



North Dakota Workforce  
Safety & Insurance

**Art Thompson**  
Director

June 5, 2023


Ms. Liz Fordahl  
ND Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505

**Submitted via email**

Dear Ms. Fordahl:

The Full Notice of Intent to Adopt, Create, Amend, and Repeal Administrative Rules and Notice of Public Hearing relating to Workforce Safety & Insurance, and copies of the proposed rule changes are enclosed, as required by N.D.C.C. §28-32-10(1). Also enclosed are the regulatory analyses, small entity regulatory analyses, small entity economic impact statements, and fiscal notes with a statement of whether any significant impact will occur.

Respectfully,

  
Julie Porsborg  
WSI Paralegal  
Ph. 701-328-3878

Enclosures

**NOTICE OF INTENT TO  
ADOPT, CREATE, AMEND, AND REPEAL ADMINISTRATIVE RULES  
RELATING TO WORKFORCE SAFETY & INSURANCE,  
AND NOTICE OF PUBLIC HEARING**

**Attorney's Fees, Mileage Reimbursement, School Supplies, Permanent Impairment Guides Updates, Pharmacy Services Definition, Footwear, Prosthetics, Clarification of X-ray Terminology, Medical Services Retrospective Review, Scholarship Fund Application Criteria, Dividend Programs, Retrospective Rating Program, Risk Management Program Definitions and Eligibility, and Grant Program's Purpose, Eligibility, and Administration.**

TAKE NOTICE that Workforce Safety & Insurance will hold a public hearing to address the proposed creation, amendments and repeal to N.D. Admin. Code Title 92 at 9:00 AM on Monday, July 17, 2023, at the WSI Board Room, Century Center, 1600 E. Century Avenue, Bismarck, North Dakota, at which time and place all persons will be heard regarding the proposed creation, amendments, and repeal to the North Dakota Administrative Code as follows:

1. The purpose of the proposed amendment to Administrative Code Section 92-01-02-11.1, regarding attorney's fees is to increase the hourly rate and caps regarding attorney's fees. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
2. The purpose of the proposed amendment to Administrative Code Section 92-01-02-12, relating to mileage reimbursement for travel to and from medical treatment is to revise the mileage calculation from MapQuest.com to Google Maps. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
3. The purpose of the proposed amendment to Administrative Code Section 92-01-02-24, relating to rehabilitation services is to increase the award of school supplies per semester, and to revise the mileage calculation for travel reimbursement from MapQuest.com to Google Maps. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
4. The purpose of the proposed amendment to Administrative Code Section 92-01-02-25, relating to permanent impairment evaluations and disputes is to remove a subsection pertaining to errata sheets and Guides updates, which is obsolete under the current 6<sup>th</sup> Edition of the Guides and was only relevant when using the former 5<sup>th</sup> Edition of the Guides. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
5. The purpose of the proposed amendment to Administrative Code Section 92-01-02-29, relating to definition of medical services is to provide a more comprehensive definition of pharmacy services. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

