



# Workers Compensation Claim State Environmental Guide – North Carolina

NORTH CAROLINA – <http://www.ic.nc.gov/>

## Indemnity issues

Temporary Total Benefits	<p>Min: \$30.00 Max: \$912.00 \$944.00– changes annually in January. Usually announced in July of the previous year. Waiting period: 7 days Retro period: 21 days <b>Temporary Total cap</b> – For dates of loss prior to 6/24/2011, the injured worker is entitled to lifetime indemnity benefits if the injured worker cannot return to work or claim cannot be resolved. A 500 week cap applies for dates of loss after 6/24/2011 unless the injured worker qualifies for “extended compensation.” Extended compensation is defined as TTD beyond 500 weeks and is allowed only if: 1. At the time the injured worker makes application to the commission for extended compensation, 425 weeks have passed since the date of first disability, and 2. The injured worker proves by preponderance of the evidence that they have sustained a total loss of wage earning capacity.</p>
Temporary Partial Benefits	<p>Min: No minimum Max: \$944.00 – changes annually in January Waiting period: 7 days Retro period: 21 days Limited or unlimited benefits: For dates of loss prior to 6/24/2011 - 300 weeks from date of loss. For dates of loss after 6/24/2011, the temporary partial benefit cap is 500 weeks of total compensation.</p>



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**Indemnity issues**

<p>Permanent Partial Benefits</p>	<p>Min: No minimum                      Max: \$944.00                      Waiting period: No compensation is allowed for the first seven calendar days of disability resulting from an injury. However, if the injury results in disability of more than 21 days, the compensation shall be allowed from the date of the disability.                      Retro period: None                      Limited or unlimited benefits: Limited to schedule                      Scheduled v. whole body: Scheduled                      Permanent Partial. North Carolina Industrial Commission has published a rating guide for doctors to refer to in assessing PPD, but it is not binding based on AMA Guidelines (or similar objective Guidelines) – No state specific guidelines.                      Discretionary award for bodily disfigurement allowed up to \$10,000 and for facial disfigurement up to \$20,000. May be awarded Scarring or Disfigurement. Max is up to \$20,000.00 as awarded by NC Industrial Commission.                      Discretionary award allowed for loss or permanent injury to an important internal or external organ or part of the body up to \$20,000 per affected organ or body part. May also be awarded up to \$20,000 for the loss or permanent injury to an important internal or external organ or part of the body.</p>
<p>Permanent Total Benefits</p>	<p>Min: \$30.00                      Max: \$944.00                      Waiting period: 7 days                      Retro period: 21 days                      Limited or unlimited benefits: Unlimited, lifetime benefits. But, only for statutorily defined losses. These include total loss of two or more body parts, and includes severe burn, spinal and head injuries under specified circumstances for dates of loss after 6/24/2011.</p>
<p>Fatality Benefits</p>	<p>Min: \$30.00                      Max: \$944.00                      Waiting period: N/A                      Retro period: N/A                      Limited or unlimited benefits: For dates of loss prior to 6/24/2011, death benefits are limited to 400 weeks split evenly between statutorily defined whole dependents, or partial dependents if there are no whole dependents. Qualified minor dependents will be covered to age 18 if exceeds 400 weeks. For dates of loss after 6/24/2011, death benefits are limited to 500 weeks of compensation, with the same extension for minors.                      Burial Expenses: Prior to 6/24/2011 - \$3500. For dates of loss after 6/24/2011 - \$10,000.</p>
<p>Vocational Rehabilitation</p>	<p>Is it required? Yes, if injured worker is given permanent restrictions that insured cannot accommodate and claim cannot be settled. They are not automatically ordered but on the request of claimant or carrier.                      What are the benefits? May include educational and vocational assessment, job placement or retraining.</p>
<p>Settlement Allowed</p>	<p>Yes. Indemnity and Medical</p>
<p>Cap on benefits, exceptions</p>	<p>500 week cap on TTD and TPD for dates of loss after 6/24/11. Refer to above for guidelines.</p>

**Medical issues**

Initial Choice of Provider	Carrier/Employer
Change of Provider	Carrier/Employer. Injured worker may file for change of provider that might be allowed by Industrial Commission. For dates of loss after 6/24/2011, the injured worker may also submit a written request for second opinion examination. If the employer/carrier does not authorize this request within 14 days, the injured worker may request a second opinion from the Commission.
Ex-parte Communication	An employer/carrier may communicate in writing with the authorized healthcare provider “without the express authorization of the injured worker, to obtain relevant medical information not available in the injured worker’s medical records.” The following information may be requested: the diagnosis, appropriate course of treatment, anticipated time out of work, causal relationship of injury to employment, work restrictions from the injury and anticipated time restrictions apply, kind of work employee may be eligible and permanent impairment. If employer/carrier is unable to obtain relevant medical information in writing, oral communication is allowed (specific restrictions apply). Please refer to NCIC website and reference G.S. 97-25.6(d) for specific guidelines, including the requirement to provide the information to the employee and giving them an opportunity to object and file a request for a protective Order from the Industrial Commission.
Medical Fee Schedule	There is one published by the NCIC
Managed Care	No.
Utilization Review	Not mandatory
Treatment Guidelines	Does the state mandate the use of evidence based guidelines? If so, which one? No
Generic Drug Substitution	The state allows generic substitution; however, it is not mandatory.
Medical Mileage Reimbursement Rate	\$0.56 per mile. Must travel more than 20 miles round trip.
Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	Injured worker must be at maximum medical improvement. Can deny treatment for causality. Generally involves litigation.
Settlement Allowed	Yes. Medical can be settled <b>Full &amp; Final</b> – Yes
Cap on benefits, exceptions	None

**Other Issues**

WC Hearing Docket Speed	Once hearing request is filed, mandatory mediation within 120 days-if impasse, hearing then set within 2 months unless continuance. Generally takes 4-6 months. Do not have control.
Staff Counsel	N/A. Panel firms used.
Hearings require attorney or claim handler participation	Attorney. State has mandatory mediation that requires claim handler participation by phone or in person.
Occupational Diseases	Yes
Second Injury Fund availability	No
Other Offset Opportunities	N/A
EDI	Claims EDI Release 3: FROI only (1/1/2013) Medical EDI Release 2 (7/1/2014)

**Other Issues**

In-State Adjusting Required	No
License or Certification Required	Requires license. 24 hours of continuing education every two years; rating period depends on birth month and year.