

45: 9-10.17

LEGISLATIVE HISTORY CHECKLIST
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(Physicians--malpractice insurance)

NJSA: 45:9-10.17

LAWS OF: 1997 CHAPTER: 365

BILL NO: S267

SPONSOR(S): Sinagra and Adler

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Health
SENATE: Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 12, 1998
SENATE: February 5, 1996

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes 11-4-96 & 1-22-96

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

§1
C. 45:9-19.17
§2
C. 45:5-5.3
§3
Note To §§1,2

P.L. 1997, CHAPTER 365, *approved January 19, 1998*
Senate, No. 267 (*First Reprint*)

1 AN ACT concerning the practice of medicine and surgery and ¹podiatry
2 and¹ supplementing ¹Chapter 5 and¹ Chapter 9 of Title 45 of the
3 Revised Statutes.

4

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

7

8 1. a. A physician who maintains a professional medical practice in
9 this State and has responsibility for patient care is required to be
10 covered by medical malpractice liability insurance, or if such liability
11 coverage is not available, by a letter of credit for at least the minimum
12 amount required by the State Board of Medical Examiners.

13 The physician shall notify the State Board of Medical Examiners of
14 the name and address of the insurance carrier or the institution issuing
15 the letter of credit, pursuant to section 7 of P.L.1989, c.300
16 (C.45:9-19.7).

17 b. A physician who is in violation of this section is subject to
18 disciplinary action and civil penalties pursuant to sections 8, 9 and 12
19 of P.L.1978, c.73 (C.45:1-21 to 22 and 45:1-25).

20 c. The State Board of Medical Examiners shall, pursuant to the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
22 seq.), adopt regulations which establish the minimum amount of a line
23 of credit that is required pursuant to this section.

24 d. The State Board of Medical Examiners shall notify all physicians
25 licensed by the board of the requirements of this section within 30 days
26 of the date of enactment of this act.

27

28 ¹2. a. A podiatrist who maintains a professional practice in this
29 State and has responsibility for patient care is required to be covered
30 by malpractice liability insurance, or if such liability coverage is not
31 available, by a letter of credit for at least the minimum amount

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted September 19, 1996.

1 required by the State Board of Medical Examiners.

2 The podiatrist shall notify the State Board of Medical Examiners of
3 the name and address of the insurance carrier or the institution issuing
4 the letter of credit, pursuant to section 7 of P.L.1989, c.300
5 (C.45:9-19.7).

6 b. A podiatrist who is in violation of this section is subject to
7 disciplinary action and civil penalties pursuant to sections 8, 9 and 12
8 of P.L.1978, c.73 (C.45:1-21 to 22 and 45:1-25).

9 c. The State Board of Medical Examiners shall, pursuant to the
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.), adopt regulations which establish the minimum amount of a line
12 of credit that is required pursuant to this section.

13 d. The State Board of Medical Examiners shall notify all podiatrists
14 licensed by the board of the requirements of this section within 30 days
15 of the date of enactment of this act.¹

16

17 ¹[2.] 3.¹ This act shall take effect on the 60th day after enactment.

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21

22 Requires certain physicians and podiatrists to obtain malpractice
23 insurance or letter of credit.

SENATE, No. 267

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators SINAGRA and ADLER

1 AN ACT concerning the practice of medicine and surgery and
2 supplementing Chapter 9 of Title 45 of the Revised Statutes.

3

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

6

7 1. a. A physician who maintains a professional medical practice in
8 this State and has responsibility for patient care is required to be
9 covered by medical malpractice liability insurance, or if such liability
10 coverage is not available, by a letter of credit for at least the minimum
11 amount required by the State Board of Medical Examiners.

12 The physician shall notify the State Board of Medical Examiners of
13 the name and address of the insurance carrier or the institution issuing
14 the letter of credit, pursuant to section 7 of P.L.1989, c.300
15 (C.45:9-19.7).

16 b. A physician who is in violation of this section is subject to
17 disciplinary action and civil penalties pursuant to sections 8, 9 and 12
18 of P.L.1978, c.73 (C.45:1-21 to 22 and 45:1-25).

19 c. The State Board of Medical Examiners shall, pursuant to the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), adopt regulations which establish the minimum amount of a line
22 of credit that is required pursuant to this section.