6. The purpose of the proposed amendment to Administrative Code Section 92-01-02-29.6, relating to footwear is to clarify payment is issued to the medical service provider and not reimbursed to the injured employee. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
7. The purpose of the proposed creation of Administrative Code Section 92-01-02-29.7, relating to prosthetics is to define the criteria for approval and purchase of prosthetics. The proposed creation is not expected to have an impact on the regulated community in excess of \$50,000.
8. The purpose of the proposed amendment to Administrative Code Section 92-01-02-30, relating to medical services is to revise x-ray terminology from “films” to “images.” The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
9. The purpose of the proposed amendment to Administrative Code Section 92-01-02-46, relating to medical services disputes is to further clarify the process for a retrospective preservice review or preauthorization. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
10. The purpose of the proposed amendment to Administrative Code Section 92-01-02-53, relating to the scholarship fund and application criteria is to remove the requirement of submission of SAT/ACT scores from the application criteria. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
11. The purpose of the proposed amendment to Administrative Code Section 92-01-02-55, relating to employer dividend programs is to clarify dividend distributions are made in the form of a premium credit. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
12. The purpose of the repeal of Administrative Code Section 92-01-02-56, relating to the retrospective rating program is the result of the repeal of the retrospective rating program in section 65-04-17.1 of the North Dakota Century Code during the 68<sup>th</sup> Legislative Assembly, Senate Bill 2116. The proposed repeal is not expected to have an impact on the regulated community in excess of \$50,000.
13. The purpose of the proposed amendment to Administrative Code Section 92-05-02-01 relating to the Risk Management Program definitions is to remove outdated, obsolete terms: baseline period, frequency rate, measurement year, and severity rate; and to remove a cross-reference to the retrospective rating program which was repealed by the 68<sup>th</sup> Legislative Assembly, Senate Bill 2116. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.
14. The purpose of the proposed amendment to Administrative Code Section 92-05-02-03, relating to the Risk Management Program eligibility and billing is to remove one of the elements of eligibility for the program; and to remove a cross-reference to the retrospective rating program which was repealed by the 68<sup>th</sup> Legislative Assembly,

Senate Bill 2116. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

15. The purpose of the proposed amendment to Administrative Code Section 92-05-03-01, relating to the grant program's purpose is to revise terminology from "grant" programs to "safety and health" programs; and to broaden the traditional programs to include additional options to promote safety and health. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

16. The purpose of the proposed amendment to Administrative Code Section 92-05-03-02, relating to eligibility for the "safety and health" program (formerly "grant" program) is to expand the eligibility application process to any group or individual who wishes to participate, and to clarify an applicant must complete all program requirements for eligibility consideration. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

17. The purpose of the proposed amendment to Administrative Code Section 92-05-03-03, relating to administration for the "safety and health" program (formerly "grant" program) is to clarify the organization's expansion of its traditional programs to include additional options to promote safety and health. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules, and regulatory analyses, small entity regulatory analyses, small entity economic impact statements, and fiscal notes may be reviewed at Workforce Safety & Insurance, 1600 East Century Avenue, Suite 1, Bismarck, North Dakota. A copy of the proposed rules, regulatory analyses, small entity regulatory analyses, small entity economic impact statements, and fiscal notes may be requested by writing to the address below or by calling 800-777-5033.

Persons who require accommodations to attend the public hearing should contact Workforce Safety & Insurance at the below address and phone number at least five days prior to the public hearing.

Workforce Safety & Insurance  
ATTN: Legal Dept., Julie Porsborg  
P.O Box 5585  
1600 E. Century Ave., Suite 1  
Bismarck, ND 58506-5585  
Ph. 800-777-5033  
TTY: 1-800-366-6888

Written or oral comments concerning the proposed rules may be sent or telephoned to the organization at the above address or phone number. The closing date for receipt and full consideration of all written or oral comments is end of business day, Friday, July 28, 2023.

Dated: June 5, 2023, WSI Legal Department, ATTN: Julie Porsborg

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-11.1.

**Title of Section:** Attorney's fees.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-11.1.

**Title of Section:** Attorney's fees.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-11.1

**ADMINISTRATIVE RULE TITLE:** Attorney's fees.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-11.1, relating to attorney's fees is to increase the hourly rate and caps regarding attorney's fees.

**FISCAL IMPACT:** Anticipate an approximate 5% increase of injured employee attorney fees or approximately \$9,000.00 per year.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-12

**Title of Section:** Mileage and per diem for travel to and from medical treatment.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-12

**Title of Section:** Mileage and per diem for travel to and from medical treatment.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-12

**ADMINISTRATIVE RULE TITLE:** Mileage and per diem for travel to and from medical treatment.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-12, relating to mileage reimbursement for travel to and from medical treatment is to revise mileage calculation from MapQuest.com to Google Maps.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023



## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-24

**Title of Section:** Rehabilitation services.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-24

**Title of Section:** Rehabilitation services.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-24

**ADMINISTRATIVE RULE TITLE:** Rehabilitation services.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-24 is to increase the award of school supplies from \$30 to \$50 per semester; and to revise mileage calculation for travel reimbursement from MapQuest.com to Google Maps.

