ~~arising out of~~ related to a licensee's practice of massage and bodywork therapy.

(d) Licensees shall report a charge, conviction, or plea in a criminal case, or involvement as a defendant in a civil suit, as set forth in Paragraphs (a), (b), or (c) of this Rule, within 30 days after it occurs.

Authority G.S. 90-626(9).

SECTION .0600 - MASSAGE AND BODYWORK THERAPY SCHOOLS

21 NCAC 30 .0601 BOARD APPROVAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0602 DEFINITIONS

In addition to the definitions in G.S. 90-622, the following definitions shall apply to this Section:

(1) ~~Accredited —~~ Accredited. -- means "accreditation" as defined in G.S. 90-622(1).

(2) Additional location. -- A facility not part of, nor adjoining the facility of an approved school, where an approved school is offering or intends to offer a program. Each separate facility location is considered a separate school, requiring a new Application for School Approval to be submitted to the Board in accordance with Rule .0632 of this Chapter.

(3) Additional program. -- A program that is of a different title, subject matter, or that increases or decreases by more than 10 percent the number of hours of instruction than the program under which the school received its initial approval from the Board. An approved school that intends to offer an additional program shall submit an Application for Additional Program Approval to the Board in accordance with Rule .0633 of this Chapter.

(4) ~~College —~~ College. -- A postsecondary school of higher education that awards an Associate degree or higher.

(5) Instructor. -- A person who meets the qualifications set forth in Rule .0612 who is responsible for delivering course content according to curricula established by the school, and who is responsible for managing the classroom environment.

(6) Key administrative staff. -- The school's program director, director of education, and other administrative staff members who direct ~~areas such as~~ operations, admissions, financial aid, placement, or student services.

(7) Knowledge, Skills, and Attitudes. – The framework that defines the three core components that form overall competency and readiness to engage in the practice of massage and bodywork therapy. "Knowledge" refers to the theoretical and factual understanding of concepts, information, principles, and procedures. "Skills" refers to practical ability and proficiency. "Attitudes" refers to the internal values, emotional intelligence, behaviors, and dispositions that shape how a massage and bodywork therapist will interact with clients and colleagues.

~~(7)~~(8) Massage and bodywork therapy school. -- A postsecondary school of higher education that conducts a ~~program,~~ Program, as defined in this Rule, for a tuition charge. Such institutions may be organized as proprietary schools that are privately owned and operated by a sole proprietor, partnership, corporation, association, or other entity; or may be post-secondary colleges or universities, whether publicly or privately owned.

~~(8)~~(9) One classroom hour of supervised instruction. -- At least 50 minutes of any one clock hour during which the student participates ~~in a learning activity~~ in the physical presence of a member of the school's instructional staff.

~~(9)~~(10) One year of professional experience. -- In determining the qualifications of administrative or instructional staff members, at least 500 hours of documented work in the ~~professional job responsibility or~~ subject area in a given year.

~~(10)~~(11) Program. -- A course of study or curriculum consisting of a specified number hours of instruction consistent with the standards set forth in Rule .0620 that is intended to teach the knowledge, skills, ~~skills~~ and attitudes ~~knowledge~~ necessary for the professional practice of massage and bodywork therapy, as defined in G.S. 90-622(3). Each program of a specified number of instructional hours shall be considered a separate program for the purposes of Board approval, and shall require a separate application for approval.

~~(11)~~(12) Student enrollment. -- The total number of students at an approved school in a designated fiscal year who have begun a program for which they have registered and paid ~~a fee~~ tuition for that fiscal year, and who have completed more than 15 percent of such program.

~~(12)~~(13) Teaching assistant. -- A person who meets the qualifications set forth in Rule .0612, who is in the classroom to support the role of the instructor, and who may provide instruction to students only in the presence of and under the direct supervision of the instructor.

Authority G.S. 90-626(9); 90-631.

21 NCAC 30 .0603 DOCUMENTATION OF SUCCESSFUL COMPLETION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0604 APPROVAL DESIGNATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0607 VERIFICATION OF COMPLIANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0608 SCHOOL APPROVAL FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0609 DISCIPLINARY SANCTIONS; REPORTING REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0610 AUTHORITY TO OPERATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0611 PROGRAM DIRECTOR QUALIFICATIONS AND ADMINISTRATIVE STAFF (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0612 INSTRUCTIONAL STAFF QUALIFICATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0613 APPROVAL PROCESS FOR INSTRUCTIONAL STAFF (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0614 MANAGEMENT OF INSTRUCTORS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0615 SCHOOL PLANT AND EQUIPMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0616 FINANCIAL MANAGEMENT SYSTEMS AND ECONOMIC STABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0617 STUDENT RECRUITMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0618 ADMISSIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0619 TUITION, REFUNDS AND FINANCIAL AID (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0620 PROGRAM REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0621 STUDENT RECORDS AND ACADEMIC PROGRESS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0622 EDUCATIONAL CREDENTIAL ISSUED; GRADUATES' PASS RATE ON NATIONAL EXAMINATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0623 LEARNING RESOURCES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0624 STANDARDS OF PROFESSIONAL CONDUCT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0625 SCHOOL COMPLAINT POLICY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0626 STUDENT COMPENSATION PROHIBITED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0627 TRANSFER OF CREDIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0628 ETHICAL REQUIREMENTS IN ADVERTISING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0629 STUDENT ENROLLMENT AGREEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0630 SCHOOL CATALOG (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0631 BOARD APPROVAL NOT TRANSFERABLE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0632 INITIAL APPLICATION FOR BOARD APPROVAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0633 APPLICATION FOR BOARD APPROVAL OF ADDITIONAL PROGRAMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0634 CLOSURE OF SCHOOL; TERMINATION OF A PROGRAM (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0635 SCHOOL STAFF MEMBERS AS STUDENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0636 WAIVER OF SCHOOL REQUIREMENTS DURING DISASTER OR EMERGENCY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 - CONTINUING EDUCATION

21 NCAC 30 .0701 CONTINUING EDUCATION REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0702 CONTINUING EDUCATION DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0703 SCOPE OF QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING EDUCATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0704 WAIVER OF CONTINUING EDUCATION REQUIREMENTS DURING DISASTER OR EMERGENCY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0800 - RULES

21 NCAC 30 .0801 PETITIONS FOR ADOPTION, AMENDMENT OR REPEAL OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0802 RULE MAKING NOTICE AND PUBLIC HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0803 DECLARATORY RULINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0900 - COMPLAINTS, DISCIPLINARY ACTION AND HEARINGS

21 NCAC 30 .0901 PURPOSE AND SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0902 COMPLAINTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0903 ACTION ON A COMPLAINT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0904 FORMAL HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .0905 DISCIPLINARY SANCTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1000 – MASSAGE AND BODYWORK THERAPY ESTABLISHMENT LICENSURE

21 NCAC 30 .1001 Establishment LICENSE REQUIRED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1002 TERM OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1003 INITIAL APPLICATION FOR licensure (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1004 ESTABLISHMENT OPERATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1005 CLIENT RECORDS RETENTION AND OWNERSHIP

(a) Records shall be maintained by the establishment or the LMBT in compliance with Rules .0504 and .0505 of this Chapter.

(b) Records stored electronically shall be maintained with a weekly back-up system.

~~(c) Client records are the property of the:~~

- ~~(1) Establishment; or~~
- ~~(2) LMBT, when working at an establishment.~~

~~(d)~~(c) Release of Records:

- (1) Client records shall be released within 30 days from being requested and authorized by the client in writing or when compelled by law or rule; and
- (2) The establishment or LMBT may charge cost for duplicating client records pursuant to G.S. 90-411.

Authority G.S. 90-632.13(3).

21 NCAC 30 .1006 INSPECTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1007 CHANGE OF TRADE NAME (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1008 CHANGE OF LOCATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1009 TRANSFER OF OWNERSHIP (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30.1010 INFORMING BOARD OF VIOLATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1011 CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS

(a) Establishment licensees shall report to the Board any charges, convictions of, or pleas of guilty or no contest to the following criminal offenses, whether committed by themselves, employees, independent contractors, or by other licensees:

- (1) felonies;
- (2) crimes that involve moral turpitude;
- (3) alcohol or drug-related offenses;
- (4) sexual-related offenses; ~~and~~
- (5) ~~assault.~~ assault; and
- (6) battery.

(b) Establishment licensees shall report to the Board if they are named as a defendant in a civil suit arising out of a licensee's practice of massage and bodywork therapy or out of the practice of massage and bodywork therapy by any employee or independent ~~contractor.~~ contractor of his or her establishment.

(c) Establishment licensees shall report a charge, conviction, or plea in a criminal case, or involvement as a defendant in a civil suit, as set forth in Paragraphs (a) or (b) of this Rule, within 30 days after the licensee obtains ~~knowledge.~~ knowledge of such event.

Authority G.S. 90-626(9); 90-626(9)b.2; 90-632.10; 90-632.15(a)(5); 90-632.17; 90-632.18; 90-633(a)(6); 90-634(b3).

21 NCAC 30 .1012 LICENSE RENEWAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1013 ADDRESS OF RECORD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 30 .1014 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

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CHAPTER 34 - FUNERAL SERVICE

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to amend the rule cited as 21 NCAC 34A .0201, and repeal the rule cited as 21 NCAC 34B .0310.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncbfs.org/*

Proposed Effective Date: *April 1, 2027*

Public Hearing:
Date: *January 13, 2027*
Time: *10:00 a.m.*
Location: *1033 Wade Ave, Ste 108, Raleigh, NC 27605*

Reason for Proposed Action:
21 NCAC 34B .0310 - Unaffiliated practice permits are no longer authorized by statute, following the passage of SL 2026-48
21 NCAC 34A .0201 - Increase the amount of the reinspection fee that may be assessed for each additional inspection that is made to ascertain whether deficiency or other violation has been corrected, as allowed by GS 90-210.34(f) and GS 90-210.28.
Comments may be submitted to: *Catherine Lee, 1033 Wade Ave, Ste 108, Raleigh, NC 27605; phone (919) 341-2639; email clee@hedrickgardner.com*

Comment period ends: *January 22, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ **State funds affected**
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (>= $1,000,000)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required**

SUBCHAPTER 34A - BOARD FUNCTIONS

SECTION .0200 - FEES AND OTHER PAYMENTS

21 NCAC 34A .0201 FEES AND OTHER PAYMENTS

(a) Fees for funeral service shall be as follows:

Funeral Establishment and Branch Funeral Establishment permit	
Application	$250.00
Annual renewal	$200.00
Late renewal fee	$100.00
Establishment and embalming facility reinspection fee	~~$100.00~~ $150.00
Courtesy card	
Application	$ 75.00
Annual renewal	$ 50.00
Out-of-state licensee	
Application	$200.00
Embalmer, funeral director, funeral service	
Application, North Carolina resident	$150.00
Application, non-resident	$200.00
Annual renewal	
Embalmer	$ 75.00
Funeral Director	$ 75.00
Total fee, embalmer and funeral director, when both are held by same person	$ 100.00

Funeral service	$ 100.00
Inactive status	$ 30.00
Reinstatement fee	$ 50.00
Resident trainee permit	
Application	$ 50.00
Voluntary change in supervisor	$ 50.00
Annual renewal	$ 35.00
Late renewal	$ 25.00
Duplicate License certificate	$ 25.00
Chapel registration	
Application	$ 150.00
Annual renewal	$ 100.00
Late renewal	$ 75.00

(b) Fees for crematory and hydrolysis licensees shall be as follows:

License	
Application	$ 400.00
Annual renewal	$ 150.00
Late renewal fee	$ 75.00
Crematory or hydrolysis reinspection fee	~~$100.00~~ $150.00
Per-cremation or hydrolysis fee	$ 10.00
Late filing or payment fee for each cremation or hydrolysis	$ 10.00
Late filing fee for cremation or hydrolysis report, per month	$ 75.00
Crematory or Hydrolysis Manager Permit	
Application	$ 150.00
Annual renewal	$ 40.00

(c) Fees for preneed funeral contract regulation shall be as follows:

Preneed funeral establishment license	
Application	$ 150.00
Annual renewal	$ 150.00
Late renewal fee	$ 100.00
Reinspection fee	$ 100.00
Preneed sales license	
Application	$ 20.00
Annual renewal	$ 20.00
Late renewal fee	$ 25.00
Preneed contract filings	
Filing fee for each contract	$ 20.00
Late filing or payment fee for each contract	$ 25.00
Late filing fee for each certificate of performance	$ 25.00
Late filing fee for annual report	$ 150.00

(d) Fees for Removal and Transportation Permits shall be as follows:

Individual Transporter Permit Application	$ 125.00
Transportation Service Permit Application	$ 200.00
Annual renewal for Individual Transporter or Transportation Service Permit	$ 75.00
Late fee	$ 50.00

(e) Registration fee for Board-sponsored continuing education shall be $50.00.

(f) All fees remitted to the Board are non-refundable.

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(f); 90-210.25(c); 90-210.28; 90-210.67(b),(c),(d),(d1); 90-210.68(a); 90-210.132.

SUBCHAPTER 34B - FUNERAL SERVICE

SECTION .0300 – LICENSING

21 NCAC 34B .0310 PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT

Authority G.S. 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i).

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CHAPTER 61 - RESPIRATORY CARE BOARD

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to adopt the rules cited as 21 NCAC 61 .0802, .1001-.1004, and amend the rules cited as 21 NCAC 61 .0307, and .0702.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncrcb.org/*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 1, 2026*
Time: *9:00 a.m.-11:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *21 NCAC 61 .0307 This amendment clarifies the prohibition against financial arrangements involving compensation or other consideration offered, paid, solicited, or received in exchange for patient referrals. The amendment replaces language broadly addressing commissions, rebates, and fee-splitting arrangements with a standard focused on compensation provided in return for, or to induce, patient referrals. The amendment also clarifies that compensation for respiratory care services actually performed, including compensation based on time worked, services performed, or productivity, does not constitute prohibited referral compensation solely because of the method used to calculate payment. The amendment preserves the applicability of G.S. 90-401 and other State and federal laws governing prohibited referral arrangements. The amendment is necessary to distinguish improper financial incentives for patient referrals from legitimate compensation for professional services, reduce ambiguity in the existing disciplinary standard, and protect patients from financial arrangements that could improperly influence professional judgment or referral decisions.*

21 NCAC 61 .0702 This Rule establishes the right to an administrative hearing when the Board takes or proposes action affecting the rights, duties, or privileges of an identifiable licensee or applicant for licensure. The amendment clarifies that the Rule does not prohibit the Board from ordering the summary suspension of a license before an administrative hearing when emergency action is authorized under G.S. 150B-3(c) and proposed adoption of Rule 21 NCAC 61 .0802.
The amendment is necessary to clarify the relationship between the administrative hearing process and the Board's authority to take emergency action to protect the public health, safety, or welfare. It maintains the right to an administrative hearing while recognizing that applicable law permits summary suspension before a hearing when statutory emergency conditions are satisfied.

