

Sixty-fourth
Legislative Assembly
of North Dakota

BILL NO.

Introduced at the request of Workforce Safety and Insurance

A Bill for an Act to create and enact a new section to 65-05 of the North Dakota Century Code relating to chronic opioid therapy coverage.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 65-05 of the North Dakota Century Code is created and enacted as follows:

Chronic opioid therapy coverage and monitoring.

Chronic opioid therapy is opioid treatment extending beyond 90 days from initiation.

Chronic opioid therapy is for the treatment of pain resulting from a nonmalignant compensable condition or therapies for another nonterminal compensable condition. In order to qualify for payment, the therapy must:

1. Result in an increase in function, enable an injured employee to resume working, or improve pain control without debilitating side effects,
2. Treat an injured employee;
 - a. With an established diagnosis consistent with chronic pain;
 - b. Who has been nonresponsive to non-opioid treatment;
 - c. Who is not using illegal substances or abusing alcohol; and
 - d. Who is a reliable injured employee who is known to the prescriber and is expected to be compliant with the treatment protocol; and
3. The prescriber of chronic opioid therapy must provide the organization with:

- a. Documentation, at least every 90 days, of the effectiveness of the chronic opioid therapy including improvements in function or improvements in pain control without debilitating side effects;
- b. A treatment agreement between the injured employee and the prescriber restricting treatment access and limiting prescriptions to an identified single prescriber; and
- c. At either the prescriber's or organization's request, injured employees on chronic opioid therapy are subject to random drug testing for the presence of both prescribed and illicit substances. Failure of the test or of timely compliance with the request may result in termination of opioid maintenance therapy coverage.

Failure to comply with any of these conditions may result in the termination of coverage for such therapies.

SECTION 2. APPLICATION: Section 1 applies to all claims regardless of date of injury.