

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1517

Introduced by

Representatives Schneider, Wall

Senator Holmberg

1 A BILL for an Act to amend and reenact section 65-05-32 of the North Dakota Century Code,  
2 relating to release of information by workforce safety and insurance; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-32 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **65-05-32. Privacy of records and hearings - Penalty.** Information contained in the  
7 claim files and records of injured employees is confidential and is not open to public inspection,  
8 other than to organization employees or agents in the performance of their official duties.

9 Providing further that:

- 10 1. Representatives of a claimant, whether an individual or an organization, may  
11 review a claim file or receive specific information from the file upon the  
12 presentation of the signed authorization of the claimant. However, reserve  
13 information may not be made available to the claimant or the claimant's  
14 representatives. Availability of this information to employers is subject to the sole  
15 discretion of the organization.
- 16 2. Employers or their duly authorized representatives who are required to have  
17 access to an injured ~~worker's~~ employee's claim file for the performance of their  
18 duties may review and have access to any files of their own injured ~~workers~~  
19 employees. An employer or an employer's duly authorized representative who  
20 willfully communicates information contained in an employee's claim file to any  
21 person who does not need the information in the performance of that person's  
22 duties is guilty of a class B misdemeanor.
- 23 3. Physicians or health care providers treating or examining ~~workers~~ employees  
24 claiming benefits under this title, or physicians giving medical advice to the

- 1 organization regarding any claim may, at the discretion of the organization, inspect  
2 the claim files and records of injured ~~workers~~ employees.
- 3 4. Other persons may have access to and make inspections of the files, if such  
4 persons are rendering assistance to the organization at any stage of the  
5 proceedings on any matter pertaining to the administration of this title.
- 6 5. The claimant's name; date of birth; injury date; employer name; type of injury;  
7 whether the claim is accepted, denied, or pending; and whether the claim is in  
8 active or inactive pay status will be available to the public. This information may  
9 not be released in aggregate form, except to those persons contracting with the  
10 organization for exchange of information pertaining to the administration of this title  
11 or except upon written authorization by the claimant for a specified purpose.
- 12 6. At the request of a claimant, the organization may close the medical portion of a  
13 hearing to the public.
- 14 7. The organization may release the social security number of an individual claiming  
15 entitlement to benefits under this title to health care providers or health care  
16 facilities for the purpose of adjudicating a claim for benefits.
- 17 8. The organization may provide an injured employee's insurer information regarding  
18 the injured employee's claim.