21 NCAC 61 .0802 This Rule establishes procedures and evidentiary standards for the Board's exercise of summary suspension authority under G.S. 150B-3(c) when emergency action is required to protect the public health, safety, or welfare.
The Rule requires a request for summary suspension to be supported by evidence providing a reasonable and reliable factual basis for determining that emergency action is necessary. It identifies the types of supporting evidence the Board may consider and requires the Board to determine that immediate suspension is reasonably necessary to protect the public pending further proceedings.
The Rule also requires an order of summary suspension to state the findings of fact supporting the Board's determination that emergency action is required. The Rule is necessary to promote consistent, evidence-based emergency determinations, provide a documented basis for the Board's action, and protect the public while maintaining the procedural safeguards applicable to summary suspension under G.S. 150B-3(c).
21 NCAC 61 .1001 This Rule establishes the purpose, scope, and limitations of Section .1000. It provides that recognition of additional professional qualifications is limited to functions within the practice of respiratory care established by G.S. 90-648 and does not create a new category of licensure, establish an independent profession, enlarge the statutory scope of respiratory care, authorize the independent practice of medicine, or permit activities otherwise prohibited by law.
The Rule also establishes criteria for determining whether a professional function constitutes new and innovative respiratory care and related support activities under G.S. 90-648(10)(f). These criteria address the function's relationship to cardiopulmonary care, supporting education, training, competency standards, clinical evidence, or professional practice guidelines, and the statutory requirements concerning appropriately identified environments and American Association for Respiratory Care training and practice guidelines.
The Rule is necessary to establish clear statutory boundaries, protect the public through competency-based standards, and ensure consistent application of the Board's professional qualification recognition process within the existing statutory scope of respiratory care.

21 NCAC 61 .1002 This Rule defines terms necessary for the consistent administration of Section .1000,including additional professional qualifications, Board-recognized educational program, competency recognition, graduate respiratory care education, physician-directed care, and qualification pathway. These definitions establish a common framework for evaluating education, supervised clinical education or experience, demonstrated competency, and other professional preparation beyond the qualifications required for initial licensure.
The Rule is necessary to provide clarity, uniform interpretation, and consistency in the application, evaluation, and recognition processes established by this Section. The definitions support the recognition of additional professional qualifications within the physician-directed practice of respiratory care established by G.S. 90-648, without independently expanding the statutory scope of practice.
21 NCAC 61 .1003 This Rule establishes the application and review process for a licensed respiratory care practitioner seeking Board recognition of additional professional qualifications. The Rule requires an applicant to demonstrate current, unrestricted licensure and good standing and to provide objective evidence of applicable post-licensure education,

supervised clinical education or experience, competency assessments, and other information necessary for the Board to evaluate the applicant's qualifications.
The Rule identifies the evidence the Board may consider, requires a written determination identifying the respiratory care functions to which recognition applies and any applicable conditions or limitations, and establishes procedures for notifying applicants of deficiencies or denials.
The Rule is necessary to provide a uniform, objective, documented, and transparent process for determining whether an individual licensee has demonstrated the additional qualifications necessary to perform identified professional functions within the practice of respiratory care established by G.S. 90-648, without independently expanding the licensee's statutory scope of practice.

21 NCAC 61 .1004 This Rule establishes standards by which the Board may recognize qualification pathways through which licensed respiratory care practitioners may demonstrate additional professional qualifications. A qualification pathway must provide an objective means of evaluating education, supervised clinical education or experience, demonstrated competency, and other qualifications relevant to professional functions within the practice of respiratory care established by G.S. 90-648, including, where applicable, new and innovative respiratory care and related support activities described in G.S. 90-648(10)(f).
In evaluating a qualification pathway, the Board considers competent evidence, including statutory requirements, education and practice standards, developments in respiratory care technology, changes in educational curricula, National Board for Respiratory Care credentialing and outcome standards, American Association for Respiratory Care practice guidelines referenced in G.S. 90-648(10)(f), and other relevant evidence. The Rule also provides for periodic review of recognized qualification pathways.
The Rule is necessary to establish consistent, objective, and evidence-based standards for recognizing qualification pathways, to ensure that recognized pathways remain relevant to evolving respiratory care practice, and to provide a reliable basis for evaluating additional professional qualifications within the statutory practice of respiratory care established by Article 38.

Comments may be submitted to: *Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC, North Carolina Respiratory Care Board 125 Edinburgh South Drive, Suite 100 Cary, NC 27511 919-878-5595 bcroft@ncrcb.org*

Comment period ends: *January 15, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SECTION .0300 – LICENSING

21 NCAC 61 .0307 GROUNDS FOR LICENSE DENIAL OR DISCIPLINE

The following behaviors and conduct that shall constitute unprofessional conduct by persons licensed pursuant to G.S. 90-647 and shall be grounds for license denial or disciplinary action by the Board pursuant to G.S. 90-659(a) and (b), G.S. 90-652(4);

(1) failing to meet minimum licensure requirements set by Article 38 of G.S. 90 or rules of this Chapter;
(2) attempting to obtain or renew a license as provided by this Chapter by bribery, by fraudulent misrepresentation, or by knowingly perpetuating an error of the Board;
(3) violating a rule adopted by the Board or of a lawful order of the Board, including violations of the Code of Ethics pursuant to 21 NCAC 61 .0104;
(4) engaging in the delivery of respiratory care with a revoked, suspended, or inactive license;
(5) failing to perform a statutory or legal obligation placed upon a respiratory care practitioner licensed pursuant to this Chapter;
(6) failing to make the disclosures required by 21 NCAC 61 .0308;
(7) permitting, aiding, assisting, procuring, or advising a person to violate a rule of the Board or provision of the Respiratory Care Practice Act, including engaging in the practice of respiratory care without a license;
(8) having licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care revoked, suspended, or otherwise acted against, including the denial of licensure, certification, registration, or other authority to deliver respiratory care by the licensing authority of another state, territory, or country;
(9) willfully failing to report a violation of these Rules;

(10) engaging in unprofessional conduct related to the delivery of respiratory care, including an act or practice that is hazardous to public health, safety, or welfare;

(11) performing professional services that have not been duly ordered by a physician licensed pursuant to G.S. 90, Article 1 and that are not in accordance with protocols established by the hospital, other health care provider, or the Board;

(12) accepting and performing professional responsibilities that the licensee knows, or has reason to know, he or she is not competent to perform;

(13) delegating professional responsibilities to a person if the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform;

(14) being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of incapacitating illness or use of alcohol, drugs, narcotics, chemicals, or other material;

(15) failing to create and maintain respiratory care records documenting the assessment and treatment provided to each patient;

(16) discontinuing professional services unless services have been completed, the client requests the discontinuation, alternative or replacement services are arranged, or the client is given reasonable opportunity to arrange alternative or replacement services;

(17) engaging or attempting to engage a patient in a sexual relationship;

(18) promoting or selling services, goods, appliances, or drugs that are not medically indicated or necessary to a patient;

(19) making deceptive, untrue, or fraudulent representations in the delivery of respiratory care;

(20) intentionally communicating deceptive information to a patient;

~~(21) paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any fee splitting arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, and pharmacies. The provisions of this paragraph shall not be construed to prevent the licensee from receiving a fee for professional consultation services;~~

(21) directly or indirectly offering, paying, giving, soliciting, receiving, or agreeing to receive any commission, bonus, kickback, rebate, fee, or other consideration in return for or to induce the referral of a patient, or as compensation solely or primarily for the referral of a patient. Compensation for respiratory care services actually performed shall not constitute compensation for a referral solely because the compensation is based upon the time worked, services performed, or productivity of the licensee. Nothing in this Item shall be construed to permit conduct prohibited by G.S. 90-401 or other applicable State or federal law;

(22) soliciting patients, either personally or through an agent, through by means of intimidation or undue influence;

(23) willfully making or filing a false report or record or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those reports or records that require the signature of a licensee;

(24) being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to a licensee's competence or ability to provide respiratory care; or

(25) failing to comply with a court order for child support or failing to comply with a subpoena issued pursuant to child support or paternity establishment proceedings as defined in G.S. 110-142.1. In revoking or reinstating a license under this provision, the Board shall follow the procedures outlined in G.S. 93B-13.

Authority G.S. 90-652(2),(4); 90-647; 90-659(a),(b); 90-652(1),(2),(4); 150B-3.

SECTION .0700 - ADMINISTRATIVE HEARING PROCEDURES

21 NCAC 61 .0702 RIGHT TO HEARING

When the Board acts or proposes to act, other than in rule-making or declaratory ruling proceedings, in a manner which will affect the rights, duties, or privileges of a specific, identifiable licensee or applicant for a license, such person has the right to an administrative hearing. When the Board proposes to act in such a manner, it shall give any such affected person notice of the right to a hearing by mailing to the person, by certified mail at the person's last known address, a notice of the proposed action and a notice of a right to a ~~hearing.~~ hearing. Nothing in this Rule shall prohibit the Board from ordering the summary suspension of a license pursuant to G.S. 150B-3(c) and Rule 21 NCAC 61 .0802 of this Section prior to an administrative hearing.

Authority G.S. 90-652(2),(5),(8).

SECTION .0800 – INVESTIGATIVE PROCESS

21 NCAC 61 .0802 SUMMARY SUSPENSION

(a) If the Board finds that the public health, safety, or welfare requires emergency action, the Board may, pursuant to G.S. 150B-3(c), summarily suspend a license prior to an administrative hearing.

(b) A request for summary suspension shall be supported by evidence providing a reasonable and reliable factual basis for the Board to find that the public health, safety, or welfare requires emergency action. The supporting evidence may include affidavits, records, reports, orders of courts or governmental agencies, or other evidence the Board determines is sufficiently reliable for purposes of making the emergency determination required by G.S. 150B-3(c).

(c) Before issuing an order of summary suspension, the Board shall determine, based upon the evidence presented, that immediate suspension is reasonably necessary to protect the public health, safety, or welfare pending further proceedings.

(d) The order of summary suspension shall state the findings of fact supporting the Board's determination that emergency action is required.

Authority G.S. 90-652; 90-659; 150B-3(c).

SECTION .1000 — RECOGNIZED PROFESSIONAL QUALIFICATIONS

21 NCAC 61.1001 PURPOSE.

(a) The purpose of this Section is to establish standards for determining and recognizing the additional professional qualifications of licensed respiratory care practitioners who have acquired additional education, training, and demonstrated competence to perform respiratory care functions authorized by G.S. 90-648. Recognition under this Section applies only to functions within the practice of respiratory care established by Article 38 of Chapter 90 of the General Statutes, including, where applicable, new and innovative respiratory care and related support activities described in G.S. 90-648(10)(f).

(b) Nothing in this Section shall be construed to:

(1) create a new category of licensure;
(2) establish an independent profession;
(3) enlarge the statutory scope of respiratory care;
(4) authorize the independent practice of medicine; or
(5) authorize any activity prohibited by Article 38 of Chapter 90 or other applicable law.

(c) In determining whether a professional function constitutes new and innovative respiratory care and related support activities pursuant to G.S. 90-648(10)(f), the Board shall determine that the function:

(1) relates to the treatment, management, diagnostic testing, or care of a patient with a cardiopulmonary deficiency or abnormality;
(2) is supported by education, training, competency standards, clinical evidence, or professional practice guidelines demonstrating that the function is recognized within respiratory care practice; and
(3) is performed in an appropriately identified environment and under the training and practice guidelines established by the American Association for Respiratory Care.

(d) Questions concerning the applicability of this Section to specific factual circumstances may be presented to the Board by petition for a declaratory ruling pursuant to G.S. 150B-4 and Rule .0604 of this Chapter.

Authority G.S. 90-647; 90-648(10) and (11); 90-652(2); 150B-4.

21 NCAC 61 .1002 DEFINITIONS

The following definitions apply to this Section:

(1) Additional professional qualifications mean knowledge, clinical judgment, skills, and demonstrated proficiency acquired through additional education, supervised clinical experience, continuing education, or other Board-approved training that enhances the performance of respiratory care functions authorized by G.S. 90-648.
(2) Board-recognized educational program means a graduate or post-licensure educational program approved by the Board or determined by the Board to satisfy all or part of the educational requirements of a qualification pathway established under this Section.
(3) Competency recognition means the Board's determination that a licensed respiratory care practitioner has demonstrated qualifications necessary to perform specified respiratory care competencies within the statutory practice of respiratory care.
(4) Graduate respiratory care education means post-baccalaureate education designed to prepare licensed respiratory care practitioners for advanced competency in treatment, management, diagnostic testing, and care of patients with cardiopulmonary deficiencies and abnormalities.
(5) Physician-directed care means respiratory care performed pursuant to the written order of a physician as required by G.S. 90-648.
(6) Qualification pathway means a Board-recognized educational, supervised clinical education or supervised clinical experience, and competency framework through which a licensed respiratory care practitioner demonstrates the additional professional qualifications necessary to perform one or more professional functions within the practice of respiratory care established by G.S. 90-648.

Authority G.S. 90-648(10) and (11); 90-652(2).

21 NCAC 61 .1003 APPLICATION FOR RECOGNITION OF ADDITIONAL PROFESSIONAL QUALIFICATIONS

(a) The Board may recognize additional professional qualifications only for professional functions within the practice of respiratory care established by G.S. 90-648.

(b) In determining whether to recognize additional professional qualifications, the Board shall determine that:

(1) the professional activity constitutes a method of performing one or more professional functions within the practice of respiratory care established by G.S. 90-648; and

(2) the applicant has demonstrated the qualifications necessary to safely perform the identified professional function.

(c) A licensed respiratory care practitioner seeking Board recognition of additional professional qualifications shall apply on a form prescribed by the Board together with documentation demonstrating that the applicant:

(1) holds a current, unrestricted North Carolina license to practice respiratory care;

(2) is in good standing with the Board;

(3) has completed Board-approved post-licensure education related to the professional qualifications sought;

(4) has completed supervised clinical education or supervised clinical experience applicable to the requested qualifications;

(5) has successfully completed competency assessments acceptable to the Board; and

(6) has provided any additional information reasonably necessary for the Board to determine the applicant's qualifications pursuant to G.S. 90-652.

