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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2039

Introduced by

Legislative Management

(Workers' Compensation Review Committee)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

65-05.1-06.3. Rehabilitation services pilot programs ~~- Reports. (Effective after August 31, 2022)~~

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

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