

# SENATE, No. 112

(P. L. 1922, p. 500.)

## STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1928.

By Mr. YATES.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "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," approved March fourteenth, one thousand nine hundred and twenty-two.

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

1 1. Paragraph fourteen of the act referred to in the title of this act is hereby  
2 amended to read as follows:

3 14. The employer shall furnish to the injured workmen such medical, surgical  
4 and other treatment, and hospital service as shall be necessary to cure and relieve  
5 the workman of the effects of the injury and to restore the functions of the injured  
6 member or organ where such restoration is possible; *provided, however,* that the  
7 employer shall not be liable to furnish or pay for physicians' or surgeons' services  
8 in excess of fifty dollars and in addition to furnish hospital service when necessary  
9 in excess of fifty dollars, unless the injured workman or the physician who treats  
10 him, or any other person on his behalf, shall file a petition with the Workmen's  
11 Compensation Bureau stating the need for such physicians' or surgeons' services in  
12 excess of fifty dollars, as aforesaid, and such hospital service or appliances in excess  
13 of fifty dollars as aforesaid, and the Workmen's Compensation Bureau after investi-  
14 gating the need of the same and giving the employer an opportunity to be heard,

15 shall determine that such physicians' and surgeons' treatment and hospital services  
16 are or were necessary, and that the fees for the same are reasonable and shall  
17 make an order requiring the employer to pay for or furnish the same. If the  
18 employer shall refuse or neglect to comply with the foregoing provisions of this  
19 paragraph the employee may secure such treatment and services as may be neces-  
20 sary and as may come within the terms of this paragraph, and the employer shall  
21 be liable to pay therefor; *provided, however,* that the employer shall not be liable  
22 for any amount expended by the employee or by any third person on his behalf for  
23 any such physicians' treatment and hospital services, unless such employee or any  
24 person on his behalf shall have requested the employer to furnish the same and  
25 the employer shall have refused or neglected so to do, or unless the nature of the  
26 injury required such services, and the employer or his superintendent or foreman,  
27 having knowledge of such injury shall have neglected to provide the same, or unless  
28 the injury occurred under such conditions as make impossible the notification of the  
29 employer, or unless the circumstances are so peculiar as shall justify, in the opinion  
30 of the Workmen's Compensation Bureau, the expenditure assumed by the employee  
31 for such physicians' treatment and hospital services, apparatus and appliances. All  
32 fees and other charges for such physicians' and surgeons' treatment and fees and  
33 charges as prevail in the same community for similar physicians', surgeons' and  
34 hospital services. When an injured employee may be partially or wholly relieved  
35 of the effects of a permanent injury, by use of an artificial limb or other appliance,  
36 which phrase shall also include artificial teeth or glass eye, the Workmen's Com-  
37 pensation Bureau, acting under competent medical advice, is empowered to determine  
38 the character and nature of such limb or appliance, and to require the employer or  
39 his insurance carrier to furnish same.

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#### STATEMENT.

The purpose of this act is to make plain that an employer must furnish an em-  
ployee who has been permanently injured with an artificial limb or such other appliances  
as shall be needful to relieve him as far as possible of the effects of the injury.