(d) In evaluating an application, the Board shall consider objective evidence relevant to the applicant's qualifications, including:

(1) educational preparation;

(2) supervised clinical education or supervised clinical experience;

(3) competency assessments;

(4) applicable national certifications, if any;

(5) continuing professional education;

(6) professional experience related to the requested qualifications; and

(7) other evidence directly related to the qualifications sought.

(e) The Board may request additional documentation reasonably necessary to determine whether the applicant has demonstrated the qualifications required by this Section.

(f) The Board shall recognize additional professional qualifications only upon determining that the applicant has demonstrated the knowledge, clinical judgment, technical skills, and professional competence necessary to safely perform the identified respiratory care functions authorized by Article 38 of Chapter 90 of the General Statutes.

(g) Upon completing its review, the Board shall issue a written determination that includes:

(1) findings regarding the applicant's qualifications;

(2) identification of the statutory respiratory care function or functions to which the determination applies;

(3) the evidence supporting the Board's determination;

(4) any conditions or limitations applicable to the recognition; and

(5) the effective date of the determination.

(h) If the Board determines that the applicant has not demonstrated the qualifications required by this Section, the written determination shall identify the deficiencies and, when appropriate, specify the additional education, supervised clinical preparation, competency assessment, or documentation necessary for reconsideration.

Authority G.S. 90-648(10) and (11); 90-652(1) and (2).

21 NCAC 61 .1004 QUALIFICATION PATHWAYS

(a) The Board may recognize one or more qualification pathways through which a licensed respiratory care practitioner demonstrates additional professional qualifications under this Section.

(b) A qualification pathway shall consist of one or more objective educational, supervised clinical education or supervised clinical experience, competency, or other qualifications established by the Board to demonstrate competence to perform one or more professional functions within the practice of respiratory care established by G.S. 90-648, including, where applicable, new and innovative respiratory care and related support activities described in G.S. 90-648(10)(f).

(c) Before recognizing a qualification pathway, the Board shall determine that the pathway provides a reasonable means of evaluating whether a licensed respiratory care practitioner has demonstrated the knowledge, clinical judgment, skills, and competence necessary to perform one or more professional functions within the practice of respiratory care established by G.S. 90-648.

(d) Completion of a Board-recognized qualification pathway constitutes evidence that the applicant has demonstrated the qualifications established by the Board for the applicable professional function. The Board shall require documentation necessary to verify completion of the pathway and determine the applicant's qualifications.

(e) In determining a qualification pathway, the Board shall base its determination on competent evidence demonstrating that the pathway prepares practitioners to perform one or more professional functions within the practice of respiratory care established by G.S. 90-648. In making its determination, the Board shall consider, as applicable:

(1) the statutory language of G.S. 90-648;

(2) education and practice standards recognized by the Board;

(3) new technologies;

(4) changes in educational curricula;

(5) credentialing and outcome standards established by the National Board for Respiratory Care;

(6) practice guidelines of the American Association for Respiratory Care referenced in G.S. 90-648(10)(f);
(7) educational standards recognized by the Board; and
(8) other relevant evidence.

(f) The Board shall periodically review each recognized qualification pathway to determine whether it continues to satisfy the standards established by this Rule.

Authority G.S. 90-648(10) and (11); 90-652(2) and (13).

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CHAPTER 64 - SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Speech and Language Pathologists and Audiologists intends to amend the rule cited as 21 NCAC 64 .0103.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncboeslpa.org/*

Proposed Effective Date: *April 1, 2027*

Public Hearing:
Date: *December 4, 2026*
Time: *9:00 a.m.*
Location:
https://us06web.zoom.us/j/87943818911?pwd=Kb7MJl80mplj6KyWuj42YeU9LXiHFY.1

Reason for Proposed Action: *To update the name of the entity that administers the examination required by GS§ 90-296(a).*

Comments may be submitted to: *C. Denise Brown, P.O. Box 16885, Greensboro, NC 27416; phone (336) 272-1828; email dbrown@ncboeslpa.org*

Comment period ends: *January 20, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 64 .0103 EXAMINATIONS

The special examinations in speech and language pathology and ~~audiology, which are part of the National Teacher's Examination,~~ audiology administered by either the Educational Testing ~~Service, will~~ Service or PSI shall constitute the written examination ~~required.~~ required by G.S. 90-296(a).

Authority G.S. 90-295(5); 90-296(a); 90-304(a)(3).

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CHAPTER 65 - RECREATIONAL THERAPY LICENSURE

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Recreational Therapy Licensure intends to readopt with substantive changes the rules cited as 21 NCAC 65 .0203, .0205, .0301, .0302, .0401, .0501, .0601, .0602, .0603, .0604, .0701, .0801, .0901, .0902, .1004, .1005, .1006, and .1007 and to readopt without substantive changes the rules cited as 21 NCAC 65 .0204 and .1003.*

Link to agency website pursuant to G.S. 150B-19.1(c): *www.ncbrtl.org*

Proposed Effective Date: *August 1, 2027*

Public Hearing:
Date: *December 8, 2026*
Time: *10:00 a.m.*
Location: *Virtual Meeting over Zoom*

Reason for Proposed Action: *21 NCAC 65 .0203 Licensed Recreational Therapist Standards of Practice – The rule is proposed for readoption with substantive changes. The rule was determined necessary through the periodic review process. The substantive change updates the stated purchase price of the American Therapeutic Recreation Association (ATRA) Standards for the Practice for non-ATRA members from $40.00 to $35.00 to reflect the current price established by ATRA.*
21 NCAC 65 .0203 Licensed Recreational Therapist Standards of Practice- The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A. The rule remains necessary to establish the standards of practice applicable to Licensed Recreational Therapists. The substantive change updates the stated purchase price of the American

Therapeutic Recreation Association Standards for the Practice for non-ATRA members from $40.00 to $35.00 to reflect the current price established by ATRA.

21 NCAC 65 .0204 Licensed Recreational Therapy Assistant Standards of Practice – The rule is proposed for readoption without substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A.

The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A. The rule remains necessary to establish the standards of practice for Licensed Recreational Therapy Assistants and to require that they practice under the supervision of a Licensed Recreational Therapist in accordance with the ATRA Standards for the Practice incorporated by reference in Rule .0203 of this Section. No substantive changes to the rule are proposed.

21 NCAC 65 .0205 Supervision of a Licensed Recreational Therapy Assistant – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes clarify the responsibilities of the Licensed Recreational Therapist (LRT) in supervising a Licensed Recreational Therapy Assistant (LRTA) and require completion of the LRTA Supervision Verification Form to document the LRT's determination of the duties appropriate for delegation to the LRTA.

21 NCAC 65 .0205 Supervision of a Licensed Recreational Therapy Assistant – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A. The rule remains necessary to establish requirements for the clinical supervision of Licensed Recreational Therapy Assistants and to define the responsibilities of the supervising Licensed Recreational Therapist and the LRTA. The substantive changes clarify that the LRT is responsible for determining the LRTA's competency and the duties appropriate for delegation and require completion of the LRTA Supervision Verification Form to document the supervisory relationship and delegated responsibilities.

21 NCAC 65 .0301 Minimum Level of Education and Competency for Licensed Recreational Therapist – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes clarify education and competency requirements for licensure, revise accreditation language to accurately reflect that CARTE and CAAHEP accredit recreational therapy programs rather than colleges or universities, revise recreational therapy coursework requirements to align with current professional Standards of Practice and the APIE(D) process, update the reference to NCTRC internship requirements, and require successful completion of a jurisprudence examination administered by the Board.

21 NCAC 65 .0301 Minimum Level of Education and Competency for Licensed Recreational Therapist – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish the minimum education and competency requirements for Licensed Recreational Therapists. The proposed changes clarify these requirements and update the rule to reflect current educational and professional standards. Language related to CARTE and CAAHEP is revised to accurately reflect that these organizations accredit recreational therapy programs rather than colleges or universities. Recreational therapy coursework requirements are revised to align competency expectations with current professional Standards of Practice and the APIE(D) process. The reference to NCTRC internship requirements is also updated. In addition, successful completion of a jurisprudence examination administered by the Board is added to ensure applicants demonstrate knowledge of North Carolina laws and rules governing recreational therapy practice prior to licensure.

21 NCAC 65 .0302 Minimum Level of Education and Competency for Licensed Recreational Therapy Assistants – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes increase the required therapeutic recreation or recreational therapy content coursework from nine to twelve semester hours, clarify the field placement requirements and supervision standards, and require successful completion of a jurisprudence examination administered by the Board.

21 NCAC 65 .0302 Minimum Level of Education and Competency for Licensed Recreational Therapy Assistants – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish the minimum education and competency requirements for Licensed Recreational Therapy Assistants. The required therapeutic recreation or recreational therapy content coursework is increased from nine to twelve semester hours to ensure applicants receive sufficient education in recreational therapy content to support the knowledge and competencies expected for entry-level practice. The field placement requirements are revised to provide greater clarity regarding the required clinical experience, supervision, and demonstration of successful performance. In addition, successful completion of a jurisprudence examination administered by the Board is added to ensure applicants demonstrate knowledge of North Carolina laws and rules governing recreational therapy practice prior to licensure.

21 NCAC 65 .0401 Application Procedures for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes remove the monthly application deadline to allow applications to be reviewed upon receipt and add successful completion of a jurisprudence examination administered by the Board as a requirement for licensure.

21 NCAC 65 .0401 Application Procedures for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish application procedures for Licensed Recreational Therapists and Licensed Recreational Therapy Assistants. The monthly application deadline is removed to allow applications to be reviewed upon receipt rather than held for a monthly review cycle, thereby aligning the rule with current Board application procedures. The rule also adds successful completion of a jurisprudence examination administered by the

Board to ensure applicants demonstrate knowledge of North Carolina laws and administrative rules governing recreational therapy practice prior to licensure.

21 NCAC 65 .0501 Licensure Fees – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes clarify that failure to pay either the renewal fee or record maintenance fee by the applicable due date results in expiration of the license and increase the initial application fee from $100.00 to $125.00 for a Licensed Recreational Therapist and from $50.00 to $75.00 for a Licensed Recreational Therapy Assistant.

21 NCAC 65 .0501 Licensure Fees – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish fees associated with licensure as a Licensed Recreational Therapist or Licensed Recreational Therapy Assistant. The rule is revised to clarify that failure to pay either the required renewal fee or record maintenance fee by the applicable due date results in expiration of the license. This change clearly establishes the consequence of failing to maintain required licensure fees by the established deadline and provides consistency in the administration of licensure requirements. The initial application fees are also increased from $100.00 to $125.00 for a Licensed Recreational Therapist and from $50.00 to $75.00 for a Licensed Recreational Therapy Assistant to better reflect the administrative costs associated with receiving, reviewing, and processing applications for initial licensure. No changes are proposed to the amount of the renewal, inactive status, or record maintenance fees.

21 NCAC 65 .0601 Continuing Education Requirements for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes remove the specific reference to continuing education approved by the International Association for Continuing Education and Training (IACET) and establish consistent documentation requirements for continuing education submitted for renewal credit. The rule also requires licensees to complete the Board's Compliance and Ethics (C&E) Training during each two-year renewal cycle. The rule retains the requirement that licensees complete four hours of C&E Training during their first year of licensure but does not establish a specific number of C&E Training hours for subsequent renewal cycles.

21 NCAC 65 .0601 Continuing Education Requirements for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish continuing education requirements for Licensed Recreational Therapists and Licensed Recreational Therapy Assistants to maintain professional competency and eligibility for license renewal.

The specific reference to IACET approval is being removed so that continuing education is evaluated based on whether the content is relevant to recreational therapy practice and whether the licensee provides sufficient documentation of the content, attendance, completion, and credit earned, rather than whether the continuing education provider has obtained approval from a specific outside organization. This change establishes a consistent standard for evaluating continuing education and allows licensees to obtain relevant professional education from a broader range of providers.

The Board's C&E training requirement is being expanded to require completion during each renewal cycle to ensure that licensees remain current on North Carolina recreational therapy licensure laws and rules, ethical responsibilities, Board requirements, and changes that may affect professional practice. The existing requirement for four hours of C&E Training during the first year of licensure is retained. For subsequent renewal cycles, the rule requires completion of the Board's C&E Training without prescribing a specific number of training hours, allowing the Board to provide training appropriate to the regulatory and ethical issues applicable to that renewal cycle.

21 NCAC 65 .0602 Renewal Requirements for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes clarify the renewal process and establish that a license expires on the 30th day of the licensee's birth month when the required renewal application, documentation, and fee have not been timely submitted. The rule also replaces references to a "lapsed" license with "expired" to provide consistent terminology throughout the Board's rules.

21 NCAC 65 .0602 Renewal Requirements for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant –The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish the requirements and procedures for renewal of licenses issued to Licensed Recreational Therapists and Licensed Recreational Therapy Assistants. The proposed changes clarify the renewal timeline, including the grace period provided through the 30th day of the licensee's birth month, and establish that a license expires when renewal requirements are not completed by that date. References to a "lapsed" license are changed to "expired" to provide consistent terminology throughout the Board's rules and to clarify when reinstatement under Rule .0701 is required.

21 NCAC 65 .0603 Change of Address or Name Requirements for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes clarify the licensee's responsibility to notify the Board and update the licensee's online profile within 30 days of a change in name, email address, work address, or home address.

21 NCAC 65 .0603 Change of Address or Name Requirements for Licensed Recreational Therapist and Licensed Recreational Therapy Assistant – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to ensure that the Board maintains current and accurate contact and identifying information for Licensed Recreational Therapists and Licensed Recreational Therapy Assistants. The proposed changes clarify that licensees are responsible for notifying the Board and updating their online profile within 30 days of a change in name, email address, work address, or home address. Maintaining current information

allows the Board to maintain accurate licensure records and communicate required notices and other licensure information to licensees.

21 NCAC 65 .0604 LRTA Renewal Supervision Requirement – The rule is proposed for readoption without substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. No substantive changes to the requirements of the rule are proposed. Only minor wording for clarification was updated.

