

2A:53A-26

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 372

NJSA: 2A:53A-26 (Affidavit to establish malpractice of certain professionals)

BILL NO: S1043

SPONSOR(S): Kyrillos and Cardinale

DATE INTRODUCED: February 17, 2000

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Commerce

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2002

SENATE: March 26, 2001

DATE OF APPROVAL: January 8, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

S1043

SPONSORS STATEMENT: (Begins on page 2 of original bill)	Yes
COMMITTEE STATEMENT:	
ASSEMBLY:	Yes
SENATE:	Yes
FLOOR AMENDMENT STATEMENTS:	No
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

SENATE, No. 1043

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 17, 2000

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator GERALD CARDINALE

District 39 (Bergen)

SYNOPSIS

Requires affidavit for malpractice action by a neutral licensed person showing that treatment, practice or work of a physical therapist, land surveyor, veterinarian, pharmacist or insurance producer was unacceptable.

CURRENT VERSION OF TEXT

As introduced.



S1043 KYRILLOS, CARDINALE

2

1 AN ACT concerning negligence or malpractice of certain licensed
2 persons and amending P.L.1995, c.139.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1995, c.139 (C.2A:53A-26) is amended to read
8 as follows:

9 1. As used in this act, "licensed person" means any person who is
10 licensed as:

11 a. an accountant pursuant to P.L.1977, c.144 (C.45:2B-1 et seq.);

12 b. an architect pursuant to R.S.45:3-1 et seq.;

13 c. an attorney admitted to practice law in New Jersey;

14 d. a dentist pursuant to R.S.45:6-1 et seq.;

15 e. an engineer pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

16 f. a physician in the practice of medicine or surgery pursuant to
17 R.S.45:9-1 et seq.;

18 g. a podiatrist pursuant to R.S.45:5-1 et seq.;

19 h. a chiropractor pursuant to P.L.1989, c.153 (C.45:9-41.17 et
20 seq.);

21 i. a registered professional nurse pursuant to P.L.1947, c.262
22 (C.45:11-23 et seq.); [and]

23 j. a health care facility as defined in section 2 of P.L.1971, c.136
24 (C.26:2H-2);

25 k. a physical therapist pursuant to P.L.1983, c.296 (C.45:9-37.11
26 et seq.);

27 l. a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

28 m. a registered pharmacist pursuant to R.S.45:14-1 et seq.;

29 n. a veterinarian pursuant to R.S. 45:16-1 et seq.; and

30 o. an insurance producer pursuant to P.L.1987, c.293 (C.17:22A-1
31 et seq.).

32 (cf: P.L.1995, c.139, s.1)

33

34 2. This act shall take effect immediately and shall apply to causes
35 of action against physical therapists, land surveyors, veterinarians,
36 registered pharmacists and insurance producers which occur on or
37 after the effective date of this act.

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40 STATEMENT

41

42 This bill requires an affidavit by a neutral licensed person showing that
43 the treatment, practice or work of a physical therapist, land surveyor,

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.

S1043 KYRILLOS, CARDINALE

3

- 1 veterinarian, pharmacist or insurance producer was unacceptable
- 2 before a suit for negligence or malpractice may commence against such
- 3 a person.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1043

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2000

The Senate Commerce Committee reports favorably Senate Bill No. 1043.

This bill requires an affidavit by a neutral licensed person showing that the treatment, practice or work of a physical therapist, land surveyor, veterinarian, pharmacist or insurance producer was unacceptable before a suit for negligence or malpractice may commence against such a person.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1043

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2001

The Assembly Judiciary Committee reports favorably Senate Bill No. 1043.

This bill requires an affidavit by a neutral licensed person showing that the treatment, practice or work of a physical therapist, land surveyor, veterinarian, pharmacist or insurance producer was unacceptable before a suit for negligence or malpractice may commence against such a person. The bill amends the definition of "licensed person" in N.J.S.A. 2A:53A-26 which currently requires this affidavit for accountants, architects, attorneys, dentists, physicians and others.

