

HOUSE BILL NO. 1201

Introduced by

Representative Keiser

1 A BILL for an Act to amend and reenact subsections 6 and 7 of section 65-01-16 and section
2 65-02-27 of the North Dakota Century Code, relating to changing the name of the workforce
3 safety and insurance office of independent review.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 6. A party has thirty days from the date of service of an administrative order in which
8 to file a request for assistance from the ~~office of independent~~ decision review office
9 under section 65-02-27.

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

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

18 **65-02-27. ~~Office of independent~~ Decision review office.** The organization's ~~office of~~
19 ~~independent~~ decision review office is established. The ~~office of independent~~ decision review
20 office is independent of the claims department of the organization and activities administered
21 through the office must be administered in accordance with this title. The ~~office of independent~~
22 decision review ~~must~~ office shall provide assistance to ~~a worker~~ an employee who has filed a
23 claim, which may include acting on behalf of ~~a worker~~ an employee who is aggrieved by a
24 decision of the organization, communicating with organization staff regarding claim dispute

1 resolution, and informing ~~a worker~~ an employee of the effect of decisions made by the
2 organization, ~~the worker~~ an employee, or an employer under this title. The ~~office of~~
3 ~~independent~~ decision review office shall provide assistance to ~~workers~~ employees, upon
4 request, in cases of constructive denial or after a vocational consultant's report has been
5 issued. The organization shall employ a director of the ~~office of independent~~ decision review
6 office and other personnel determined to be necessary for the administration of the office. A
7 person employed to administer the ~~office of independent~~ decision review office may not act as
8 an attorney for ~~a worker~~ an employee. The organization may not pay attorney's fees to an
9 attorney who represents ~~a worker~~ an employee in a disputed claim before the organization
10 unless the ~~worker~~ employee has first attempted to resolve the dispute through the ~~office of~~
11 ~~independent~~ decision review office. A written request for assistance by ~~a worker~~ an employee
12 who contacts the ~~office of independent~~ decision review office within the period for requesting a
13 hearing on an administrative order tolls the time period for requesting a hearing on that order.
14 The period begins upon notice to the ~~worker~~ employee, sent by regular mail, that the ~~office of~~
15 ~~independent review's~~ decision review office's assistance to the ~~worker~~ employee is completed.
16 The information contained in a file established by the ~~office of independent~~ decision review
17 office on ~~a worker's~~ an employee's disputed claim, including communications from ~~a worker~~ an
18 employee, is privileged and may not be released without the ~~worker's~~ employee's permission.
19 Information in the file containing the notes or mental impressions of ~~office of independent~~
20 decision review office staff is confidential and may not be released by the ~~office of independent~~
21 decision review office.