

NORTH CAROLINA INDUSTRIAL COMMISSION

A View from the Chair
Philip A. Baddour, III
2020 Educational Conference

**INDUSTRIAL COMMISSION INITIATIVES
AND UPDATES:
WHAT'S NEW SINCE LAST YEAR**

COVID-19 Pandemic Response

Legal Case Management System

Extended Compensation Claims under G.S. § 97-29(c)

COVID-19 Claims

Who's New at the Industrial Commission

COVID-19 PANDEMIC RESPONSE: TRANSITION TO REMOTE WORK

- **In mid-March of 2020, the Industrial Commission transitioned employees to working remotely to the greatest extent possible. As of March 20th, approximately 88% of the Commission's employees were working remotely and continue to work remotely.**
- **The Commission's IT Section facilitated a smooth transition to remote work, allowing the Commission to continue normal business operations during the pandemic.**
- **The Commission worked closely with stakeholders to adopt policies and procedures to ensure the continued efficient operation of the Commission, including conducting mediations and full evidentiary hearings remotely.**

COVID-19 PANDEMIC RESPONSE: ELECTRONIC FILING

Electronic Document Filing System (EDFP)

- **The Commission's existing electronic document filing system enabled parties to continue to file forms, motions, responses, agreements and other documents electronically.**
- **Commission employees are able access electronic filings remotely, thus facilitating the prompt processing of forms and allowing Special Deputy Commissioners, Deputy Commissioners and Commissioners to continue to hear and decide cases while working remotely.**

COVID-19 PANDEMIC RESPONSE: REMOTE HEARINGS

- **Executive Secretary's Office:** Special Deputy Commissioners have continued to hold telephonic hearings.
- **Deputy Commissioner Hearings:** After a pause in full evidentiary hearings from mid-March through May 2020, full evidentiary hearings resumed via Webex videoconference in June. As of October, the Deputy Commissioners have almost eliminated the backlog of cases.
- **Full Commission Hearings:** The Full Commission has continued to conduct hearings remotely, initially via teleconference. As of October, all Full Commission oral arguments are being held via video conference.

COVID-19 PANDEMIC RESPONSE: LIMITED IN-PERSON HEARINGS

In-Person Hearings: Basis and Health & Safety Guidelines

- While the State court system is under emergency directives, the Industrial Commission is holding in-person hearings in limited cases when ordered by the presiding Deputy Commissioner based upon good cause shown.
- The Industrial Commission has adopted health and safety guidelines for in-person hearings based on guidance from the CDC and the NC Department of Health and Human Services and upon consideration of Chief Justice Beasley's July 16, 2020 Order and Emergency Directive 21 related to face coverings in courthouses.

COVID-19 PANDEMIC RESPONSE: MEDIATION ATTENDANCE RULE

Formal Rulemaking for Mediation Attendance Rule

- **On August 6, 2020, the Commission adopted a temporary rule amendment to 11 NCAC 23G .0104, which was approved by the Rules Review Commission effective August 28, 2020. The Commission has begun the process of permanent rulemaking for this amendment.**
- **Both the temporary and permanent rule amendment incorporate the Supreme Court's default manner of attendance at mediations - either in-person or remote. The rule modification prevents the need for future rule changes and ensures the Commission's rule will always be "substantially similar" to the Supreme Court rule, as required by N.C. Gen. Stat. §97-80(c).**

COVID-19 PANDEMIC RESPONSE: OTHER POLICIES AND PROCEDURES

Deputy Commissioners Hearing Additional Cases since June 2020

By setting approximately 30% more cases each month starting in June, the Deputy Commissioners have addressed the backlog of cases created by pandemic-related continuances in mid-March through May of 2020.

Agreements Signed Via DocuSign/Similar Vendor are Accepted

Avoids in-person contact and streamlines submission and approval of agreements.

Written Affirmation without Notarization is Allowed

Avoids in-person contact and is consistent with Chief Justice Beasley's emergency directive.

Secure Leave Waivers Granted due to Pandemic

Accommodates attorneys needing to reschedule vacations, medical procedures, and other plans for which secure leave was obtained prior to the pandemic.

COVID-19 PANDEMIC RESPONSE: OTHER POLICIES AND PROCEDURES

FAQs Published Regarding Telehealth Billing and Coverage

Based on inquiries from health care providers, nurse case managers, and other stakeholders, the Commission published FAQs regarding telehealth visits in workers' compensation cases.

Frequent COVID-19 Response Updates Posted on Website

To keep stakeholders apprised of the Commission's policies, procedures, and other responses to the pandemic, the Commission has been posting frequent updates on its website Home Page.

New Email Service to Receive IC Updates

Stakeholders can now receive important Industrial Commission updates via email. To subscribe, go to the Commission's Home Page and click on *Subscribe to receive NCIC Updates via email* under the *Quick Links* column on the right side of the page.

