

NC Workers' Compensation Update: Governor Cooper Signs Law Reversing Wilkes

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Governor Cooper Signs Law Reversing *Wilkes*

On July 20, 2017, Governor Roy Cooper signed into law an Act passed by the General Assembly that is intended to make important clarifications to the North Carolina Workers' Compensation Act in the wake of the recent Supreme Court decision in *Wilkes v. City of Greenville*. In *Wilkes*, the Supreme Court expanded the Parsons/Perez presumption to provide for a rebuttable presumption that any injury or condition, whether explicitly accepted on a Form 60 or Form 63 or not, is causally related to the compensable injury, when an injured worker seeks additional medical treatment.

In response, the General Assembly has essentially reversed the effect of *Wilkes* as it applied to medical compensation by amending NCGS 97-82(b) to provide that acceptance of a specific injury or condition (pursuant to a Form 60 or Form 63) does **not** create a presumption of the causal relatedness of any other injury or condition not specifically identified on the Form 60 or Form 63. Rather, an injured worker simply retains the right to request a hearing in order to prove a causal relationship. The new law expressly notes that injured workers seeking medical treatment for injuries not expressly listed on the Form 60 or 63 may do so by filing a Form 33 Request for Hearing under 97-84. The new legislation does not provide an injured worker with the opportunity to request an **expedited** hearing for medical treatment for injuries or conditions not specifically accepted as compensable by Defendants.

As always in your claims handling, carefully complete any Form 60 or Form 63, expressly admitting only those specific injuries or conditions you intend to fully accept as compensable. An injured worker will then be required to obtain an Opinion and Award on compensability for injuries claimed that are not listed on the Form 60 or 63.

For questions or more information, please contact one of [MGC's attorneys](#).

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