23 d. The State Board of Medical Examiners shall notify all physicians
24 licensed by the board of the requirements of this section within 30 days
25 of the date of enactment of this act.

26

27 2. This act shall take effect on the 60th day after enactment.

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STATEMENT

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32 This bill requires all physicians who maintain a professional medical
33 practice in the State and have responsibility for patient care to be
34 covered by medical malpractice insurance or, if coverage is not
35 available, a letter of credit for at least a minimum amount as specified

1 by the State Board of Medical Examiners.

2 This requirement is intended to ensure the citizens of the State that
3 they will have some recourse for adequate compensation in the event
4 that a physician is found responsible for acts of malpractice.

5 The bill requires the State Board of Medical Examiners to notify all
6 State licensed physicians of the requirements of this bill within 30 days
7 of the date of enactment of the bill.

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11

12 Requires certain physicians to obtain medical malpractice insurance or
13 letter of credit.

[Passed Both Houses]

[First Reprint]

SENATE, No. 267

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators SINAGRA, ADLER,
Assemblywoman Vandervalk and Assemblyman Blee

1 AN ACT concerning the practice of medicine and surgery and
2 'podiatry and' supplementing 'Chapter 5 and' Chapter 9 of Title
3 45 of the Revised Statutes.

4

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

7

8 1. a. A physician who maintains a professional medical practice in
9 this State and has responsibility for patient care is required to be
10 covered by medical malpractice liability insurance, or if such liability
11 coverage is not available, by a letter of credit for at least the minimum
12 amount required by the State Board of Medical Examiners.

13 The physician shall notify the State Board of Medical Examiners of
14 the name and address of the insurance carrier or the institution issuing
15 the letter of credit, pursuant to section 7 of P.L.1989, c.300
16 (C.45:9-19.7).

17 b. A physician who is in violation of this section is subject to
18 disciplinary action and civil penalties pursuant to sections 8, 9 and 12
19 of P.L.1978, c.73 (C.45:1-21 to 22 and 45:1-25).

20 c. The State Board of Medical Examiners shall, pursuant to the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
22 seq.), adopt regulations which establish the minimum amount of a line
23 of credit that is required pursuant to this section.

24 d. The State Board of Medical Examiners shall notify all physicians
25 licensed by the board of the requirements of this section within 30 days
26 of the date of enactment of this act.

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted September 19, 1996.

1 ¹2. a. A podiatrist who maintains a professional practice in this
2 State and has responsibility for patient care is required to be covered
3 by malpractice liability insurance, or if such liability coverage is not
4 available, by a letter of credit for at least the minimum amount
5 required by the State Board of Medical Examiners.

6 The podiatrist shall notify the State Board of Medical Examiners of
7 the name and address of the insurance carrier or the institution issuing
8 the letter of credit, pursuant to section 7 of P.L.1989, c.300
9 (C.45:9-19.7).

10 b. A podiatrist who is in violation of this section is subject to
11 disciplinary action and civil penalties pursuant to sections 8, 9 and 12
12 of P.L.1978, c.73 (C.45:1-21 to 22 and 45:1-25).

13 c. The State Board of Medical Examiners shall, pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), adopt regulations which establish the minimum amount of a line
16 of credit that is required pursuant to this section.

17 d. The State Board of Medical Examiners shall notify all podiatrists
18 licensed by the board of the requirements of this section within 30 days
19 of the date of enactment of this act.¹

20

21 ¹[2.] ¹3. This act shall take effect on the 60th day after enactment.

22

23

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25

26 Requires certain physicians and podiatrists to obtain malpractice
27 insurance or letter of credit.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 267

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1996

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 267.

As amended by the committee, this bill requires all physicians and podiatrists who maintain a professional medical practice in the State and have responsibility for patient care to be covered by medical malpractice insurance or, if coverage is not available, a letter of credit for at least a minimum amount as specified by the State Board of Medical Examiners.

This requirement is intended to ensure the citizens of the State that they will have some recourse for adequate compensation in the event that a physician or podiatrist is found responsible for acts of malpractice.

The bill requires the State Board of Medical Examiners to notify all State licensed physicians and podiatrists of the requirements of this bill within 30 days of the date of enactment of the bill.