LEGAL CASE MANAGEMENT SYSTEM NEARING COMPLETION

Legal Case Management System Features and Timeline

- **Projected go-live: First quarter of 2021**
- **Features available to external users at go-live:**
 - ▶ **Online forms: Form 18, Form 33, Form 25N, Form MSC5**
 - ▶ **Online capability: request secured leave, request audio recordings of hearings, update contact information, and register for rehab professional courses.**
 - ▶ **Real-time updates to online master docket and hearing calendars.**
 - ▶ **Expanded online filing of case documents.**
- **Planned features for external users in later phases:**
 - ▶ **Online access to files and case data for parties and counsel.**

EXTENDED COMPENSATION CASE STATISTICS

Claims for Extended Compensation under G.S. §97-29(c)

Claims Filed: 27

Claims Mediated: 7

Deputy Commissioner Hearings Held: 3

Case Decisions: 0

COVID-19 FILINGS AS OF AUGUST 31, 2020

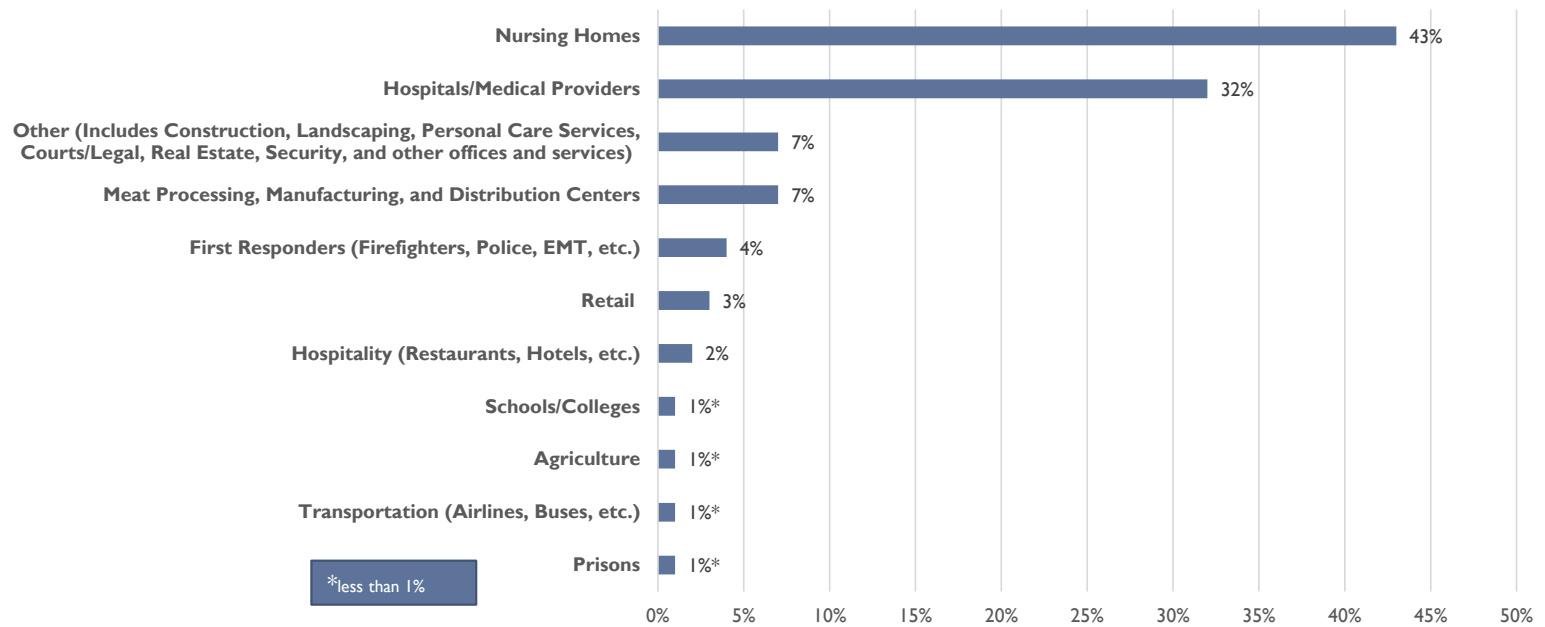
Form 19 filings listing COVID-19: 1,508

Form 18 filings listing COVID-19: 119

COVID-19 cases where a Form 60, 61 or 63 has been filed:

<u>Denied on Form 61:</u>	57%
<u>Accepted on Form 60:</u>	19%
<u>Form 63, Section 1 filed:</u>	18%
<u>Form 63, Section 2 filed:</u>	6%

INDUSTRY BREAKDOWN OF COVID-19 RELATED FORMS 18 AND 19



WHO'S NEW AT THE INDUSTRIAL COMMISSION

Chief Operating Officer Pamela T. Young



Returned to Commission as Chief Operating Officer in March 2020.

Previously served the Commission for over 17 years as a Deputy Commissioner, Commissioner and Chair.

Deputy Commissioner Tiffany Mack Smith



Appointed in September 2020. Assigned to Charlotte Regional Office.

Private practice experience primarily in the areas of workers' compensation and social security disability.

