

Introduced by

Legislative Management

(Workers' Compensation Review Committee)

1 A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota  
2 Century Code, relating to workers' compensation coverage of chronic opioid therapy; and to  
3 provide for application.

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

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

7 **Chronic opioid therapy coverage and monitoring.**

8 1. As used in this section, "chronic opioid therapy" is opioid treatment extending beyond  
9 ninety days from initiation which is for the treatment of pain resulting from a  
10 nonmalignant, compensable condition or therapies for another nonterminal  
11 compensable condition.

12 2. In order to qualify for payment for chronic opioid therapy:

13 a. Chronic opioid therapy must result in an increase in function, enable an injured  
14 employee to resume working, or improve pain control without debilitating side  
15 effects;

16 b. Chronic opioid therapy must treat an injured employee:

17 (1) ~~With an established diagnosis consistent with chronic pain;~~

18 ~~(2) Who has been nonresponsive to non-opioid treatment;~~

19 ~~(3)(2) Who is not using illegal substances or abusing alcohol; and~~

20 ~~(4)(3) Who is a reliable injured employee who is known to the prescriber and is~~  
21 ~~expected to be~~ compliant with the treatment protocol; and

22 c. The prescriber of chronic opioid therapy shall provide to the organization:

- 1                   (1) At least every ninety days, documentation of the effectiveness of the chronic  
2                   opioid therapy, including documentation of improvements in function or  
3                   improvements in pain control without debilitating side effects; and  
4                   (2) A treatment agreement between the injured employee and the prescriber  
5                   which restricts treatment access and limits prescriptions to ~~an~~one identified  
6                   single prescriber. This paragraph does not preclude temporary coverage  
7                   within a single clinic by an identified prescriber when the prescriber of  
8                   record is unavailable and does not preclude a referral to a pain specialist.  
9                   3. At the prescriber's or organization's request, an injured employee on chronic opioid  
10                  therapy is subject to random drug testing for the presence of prescribed and illicit  
11                  substances. Failure of the test or of timely compliance with the request may result in  
12                  termination of chronic opioid therapy coverage.  
13                  4. Failure to comply with any of the conditions under this section may result in the  
14                  termination of coverage for chronic opioid therapy.

15                  **SECTION 2. APPLICATION.** This Act applies to all claims, regardless of date of injury.