

Introduced by

Representatives Schneider, Gruchalla, Kasper

Senator Wanzek

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 a treating doctor's opinion in workers' compensation decisions and  
3 appeals.

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 **Treating doctor's opinion.**

- 8 1. In considering the injured employee's medical status, the organization shall give  
9 controlling weight to the injured employee's treating doctor's opinion if the treating  
10 doctor's opinion on the issues of the nature and severity of the injured employee's  
11 medical condition is well-supported by medically acceptable clinical and laboratory  
12 diagnostic techniques and is not inconsistent with the other substantial evidence in  
13 the injured employee's record.
- 14 2. If the organization does not give an injured employee's treating doctor's opinion  
15 controlling weight, the organization shall determine the weight to give the doctor's  
16 opinion by applying the following factors:
- 17 a. The length of the treatment relationship and the frequency of examinations;  
18 b. The nature and extent of the treatment relationship;  
19 c. The amount of relevant evidence in support of the opinion;  
20 d. How consistent the opinion is with the record as a whole;  
21 e. Whether the doctor specializes in the medical issues related to the opinion;  
22 and  
23 f. Other relevant factors.

- 1           3.   This section applies to decisions made by the organization, reconsiderations,  
2               rehearings, and appeals.