

January 17, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1174

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "23-12-14" insert "and 26.1-41-12"

Page 2, line 2, replace "ten" with "twenty"

Page 2, line 2, replace the second "twenty-five" with "seventy-five"

Page 2, after line 3, insert:

**"SECTION 2. AMENDMENT.** Section 26.1-41-12 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-41-12. Discovery of facts about an injured person.**

1. Every employer or claimant, if a written request is made by a basic no-fault insurer against whom a claim has been made, shall furnish forthwith, in a form approved by the insurance commissioner, a sworn statement of the earnings, since the time of the accidental bodily injury and for a twelve-month period before the injury, of the individual upon whose injury the claim is based.
2. Every physician, coroner or medical officer, hospital, clinic, or other medical institution providing, before or after an accidental bodily injury upon which a claim for basic or optional excess no-fault benefits is based, any products, services, or accommodations in relation to the injury, or in relation to a condition claimed to be connected with the injury, if requested in writing to do so by the basic no-fault insurer against whom the claim has been made, shall:
  - a. Promptly furnish a written report of the history, condition, treatment, and dates and costs of treatment.
  - b. Permit the inspection and copying of its records regarding the history, condition, treatment, and dates and costs of treatment.
  - c. Promptly furnish autopsy reports.
3. In the event of any dispute regarding a basic no-fault insurer's right to discovery of facts about an injured person's earnings or about history, condition, treatment, and dates and costs of such treatment, a court of record may enter an order for such discovery as justice requires.
4. A person may not charge more than twenty dollars for the first twenty-five pages and seventy-five cents per page for every page beyond twenty-five pages for providing a copy of medical records or medical bills provided to a basic no-fault insurer pursuant to this chapter. This charge includes any administrative fee, retrieval fee, and postage expense. If this charge exceeds fifty dollars and the health care provider is capable of providing the copies in an electronic, digital, or other computerized format, the health

care provider shall provide the copies to the requesting party in that alternative format for a flat fee not to exceed fifty dollars.

5. Except as provided in subsection 4, if medical records and bills are provided solely by facsimile transmission or some other format of transmission as provided under subsection 4, the health care provider shall provide the copies at a charge not to exceed twenty dollars for the first twenty-five pages and seventy-five cents per page thereafter."

Renumber accordingly