21 NCAC 65 .0604 LRTA Renewal Supervision Requirement – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish documentation requirements for the supervision of Licensed Recreational Therapy Assistants at the time of license renewal. Requiring submission of the LRTA Supervision Verification Form every two years allows the Board to verify that each LRTA continues to practice under appropriate supervision and that the duties and functions performed by the LRTA are consistent with the supervision requirements established in Rule .0205 of this Chapter. No substantive changes to the requirements of the rule are proposed.

21 NCAC 65 .0701 Reinstatement of Lapsed License – The rule is proposed for readoption with substantive changes. The proposed changes replace references to a "lapsed" or "suspended" license with "expired" to establish consistent terminology throughout the Board's rules and clarify the status of a license when renewal requirements have not been satisfied.

21 NCAC 65 .0701 Reinstatement of Lapsed License – The rule remains necessary to establish requirements for reinstatement of expired recreational therapy licenses. The proposed changes clarify license status terminology by replacing references to "lapsed" and "suspended" licenses with "expired," consistent with the terminology used in Rules .0501 and .0602. These changes promote consistency in the administration of licensure requirements and clarify that individuals may not practice recreational therapy until their licenses have been reinstated by the Board.

21 NCAC 65 .0801 Inactive Status – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The proposed changes clarify the requirements for returning to active licensure following a period of inactive status, including the examination requirements for Licensed Recreational Therapists and Licensed Recreational Therapy Assistants who have remained inactive for more than five years.

21 NCAC 65 .0801 Inactive Status - The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish the procedures for requesting inactive licensure status and the requirements for returning to active practice. The proposed changes clarify the examination requirements for individuals who have maintained inactive status for more than five years by separately identifying the examination requirements applicable to Licensed Recreational Therapists and Licensed Recreational Therapy Assistants. These changes help ensure that individuals returning to active practice after an extended period of inactivity demonstrate the knowledge and competency necessary for safe recreational therapy practice. The rule continues to establish continuing education and fee requirements for returning to active status based on the length of inactivity.

21 NCAC 65 .0901 Endorsement – The rule is proposed for readoption with substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The substantive changes require applicants seeking licensure by endorsement to successfully complete a jurisprudence examination administered by the Board to demonstrate knowledge of North Carolina recreational therapy laws and administrative rules prior to licensure.

21 NCAC 65 .0901 Endorsement – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish the requirements for licensure by endorsement for individuals licensed in another jurisdiction. The proposed changes require applicants seeking licensure by endorsement to successfully complete a jurisprudence examination administered by the Board. Although applicants may already hold a license in another jurisdiction, they must demonstrate knowledge of North Carolina laws, administrative rules, ethical responsibilities, and regulatory requirements governing recreational therapy practice. This requirement promotes consistency among licensure pathways and helps ensure that all individuals licensed by the Board understand their professional responsibilities under North Carolina law.

21 NCAC 65 .0902 Military Endorsement – The rule is proposed for readoption with substantive changes pursuant to G.S. 150B-21.3A. The proposed changes clarify application documentation and examination requirements for military-trained applicants and military spouses seeking licensure by endorsement. The changes also require applicants to successfully complete the Board's jurisprudence examination to demonstrate knowledge of North Carolina recreational therapy laws and administrative rules.

21 NCAC 65 .0902 Military Endorsement – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish licensure requirements for military-trained applicants and military spouses seeking licensure by endorsement. The proposed changes clarify application documentation and examination requirements and add a jurisprudence examination administered by the Board. The jurisprudence examination is intended to ensure that applicants demonstrate knowledge of North Carolina recreational therapy laws, administrative rules, ethical responsibilities, and regulatory requirements before practicing in the state. These changes promote consistency across licensure pathways and support public protection while maintaining the eligibility provisions applicable to military-trained applicants and military spouses.

21 NCAC 65 .1004 Unauthorized Practice – The rule is proposed for readoption with substantive changes pursuant to G.S. 150B-21.3A. The proposed changes clarify the circumstances constituting unauthorized recreational therapy practice, including practicing without a valid license, practicing with an expired, suspended, or revoked license, and representing an individual as authorized to provide recreational therapy services without appropriate licensure. The rule also establishes the Board's use of the NCBRTL Employment Form to evaluate whether an individual's duties fall within the scope of recreational therapy practice.

21 NCAC 65 .1001 Complaints and Reports – The rule is proposed for readoption without substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The rule establishes procedures for submitting, documenting, receiving, and reviewing complaints and reports concerning suspected violations of recreational therapy laws and administrative rules. No substantive changes to the complaint and reporting procedures are proposed. 21 NCAC 65 .1001 Complaints and Reports – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish procedures for receiving and reviewing complaints and reports involving licensed recreational therapists and licensed recreational therapy assistants. The rule identifies the information required when submitting a complaint, establishes procedures for acknowledging and reviewing complaints, and provides a process for determining whether further investigation is warranted. These requirements support the Board's responsibility to investigate potential violations of Chapter 90C and its administrative rules, promote accountability among licensees, and protect the public. No substantive changes are proposed.

21 NCAC 65 .1002 Investigations – The rule is proposed for readoption without substantive changes. The rule was determined necessary during the Periodic Rule Review and is being readopted pursuant to G.S. 150B-21.3A. The rule establishes procedures for obtaining information, documenting complaints and reports, and conducting investigations involving licensed recreational therapists and licensed recreational therapy assistants. No substantive changes to the investigation procedures are proposed. 21 NCAC 65 .1002 Investigations –The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish procedures for investigating complaints and reports involving licensed recreational therapists and licensed recreational therapy assistants. The rule identifies information and documentation that may be required from individuals under investigation, provides for the collection of relevant information from employers and professional organizations, and establishes procedures for maintaining investigation records and preparing reports for Board review. These requirements support the Board's responsibility to investigate potential violations of Chapter 90C and its administrative rules, ensure consistent investigation procedures, and protect the public. No substantive changes are proposed.

21 NCAC 65 .1004 Unauthorized Practice – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish requirements prohibiting the unauthorized practice of recreational therapy in North Carolina. The proposed changes clarify that individuals may not practice, supervise, or represent themselves as authorized to provide recreational therapy services without a valid license, including when a license has expired, been suspended, or been revoked. The rule also provides a process for evaluating an individual's employment responsibilities through the NCBRTL Employment Form to determine whether the duties performed constitute recreational therapy practice. These requirements support consistent enforcement of Chapter 90C, promote compliance with licensure standards, and protect the public from unauthorized practice.

21 NCAC 65 .1005 Violations – The rule is proposed for readoption with substantive changes pursuant to G.S. 150B-21.3A. The proposed changes clarify the distinction between compliance violations and practice violations, including failures to satisfy licensure fee and continuing education requirements, practicing with an expired license, and violations of professional practice standards. The rule also addresses corrective action requirements for compliance violations, including reinstatement documentation and Compliance and Ethics Training, and identifies practice violations subject to disciplinary sanctions.

21 NCAC 65 .1005 Violations – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish procedures for identifying and addressing violations of recreational therapy licensure requirements and professional practice standards. The proposed changes clarify the distinction between compliance violations involving licensure fees, renewal requirements, and continuing education and practice violations involving unauthorized practice, potential or actual harm, and violations of professional standards. The rule also establishes corrective action requirements, including completion of missing licensure documentation, payment of applicable fees, and Compliance and Ethics Training. These changes promote consistent enforcement, accountability, and public protection by establishing a framework for addressing violations based on their nature and severity.

21 NCAC 65 .1006 Sanctions – The rule is proposed for readoption with substantive changes pursuant to G.S. 150B-21.3A. The proposed changes clarify the disciplinary sanctions and practice restrictions available to the Board for violations of Chapter 90C and the Board's administrative rules. The rule also adds a provision requiring the Board to report disciplinary actions involving licensed recreational therapists and licensed recreational therapy assistants to the National Practitioner Data Bank (NPDB) in accordance with applicable federal laws and regulations, including 45 CFR Part 60.

21 NCAC 65 .1006 Sanctions – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish the disciplinary sanctions and practice restrictions available to the Board when addressing violations of recreational therapy licensure requirements and professional practice standards. The proposed changes clarify the Board's authority to impose disciplinary sanctions, including reprimands, remedial education, probation, suspension, and revocation of licensure, as well as additional conditions or restrictions on a licensee's practice.

The rule is also being updated to clarify the Board's responsibility to report disciplinary actions to the National Practitioner Data Bank (NPDB) as required by applicable federal laws and regulations, including 45 CFR Part 60. This addition ensures that the Board's administrative rules expressly recognize applicable federal reporting obligations and supports transparency, accountability, consistent enforcement, and protection of the public.

21 NCAC 65 .1007 Hearings – The rule is proposed for readoption without substantive changes pursuant to G.S. 150B-21.3A. The rule was determined necessary during the Periodic

Rule Review. Minor editorial revisions are proposed to improve clarity and consistency without changing the existing hearing procedures, deadlines, or requirements.
21 NCAC 65 .1007 Hearings – The rule is being readopted pursuant to the periodic review and readoption requirements of G.S. 150B-21.3A and remains necessary to establish procedures for individuals requesting hearings before the North Carolina Board of Recreational Therapy Licensure. The rule establishes requirements for submitting written hearing requests, identifies the information that must be included, provides timelines for requesting and scheduling hearings, and requires written decisions to be provided to the parties involved. Formal hearings shall continue to be conducted in accordance with G.S. 150B-38. Minor editorial revisions improve clarity and consistency without changing the substance of the rule. These requirements support procedural fairness, due process, and consistent administration of Board hearings.

Comments may be submitted to: *NC Board of Recreational Therapy Licensure, PO Box 265, Davidson, NC 28036; phone (336) 212-1133; email joan@ncbrtl.org*

Comment period ends: *February 1, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☐ **No fiscal note required**

SECTION .0200 – REQUIREMENTS FOR PRACTICE

21 NCAC 65 .0203 LICENSED RECREATIONAL THERAPIST STANDARDS OF PRACTICE

A Licensed Recreational Therapist shall practice recreational therapy, also known as therapeutic recreation, in accordance with the most recent version of the American Therapeutic Recreation Association ~~,~~ Standards for the Practice (the ATRA SOP), including any subsequent amendments or editions. A copy may be purchased from ATRA at: https://www.atra-online.com/ at a cost of twenty-eight dollars ($28.00) for ATRA members and ~~forty dollars ($40.00)~~ thirty-five dollars ($35.00) for non-ATRA members.

Authority G.S. 90C-22(2); 90C-24(a)(3); 90C-24(a)(10); 90C-24(a)(13).

21 NCAC 65 .0204 LICENSED RECREATIONAL THERAPY ASSISTANT STANDARDS OF PRACTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 65 .0205 SUPERVISION OF A LICENSED RECREATIONAL THERAPY ASSISTANT

(a) The Licensed Recreational Therapy Assistant (LRTA) shall perform duties and functions under the clinical supervision of the Licensed Recreational Therapist (LRT). Once the LRT determines the LRTA has demonstrated competence to provide interventions, client documentation, and to make recommendations for program modification, the LRTA shall practice in accordance with ATRA SOP as referred to in Rule .0203 of this Section.

(b) Clinical supervision shall be performed in accordance with the ATRA SOP, including the following elements:

(1) The Licensed Recreational Therapist shall:

(A) Determine the recreational therapy treatment plan and the elements of that plan appropriate for delegation to an ~~LRTA;~~ LRTA, by completing the LRTA Supervision Verification Form;

(B) Determine whether the LRTAs acting under ~~his or her~~ the LRT's supervision possess the competence to perform the delegated duties;

(C) Delegate responsibilities to the LRTA that are consistent with assessed competencies and within the overall LRTA scope of practice as defined and described in the

most recent version of the ATRA SOP;

(D) Review chart documentation, re-examine, and reassess the patient or client and revise the recreational therapy treatment plan;

(E) Establish the recreational therapy discharge plan;

(F) Determine whether co-signature of chart documentation done by the LRTA is necessary for safe and effective care and treatment;

(G) Be available in-person or by telecommunication to the LRTA while the LRTA is in practice; and

(H) Be limited to clinically supervising only the number of LRTAs that provides safe and effective patient or client intervention at all times.

(2) A Licensed Recreational Therapy Assistant shall:

(A) Assist in the practice of recreational therapy only to the extent allowed by the supervising LRT;

(B) Assist in the assessment of patient or client needs as set forth in the ATRA SOP and employer policy;

(C) Make modifications to the recreational therapy treatment programs that are consistent with the recreational therapy treatment plan and under the supervision of the LRT;

(D) Engage in off-site patient or client related functions that are appropriate for the LRTA's qualifications and assessed competency in consideration of the functional status of the patient or client; and

(E) Document patient or client care provided in accordance with written employer policy.

(3) Prohibited Practice:

(A) A LRTA shall not engage in practices of a LRT; and

(B) A LRTA shall not engage in acts beyond the scope of practice delegated by the supervising LRT.

Authority G.S. 90C-22(3); 90C-24(a)(1); 90C-24(a)(3); 90C-24(a)(6); 90C-24(a)(13).

SECTION .0300 – REQUIREMENTS FOR LICENSURE

21 NCAC 65 .0301 MINIMUM LEVEL OF EDUCATION AND COMPETENCY FOR LICENSED RECREATIONAL THERAPIST

(a) For the purposes of G.S. 90C-27(a), a candidate for licensure as a recreational therapist shall have graduated from an accredited college or university with a baccalaureate degree or higher and with a major or specialization in recreational therapy or therapeutic recreation. The academic major or specialization shall be verified by an official transcript.

(b) For the purposes of this Rule, the following terms mean:

(1) An "academic major" is defined as a degree in recreational therapy or therapeutic recreation.

(2) A "specialization in recreational therapy or therapeutic recreation" is defined as a degree in recreation and leisure studies, or recreation, or health and physical education, or health and human performance with a specialization, also known as an option, emphasis, or concentration, in therapeutic recreation or recreational therapy.

(3) An "accredited college or university" is defined as a college or university accredited by an accreditation body recognized by the United States Department of Education ~~or by the~~

~~Committee on Accreditation of Recreational Therapy Education (CARTE) under the Commission of Accreditation of Allied Health Education (CAAHEP)~~.

