January 15, 2025

Senator Larry Luick
17945 101st St. SE
Fairmount, ND 58030-9522

Re: Workforce Safety & Insurance

I am writing in regard to legislative oversight for state agency Workforce Safety & Insurance. Specifically, WSI's process for unfairly denying claims.

WSI used to follow the pattern of workers compensation providers by writing to an injured worker's treating doctor if there were questions if a work injury caused a condition. WSI now hires family medicine doctors on a contract basis to do anonymous reviews to deny claims. After the anonymous "WSI Physician Advisor" has unfairly framed a denial the WSI claims adjuster *might* decide to ask the treating doctor their opinion. But the doctor is not asked for a straight forward opinion, they are just asked if they agree with the "WSI Physician Advisor".

In the end it doesn't matter if the treating doctor disagrees with WSI, how many treating doctors might disagree, or the specialty of a treating doctor's disagreement. WSI will always artificially weigh the conflicting medical evidence in their biased contracted employee's favor and continue on with denying any and all appeals. Shouldn't the treating doctor and especially a surgeon be trusted over a nameless bureaucrat hired to do paper review denials? Doesn't the treating doctor deserve to know the name of the "WSI Physician Advisor" who is supposedly professionally disagreeing with their expert medical opinion and advice?

Please change the law to level the playing field for injured workers! I suggest 65-05-08.3 be changed.

65-05-08.3   Treating health care provider' opinion

1. A presumption may not be established in favor of any health care provider's opinion. The organization shall resolve conflicting medical opinions and in doing so the organization shall consider the following factors:. Providing further that the organization may not rely on the medical opinion of an organization employee to deny a claim for benefits and must inquire initially with the treating doctor.

Thank you for your time. WSI needs some serious guardrails in this area.