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LAW/KR

P.L.2012, CHAPTER 67, *approved November 19, 2012*  
Assembly, No. 2652 (*First Reprint*)

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 **[amend]** amended<sup>1</sup> to read as follows:

8 '34:15-15.'<sup>1</sup> The employer shall furnish to the injured worker  
9 such medical, surgical and other treatment, and hospital service as  
10 shall be necessary to cure and relieve the worker of the effects of  
11 the injury and to restore the functions of the injured member or  
12 organ where such restoration is possible; provided, however, that  
13 the employer shall not be liable to furnish or pay for physicians' or  
14 surgeons' services in excess of \$50.00 and in addition to furnish  
15 hospital service in excess of \$50.00, unless the injured worker or  
16 the worker's physician who provides treatment, or any other person  
17 on the worker's behalf, shall file a petition with the Division of  
18 Workers' Compensation stating the need for physicians' or surgeons'  
19 services in excess of \$50.00, as aforesaid, and such hospital service  
20 or appliances in excess of \$50.00, as aforesaid, and the Division of  
21 Workers' Compensation after investigating the need of the same  
22 and giving the employer an opportunity to be heard, shall determine  
23 that such physicians' and surgeons' treatment and hospital services  
24 are or were necessary, and that the fees for the same are reasonable  
25 and shall make an order requiring the employer to pay for or furnish  
26 the same. The mere furnishing of medical treatment or the payment  
27 thereof by the employer shall not be construed to be an admission  
28 of 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  
34 for any amount expended by the employee or by any third person  
35 on the employee's behalf for any such physicians' treatment and  
36 hospital services, unless such employee or any person on the  
37 employee's behalf shall have requested the employer to furnish the  
38 same and the employer shall have refused or neglected so to do, or  
39 unless the nature of the injury required such services, and the  
40 employer or the superintendent or foreman of the employer, having  
41 knowledge of such injury shall have neglected to provide the same,

**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:

<sup>1</sup>Assembly ALA committee amendments adopted May 14, 2012.

1 or unless the injury occurred under such conditions as make  
2 impossible the notification of the employer, or unless the  
3 circumstances are so peculiar as shall justify, in the opinion of the  
4 Division of Workers' Compensation, the expenditures assumed by  
5 the employee for such physicians' treatment and hospital services,  
6 apparatus and appliances.

7 All fees and other charges for such physicians' and surgeons'  
8 treatment and hospital treatment shall be reasonable and based upon  
9 the usual fees and charges which prevail in the same community for  
10 similar physicians', surgeons' and hospital services.

11 When an injured employee may be partially or wholly relieved of  
12 the effects of a permanent injury, by use of an artificial limb or  
13 other appliance, which phrase shall also include artificial teeth or  
14 glass eye, the Division of Workers' Compensation, acting under  
15 competent medical advice, is empowered to determine the character  
16 and nature of such limb or appliance, and to require the employer or  
17 the employer's insurance carrier to furnish the same.

18 Fees for treatments or medical services that have been authorized  
19 by the employer or its carrier or its third party administrator or  
20 determined by the Division of Workers' Compensation to be the  
21 responsibility of the employer, its carrier or third party  
22 administrator, or have been paid by the employer, its carrier or third  
23 party administrator pursuant to the workers' compensation law,  
24 R.S.34:15-1 et seq., shall not be charged against or collectible from  
25 the injured worker. Exclusive jurisdiction for any disputed medical  
26 charge arising from any claim for compensation for a work-related  
27 injury or illness shall be vested in the division '[, which shall  
28 provide procedures to resolve the dispute, including procedural  
29 requirements for medical providers or any other party to the  
30 dispute]'. The treatment of an injured worker or the payment of  
31 workers' compensation to an injured worker or dependent of an  
32 injured or deceased worker shall not be delayed because of a claim  
33 by a medical provider.

34 (cf: P.L.1979, c.283, s.7)

35

36 2. This act shall take effect immediately.

37

38

39

40

41 Bans charging workers' compensation claimants for medical  
42 expenses, gives Division of Workers' Compensation sole  
43 jurisdiction over work-related medical claims.

