

43:21-39

LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:21-39

(Div. of Unemployment and Disability Insurance—
require acceptance of disability certificates from
licensed optometrists)

LAWS OF: 1983

CHAPTER: 47

Bill No.: A1587

Sponsor(s): Patero and Bocchini

Date Introduced: June 3, 1982

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage /// No

Date of Passage: Assembly: June 28, 1982

Senate: Dec. 10, 1983

Date of Approval: Jan. 28, 1983

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~~ Yes

Following were printed:

Reports: /// No

Hearings: /// No

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ASSEMBLY, No. 1587

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1982

By Assemblymen PATERO and BOCCHINI

Referred to Committee on Labor

AN ACT to amend the "Temporary Disability Benefits Law,"
approved June 1, 1948 (P. L. 1948, c. 110).

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

1 1. Section 15 of P. L. 1948, c. 110 (C. 43:21-39) is amended to
2 read as follows:

3 15. Limitation of benefits. Notwithstanding any other provision
4 of the Temporary Disability Benefits Law, no benefits shall be pay-
5 able under the State Plan to any person:

6 (a) for the first 7 consecutive days of each period of disability
7 except that if benefits shall be payable for 3 consecutive weeks with
8 respect to any period of disability commencing on or after January
9 1, 1968, then benefits shall also be payable with respect to the first
10 7 days thereof;

11 (b) for more than 26 weeks with respect to any one period of
12 disability;

13 (c) for any period of disability which did not commence while the
14 claimant was a covered individual;

15 (d) for any period during which the claimant is not under the
16 care of a legally licensed physician, dentist, *optometrist*, podiatrist,
17 or chiropractor, who, when requested by the division, shall certify
18 within the scope of the practitioner's practice, the disability of the
19 claimant, the probable duration thereof, and the medical facts
20 within the practitioner's knowledge;

21 (e) (Deleted by amendment, P. L. 1980, c. 90.)

22 (f) for any period of disability due to willfully and intentionally

23 self-inflicted injury, or to injury sustained in the perpetration by
24 the claimant of a high misdemeanor;

25 (g) for any period during which the claimant performs any work
26 for remuneration or profit;

27 (h) in a weekly amount which together with any remuneration
28 the claimant continues to receive from the employer would exceed
29 regular weekly wages immediately prior to disability;

30 (i) for any period during which a covered individual would be
31 disqualified for unemployment compensation benefits under sub-
32 section (d) of R. S. 43:21-5 unless the disability commenced prior
33 to such disqualification; and there shall be no other cause of dis-
34 qualification or ineligibility to receive disability benefits hereunder
35 except as may be specifically provided in this act.

1 2. This act shall take effect immediately.

STATEMENT

Even though subsection (d) of section 15 of P. L. 1948, c. 110 (C. 43:21-39) does not specifically provide therefor, the Division of Unemployment and Disability Insurance of the Department of Labor accepts certifications of disability from licensed optometrists. Similar functions are performed by optometrists for, among others, the Commission for the Blind and Visually Impaired and the Division of Motor Vehicles.

The purpose of this bill is to make statutory law consistent with current administrative practice, which practice is predicated on advice from the Division of Law of the Office of the Attorney General.

23 self-inflicted injury, or to injury sustained in the perpetration by
 24 the claimant of a high misdemeanor;

25 (g) for any period during which the claimant performs any work
 26 for remuneration or profit;

27 (h) in a weekly amount which together with any remuneration
 28 the claimant continues to receive from the employer would exceed
 29 regular weekly wages immediately prior to disability;

30 (i) for any period during which a covered individual would be
 31 disqualified for unemployment compensation benefits under sub-
 32 section (d) of R. S. 43:21-5 unless the disability commenced prior
 33 to such disqualification; and there shall be no other cause of dis-
 34 qualification or ineligibility to receive disability benefits hereunder
 35 except as may be specifically provided in this act.

1 2. This act shall take effect immediately.

STATEMENT

Even though subsection (d) of section 15 of P. L. 1948, c. 110 (C. 43:21-39) does not specifically provide therefor, the Division of Unemployment and Disability Insurance of the Department of Labor accepts certifications of disability from licensed optometrists. Similar functions are performed by optometrists for, among others, the Commission for the Blind and Visually Impaired and the Division of Motor Vehicles.

The purpose of this bill is to make statutory law consistent with current administrative practice, which practice is predicated on advice from the Division of Law of the Office of the Attorney General.

A1587 (1982)

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1587

STATE OF NEW JERSEY

DATED: JUNE 17, 1982

This bill would amend section 15 of P. L. 1948, c. 110 (C. 43:21-39) to require the Division of Unemployment and Disability Insurance to accept certifications of disability from licensed optometrists as one of the bases for paying out disability benefits.

Current law provides that claimants may not receive disability benefits unless their claims have been certified by a "legally licensed physician, dentist, podiatrist, or chiropractor." Although optometrists are not expressly included among the professionals listed in the statute, their certifications are, as a matter of practice, accepted by the Division of Unemployment and Disability Insurance of the Department of Labor.

As in the case of the other professionals, optometrists may certify as to the nature and duration of the disability, but only within the bounds of their medical expertise and factual knowledge.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1587

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1982

This bill would allow an optometrist to certify the disability of a person for temporary disability benefits.

Although currently optometrists are not expressly included among the professionals listed in the statute, their certifications are, as a matter of practice, accepted by the Division of Unemployment and Disability Insurance of the Department of Labor.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

FRIDAY, JANUARY 28, 1983

Governor Thomas H. Kean has signed the following bills:

A-1587, sponsored by Assemblyman Joseph D. Patero, (D-Somerset), which provides for the Division of Unemployment and Disability Insurance of the Department of Labor to accept certification of disability from licensed optometrists.

A-544, sponsored by Assemblyman Richard Van Wagner, (D-Monmouth), which places all the procedures governing the Tax Court in a single comprehensive package.

A-692, sponsored by Assemblyman Martin A. Herman, (D-Salem), which adopts the Nonresident Violator Compact. This provides for an interstate compact with the other states to ensure fair treatment of motorists. It prohibits a police officer from requiring an out of state motorist to post a bond or collateral to secure a court appearance but provides for license suspension for a motorist who fails to make a court appearance.

S-339, sponsored by State Senator Daniel J. Dalton, (D-Camden), which extends the current property tax exemption for solar heating and cooling systems to any solar energy system that contributes to a building's overall energy needs.

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