



North Dakota Workforce
Safety & Insurance

Bryan Klipfel
Director

August 2, 2021

Ms. Jill Grossman
ND Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505

Submitted via email

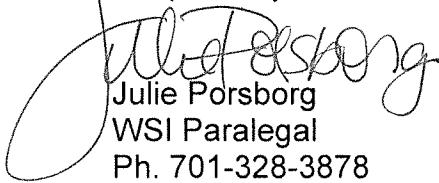
Dear Ms. Grossman:

The Full Notice of Intent to Adopt, 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.

The Full Notice and applicable proposed rule change have been emailed to the following sponsors of House Bill 1139 of the 67th Legislative Assembly:

Representative George Keiser and Senator Jerry Klein. House Bill 1139 (2021) creates a new section to Title 65 relating to opioid therapy and benzodiazepine duration limits. The applicable proposed rule in Administrative Code - Title 92 has been made to define the parameters for medical necessity to be met when requesting to exceed the duration and dosage limits.

Respectfully,



Julie Porsborg
WSI Paralegal
Ph. 701-328-3878

Enclosures

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

Temporary Partial Disability Benefits; Contributing Cause of Mental or Psychological Condition; Attorney's Fees; Employer Payroll Reports; Comprehensive Rehabilitation Services Including Behavioral Health and Financial Services; Palliative Care; Medical Necessity Required to Exceed Opioid and Benzodiazepine Duration and Dosage Limits; Elements of Filing; and Appeal Periods.

TAKE NOTICE that Workforce Safety & Insurance will hold a public hearing to address the proposed amendments and repeal to N.D. Admin. Code Title 92 at 8:30 AM on Wednesday, September 22, 2021, 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 amendments and repeal to the North Dakota Administrative Code as follows:

1. The purpose of the proposed amendment to Administrative Code Section 92-01-02-02.1, relating to temporary partial disability benefits is to remove the word "preinjury wages" and replace with "average weekly wage." This amendment is the result of legislation passed by the 67th Legislative Assembly, House Bill 1084. 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 92-01-02-02.5, relating to contributing causes of mental or psychological conditions is to update a statutory citation. 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 92-01-02-11.1 regarding attorney's fees is to increase the hourly rate and caps regarding attorney's fees, and to clarify payment provisions in this section. 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 92-01-02-14, relating to penalizing employers for failure to pay premiums or submit payroll reports is to change all references to 'payroll year' to 'payroll reporting period;' to clarify an additional \$50 payroll penalty; to allow the organization discretion to refuse unreliable employer payroll information; and to clarify the \$5,000 statutory penalty references in Title 65, which was modified in 2019. 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 92-01-02-24 relating to rehabilitation services is to further outline rehabilitation services available to injured workers to assist with coping and financial strategies, including sessions with a

behavioral health professional and financial services professional. 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 relating to definition of medical services is to remove the definition for "palliative care," as it is no longer relevant due to the repeal of the palliative care section 92-01-02-40. 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 amendment to Administrative Code Section 92-01-02-29.1 regarding medical necessity is to define the parameters for medical necessity to be met by a party when requesting to exceed opioid and benzodiazepine duration and dosage limits. This amendment is the result of legislation passed by the 67th Legislative Assembly, House Bill 1139. The proposed amendment 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 92-01-02-38 relating to changes of health care providers is to remove the term "palliative care," as it is no longer relevant due to the repeal of the palliative care section 92-01-02-40. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

9. The purpose of the repeal of Administrative Code Section 92-01-02-40 relating to palliative care is to incorporate WSI's review of palliative care as part of its standard review of ongoing chiropractic visits and to no longer distinguish palliative care as a separate review. The proposed repeal 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 92-01-02-45.1 relating to medical service provider responsibilities and billings is to remove a subsection regarding palliative care as it is no longer relevant due to the repeal of the palliative care section 92-01-02-40. 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 92-01-02-46 relating to medical services disputes is to remove a reference to palliative care recommendations, as it is no longer relevant due to the repeal of the palliative care section 92-01-02-40. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

12. The purpose of the proposed amendment to Administrative Code Section 92-01-02-48 relating to elements of filing is to clarify permissible signatures required on a First Report of Injury, and is a result of legislation passed by the 67th Legislative Assembly, House Bill 1084, Section 8. Another proposed amendment clarifies that additional information may be requested on applications and reapplications for benefits. The

proposed amendment 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 92-01-03-03 relating to request for assistance – timely request for consideration or rehearing is to change an appeal period from 30 days to 45 days. The amendment is the result of legislation passed by the 67th Legislative Assembly, House Bill 1040. 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 92-01-03-04 relating to procedure for dispute resolution is to change some appeal periods from 30 days to 45 days. The amendment is the result of legislation passed by the 67th Legislative Assembly, House Bill 1040. 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, and 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 or otherwise appear at this 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, Monday, October 4, 2021.

Dated: August 2, 2021

WSI Legal Department
ATTN: Julie Porsborg

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-02.1

Title of Section: Temporary partial disability benefits.

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: 92-01-02-02.1

Title of Section: Temporary partial disability benefits.

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: 92-01-02-02.1

ADMINISTRATIVE RULE TITLE: Temporary partial disability benefits.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-02-02.1 is to provide changes to create consistent language throughout the rules regarding the definition of average weekly wage in Title 65. This amendment is the result of legislation passed by the 67th Legislative Assembly, House Bill 1084.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-02.5

Title of Section: Contributing cause of mental or psychological condition defined.

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: 92-01-02-02.5

Title of Section: Contributing cause of mental or psychological condition defined.

