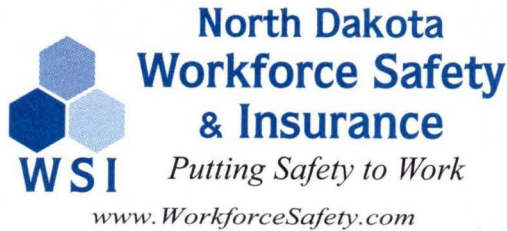


Bryan Klipfel
Director



1600 East Century Avenue, Suite 1
PO Box 5585
Bismarck ND 58506-5585

July 1, 2013

Mr. John Walstad
Code Revisor
ND Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Full Notice of Intent to Adopt and Amend Administrative Rules relating to Workforce Safety & Insurance and Notice of Public Hearing, and copies of the proposed rule changes are enclosed, as required by N.D.C.C. §28-32-10(1). Also enclosed and attached to each proposed rule are the regulatory analyses, small entity regulatory analyses, small entity economic impact statements, and fiscal notes, if required and statement of whether any significant impact will occur.

This Full Notice is also mailed to the following sponsors of legislation:

Senator Jerry Klein, Chairman of Senate Industry, Business, and Labor Committee, sponsor of Senate Bill 2080, regarding the proposed amendment of Administrative Rule 92-01-02-23 regarding installment payment of premiums.

Senators Jerry Klein, Karen Krebsbach, and Oley Larsen and Representatives Andrew Maragos, Dan Ruby, and Roscoe Streyle, sponsors of Senate Bill 2178, regarding the proposed amendment of Administrative Rule 92-01-02-29.3 regarding motor vehicle purchase or modification.

Respectfully,


Julie Porsborg
WSI Paralegal
Ph. 701-328-3878

Enclosures

**NOTICE OF INTENT TO
ADOPT and AMEND ADMINISTRATIVE RULES
RELATING TO WORKFORCE SAFETY & INSURANCE,
AND NOTICE OF PUBLIC HEARING**

Attorney Fees; Lodging Reimbursements; Premium Installment Options; Medical Services Definitions; Medical Necessity; Motor Vehicle Allowance; Appeals for Home Modifications; Preservice Review of Hospital Admissions; ICD-10 Coding; UPIN identifiers; References to Mine Safety and Health Administration; WSI's Risk Management Program and applying discounts as credit; and WSI's Grant Programs.

TAKE NOTICE that Workforce Safety & Insurance will hold a public hearing to address proposed amendments to N.D. Admin. Code Title 92 at 9:00 a.m. on Thursday, August 15, 2013, at the WSI Board Room, Century Center, 1600 E. Century Avenue, Bismarck, North Dakota, at which time and place all persons will be heard regarding the proposed amendments to the North Dakota Administrative Code as follows:

1. The purpose of the proposed amendment to Administrative Code Section 92-01-02.11.1, relating to attorney's fees, is to increase the hourly payment to claimants' attorneys and to increase the maximum fees allowed to claimants' attorneys. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
2. The purpose of the proposed amendment to Administrative Code Section 92-01-02-12, relating to travel to and from medical treatments, is to clarify that lodging expenses will be reimbursed if necessary and reasonable. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
3. The purpose of the proposed amendment to Administrative Code Section 92-01-02-23, relating to installment payment of premiums, is to allow the organization to apply alternative installment options, and is also the result of legislation passed by the 63rd Legislative Assembly, Senate Bill 2080. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
4. The purpose of the proposed amendment to Administrative Code Section 92-01-02-29, relating to medical services, is to clarify coding documentation guidelines. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
5. The purpose of the proposed amendment to Administrative Code Section 92-01-02-29.1, relating to medical necessity, is to allow the organization to require testing of claimants receiving opioids by prescription in excess of 90 consecutive days. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
6. The purpose of the proposed amendment to Administrative Code Section 92-01-02-29.3, relating to motor vehicle purchase or modification, is to defer to the lifetime benefit amount that is outlined in statute and is the result of legislation passed by the 63rd Legislative

Assembly, Senate Bill 2178. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

7. The purpose of the proposed amendment to Administrative Code Section 92-01-02-29.4, relating to home modifications, is to identify the mechanism for appeal. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

8. The purpose of the proposed amendment to Administrative Code Section 92-01-02-34, relating to treatments requiring authorization, is to change some of the preservice review requirements. The proposed creation is not expected to have an impact on the regulated community in excess of \$50,000.

