

North Carolina Changes Medical Motions Procedure

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On July 22, 2014, Governor Pat McCrory signed into law Senate Bill 794, amending the language of N.C. Gen. Stat. 97-25 and relevant Industrial Commission rules regarding medical motions. Prior to this law being enacted, any medical motions designated by the moving party as "Emergency" or "Expedited" were filed with the Chief Deputy Commissioner and a hearing was held expeditiously with a Deputy Commissioner in order to determine if the motion was truly an emergency. In practice, however, the parties were simply required to argue the motion at the initial hearing. Now, those medical motions that are deemed to be an emergency will require a ruling within 5 days, but no opportunity to present arguments by telephone will be allowed. If the Chief Deputy or his designee determines that the motion is not an emergency, the motion shall be referred to the Executive Secretary for an administrative ruling within 30 days.

The effect of this change is that the parties will no longer be afforded a hearing prior to the issuance of a ruling on an emergency/expedited medical motion. Therefore, it is of the highest importance that a comprehensive response be submitted whenever an emergency/expedited medical motion is received. Given the short period of time in which the ruling will be issued, emergency/medical motions may need to be referred out to an attorney as soon as possible upon receipt.

Non-emergency medical motions, designated by the parties as such, are also to be sent to the Executive Secretary's office for an administrative ruling within 30 days. Although non-emergency/expedited motions will not require as quick of a response, comprehensive responses should be submitted prior to the applicable deadlines.

To read the full announcement from the General Assembly, please click [here](#).

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

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