P.L. 2001, CHAPTER 372, *approved January 8, 2002*
Senate, No. 1043

1 AN ACT concerning negligence or malpractice of certain licensed
2 persons and amending P.L.1995, c.139.

3

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

6

7 1. Section 1 of P.L.1995, c.139 (C.2A:53A-26) is amended to read
8 as follows:

9 1. As used in this act, "licensed person" means any person who is
10 licensed as:

11 a. an accountant pursuant to P.L.1977, c.144 (C.45:2B-1 et seq.);

12 b. an architect pursuant to R.S.45:3-1 et seq.;

13 c. an attorney admitted to practice law in New Jersey;

14 d. a dentist pursuant to R.S.45:6-1 et seq.;

15 e. an engineer pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

16 f. a physician in the practice of medicine or surgery pursuant to
17 R.S.45:9-1 et seq.;

18 g. a podiatrist pursuant to R.S.45:5-1 et seq.;

19 h. a chiropractor pursuant to P.L.1989, c.153 (C.45:9-41.17 et
20 seq.);

21 i. a registered professional nurse pursuant to P.L.1947, c.262
22 (C.45:11-23 et seq.); [and]

23 j. a health care facility as defined in section 2 of P.L.1971, c.136
24 (C.26:2H-2);

25 k. a physical therapist pursuant to P.L.1983, c.296 (C.45:9-37.11
26 et seq.);

27 l. a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

28 m. a registered pharmacist pursuant to R.S.45:14-1 et seq.;

29 n. a veterinarian pursuant to R.S. 45:16-1 et seq.; and

30 o. an insurance producer pursuant to P.L.1987, c.293 (C.17:22A-1
31 et seq.).

32 (cf: P.L.1995, c.139, s.1)

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34 2. This act shall take effect immediately and shall apply to causes
35 of action against physical therapists, land surveyors, veterinarians,
36 registered pharmacists and insurance producers which occur on or
37 after the effective date of this act.

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STATEMENT

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41 This bill requires an affidavit by a neutral licensed person showing that
42 the treatment, practice or work of a physical therapist, land surveyor,

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.

1 veterinarian, pharmacist or insurance producer was unacceptable
2 before a suit for negligence or malpractice may commence against such
3 a person.

4

5

6

7

8 Requires affidavit for malpractice action by a neutral licensed person
9 showing that treatment, practice or work of a physical therapist, land
10 surveyor, veterinarian, pharmacist or insurance producer was
11 unacceptable.

CHAPTER 372

AN ACT concerning negligence or malpractice of certain licensed persons and amending P.L.1995, c.139.

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

1. Section 1 of P.L.1995, c.139 (C.2A:53A-26) is amended to read as follows:

C.2A:53A-26 "Licensed person" defined.

1. As used in this act, "licensed person" means any person who is licensed as:
 - a. an accountant pursuant to P.L.1977, c.144 (C.45:2B-1 et seq.);
 - b. an architect pursuant to R.S.45:3-1 et seq.;
 - c. an attorney admitted to practice law in New Jersey;
 - d. a dentist pursuant to R.S.45:6-1 et seq.;
 - e. an engineer pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);
 - f. a physician in the practice of medicine or surgery pursuant to R.S.45:9-1 et seq.;
 - g. a podiatrist pursuant to R.S.45:5-1 et seq.;
 - h. a chiropractor pursuant to P.L.1989, c.153 (C.45:9-41.17 et seq.);
 - i. a registered professional nurse pursuant to P.L.1947, c.262 (C.45:11-23 et seq.);
 - j. a health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2);
 - k. a physical therapist pursuant to P.L.1983, c.296 (C.45:9-37.11 et seq.);
 - l. a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);
 - m. a registered pharmacist pursuant to R.S.45:14-1 et seq.;
 - n. a veterinarian pursuant to R.S. 45:16-1 et seq.; and
 - o. an insurance producer pursuant to P.L.1987, c.293 (C.17:22A-1 et seq.).

2. This act shall take effect immediately and shall apply to causes of action against physical therapists, land surveyors, veterinarians, registered pharmacists and insurance producers which occur on or after the effective date of this act.

Approved January 8, 2002.