

G.S. 150B-21.3A Report for 11 NCAC 23, Industrial Commission

Agency - Industrial Commission

Comment Period -02/16/24-04/22/24

Date Submitted to APO - Filled in by RRC staff

| Subchapter SUBCHAPTER 23A - WORKERS' COMPENSATION RULES | Rule Section SECTION .0100 - ADMINISTRATION | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B- 21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B- 21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B- 21.3A(c)(2)] | OAH Next Steps |
|---|---|--------------------|--|---|--|--|-----------------------------|--|---|--|---|---------------------|
| | | 11 NCAC 23A .0101 | LOCATION OF MAIN OFFICE AND HOURS OF BUSINESS | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0102 | OFFICIAL FORMS | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0103 | NOTICE OF ACCIDENT AND CLAIM OF INJURY OR OCCUPATIONAL DISEASE | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0104 | EMPLOYER'S REQUIREMENT TO FILE FIRST REPORT OF INJURY | Amended Eff. December 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0105 | ELECTRONIC PAYMENT OF COSTS | Recodified from 04 NCAC 10A .0105 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0106 | FILING OF ANNUAL REPORT REQUIREMENT | Recodified from 04 NCAC 10A .0106 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0107 | COMPUTATION OF TIME AND NOTICE BY THE COMMISSION | Recodified from 04 NCAC 10A .0107 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0108 | ELECTRONIC FILINGS WITH THE COMMISSION; HOW TO FILE | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0109 | CONTACT INFORMATION | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0200 – NOTICE OF ACT | 11 NCAC 23A .0201 | POSTING REQUIREMENT FOR EMPLOYERS | Recodified from 04 NCAC 10A .0201 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0300 - INSURANCE | 11 NCAC 23A .0301 | PROOF OF INSURANCE COVERAGE | Recodified from 04 NCAC 10A .0301 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0302 | REQUIRED CONTACT INFORMATION FROM CARRIERS | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0400 – DISABILITY, COMPENSATION, FEES | 11 NCAC 23A .0401 | CALCULATING THE SEVEN- DAY WAITING PERIOD | Recodified from 04 NCAC 10A .0401 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0402 | SUBMISSION OF EARNINGS STATEMENT REQUIRED | Recodified from 04 NCAC 10A .0402 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0403 | MANNER OF PAYMENT OF COMPENSATION | Recodified from 04 NCAC 10A .0403 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0404 | TERMINATION AND SUSPENSION OF COMPENSATION | Recodified from 04 NCAC 10A .0404 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0404A | TRIAL RETURN TO WORK REINSTATEMENT OF COMPENSATION | Recodified from 04 NCAC 10A .0404A Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0405 | DISCOUNT RATE TO BE USED IN DETERMINING COMMUTED VALUES | Recodified from 04 NCAC 10A .0405 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0406 | APPLICATION FOR OR STIPULATION TO ADDITIONAL MEDICAL COMPENSATION | Amended Eff. October 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0408 | CLAIMS FOR DEATH BENEFITS | Amended Eff. December 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0410 | COMMUNICATION FOR MEDICAL INFORMATION | Recodified from 04 NCAC 10A .0410 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0411 | SAFETY RULES | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0500 – AGREEMENTS | 11 NCAC 23A .0501 | AGREEMENTS FOR PROMPT PAYMENT OF COMPENSATION | Amended Eff. December 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0502 | COMPROMISE SETTLEMENT AGREEMENTS | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0503 | NOTICE OF LAST PAYMENT FILING REQUIREMENT | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0600 – CLAIMS ADMINISTRATION AND PROCEDURES | 11 NCAC 23A .0601 | EMPLOYER'S OBLIGATIONS UPON NOTICE; DENIAL OF LIABILITY; AND SANCTIONS | Recodified from 04 NCAC 10A .0601 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0602 | REQUEST FOR HEARING | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0603 | RESPONDING TO A PARTY'S REQUEST FOR HEARING | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