**FISCAL IMPACT:** No significant fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-25

**Title of Section:** Permanent impairment evaluations and disputes.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-25

**Title of Section:** Permanent impairment evaluations and disputes.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-25

**ADMINISTRATIVE RULE TITLE:** Permanent impairment evaluations and disputes.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-25 is to remove a subsection pertaining to errata sheets and Guides updates, which is obsolete under the current 6<sup>th</sup> Edition of the Guides and was only relevant when using the former 5<sup>th</sup> Edition of the Guides.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-29

**Title of Section:** Medical services – Definitions.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-29

**Title of Section:** Medical services – Definitions.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-29

**ADMINISTRATIVE RULE TITLE:** Medical services – Definitions.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-29 is to provide a more comprehensive definition of pharmacy services.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-29.6

**Title of Section:** Footwear.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-29.6

**Title of Section:** Footwear.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-29.6

**ADMINISTRATIVE RULE TITLE:** Footwear.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-29.6 is to clarify payment is issued to the medical service provider and not reimbursed to the injured employee.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023



## REGULATORY ANALYSIS OF NEW RULE

**New Section:** 92-01-02-29.7

**Title of Section:** Prosthetics.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF NEW RULE

**New Section:** 92-01-02-29.7

**Title of Section:** Prosthetics

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no significant reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no significant compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no significant compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There may be some small entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this new rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**New Section:** 92-01-02-29.7

**Title of Section:** Prosthetics.

**SUMMARY OF PROPOSED RULE:** The purpose of the creation of Administrative Code Section 92-01-02-29.7 is to define the criteria for approval and purchase of prosthetics.

**FISCAL IMPACT:** No significant fiscal impact is anticipated.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-30

**Title of Section:** Medical services.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-30

**Title of Section:** Medical services.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-30

**ADMINISTRATIVE RULE TITLE:** Medical services.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-30 is to revise x-ray terminology from “films” to “images.”

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023.

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-46

**Title of Section:** Medical services disputes.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-46.

**Title of Section:** Medical services disputes.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-46

**ADMINISTRATIVE RULE TITLE:** Medical services disputes.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-46 is to further clarify the process for a retrospective preservice review or preauthorization.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-53

**Title of Section:** Workforce safety and insurance scholarship fund – Application criteria – Refund.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-53

**Title of Section:** Workforce safety and insurance scholarship fund – Application criteria – Refund.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are less reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are less stringent compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are simplified compliance and reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-53

**ADMINISTRATIVE RULE TITLE:** Workforce safety and insurance scholarship fund – Application criteria – Refund.

**SUMMARY OF PROPOSED RULE:** The purpose of the proposed amendment to Administrative Code Section 92-01-02-53 is to remove the requirement of submission of SAT/ACT scores from the scholarship application criteria.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023



## **REGULATORY ANALYSIS OF AMENDED RULE**

**Section:** 92-01-02-55

**Title of Section:** Dividend programs.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## **SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE**

**Section:** 92-01-02-55.

**Title of Section:** Dividend programs.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-55.

**ADMINISTRATIVE RULE TITLE:** Dividend programs.

**SUMMARY OF PROPOSED RULE:** The purpose of the amendment to Administrative Code section 92-01-02-55 is to clarify dividend distributions are made in the form of a premium credit.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-56

**Title of Section:** Retrospective rating program.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-01-02-56.

**Title of Section:** Retrospective rating program.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are less reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are less stringent compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** Compliance or reporting issues have been eliminated by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** Performance standards no longer apply due to the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-01-02-56.

