

ASSEMBLY, No. 2979

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman JAY WEBBER
District 26 (Essex, Morris and Passaic)

SYNOPSIS

“Addiction Medicine Philanthropy Act”; provides physicians who provide uncompensated care for treatment of substance use disorders with \$250,000 cap on noneconomic damages in actions alleging medical malpractice.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning medical malpractice liability for physicians
2 who treat substance use disorders and supplementing Title 2A of
3 the New Jersey Statutes.

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

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8 1. This act shall be known and may be cited as the “Addiction
9 Medicine Philanthropy Act.”

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11 2. a. A physician licensed to practice medicine and surgery in
12 this State who provides care or treatment for substance use
13 disorders to at least 10 percent of the physician’s patients in a
14 calendar year without receiving any compensation for that care or
15 treatment, shall not be liable in any action for noneconomic
16 damages alleging medical malpractice against that physician in an
17 amount that exceeds \$250,000. The \$250,000 limit shall apply to
18 cases arising out of care or treatment for substance use disorders
19 provided by the physician during the calendar year following the year
20 the uncompensated care described in this subsection was provided.

21 b. The State Board of Medical Examiners shall adopt rules and
22 regulations, pursuant to the “Administrative Procedure Act,”
23 P.L.1968, c.410 (C.52:14B-1 et seq.), that establish procedures for:

24 (1) physicians to report, document, and certify the
25 uncompensated care and treatment for substance use disorders
26 provided in a calendar year and the total number of patients who
27 received care and treatment from the physician during that year;

28 (2) the board to verify that the reported uncompensated care and
29 treatment for substance use disorders was provided to more than 10
30 percent of the physician’s patients; and

31 (3) the board to notify the physician and the Department of
32 Banking and Insurance that the physician qualifies for the medical
33 malpractice insurance limit.

34 c. Upon receipt of notification pursuant to subsection b. of this
35 section, the physician may submit the notification to the physician’s
36 medical malpractice insurer and inform the insurer that the
37 physician is subject to a limit of \$250,000 in noneconomic damages
38 for the calendar year.

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40 3. This act shall take effect on January 1 next following the
41 date of enactment.

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44 STATEMENT

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46 This bill, which is designated the “Medical Philanthropy Act,”
47 seeks to encourage physicians to provide professional services for
48 the treatment of substance use disorders without receiving

1 compensation to more than 10 percent of their patients. In return
2 for the provision of uncompensated care and treatment, the bill
3 establishes a \$250,000 cap on noneconomic damages for any case
4 involving care or treatment for substance use disorders. With a
5 limited malpractice liability risk, the physician will be subject to a
6 reduced medical malpractice insurance premium.

7 Specifically, the bill provides that a physician licensed to
8 practice in this State who provides care or treatment for substance
9 use disorders to at least 10 percent of the physician's patients in a
10 calendar year without receiving any compensation for that care or
11 treatment, will not be liable in any action for noneconomic damages
12 alleging medical malpractice against that physician in an amount
13 that exceeds \$250,000. The \$250,000 limit will apply to cases
14 arising out of care or treatment for substance use disorders provided
15 by the physician during the calendar year for which the physician
16 qualifies for the \$250,000 limit.

17 The Board of Medical Examiners is directed to adopt rules and
18 regulations that establish procedures for:

19 -- physicians to report, document, and certify the uncompensated
20 care and treatment for substance use disorders provided in a
21 calendar year and the total number of patients who received care
22 and treatment from the physician during that year;

23 -- the board to verify that the reported uncompensated care and
24 treatment for substance use disorders was provided to more than 10
25 percent of the physician's patients; and

26 -- the board to notify the physician and the Department of
27 Banking and Insurance that the physician qualifies for the medical
28 malpractice insurance limit.

29 Upon receipt of notification from the board, the physician may
30 submit the notification to the physician's medical malpractice
31 insurer and inform the insurer that the physician is subject to a limit
32 of \$250,000 in noneconomic damages for the calendar year.

33 The bill takes effect on January 1 next following the date of
34 enactment.