

[First Reprint]

**ASSEMBLY, No. 2652**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED MAY 10, 2012

**Sponsored by:**

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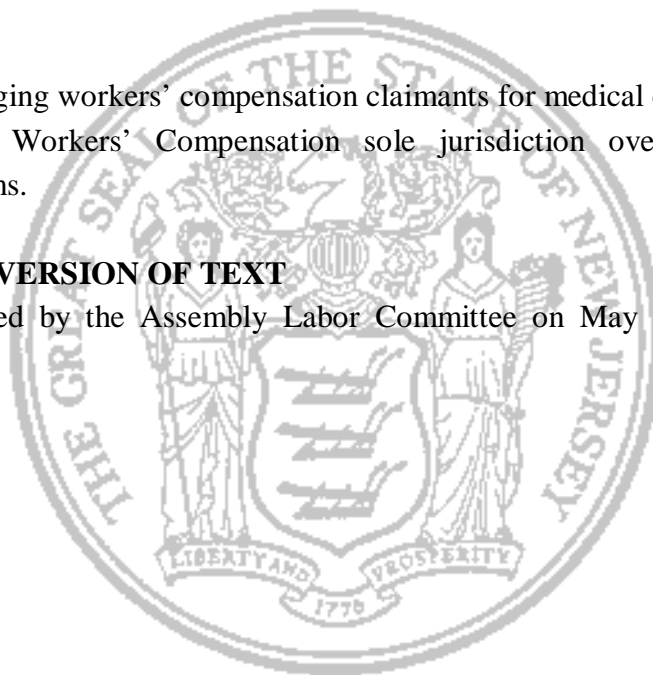
**Assemblywomen Lampitt, Mosquera, Senators Greenstein and Madden**

**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 reported by the Assembly Labor Committee on May 14, 2012, with amendments.



**(Sponsorship Updated As Of: 10/5/2012)**

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

3

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

6

7 1. R.S.34:15-15 is '[amend] amended<sup>1</sup> to read as follows:

8 <sup>1</sup>34:15-15. The employer shall furnish to the injured worker  
9 such medical, surgical and other treatment, and hospital service as  
10 shall be necessary to cure and relieve the worker of the effects of  
11 the injury and to restore the functions of the injured member or  
12 organ where such restoration is possible; provided, however, that  
13 the employer shall not be liable to furnish or pay for physicians' or  
14 surgeons' services in excess of \$50.00 and in addition to furnish  
15 hospital service in excess of \$50.00, unless the injured worker or  
16 the worker's physician who provides treatment, or any other person  
17 on 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

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALA committee amendments adopted May 14, 2012.

1 Division of Workers' Compensation, the expenditures assumed by  
2 the employee for such physicians' treatment and hospital services,  
3 apparatus and appliances.

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

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

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

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

32

33 2. This act shall take effect immediately.