



North Dakota Workforce
Safety & Insurance

Art Thompson
Director

Wednesday, August 19, 2026

Ms. Liz Fordahl
ND Legislative Council
State Capitol
600 East Boulevard
Bismarck, ND 58505-0360

**Submitted via email to
lfordahl@ndlegis.gov**

Dear Ms. Fordahl:

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

Sincerely,

A handwritten signature in cursive script that reads "Lauren Bontje".

Lauren Bontje
WSI Paralegal
Ph. 701-298-4451
lkbontje@nd.gov

Enclosures

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

**Create: Medical service provider electronic utilization review responsibilities.
Amend: Experience Rating System.**

TAKE NOTICE that Workforce Safety & Insurance (WSI) will hold a public hearing to address the proposed creation and amendment to North Dakota Administrative Code, Title 92, at 1:00 PM on Thursday, September 24, 2026, 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 creation and amendment to the North Dakota Administrative Code as follows:

1. The purpose of the proposed creation of Administrative Code Section 92-01-02-45.3, relating to medical service provider electronic utilization review responsibilities is to have medical service providers submit required information to the organization by an electronic means designated by the organization unless the medical service provider is exempt. It is uncertain if this new rule is expected to impact the regulated community in excess of \$50,000.
2. The purpose of the proposed amendment to Administrative Code Section 92-01-02-18, relating to the experience rating system, is to remove references to actual dollar amounts and instead direct readers to the source of those values. The change ensures that the rule remains current and accurate as industry standards, actuarial values, and rating factors evolve. The proposed amendment is not expected to impact 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 may be reviewed at Workforce Safety & Insurance, 1600 East Century Avenue, Suite 1, Bismarck, North Dakota. A copy of the proposed rules, regulatory analyses, small entity regulatory analyses, small entity economic impact statements, and fiscal notes may be requested by writing to the address below or by calling 800-777-5033.

Persons who require accommodations to attend the public 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
P.O. Box 5585
1600 E. Century Ave., Suite 1
Bismarck, ND 58506-5585
Ph. 800-777-5033
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, Monday, October 5, 2026.

Dated: August 19, 2026. WSI Legal Department, ATTN: Lauren Bontje

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-18

Title of Section: Experience Rating System.

GENERAL: The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This proposed amendment is not expected to impact the regulated community in excess of \$50,000.

SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-18

Title of Section: Experience Rating System.

GENERAL: The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

SMALL ENTITY ECONOMIC IMPACT STATEMENT

GENERAL: The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

WORKFORCE SAFETY & INSURANCE **ADMINISTRATIVE RULE** **FISCAL NOTE**

ADMINISTRATIVE RULE NO: 92-01-02-18

ADMINISTRATIVE RULE TITLE: Experience Rating System.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-02-18, relating to the experience rating system, is to remove references to actual dollar amounts and instead direct readers to the source of those values. The change ensures that the rule remains current and accurate as industry standards, actuarial values, and rating factors evolve.

FISCAL IMPACT: There is no significant fiscal impact anticipated.

DATE: August 14, 2026.

REGULATORY ANALYSIS OF CREATED RULE

New Section: 92-01-02-45.3

Title of Section: Medical service provider electronic utilization review responsibilities.

GENERAL: The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

It is uncertain if this new rule is expected to impact the regulated community in excess of \$50,000.

SMALL ENTITY REGULATORY ANALYSIS OF CREATED RULE

New Section: 92-01-02-45.3

Title of Section: Medical service provider electronic utilization review responsibilities.

GENERAL: The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:

- A. Establishing less stringent compliance or reporting requirements:** This rule contains standards for electronic reporting. The new section outlines the requirements of a medical service provider to be exempt from this mandate. The provider community will experience additional requirements implementing the changes.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** The provider community will experience additional requirements implementing the changes, but overall they should streamline and reduce reporting requirements.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** The amendment provides an exemption for small entities.

SMALL ENTITY ECONOMIC IMPACT STATEMENT

GENERAL: The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule creation there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

WORKFORCE SAFETY & INSURANCE **ADMINISTRATIVE RULE** **FISCAL NOTE**

ADMINISTRATIVE RULE NO: 92-01-02-45.3

ADMINISTRATIVE RULE TITLE: Medical service provider electronic utilization review responsibilities.

SUMMARY OF PROPOSED RULE: The purpose of the proposed creation of Administrative Code Section 92-01-02-45.3, relating to medical service provider electronic utilization review responsibilities is to have medical service providers submit required information to the organization by an electronic means designated by the organization unless the medical service provider is exempt.

FISCAL IMPACT: There is no significant fiscal impact anticipated.

DATE: August 14, 2026.