

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1524

Introduced by

Representatives Amerman, J. Kelsh, Wolf

Senators Dotzenrod, Fiebiger, Nething

1 A BILL for an Act to amend and reenact section 65-05-33 of the North Dakota Century Code,  
2 relating to workers' compensation fraud; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-33 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **65-05-33. Filing false claim or false statement - Penalty.**

- 7 1. A person who claims benefits or payment for services under this title or the  
8 employer of a person who claims benefits or payments for services is guilty of a  
9 class A misdemeanor if the person or employer does any one or more of the  
10 following:
- 11 a. Willfully files a false claim or makes a false statement in an attempt to secure  
12 payment of benefits or payment for services.
  - 13 b. Willfully misrepresents that person's physical condition, including deceptive  
14 conduct which misrepresents that person's physical ability.
  - 15 c. Has a claim for disability benefits that has been accepted by the organization  
16 and willfully fails to notify the organization of:
    - 17 (1) Work or other activities as required under subsection 3 of section  
18 65-05-08;
    - 19 (2) The receipt of income from work; or
    - 20 (3) An increase in income from work.
- 21 2. If any of the acts in subsection 1 are committed to obtain, or pursuant to a scheme  
22 to obtain, more than five hundred dollars in benefits or payment for services, the  
23 offense is a class C felony.

- 1           3. In addition to any other penalties provided by law, the person claiming benefits or  
2           payment for services in violation of this section ~~shall~~;
- 3           a. Shall reimburse the organization for any benefits paid based upon the false  
4           claim or false statement and, if applicable, under section 65-05-29; and ~~shall~~
- 5           b. If the organization demonstrates by clear and convincing evidence that there  
6           was actual, substantial loss shall forfeit any additional benefits relative to that  
7           injury.
- 8           4. For purposes of this section, "statement" includes any testimony, claim form,  
9           notice, proof of injury, proof of return to work status, bill for services, diagnosis,  
10          prescription, hospital or doctor records, x-ray, test results, or other evidence of  
11          loss, injury, or expense.