

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED 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
8 independent medical examination by a duly qualified doctor or doctors designated
9 or approved by the organization. The organization shall make a reasonable effort
10 to designate a duly qualified doctor licensed in the state in which the employee
11 resides to conduct the examination before designating a duly qualified doctor
12 licensed in another state or shall make a reasonable effort to designate a duly
13 qualified doctor licensed in a state other than the employee's state of residence if
14 the examination is conducted at a site within two hundred seventy-five miles
15 [442.57 kilometers] from the employee's residence. The independent medical
16 examination must be for the purpose of review of the diagnosis, prognosis,
17 treatment, or fees. The employee may have a duly qualified doctor designated by
18 that employee present at the examination or later review the written report of the
19 doctor performing the independent medical examination, if procured and paid for
20 by that employee. Providing further that:

21 a. In case of any disagreement between doctors making an examination on the
22 part of the organization and the employee's doctor, the organization shall
23 appoint an impartial doctor duly qualified who shall make an examination and
24 shall report to the organization.

- 1 b. The employee, in the discretion of the organization, may be paid reasonable
2 travel and other per diem expenses under the guidelines of subsection 2. If
3 the employee is working and loses gross wages from the employee's
4 employer for attending the examination, the gross wages must be reimbursed
5 as a miscellaneous expense upon receipt of a signed statement from the
6 employer verifying the gross wage loss.