

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1464

Introduced by

Representatives Thorpe, Sveen, Maragos, Coats

Senators Fischer, Heitkamp

1 A BILL for an Act to create and enact two new sections to chapter 65-01 of the North Dakota
2 Century Code, relating to definitions and the duties and rights of the North Dakota workers
3 compensation bureau, employers, and employees.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 65-01 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Final decision defined.** For purposes of this chapter, "final decision" means a decision
8 of the bureau regarding an award of benefits. A final decision is appealable to the office of
9 administrative hearings or directly to the district court.

10 **SECTION 2.** A new section to chapter 65-01 of the North Dakota Century Code is
11 created and enacted as follows:

12 **Rights and duties of the bureau, employers, and employees.** Notwithstanding any
13 other provisions of law:

- 14 1. The bureau may not limit an injured worker's right to choose a medical provider.
15 The bureau may not order medical evaluations to be conducted outside the injured
16 worker's state of residence unless a medical evaluation by a specialist is required
17 and a specialist is not available in the state of residence.
- 18 2. An employer or injured worker has the right to appeal any bureau decision
19 regarding what medical care is necessary and appropriate. Determinations by the
20 doctor attending an injured worker regarding what care is necessary and
21 appropriate must be presumed correct.
- 22 3. Upon receipt, the bureau shall immediately refer a petition for reconsideration to
23 the office of administrative hearings for the scheduling of a hearing and issuance
24 of a final decision by the administrative law judge. Any evidence offered by a party

- 1 at a hearing, if provided to all parties at least five days before the hearing, must be
- 2 admitted and given appropriate weight.
- 3 4. If a final bureau order finds that a compensable injury has occurred, the bureau
- 4 may not deny that occurrence at a later time.
- 5 5. An appeal of a final bureau order is entitled to de novo review by the district court.
- 6 6. Upon a final decision by the bureau, an employer, medical provider, or employee
- 7 may appeal the final decision to either the office of administrative hearings or
- 8 directly to the district court.