G.S. 150B-21.3A Report for 11 NCAC 23, Industrial Commission

Agency - Industrial Commission

Comment Period -02/16/24-04/22/24

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|---|---|--------------------|--|---|--|--|-----------------------------|--|--|---|--|---------------------|
| | | 11 NCAC 23A .0604 | APPOINTMENT OF GUARDIAN AD LITEM | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0605 | DISCOVERY | Recodified from 04 NCAC 10A .0605 Eff. June 1, 2018 | Necessary | No | | Select One | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0606 | DISCOVERY - POST HEARING | Recodified from 04 NCAC 10A .0606 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0607 | DISCOVERY OF RECORDS AND REPORTS | Recodified from 04 NCAC 10A .0607 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0608 | STATEMENT OF INCIDENT LEADING TO CLAIM | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0609 | MOTIONS PRACTICE | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0609A | MEDICAL MOTIONS AND EMERGENCY MEDICAL MOTIONS | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0610 | PRE-TRIAL AGREEMENT | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0611 | HEARINGS BEFORE THE COMMISSION | Amended Eff. December 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0612 | DEPOSITIONS | Recodified from 04 NCAC 10A .0612 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0613 | EXPERT WITNESSES AND FEES | Recodified from 04 NCAC 10A .0613 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0614 | HEALTH CARE PROVIDER FEE DISPUTE PROCEDURE | Recodified from 04 NCAC 10A .0614 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0615 | CASES REMOVED FROM A HEARING CALENDAR | Recodified from 04 NCAC 10A .0615 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0616 | DISMISSALS | Recodified from 04 NCAC 10A .0616 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0617 | ATTORNEYS RETAINED FOR PROCEEDINGS | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0619 | FOREIGN LANGUAGE AND SIGN LANGUAGE INTERPRETERS | Amended Eff. April 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0620 | WRITTEN COMMUNICATIONS WITH THE COMMISSION | Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0700 - APPEALS | 11 NCAC 23A .0701 | REVIEW BY THE FULL COMMISSION | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0702 | REVIEW OF ADMINISTRATIVE DECISIONS | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0703 | APPEAL TO THE COURT OF APPEALS | Recodified from 04 NCAC 10A .0703 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0704 | REMAND FROM THE APPELLATE COURTS | Recodified from 04 NCAC 10A .0704 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0800 - RULES OF THE COMMISSION | 11 NCAC 23A .0801 | WAIVER OF RULES | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0900 - REPORT OF EARNINGS | 11 NCAC 23A .0901 | CHECK ENDORSEMENT | Recodified from 04 NCAC 10A .0901 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0902 | NOTICE | Recodified from 04 NCAC 10A .0902 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23A .0903 | EMPLOYEE'S OBLIGATION TO REPORT EARNINGS | Amended Eff. December 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .1000 - PREAUTHORIZATION FOR MEDICAL TREATMENT | 11 NCAC 23A .1001 | PREAUTHORIZATION FOR SURGERY AND INPATIENT TREATMENT | Recodified from 04 NCAC 10A .1001 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| SUBCHAPTER 23B - TORT CLAIMS RULES | SECTION .0100 - ADMINISTRATION | 11 NCAC 23B .0101 | LOCATION OF MAIN OFFICE AND HOURS OF BUSINESS | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0102 | OFFICIAL FORMS | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0103 | FILING FEES | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0104 | ELECTRONIC FILINGS WITH THE COMMISSION; HOW TO FILE | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0105 | CONTACT INFORMATION | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0106 | NOTICE BY THE COMMISSION | Eff. December 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0200 - CLAIMS PROCEDURES | 11 NCAC 23B .0202 | MEDICAL MALPRACTICE CLAIMS BY UNREPRESENTED PRISON INMATES | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0203 | INFANTS AND INCOMPETENTS | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0204 | MOTIONS | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0205 | MEDIATION | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|--|--|--|--|---|--|---|-----------------------------|--|--|---|--|------------------------|
| | | 11 NCAC 23B .0206 | HEARINGS | Amended Eff. March 21, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0208 | HEARING COSTS | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0300 - APPEALS TO FULL COMMISSION | 11 NCAC 23B .0301 | SCOPE | Recodified from 04 NCAC 10B .0301 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0302 | APPEALS TO THE FULL COMMISSION | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0307 | MOTIONS BEFORE THE FULL COMMISSION | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0308 | STAYS | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0310 | ORAL ARGUMENT | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0400 - APPEALS TO THE COURT OF APPEALS | 11 NCAC 23B .0401 | SCOPE | Recodified from 04 NCAC 10B .0401 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0402 | STAYS | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0403 | MOTIONS FOR COURT OF APPEALS CASES | Recodified from 04 NCAC 10B .0403 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0404 | REMAND FROM APPELLATE COURTS | Recodified from 04 NCAC 10B .0404 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0500 - RULES OF THE COMMISSION | 11 NCAC 23B .0501 | WAIVER OF RULES | Amended Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23B .0503 | SANCTIONS | Amended Eff. March 21, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| SUBCHAPTER 23C - NORTH CAROLINA INDUSTRIAL COMMISSION RULES FOR UTILIZATION OF REHABILITATION PROFESSIONALS IN WORKERS' COMPENSATION CLAIMS | SECTION .0100 - ADMINISTRATION | 11 NCAC 23C .0101 | APPLICABILITY OF THE RULES | Recodified from 04 NCAC 10C .