

34:15-15 and 34:15-16

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34: 15-15 & 34: 15-16

(Requires surgical treatment for injured employee under Workmen Compensation Act)

LAWS OF: 1922

CHAPTER: 245

Bill No: S208

Sponsor(s): Fooder

Date Introduced: February 7, 1922

Committee: Assembly: Miscellaneous Business

Senate: Labor, Industry and Social Welfare

Amended during passage: No

Date of Passage: Assembly: March 7, 1922

Senate: February 21, 1922

Date of Approval: March 14, 1922

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 208

(P. L. 1919, p. 208.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 7, 1922.

By Mr. FOODER.

Referred to Committee on Labor, Industries, and Social Welfare.

AN ACT to amend an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

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

1 1. Paragraph fourteen of the act of which this act is amendatory be and the
2 same hereby is amended so that the same shall read as follows:

3 14. [On the day of the accident and during the next following twenty-seven
4 consecutive days, the employer shall furnish reasonable medical and hospital serv-
5 ices and medicines as and when needed not to exceed fifty dollars in value, unless
6 the employee refuses to allow them to be furnished by the employer; *provided, how-*
7 *ever,* that in severe cases requiring unusual medical or surgical treatment or calling
8 for artificial limb or other mechanical appliances, the employee or his representative
9 shall be authorized to present a petition to the Workmen's Compensation Bureau,
10 and the commissioner, deputy commissioner or referee thereof is hereby empow-
11-12 ered, when warranted by the evidence produced, to order additional services, arti-
13 ficial limbs or other appliances not to exceed in total the sum of two hundred dol-

14 lars, or to extend over a period not to exceed in total seventeen weeks. This
15 paragraph shall apply only to nonfatal cases.]

16 14. The employer shall furnish to the injured workman such medical, surgical
17 and other treatment, and hospital service as shall be necessary to cure and relieve
18 the workman of the effects of the injury and to restore the functions of the injured
19 member or organ where such restoration is possible; *provided, however,* that the
20 employer shall not be liable to furnish or pay for physicians' or surgeons' services in
21 excess of fifty dollars and in addition to furnish hospital service when necessary
22 in excess of fifty dollars, unless the injured workman or the physician who treats
23 him, or any other person on his behalf, shall file a petition with the Workmen's
24 Compensation Bureau stating the need for such physician's or surgeon's services in
25 excess of fifty dollars, as aforesaid, and such hospital service or appliances in ex-
26 cess of fifty dollars as aforesaid, and the Workmen's Compensation Bureau after
27 investigating the need of the same and giving the employer an opportunity to be
28 heard, shall determine that such physician's and surgeon's treatment and hospital
29 services are or were necessary, and that the fees for the same are reasonable and
30 shall make an order requiring the employer to pay for or furnish the same. If the
31 employer shall refuse or neglect to comply with the foregoing provisions of this
32 paragraph, the employee may secure such treatment and services as may be neces-
33 sary and as may come within the terms of this paragraph and the employer shall
34 be liable to pay therefor; *provided, however,* that the employer shall not be liable
35 for any amount expended by the employee or by any third person on his behalf for
36 any such physician's treatment and hospital services, unless such employee or any
37 person on his 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 nature of the in-
39 jury required such services, and the employer or his superintendent or foreman,
40 having knowledge of such injury shall have neglected to provide the same, or un-
41 less the injury occurred under such conditions as make impossible the notification
42 of the employer, or unless the circumstances are so peculiar as shall justify, in the
43 opinion of the Workmen's Compensation Bureau the expenditure assumed by the

44 employee for such physician's treatment and hospital services, apparatus and appli-
45 ances. All fees and other charges for such physicians' and surgeons' treatment and
46 hospital services shall be reasonable and based upon the usual fees and charges as
47 prevail in the same community for similar, physicians', surgeons' and hos-
48 pital services.

1 2. Paragraph fourteen (a) of the act of which this act is amendatory be and the
2 same hereby is amended so that the same shall read as follows:

3 14 (a). Compensation for all classes of injuries shall run consecutively, and
4 not concurrently, except as provided in paragraph fourteen, as follows: First
5 [four weeks] medical and hospital services and medicines as provided in para-
6 graph fourteen. After the waiting period, compensation during temporary dis-
7 ability. Following both, either or none of the above, compensation consecutively
8 for each permanent injury. Following any or all or none of the above, if death
9 results from the accident, expenses of last sickness and burial. Following which
10 compensation to dependents, if any. In no case shall the total number of weekly
11 payments be more than four hundred.

STATEMENT.

The purpose of this bill is to amend the provisions of the Workmen's Compensation Act so as to separate the charges for physicians' and surgeons' fees from charges for hospital services, apparatus and appliances furnished to the injured employee, and to authorize the Workmen's Compensation Bureau to require the employer to furnish necessary treatment and appliances to an injured employee.