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: 92-01-02-02.5

ADMINISTRATIVE RULE TITLE: Contributing cause of mental or psychological condition defined.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-02-02.5 is to update a statutory citation reference.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

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 adjust fees for legal services provided by employees' attorneys and legal assistants working under the direction of employees' attorneys, and to clarify payment provisions in this section.

FISCAL IMPACT: Anticipate an approximate 8% increase of injured employee attorney fees or approximately \$27,000.00 per year.

DATE: July 22, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-14

Title of Section: Procedure for penalizing employers accounts for failure to pay premiums or failure to submit payroll reports.

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: 92-01-02-14

Title of Section: Procedure for penalizing employers accounts for failure to pay premiums or failure to submit payroll reports.

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: 92-01-02-14

ADMINISTRATIVE RULE TITLE: Procedure for penalizing employers accounts for failure to pay premiums or failure to submit payroll reports.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-02-14 is to change all references to 'payroll year' to 'payroll reporting period;' to clarify an additional \$50 payroll penalty; to allow the organization discretion to refuse unreliable employer payroll information; and to clarify the \$5,000 statutory penalty references in Title 65, which was modified in 2019.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

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 further outline rehabilitation services available to injured workers to assist with coping and financial strategies, including sessions with a behavioral health professional and a financial services professional.

FISCAL IMPACT: Anticipate a fiscal impact of approximately \$8,000-\$9,000 per year.

DATE: July 22, 2021

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 remove the definition for “palliative care.”

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-29.1

Title of Section: Medical necessity.

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: 92-01-02-29.1.

Title of Section: Medical necessity.

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:** The new statute creates additional reporting requirements; however, the organization has attempted to keep them to a minimum.
- B. Establishing less stringent schedules or deadlines for compliance or report:** The new statute creates additional requirements; however, the organization has attempted to keep schedules and deadlines to a minimum.
- C. Consolidating or simplifying compliance or reporting requirements:** The new statute creates additional reporting requirements; however, the organization has attempted to keep them to a minimum.
- 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 exempted 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 economic impact.

WORKFORCE SAFETY & INSURANCE
ADMINISTRATIVE RULE
FISCAL NOTE

ADMINISTRATIVE RULE NO: 92-01-02-29.1.

ADMINISTRATIVE RULE TITLE: Medical necessity.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-02-29.1 is to define the parameters for medical necessity to be met by a party when requesting to exceed opioid and benzodiazepine duration and dosage limits. This amendment is the result of legislation passed during the 67th Legislative Assembly, House Bill 1139.

FISCAL IMPACT: To the extent there are improved return-to-work and medical outcomes resulting from the duration/dosing limitations for the identified drug therapies, there would be anticipated cost reductions which would be reflected in subsequent premium rate levels.

DATE: July 27, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-38

Title of Section: Changes of health care providers.

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: 92-01-02-38

Title of Section: Changes of health care providers.

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: 92-01-02-38

ADMINISTRATIVE RULE TITLE: Changes of health care providers.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-02-38 is to remove the term "palliative care." The palliative care section of the rules is being repealed.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-40

Title of Section: Palliative care.

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

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

SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-40

Title of Section: Palliative care.

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 change 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: 92-01-02-40

ADMINISTRATIVE RULE TITLE: Palliative care.

SUMMARY OF PROPOSED RULE: Administrative Code Section 92-01-02-40 regarding palliative care is repealed. WSI's review of palliative care will be incorporated as part of its standard review of ongoing chiropractic visits.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-45.1.

Title of Section: Medical service provider responsibilities and billings.

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: 92-01-02-45.1.

Title of Section: Medical service provider responsibilities and billings.

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: 92-01-02-45.1.

ADMINISTRATIVE RULE TITLE: Medical service provider responsibilities and billings.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-02-45.1 is to remove the subsection regarding denial of payment for palliative care because it is no longer relevant. The palliative care section of the rules is being repealed.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

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 remove “palliative care recommendations” from binding dispute resolution procedures because it is no longer relevant. The palliative care section of the rules is being repealed.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-48.

Title of Section: Elements of filing.

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: 92-01-02-48.

Title of Section: Elements of filing.

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: 92-01-02-48.

ADMINISTRATIVE RULE TITLE: Elements of filing.

SUMMARY OF PROPOSED RULE: One of the proposed amendments to Administrative Code Section 92-01-02-48 is to clarify permissible signatures required on a First Report of Injury, and is a result of House Bill 1084, Section 8, from the 2021 Legislative Session. Another proposed amendment clarifies that additional information may be requested on applications and reapplications for benefits.

FISCAL IMPACT: No fiscal impact.

DATE: July 21, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-03-03.

Title of Section: Request for assistance – Timely request for consideration or rehearing.

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: 92-01-03-03.

Title of Section: Request for assistance – Timely request for consideration or rehearing.

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: 92-01-03-03.

ADMINISTRATIVE RULE TITLE: Request for assistance – Timely request for consideration or rehearing.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-03-03 is to change some appeal periods from 30 days to 45 days. This amendment is the result of House Bill 1040 of the 2021 Legislative Session.

FISCAL IMPACT: No significant fiscal impact is anticipated.

DATE: July 22, 2021

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-03-04.

Title of Section: Procedure for dispute resolution.

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: 92-01-03-04.

Title of Section: Procedure for dispute resolution.

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: 92-01-03-04.

ADMINISTRATIVE RULE TITLE: Procedure for dispute resolution.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment to Administrative Code Section 92-01-03-04 is to change some appeal periods from 30 days to 45 days. This amendment is the result of House Bill 1040 of the 2021 Legislative Session.

FISCAL IMPACT: No significant fiscal impact is anticipated.

DATE: July 22, 2021