**ADMINISTRATIVE RULE TITLE:** Retrospective rating program.

**SUMMARY OF PROPOSED RULE:** The purpose of the repeal of Administrative Code section 92-01-02-56 is the result of the repeal of the retrospective rating program in section 65-04-17.1 of the North Dakota Century Code during the 68<sup>th</sup> Legislative Assembly, Senate Bill 2116.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-02-01

**Title of Section:** Definitions. [Risk Management Programs]

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-02-01

**Title of Section:** Definitions. [Risk Management Programs]

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-05-02-01

**ADMINISTRATIVE RULE TITLE:** Definitions. [Risk Management Programs]

**SUMMARY OF PROPOSED RULE:** The purpose of the amendment to Administrative Code section 92-05-02-01 is to remove outdated, obsolete terms: baseline period, frequency rate, measurement year, and severity rate; and to remove a cross-reference to the “retrospective rating program,” which was repealed by the 68<sup>th</sup> Legislative Assembly, Senate Bill 2116.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-02-03

**Title of Section:** Eligibility - Billing. [Risk Management Programs]

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-02-03

**Title of Section:** Eligibility - Billing. [Risk Management Programs]

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-05-02-03

**ADMINISTRATIVE RULE TITLE:** Eligibility - Billing. [Risk Management Programs]

**SUMMARY OF PROPOSED RULE:** The purpose of the amendment to Administrative Code section 92-05-02-03 is to remove one of the elements of eligibility for the program; and to remove a cross-reference to the “retrospective rating program,” which was repealed by the 68<sup>th</sup> Legislative Assembly, Senate Bill 2116.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023



## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-03-01

**Title of Section:** "Safety and health" programs (formerly "grant" programs) - Purpose.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-03-01

**Title of Section:** "Safety and health" programs (formerly "grant" programs) - Purpose.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-05-03-01

**ADMINISTRATIVE RULE TITLE:** "Safety and health" programs (formerly "grant" programs) - Purpose.

**SUMMARY OF PROPOSED RULE:** The purpose of the amendment to Administrative Code section 92-05-03-01 is to revise terminology from "grant" programs to "safety and health" programs; and to broaden the traditional programs to include additional options to promote safety and health.

**FISCAL IMPACT:** No fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-03-02

**Title of Section:** "Safety and health" program (formerly "grant" program) - Eligibility.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-03-02

**Title of Section:** "Safety and health" program (formerly "grant" program) - Eligibility.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-05-03-02

**ADMINISTRATIVE RULE TITLE:** "Safety and health" program (formerly "grant" program) - Eligibility.

**SUMMARY OF PROPOSED RULE:** The purpose of the amendment to Administrative Code section 92-05-03-02 is to expand the eligibility application process to any group or individual who wishes to participate, and to clarify an applicant must complete all program requirements for eligibility consideration.

**FISCAL IMPACT:** No significant fiscal impact.

**DATE:** May 30, 2023

## REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-03-03

**Title of Section:** "Safety and health" program (formerly "grant" program) - Administration.

**GENERAL:** The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

This rule is not expected to impact the regulated community in excess of \$50,000.

## SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

**Section:** 92-05-03-03

**Title of Section:** "Safety and health" program (formerly "grant" program) - Administration.

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

### **POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:**

- A. Establishing less stringent compliance or reporting requirements:** There are no reporting or compliance requirements impacted by the change.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** There are no compliance or reporting issues impacted by the change.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** There are no entities impacted by the change.

**SMALL ENTITY ECONOMIC IMPACT STATEMENT**

**GENERAL:** The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

**WORKFORCE SAFETY & INSURANCE**  
**ADMINISTRATIVE RULE**  
**FISCAL NOTE**

**ADMINISTRATIVE RULE NO:** 92-05-03-03

**ADMINISTRATIVE RULE TITLE:** Safety and health” program (formerly “grant” program)  
- Administration.

**SUMMARY OF PROPOSED RULE:** The purpose of the amendment to Administrative Code section 92-05-03-03 is to clarify the organization’s expansion of its traditional programs to include additional options to promote safety and health.

**FISCAL IMPACT:** No significant fiscal impact.

**DATE:** May 30, 2023