

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2431

Introduced by

Senator O'Connell

1 A BILL for an Act to amend and reenact subsection 3 of section 65-05-28 of the North Dakota  
2 Century Code, relating to independent medical examinations required by workforce safety and  
3 insurance.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 65-05-28 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 3. The organization may at any time require an employee to submit to an  
8 independent medical examination by a duly qualified doctor or doctors designated  
9 or approved by the organization. The organization shall make a reasonable effort  
10 to designate a doctor licensed in the state in which the employee resides to  
11 conduct the examination before designating a doctor licensed in another state or  
12 shall make a reasonable effort to designate a doctor licensed in a state other than  
13 the employee's state of residence if the examination is conducted at a site within  
14 two hundred seventy-five miles [442.57 kilometers] from the employee's residence.

15 The independent medical examination must be for the purpose of review of the  
16 diagnosis, prognosis, treatment, or fees. The employee may have a duly qualified  
17 doctor designated by that employee present at the examination or later review the  
18 written report of the doctor performing the independent medical examination, if  
19 procured and paid for by that employee. Providing further that:

20 a. In case of any disagreement between doctors making an examination on the  
21 part of the organization and the employee's doctor, the organization shall  
22 appoint an impartial doctor duly qualified who shall make an examination and  
23 shall report to the organization.

- 1                   b.    The employee, in the discretion of the organization, may be paid reasonable  
2                   travel and other per diem expenses under the guidelines of subsection 2. If  
3                   the employee is working and loses gross wages from the employee's  
4                   employer for attending the examination, the gross wages must be reimbursed  
5                   as a miscellaneous expense upon receipt of a signed statement from the  
6                   employer verifying the gross wage loss.