

Bryan Klipfel
Director



North Dakota
Workforce Safety
& Insurance

Putting Safety to Work

www.WorkforceSafety.com

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

July 20, 2009

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

Dear Mr. Walstad:

The Notice of Intent to adopt and amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. §28-32-10(1).

Respectfully,

Connie Todd
Legal Services Director

Enclosures

cc: Representative Dan Ruby, Chairman, Workers Compensation Review Committee
Senator David O'Connell
Representative George Keiser

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

Attorney fees, Office of Independent Review, Permanent Partial Impairments, Medical Services, Policyholder Services, and Safety and Grant Programs

TAKE NOTICE that Workforce Safety & Insurance will conduct a public hearing at 2:00 p.m. on August 28, 2009, at the 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 and repeals 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 fees is to increase fees paid in connection with disputes regarding an administrative order. This 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 mileage and per diem travel changes intracity mileage. This 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 92-01-02-13 relating to transfers of businesses is to merge experience rates on employer accounts. This 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 92-01-02-14 relating to employer payroll reports changes the time frame of a past due premium billing statement. This 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 92-01-02-15 relating to payroll periods authorized WSI to change payroll reporting period to coincides with regular quarter endings.. This 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 92-01-02-16 relating to expiration dates authorizes WSI to change expirations dates. This 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 92-01-02-18 relating to the experience rating system changes the experience ratings period from five years to three years and reduces the ratable manual premium. This 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 92-01-02-24 relating to rehabilitation services increases the rehabilitation allowances. This proposed amendment 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 92-01-02-25 relating to permanent partial impairment awards addresses impairment award and ratings. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
10. The purpose of the amendment to Administrative Code Section 92-01-02-29.1 relating to medical necessity and treatment that the organization will or will not pay. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
11. The purpose of the amendment to Administrative Code Section 92-01-02-31 relating to who may be reimbursed for medical treatment that the organization will or will not pay. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
12. The purpose of the proposed amendment to Administrative Code Section 92-01-02-34 relates to treatment requiring authorization, preservice review, and retrospective review that the organization will or will not pay. This 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 92-01-02-41 relates to independent medical examinations defines duly qualified. This proposed amendment 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 92-01-02-45.1 relations to provider responsibilities and billings changes. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
15. The purpose of the proposed amendment to Administrative Code Section 92-01-02-50 relating to other states coverage clarifies incidental operations and significant contacts. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
16. The purpose of the proposed amendment to Administrative Code Section 92-01-02-55 relates to dividend programs and who declares dividends. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

17. The purpose of the proposed amendment to Administrative Code Chapter 92-01-03 changes the name of Office of Independent Review to Decision Review Office. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
18. The purpose of the proposed amendment to Administrative Code Section 92-01-03-01 changes the name of Office of Independent Review to Decision Review Office. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
19. The purpose of the proposed amendment to Administrative Code Section 92-01-03-02 relating to the Decision Review Office changes “advocate” to “claim examiner” and “program” to “office”. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
20. The purpose of the proposed amendment to Administrative Code Section 92-01-03-03 relating to the Decision Review Office changes “program” to “office”. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
21. The purpose of the proposed amendment to Administrative Code Section 92-01-03-04 relating to the Decision Review Office changes “advocate” to “claim examiner” and “program” to “office”. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
22. The purpose of the proposed amendment to Administrative Code Section 92-02-01-01 relates to industrial safety codes and adoption of federal safety codes. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
23. The purpose of the proposed amendment to Administrative Code Section 92-05-02-01 relating to risk management program definitions. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
24. The purpose of the proposed amendment to Administrative Code Section 92-05-02-03 relates to eligibility to risk management programs. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
25. The purpose of the proposed amendment to Administrative Code Section 92-05-02-04 is to repeal this section relating risk management plus. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
26. The purpose of the proposed amendment to Administrative Code Section 92-05-02-05 is to repeal this section relating risk management plus. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

27. The purpose of the proposed amendment to Administrative Code Section 92-05-02-06 is to repeal the hazard elimination learning program. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
28. The purpose of the proposed amendment to Administrative Code Section 92-05-02-07 relates to alternative risk management programs is to clarify programs. This proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rule amendments and repeals and required regulatory analyses, small entity regulatory analyses and small entity economic impact statements as required, are on file and may be reviewed or copied on any working day between 8:00 a.m. and 5:00 p.m., at Workforce Safety & Insurance, 1600 East Century Avenue, Bismarck, North Dakota. A copy of the proposed rules and/or a regulatory analysis 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
Attention: Connie Todd
P.O Box 5585
1600 E. Century Ave., Ste. 1
Bismarck, ND 58506-5585
(701)328-3800
TTD: (701)328-3786

Written or oral data, views or arguments concerning the proposed rule changes may be sent or phoned to the organization at the above address or phone number. The closing date for receipt and full consideration of all written or oral submissions is September 8, 2009.

Dated this 20th day of July, 2009.

Connie Todd
Legal Services Director