(c) An academic major or specialization is defined by the following components:

(1) Coursework ~~for a degree or specialization~~ in recreational therapy or therapeutic recreation shall reflect six courses, three hours per course in which the title, course description, and course outline reflects recreational therapy or therapeutic recreation content related to the entire SOP, ATRA Scope of Practice emphasizing the "APIE(D) Process". Course titles may include Introduction or Foundations, Assessment, Planning, Implementation, Evaluation, Research, and Advancement of the Profession. Topics that should be addressed in classes should include, ethics, standards of practice, documentation. Recreational Therapy/Therapeutic Recreation coursework offered in North Carolina must be taught by a licensed recreational therapist (LRT) or out of state by a Certified Therapeutic Recreation Specialist (CTRS™) by the National Council of Therapeutic Recreation Certification (NCTRC). For candidates for licensure who have passed the NCTRC examination and were certified by the NCTRC as a CTRS™, a therapeutic recreation or recreational therapy content course taught is considered the same as a therapeutic recreation or recreational therapy content course taken.

(2) "Supportive coursework" are courses, not including the recreational therapy or therapeutic recreation content courses. Supportive courses for a degree or specialization in recreational therapy or therapeutic recreation shall include three semester hours of anatomy and physiology, three semester hours of abnormal psychology, three semester hours of human growth and development across the lifespan, and nine semester hours in the area of health and human services. Health and human services coursework may include content in the areas of education, ethics, behavioral health and other courses related to the practice of recreational therapy.

(3) In addition to the coursework required in Subparagraphs (c)(1) and (2) of this Rule, a field placement course shall be required for an academic major or specialization in therapeutic recreation or recreational therapy.

(A) A "field placement course," sometimes called an "internship course," is a course taken for college or university credit and shall require clinical education in an agency providing therapeutic recreation services to clients. The field placement or internship course shall meet the criteria for a field placement set forth by the NCTRC in the NCTRC Standards publication herein incorporated by reference including any subsequent amendments and editions. A copy of the NCTRC field placement requirements may be obtained at no cost on the NCTRC website at: ~~https://www.nctrc.org/wp-content/uploads/2017/09/InternshipInterruptionGuidelines.pdf~~ https://nctrc.org/wp-content/uploads/StudentInternshipGuide.pdf

(B) A "university supervisor" of a field placement course is defined as the university faculty assigned to supervise the student and course from the university. If the university is in North Carolina, university supervisors shall be licensed by the North Carolina Board of Recreational Therapy Licensure (NCBRTL) throughout the entire internship experience.

(C) An "agency supervisor" is the recreational therapist or therapeutic recreation specialist, in an agency providing therapeutic recreation or recreational therapy services to patients or clients, assigned to provide clinical supervision to the field placement student from the agency. Supervisors of students completing field placements in North Carolina shall be licensed by the NCBRTL throughout the entire internship experience.

(D) "Successful performance" in a field placement course is defined as a grade of D or Pass awarded by the university supervisor. "Successful performance from the agency supervisor" is defined by an overall rating of "Achieves Expectations" documented on the Clinical Performance Appraisal and Summary Reference Form, (CPASRF) that may be accessed at the Board's website, www.ncbrtl.org or by contacting the Board. The CPASRF includes the content and performance criteria from the American Therapeutic Recreation Association Standards of Practice (ATRA SOP), as set forth in Rule .0203 of this Chapter. The CPASRF is provided by the Board

or at the Board's website www.ncbrtl.org.

(d) Candidates for licensure who have been certified as a CTRS™ by NCTRC and have completed all recreational therapy or therapeutic recreation content courses, and all support content course requirements, but cannot locate their internship supervisor, shall file an Internship Supervisor Location Appeals Form and shall be issued a license to practice as a recreational therapist if they verify a minimum of one year of successful performance as a recreational therapist or therapeutic recreation specialist during which time they were a CTRS™ by the NCTRC. Successful work performance shall be verified to the NCBRTL on a CPASRF provided by NCBRTL. "Successful performance" is defined as an overall rating completed by the agency supervisor of "Achieves Expectations" on the CPASRF.

(e) Successful passage of the NCTRC examination shall be determined by the NCTRC. Applicants for licensure shall submit evidence of successful passage of the NCTRC examination to the NCBRTL. Evidence of successful passage of the NCTRC examination shall be copy of his or her NCTRC certificate or a successful passage notification letter from NCTRC.

(f) Successful completion of a jurisprudence exam administered by the Board.

Authority G.S. 90C-22(2)(i); 90C-22(7); 90C-24(a)(13); 90C-27(a).

21 NCAC 65 .0302 MINIMUM LEVEL OF EDUCATION AND COMPETENCY FOR LICENSED RECREATIONAL THERAPY ASSISTANTS

(a) For the purposes of G.S. 90C-27(b), an academic major is defined as an Associate of Applied Science Degree in therapeutic recreation or recreational therapy from a community college by an accrediting agency approved by the United States Department of Education.

(b) Coursework for an Associate degree shall reflect the following:

(1) ~~Nine~~ Twelve semester hours in therapeutic recreation or recreational therapy content ~~.~~ courses;

(2) Ten semester hours in therapeutic recreation or recreational therapy intervention courses;

(3) Fifteen semester hours of supportive coursework, including:

(A) A minimum of five semester hours of anatomy and physiology;

(B) Three semester hours of abnormal psychology;

(C) Three semester hours of growth and development across life span; and

(D) The remaining four semester hours in any combination of supportive coursework shall be in the areas of psychology, sociology, physical and biological science, human services or physical education;

(4) A "field placement course," sometimes called an "internship course," ~~A course with a 380 hour field placement experience~~ in a clinical, residential, or community-based agency under the supervision of a Licensed Recreational Therapist or Licensed Recreational Therapy Assistant approved by the university supervisor. The field placement shall ~~be~~ consist of a minimum of 380 hours completed over ~~and~~ 12 consecutive weeks , with ~~each week including~~ the student completing no fewer than 20 hours per week. Supervisors of field placements in North Carolina shall be licensed by NCBRTL. Successful performance in a field placement course shall be demonstrated to the NCBRTL. "Successful performance" in a field placement course is defined as a grade of D or pass awarded by the university field placement supervisor and an Overall Rating of "Achieves ~~Performance~~ Expectations" awarded by the agency supervisor on the performance appraisal form (CPASRF) provided by the NCBRTL, available on the Board's website, www.ncbrtl.org or by contacting the Board.

(5) Successful completion of a jurisprudence exam administered by the Board.

Authority G.S. 90C-22(2)(i); 90C-22(7); 90C-22(8); 90C-24(a)(3); 90C-27(b).

SECTION .0400 - APPLICATION

21 NCAC 65 .0401 APPLICATION PROCEDURES FOR LICENSED RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT

(a) An applicant for licensure may request, in writing or on the Board's website, www.ncbrtl.org, an application package from the North Carolina Board of Recreational Therapy Licensure.

(b) Applicants may submit an application form through the postal service or online at the Board 's website. ~~All additional items required by this Rule shall be postmarked by the application deadline, the 15th of each month. Applicants making the deadline will be contacted for any missing items. Those received after the 15th shall be held for the next month's Board review.~~ The Board or staff designee shall review applications upon receipt to determine whether the application is complete. Applicants shall be notified of any missing items.

(c) All items shall be provided to constitute a full application package, including:

(1) A head and shoulders color photograph of the applicant;

(2) The initial application for licensure fee as stated in Rule .0501 of this Chapter;

(3) Official transcripts from each college or university attended;

(4) Clinical Performance Appraisal and Summary Reference Form rating the applicant's internship signed by the agency supervisor as defined in Rule .0301 of this Chapter;

(5) A completed NCBRTL application including applicant contact information, and educational

requirements as set forth in Rule .0301 and .0302 of this Chapter; and

(6) Proof of successful exam passage as defined in Rule.0301 of this Chapter.

(d) The Board or staff designee shall review each application to determine an applicant's eligibility for licensure as a Recreational Therapist or a Recreational Therapy Assistant. The Board shall notify the applicant in writing if the applicant is ineligible for licensure.

(e) The Board shall issue all licensees a licensure card and certificate bearing the current name of the licensee, and licensee number.

(f) The Board shall send any notices to a licensee to the last known contact information.

(g) Proof of successful completion of the jurisprudence examination administered by the Board.

(c) The Board shall collect the following fees:

(1)	Initial Application for Licensure Fee	
	(A) Licensed Recreational Therapist	~~$100.00~~ $125.00
	(B) Licensed Recreational Therapy Assistant	~~$50.00~~ $75.00
(2)	Licensure renewal fees (due every two years)	
	(A) Licensed Recreational Therapist	$85.00
	(B) Licensed Recreational Therapy Assistant	$40.00
(3)	Inactive status	$45.00
(4)	Record Maintenance fee (due non-renewal year)	
	(A) Licensed Recreational Therapist	$80.00
	(B) Licensed Recreational Therapy Assistant	$40.00

Authority G.S. 90C-24(a)(3); 90C-24(a)(10); 90C-28.

SECTION 0600 - CONTINUING EDUCATION REQUIREMENTS

21 NCAC 65 .0601 CONTINUING EDUCATION REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT

(a) During the two-year licensing period, a Recreational Therapist or Recreational Therapy Assistant who is licensed by the North Carolina Board of Recreation Therapy Licensure shall complete continuing education as set forth in this Rule. Candidates for license renewal must complete a minimum of 20 hours of continuing education to renew the license. The renewal cycle is two years prior to licensee's expiration date, and 20 hours or 2.0 CEUs must be earned within these two years.

(b) Values shall be awarded as the follows:

0.1 CEU (Continuing Education Unit) = one contact hour

1.0 CEU (Continuing Education Unit) = ten hours

2.0 CEUs = 20 Hours of Continuing Education every two years

No credit shall be awarded for sessions less than one hour in length.

(c) Content of continuing education must be consistent with the current standards listed in the National Council for Therapeutic Recreation ~~Council~~ Certification Job Analysis, which is hereby incorporated by reference, including any subsequent amendments or changes. A copy of the Analysis can be accessed at the NCTRC website at no cost. A licensee shall acquire credit through professional service, continuing education courses, academic courses, and professional publications and presentations.

Authority G.S. 90C-24(a)(3); 90C-27(a)(2), 90C-27(b)(2); 90C-32.

SECTION .0500 – LICENSURE FEES

21 NCAC 65 .0501 LICENSURE FEES

(a) A cashier's check, money order, certified check, an employer's check, or online payment is acceptable for the initial application licensure fees.

(b) Fees are nonrefundable and payable to the North Carolina Board of Recreational Therapy Licensure. A cashier's check, money order, certified check, an employer's check, personal checks, or online payment shall be accepted for payment of renewal fee and record maintenance fee. If fees are not received by the due date, a license becomes expired.

(d) A licensee seeking ~~renewal earning~~ continuing education credit ~~approved by the International Council on Continuing Education (IACET)~~ for license renewal shall ~~include~~ submit documentation ~~in licensees' renewal application~~ showing ~~credit earned, content, the licensee's name and attendance dates~~ the licensee's name, continuing education content, date of attendance or completion, and amount of credit earned. ~~A licensee seeking renewal credit for sessions not approved by IACET must send documentation to show name, content, attendance, and amount of credit earned.~~ Documentation ~~to support renewal credit earned for attending professional sessions~~ shall consist of ~~be~~ a transcript, certificate, letter from the continuing education's provider's letterhead, or the licensee's employer's training log ~~including the content, attendance dates, licensee's name and credit earned~~ containing the required information.

(e) A licensee seeking renewal credits for academic courses shall submit official transcript with course(s) and credit earned. One semester hour = 15 hours.

(f) A licensee seeking renewal credits from professional publications and presentations shall earn no more than 10 hours in the area of professional publications and presentations. Credit shall not be given for repeat or multiple presentations of same seminar, publication, in-service, original paper or poster presentation during a renewal cycle. Credit shall be split equally between presenters. Documentation for publications shall be a copy of the title page, table of contents, and publication date. Documentation for presentations shall be in the form of letter from the sponsoring body stating the licensee's name, date, content and the length of presentation.

(g) Values for publications and presentations are as follows:

(1) Authoring and publishing printed editorials one hour
(2) Authoring and publishing peer reviewed articles on original research six hours
(3) Authoring and publishing professional newsletter article one hour
(4) Editing a textbook of original work four hours
(5) Authoring and publishing a textbook chapter of original work six hours
(6) Authoring and publishing a peer reviewed journal article of professional practice four hours
(7) Authoring and publishing a journal reviews or book review one hour
(8) Presenting peer reviewed poster session one hour
(9) Authoring and publishing a research abstract one hour
(10) Authoring and publishing a textbook of original work ten hours
(11) Authoring unpublished masters or doctoral thesis eight hours
(12) Presenting one hour at professional meetings two hours

(h) Licensees seeking renewal credit for field-placement intern supervision shall be granted credit for no more than two field placement students during a renewal cycle for three hours credit per intern. Submission of the NCBRTL Clinical Appraisal and Reference Summary Form shall be accepted documentation. The NCBRTL Clinical Appraisal and Reference Summary Form can be found on the Board website, www.ncbrtl.org

(i) Licensees shall attend the Board's Compliance and Ethics Training for four hours of credit during their first year of licensure. ~~Existing licensees may attend the Board's Compliance and Ethics training for four hours of renewal credit.~~ Thereafter, licensees shall complete the Board's Compliance and Ethics Training during each renewal cycle for renewal credit.

(j) Licensees seeking renewal credit submission for on-line training shall submit as proof of completion a certificate, letter or transcript as follows:

(1) documentation to show content of the session(s);
(2) documentation to show licensees' date of completion of the session;
(3) documentation to support amount of credit awarded; and
(4) the website address of the sponsoring body.

(k) A licensee seeking renewal credit for professional Recreational Therapy board member service shall be documented by letter of service from the professional board stating the dates served. One hour of credit shall be given for one year's service. If the year's service crosses over the licensee's renewal cycle, credit can be used for next renewal cycle.

Authority G.S. 90C-24.

21 NCAC 65 .0602 RENEWAL REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT

(a) Board staff shall send a renewal and fee notice to a licensee 60 days prior to the expiration date at the licensees' last known contact address listed on licensee's online profile unless a person has advised the Board that he or she does not intend to renew the license. Pursuant to Rule .0603 of this Section, it is the responsibility of the licensee to keep the licensee's address current on the licensee's online profile on Board website, www.ncbrtl.org.

(b) Licenses issued shall be subject to renewal every two years and shall include documentation as required by Rule .0601 in this Section to support completion of continuing education requirements. The two-year cycle renews every two years on the licensee's birth month. A licensee must submit the documentation to NCBRTL ~~postmarked or uploaded online~~ on the Board's website www.ncbrtl.org by the 15th of the licensee's birth month.

