

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 113

NJSA: 52:4B-9

(Victims of Crime compensation Board--medical payment rates)

BILL NO: S942 (substituted for A1583 - 1st Reprint)

SPONSOR(S): Bennett and Ciesla

DATE INTRODUCED: March 23, 1998

COMMITTEE:

ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

ASSEMBLY: March 29, 1999

SENATE: June 29, 1998

DATE OF APPROVAL: May 19, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st Reprint

(Amendments during passage denoted by superscript numbers)

S942

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A1583

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

Bill and Sponsor's Statement identical to S942

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

Identical to Assembly Statement for S942

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 113, *approved May 19, 1999*
Senate, No. 942 (*First Reprint*)

1 AN ACT concerning victims of crime and amending P.L.1971, c.317.

2

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

5

6 1. Section 9 of P.L.1971, c.317 (C.52:4B-9) is amended to read as
7 follows:

8 9. In the performance of its functions, the board is authorized to
9 make rules and regulations prescribing the procedures to be followed
10 in the filing of applications and the proceedings under this act, and
11 such other matters as the board deems appropriate.

12 In determining the amounts of compensation payable pursuant to
13 this act the board shall insofar as practicable formulate standards for
14 uniform application of this act and shall take into consideration rates
15 and amounts of compensation payable for injuries and death under
16 other laws of this State and of the United States and the availability
17 of funds appropriated for the purposes of this act.

18 The board ¹[may]shall¹ establish maximum rates and service
19 limitations for reimbursement for medical and medical related
20 expenses, including counseling. ¹In establishing these rates, the board
21 shall reflect the medical fee schedules for health care providers
22 established by the Commissioner of Insurance pursuant to the
23 provisions of section 10 of P.L.1988, c.119 (C.39:6A-4.6). ¹ A medical
24 service provider who accepts payment from the board for a service
25 shall accept the board's rates as payment in full and shall not accept
26 any payment on account of the service from any other source if the
27 total of payments accepted would exceed the maximum rate set by the
28 board for that service.

29 (cf: P.L.1971, c.317, s.9)

30

31 2. This act shall take effect immediately.

32

33

34

35

36 Authorizes VCCB to establish medical payment schedule.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted June 15, 1998.

SENATE, No. 942

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Authorizes VCCB to establish medical payment schedule.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning victims of crime and amending P.L.1971, c.317.

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

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6 1. Section 9 of P.L.1971, c.317 (C.52:4B-9) is amended to read as
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13 this act the board shall insofar as practicable formulate standards for
14 uniform application of this act and shall take into consideration rates
15 and amounts of compensation payable for injuries and death under
16 other laws of this State and of the United States and the availability
17 of funds appropriated for the purposes of this act.

18 The board may establish maximum rates and service limitations for
19 reimbursement for medical and medical related expenses, including
20 counseling. A medical service provider who accepts payment from the
21 board for a service shall accept the board's rates as payment in full and
22 shall not accept any payment on account of the service from any other
23 source if the total of payments accepted would exceed the maximum
24 rate set by the board for that service.

25 (cf: P.L.1971, c.317, s.9)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill would authorize the Victims of Crime Compensation
33 Board to establish maximum rates of payment for the reimbursement
34 of medical and medical related expenses. It has been the board's
35 experience that some medical service providers bill to the maximum
36 for services to crime victims, secure in the knowledge that the board
37 will pay that amount. Consequently, medical expenses have consumed
38 a growing share of the board's resources.

39 This bill would afford the board a measure of control over medical
40 reimbursements. It would also prevent medical service providers who
41 accept payment from the board from later billing injured crime victims
42 for the difference between the provider's maximum rate and the
43 amount of reimbursement provided by the board.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 942

STATE OF NEW JERSEY

DATED: MARCH 11, 1999

The Assembly Judiciary Committee reports favorably Senate Bill No. 942 (1R).

This bill would require the Victims of Crime Compensation Board to establish maximum rates of payment for the reimbursement of medical and medical related expenses. The bill requires that these rates reflect the rates established by the Department of Insurance for the reimbursement of health care providers who provide services to automobile insurers under personal injury protection coverages.

