

SENATE BILL NO. 2058

Introduced by

Legislative Council

(Workers' Compensation Review Committee)

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 a distinction between workers'
3 compensation independent medical examinations and independent medical reviews.

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 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 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 or independent medical reviews 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 organization may at any time require an injured employee to submit to an
17 independent medical examination or independent medical review by ~~a one or more~~
18 duly qualified ~~doctor or~~ doctors designated or approved by the organization. ~~The~~
19 An independent medical examination and independent medical review must be for
20 the purpose of review of the diagnosis, prognosis, treatment, or fees. An
21 independent medical examination contemplates an actual examination of an
22 injured employee, either in person or remotely if appropriate. An independent
23 medical review contemplates a file review of an injured employee's records,
24 including treatments and testing. The injured employee may have a duly qualified

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