

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2433

Introduced by

Senator O'Connell

1 A BILL for an Act to create and enact a new section to chapter 65-05.1 of the North Dakota
2 Century Code, relating to data collection of workers' compensation claims that receive
3 vocational rehabilitation services; and to amend and reenact subsection 4 of section 65-05.1-04
4 of the North Dakota Century Code, relating to work searches by disabled workers.

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

6 **SECTION 1. AMENDMENT.** Subsection 4 of section 65-05.1-04 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 4. If the first appropriate rehabilitation option under subsection 4 of section
9 65-05.1-01 is return to the same, modified, or alternative occupation, or return to
10 an occupation that is suited to the employee's education, experience, and
11 marketable skills, the employee is responsible to make a good-faith work trial or
12 work search. If the employee fails to perform a good-faith work trial, the
13 organization may not pay additional disability benefits unless the employee meets
14 the criteria for reapplying for benefits required under subsection 1 of section
15 65-05-08. If the employee meets the burden of proving that the employee made a
16 good-faith work trial or work search and that the work trial or work search was
17 unsuccessful due to the injury, the organization shall reevaluate the employee's
18 vocational rehabilitation claim. When the first appropriate vocational rehabilitation
19 option is identified for an employee, the organization shall notify the employee of
20 the obligation to make a good-faith work search or good-faith work trial, and
21 provide information to the employee regarding reinstatement of benefits if the work
22 search or work trial is unsuccessful.

23 **SECTION 2.** A new section to chapter 65-05.1 of the North Dakota Century Code is
24 created and enacted as follows:

- 1 **Status of claims.** The organization shall collect data regarding the status of claims
2 under which a claimant receives rehabilitation services. The data must include:
- 3 1. The stage of rehabilitation services at which closure occurs;
 - 4 2. The reason for the closure; and
 - 5 3. Follow-up data to determine the effectiveness of job searches and returns to work,
6 including post-injury earnings.