

ASSEMBLY, No. 2652

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 10, 2012

Sponsored by:

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

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District 7 (Burlington)

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SYNOPSIS

Bans charging workers' compensation claimants for medical expenses, gives Division of Workers' Compensation sole jurisdiction over work-related medical claims.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning medical claims in connection with work-related
2 injuries and illnesses and amending R.S.34:15-15.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. R.S.34:15-15 is amend to read as follows:

8 The employer shall furnish to the injured worker such medical,
9 surgical and other treatment, and hospital service as shall be
10 necessary to cure and relieve the worker of the effects of the injury
11 and to restore the functions of the injured member or organ where
12 such restoration is possible; provided, however, that the employer
13 shall not be liable to furnish or pay for physicians' or surgeons'
14 services in excess of \$50.00 and in addition to furnish hospital
15 service in excess of \$50.00, unless the injured worker or the
16 worker's physician who provides treatment, or any other person on
17 the worker's behalf, shall file a petition with the Division of
18 Workers' Compensation stating the need for physicians' or surgeons'
19 services in excess of \$50.00, as aforesaid, and such hospital service
20 or appliances in excess of \$50.00, as aforesaid, and the Division of
21 Workers' Compensation after investigating the need of the same
22 and giving the employer an opportunity to be heard, shall determine
23 that such physicians' and surgeons' treatment and hospital services
24 are or were necessary, and that the fees for the same are reasonable
25 and shall make an order requiring the employer to pay for or furnish
26 the same. The mere furnishing of medical treatment or the payment
27 thereof by the employer shall not be construed to be an admission
28 of liability.

29 If the employer shall refuse or neglect to comply with the
30 foregoing provisions of this section, the employee may secure such
31 treatment and services as may be necessary and as may come within
32 the terms of this section, and the employer shall be liable to pay
33 therefor; provided, however, that the employer shall not be liable
34 for any amount expended by the employee or by any third person
35 on the employee's behalf for any such physicians' treatment and
36 hospital services, unless such employee or any person on the
37 employee's behalf shall have requested the employer to furnish the
38 same and the employer shall have refused or neglected so to do, or
39 unless the nature of the injury required such services, and the
40 employer or the superintendent or foreman of the employer, having
41 knowledge of such injury shall have neglected to provide the same,
42 or unless the injury occurred under such conditions as make
43 impossible the notification of the employer, or unless the
44 circumstances are so peculiar as shall justify, in the opinion of the
45 Division of Workers' Compensation, the expenditures assumed by

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the employee for such physicians' treatment and hospital services,
2 apparatus and appliances.

3 All fees and other charges for such physicians' and surgeons'
4 treatment and hospital treatment shall be reasonable and based upon
5 the usual fees and charges which prevail in the same community for
6 similar physicians', surgeons' and hospital services.

7 When an injured employee may be partially or wholly relieved of
8 the effects of a permanent injury, by use of an artificial limb or
9 other appliance, which phrase shall also include artificial teeth or
10 glass eye, the Division of Workers' Compensation, acting under
11 competent medical advice, is empowered to determine the character
12 and nature of such limb or appliance, and to require the employer or
13 the employer's insurance carrier to furnish the same.

14 Fees for treatments or medical services that have been authorized
15 by the employer or its carrier or its third party administrator or
16 determined by the Division of Workers' Compensation to be the
17 responsibility of the employer, its carrier or third party
18 administrator, or have been paid by the employer, its carrier or third
19 party administrator pursuant to the workers' compensation law,
20 R.S.34:15-1 et seq., shall not be charged against or collectible from
21 the injured worker. Exclusive jurisdiction for any disputed medical
22 charge arising from any claim for compensation for a work-related
23 injury or illness shall be vested in the division, which shall provide
24 procedures to resolve the dispute, including procedural
25 requirements for medical providers or any other party to the
26 dispute. The treatment of an injured worker or the payment of
27 workers' compensation to an injured worker or dependent of an
28 injured or deceased worker shall not be delayed because of a claim
29 by a medical provider.

30 (cf: P.L.1979, c. 283, s. 7)

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32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill prohibits the charging of workers' compensation
38 claimants for medical expenses that have been authorized by the
39 employer or its carrier or its third party administrator, that have
40 been paid by the employer, its carrier or third party administrator
41 pursuant to pursuant to the workers' compensation law, or which
42 have been determined by the Division of Workers' Compensation to
43 be the responsibility of the employer, its carrier or third party
44 administrator. The bill gives the division sole jurisdiction over
45 disputed work-related medical claims, and directs the division to
46 provide procedures to resolve those disputes, including procedural
47 requirements for medical providers or any other party to the
48 dispute. Finally, the bill provides that the treatment of an injured

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- 1 worker or the payment of workers' compensation to an injured
- 2 worker or dependent of an injured or deceased worker shall not be
- 3 delayed because of a claim by a medical provider.