

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1201
(Representative Keiser)

AN ACT to amend and reenact subsections 6 and 7 of section 65-01-16 and section 65-02-27 of the North Dakota Century Code, relating to changing the name of the workforce safety and insurance office of independent review.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 6 and 7 of section 65-01-16 of the North Dakota Century Code are amended and reenacted as follows:

6. A party has thirty days from the date of service of an administrative order in which to file a request for assistance from the ~~office of independent~~ decision review office under section 65-02-27.
7. A party has thirty days, from the date of service of an administrative order or from the day the ~~office of independent~~ decision review office mails its notice that the office's assistance is complete, in which to file a written request for rehearing. The request must specifically state each alleged error of fact and law to be reheard and the relief sought. Absent a timely and sufficient request for rehearing, the administrative order is final and may not be reheard or appealed.

SECTION 2. AMENDMENT. Section 65-02-27 of the North Dakota Century Code is amended and reenacted as follows:

65-02-27. ~~Office of independent~~ Decision review office. The organization's ~~office of independent~~ decision review office is established. The ~~office of independent~~ decision review office is independent of the claims department of the organization and activities administered through the office must be administered in accordance with this title. The ~~office of independent~~ decision review ~~must~~ office shall provide assistance to ~~a worker~~ an employee who has filed a claim, which may include acting on behalf of ~~a worker~~ an employee who is aggrieved by a decision of the organization, communicating with organization staff regarding claim dispute resolution, and informing ~~a worker~~ an employee of the effect of decisions made by the organization, ~~the worker~~ an employee, or an employer under this title. The ~~office of independent~~ decision review office shall provide assistance to ~~workers~~ employees, upon request, in cases of constructive denial or after a vocational consultant's report has been issued. The organization shall employ a director of the ~~office of independent~~ decision review office and other personnel determined to be necessary for the administration of the office. A person employed to administer the ~~office of independent~~ decision review office may not act as an attorney for ~~a worker~~ an employee. The organization may not pay attorney's fees to an attorney who represents ~~a worker~~ an employee in a disputed claim before the organization unless the ~~worker~~ employee has first attempted to resolve the dispute through the ~~office of independent~~ decision review office. A written request for assistance by ~~a worker~~ an employee who contacts the ~~office of independent~~ decision review office within the period for requesting a hearing on an administrative order tolls the time period for requesting a hearing on that order. The period begins upon notice to the ~~worker~~ employee, sent by regular mail, that the ~~office of independent review's~~ decision review office's assistance to the ~~worker~~ employee is completed. The information contained in a file established by the ~~office of independent~~ decision review office on ~~a worker's~~ an employee's disputed claim, including communications from ~~a worker~~ an employee, is privileged and may not be released without the ~~worker's~~ employee's permission. Information in the file containing the notes or mental impressions of ~~office of independent~~ decision review office staff is confidential and may not be released by the ~~office of independent~~ decision review office.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1201.

House Vote: Yeas 93 Nays 1 Absent 0

Senate Vote: Yeas 46 Nays 1 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State