

June 2007

TITLE 65

Workforce Safety and Insurance

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 65. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Workforce Safety and Insurance may be classified in these subject areas: administration and benefits.

ADMINISTRATION

House Bill No. 1460 modifies the membership of the Workforce Safety and Insurance Board of Directors, transferring the employee member representing the risk management program to be an employer at-large representative, providing qualifying premium levels for employer representatives are determined at the time of initial appointment, providing the employee member who received Workforce Safety and Insurance benefits must have received wage-loss benefits at some time during the 10 years before initial appointment, providing that board members whose initial appointments were after July 31, 2007, may not serve more than two consecutive terms, providing for a coordinating committee to submit to the Governor a list of three employer members for appointment, providing the Governor selects the employee board members who do not represent organized labor, providing the Governor selects the North Dakota Medical Association member from a list of three names submitted by the North Dakota Medical Association, allowing the Governor to reject the list of names submitted, and providing the new membership provisions apply to board member appointments occurring after July 31, 2007. Additionally, the bill provides spending authority limitations for education, training, and awards.

House Bill No. 1517 provides Workforce Safety and Insurance may provide an injured employee's insurer information regarding the injured employee's claim.

Senate Bill No. 2021 provides Workforce Safety and Insurance may establish programs to advance occupational health and preventive medicine, including education, consultation, grants, scholarships, and incentives that promote superior care and treatment of the workforce in this state.

Senate Bill No. 2028 removes the requirement that Workforce Safety and Insurance make biennial reports to the Budget Section on all revenues deposited in and expenditures made from the building maintenance account within the Workforce Safety and Insurance fund.

Senate Bill No. 2092 corrects the statutory reference to the workers' compensation fund and provides the money in the fund may be used to pay costs associated with workers' compensation loss control programs.

Senate Bill No. 2123 makes several changes to the workers' compensation laws, including permits Workforce Safety and Insurance to print a certificate that identifies an account as one that has no employees; permits Workforce Safety and Insurance to disclose information pertaining to whether an employer is delinquent or uninsured; eliminates the workers' compensation experience rating surcharge cap for employer premiums; and changes the workers' compensation risk management program from a document-based program to a results-based program.

BENEFITS

House Bill No. 1038 increases the workers' compensation benefits available to catastrophically injured employees for adaptations to real estate, for specially equipped motor vehicles, and vehicle adaptations; creates an alternative calculation for additional benefits payable applicable to employees injured before

August 1, 2005, who were determined to be permanently and totally disabled after July 30, 2005; expands the qualification for death benefits for catastrophically injured employees; expands who may qualify for a student loan under the educational revolving loan fund; and shortens the time requirements to be eligible for supplementary benefits for employees injured after December 31, 2005.

House Bill No. 1140 provides for an inflation adjustment for injured employees receiving long-term temporary partial disability benefits.

House Bill No. 1411 allows Workforce Safety and Insurance to provide benefits for adaptations to real estate, specially equipped motor vehicles, or vehicle adaptations for injured employees who are not catastrophically injured.

Senate Bill No. 2042 provides that under the presumption of compensability for full-time paid firefighters and law enforcement officers, if a medical examination produces a false positive result for a condition covered under the presumption, the condition is a compensable injury.

Senate Bill No. 2294 changes the injured employee's burden of proof in reopening a claim that was presumed closed from having to prove the work injury was the sole cause of the current symptoms to having to prove the work injury was the primary cause of the current symptoms.

Senate Bill No. 2389 clarifies that a permanent impairment is not intended to be a periodic payment and is not intended to reimburse the employee for specific expenses related to the injury or to wage loss and changes the permanent impairment award schedule from a calculation based on a period of weeks to a schedule that uses a corresponding multiplier.