

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34: 15-36

(Workers comp--
add coverage for
chiropractic
service)

LAWS OF: 1989

CHAPTER: 227

Bill No: A3296

Sponsor(s): Zangari & Naples

Date Introduced: June 2, 1988

Committee: **Assembly:** Higher Education & Regulated**Senate:** LaborAmended during passage: Yes Amendments during passage
denoted by asterisks.Date of Passage: **Assembly:** December 19, 1988**Senate:** December 14, 1989

Date of Approval: December 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: **Assembly:** Yes**Senate:** Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

[SECOND REPRINT]
ASSEMBLY, No. 3296
STATE OF NEW JERSEY

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INTRODUCED JUNE 2, 1988

By Assemblymen ZANGARI and Naples

1 AN ACT concerning certain medical services under workers'
2 compensation insurance and amending R.S.34:15-36.

3

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

6 1. R.S.34:15-36 is amended to read as follows:

7 R.S.34:15-36. "Willful negligence" within the intent of this
8 chapter shall consist of (1) deliberate act or deliberate failure to
9 act, or (2) such conduct as evidences reckless indifference to
10 safety, or (3) intoxication, operating as the proximate cause of
11 injury, or (4) unlawful use of a controlled dangerous substance as
12 defined in the "New Jersey Controlled Dangerous Substances
13 Act," P.L.1970, c.226 (C.24:21-1 et seq.).

14 "Employer" is declared to be synonymous with master, and
15 includes natural persons, partnerships, and corporations;
16 "employee" is synonymous with servant, and includes all natural
17 persons, including officers of corporations, who perform service
18 for an employer for financial consideration, exclusive of casual
19 employments, which shall be defined, if in connection with the
20 employer's business, as employment the occasion for which arises
21 by chance or is purely accidental; or if not in connection with any
22 business of the employer, as employment not regular, periodic or
23 recurring; provided, however, that forest fire wardens and forest
24 firefighters employed by the State of New Jersey shall, in no
25 event, be deemed casual employees.

26 Employment shall be deemed to commence when an employee
27 arrives at the employer's place of employment to report for work
28 and shall terminate when the employee leaves the employer's
29 place of employment, excluding areas not under the control of
30 the employer; provided, however, when the employee is required
31 by the employer to be away from the employer's place of
employment, the employee shall be deemed to be in the course of

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:

¹ Assembly AHE committee amendments adopted October 27, 1988.

² Assembly floor amendments adopted December 15, 1988.

1 employment when the employee is engaged in the direct
performance of duties assigned or directed by the employer; but
3 the employment of employee paid travel time by an employer for
time spent traveling to and from a job site or of any employee
5 who utilizes an employer authorized vehicle shall commence and
terminate with the time spent traveling to and from a job site or
7 the authorized operation of a vehicle on business authorized by
the employer. Travel by a policeman, fireman, or a member of a
9 first aid or rescue squad, in responding to and returning from an
emergency, shall be deemed to be in the course of employment.

11 Employment shall also be deemed to commence when an
employee is traveling in a ridesharing arrangement between his or
13 her place of residence or terminal near such place and his or her
place of employment, if one of the following conditions is
15 satisfied: the vehicle used in the ridesharing arrangement is
owned, leased or contracted for by the employer, or the employee
17 is required by the employer to travel in a ridesharing
arrangement as a condition of employment.

19 "Disability permanent in quality and partial in character"
means a permanent impairment caused by a compensable
21 accident or compensable occupational disease, based upon
demonstrable objective medical evidence, which restricts the
23 function of the body or of its members or organs; included in the
criteria which shall be considered shall be whether there has been
25 a lessening to a material degree of an employee's working
ability. Subject to the above provisions, nothing in this definition
27 shall be construed to preclude benefits to a worker who returns to
work following a compensable accident even if there be no
29 reduction in earnings. Injuries such as minor lacerations, minor
contusions, minor sprains, and scars which do not constitute
31 significant permanent disfigurement, and occupational disease of
a minor nature such as mild dermatitis and mild bronchitis shall
33 not constitute permanent disability within the meaning of this
definition.

35 "Disability permanent in quality and total in character" means
a physical or neuropsychiatric total permanent impairment
37 caused by a compensable accident or compensable occupational
disease, where no fundamental or marked improvement in such
39 condition can be reasonably expected.

1 Factors other than physical and neuropsychiatric impairments
2 may be considered in the determination of permanent total
3 disability, where such physical and neuropsychiatric impairments
4 constitute at least 75% or higher of total disability.

5 "Ridesharing" means the transportation of persons in a motor
6 vehicle, with a maximum carrying capacity of not more than 15
7 passengers, including the driver, where such transportation is
8 incidental to the purpose of the driver. This term shall include
9 such ridesharing arrangements known as carpools and vanpools.

10 "Medical, surgical or hospital services" shall include, but not
11 be limited to, the services which a chiropractor is authorized by
12 law to perform.

13 (cf: P.L. 1986, c. 35, s. 1)

14 2. This act shall take effect immediately.

15

16

17 STATEMENT

18 This bill provides that the services of a chiropractor shall be
19 included in medical services covered by the workers'
20 compensation law, R.S. 34:15-1 et seq.

21

22 LABOR AND EMPLOYMENT

23

24 Workers' Compensation

25 Provides that chiropractors' services are included in medical
26 services under workers' compensation.

27

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ASSEMBLY HIGHER EDUCATION AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3296

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1988

The Assembly Higher Education and Regulated Professions Committee favorably reports Assembly Bill No. 3296 with committee amendments.

As amended by committee, this bill provides that the services of a chiropractor shall be included in medical services covered by the workers' compensation law, R.S.34:15-1 et seq.

The workers' compensation law pursuant to R.S.34:15-15 requires employers to furnish injured workers with such medical, surgical, physician and hospital services as shall be necessary to cure and relieve the worker of the effects of his injury. This bill will specifically include the services of a chiropractor under covered medical and physician treatment services.

The committee amended the bill to clarify that the services of a chiropractor are included in the physicians' treatment and services covered under the workers' compensation law.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]
ASSEMBLY, No. 3296

STATE OF NEW JERSEY

DATED: November 30, 1989

The Senate Labor, Industry and Professions Committee reports favorably Assembly, No. 3296 (2R).

This bill specifies that, for the purposes of the workers' compensation law, R.S.34:15-1 et seq., covered "medical services, medical treatment, physicians' services and physicians' treatment" includes services performed by a chiropractor when such services are authorized by the employer pursuant to the provisions of that law. In the event of a work-related injury, the workers' compensation law requires employers to furnish injured workers with such medical, surgical, physician and hospital services as shall be necessary to cure and relieve the worker of the effects of the injury.