Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2060
(Legislative Management)
(Workers' Compensation Review Committee)

AN ACT to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation coverage of chronic opioid therapy; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Chronic opioid therapy coverage and monitoring.

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

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

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

   b. Chronic opioid therapy must treat an injured employee:

      (1) Who has been nonresponsive to non-opioid treatment;

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

      (3) Who is compliant with the treatment protocol; and

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

      (1) At least every ninety days, documentation of the effectiveness of the chronic opioid therapy, including documentation of improvements in function or improvements in pain control without debilitating side effects; and

      (2) A treatment agreement between the injured employee and the prescriber which restricts treatment access and limits prescriptions to one identified single prescriber. This paragraph does not preclude temporary coverage within a single clinic by an identified prescriber when the prescriber of record is unavailable and does not preclude a referral to a pain specialist.

3. At the prescriber's or organization's request, an injured employee on chronic opioid therapy is subject to random drug testing for the presence of prescribed and illicit substances. Failure of the test or of timely compliance with the request may result in termination of chronic opioid therapy coverage.

4. Failure to comply with any of the conditions under this section may result in the termination of coverage for chronic opioid therapy.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2060.

Senate Vote:	Yeas 43	Nays 4	Absent 0
House Vote:	Yeas 64	Nays 22	Absent 8

Secretary of the Senate

Received by the Governor at 2:10 P.M. on March 10, 2015.

Approved at 11:08 A.M. on March 11, 2015.

Governor

Filed in this office this 11th day of March, 2015,

at 12:55 o'clock P.M.

Secretary of State