

SENATE, No. 817

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Prohibits medical providers from reporting certain workers' compensation medical charges to collection and credit reporting agencies.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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 amended to read as follows:

8 34:15-15. The employer shall furnish to the injured worker such
9 medical, 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 worker's
16 physician who provides treatment, or any other person on the
17 worker's behalf, shall file a petition with the Division of Workers'
18 Compensation stating the need for physicians' or surgeons' services
19 in excess of \$50.00, as aforesaid, and such hospital service or
20 appliances in excess of \$50.00, as aforesaid, and the Division of
21 Workers' Compensation after investigating the need of the same and
22 giving the employer an opportunity to be heard, shall determine that
23 such physicians' and surgeons' treatment and hospital services are or
24 were necessary, and that the fees for the same are reasonable and
25 shall make an order requiring the employer to pay for or furnish the
26 same. The mere furnishing of medical treatment or the payment
27 thereof by the employer shall not be construed to be an admission of
28 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 for
34 any amount expended by the employee or by any third person on the
35 employee's behalf for any such physicians' treatment and hospital
36 services, unless such employee or any person on the employee's
37 behalf shall have requested the employer to furnish the same and the
38 employer shall have refused or neglected so to do, or unless the
39 nature of the injury required such services, and the employer or the
40 superintendent or foreman of the employer, having knowledge of
41 such injury shall have neglected to provide the same, or unless the
42 injury occurred under such conditions as make impossible the
43 notification of the employer, or unless the circumstances are so
44 peculiar as shall justify, in the opinion of the Division of Workers'

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 Compensation, the expenditures assumed by the employee for such
2 physicians' treatment and hospital services, 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 other
9 appliance, which phrase shall also include artificial teeth or glass eye,
10 the Division of Workers' Compensation, acting under competent
11 medical advice, is empowered to determine the character and nature
12 of such limb or appliance, and to require the employer or the
13 employer's insurance carrier to furnish the same.

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

28 No provider to the injured worker of medical, surgical, other
29 treatment, or hospital service pursuant to the workers' compensation
30 law, R.S.34:15-1 et seq., shall report any portion of their charges
31 which are alleged to be unpaid, to any collection or credit reporting
32 agency, bureau, or data collection facility until: (1) a judge of
33 compensation within the Division of Workers' Compensation has
34 fully adjudicated the rights and liabilities of all parties, including the
35 rights of the claimant for payments pursuant to this section, section
36 1 of P.L.1953, c.207 (C.34:15-15.1), and section 1 of P.L.1966, c.115
37 (C.34:15-15.2), regarding the payment of these charges; or (2) a
38 notice of a stipulation settlement or an order approving settlement
39 regarding the payment of these charges has been filed with the court.
40 Upon a finding that non-compliance with this paragraph has
41 occurred, a judge of compensation, in summary fashion, and in
42 addition to such other provisions under the workers' compensation
43 law, R.S.34:15-1 et seq., may:

44 a. order the non-compliant provider to retract the medical,
45 surgical, other treatment, or hospital service charges reported to the
46 collection or credit reporting agency, bureau, or data collection
47 facility;

1 b. impose a fine on the non-compliant provider, not to exceed
2 \$5,000, payable to the Second Injury Fund;

3 c. order the non-compliant provider to pay a reasonable counsel
4 fee in connection with a claimant for payments who has suffered
5 damage to credit rating due to the reporting of unpaid medical,
6 surgical, other treatment, or hospital service charges to a collection
7 or credit reporting agency, bureau, or data collection facility;

8 d. order the non-compliant provider to take such steps as are
9 necessary, within 30 days of the order, to rehabilitate the credit
10 record of a claimant, with a showing made to the court of the efforts
11 made in that regard; and

12 e. order the non-compliant provider to pay an award of damages
13 to the claimant not to exceed 25 percent of the medical, surgical, other
14 treatment, or hospital service charges reported by the non-compliant
15 provider to the collection or credit reporting agency, bureau, or data
16 collection facility, the minimum award being \$350.00.

17 (cf: P.L.2012, c.67, s.1)

18
19 2. This act shall take effect immediately.

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22 STATEMENT

23
24 This bill prohibits a provider to an injured worker of medical,
25 surgical, other treatment, or hospital service pursuant to the workers'
26 compensation law, R.S.34:15-1 et seq., from reporting any portion of
27 their charges which are alleged to be unpaid, to any collection or
28 credit reporting agency, bureau, or data collection facility. Under the
29 bill, a provider may only report such charges when a judge of
30 compensation within the Division of Workers' Compensation has
31 fully adjudicated the rights and liabilities of all parties, including the
32 rights of the claimant regarding the payment of these charges, or
33 when a notice of a stipulation settlement or an order approving
34 settlement regarding the payment of these charges has been filed with
35 the court.

36 Upon a finding of non-compliance with the provisions of the bill,
37 a judge of compensation within the Division of Workers'
38 Compensation, in addition to other provisions under the workers'
39 compensation law, may:

40 a. order the non-compliant provider to retract the medical,
41 surgical, other treatment, or hospital service charges reported to the
42 collection or credit reporting agency, bureau, or data collection
43 facility;

44 b. impose a fine on the non-compliant provider, not to exceed
45 \$5,000, payable to the Second Injury Fund;

46 c. order the non-compliant provider to pay a reasonable counsel
47 fee in connection with a claimant for payments who has suffered
48 damage to credit rating due to the reporting of unpaid medical,

- 1 surgical, other treatment, or hospital service charges to a collection
- 2 or credit reporting agency, bureau, or data collection facility;
- 3 d. order the non-compliant provider to take such steps as are
- 4 necessary, within 30 days of the order, to rehabilitate the credit
- 5 record of a claimant, with a showing made to the court of the efforts
- 6 made in that regard; and
- 7 e. order a non-compliant provider to pay an award of damages
- 8 to the claimant not to exceed 25 percent of the medical, surgical,
- 9 other treatment, or hospital service reported by the non-compliant
- 10 provider to the collection or credit reporting agency, bureau, or data
- 11 collection facility, the minimum award being \$350.