

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1517

Introduced by

Representatives Schneider, Wall

Senator Holmberg

1 A BILL for an Act to amend and reenact section 65-05-32 of the North Dakota Century Code,
2 relating to release of information by workforce safety and insurance; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-32 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **65-05-32. Privacy of records and hearings - Penalty.** Information contained in the
7 claim files and records of injured employees is confidential and is not open to public inspection,
8 other than to organization employees or agents in the performance of their official duties.
9 Providing further that:

- 10 1. Representatives of a claimant, whether an individual or an organization, may
11 review a claim file or receive specific information from the file upon the
12 presentation of the signed authorization of the claimant. However, reserve
13 information may not be made available to the claimant or the claimant's
14 representatives. Availability of this information to employers is subject to the sole
15 discretion of the organization.
- 16 2. Employers or their duly authorized representatives who are required to have
17 access to an injured ~~worker's~~ employee's claim file for the performance of their
18 duties may review and have access to any files of their own injured ~~workers~~
19 employees. An employer or an employer's duly authorized representative who
20 willfully communicates information contained in an employee's claim file to any
21 person who does not need the information in the performance of that person's
22 duties is guilty of a class B misdemeanor.
- 23 3. Physicians or health care providers treating or examining ~~workers~~ employees
24 claiming benefits under this title, or physicians giving medical advice to the

organization regarding any claim may, at the discretion of the organization, inspect the claim files and records of injured ~~workers~~ employees.

4. Other persons may have access to and make inspections of the files, if such persons are rendering assistance to the organization at any stage of the proceedings on any matter pertaining to the administration of this title.
5. The claimant's name; date of birth; injury date; employer name; type of injury; whether the claim is accepted, denied, or pending; and whether the claim is in active or inactive pay status will be available to the public. This information may not be released in aggregate form, except to those persons contracting with the organization for exchange of information pertaining to the administration of this title or except upon written authorization by the claimant for a specified purpose.
6. At the request of a claimant, the organization may close the medical portion of a hearing to the public.
7. The organization may release the social security number of an individual claiming entitlement to benefits under this title to health care providers or health care facilities for the purpose of adjudicating a claim for benefits.
8. The organization may notify a claimant's insurer of the status of the claimant's claim if:
 - a. The status of the previously denied claim has changed and the organization has approved the claim; and
 - b. The organization provides the claimant with notice the change in claim status may result in the claimant being eligible for reimbursement for incidental out-of-pocket expenses the claimant may have paid health care providers.