

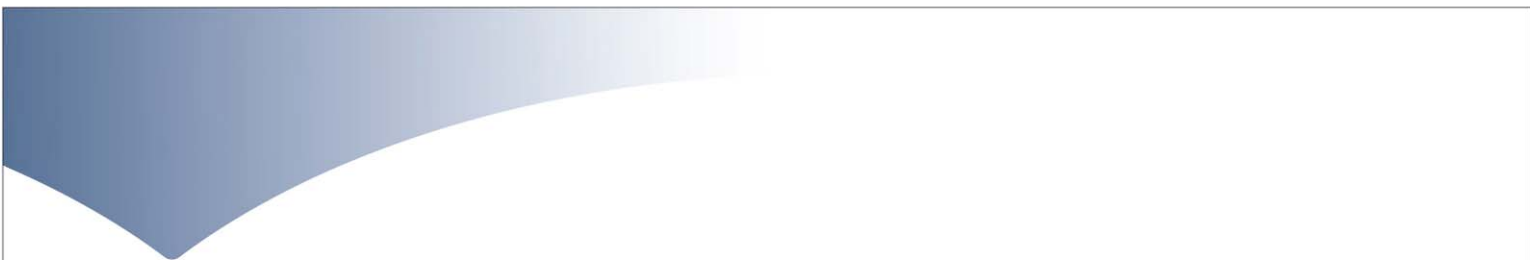
Customer Workers Compensation Jurisdictional Resource – North Carolina

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims	<p>Yes</p> <p>All work related injuries requiring medical attention (other than first aid at the work place) should be reported to the North Carolina Industrial Commission on a North Carolina Form 19 - Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission if the injury results in more than \$2,000 in medical expenses or more than one day's lost time from work. A copy of the North Carolina Form 19 - Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission must be furnished to the employee or his survivor with a blank North Carolina Form 18 - Notice of Accident to Employer and Claim of Employee.</p>	<p>Telephonically: Commercial Accounts: 800.238.6225 National Accounts: 800.832.7839 Construction Accounts: 877.828.4132</p> <p>Online: www.travelers.com</p>	<p>Failure to file a North Carolina Form 19 - Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission can result in a fine of no more than \$25.</p> <p>Once the North Carolina Form 18 - Notice of Accident to Employer and Claim of Employee, Representative, or Dependent for Workers' Compensation Benefits is filed, failure to respond within 30 days could result in a sanction of \$200.</p> <p>The sooner the claim is reported, the more accurate the information provided during the investigation will be. This also insures faster communication between the carrier, employer, injured worker, and medical</p>	<p>North Carolina Form 19 - Employer's Report of Employee's Injury or Occupational Disease to the Industrial Commission</p> <p>North Carolina Form 18 - Notice of Accident to Employer and Claim of Employee, Representative, or Dependent for Workers' Compensation Benefits</p>

	<u>Representative, or Dependent for Workers' Compensation Benefits</u> for use by the employee.		providers. Failure to file this could result in unnecessary litigation, additional expense, loss of medical direction, and failure to begin early management of returning to work efforts.	
Drug Free Workplace	No Drug testing is not mandatory but can support the defense.	Intoxication must be the proximate cause of the injury for the claim to be denied. Intoxication and under the influence shall mean that the employee consumed a sufficient quantity of intoxicating beverage or controlled substance to cause the employee to lose the normal control of his or her bodily or mental faculties to such an extent that there was an impairment.	A result consistent with intoxication or under the influence shall create a rebuttable presumption of impairment from the use of alcohol or a controlled substance. <u>Rule 97-12 of the North Carolina Code</u>	<u>North Carolina Form 61 - Denial of Workers' Compensation Claim</u>
Managed Care Law	No There is no requirement for managed care in North Carolina. Employer/Insurer directs medical treatment but the North Carolina Industrial Commission may permit the employee to change physicians when good grounds are shown. The services of a nurse case manager can be used (with the agreement of claimant or claimant attorney).	Certification requirements for nurse case manager are covered by the <u>North Carolina Industrial Commission Rules for Utilization of Rehabilitation Professionals in Workers' Compensation Claims</u> . A <u>North Carolina Form 25N - Notice to the Commission of Assignment of Rehabilitation Professional</u> would be needed for notice of assignment of rehabilitation professional. A <u>North Carolina Form 25C - Authorization for Rehabilitation Professional to Obtain Medical Records of Current Treatment</u> would be needed to view the Workers' Compensation records.	Permits greater control over medical care cost inflation and utilization of medical resources while maximizing outcomes.	<u>North Carolina Form 25C- Authorization for Rehabilitation Professional to Obtain Medical Records of Current Treatment</u> <u>North Carolina Form 25N - Notice to the Commission of Assignment of Rehabilitation Professional</u>