FISCAL YEAR
2019-20:
AN OVERVIEW
OF THE
NUMBERS

147	Approximate Number of Commission Employees
\$17.2 million	Operating Budget for Fiscal Year 2019-20
Over \$3 million	Fines and Penalties Transferred to OSBM

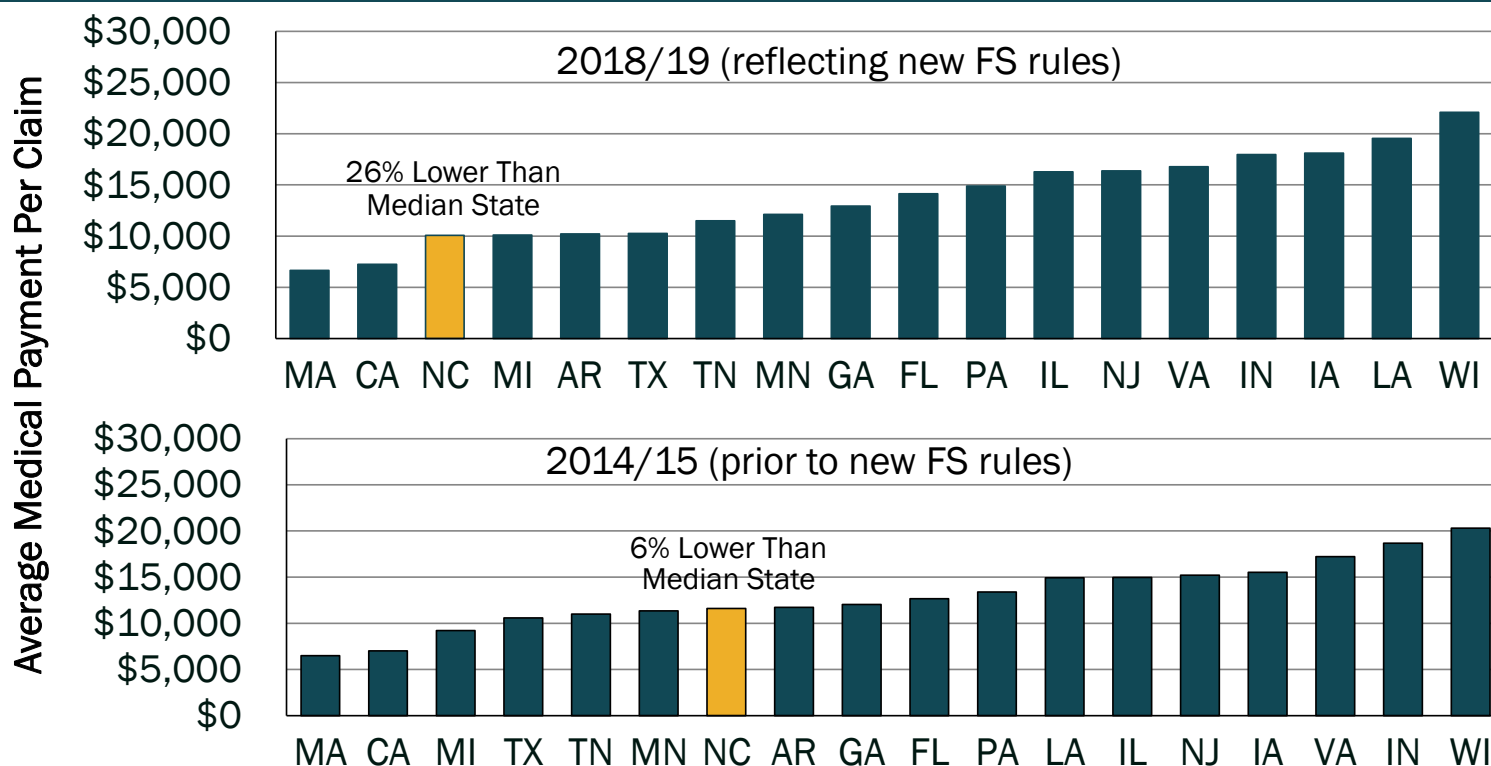
**FISCAL YEAR
2019-20:
AN OVERVIEW
OF THE
NUMBERS**

59,410	Workers' Compensation Claims Filed
860	Tort Claims Filed
998	Deputy Commissioner Hearings Held (Excluding Penalty and Contempt Matters)
2,245	Orders Filed on Medical Motions
489	Appeals to the Full Commission

**FISCAL YEAR
2019-20:
AN OVERVIEW
OF THE
NUMBERS**

Over \$3.126 Million	Penalties Collected Due to Non-Insured Employers
73%	Overall Settlement Rate
12,326	Orders Filed on Compromise Settlement Agreements
19,421	Calls Answered by Claims Administration Section
10,598 in English and 1,308 in Spanish	Calls Answered by Information Specialists

NC Medical Payments Per Claim 26% Lower Than Typical In 2018 (Reflecting New FS Rules)



Claims With > 7 Days Of Lost Time, Adjusted For Injury/Industry Mix

Note: The 2018/19 result for North Carolina reflects up to 48 months of experience under the new hospital and ASC fee schedules and up to 45 months of experience under the new nonhospital fee schedule.

Source: *CompScope™ Medical Benchmarks for North Carolina, 21st Edition (2020)*