

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Schneider

1 A BILL for an Act to amend and reenact section 65-02-21.1 and subsection 3 of section
2 65-05-28 of the North Dakota Century Code, relating to doctors who perform independent
3 medical examinations for workforce safety and insurance.

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

5 **SECTION 1. AMENDMENT.** Section 65-02-21.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **65-02-21.1. Licensure required for psychologists and physicians performing**
8 **utilization review.** Psychologists making utilization review determinations under sections
9 65-02-20 and 65-02-21 ~~shall~~ must have current licenses from the state board of psychologist
10 examiners. Physicians making utilization review determinations under sections 65-02-20 and
11 65-02-21 ~~shall~~ must have current licenses from the state board of medical examiners. ~~This~~
12 ~~requirement does not apply to psychologists or physicians conducting independent medical~~
13 ~~examinations under section 65-05-28.~~

14 **SECTION 2. AMENDMENT.** Subsection 3 of section 65-05-28 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 3. ~~The~~ At any time, the organization may ~~at any time~~ require an employee to submit
17 to an independent medical examination by ~~a duly~~ one or more qualified ~~doctor or~~
18 ~~doctors~~ designated or approved by the organization. A doctor who is designated
19 by the organization to perform an independent medical examination under this
20 subsection must be appropriately licensed in this state and the examination must
21 take place in this state. The independent medical examination must be for the
22 purpose of review of the diagnosis, prognosis, treatment, or fees. The employee
23 may have a ~~duly~~ qualified doctor designated by that employee present at the
24 examination if procured and paid for by that employee. Providing further that:

- 1 a. In case of any disagreement between doctors making an examination on the
2 part of the organization and the employee's doctor, the organization shall
3 appoint an impartial, qualified doctor ~~duly-qualified~~ who shall make an
4 examination and shall report to the organization.
- 5 b. The employee, in the discretion of the organization, may be paid reasonable
6 travel and other per diem expenses under the guidelines of subsection 2. If
7 the employee is working and loses gross wages from the employee's
8 employer for attending the examination, the gross wages must be reimbursed
9 as a miscellaneous expense upon receipt of a signed statement from the
10 employer verifying the gross wage loss.