

Regulatory Impact Analysis
Contact Information (11 NCAC 23A .0109 and 11 NCAC 23B .0105)

Agency:	North Carolina Industrial Commission
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Rules Proposed for Amendment:	11 NCAC 23A .0109 and 11 NCAC 23B .0105 (see proposed rule text in Appendix 1)
State Impact:	Yes (for Industrial Commission); None or <i>de minimus</i> otherwise
Local Impact:	None or <i>de minimus</i>
Private Impact:	None or <i>de minimus</i>
Substantial Economic Impact:	No
<i>Statutory Authority:</i>	<i>G.S. § 97-80(a), G.S. § 143-300.</i>

Background and Purpose of Proposed Rule Changes:

One of the purposes of these rule changes is to require attorneys not only to update their contact information with the Industrial Commission via EDFP, the Commission’s secure electronic document filing portal, but also to initially provide their contact information to the Industrial Commission via EDFP.

The other purpose of the changes, which applies only to 11 NCAC 23A .0109, is to require carriers, third party administrators, and self-insured employers to provide the Industrial Commission with an email address to which the Commission can send claim-related documents in cases where the Commission does not have email contact information for a specific representative assigned to the claim. This situation arises when, for example, a carrier, third party administrator, or self-insured employer has not yet assigned a specific representative to a claim because the claim has very recently been filed by and employee and/or the carrier, third party administrator, or self-insured employer may not yet know that the employee has filed a claim. In these cases, if the Industrial Commission does not have a general email address for the carrier, third party administrator, or self-insured employer to which claim-related documents can be sent, then the Commission must resort to sending a copy of its acknowledgement of the filing of the employee’s claim to the carrier, third party administrator, or self-insured employer via U.S. mail. This is more expensive to the Industrial Commission than sending the copy of the acknowledgement via email and it also increases the amount of time within which the carrier, third party administrator, or self-insured employer becomes aware of the employee’s claim.

It should be noted that this fiscal note does not address the proposed changes to these two rules that were published in the April 15, 2020 North Carolina Register because these proposed changes are addressed in an earlier fiscal note.

Summary of Aggregate Impact:

Requiring attorneys to not only update their contact information with the Commission via EDFP but to also to make sure that they have initially provided the Commission with their contact information via EDFP benefits both the Industrial Commission and the attorneys who practice before the Commission because it facilitates prompt communication between the Commission and attorneys, which makes the system more efficient.

The requirement for an attorney to provide the Commission with his or her contact information is a one-time requirement; it will not have to be done for each case in which the attorney is counsel of record. Since this is a one-time requirement, and since it can be done electronically via EDFP, the time cost per attorney of this requirement is *de minimus*. This requirement will result in a time savings to the Commission because the Commission will not have to spend time trying to locate an attorney's contact information via the internet or otherwise. The time savings to the Commission, while non-quantifiable, is important.

Requiring carriers, third party administrators, and self-insured employers to provide the Commission with an email address for service of claim-related documents in cases where the Commission does not have email contact information for a specific representative benefits both the Industrial Commission and the carriers, third party administrators, and self-insured employers because it facilitates the prompt receipt of documents by carriers, third party administrators, and self-insured employers and it saves the Commission postage, office supplies, and time in sending these documents, both of which make the system more efficient and less expensive.

The requirement for carriers, third party administrators, and self-insured employers to provide the Commission with this email address is a one-time requirement. In light of this, and given that it can be done by sending an email to forms@ic.nc.gov, the time cost per carrier, third party administrator, and self-insured employer is *de minimus*. And this requirement will result in a savings to the Commission that includes a savings on postage, paper, envelopes, and time because when the Commission does not have an email address that it can send documents to, it has to mail the documents via U.S. mail. This savings on postage, paper, envelopes, and time, while non-quantifiable, is important.

1 11 NCAC 23B .0105 is proposed for amendment as follows:

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3 Note: The text in italics is pending approval by the Rules Review Commission at its November 19, 2020 meeting.

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5 **11 NCAC 23B .0105 CONTACT INFORMATION**

6 (a) "Contact information" for purposes of this Rule shall include telephone number, facsimile number, email address,
7 and mailing address.

