

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2167

Introduced by

Senator Lyson

1 A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota
2 Century Code, relating to the consideration of after-acquired medical evidence in workers'
3 compensation claims.

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

5 **SECTION 1.** A new section to chapter 65-05 of the North Dakota Century Code is
6 created and enacted as follows:

7 **After-acquired medical evidence.** Notwithstanding section 65-05-04 and any other
8 law, if the bureau denies a claim for benefits on the grounds that the injured employee has not
9 provided medical evidence substantiating a compensable injury, the bureau shall reopen the
10 claim and reassess compensability if, within four years of the filing of the claim at issue, the
11 injured employee requests in writing that the bureau reopen the claim and reassess
12 compensability based on after-acquired medical evidence. If an injured employee makes a
13 request to reopen a claim under this section, the bureau shall consider the merits of the request
14 and determine compensability in light of the after-acquired medical evidence. A request to
15 reopen a claim under this section must be made by delivering the request to the office of the
16 bureau or to any person the bureau designates or by depositing the request in the mail properly
17 stamped and addressed to the bureau or to any person the bureau designates. An injured
18 employee may appeal from a bureau decision made in response to a request to reopen a claim
19 under this section.