

SENATE BILL NO. 2039

Introduced by

Legislative Management

(Workers' Compensation Review Committee)

1 A BILL for an Act to amend and reenact sections 54-57-09 and 65-05.1-06.3 of the North
2 Dakota Century Code, relating to the office of administrative hearings case tracking report to the
3 legislative management and workforce safety and insurance pilot programs status report to the
4 legislative management; and to repeal sections 65-01-19 and 65-03-05 of the North Dakota
5 Century Code, relating to workforce safety and insurance pilot programs and safety grant
6 programs reports to the legislative management.

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

8 **SECTION 1. AMENDMENT.** Section 54-57-09 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **54-57-09. Case processing tracking and reporting.**

- 11 1. The office of administrative hearings shall track the time elapsed between the date the
12 office receives a file from workforce safety and insurance and the date of the
13 administrative law judge's decision, and monthly calculate a rolling six-month average
14 of time elapsed.
- 15 2. The office of administrative hearings shall adopt case processing standards and
16 policies, including provisions intended to meet a goal of an average of two hundred
17 fifteen days or less per case. Administrative law judges have an average of two
18 hundred fifteen days to issue a decision for any injured worker case from the date the
19 office of administrative hearings receives a file from workforce safety and insurance.
20 The date of the last assigned file is the date of assignment for all consolidated files.
- 21 3. The office of administrative hearings ~~and workforce safety and insurance~~ shall report
22 statistical information regarding results under the case processing standards and
23 policies to the ~~legislative management and the state advisory council~~ each quarter.
24 The reports must include the information required under subsection 1.

1 **SECTION 2. AMENDMENT.** Section 65-05.1-06.3 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **65-05.1-06.3. Rehabilitation services pilot programs –Reports. (Effective after-**
4 **August 31, 2022)**

5 The organization may implement a system of pilot programs to allow the organization to
6 assess alternative methods of providing rehabilitation services. A pilot program may address
7 one or more of the organization's comprehensive rehabilitation services, including vocational,
8 medical, psychological, economic, and social rehabilitation services. The goal of a pilot program
9 must be to improve the outcome of the rehabilitation services offered by the organization to
10 assist the injured employee in making adjustments necessitated from the employee's injury and
11 to improve the effectiveness of vocational rehabilitation services in returning an employee to
12 substantial gainful employment. Notwithstanding laws to the contrary, a pilot program may
13 address a broad range of approaches, including collaborative efforts between the organization
14 and the injured employee through which there are variances from the rehabilitation services
15 hierarchy; return-to-work trial periods during which cash benefits are suspended; intensive job
16 search assistance; recognition of and focused services for injured employees who are at risk;
17 and coordination of services of public and private entities. If a pilot program utilizes coordination
18 of services of other state agencies, such as job service North Dakota, department of health and
19 human services, North Dakota university system, or department of public instruction, the
20 organization shall consult with the state agency in establishing the relevant portions of the pilot
21 program, and the state agency shall cooperate with the organization in implementing the pilot
22 program. ~~The organization shall provide status reports on current pilot programs in accordance~~
23 ~~with section 65-01-19.~~

24 **SECTION 3. REPEAL.** Sections 65-01-19 and 65-03-05 of the North Dakota Century Code
25 are repealed.