

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1265

Introduced by

Representative Berg

Senator Mutch

1 A BILL for an Act to amend and reenact section 65-05-07 of the North Dakota Century Code,  
2 relating to medical benefits furnished by the workers compensation bureau.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-07 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **65-05-07. Injured employee given medical and hospital service required -**  
7 **Furnished artificial limbs and appliances for rehabilitation - Fee approval.** ~~Immediately~~  
8 ~~after an injury sustained by an employee and during the resulting period of disability, the~~ The  
9 fund shall furnish to ~~the~~ an injured employee ~~such~~ reasonable and appropriate medical,  
10 surgical, and hospital service and supplies ~~as the nature of the injury may require~~ necessary to  
11 treat a compensable injury. The fund may furnish ~~such~~ artificial members and replacements ~~as~~  
12 ~~in the judgment of the bureau may be~~ determines necessary to rehabilitate ~~such~~ an injured  
13 employee.

- 14 1. The health care provider or ~~physician~~ doctor must be acting within the scope of the  
15 provider's or ~~physician's~~ doctor's license or fees will be denied.
- 16 2. Fees may not be approved for more than one health care provider or ~~physician, or~~  
17 ~~both,~~ doctor in a case where treatment is provided over the same period of time  
18 except for the services of a consulting ~~physician~~ doctor, assistant surgeon, or  
19 anesthetist or in an emergency.
- 20 3. The bureau, in cooperation with professional organizations of doctors and health  
21 care providers, shall establish a system of peer review to determine  
22 reasonableness of fees and payment denials for unjustified treatments,  
23 hospitalization, or visits. The doctor or health care provider ~~shall have the right to~~

1           may appeal adverse decisions of the bureau in accordance with the medical aid  
2           rules adopted by the bureau.

3           4. Health care providers ~~or~~ and doctors may not bill an injured ~~workers~~ employee for  
4           any services rendered as a result of the compensable work injury.

5           5. ~~If the~~ The bureau determines that it is necessary may not pay more than twenty  
6           thousand dollars to provide permanent additions, remodeling, or adaptations to  
7           real estate ~~to those workers~~ it determines necessary for a worker who sustain  
8           sustains a catastrophic injury as defined in chapter 65-05.1, such improvements  
9           ~~may be made, but may not exceed ten.~~ The twenty thousand dollars dollar limit is  
10          for the life of the ~~claimant~~ injured employee, regardless of any subsequent claim.  
11          This subsection does not allow the bureau to purchase any real estate or motor  
12          vehicles.

13          6. If a doctor or health care provider who has treated or provided services to an  
14          injured employee fails or refuses without just cause to file with the bureau a report  
15          required by section 65-05-02, 65-05-08, or 65-05-08.1, within thirty days of  
16          examination, treatment, or provision of other services rendered in connection with  
17          a compensable work injury, or within thirty days of a request for ~~such~~ the report  
18          made by the claimant, the claimant's representative, or the bureau, the bureau  
19          shall assess as a penalty a sum of one hundred dollars. Health care providers ~~or~~  
20          and doctors may not bill an injured ~~workers~~ worker for any penalty assessed by  
21          the bureau ~~as a result of failure or refusal without just cause to file a required~~  
22          ~~report~~ under this subsection.

23          7. The filing of an accident report or the rendering of treatment to an injured worker  
24          who comes under the bureau's jurisdiction, ~~as the case may be~~, constitutes  
25          acceptance of the bureau's medical aid rules and compliance with its rules and  
26          fees.

27          8. The bureau may not pay for:

28          a. Personal items that are for the injured employee's personal use or hygiene,  
29          including toothbrushes, slippers, shampoo, and soap.

- 1           b. Any product or item such as clothing or footwear unless the items are  
2           considered orthopedic devices and are prescribed by the treating doctor or  
3           health care provider.
- 4           c. Any furniture except hospital beds, shower stools, wheelchairs, or whirlpools  
5           if prescribed by the treating doctor or health care provider.
- 6           d. Vitamins and food supplements except in those cases where the injury  
7           causes severe dietary problems, where the injury results in the employee's  
8           paraplegia or quadriplegia, or where the employee becomes  
9           wheelchair-bound due to the injury.
- 10          e. Eye exams unless there is a reasonable potential for injury to the employee's  
11          eyes as a result of the injury.
- 12          f. Private hospital or nursing home rooms except in cases of extreme medical  
13          necessity and only when directed by the attending doctor. If the employee  
14          desires better accommodations than those ordered by the attending doctor,  
15          the employee will pay the difference in cost.
- 16          g. Serological tests, including VDRL and RPR, or other tests for venereal  
17          disease or pregnancy, or any other routine tests unless clearly necessitated  
18          by the injury.
- 19          h. Aids or programs primarily intended to help the employee lose weight or stop  
20          smoking.
- 21          i. Home gym or exercise equipment unless ordered by the bureau.
- 22          j. Memberships or monthly dues to health clubs, unless ordered by the bureau.
- 23          k. Massage, unless ordered by the bureau.