(c) ~~A licensee who is due for renewal and wants to submit required documentation received after the 15th of licensee's birth month shall be given a grace period until the 30th of the birth month. The grace period allows the NCBRTL Board to review submitted documentation and contact the licensee for any additional information and corrections. This grace period allows a licensee to make any required corrections before the 30th, when a license becomes lapsed During a grace period, a licensee may attend conferences but must receive Board approval in order for the continuing education credits to count for licensee's current renewal documentation. Any licensee who applies to renew with a lapsed license (after the 30th) will be required to fill out a reinstatement application as stated in Rule .0701 of this Chapter.~~ A licensee who has not completed all renewal requirements by the 15th day of the licensee's birth month shall have a grace period through the 30th day of the birth month to complete the renewal requirements. During the grace period, the Board may review submitted documentation and notify the licensee of any additional information or corrections required. If all renewal requirements are not completed by the 30th day of the licensee's birth month, the license shall expire. A licensee seeking to renew an expired license shall apply for reinstatement pursuant to Rule .0701 of this Chapter.

(d) Each licensee shall complete and submit a renewal application, the required continuing education documentation , the applicable renewal fee, and an updated color photo of the licensee, if the individual determines his or her appearance has changed since the ~~last~~ previous application. All materials shall be ~~postmarked or~~ submitted on ~~his or her~~ the licensee's online profile on the Board website by the 15th of the licensee's birth month. If the renewal application and fee is not received ~~or postmarked~~ by the 15th of the licensee's birth month, the license shall expire on the 30th of licensee's birth month.

(e) First year licensees must complete a mandatory Compliance and Ethics Training offered by NCBRTL within their first year of issue date. Proof of attendance, given at training, must be included with Renewal application.

(f) A licensee shall submit documentation of completion of the Compliance and Ethics Training required by Rule .0601 of this Section as part of the licensee's renewal documentation.

Authority G.S. 90C-24(a)(3); 90-29.

21 NCAC 65 .0603 CHANGE OF ADDRESS OR NAME REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT

(a) Each licensee shall notify the Board and ~~make changes~~ update ~~to his or her~~ the licensee's online profile within 30 days of a change of name, email address, work address, or home address. The Board shall issue each licensee a username and password to log onto the Board website (www.ncbrtl.org), to update contact information.

(b) The licensee requesting a name change shall provide to the Board a copy of a government issued identification, or a copy of a marriage certificate, marriage license, divorce decree, or evidence of legal change of name.

Authority G.S. 90C-24(a)(3); 90C-29.

21 NCAC 65 .0604 LRTA RENEWAL SUPERVISION REQUIREMENT

Each Licensed Recreational Therapy Assistant shall submit proof of supervision by submitting the LRTA Supervision Verification Form with the renewal application every two years. This form documents the duties and functions set forth in Rule .0205 of this Chapter. ~~This~~ The LRTA Supervision Verification form may be obtained ~~through~~ from NCBRTL Board's office or ~~Board~~ website ~~,~~ at www.ncbrtl.org.

Authority G.S. 90C-22(3); 90C-29.

SECTION .0700 – REINSTATEMENT

21 NCAC 65 .0701 REINSTATEMENT OF ~~LAPSED~~ EXPIRED LICENSE

(a) A recreational therapist or a recreational therapy assistant whose license has ~~lapsed~~ expired and who desires reinstatement of that license shall:

(1) Complete a reinstatement application form provided by the Board with current contact and employment information within 60 days of expiration of the license, missed submissions of the Record Maintenance Fee, or missed submissions of the Renewal application and fee with proof of continuing education in accordance with Rule .0601 of this Chapter;

(2) Submit evidence of satisfaction of all court conditions resulting from any misdemeanor or felony conviction(s), if applicable;

(3) Submit evidence of meeting education and competency requirements pursuant to Rule .0301 or Rule .0302 as applicable at the time of application;

(4) Submit evidence of meeting continuing education requirements in accordance with Rule .0601; and

(5) Submit payment of application fee and any missed Renewal or Record Maintenance licensure fees.

(b) Persons whose license ~~is suspended~~ has expired for failure to pay the renewal or record maintenance fee ~~renew~~ in accordance with Rule .0501 ~~must~~ shall not practice recreational therapy ~~and must not hold~~ or represent themselves ~~out~~ as licensed by the Board until they apply for and receive reinstatement of their license by the Board.

(c) The Board shall inform the applicant in writing of the Board's decision within 30 days after the application deadline and the Board finds the complete application shows the requirements have been met.

Authority G.S. 90C-24(a)(3); 90C-28; 90C-30.

SECTION .0800 – INACTIVE STATUS

21 NCAC 65 .0801 INACTIVE STATUS

(a) A licensee shall request inactive status by completing the Inactive Status Request Form, that includes the licensee's contact information, the number of years requested, the reason for the request, and paying the fee set forth in Rule .0501 of this Chapter. The form is available through the Board or Board's website, www.ncbrtl.org.

(b) While on inactive status, an individual shall not practice recreational therapy in North Carolina.

(c) A Licensed Recreational Therapist or Licensed Recreational Therapy Assistant who has been on inactive status for a period of one year or less may convert to active status by:

(1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board;

(2) Completion of 10 continuing education hours, or the amount of hours as set forth in Rule .0601 in this Chapter for license renewal for a Licensed Recreational Therapist or Licensed Recreational Therapy Assistant; and

(3) Payment of the license renewal fee.

(d) A Licensed Recreational Therapist or Licensed Recreational Therapy Assistant who has been on inactive status for a period greater than one year may convert to active status by:

(1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board;

(2) Completion of 10 continuing education hours per year of inactive status, or the amount of hours as set forth in Rule .0601 in this Chapter for license renewal; and

(3) Payment of the current license renewal fee.

(e) A Licensed Recreational Therapist or Licensed Recreational Therapy Assistant who has been on inactive status for a period greater than five years may convert to active status by:

(1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board; and

(2) A Licensed Recreational Therapist shall submit ~~Submission of~~ proof of passage of the examination as set forth in Rule .0301 in this Chapter.

(3) A Licensed Recreational Therapy Assistant shall submit proof of passage of the LRTA examination.

(f) The inactive request must be received by the Board on or before 15th of Licensee's birth month or due date.

Authority G.S. 90C-24(a)(3); 90C-31.

SECTION .0900 - RECIPROCITY

21 NCAC 65 .0901 ENDORSEMENT

(a) The applicant for licensure by endorsement must make application to and be evaluated by the Board in accordance to the procedures outlined in the requirements for licensure.

(b) The application package shall be accompanied by:

(1) One current head and shoulders color photograph of the applicant identification;
(2) Official college transcripts;
(3) Verification of current state licensure;
(4) Verification of successful passage of the National Council for Therapeutic Recreation Certification Therapeutic Recreation Exam; and
(5) Licensure Fees stated in Rule .0500.
(6) Verification of successful completion of the jurisprudence examination administered by the Board.

(c) The Board shall issue a license to practice as a licensed recreational therapist or a licensed recreational therapy assistant to any applicant who:

(1) Meets all licensure requirements; and
(2) Is currently licensed as a recreational therapist by a state with requirements substantially equivalent to the North Carolina Board of Recreational Therapy Licensure requirements at the time of application.

Authority G.S. 90C-24(a)(3); 90C-33.

21 NCAC 65 .0902 MILITARY ENDORSEMENT

(a) The military trained applicant for licensure by endorsement shall make application to the Board by showing ~~his or her~~ the applicants credentials are substantially equivalent or exceed the requirements for licensure, as set forth in Section .0300 of this Chapter.

(b) The application in Paragraph (a) of this Rule shall be accompanied by:

(1) A ~~color photograph~~ head and shoulders color photograph of the applicant;
(2) Official college transcripts from all colleges attended;
(3) Verification of passage of the Exam given by National Council for Therapeutic Recreation Certification;
(4) Verification of military training as a MOS Recreational Therapist or MOS Recreational Therapy Assistant;
(5) Verification of two years of active practice within the five years preceding the date of application as a MOS Recreational Therapist or MOS Recreational Therapy Assistant; and
(6) A statement that the applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.
(7) Verification of successful passage of the jurisprudence examination administered by the Board.

(c) Applicants pursuant to G.S. 93B-15.1(a2) shall pass the Military Exemption MOS Recreational Therapy Examination given by the North Carolina Board of Recreational Therapy Licensure.

(d) A military spouse applicant for licensure by endorsement, who possesses a current license whose licensure requirements are substantially equivalent or exceed the requirements for licensure in North Carolina shall make application with and be evaluated by the Board as set forth in Section .0300 of this Chapter.

(e) The application in Paragraph (d) shall be accompanied by:

(1) A ~~color photograph~~ head and shoulders color photograph of the applicant;
(2) Official college transcripts from all colleges attended;
(3) Verification of current state license;
(4) Verification of passage of the Exam given by National Council for Therapeutic Recreation Certification; and
(5) A statement that the applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.
(6) Verification of successful passage of the jurisprudence examination administered by the Board.

Authority G.S. 90C-27; 90C-33; 93B-15.1.

SECTION .1000 - REVOCATION, SUSPENSION OR DENIAL OF LICENSURE

21 NCAC 65 .1001 COMPLAINTS AND REPORTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 65 .1002 INVESTIGATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 65 .1003 LETTER OF NOTIFICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 65 .1004 UNAUTHORIZED PRACTICE

(a) Except as otherwise authorized in G.S. 90C-34, ~~non-licensed individuals~~ an individual who does not hold a current, valid license issued by the Board shall not:

(1) Practice, attempt to practice, supervise recreational therapy, or hold out any individual as being able to do any of these things in this State, without first having obtained a license from the Board for the individual performing services or being so held out;
(2) Use in connection with any individual's name any letters, words, codes, or insignia indicating or implying that the individual is a recreational therapist or recreational therapy assistant,

unless the individual is licensed in accordance with this Chapter;

(3) Practice or attempt to practice recreational therapy as defined in G.S. 90C-22(2) and referenced in the ATRA Standards of Practice with a revoked, lapsed, expired, or suspended license; or

(4) Aid, abet, or assist any unlicensed individual to practice recreational therapy in violation of this Article.

(b) To determine whether an individual has engaged in the unauthorized practice of recreational therapy, the Board shall request the individual complete a NCBRTL Employment Form ~~listing~~ identifying the duties and responsibilities performed by the individual being investigated.

(c) To the extent permitted by law, any individual found by the Board to be engaged in the unauthorized practice of recreational therapy shall be subject to the sanctions set forth in Rule .1006 of this Chapter.

Authority G.S. 90C-22(2); 90C-24(a)(8); 90C-32; 90C-36; 90C-37.

21 NCAC 65 .1005 VIOLATIONS

(a) Following an investigation, the Board shall determine whether a Compliance Violation has occurred.

(1) As used in this Section, a "Compliance Violation" shall mean:

(A) A licensee's failure to pay required fee in accordance with Rule .0501 of this Chapter by the due date for Maintenance and Renewal/Continuing Education;

(B) A licensee's failure to submit Renewal/Continuing Education requirements by the Renewal due date prescribed by the Board and in accordance with Rules .0601 and .0602 of this Chapter; or

(C) A licensee practicing with an expired license for one month or less.

(2) The Board shall allow a licensee ~~that it determines has~~ determined to have committed a Compliance Violation to enter into a "Corrective Action Plan." The Corrective Action Plan shall require the licensee to submit missing documents, a Reinstatement Application, and applicable fee s required in accordance with Rule .0501 of this Chapter , and a reinstatement application if the license has expired. Each violation shall require the licensee to attend a "NCBRTL Compliance and Ethics" training session by a date specified by the Board. The Board shall ~~notify the individual of the date in a letter~~ notify the licensee in writing of the requirements and completion deadline.

(b) Following an investigation, the Board shall determine whether a Practice Violation has occurred.

(1) As used in this Section, a "Practice Violation" shall mean:

(A) Practicing Recreational Therapy without a license from the Board;

(B) Actions by a licensee that caused a student, intern, client or patient actual or potential harm;

(C) A licensee practicing beyond the scope of practice for recreational therapy;

(D) A licensee's failure to follow the physician's orders as prescribed for a client or patient;

(E) A licensee's violation of the ATRA Code of Ethics ~~in~~ or ~~the~~ Standards of Practice in accordance with Rules .0203 and .0204 of this Chapter; or

(F) A licensee continuing to practice with an expired license for a period exceeding one month.

(2) In the event the Board determines that a licensee or other individual has committed a Practice Violation, the Board shall issue one or more of the disciplinary sanctions set forth in Rule .100 ~~5~~ 6 of this Section.

Authority G.S. 90C-32; 90C-36; 90C-37.

21 NCAC 65 .1006 SANCTIONS

(a) Upon ~~the Board's determination~~ determining that an applicant or licensee ~~(if the licensees has not entered into a corrective action plan)~~ has committed a ~~violated the rules set forth in this Chapter with a~~ Compliance Violation or Practice Violation aas defined in Rule .1005 of this Section, or has otherwise violated or engaged in any conduct violating G.S. Chapter 90C, the Board may impose one or more of the following disciplinary sanctions , as authorized by law:

(1) Denial of Application;

(2) Letter of Reprimand;

(3) Required Remedial Education;

(4) Restriction by Probation;

(5) Suspension of License;

(6) Revocation of License; or

(7) Request for Injunction.

(b) On a case-by-case basis, the Board may also impose restrictions and conditions on a licensee's practice including:

(1) restriction on the licensee's scope of practice;

(2) direct supervision of the licensee's practice;

(3) requiring the licensee to submit quarterly reports for a designated amount of time to the Board; or

(4) requiring the licensee to complete additional educational coursework.

(c) Information regarding disciplinary sanctions for any licensee shall be available on the Board's website, www.ncbrtl.org. The Board shall list the following:

(1) the name of the licensee;

(2) the agency;

(3) the infraction(s);

(4) the sanction(s) imposed by the Board; and
(5) the date(s) of imposition.

(d) The Board shall report disciplinary actions involving licensed recreational therapists and licensed recreational therapy assistants to the National Practitioner Data Bank (NPDB) as required by applicable federal laws and regulations.

(e) Disciplinary proceedings under this Rule shall be conducted in accordance with Article 3A of Chapter 150B of the General Statutes.

Authority G.S. 90C-24(a)(8); 90C-32; 90-36; 90C-37.