9. The purpose of the proposed amendment to Administrative Code Section 92-01-02-40, relating to palliative care, is to identify when the organization will use ICD-10 coding. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

10. The purpose of the proposed amendment to Administrative Code Section 92-01-02-45.1, relating to provider responsibilities and billings, is to identify when the organization will use ICD-10 coding and to remove the necessity of UPIN identification numbers. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

11. The purpose of the proposed amendment to Administrative Code Section 92-01-02-50(4), relating to other states' coverage, is to increase the hourly payment to employers' attorneys who are covered under this section involving other state's coverage.

12. The purpose of the proposed amendment to Administrative Code Section 92-02-01-01, relating to references to other standards, is to identify the organization's standards of conduct in conjunction with the mine safety and health administration. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

13. The purpose of the proposed amendment to Administrative Code Section 92-05-02-03, relating to the organization's risk management program, is to clarify the discounts as a credit to the employer's premium billing statement and not as a cash payment, and to remove an obsolete provision in the rule. The proposed creation is not expected to have an impact on the regulated community in excess of \$50,000.

14. The purpose of the proposed amendment to Administrative Code Section 92-05-03-01, relating to grant programs, is to clarify that the organization may discontinue a grant program. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules, and regulatory analyses, small entity regulatory analyses, small entity economic impact statements, and fiscal notes, if required, may be reviewed at Workforce Safety & Insurance, 1600 East Century Avenue, Suite 1, Bismarck, North Dakota. A copy of the proposed rules, and regulatory analyses, small entity regulatory analyses, small entity

economic impact statements, and fiscal notes, if required, may be requested by writing to the address below or by calling (701)328-3800.

Persons who require accommodations to attend or otherwise appear at this hearing should contact Workforce Safety & Insurance at the below address and phone number at least five days prior to the public hearing.

Workforce Safety & Insurance
ATTN: Legal Dept., Julie Porsborg
P.O Box 5585
1600 E. Century Ave., Suite 1
Bismarck, ND 58506-5585
(701)328-3800
TTY: 1-800-366-6888

Written or oral comments concerning the proposed rules may be sent or telephoned to the organization at the above address or phone number. The closing date for receipt and full consideration of all written or oral comments is end of business day, August 26, 2013.

Dated this 1st day of July, 2013.

WSI Legal Department
ATTN: Julie Porsborg

Bryan Klipfel
Director



North Dakota
**Workforce Safety
& Insurance**

WSI *Putting Safety to Work*
www.WorkforceSafety.com

1600 East Century Avenue, Suite 1
PO Box 5585
Bismarck ND 58506-5585

July 1, 2013

Senator Jerry Klein
Chairman of Senate Industry, Business, & Labor Committee
PO Box 265
Fessenden, ND 58438-0265

Senator Karen Krebsbach
PO Box 1767
Minot, ND 58702-1767

Senator Oley Larsen
11051 20th Avenue SE
Minot, ND 58701-2658

Representative Andrew Maragos
125 Sixth Avenue NE
Minot, ND 58703-2558

Representative Dan Ruby
4620 46th Avenue NW
Minot, ND 58703-8711

Representative Roscoe Streyle
3108 15th Street SE
Minot, ND 58701-6005

Dear Senators Klein, Krebsbach, and Larsen and Representatives Maragos, Ruby, and Streyle:

As required by N.D.C.C. Section 28-32-10(2), a copy of the full Notice of Intent to Adopt and Amend Administrative Rules relating to Workforce Safety & Insurance and Notice of Public Hearing is enclosed for your review. The Senate Industry, Business, and Labor Committee is the sponsor of legislation enacted during the most recent session which is being implemented by one of the fourteen proposed rules. Senators Jerry Klein, Karen Krebsbach, and Oley Larsen, and Representatives Andrew Maragos, Dan Ruby, and Roscoe Streyle are sponsors of legislation enacted during the most recent session which is being implemented by one of the fourteen proposed rules.

The two proposed rules referenced in this letter are enclosed and are identified as follows:

Senator Jerry Klein, Chairman of Senate Industry, Business, and Labor Committee, sponsor of Senate Bill 2080, regarding the proposed amendment of Administrative Rule 92-01-02-23 regarding installment payment of premiums.

Senators Jerry Klein, Karen Krebsbach, and Oley Larsen and Representatives Andrew Maragos, Dan Ruby, and Roscoe Streyle, sponsors of Senate Bill 2178, regarding the proposed amendment of Administrative Rule 92-01-02-29.3 regarding motor vehicle purchase or modification.

For your information, the Full Notice and copies of all fourteen proposed rules have been submitted to Mr. John Walstad, Legislative Council, on July 1, 2013.

Respectfully,


Julie Porsborg
WSI Paralegal
Ph. 701-328-3878

Enclosures