

59:6-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 59:6-4

(Tort liability -- immunity to physicians - working for public utilities)

LAWS OF: 1983

CHAPTER: 184

Bill No: S524

Sponsor(s): Dorsey

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Labor, Industry and Professions

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: April 15, 1983

Senate: May 10, 1982

Date of Approval: May 11, 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

Following were printed:

Reports: /// No

Hearings: /// No

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SENATE, No. 524

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator DORSEY

AN ACT to extend the tort immunity of public employees with respect to the making of physical or mental examinations to private physicians performing professional services for public entities and amending N. J. S. 59:6-4.

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

1 1. N. J. S. 59:6-4 is amended to read as follows:

2 59:6-4. Failure to make physical or mental examination or to  
3 make adequate physical or mental examination. Except for an ex-  
4 amination or diagnosis for the purpose of treatment, neither a  
5 public entity nor a public employee is liable for injury caused by  
6 the failure to make a physical or mental examination, or to make  
7 an adequate physical or mental examination, of any person for  
8 the purpose of determining whether such person has a disease or  
9 physical or mental condition that would constitute a hazard to the  
10 health or safety of himself or others. *For the purposes of this*  
11 *section, "public employee" includes a private physician while*  
12 *actually performing professional services for a public entity*\***[**  
13 *whether*]\* *as a volunteer*\***[** *independent contractor, or on any*  
14 *other basis, with or*]\* *without compensation.*

1 2. This act shall take effect immediately.

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted March 15, 1982.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
**SENATE, No. 524**

**STATE OF NEW JERSEY**

DATED: OCTOBER 7, 1982

This bill amends the Tort Claims Act to extend the tort immunity of public employees for injury caused by failure to perform adequate health examinations to private physicians while performing professional services for a public entity as a volunteer without compensation.

The Senate Labor, Industry and Professions Committee amended the original bill to expressly require that a private physician be acting, exclusively on a noncompensated basis.

The immunity granted pertains to the failure to perform adequate public health examinations, such as tuberculosis, scoliosis, hearing, eye, mental, and other examinations for public health purposes. It does not apply to examinations for the purpose of treatment such as are ordinarily made in doctors' offices and public hospitals.

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 524**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 15, 1982

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SENATE, No. 524

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator DORSEY

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STATEMENT

Some municipalities are experiencing difficulties in obtaining physicians to supervise certain local health programs, some of which are mandated services required by the "Local Health Services Act," P. L. 1975, c. 329 (C. 56:3A2-1 et seq.). The problem is that private physicians are reluctant to become involved because it will increase their malpractice insurance costs. The liability insurers of the municipalities have been reluctant to clearly indicate

that the liability of the physicians supervising these programs would be covered by the liability policies of the municipalities.

This bill proposes to deal with the problem by extending to private physicians who perform professional services for public entities the immunity from tort liability with respect to the making of physical or mental examinations which currently exists for public employees.

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