

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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October 23, 2012

Abigail Hammond
Industrial Commission
4336 Mail Service Center
Raleigh, NC 27699-4336

Re: 04 NCAC 10D .0104, .0110, .0111

Dear Ms. Hammond:

At its October 18, 2012 meeting the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule .0104 due to ambiguity. It is not clear what is meant by "change the provision of medical compensation" in this context. "Medical compensation" is defined in G.S. 97-2(19) as services. If "provision" read "provider" this rule might be clear, but it is not clear why what is provided would be changed because of problems with the provider.

The Commission objected to Rule .0110 due to lack of statutory authority. "In the interests of justice or to promote judicial economy" is not sufficient specific guideline for the agency to use in determining whether to waive or modify a requirement set by rule as required by G.S. 150B-19(6).

The Commission objected to Rule .0111 due to lack of statutory authority. There is no authority cited for the agency to impose sanctions for violations of every rule in this Subchapter.

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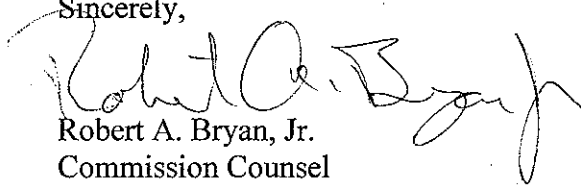
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Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert A. Bryan, Jr.", written in a cursive style.

Robert A. Bryan, Jr.
Commission Counsel

RAB:tdc