

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1265

Introduced by

Representative Berg

Senator Mutch

1 A BILL for an Act to amend and reenact section 65-05-07 of the North Dakota Century Code,
2 relating to medical benefits furnished by the workers compensation bureau.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **65-05-07. Injured employee given medical and hospital service required -**
7 **Furnished artificial limbs and appliances for rehabilitation - Fee approval.** ~~Immediately~~
8 ~~after an injury sustained by an employee and during the resulting period of disability, the~~ The
9 fund shall furnish to ~~the~~ an injured employee ~~such~~ reasonable and appropriate medical,
10 surgical, and hospital service and supplies ~~as the nature of the injury may require~~ necessary to
11 treat a compensable injury. The fund may furnish ~~such~~ artificial members and replacements ~~as~~
12 ~~in the judgment of the bureau may be~~ determines necessary to rehabilitate ~~such~~ an injured
13 employee.

- 14 1. The health care provider or ~~physician~~ doctor must be acting within the scope of the
15 provider's or ~~physician's~~ doctor's license or fees will be denied.
- 16 2. Fees may not be approved for more than one health care provider or ~~physician, or~~
17 ~~both,~~ doctor in a case where treatment is provided over the same period of time
18 except for the services of a consulting ~~physician~~ doctor, assistant surgeon, or
19 anesthetist or in an emergency.
- 20 3. The bureau, in cooperation with professional organizations of doctors and health
21 care providers, shall establish a system of peer review to determine
22 reasonableness of fees and payment denials for unjustified treatments,
23 hospitalization, or visits. The doctor or health care provider ~~shall have the right to~~

1 may appeal adverse decisions of the bureau in accordance with the medical aid
2 rules adopted by the bureau.

3 4. Health care providers ~~or~~ and doctors may not bill an injured ~~workers~~ employee for
4 any services rendered as a result of the compensable work injury.

5 5. ~~If the~~ The bureau determines that it is necessary may not pay more than twenty
6 thousand dollars to provide permanent additions, remodeling, or adaptations to
7 real estate ~~to those workers~~ it determines necessary for a worker who sustain
8 sustains a catastrophic injury as defined in chapter 65-05.1, such improvements
9 ~~may be made, but may not exceed ten.~~ The twenty thousand dollars dollar limit is
10 for the life of the ~~claimant~~ injured employee, regardless of any subsequent claim.
11 This subsection does not allow the bureau to purchase any real estate or motor
12 vehicles.

13 6. If a doctor or health care provider who has treated or provided services to an
14 injured employee fails or refuses without just cause to file with the bureau a report
15 required by section 65-05-02, 65-05-08, or 65-05-08.1, within thirty days of
16 examination, treatment, or provision of other services rendered in connection with
17 a compensable work injury, or within thirty days of a request for ~~such~~ the report
18 made by the claimant, the claimant's representative, or the bureau, the bureau
19 shall assess as a penalty a sum of one hundred dollars. Health care providers ~~or~~
20 and doctors may not bill an injured ~~workers~~ worker for any penalty assessed by
21 the bureau ~~as a result of failure or refusal without just cause to file a required~~
22 ~~report~~ under this subsection.

23 7. The filing of an accident report or the rendering of treatment to an injured worker
24 who comes under the bureau's jurisdiction, ~~as the case may be~~, constitutes
25 acceptance of the bureau's medical aid rules and compliance with its rules and
26 fees.

27 8. The bureau may not pay for:

28 a. Personal items that are for the injured employee's personal use or hygiene,
29 including toothbrushes, slippers, shampoo, and soap.

- 1 b. Any product or item such as clothing or footwear unless the items are
- 2 considered orthopedic devices and are prescribed by the treating doctor or
- 3 health care provider.
- 4 c. Any furniture except hospital beds, shower stools, wheelchairs, or whirlpools
- 5 if prescribed by the treating doctor or health care provider.
- 6 d. Vitamins and food supplements except in those cases where the injury
- 7 causes severe dietary problems, where the injury results in the employee's
- 8 paraplegia or quadriplegia, or where the employee becomes
- 9 wheelchair-bound due to the injury.
- 10 e. Eye exams unless there is a reasonable potential for injury to the employee's
- 11 eyes as a result of the injury.
- 12 f. Private hospital or nursing home rooms except in cases of extreme medical
- 13 necessity and only when directed by the attending doctor. If the employee
- 14 desires better accommodations than those ordered by the attending doctor,
- 15 the employee will pay the difference in cost.
- 16 g. Serological tests, including VDRL and RPR, or other tests for venereal
- 17 disease or pregnancy, or any other routine tests unless clearly necessitated
- 18 by the injury.
- 19 h. Aids or programs primarily intended to help the employee lose weight or stop
- 20 smoking.
- 21 i. Home gym or exercise equipment unless ordered by the bureau.
- 22 j. Memberships or monthly dues to health clubs, unless ordered by the bureau.
- 23 k. Massage, unless ordered by the bureau.