

SENATE BILL NO. 2063

Introduced by

Senators Lyson, G. Lee

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 the consideration of after-acquired medical evidence in workers'
3 compensation claims.

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
6 created and enacted as follows:

7 **After-acquired medical evidence.** Notwithstanding section 65-05-04 and any other
8 law, if the organization denies a claim for benefits on the grounds that the injured employee has
9 not provided medical evidence substantiating a compensable injury, the organization shall
10 reopen the claim and reassess compensability if, within four years of the filing of the claim at
11 issue, the injured employee requests in writing that the organization reopen the claim and
12 reassess compensability based on after-acquired medical evidence. If an injured employee
13 makes a request to reopen a claim under this section, the organization shall consider the merits
14 of the request and determine compensability in light of the after-acquired medical evidence. A
15 request to reopen a claim under this section must be made by delivering the request to the
16 office of the organization or to any person the organization designates or by depositing the
17 request in the mail properly stamped and addressed to the organization or to any person the
18 organization designates. An injured employee may appeal from an organization decision made
19 in response to a request to reopen a claim under this section.