

Sixty-first  
Legislative Assembly  
of North Dakota

**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 independent  
8 medical examination by a duly qualified doctor or doctors designated or approved  
9 by the organization. The organization shall make a reasonable effort to designate  
10 a doctor licensed in the state in which the employee resides to conduct the  
11 examination before designating a doctor licensed in another state. The  
12 independent medical examination must be for the purpose of review of the  
13 diagnosis, prognosis, treatment, or fees. The employee may have a duly qualified  
14 doctor designated by that employee present at the examination or later review the  
15 written report of the doctor performing the independent medical examination, if  
16 procured and paid for by that employee. Providing further that:

- 17 a. In case of any disagreement between doctors making an examination on the  
18 part of the organization and the employee's doctor, the organization shall  
19 appoint an impartial doctor duly qualified who shall make an examination and  
20 shall report to the organization.
- 21 b. The employee, in the discretion of the organization, may be paid reasonable  
22 travel and other per diem expenses under the guidelines of subsection 2. If  
23 the employee is working and loses gross wages from the employee's  
24 employer for attending the examination, the gross wages must be reimbursed

- 1 as a miscellaneous expense upon receipt of a signed statement from the
- 2 employer verifying the gross wage loss.