<p>Timely Reporting of Out of Work Status</p>	<p>Yes</p> <p>Required every time an employee goes out of work for a compensable period of time acknowledged by the employer/carrier. Benefits should be issued within 14 days.</p>	<p>If employee is out of work, this information should be communicated to insurer as soon as possible for filing of proper forms and issuance of appropriate benefits.</p> <p>The following forms are used to state a position on a case and whether benefits will be issued or not:</p> <p>North Carolina Form 63 - Notice to Employee of Payment of Compensation Without Prejudice</p> <p>North Carolina Form 62 - Notice of Reinstatement or Modification of Compensation</p> <p>North Carolina Form 62 - Notice of Reinstatement or Modification of Compensation</p>	<p>Permits timely payment of benefits where appropriate and avoids possible fines or penalties for late payment.</p>	<p>North Carolina Form 60 - Employer's Admission of Employee's Right to Compensation</p> <p>North Carolina Form 63 - Notice to Employee of Payment of Compensation Without Prejudice</p> <p>North Carolina Form 62 - Notice of Reinstatement or Modification of Compensation</p> <p>North Carolina Form 62 - Notice of Reinstatement or Modification of Compensation</p>
<p>Timely Reporting of Employee Returning to Work</p>	<p>No</p> <p>North Carolina does require reporting of returning to work status.</p>	<p>Employer should notify insurer as soon as possible so that temporary-total benefits may be terminated at the appropriate time and the proper forms filed with the North Carolina Industrial Commission.</p> <p>A North Carolina Form 28 - Return to Work Report is used for return to work involving unrestricted work with no trial return to</p>	<p>Timely reporting prevents overpayment of benefits.</p>	<p>North Carolina Form 28 - Return to Work Report</p> <p>Form 28T- Notice of Termination of Compensation by Reason of Trial Return to Work</p>

		work. A Form 28T- Notice of Termination of Compensation by Reason of Trial Return to Work is used for a trial return to work with restrictions, wage loss, or trial return to work.		
Bona Fide Job Offers	Voluntary But employers are encouraged to facilitate return to work for injured employees.	If the employer has light duty, a written offer should be made as soon as possible in order to mitigate any temporary total disability claim. A North Carolina Form 28 - Return to Work Report is used for return to work involving unrestricted work with no trial return to work. A Form 28T- Notice of Termination of Compensation by Reason of Trial Return to Work is used for a trial return to work with restrictions, wage loss, or trial return to work.	Mitigates the employer's exposure for payment of indemnity benefits if they are able to accommodate an injured worker's light duty restrictions. Temporary total disability benefits continue until return to work, settlement, or employee dies.	North Carolina Form 28 - Return to Work Report Form 28T- Notice of Termination of Compensation by Reason of Trial Return to Work
Wage Statements	Yes If there is a disagreement about earnings. A North Carolina Form 22 - Statement of Days Worked and Earnings of Injured Employee would then need to be completed. Fringe benefits are not included in a weekly wage calculation.	Travelers will send the North Carolina Form 22 - Statement of Days Worked and Earnings of Injured Employee to the employer on all claims where there is a disagreement.	Max rate is \$816 for 2009 and \$786 for 2008. For short term employment or other reasons that the formula does not fairly reflect earnings, the North Carolina Industrial Commission will compute a fair wage.	North Carolina Form 22 - Statement of Days Worked and Earnings of Injured Employee



Posting of Notices	Yes <u>North Carolina Form 17- Workers' Compensation Notice to Injured Workers and Employers</u> must be prominently posted. <u>Rule 201 of the North Carolina Industrial Commission.</u>	Failure to post or to provide <u>North Carolina Form 17- Workers' Compensation Notice to Injured Workers and Employers</u> as required in this rule is a violation of the <u>North Carolina's Workers' Compensation Act</u> rules and the violator may be subject to administrative penalties.	Avoids administrative penalties, and employees are more likely to report claims quickly. This enables the investigation to begin sooner, thereby increasing the chances for a better outcome.	<u>North Carolina Form 17- Workers' Compensation Notice to Injured Workers and Employers</u>
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