

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 - August 1, 2024

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	
SUBCHAPTER 23A - WORKERS' COMPENSATION RULES	SECTION .0100 - ADMINISTRATION	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	
		SECTION .0200 - NOTICE OF ACT	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
			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	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	REINSTATEMENT OF COMPENSATION	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	DISCOUNT RATE TO BE USED IN DETERMINING COMMUTED VALUES	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	APPLICATION FOR OR STIPULATION TO ADDITIONAL MEDICAL 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 .0409	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	

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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(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
	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
		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

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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
SECTION .0300 - APPEALS TO FULL COMMISSION	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	
	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	

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		11 NCAC 23C .0109	VOCATIONAL REHABILITATION SERVICES AND RETURN TO WORK	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
	SECTION .0200 – RULES OF THE COMMISSION	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 .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	Necessary and must be readopted	Agency must readopt
		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
		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	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	DEFINITIONS	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

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 - August 1, 2024

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 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
		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
	SECTION .0200 - RULES OF COMMISSION	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

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 - August 1, 2024

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 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
		11 NCAC 23H .0206	WAIVER OF RULES	Recodified from 04 NCAC 10H .0206 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
		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
	SECTION .0200 - RULES OF COMMISSION	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
		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	No comments with merit	Necessary and must be readopted	Agency must readopt
		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

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 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	No comments with merit	Necessary and must be readopted	Agency must readopt
		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