The bill would afford the board a measure of control over medical reimbursements. It would also prevent medical service providers who accept payment from the board from later billing injured crime victims for the difference between the provider's maximum rate and the amount of reimbursement provided by the board.

This bill is identical to Assembly, No. 1583 (1R).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 942

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 942.

As amended by the committee, this bill would require the Victims of Crime Compensation Board to establish maximum rates of payment for the reimbursement of medical and medical related expenses.

The amendments adopted by the committee would require that these rates reflect the rates established by the Department of Insurance for the reimbursement of health care providers who provide services to automobile insurers under personal injury protection coverages.

The bill would afford the board a measure of control over medical reimbursements. It would also prevent medical service providers who accept payment from the board from later billing injured crime victims for the difference between the provider's maximum rate and the amount of reimbursement provided by the board.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 942

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JULY 24, 1998

Senate Bill No. 942 (1R) of 1998 requires the Victims of Crime Compensation Board (VCCB) to establish maximum rates of payment for the reimbursement of medical and medical related expenses. It has been the board's experience that some medical service providers bill to the maximum for services to crime victims, secure in the knowledge that the board will pay that amount. Consequently, medical expenses have consumed a growing share of the board's resources.

This bill would afford the board a measure of control over medical reimbursements by requiring it to establish rates that reflect those established by the Department of Insurance for the reimbursement of health care providers who provide services to automobile insurers under personal injury protection coverages. It would also prevent medical service providers who accept payment from the board from later billing injured crime victims for the difference between the provider's maximum rate and the amount of reimbursement provided by the board.

The board informally estimates this bill would result in savings of between \$400,000 and \$600,000 per year in medical payments, a projection based on a two-month examination of the board's medical reimbursements by an auditing company in FY1998. Of this amount, the board expects to pay approximately 22 percent annually to an auditing company for its services.

The Office of Legislative Services concurs with this estimate.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 1583

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman CAROL J.MURPHY

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Authorizes VCCB to establish medical payment schedule.

CURRENT VERSION OF TEXT

As Introduced.



A1583 MURPHY

2

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7 follows:

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9 make rules and regulations prescribing the procedures to be followed
10 in the filing of applications and the proceedings under this act, and
11 such other matters as the board deems appropriate.

12 In determining the amounts of compensation payable pursuant to
13 this act the board shall insofar as practicable formulate standards for
14 uniform application of this act and shall take into consideration rates
15 and amounts of compensation payable for injuries and death under
16 other laws of this State and of the United States and the availability
17 of funds appropriated for the purposes of this act.

18 The board may establish maximum rates and service limitations for
19 reimbursement for medical and medical related expenses, including
20 counseling. A medical service provider who accepts payment from the
21 board for a service shall accept the board's rates as payment in full and
22 shall not accept any payment on account of the service from any other
23 source if the total of payments accepted would exceed the maximum
24 rate set by the board for that service.

25 (cf: P.L.1971, c.317, s.9)

26

27 2. This act shall take effect immediately.

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29

STATEMENT

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31 This bill would authorize the Victims of Crime Compensation
32 Board to establish maximum rates of payment for the reimbursement
33 of medical and medical related expenses. It has been the board's
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42 amount of reimbursement provided by the board.

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Matter underlined thus is new matter.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1583

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 1999

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1583.

As amended, this bill would require the Victims of Crime Compensation Board to establish maximum rates of payment for the reimbursement of medical and medical related expenses.

The amendments adopted by the committee would require that these rates reflect the rates established by the Department of Insurance for the reimbursement of health care providers who provide services to automobile insurers under personal injury protection coverages.

The bill would afford the board a measure of control over medical reimbursements. It would also prevent medical service providers who accept payment from the board from later billing injured crime victims for the difference between the provider's maximum rate and the amount of reimbursement provided by the board.

As amended, this bill is identical to Senate, No. 942 (1R).

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: May 19, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-51, sponsored by Senators Walter J. Kavanaugh (R- Morris/Somerset) and Robert J. Martin (R- Essex/Morris/Passaic) and Assembly Member Marion Crecco (R- Essex/Passaic), creates the "Parents Education Program," a mandatory education program for all parties filing an action for divorce. The program will be designed to assist and advise divorced parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties would most likely face during the divorce, as well as the effect of divorce on children.

