

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1052

Introduced by

Legislative Management

(Workers' Compensation Review Committee)

1 A BILL for an Act to amend and reenact section 65-02-20 of the North Dakota Century Code,
2 relating to information and analysis of managed care under the workers' compensation
3 managed care program.

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

5 **SECTION 1. AMENDMENT.** Section 65-02-20 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **65-02-20. Organization to establish managed care program.**

8 The organization shall establish a managed care program, including utilization review and
9 bill review, to effect the best medical solution for an injured employee in a cost-effective manner
10 upon a finding by the organization that the employee suffered a compensable injury. The
11 program shall operate according to guidelines adopted by the organization and shall provide for
12 medical management of claims within the bounds of workforce safety and insurance law.
13 ~~Information~~Final reports of information compiled and analysis performed pursuant to a managed
14 care program which relate to patterns of treatment, medication prescription, cost, or outcomes
15 by health care providers are ~~confidential and are not~~ open to public inspection to the extent the
16 information and analysis ~~does not~~ identify a specific health care provider, ~~except to the specific~~
17 ~~health care provider, organization employees, or persons rendering assistance to the~~
18 ~~organization in the administration of this title~~injured employee. All other information compiled
19 and analysis performed pursuant to a managed care program which is not a final report is
20 confidential. If an employee, employer, or medical provider disputes a managed care decision,
21 the employee, employer, or medical provider shall request binding dispute resolution on the
22 decision. The organization shall make rules providing for the procedures for dispute resolution.
23 Dispute resolution under this section is not subject to chapter 28-32 or section 65-01-16. A
24 dispute resolution decision under this section requested by a medical provider concerning

1 payment for medical treatment already provided or a request for diagnostic tests or treatment is
2 not reviewable by any court. A dispute resolution decision under this section requested by an
3 employee is reviewable by a court only if medical treatment has been denied to the employee. A
4 dispute resolution decision under this section requested by an employer is reviewable by a
5 court only if medical treatment is awarded to the employee. The dispute resolution decision may
6 be reversed only if the court finds that there has been an abuse of discretion in the dispute
7 resolution process. Any person providing binding dispute resolution services under this section
8 is exempt from civil liability relating to the binding dispute resolution process and decision.