

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1201  
(Representative Keiser)

AN ACT to amend and reenact subsections 6 and 7 of section 65-01-16 and section 65-02-27 of the North Dakota Century Code, relating to changing the name of the workforce safety and insurance office of independent review.

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

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

6. A party has thirty days from the date of service of an administrative order in which to file a request for assistance from the ~~office of independent~~ decision review office under section 65-02-27.
7. A party has thirty days, from the date of service of an administrative order or from the day the ~~office of independent~~ decision review office mails its notice that the office's assistance is complete, in which to file a written request for rehearing. The request must specifically state each alleged error of fact and law to be reheard and the relief sought. Absent a timely and sufficient request for rehearing, the administrative order is final and may not be reheard or appealed.

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

**65-02-27. ~~Office of independent~~ Decision review office.** The organization's ~~office of independent~~ decision review office is established. The ~~office of independent~~ decision review office is independent of the claims department of the organization and activities administered through the office must be administered in accordance with this title. The ~~office of independent~~ decision review ~~must~~ office shall provide assistance to ~~a worker~~ an employee who has filed a claim, which may include acting on behalf of ~~a worker~~ an employee who is aggrieved by a decision of the organization, communicating with organization staff regarding claim dispute resolution, and informing ~~a worker~~ an employee of the effect of decisions made by the organization, ~~the worker~~ an employee, or an employer under this title. The ~~office of independent~~ decision review office shall provide assistance to ~~workers~~ employees, upon request, in cases of constructive denial or after a vocational consultant's report has been issued. The organization shall employ a director of the ~~office of independent~~ decision review office and other personnel determined to be necessary for the administration of the office. A person employed to administer the ~~office of independent~~ decision review office may not act as an attorney for ~~a worker~~ an employee. The organization may not pay attorney's fees to an attorney who represents ~~a worker~~ an employee in a disputed claim before the organization unless the ~~worker~~ employee has first attempted to resolve the dispute through the ~~office of independent~~ decision review office. A written request for assistance by ~~a worker~~ an employee who contacts the ~~office of independent~~ decision review office within the period for requesting a hearing on an administrative order tolls the time period for requesting a hearing on that order. The period begins upon notice to the ~~worker~~ employee, sent by regular mail, that the ~~office of independent review's~~ decision review office's assistance to the ~~worker~~ employee is completed. The information contained in a file established by the ~~office of independent~~ decision review office on ~~a worker's~~ an employee's disputed claim, including communications from ~~a worker~~ an employee, is privileged and may not be released without the ~~worker's~~ employee's permission. Information in the file containing the notes or mental impressions of ~~office of independent~~ decision review office staff is confidential and may not be released by the ~~office of independent~~ decision review office.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1201.

House Vote:      Yeas    93      Nays    1      Absent    0

Senate Vote:    Yeas    46      Nays    1      Absent    0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State