

## Burgos, Alexander N

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**Subject:** FW: 11 NCAC 23: Industrial Commission Readoption Letter

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**From:** Cammarano, Gina <[gina.cammarano@ic.nc.gov](mailto:gina.cammarano@ic.nc.gov)>  
**Sent:** Thursday, December 19, 2024 4:44 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 11 NCAC 23: Industrial Commission Readoption Letter

Thanks!



**GINA CAMMARANO**  
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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Thursday, December 19, 2024 2:58 PM  
**To:** Cammarano, Gina <[gina.cammarano@ic.nc.gov](mailto:gina.cammarano@ic.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 11 NCAC 23: Industrial Commission Readoption Letter

Gina,

Attached is a letter memorializing the readoption deadline set by the RRC at today's meeting. Let me know if you have any questions.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: Staff Opinion Recommending Deadlines

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**From:** Cammarano, Gina <[gina.cammarano@ic.nc.gov](mailto:gina.cammarano@ic.nc.gov)>  
**Sent:** Monday, December 16, 2024 1:57 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; nhaboard@ncbenha.org; Baker, Denise <[Denise.Baker@dhhs.nc.gov](mailto:Denise.Baker@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: Staff Opinion Recommending Deadlines

Thank you!



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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Monday, December 16, 2024 1:54 PM  
**To:** [nhaboard@ncbenha.org](mailto:nhaboard@ncbenha.org); Cammarano, Gina <[gina.cammarano@ic.nc.gov](mailto:gina.cammarano@ic.nc.gov)>; Baker, Denise <[Denise.Baker@dhhs.nc.gov](mailto:Denise.Baker@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Staff Opinion Recommending Deadlines

Good afternoon,

Attached is a staff opinion memorializing the deadlines I plan to recommend for your respective agencies at Thursday's meeting. Let me know if you have any questions.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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## Burgos, Alexander N

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**From:** Ascher, Seth M  
**Sent:** Sunday, December 1, 2024 7:15 PM  
**To:** Cammarano, Gina  
**Cc:** Burgos, Alexander N  
**Subject:** Re: Existing Rule Review 11 NCAC 23

Gina,

Thank you for your response. I will plan to recommend the February 1, 2027 deadline at the RRCs December 19, 2024 meeting. Let me know if you have any further questions.

Sincerely,

### Seth Ascher

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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**From:** Cammarano, Gina <gina.cammarano@ic.nc.gov>  
**Sent:** Monday, November 25, 2024 5:05 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: Existing Rule Review 11 NCAC 23

Dear Seth,

Please accept this email as the Industrial Commission's response to your email below and the Industrial Commission's provision of the information required to be submitted to the RRC pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212. The required information is attached to this email in a PDF.

As explained in the attachment, the Industrial Commission agrees with your recommendation for a February 1, 2027 readoption deadline.

Please let me know if you have any questions about any of the information we've provided.

Kind regards,  
Gina

### **North Carolina Industrial Commission Planned Timeline for Readoption:**

<u>2025 – early-to-mid 2026:</u>	Obtain informal input from IC stakeholder representatives in an attempt to reach stakeholder consensus on rule amendments and new rules or forms; Draft proposed amendments and new rules and forms.
<u>10/1/25 or earlier - 5/1/26:</u>	Work with OSBM on fiscal notes (at least 8 months from front-end consultations with OSBM through OSMB approval).
<u>06/1/26:</u>	Publication in NC Register.
<u>06/22/26:</u>	Public Hearing.
<u>06/1/26 – 07/31/26:</u>	Comment period.
<u>10/1/26:</u>	Publication in NC Register for rules where, after review of public comments, substantive changes are needed.
<u>10/22/26:</u>	Second Public Hearing on re-published rules.
<u>10/1/26 - 12/3/26:</u>	Second Comment period for re-published rules.
<u>No later than 2/1/27:</u>	NCIC readoption of rules and adoption of any new rules.

### **NCIC Rulemaking Priorities:**

Our agency has 157 rules that need to be readopted. At this time, we anticipate that at least 20-25 of these rules will need substantive amendments.

Additionally, we anticipate that at least 5-10 of our forms will need substantive amendments, thereby subjecting these forms to rulemaking under the APA. (As G.S. § 97-81(a) states: “Notwithstanding G.S. 150B-2(8a)d, any new forms or substantive amendments to old forms adopted after July 1, 2013, shall be adopted in accordance with Article 2A of Chapter 150B of the General Statutes.”).

Further, we anticipate adopting at least one new rule during the periodic rules review process, though we may need to adopt more than one new rule and/or adopt one or more new forms (which, pursuant to G.S. § 97-81(a), would be subject to rulemaking under the APA).

Based on the foregoing three paragraphs, we anticipate having to draft and submit at least 26-36 fiscal notes for approval by OSBM prior to publication in the NC Register.

We have consulted with OSBM regarding the timeline for their review and approval of our anticipated fiscal notes, and they have advised us that we should budget at least 8 months for the entire fiscal note process (beginning with our consultations with them on the front-end and ending with their review and approval of the fiscal notes), with the caveat that if any proposed rule amendments have a substantial economic impact, we should expect to add approximately two additional months to this timeline, for a total of 10 months.

Additionally, because stakeholder consensus is an essential component of our agency's rulemaking, and because we have multiple stakeholders who often have competing interests, we anticipate needing the entirety of 2025 and several months of 2026 to try to obtain stakeholder consensus before we file the rules for publication in the 6/1/26 NC Register.

We also believe it's essential to factor in the potential of needing to republish at least some of our proposed rule amendments following the initial public hearing and initial comment period. Therefore, as reflected in the planned timeline for readoption above, we've listed a second publication of the proposed rule amendments in the 10/1/26 NC Register and a second public hearing and comment period.

RRC Counsel has suggested a deadline for readoption of 2/1/27, and the Industrial Commission agrees with that suggestion.



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**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Sent:** Thursday, October 3, 2024 1:43 PM  
**To:** Cammarano, Gina <gina.cammarano@ic.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: Existing Rule Review 11 NCAC 23

Good afternoon,

I am resending because I mistakenly left my signature off of the prior email.

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is December 2, 2024. As a starting point, I would recommend a February 1, 2027, readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Let me know if you have any questions.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
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**From:** McGhee, Dana <[dana.McGhee@oah.nc.gov](mailto:dana.McGhee@oah.nc.gov)>  
**Sent:** Tuesday, October 1, 2024 9:54 AM  
**To:** Cammarano, Gina <[gina.cammarano@ic.nc.gov](mailto:gina.cammarano@ic.nc.gov)>  
**Cc:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Subject:** Existing Rule Review 11 NCAC 23

Good morning, Gina



The determinations in the attached periodic review report for 11 NCAC 23 are effective today. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date for the rules in the reports.

Let me know if you have any questions.

***Dana McGhee***

*Publications Coordinator*

*Office of Administrative Hearings*

984-236-1937

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