21 NCAC 65 .1007 HEARINGS

(a) ~~The~~ An individual may submit a written request for a hearing ~~in~~ with the Board ~~'s office~~. The request ~~must~~ shall be received by the Board within 30 days ~~of the date such~~ after the individual receives notice of the Board's action or proposed action.

(b) The written request must include:
(1) a statement of request for a hearing before the Board:
(2) the name and address of the petitioner;
(3) a statement of the action taken by the Board that is being challenged;
(4) a statement ~~of reason(s)~~ explaining how the petitioner ~~has been~~ is aggrieved by the Board's action or proposed action; and
(5) a statement of any new information that the petitioner thinks is relevant to the issue.

(c) The Board shall schedule ~~the~~ a hearing date within 60 days after receiving a written request for a hearing, unless otherwise provided by law ~~of receipt of the request~~.

(d) The Board shall serve one written copy of the decision to each party in the hearing.

(e) Formal hearings shall be conducted in accordance with G.S. 150B-38.

Authority G.S. 150B-38.

This Section contains information for the meeting of the Rules Review Commission on November 24, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate	**Appointed by House**
Bill Nelson (2nd Vice-Chair)	Jake Parker (Chair)
Jeanette Doran	Paul Powell (1st Vice-Chair)
John Hahn	Wayne R. Boyles, III
Jeff Hyde	Wesley B. Jones
Wyatt Dixon, III	Randy Overton

COMMISSION COUNSEL

Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935
Meghan E. Barney	984-236-1925

RULES REVIEW COMMISSION MEETING DATES

November 24, 2026	January 28, 2027
December 17, 2026	February 25, 2027

AGENDA
RULES REVIEW COMMISSION
Tuesday, November 24, 2026, 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

I. Ethics reminder by the chair as set out in G.S. 138A-15(e)

II. Approval of the minutes from the last meeting

III. Follow-up matters
1. Child Care Commission -10A NCAC 09 .2102(Miller)
2. Board of Licensed Clinical Mental Health Counselors - 21 NCAC 53 .0312 (Barney)

IV. Review of Log of Filings (Permanent Rules) for rules filed September 21, 2026 through October 20, 2026
1. Commission of Navigation and Pilotage for the Cape Fear River and Bar (Wiggs)
2. State Board of Elections (Barney)
3. Office of State Budget and Management (Barney)
4. Commission for Mental Health/DD/SAS (Ascher)
5. Sheriffs' Education and Training Standards Commission (Ascher)
6. Alcoholic Beverage Control Commission (Miller)
7. Division of Public Safety - Criminal Information (Wiggs)
8. Wildlife Resources Commission (Miller)
9. Department of the Secretary of State (Ascher)
10. Board of Dental Examiners (Barney)
11. Board of Landscape Architects (Barney)
12. Board of Nursing (Miller)
13. Real Estate Commission (Barney)
14. State Human Resources Commission (Barney)

V. Log of Filings (Temporary Rules) for any rule filed within 15 business days before the RRC Meeting
1. Department of Insurance - 11 NCAC 10 .0507 (Barney)

VI. Existing Rules Review
- Review of Reports

1. 10A NCAC 28F, 28G, 28H, 28I (Section .0300), 29D - Commission for Mental Health/DD/ SAS (Wiggs)
2. 10A NCAC 28I (Sections .0100 and .0400), 29C - Division of Mental Health/DD/SAS (Wiggs)
3. 10A NCAC 28I (Section .0200) - Division of MH/DD/SAS and Commission for MH/DD/SAS (Wiggs)
4. 10A NCAC 41H - State Registrar of Vital Statistics (Ascher)
5. 15A NCAC 10F, 10H - Wildlife Resources Commission (Barney)
6. 20 NCAC 08 - Department of State Treasurer (Barney)
7. 21 NCAC 36 - Board of Nursing (Ascher)

- Readoptions

II. Commission Business

- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC
- Next meeting: Thursday, December 17, 2026

Commission Review

Log of Permanent Rule Filings
September 21, 2026 through October 20, 2026

* Approval Recommended, ** Objection Recommended, *** Other

NAVIGATION AND PILOTAGE FOR THE CAPE FEAR RIVER AND BAR, COMMISSION OF

The rules in Chapter 15 concern navigation and pilotage for the cape fear river and bar.

Definitions	04	NCAC	15	.0118
Readopt without Changes*				
Number of Pilots	04	NCAC	15	.0119
Readopt without Changes*				
Annual Renewal of License	04	NCAC	15	.0120
Readopt without Changes*				
Apprenticeship	04	NCAC	15	.0121
Readopt without Changes*				
Disciplinary Actions Against Pilots	04	NCAC	15	.0122
Readopt without Changes*				
Incidents or Accidents Involving Pilots	04	NCAC	15	.0123
Readopt without Changes*				
Pilot Arrangements	04	NCAC	15	.0125
Readopt without Changes*				
When Tugboat Assistance Required	04	NCAC	15	.0126
Readopt without Changes*				
Pilotage Rates	04	NCAC	15	.0127
Readopt without Changes*				
Fees	04	NCAC	15	.0128
Readopt without Changes*				

ELECTIONS, STATE BOARD OF

The rules in Chapter 21 are department rules concerning reporting (.0100) political committees and referendum committees (.0200); use of contributions (.0300); examinations (.0400); and disclosure requirements for media advertisements (.0500).

Certification of Threshold	08	NCAC	21	.0203
Amend*				
Requesting a Waiver of a Civil Late Penalty	08	NCAC	21	.0206

Amend*

Organization and Reporting	08	NCAC	21	.0801
Adopt*				
Commingling of Donations	08	NCAC	21	.0802
Adopt*				
Contents of Reports	08	NCAC	21	.0803
Adopt*				
Donations	08	NCAC	21	.0804
Adopt*				

STATE BUDGET AND MANAGEMENT, OFFICE OF

The rules in Chapter 3 are from the Office of State Budget and Management. The rules in Subchapter 3M provide for the uniform administration of State grants including rules about organization and structure (.0100); responsibilities of grantees and subgrantees (.0200); responsibilities of the Office of the State Controller (.0300); responsibilities of agencies (.0400); responsibilities of the office of State Auditor (.0500); responsibilities of the Office of State Budget and Management (.0600); contracting monitoring and oversight (.0700); and sanctions (.0800).

Purpose	09	NCAC	03M	.0101
Readopt without Changes*				
Definitions	09	NCAC	03M	.0102
Readopt with Changes*				
Allowable Uses of Grants	09	NCAC	03M	.0201
Readopt with Changes*				
Recipient and Subrecipient Responsibilities	09	NCAC	03M	.0202
Readopt without Changes*				
Minimum Reporting Requirements for Recipients and Subreci...	09	NCAC	03M	.0205
Readopt with Changes*				
Agency Responsibilities	09	NCAC	03M	.0401
Readopt with Changes*				
Subordination of Other Contracts Agreements	09	NCAC	03M	.0702
Readopt without Changes*				
Required Contract Provisions	09	NCAC	03M	.0703
Readopt with Changes*				
Noncompliance with Rules	09	NCAC	03M	.0801
Readopt with Changes*				
Recovery of State Funds	09	NCAC	03M	.0802
Readopt with Changes*				
Allowable Uses of Grants	09	NCAC	03M	.0901
Adopt*				
Declaratory Rulings	09	NCAC	03M	.0902
Adopt*				

MENTAL HEALTH/DD/SAS, COMMISSION FOR

The rules in Chapter 26 are from the Mental Health, Developmental Disabilities and Substance Abuse Services Commission. The rules in Subchapter 26F concern controlled substances including schedules of controlled substances (.0100).

Schedule I	10A	NCAC	26F	.0102
Amend*				
Schedule IV	10A	NCAC	26F	.0105
Amend*				

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); firearms in-service training and re-qualification (.2100); and forms (.2200).

Background Investigation 12 NCAC 10B .0305
Amend*

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15C concern industry members, retail/industry member relationships, ship chandlers, air carriers, and fuel alcohol including definitions and application procedures (.0100); product approvals, listing procedures and product lists (.0200); packaging and labeling of malt beverages and wine (.0300); standards of identity for wine containers (.0400); general provisions for industry members (.0500); sales and deliveries of malt beverages and wine (.0600); alcoholic beverages, retailer/industry member relationship and trade practices (.0700); ships chandler's permit (.0800); distillers and representatives (.0900); air carriers (.1000); fuel alcohol permits (.1100); administrative action by commission (.1200); and special event permits (.1300).

Consignment Sales: Conditional Sales: Returns 14B NCAC 15C .0708
Readopt with Changes*

Conditions When Commission Approval Required for Promotions 14B NCAC 15C .0715
Readopt with Changes*

Definitions 14B NCAC 15C .1301
Readopt with Changes*

Other Similar Events Approval 14B NCAC 15C .1302
Readopt with Changes*

Tastings Held for Consumers 14B NCAC 15C .1303
Readopt with Changes*

Special Event Compliance Procedure 14B NCAC 15C .1304
Readopt with Changes*

Special Event Participation Limitations 14B NCAC 15C .1306
Readopt with Changes*

ABC Store Spirituous Liquor Tastings 14B NCAC 15C .1307
Readopt with Changes*

STATE BUREAU OF INVESTIGATION

the rules in subchapter 01A include general provisions (.0100); requirements for access (.0200); agreements (.0300); standards and certification as a dcin user (.0400)

Scope 14B NCAC 18A .0101
Readopt without Changes*

Definitions 14B NCAC 18A .0102
Readopt with Changes*

Function of DCIN 14B NCAC 18A .0103
Readopt with Changes*

Eligibility for Access to DCIN 14B NCAC 18A .0201
Readopt without Changes*

Management Control Requirements 14B NCAC 18A .0202
Readopt without Changes*

Non-Terminal Access Readopt without Changes*	14B	NCAC	18A	.0203
User Agreement Readopt without Changes*	14B	NCAC	18A	.0301
Servicing Agreement Readopt without Changes*	14B	NCAC	18A	.0302
Control Agreements Readopt without Changes*	14B	NCAC	18A	.0303
Disclosure Agreement Readopt without Changes*	14B	NCAC	18A	.0304
DCIN Agreement Readopt without Changes*	14B	NCAC	18A	.0401
Certification and Recertification of DCIN Users Readopt with Changes*	14B	NCAC	18A	.0402
Enrollment Readopt without Changes*	14B	NCAC	18A	.0403

the rules in subchapter 01B include security at dcin device sites (.0100); restricted and unrestricted files (.0200); submission of data for criminal history records (.0300); use and access requirements for criminal history record information, nics information, and n-den information (.0400); removal of criminal history record information (.0500); statewide automated fingerprint identification system (.0600); division of mother vehicle information (.0700); audits (.0800)

Security of DCIN Devices Readopt without Changes*	14B	NCAC	18B	.0101
Official Use of DCIN Readopt without Changes*	14B	NCAC	18B	.0102
Personnel Security Readopt without Changes*	14B	NCAC	18B	.0103
Security Awareness Training Readopt with Changes*	14B	NCAC	18B	.0104
Documentation and Accuracy Readopt without Changes*	14B	NCAC	18B	.0201
Timeliness Readopt without Changes*	14B	NCAC	18B	.0202
Validations Readopt with Changes*	14B	NCAC	18B	.0203
Hit Confirmation Readopt without Changes*	14B	NCAC	18B	.0204
Arrest Fingerprint Card Readopt with Changes*	14B	NCAC	18B	.0301
Final Disposition Information Readopt with Changes*	14B	NCAC	18B	.0302
Incarceration Information Readopt with Changes*	14B	NCAC	18B	.0303
Dissemination and Logging of Chri and NICS Records Readopt with Changes*	14B	NCAC	18B	.0401
Accessing of CCH Records Readopt without Changes*	14B	NCAC	18B	.0402
Use of CHRI for Criminal Justice Employment Readopt with Changes*	14B	NCAC	18B	.0403
Right to Review Readopt without Changes*	14B	NCAC	18B	.0404

CCH Use in Licensing and Non-Criminal Justice Employment ... 14B NCAC 18B .0405
Readopt with Changes*

Restrictive Use of CCH for Employment Purposes 14B NCAC 18B .0406
Readopt with Changes*

Research Use and Access of CCH Records 14B NCAC 18B .0407
Readopt without Changes*

Limitation Requirements 14B NCAC 18B .0408
Readopt without Changes*

Access to CHRI by Attorneys 14B NCAC 18B .0409
Readopt with Changes*

Access to CHRI in Civil Proceedings 14B NCAC 18B .0410
Readopt without Changes*

Expungements 14B NCAC 18B .0501
Readopt without Changes*

Statewide Automated Fingerprint Identification System 14B NCAC 18B .0601
Readopt without Changes*

Available Data 14B NCAC 18B .0602
Readopt without Changes*

Fingerprinting of Convicted Sex Offenders 14B NCAC 18B .0603
Readopt with Changes*

Dissemination of Division of Motor Vehicles Information 14B NCAC 18B .0701
Readopt with Changes*

Audits 14B NCAC 18B .0801
Readopt without Changes*

the rules in subchapter 01C include definitions and penalty provisions (.0100); appeals (.0200); informal procedures (.0300)

Definitions 14B NCAC 18C .0101
Readopt without Changes*

Sanctions for Violations by Individuals 14B NCAC 18C .0102
Readopt without Changes*

Sanctions for Violations by Agencies 14B NCAC 18C .0103
Readopt without Changes*

Notice of Violation 14B NCAC 18C .0201
Readopt without Changes*

Informal Procedure 14B NCAC 18C .0301
Readopt without Changes*

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), tagging furs (.0400), chronic wasting disease management (.0500).

Wildlife Collectors 15A NCAC 10B .0119
Amend*

White-Tailed Deer 15A NCAC 10B .0203
Amend*

Raccoon and Opossum 15A NCAC 10B .0205
Amend*

Squirrels 15A NCAC 10B .0206
Amend*

Foxes (Gray and Red) 15A NCAC 10B .0212
Amend*

Coyote 15A NCAC 10B .0219
Amend*

Feral Swine 15A NCAC 10B .0223
Amend*

CWD Surveillance Areas Defined 15A NCAC 10B .0502
Amend*

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish in inland fishing waters (.0300); nongame fish in inland fishing waters (.0400); primary nursery areas (.0500); anadromous fish spawning areas (.0600); game fish in coastal fishing waters (.0700); and joint fishing waters (.0800).

