

Introduced by

Legislative Management

(Workers' Compensation Review Committee)

1 A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota
2 Century Code, relating to workers' compensation coverage of chronic opioid therapy; and to
3 provide for application.

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

5 **SECTION 1.** A new section to chapter 65-05 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Chronic opioid therapy coverage and monitoring.**

8 1. As used in this section, "chronic opioid therapy" is opioid treatment extending beyond
9 ninety days from initiation which is for the treatment of pain resulting from a
10 nonmalignant, compensable condition or therapies for another nonterminal
11 compensable condition.

12 2. In order to qualify for payment for chronic opioid therapy:

13 a. Chronic opioid therapy must result in an increase in function, enable an injured
14 employee to resume working, or improve pain control without debilitating side
15 effects;

16 b. Chronic opioid therapy must treat an injured employee:

17 (1) With an established diagnosis consistent with chronic pain;

18 (2) Who has been nonresponsive to non-opioid treatment;

19 (3) Who is not using illegal substances or abusing alcohol; and

20 (4) Who is a reliable injured employee who is known to the prescriber and is
21 expected to be compliant with the treatment protocol; and

22 c. The prescriber of chronic opioid therapy shall provide to the organization:

- 1 (1) At least every ninety days, documentation of the effectiveness of the chronic
2 opioid therapy, including documentation of improvements in function or
3 improvements in pain control without debilitating side effects; and
4 (2) A treatment agreement between the injured employee and the prescriber
5 which restricts treatment access and limits prescriptions to an identified
6 single prescriber.
- 7 3. At the prescriber's or organization's request, an injured employee on chronic opioid
8 therapy is subject to random drug testing for the presence of prescribed and illicit
9 substances. Failure of the test or of timely compliance with the request may result in
10 termination of chronic opioid therapy coverage.
- 11 4. Failure to comply with any of the conditions under this section may result in the
12 termination of coverage for chronic opioid therapy.

13 **SECTION 2. APPLICATION.** This Act applies to all claims, regardless of date of injury.