# ASSEMBLY, No. 2652

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 10, 2012

**Sponsored by:**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblyman JOSEPH V. EGAN**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Bans charging workers' compensation claimants for medical expenses, gives Division of Workers' Compensation sole jurisdiction over work-related medical claims.

**CURRENT VERSION OF TEXT**

As introduced.



A2652 EUSTACE, SINGLETON

2

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 amend to read as follows:

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

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

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

30 (cf: P.L.1979, c. 283, s. 7)

31

32 2. This act shall take effect immediately.

33

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#### STATEMENT

36

37 This bill prohibits the charging of workers' compensation  
38 claimants for medical expenses that have been authorized by the  
39 employer or its carrier or its third party administrator, that have  
40 been paid by the employer, its carrier or third party administrator  
41 pursuant to pursuant to the workers' compensation law, or which  
42 have been determined by the Division of Workers' Compensation to  
43 be the responsibility of the employer, its carrier or third party  
44 administrator. The bill gives the division sole jurisdiction over  
45 disputed work-related medical claims, and directs the division to  
46 provide procedures to resolve those disputes, including procedural  
47 requirements for medical providers or any other party to the  
48 dispute. Finally, the bill provides that the treatment of an injured

**A2652 EUSTACE, SINGLETON**

4

- 1 worker or the payment of workers' compensation to an injured
- 2 worker or dependent of an injured or deceased worker shall not be
- 3 delayed because of a claim by a medical provider.



# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2652**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 14, 2012

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2652.

This bill, as amended, prohibits the charging of workers' compensation claimants for medical expenses that have been authorized by the employer, its carrier or third party administrator, that have been paid by the employer, its carrier or third party administrator pursuant to the workers' compensation law, or which have been determined by the Division of Workers' Compensation to be the responsibility of the employer, its carrier or third party administrator.

The bill, as amended, gives the division sole jurisdiction over disputed work-related medical claims, and directs the division to provide procedures to resolve those disputes.

Finally, the bill provides that the treatment of an injured worker or the payment of workers' compensation to an injured worker or dependent of an injured or deceased worker shall not be delayed because of a claim by a medical provider.

#### COMMITTEE AMENDMENTS:

The committee adopted amendments that delete a portion of the bill's amendatory language referring to procedural requirements to be developed by the division. The deletion of this language ensures that the procedural requirements currently in place will remain unchanged.

# SENATE LABOR COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2652**

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 20, 2012

The Senate Labor Committee reports favorably Assembly Bill No. 2652 (1R).

This bill prohibits the charging of workers' compensation claimants for medical expenses that: have been authorized by the employer, its carrier or third party administrator; have been paid by the employer, its carrier or third party administrator; or have been determined by the Division of Workers' Compensation to be the responsibility of the employer, its carrier or third party administrator.

The bill gives the division sole jurisdiction over disputed work-related medical claims.

The bill also provides that the treatment of an injured worker or the payment of workers' compensation to an injured worker or dependent of an injured or deceased worker shall not be delayed because of a claim by a medical provider.

This bill is identical to the Senate Committee Substitute for Senate Bill Nos. 1926 and 2022, also reported favorably by the committee today.

**SENATE, No. 1926**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED MAY 14, 2012

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Bans charging workers' compensation claimants for medical expenses, gives Division of Workers' Compensation sole jurisdiction over work-related medical claims.

**CURRENT VERSION OF TEXT**

As introduced.



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 amend to read as follows:

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

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

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

31 (cf: P.L.1979, c.283, s.7)

32

33 2. This act shall take effect immediately.

34

35

36

#### STATEMENT

37

38 This bill prohibits the charging of workers' compensation  
39 claimants for medical expenses that have been authorized by the  
40 employer or its carrier or its third party administrator, that have  
41 been paid by the employer, its carrier or third party administrator  
42 pursuant to pursuant to the workers' compensation law, or which  
43 have been determined by the Division of Workers' Compensation to  
44 be the responsibility of the employer, its carrier or third party  
45 administrator. The bill gives the division sole jurisdiction over  
46 disputed work-related medical claims, and directs the division to  
47 provide procedures to resolve those disputes, including a system of  
48 binding arbitration and procedural requirements for medical

**S1926 GREENSTEIN**

4

1 providers or any other party to the dispute. Finally, the bill  
2 provides that the treatment of an injured worker or the payment of  
3 workers' compensation to an injured worker or dependent of an  
4 injured or deceased worker shall not be delayed because of a claim  
5 by a medical provider.

