# Table of Contents

I. RECOGNIZING SUBSTANCE ABUSE
   
   Dr. Kristin B. Webb – Chapel Hill
   
   SCOPE NOTE ........................................................................................................... I-1

II. PRACTICAL TIPS FOR HANDLING DEATH CLAIMS
   
   W. Mark Peck – Winston-Salem

III. INJURIES OCCURRING WHILE PERFORMING INCIDENTAL ACTIVITIES
   
   Erica B. Lewis – Wilmington
   Cameron D. Simmons – Wilmington

   EMPLOYER-SPONSORED EVENTS ........................................................................ III-1
   HORSEPLAY AS A DEFENSE ............................................................................. III-6
   EMPLOYER-SPONSORED EVENT/HORSEPLAY v. INTOXICATION .......... III-8
   EXCEPTIONS TO THE GOING AND COMING RULE
   INTRODUCTION ..................................................................................................... III-9
   APPLICATIONS OF THE GOING AND COMING RULE ....................... III-10
   The Rationale Behind the Rule ................................................................. III-10
   THE PREMISES EXCEPTION ........................................................................... III-12
   Overview of the Premises Exception ................................................ III-12
   Treatment of the Premises Exception in a Majority of Jurisdictions .......... III-12
   Applications of the Premises Exception in North Carolina ........... III-13
   THE CONTRACTUAL DUTY EXCEPTION .................................................. III-16
   Employer Pays or Reimburses the Cost of Transportation .......... III-16
   Employer Furnishes Transportation .................................................... III-18
   THE SPECIAL ERRAND EXCEPTION ..................................................... III-20
   THE TRAVELING SALESMAN EXCEPTION ........................................ III-25
   THE PERSONAL USE EXCEPTION .......................................................... III-31
   CONCLUSION .................................................................................................... III-32
   OUTLINE FOR SLIDES ..................................................................................... III-35
IV. AFFIRMATIVE DEFENSES TO WORKERS COMPENSATION CLAIMS

Michael W. Ballance – Cary

V. ISSUES WITH ATTENDANT CARE

Kurt A. Seeber – Winston-Salem
Karen Smith, BSN, RN, COHN-S – Raleigh
Mark T. Sumwalt – Charlotte

NCIC MEDICAL REHABILITATION MISSION........................................ V-1
BARCARES .......................................................................................... V-3
BARCARES CONTACT REQUEST FORM ........................................ V-5
BARCARES FREQUENTLY ASKED QUESTIONS.................................. V-7
BARCARES PROGRAM GROUPS & PROVIDER LOCATIONS ............. V-9
BARCARES PILOT PROGRAM ................................................................ V-10
NEW BARCARES VIDEOS ................................................................. V-11

VI. UNUSUAL EMPLOYER-EMPLOYEE RELATIONSHIP CLAIMS

Emily S. Goodman – Wilmington

PART ONE: CLAIM JURISDICTION ....................................................... VI-1
The Statute .......................................................................................... VI-1
CASE LAW INTERPRETATION ............................................................. VI-3
Independent Contractors .................................................................... VI-3
Important Tips to Remember ............................................................... VI-4
Special Employers and Lent Employees (Staffing Agencies) .......... VI-5
PART TWO: ONGOING ISSUES WITH THE UNUSUAL EMPLOYMENT RELATIONSHIP .......................................................... VI-5
Average Weekly Wage – A Largely Ad-Hoc Calculation ................. VI-5
Return to Work and the Undocumented Worker .............................. VI-8

VII. MULTI-JURISDICTIONAL CLAIMS

Scott W. Roberts – Gastonia

LEGAL ISSUES IN WORKERS’ COMPENSATION CLAIMS INVOLVING ONE OUT OF STATE PARTY ........................................ VII-1
NC JURISDICTION OVER ACCIDENT OCCURRING OUTSIDE THE STATE ................................................................................ VII-1
NC JURISDICTION OVER A CLAIM INVOLVING AN OUT-OF-
STATE PLAINTIFF & AN OUT-OF-STATE EMPLOYER .......................VII-3
JURISDICTION OVER A WORKERS’ COMPENSATION CLAIM
WHERE THE EMPLOYER & EMPLOYEE ARE OUT-OF-STATE
AND THE ACCIDENT OCCURES IN NORTH CAROLINA.............VII-4
LEX LOCI DELICTI .....................................................................VII-5
PURCHASE OF INSURANCE.............................................................VII-7
DEFINITION OF EMPLOYER ......................................................VII-8
CONCLUSION........................................................................VII-8