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0103 | DEFINITIONS | Recodified from 04 NCAC 10C .0103 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0105 | QUALIFICATIONS REQUIRED | Recodified from 04 NCAC 10C .0105 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0106 | PROFESSIONAL RESPONSIBILITY OF THE REHABILITATION PROFESSIONAL IN WORKERS' COMPENSATION CLAIMS | Recodified from 04 NCAC 10C .0106 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0107 | COMMUNICATION | Amended Eff. November 1, 2022 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0108 | INTERACTION WITH PHYSICIANS | Recodified from 04 NCAC 10C .0108 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0109 | VOCATIONAL REHABILITATION SERVICES AND RETURN TO WORK CHANGE OF REHABILITATION PROFESSIONAL | Amended Eff. April 1, 2023 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0110 | CHANGE OF REHABILITATION PROFESSIONAL | Recodified from 04 NCAC 10C .0110 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23C .0201 | WAIVER OF RULES | Recodified from 04 NCAC 10C .0201 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | SUBCHAPTER 23D - WORKERS' COMPENSATION RULES FOR MANAGED CARE ORGANIZATIONS | SECTION .0200 - RULES OF THE COMMISSION SECTION .0100 - Rules | 11 NCAC 23D .0101 | PURPOSE | Recodified from 04 NCAC 10D .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit |
| 11 NCAC 23D .0102 | DEFINITIONS | | | Recodified from 04 NCAC 10D .0102 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 11 NCAC 23D .0104 | QUALIFICATION AND REVOCATION | | | Recodified from 04 NCAC 10D .0104 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 11 NCAC 23D .0105 | NOTICE TO COMMISSION | | | Recodified from 04 NCAC 10D .0105 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 11 NCAC 23D .0106 | CONTRACT PROVISIONS | | | Recodified from 04 NCAC 10D .0106 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 11 NCAC 23D .0107 | INFORMATION FOR EMPLOYEE | | | Recodified from 04 NCAC 10D .0107 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 11 NCAC 23D .0108 | INCLUSIVE PROVIDER PANELS | | | Recodified from 04 NCAC 10D .0108 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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|--|--|--|--|--|---|---|-----------------------------|--|--|---|--|---------------------------------|---------------------|
| | | 11 NCAC 23D .0109 | QUALITY ASSURANCE AND UTILIZATION REVIEW | Recodified from 04 NCAC 10D .0109 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23D .0110 | WAIVER OF RULES | Recodified from 04 NCAC 10D .0110 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| SUBCHAPTER 23E – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION | SECTION .0100 – ADMINISTRATION | 11 NCAC 23E .0101 | INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING | Amended Eff. April 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23E .0102 | MAILING LIST | Amended Eff. April 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23E .0103 | ADMISSION OF OUT-OF-STATE ATTORNEYS TO APPEAR BEFORE THE COMMISSION | Recodified from 04 NCAC 10E .0103 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23E .0104 | SECURE LEAVE PERIODS FOR ATTORNEYS | Amended Eff. December 1, 2020 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | SECTION .0200 – FEES | 11 NCAC 23E .0201 | DOCUMENT AND RECORD FEES | Recodified from 04 NCAC 10E .0201 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23E .0202 | HEARING COSTS OR FEES | Recodified from 04 NCAC 10E .0202 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23E .0203 | FEES SET BY THE COMMISSION | Recodified from 04 NCAC 10E .0203 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23E .0204 | ACCIDENT PREVENTION AND SAFETY EDUCATIONAL PROGRAM FEES | Recodified from 04 NCAC 10E .0204 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | SECTION .0300 – RULES OF THE COMMISSION | 11 NCAC 23E .0301 | WAIVER OF RULES | Recodified from 04 NCAC 10E .0301 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23E .0302 | EMERGENCY ORDERS AND DIRECTIVES OF THE CHIEF JUSTICE OF THE NORTH CAROLINA SUPREME COURT | Eff. August 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| SUBCHAPTER 23F – ELECTRONIC BILLING RULES | SECTION .0100 – ADMINISTRATION | 11 NCAC 23F .0101 | ELECTRONIC MEDICAL BILLING AND PAYMENT REQUIREMENT DEFINITIONS | Recodified from 04 NCAC 10F .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23F .0102 | FORMATS FOR ELECTRONIC MEDICAL BILL PROCESSING | Recodified from 04 NCAC 10F .0102 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23F .0103 | FORMATS FOR ELECTRONIC MEDICAL BILL PROCESSING | Recodified from 04 NCAC 10F .0103 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23F .0104 | BILLING CODE SETS | Recodified from 04 NCAC 10F .0104 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23F .0105 | ELECTRONIC MEDICAL BILLING, REIMBURSEMENT, AND DOCUMENTATION | Recodified from 04 NCAC 10F .0105 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23F .0106 | EMPLOYER, INSURANCE CARRIER, MANAGED CARE ORGANIZATION, OR AGENTS' RECEIPT OF MEDICAL BILLS FROM HEALTH CARE PROVIDERS | Recodified from 04 NCAC 10F .0106 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23F .0107 | COMMUNICATION BETWEEN HEALTH CARE PROVIDERS AND PAYERS | Recodified from 04 NCAC 10F .0107 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | | 11 NCAC 23F .0108 | EFFECTIVE DATE | Recodified from 04 NCAC 10F .0108 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | 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 | Recodified from 04 NCAC 10G .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | | 11 NCAC 23G .0102 | SELECTION OF MEDIATOR | Recodified from 04 NCAC 10G .0102 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 11 NCAC 23G .0103 | | | THE MEDIATED SETTLEMENT CONFERENCE | Recodified from 04 NCAC 10G .0103 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| 11 NCAC 23G .0104 | | | DUTIES OF PARTIES, REPRESENTATIVES, AND ATTORNEYS | Amended Eff. February 1, 2023 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| 11 NCAC 23G .0104A | | | FOREIGN LANGUAGE INTERPRETERS | Recodified from 04 NCAC 10G .0104A Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | |
| | 11 NCAC 23G .0105 | SANCTIONS (EFFECTIVE JULY 1, 2014) | Recodified from 04 NCAC 10G .0105 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |

G.S. 150B-21.3A Report for 11 NCAC 23, Industrial Commission

Agency - Industrial Commission

Comment Period -02/16/24-04/22/24

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|---|--|-------------------|--|---|--|--|-----------------------------|--|--|---|--|---------------------|
| | | 11 NCAC 23G .0106 | AUTHORITY AND DUTIES OF MEDIATORS | Recodified from 04 NCAC 10G .0106 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23G .0107 | COMPENSATION OF THE MEDIATOR | Recodified from 04 NCAC 10G .0107 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23G .0108 | MEDIATOR CERTIFICATION AND DECERTIFICATION | Recodified from 04 NCAC 10G .0108 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23G .0109 | NEUTRAL EVALUATION | Recodified from 04 NCAC 10G .0109 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23G .0110 | WAIVER OF RULES | Recodified from 04 NCAC 10G .0110 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23G .0111 | MOTIONS | Recodified from 04 NCAC 10G .0111 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23G .0112 | MISCELLANEOUS | Recodified from 04 NCAC 10G .0112 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 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 | Recodified from 04 NCAC 10H .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23H .0201 | DETERMINATION OF CLAIMS BY THE COMMISSION | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23H .0202 | HEARINGS BEFORE THE COMMISSION | Amended Eff. January 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23H .0203 | APPOINTMENT OF GUARDIAN AD LITEM | Recodified from 04 NCAC 10H .0203 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23H .0204 | WRITTEN OR RECORDED STATEMENT | Recodified from 04 NCAC 10H .0204 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23H .0205 | REVIEW BY THE FULL COMMISSION | Recodified from 04 NCAC 10H .0205 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| SUBCHAPTER 23I – CHILDHOOD VACCINE-RELATED INJURY RULES OF THE NORTH CAROLINA INDUSTRIAL COMMISSION | SECTION .0100 – ADMINISTRATION | 11 NCAC 23I .0101 | LOCATIONS OF OFFICES AND HOURS OF BUSINESS | Recodified from 04 NCAC 10I .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23I .0102 | OFFICIAL FORMS | Recodified from 04 NCAC 10I .0102 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0200 – RULES OF COMMISSION | 11 NCAC 23I .0201 | PROCEDURE | Recodified from 04 NCAC 10I .0201 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23I .0202 | ATTORNEYS' FEES | Recodified from 04 NCAC 10I .0202 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23I .0203 | WAIVER OF RULES | Recodified from 04 NCAC 10I .0203 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23I .0204 | SANCTIONS | Recodified from 04 NCAC 10I .0204 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| SUBCHAPTER 23J – FEES FOR MEDICAL COMPENSATION | SECTION 0100 – FEES FOR MEDICAL COMPENSATION | 11 NCAC 23J .0101 | GENERAL PROVISIONS | Recodified from 04 NCAC 10J .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23J .0102 | FEES FOR PROFESSIONAL SERVICES | Recodified from 04 NCAC 10J .0102 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23J .0103 | FEES FOR INSTITUTIONAL SERVICES [EFFECTIVE APRIL 1, 2015] | Recodified from 04 NCAC 10J .0103 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23J .0103 | FEES FOR INSTITUTIONAL SERVICES [EFFECTIVE JUNE 1, 2018] | Amended Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| SUBCHAPTER 23L – INDUSTRIAL COMMISSION FORMS | SECTION .0100 – WORKERS' COMPENSATION FORMS | 11 NCAC 23L .0101 | FORM 21 – AGREEMENT FOR COMPENSATION FOR DISABILITY | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23L .0102 | FORM 26 – SUPPLEMENTAL AGREEMENT AS TO PAYMENT OF COMPENSATION | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

