

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1264

Introduced by

Representatives Gulleason, Hoffner

Senator Kelsh

1 A BILL for an Act to amend and reenact subsection 3 of section 65-05-28 of the North Dakota
2 Century Code, relating to workers' compensation independent medical examinations.

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

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 65-05-28 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 3. The bureau ~~may~~ at any time may require an employee to submit to an independent
7 medical examination by a duly qualified doctor or doctors designated or approved
8 by the bureau. The independent medical examination must be for the purpose of
9 review of the diagnosis, prognosis, treatment, or fees. The bureau shall notify an
10 employee that the employee may have a duly qualified doctor designated by that
11 employee present at the examination if procured and paid for by that employee.
12 The bureau also shall notify the employee that the employee may have a
13 companion present at the examination and the employee may make an audiotape
14 and a videotape of the examination. Providing further that:
- 15 a. In case of any disagreement between doctors making an examination on the
16 part of the bureau and the employee's doctor, the bureau shall appoint an
17 impartial doctor duly qualified who shall make an examination and shall report
18 to the bureau.
- 19 b. The employee, in the discretion of the bureau, may be paid reasonable travel
20 and other per diem expenses under the guidelines of subsection 2. If the
21 employee is working and loses gross wages from the employee's employer
22 for attending the examination, the gross wages must be reimbursed as a
23 miscellaneous expense upon receipt of a signed statement from the employer
24 verifying the gross wage loss.