

August 31, 1970

LEGISLATIVE NOTES ON R.S. 18A:40-4
(School medical exam - Physician)

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L.1969 - Chapt. 217 - S350
Introduced January 23 by Woodcock)

Bill had statement (copy enclosed)
Not amended during passage

This bill listed as "Approved" in:
974.905 Journal of the Medical Society of N.J.
M49 Vol. 66, No. 4, April 1969, page 182

This statement below is from:
974.905 State Federation District Boards of Education
L51 Legislative bulletin
Vol 17, No.2, February 28, 1969

The Legislative Committee is opposed. The school medical inspector is in the best position to perform this physical examination and is legally responsible.

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SENATE, No. 350

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1969

By Senator WOODCOCK

Referred to Committee on Education

AN ACT concerning education, relating to medical examinations of pupils, and amending section 18A:40-4 of the New Jersey Statutes.

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

1 1. Section 18A:40-4 of the New Jersey Statutes is amended to
2 read as follows:

3 18A:40-4. The medical inspector, or the nurse under the imme-
4 diate direction of the medical inspector, shall examine every pupil
5 to learn whether any physical defect exists, **[and the]** *or in lieu*
6 *thereof the medical inspector may accept the report of such an*
7 *examination by a physician licensed to practice medicine and sur-*
8 *gery within the State. The frequency and procedure of and selec-*
9 *tion of pupils for such examinations shall comply with the rules*
10 *of the State board, but a pupil who presents a statement signed*
11 *by his parent or guardian that a medical examination interferes*
12 *with the free exercise of his religious beliefs shall be examined*
13 *only to the extent necessary to determine whether he is ill or*
14 *infected with a communicable disease or to determine his fitness to*
15 *participate in any health, safety and physical education course re-*
16 *quired by law. A health record of each pupil shall be kept, in which*
17 *shall be entered the findings of each examination, and such record*
18 *shall be the property of the board of education and shall be*
19 *forwarded to any public school to which the pupil is transferred,*
20 *if such school is known.*

1 2. This act shall take effect immediately.

STATEMENT

It is the purpose of this bill, by permissive legislation, to authorize the school medical inspector to accept evidence of a satisfactorily

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

performed physical examination made upon a pupil by his treating physician, in lieu of the examination which, under the present statute, the school medical examiner or the school nurse is directed to make. This bill does not curtail the continued legal responsibility of the school medical inspector for the determination of the physical status of every pupil.