Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1159

Introduced by

Representative Keiser

A BILL for an Act to amend and reenact section 65-05-30 of the North Dakota Century Code, relating to health care provider use of workers' compensation claim information; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-05-30 of the North Dakota Century Code is amended and reenacted as follows:

65-05-30. Filing of claim constitutes consent to use of information received by doctor.

1. The filing of a claim with the organization constitutes a consent to the use by the organization, in any proceeding by ~~it~~the organization or to which ~~it~~the organization is a party in any court, of any information, including prior and subsequent prognosis reports, medical records, medical bills, and other information concerning any health care or health care services which was received by any ~~doctor~~health care provider, hospital, or clinic in the course of any examination or treatment of the claimant.
2. The filing of a claim with the organization authorizes a health care provider, hospital, or clinic to disclose to the organization, or authorized representative of the organization, information or render an opinion regarding the injured employee's claim with the organization. As used in this subsection, an opinion may include a statement regarding liability, causation, or a preexisting condition or other information the organization deems necessary for the administration of this title. The filing of ~~such~~a claim with the organization authorizes a ~~doctor~~health care provider, hospital, or clinic to disclose any such information to the organization, ~~its~~the organization's representative, or ~~to~~ the employer, except ~~that~~ any such information directly disclosed to the employer must be relevant to the employee's work injury or to return-to-work issues. ~~No physician or~~

3. If a health care provider ~~furnishing such reports or records incurs~~furnishes information or an opinion under this section:

   a. That health care provider does not incur any liability as a result of furnishing that information or opinion.

   b. The act of furnishing that information or opinion may not be the sole basis for a disciplinary or other proceeding affecting professional licensure. However, the act of furnishing that information or opinion may be considered in conjunction with another action that may subject the health care provider to a disciplinary or other proceeding affecting professional licensure.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.