**SENATE, No. 2022**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED MAY 31, 2012

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Bans charging workers' compensation claimants for medical expenses, gives Division of Workers' Compensation sole jurisdiction over work-related medical claims.

**CURRENT VERSION OF TEXT**

As introduced.



S2022 MADDEN

2

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  
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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  
10 be necessary to cure and relieve the worker of the effects of the  
11 injury and to restore the functions of the injured member or organ  
12 where such restoration is possible; provided, however, that the  
13 employer shall not be liable to furnish or pay for physicians' or  
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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  
28 of 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  
34 for any amount expended by the employee or by any third person  
35 on the employee's behalf for any such physicians' treatment and  
36 hospital services, unless such employee or any person on the  
37 employee's behalf shall have requested the employer to furnish the  
38 same and the employer shall have refused or neglected so to do, or  
39 unless the nature of the injury required such services, and the  
40 employer or the superintendent or foreman of the employer, having  
41 knowledge of such injury shall have neglected to provide the same,  
42 or unless the injury occurred under such conditions as make  
43 impossible the notification of the employer, or unless the  
44 circumstances are so peculiar as shall justify, in the opinion of the  
45 Division of Workers' Compensation, the expenditures assumed by

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2 apparatus and appliances.

3 All fees and other charges for such physicians' and surgeons'  
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5 the usual fees and charges which prevail in the same community for  
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8 the effects of a permanent injury, by use of an artificial limb or  
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10 glass eye, the Division of Workers' Compensation, acting under  
11 competent medical advice, is empowered to determine the character  
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15 by the employer or its carrier or its third party administrator or  
16 determined by the Division of Workers' Compensation to be the  
17 responsibility of the employer, its carrier or third party  
18 administrator, or have been paid by the employer, its carrier or third  
19 party administrator pursuant to the workers' compensation law,  
20 R.S.34:15-1 et seq., shall not be charged against or collectible from  
21 the injured worker. Exclusive jurisdiction for any disputed medical  
22 charge arising from any claim for compensation for a work-related  
23 injury or illness shall be vested in the division. The treatment of an  
24 injured worker or the payment of workers' compensation to an  
25 injured worker or dependent of an injured or deceased worker shall  
26 not be delayed because of a claim by a medical provider.

27 (cf: P.L.1979, c.283, s.7)

28

29 2. This act shall take effect immediately.

30

31

32

## STATEMENT

33

34 This bill prohibits the charging of workers' compensation  
35 claimants for medical expenses that have been authorized by the  
36 employer, its carrier or third party administrator, that have been  
37 paid by the employer, its carrier or third party administrator  
38 pursuant to the workers' compensation law, or which have been  
39 determined by the Division of Workers' Compensation to be the  
40 responsibility of the employer, its carrier or third party  
41 administrator.

42 The bill gives the division sole jurisdiction over disputed work-  
43 related medical claims.

44 Finally, the bill provides that the treatment of an injured worker  
45 or the payment of workers' compensation to an injured worker or  
46 dependent of an injured or deceased worker shall not be delayed  
47 because of a claim by a medical provider.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1926 and 2022**

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 20, 2012

The Senate Labor Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 1926 and 2022.

This committee substitute prohibits the charging of workers' compensation claimants for medical expenses that: have been authorized by the employer, its carrier or third party administrator; have been paid by the employer, its carrier or third party administrator; or have been determined by the Division of Workers' Compensation to be the responsibility of the employer, its carrier or third party administrator.

The substitute gives the division sole jurisdiction over disputed work-related medical claims.

The substitute also provides that the treatment of an injured worker or the payment of workers' compensation to an injured worker or dependent of an injured or deceased worker shall not be delayed because of a claim by a medical provider.

This substitute is identical to Assembly Bill No. 2652 (1R), also reported favorably by the committee today.