8 (b) All persons or entities without legal representation who have matters pending before the Commission shall advise
9 the Commission upon any change in contact information by filing a written notice via the Commission's Electronic
10 Document Filing Portal ("EDFP"), electronic ~~mail, [mail (dockets@ic.nc.gov),]~~ mail (contactinfo@ic.nc.gov),
11 ~~facsimile, facsimile to (919)715-0282, U.S. Mail, U.S. mail sent to Office of the Clerk, 1236 Mail Service Center,~~
12 Raleigh, North Carolina 27699-1236, private courier service, private courier service in accordance with Rule .0101
13 of this Section, or hand delivery, hand delivery in accordance with Rule .0101 of this Section.

14 (c) A plaintiff without legal representation who was an inmate in the North Carolina Division of Adult Corrections at
15 the time of filing his or her tort claim, shall, within thirty (30) days of release, provide the Commission with written
16 notice of his or her post-release contact information in any manner authorized in Paragraph (b) of this Rule. Following
17 the initial written notice of post-release contact information, the previously incarcerated plaintiff shall continue to
18 advise the Commission upon all changes in contact information in accordance with Paragraph (b) of this Rule.

19 (d) All attorneys of record with matters before the Commission shall ~~inform the Commission in writing of any change~~
20 ~~in the attorney's or the represented party's contact information~~ provide and maintain current contact information for
21 the Commission's records via email to dockets@ic.nc.gov. EDFP.

22 (e) Instructions on how to provide and update contact information via EDFP are available at
23 <https://www.ic.nc.gov/docfiling.html>.

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26 *History Note: Authority G.S. 143-291; 143-300;*

27 *Eff. March 1, 2019;*

28 *Amended Eff. _____;*

29 *Amended Eff. _____*

1 11 NCAC 23A .0109 is proposed for a amendment as follows:

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3 Note: The text in italics is pending approval by the Rules Review Commission at its November 19, 2020 meeting.

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5 **11 NCAC 23A .0109 CONTACT INFORMATION**

6 (a) "Contact information" for purposes of this Rule shall include telephone number, facsimile number, email address,
7 and mailing address.

8 (b) All attorneys of record with matters before the Commission shall ~~inform the Commission in writing of any change~~
9 ~~in the attorney's contact information via email to doctors@ic.nc.gov, provide and maintain current contact information~~
10 ~~for the Commission's records via the Commission's Electronic Document Filing Portal ("EDFP").~~

11 (c) All unrepresented persons or entities with matters before the Commission shall inform the Commission upon any
12 change to their contact information in the following manner:

13 (1) All employees who are not represented by counsel shall inform the Commission of any change in
14 contact information by filing a written notice via ~~EDFP, the Commission's Electronic Document~~
15 ~~Filing Portal ("EDFP"), email to forms@ic.nc.gov, contactinfo@ic.nc.gov, facsimile, facsimile to~~
16 ~~(919) 715-0282, U.S. Mail, U.S. mail sent to Office of the Clerk, 1236 Mail Service Center, Raleigh~~
17 ~~North Carolina 27699-1236, private courier service, private courier service in accordance with Rule~~
18 ~~.0101 of this Section, or hand delivery, hand delivery in accordance with Rule .0101 of this Section.~~

19 (2) All non-insured employers that are not represented by counsel shall inform the Commission of any
20 change in contact information by filing a written notice via EDPF, email to ~~doctors@ic.nc.gov~~,
21 ~~contactinfo@ic.nc.gov~~, facsimile, facsimile to (919) 715-0282, U.S. Mail, U.S. mail sent to Office
22 of the Clerk, 1236 Mail Service Center, Raleigh North Carolina 27699-1236, private courier service,
23 private courier service in accordance with Rule .0101 of this Section, or ~~hand delivery, hand delivery~~
24 ~~in accordance with Rule .0101 of this Section.~~

25 (d) ~~All carriers, third party administrators, and self-insured employers shall provide the Commission, by sending an~~
26 ~~email to contactinfo@ic.nc.gov, with an email address for service of claim-related documents in cases where the~~
27 ~~Commission does not have email contact information for a specific representative assigned to the claim.~~

28 (e) ~~Instructions on how to provide and update contact information via EDPF are available at~~
29 ~~https://www.ic.nc.gov/docfiling.html.~~

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31 *History Note: Authority G.S. 97-80;*
32 *Eff. January 1, 2019;*
33 *Amended Eff. _____;*
34 *Amended Eff. _____.*

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