Largemouth Bass 15A NCAC 10C .0305
Amend*

Striped Bass 15A NCAC 10C .0314
Amend*

Bluefish 15A NCAC 10C .0414
Amend*

Sheepshead 15A NCAC 10C .0425
Amend*

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10D are game lands rules.

General Regulations Regarding Use 15A NCAC 10D .0102
Amend*

General Regulations Regarding Hunting on Game Lands 15A NCAC 10D .0103
Amend*

Bear Sanctuaries 15A NCAC 10D .0106
Amend*

Angola Bay Game Land in Duplin and Pender Counties 15A NCAC 10D .0202
Amend*

Bullard and Branch Hunting Preserve Game Lands in Robeson... 15A NCAC 10D .0210
Amend*

Butner-Falls of Neuse Game Land in Durham, Granville, and... 15A NCAC 10D .0211
Amend*

Cape Fear River Wetlands Game Land in Pender County 15A NCAC 10D .0213
Amend*

Carteret County Game Land in Carteret County 15A NCAC 10D .0214
Amend*

Croatan Game Land in Carteret, Craven, and Jones Counties 15A NCAC 10D .0221
Amend*

Currituck Banks Game Land in Currituck County 15A NCAC 10D .0222
Amend*

Goose Creek Game Land in Beaufort and Pamlico Counties 15A NCAC 10D .0229
Amend*

Johns River Game Land in Burke County 15A NCAC 10D .0239
Amend*

Juniper Creek Game Land in Brunswick and Columbus Counties 15A NCAC 10D .0241
Amend*

Light Ground Pocosin Game Land in Pamlico County 15A NCAC 10D .0246
Amend*

Nantahala Game Land in Cherokee, Clay, Graham, Jackson, M... 15A NCAC 10D .0251
Amend*

New Lake Game Land in Hyde and Tyrrell Counties 15A NCAC 10D .0254
Amend*

North River Game Land in Camden and Currituck Counties 15A NCAC 10D .0256
Amend*

Northwest River Marsh Game Land in Currituck County 15A NCAC 10D .0257
Amend*

Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Hay... 15A NCAC 10D .0260
Amend*

Sampson Game Land in Sampson County 15A NCAC 10D .0270
Amend*

Suggs Sutton Lake Game Land in New Hanover and Brunswick ... 15A NCAC 10D .0279
Amend*

Tillery Game Land in Halifax County 15A NCAC 10D .0284
Amend*

White Oak River Game Land in Onslow County 15A NCAC 10D .0290
Amend*

Big Swamp Game Land in Robeson County 15A NCAC 10D .0296
Adopt*

The rules in Subchapter 10E concern fishing and boating access areas.

Definitions 15A NCAC 10E .0201
Adopt*

General Requirements 15A NCAC 10E .0202
Adopt*

Range Requirements 15A NCAC 10E .0203
Adopt*

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised waterfowl and game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), reptiles and amphibians (.1300), wildlife captivity and rehabilitation (.1400), wildlife and alligator control agents (.1500) field trials and dog training (.1700) and commercial activity permitting (.1800)..

Taking Raptors 15A NCAC 10H .0810
Amend*

The rules in Subchapter 10I concern endangered and threatened species.

Protection of Endangered/Threatened/Special Concern 15A NCAC 10I .0102
Amend*

SECRETARY OF STATE, DEPARTMENT OF THE

the rules in subchapter 1A include petitions for rulemaking (.0100);

Secretary of State 18 NCAC 01A .0101
Readopt/Repeal*

Petition for Rule-Making or Declaratory Ruling 18 NCAC 01A .0103
Review*

the rules in subchapter 01B include general (.0100); fees paid to the department (.0200); waivers and extensions (.0400);

Scope Adopt*	18	NCAC	01B	.0101
Definitions Adopt*	18	NCAC	01B	.0102
Petition for Rule-Making or Declaratory Ruling Adopt*	18	NCAC	01B	.0103
Computation of Time Periods Adopt*	18	NCAC	01B	.0104
U.S. Currency Adopt*	18	NCAC	01B	.0201
Online Fee Payment Adopt*	18	NCAC	01B	.0202
Fees Paid in Person Adopt*	18	NCAC	01B	.0203
Fees Paid by USPS or by Delivery Service Adopt*	18	NCAC	01B	.0204
Fee for Dishonored Payment Adopt*	18	NCAC	01B	.0205
Notice to Filer of Dishonored Payment Adopt*	18	NCAC	01B	.0206
Form Use Required Adopt*	18	NCAC	01B	.0301
Mode of Filing Adopt*	18	NCAC	01B	.0302
Inapplicable Questions Adopt*	18	NCAC	01B	.0303
Attachments Adopt*	18	NCAC	01B	.0304
Signature for Entity Adopt*	18	NCAC	01B	.0305
Form Preparer Signature Required Adopt*	18	NCAC	01B	.0306
Incomplete Filings Adopt*	18	NCAC	01B	.0307
Rejection Incomplete Filings Adopt*	18	NCAC	01B	.0308
Proof of Submission Adopt*	18	NCAC	01B	.0309
Waiver Adopt*	18	NCAC	01B	.0401
Contents of Waiver Request Adopt*	18	NCAC	01B	.0402
Submission of Waiver Request Adopt*	18	NCAC	01B	.0403
Factors Used in Considering Waiver Requests Adopt*	18	NCAC	01B	.0404
Department-Initiated Waivers Adopt*	18	NCAC	01B	.0405
Notice to Requestor of Waiver Adopt*	18	NCAC	01B	.0406
Extension Requests Adopt*	18	NCAC	01B	.0407

Response to Extension Requests 18 NCAC 01B .0408
Adopt*

the rules in subchapter 1C include general procedures (.0100); petition contents (.0200); department action of petitions (.0300)

Definitions 18 NCAC 01C .0101
Adopt*

Petitions for Rulemaking 18 NCAC 01C .0102
Adopt*

Method of Delivery of Petitions for Rulemaking 18 NCAC 01C .0103
Adopt*

Petition Addressees 18 NCAC 01C .0104
Adopt*

Form of Petitions 18 NCAC 01C .0105
Adopt*

Petition Contents - The Petitioner 18 NCAC 01C .0201
Adopt*

Petition Contents - All Petitions 18 NCAC 01C .0202
Adopt*

Petition Contents - Proposed Amendments 18 NCAC 01C .0203
Adopt*

Petition Contents - Proposed New Rules 18 NCAC 01C .0204
Adopt*

Proposed New Rule Structures 18 NCAC 01C .0205
Adopt*

Additional Petition Information 18 NCAC 01C .0206
Adopt*

Incomplete Petitions 18 NCAC 01C .0301
Adopt*

Notice of Complete Petition 18 NCAC 01C .0302
Adopt*

Additional Information 18 NCAC 01C .0303
Adopt*

Summary Denial of Unauthorized Petitions 18 NCAC 01C .0304
Adopt*

Factors for Review of a Petition 18 NCAC 01C .0305
Adopt*

Departmental Review of Petitions 18 NCAC 01C .0306
Adopt*

Disposition of the Petition for Rulemaking 18 NCAC 01C .0307
Adopt*

Record of Petitions for Rulemaking 18 NCAC 01C .0308
Adopt*

the rules in subchapter 01D include general procedures (.0100); request contents (.0200); department action on requests (.0300)

Written Request Required for a Declaratory Ruling 18 NCAC 01D .0101
Adopt*

Method of Submitting Request for Declaratory Rulings 18 NCAC 01D .0102
Adopt*

Addressee of Request for Declaratory Ruling 18 NCAC 01D .0103
Adopt*

Contents - The Requestor 18 NCAC 01D .0201
Adopt*

Contents - Type of Ruling Requested 18 NCAC 01D .0202
Adopt*

Additional Request Content 18 NCAC 01D .0203
Adopt*

Incomplete Declaratory Ruling Requests Not Received 18 NCAC 01D .0301
Adopt*

Notice of Incomplete Request 18 NCAC 01D .0302
Adopt*

Request Receipt Date 18 NCAC 01D .0303
Adopt*

Additional Information 18 NCAC 01D .0304
Adopt*

Grant or Denial Considerations 18 NCAC 01D .0305
Adopt*

Evidence and Argument on the Merits of the Request for De... 18 NCAC 01D .0306
Adopt*

Notice of Requests for Declaratory Rulings 18 NCAC 01D .0307
Adopt*

Record of Declaratory Rulings 18 NCAC 01D .0308
Adopt*

DENTAL EXAMINERS, BOARD OF

The rules in Chapter 16 are from the Board of Dental Examiners. The rules in Subchapter 16G concern dental hygienists.

Functions Which May Be Delegated 21 NCAC 16G .0101
Amend*

Educational Requirements for Dental Hygienist Monitoring ... 21 NCAC 16G .0110
Adopt*

Dental Hygienist Certification to Administer Nitrous Oxide 21 NCAC 16G .0111
Adopt*

The rules in Subchapter 16H concern dental assistants including classification and training (.0100); and permitted functions of dental assistant (.0200).

Approved Education and Training Programs 21 NCAC 16H .0104
Amend*

Educational Requirements for Dental Hygienist Monitoring ... 21 NCAC 16H .0209
Adopt*

The rules in Subchapter 16Q concern general anesthesia and sedation including definitions (.0100); general anesthesia (.0200); parenteral conscious sedation (.0300); enteral conscious sedation (.0400); renewal of permits (.0500); reporting and penalties (.0600); and penalty for non-compliance (.0700).

Credentials and Permits for Moderate Pediatric Conscious ... 21 NCAC 16Q .0404
Amend*

Moderate Pediatric Conscious Sedation Clinical Requiremen... 21 NCAC 16Q .0405
Amend*

Off Site Use of Moderate Pediatric Conscious Sedation Per... 21 NCAC 16Q .0406
Amend*

Annual Renewal of Moderate Pediatric Conscious Sedation P... 21 NCAC 16Q .0407
Amend*

Procedure for Moderate Pediatric Conscious Sedation Evalu... 21 NCAC 16Q .0408
Amend*

LANDSCAPE ARCHITECTS, BOARD OF

The rules in Chapter 26 are from the Board of Landscape Architects and include statutory and administrative provisions (.0100); practice rules for registered landscape architects (.0200); examination and licensing procedures (.0300); rules, petitions and hearings (.0400); and board disciplinary procedures (.0500).

Declaratory Ruling Procedures 21 NCAC 26 .0108
Adopt*

NURSING, BOARD OF

The rules in Chapter 36 include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

Waiver of Enforcement 21 NCAC 36 .0114
Adopt*

Definitions 21 NCAC 36 .0120
Amend*

Faculty 21 NCAC 36 .0318
Amend*

Qualifications 21 NCAC 36 .0403
Amend*

Medication Aide Training Requirements 21 NCAC 36 .0406
Amend*

REAL ESTATE COMMISSION

The rules in Chapter 58 are from the North Carolina Real Estate Commission. The rules in Subchapter 58A are rules relating to real estate brokers and salesmen including rules dealing with general brokerage (.0100); application for license (.0300); examinations (.0400); licensing (.0500); real estate commission hearings (.0600); petitions for rules (.0700); rulemaking (.0800); declaratory rulings (.0900); real estate education and recovery fund (.1400); discriminatory practices prohibited (.1600); mandatory continuing education (.1700); limited nonresident commercial licensing (.1800); post-licensure education (.1900); annual reports (.2000); brokers in military service (.2100); and broker price opinions and comparative market analyses (.2200).

General Provisions 21 NCAC 58A .1801
Amend*

Definitions 21 NCAC 58A .1802
Amend*

Active Status 21 NCAC 58A .1804
Amend*

Limitations 21 NCAC 58A .1806
Amend*

Affiliation with Resident Broker 21 NCAC 58A .1807
Amend*

Trust Monies 21 NCAC 58A .1808
Amend*

Advertising 21 NCAC 58A .1809
Amend*

Payment Of Fees 21 NCAC 58A .1810
Amend*

Continuing Education Required of Limited Commercial Brokers 21 NCAC 58A .1811
Adopt*

STATE HUMAN RESOURCES COMMISSION

The rules in Subchapter 1H concern recruitment and selection including general provisions (.0600); general provision for priority consideration (.0700); promotional priority (.0800); reduction-in-force-priority reemployment (.0900); exempt priority consideration (.1000); and veteran's preference (.1100).

Posting and Announcement of Vacancies 25 NCAC 01H .0631
Repeal*

Minimum Qualifications 25 NCAC 01H .0635
Repeal*

The rules in Subchapter 1K are human resource development and training rules including general provisions (.0100); North Carolina State Personnel Development Center rules (.0200); the educational assistance program (.0300); use of non-State government education and training sources (.0400); apprenticeship training (.0500); work planning/performance review (.0600); and the North Carolina certified public manager program (.0700); and mentoring programs (.0800).

Office of State Personnel Human Resource Development Grou... 25 NCAC 01K .0210
Repeal*

Purpose 25 NCAC 01K .0311
Repeal*

Eligibility 25 NCAC 01K .0312
Repeal*

Approved Courses 25 NCAC 01K .0313
Repeal*

Academic Costs 25 NCAC 01K .0316
Repeal*

Reimbursement of Academic Costs 25 NCAC 01K .0317
Repeal*

Exceptional Situations 25 NCAC 01K .0320
Repeal*

Courses Take At Agency/University Request 25 NCAC 01K .0321
Repeal*

Certification/Licensing 25 NCAC 01K .0323
Repeal*

Administration Responsibility 25 NCAC 01K .0324
Repeal*

Policy Statement 25 NCAC 01K .0401
Repeal*

Determination of Need for Training 25 NCAC 01K .0402
Repeal*

Selection of Non-Government Sources 25 NCAC 01K .0403
Repeal*

Procedure for Approval of Non-State Sources 25 NCAC 01K .0404
Repeal*

Policy Statement 25 NCAC 01K .0501
Repeal*

Appointment Provisions 25 NCAC 01K .0502
Repeal*

Commission Review

Log of Temporary Rule Filings
November 01, 2026 through November 30, 2026

* Approval Recommended, ** Objection Recommended, *** Other

INSURANCE, DEPARTMENT OF

The rules in Chapter 14 concern admission requirements including formation of domestic insurance company (.0200); description of forms (.0400); admission of a foreign or alien insurance company (.0500); surplus lines (.0600); and federal risk retention act entities (.0700).

Foreign Company Must Have Conducted Successful Business	11	NCAC	14	.0507
Adopt*				
Waivers of Three Year Profitable Operations Requirements	11	NCAC	14	.0508
Adopt*				