The committee amendments expand the provisions of the bill to apply its requirement for medical malpractice liability insurance coverage or a letter of credit to practicing podiatrists, as well as physicians.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 267

STATE OF NEW JERSEY

DATED: JANUARY 22, 1996

The Senate Health Committee favorably reports Senate Bill No. 267.

This bill requires all physicians who maintain a professional medical practice in the State and have responsibility for patient care to be covered by medical malpractice insurance or, if coverage is not available, a letter of credit for at least a minimum amount as specified by the State Board of Medical Examiners.

This requirement is intended to ensure the citizens of the State that they will have some recourse for adequate compensation in the event that a physician is found responsible for acts of malpractice.

The bill requires the State Board of Medical Examiners to notify all State licensed physicians of the requirements of this bill within 30 days of the date of enactment of the bill.

This bill is identical to Senate Bill No. 1409 of 1994, which was reported favorably by this committee in the previous session.

This bill was prefiled for introduction in the 1996-97 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1547

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 4, 1996

The Senate Human Services Committee reports favorably Senate Bill No. 1547 with committee amendments.

As amended by the committee, this bill requires all patients who are admitted for treatment at State psychiatric hospitals to submit to blood testing, upon admission, for hepatitis B, HIV infection, and other sexually transmitted diseases, as determined by the Commissioner of Human Services. More extensive testing and examination to determine the presence of sexually transmitted diseases or stages of such diseases shall be performed within 90 days of a patient's admission or may be performed sooner, as appropriate to the patient's psychiatric condition.

Also, all employees at a State psychiatric hospital shall be trained how to interact with a patient who has hepatitis B, HIV infection or any sexually transmitted disease. No employee shall be required to interact with a patient with any of these diseases unless so trained. Any employee who may come in contact with a patient who has any of these diseases shall be given advance notice, to the extent possible, that the patient has one of these diseases.

The bill requires the Commissioner of Human Services to develop guidelines for the treatment and confinement of a patient who tests positive to any disease specified in the bill, in consultation with the Commissioner of Health and Senior Services, and in accordance with recommended protocols established by the Centers for Disease Control and Prevention of the United States Public Health Service.

This bill is one of several legislative initiatives recommended in the final report of the Senate Task Force on Greystone Park Psychiatric Hospital issued in June, 1996.

The committee amended the bill to require blood testing upon a patient's admission and to require more extensive testing and examination within 90 days or sooner, as appropriate to the patient's condition. Committee amendments also provide that employees shall be trained how to interact with a patient who has hepatitis B, HIV infection or any sexually transmitted disease. No employee shall be required to interact with a patient with any of these diseases unless so

trained. Also, any employee who may come in contact with a patient infected with these diseases shall be given advance notice, to the extent possible.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]
SENATE, No. 1547

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1996

Bill Summary:

Senate Bill No. 1547 (1R) of 1996 requires hepatitis B, HIV and sexually transmitted disease testing of patients who are admitted for treatment to a State psychiatric hospital, as determined by the Commissioner of Human Services. Furthermore, all employees at State psychiatric hospitals are: (a) to be trained how to interact with patients who have hepatitis B, HIV infection or a sexually transmitted disease and (b) to be given advance notice that a patient has one of these diseases.

Agency Comments:

The Department of Human Services (DHS) and the Office of Management and Budget have not provided any fiscal information on the legislation.

Office of Legislative Services Comments:

During FY 1996, there were over 4,200 admissions to the seven State psychiatric hospitals.

As the conducting of blood testing for hepatitis B, HIV infection and other sexually transmitted diseases would be "determined by the Commissioner of Human Services," no significant new costs are anticipated as current procedures concerning the conducting of blood testing are likely to continue. At present, various medical tests are conducted on patients who are admitted to State psychiatric hospitals to determine their medical conditions. Blood tests for hepatitis B, HIV infection and other sexually transmitted diseases are not routinely conducted unless circumstances warrant such tests.

Employees receive training on how to interact with patients that have a variety of medical conditions. How adequate existing training programs are on these matters is not known. Though employees would probably benefit from additional training to reinforce previous training, the costs associated with such additional training is not known. Finally, employees are informed of a patient's medical condition and whether special precautions must be taken in dealing with a specific patient.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.