The bill embodies a recommendation in the 1995 report of the Commission to Study the Law of Divorce. Failure of a party to participate in the program would be considered as a factor by the court in making any custody and visitation determinations. The bill requires all participants to pay a registration fee of \$25, which would be deposited in the Parents Education Fund, a separate, nonlapsing, revolving fund in the state General Fund. This fund would be dedicated to the development, operation and maintenance of the Parents Education Program, which would be administered by the Administrative Office of the Courts. The bill allows the court to exempt a party from attending the program for good cause. It also exempts parties who are protected by or restricted by a temporary restraining order. The bill also authorizes the creation of a temporary nine-member advisory committee, appointed by the Governor with the advice and consent of the Senate, consisting of professionals in the area of divorce and child care as well as a custodial parent and a non-custodial parent. The committee will be required to develop a specific curriculum, determine the program length, establish guidelines and qualifications for the program moderators and develop any other necessary program requirements.

S-942, sponsored by Senators John O. Bennett (R-Monmouth) and Andrew R. Ciesla (R-Monmouth/Ocean) and Assembly Member Carol J. Murphy (R- Essex/Morris/Passaic), requires the Victims of Crime Compensation Board (VCCB) to establish maximum payment rates and service limitations for medical expenses paid on behalf of crime victims. The VCCB, which is in but not of the Department of Law and Public Safety, is authorized to pay compensation to crime victims for losses they sustained as a result of the crime. The VCCB is funded through a \$50 penalty imposed upon all criminal defendants for each crime of which they are convicted. losses to victims or their dependents. The bill requires that the VCCB adopt payment rates reflected in the medical fee schedules established by the Commissioner of Banking and Insurance for automobile insurance personal injury protection coverage. The bill prohibits a medical care provider who accepts payment at the maximum rate from the VCCB from seeking additional monies from the victim for the same services.

S-1060, sponsored by Senator William L. Gormley (R-Atlantic) and Assembly Members Francis J. Blee (R-Atlantic) and Joseph R. Malone, III, (R-Burlington/Monmouth/Ocean), provides that the district of residence for children who are placed by a state agency in a skill development home will be

the present district of residence of the parent or guardian with whom the child lived prior to placement. Previously, the Department of Education considered the school district in which the skill development home is located to be the student's district of residence for funding purposes because the child's residence is considered to be the skill development home. The bill will assign the responsibility for funding to the home district of the child's parent or guardian which, but for the placement, would be responsible for educating the child.

A-210, sponsored by Assembly Members Francis L. Bodine (R- Atlantic/Burlington/Camden) and Nicholas R. Felice (R- Bergen/Passaic), and Senator John J. Matheussen (R- Camden/ Gloucester), provides immunity from liability to professional engineers in certain circumstances. The bill is in response to the Supreme Court case of *Carvalho v. Toll Bros. and Developers*, 143 N.J. 454 (1996), which held a professional engineer liable for a worker's personal injury arising from the collapse of a trench at a construction site. The bill codifies the *Carvalho* decision and provides a limited immunity to professional engineers from workers' personal injury suits for which compensation is recoverable under the Workers' Compensation Act. The immunity will apply only if the engineer did not assume contractual responsibility for workplace site safety and if the engineer was retained to perform only professional services on the construction project.

AJR-29, sponsored by Assembly Members Christopher "Kip" Bateman (R- Morris/Somerset) and Peter J. Biondi (R-Morris/Somerset), establishes "Human Potential Week" to promote a greater awareness of the needs and concerns of people with disabilities and to highlight the significant contributions these individuals have made to their families, communities, and society as a whole. The resolution calls upon the Governor to annually issue a proclamation establishing the second week in May as "Human Potential Week" and to encourage appropriate activities and programs throughout the state to celebrate the week.

SJR-12, sponsored by Senator Peter A. Inverso (R- Mercer/Middlesex), designates May of each year as "Kindness Awareness Month" in New Jersey. It urges all citizens to engage in educational programs and activities to foster kindness. The resolution recognizes the role of kindness in fostering social responsibility, happiness and harmony, particularly among children. Students, teachers, and parents, as special agents of kindness, are encouraged to bring this message to young people across the state.