

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1139
(Representative Keiser)
(Senator Klein)

AN ACT to create and enact section 65-05-40 of the North Dakota Century Code, relating to duration limits for opioid therapy and benzodiazepine; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 65-05-40 of the North Dakota Century Code is created and enacted as follows:

65-05-40. Opioid therapy and benzodiazepine duration limits - Termination of coverage.

1. The organization may not pay for opioid therapy that exceeds ninety morphine milligram equivalents of opioid medication per day, or more than a seven-day supply of an opioid medication within any single outpatient transaction during the initial thirty-day period of opioid therapy.
 - a. The limitations do not apply to:
 - (1) Opioid therapy prescribed for active and aftercare cancer treatment;
 - (2) End-of-life and hospice care;
 - (3) Treatment for substance use disorder;
 - (4) An emergency room setting;
 - (5) An inpatient hospital setting;
 - (6) A long-term care facility setting; or
 - (7) An assisted living facility setting.
 - b. Opioid therapy includes controlled substances listed in subsections 3 and 4 of section 19-03.1-07, subsection 6 of section 19-03.1-09, subsection 3 of section 19-03.1-11, subsections 3 and 4 of section 19-03.1-13, or any substance with similar properties or affects.
2. The organization may not pay for benzodiazepine therapy beyond a cumulative duration of four weeks, except when approved by the organization for the treatment of an anxiety disorder. Benzodiazepine therapy includes controlled substances contained in subdivisions a, i, j, k, l, p, r, v, x, ee, mm, qq, xx, yy, aaa, and ccc of subsection 4 of section 19-03.1-11, or any substance with similar properties or affects.
3. The organization may not pay for any combination therapies that include controlled substances from subsections 1 and 2 concurrently.
4. A review of requests to depart from the established limits in subsections 1, 2, and 3, upon a showing of medical necessity, are dispute resolution decisions under section 65-02-20.

SECTION 2. APPLICATION. An injured employee receiving any therapy exceeding the therapy limits in section 1 of this Act on the effective date of this Act must be in compliance with the limits by

July 1, 2022, at which time the organization shall terminate coverage for any therapy exceeding the limits.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1139.

House Vote: Yeas 64 Nays 26 Absent 4

Senate Vote: Yeas 38 Nays 8 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State