G.S. 150B-21.3A Report for 11 NCAC 23, Industrial Commission

Agency - Industrial Commission

Comment Period -02/16/24-04/22/24

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|--------------------------------|--|-------------------|--|---|--|---|-----------------------------|--|--|---|--|---------------------|
| | | 11 NCAC 23L .0103 | FORM 26A – EMPLOYER'S ADMISSION OF EMPLOYEE'S RIGHT TO PERMANENT PARTIAL DISABILITY (EFFECTIVE DECEMBER 1, 2020) | Amended Eff. December 1, 2020 | Necessary | No | | No | Necessary | | Necessary and must be readopted | |
| | | 11 NCAC 23L .0103 | FORM 26A – EMPLOYER'S ADMISSION OF EMPLOYEE'S RIGHT TO PERMANENT PARTIAL DISABILITY (EFFECTIVE MARCH 1, 2021) | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23L .0104 | FORM 36 – SUBPOENA | Recodified from 04 NCAC 10L .0104 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23L .0105 | FORM T-42 – APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM | Amended Eff. March 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| SUBCHAPTER 23M – RULES FOR THE | SECTION .0100 – GENERAL | 11 NCAC 23M .0101 | PURPOSE AND APPLICABILITY OF THE RULES | Recodified from 04 NCAC 10M .0101 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23M .0102 | DEFINITIONS | Recodified from 04 NCAC 10M .0102 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23M .0103 | WAIVER OF RULES | Recodified from 04 NCAC 10M .0103 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | 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 | Recodified from 04 NCAC 10M .0201 Eff. June 1, 2018 | Necessary | No | | No | Necessary | | Necessary and must be readopted | |
| | | 11 NCAC 23M .0202 | PRESCRIPTION OF MEDICATION FOR PAIN IN AN ACUTE PHASE FOLLOWING THE FIRST PRESCRIPTION | Recodified from 04 NCAC 10M .0202 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 11 NCAC 23M .0203 | PRESCRIPTION OF MEDICATION FOR PAIN IN A CHRONIC PHASE | Recodified from 04 NCAC 10M .0203 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0300 – UTILIZATION RULES FOR OPIOID ANTAGONISTS | 11 NCAC 23M .0301 | CO-PRESCRIPTION OF OPIOID ANTAGONIST | Recodified from 04 NCAC 10M .0301 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0400 – UTILIZATION RULES FOR non-PHARMACOLOGICAL TREATMENT FOR PAIN | 11 NCAC 23M .0401 | NON-PHARMACOLOGICAL TREATMENT FOR PAIN | Recodified from 04 NCAC 10M .0401 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0500 – UTILIZATION RULES FOR treatment FOR SUBSTANCE USE DISORDER | 11 NCAC 23M .0501 | TREATMENT FOR SUBSTANCE USE DISORDER INVOLVING A TARGETED CONTROLLED SUBSTANCE | Recodified from 04 NCAC 10M .0501 Eff. June 1, 2018 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |