

# 34:2-21.8

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 168

**NJSA:** 34:2-21.8 (Includes advanced practice nurses authorized to treat certain individuals under labor laws)

**BILL NO:** A826 (Substituted for S1319)

**SPONSOR(S):** Greenstein

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Regulated Professions and Independent Authorities  
**SENATE:** Labor

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** June 21, 2004  
**SENATE:** October 25, 2004

**DATE OF APPROVAL:** December 7, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) Original version of bill enacted

**A826**

[SPONSOR'S STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S1319**

[SPONSOR'S STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2004, CHAPTER 168, *approved December 7, 2004*  
Assembly, No. 826

1 AN ACT concerning advanced practice nurses and amending P.L.1940,  
2 c.153 and P.L.1948, c.110.

3

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

6

7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to read  
8 as follows:

9 8. The issuing officer shall issue such certificates only upon the  
10 application in person of the minor desiring employment, and after  
11 having approved and filed the following papers:

12 (1) A promise of employment signed by the prospective employer  
13 or by someone duly authorized by him, setting forth the specific nature  
14 of the occupation in which he intends to employ such minor, the wage  
15 to be paid such minor, and the number of hours per day and days per  
16 week which said minor shall be employed.

17 (2) Evidence of age showing that the minor is of the age required  
18 by this act, which evidence shall consist of one of the following proofs  
19 of age and shall be required in the order herein designated, as follows:

20 (a) A birth certificate or certified transcript thereof or a signed  
21 statement of the recorded date and place of birth issued by a registrar  
22 of vital statistics or other officer charged with the duty of recording  
23 births, or

24 (b) A baptismal certificate or attested transcript thereof showing  
25 the date and place of birth, and date and place of baptism of the  
26 minor, or

27 (c) Other documentary evidence of age satisfactory to the issuing  
28 officer, such as a bona fide contemporary record of the date and place  
29 of the minor's birth kept in the Bible in which the records of the births  
30 in the family of the minor are preserved, or a passport, showing the  
31 age of the minor, or a certificate of arrival in the United States, issued  
32 by the **[United States Immigration Office]** Office of Immigration and  
33 Naturalization Services, showing the age of the minor, or a life  
34 insurance policy, provided that such other documentary evidence has  
35 been in existence at least 1 year prior to the time it is offered as  
36 evidence, and provided further that a school record of age or an  
37 affidavit of a parent or guardian or other written statement of age  
38 shall not be accepted, except as specified in paragraph (d) of this  
39 section.

40 (d) In the case none of the aforesaid proofs of age shall be  
41 obtainable and only in such case, the issuing officer may accept the

**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 school record or the school-census record of the age of the minor  
2 together with the sworn statement of a parent or guardian as to the  
3 age of the minor and also with a certificate signed by the physician or  
4 advanced practice nurse authorized to sign the statements of physical  
5 fitness required by this section, specifying what in his opinion is the  
6 physical age of the minor. Such certificates shall show the height and  
7 weight of the minor and other facts concerning his physical  
8 development which were revealed by such examination and upon  
9 which the opinion of the physician or advanced practice nurse is based  
10 as to the physical age of the minor. If the school or school-census  
11 record of age is not obtainable, the sworn statement of the minor's  
12 parent or guardian, certifying to the name, date and place of birth of  
13 the minor, together with a physician's or advanced practice nurse's  
14 certificate of age as hereinbefore specified, may be accepted as  
15 evidence of age. The issuing officer shall administer said sworn  
16 statement.

17 The issuing officer shall, in issuing a certificate for a minor, require  
18 the evidence of age specified in paragraph (a) of this section in  
19 preference to that specified in paragraphs (b), (c) and (d) of this  
20 section and shall not accept the evidence of age permitted by any  
21 subsequent paragraph unless he shall receive and file evidence that the  
22 evidence of age required by the preceding paragraph or paragraphs  
23 cannot be obtained.

24 (3) A statement of physical fitness, signed by a medical inspector  
25 employed by the applicable board of education, or any other physician  
26 licensed to practice medicine and surgery, or advanced practice nurse,  
27 setting forth that such minor has been thoroughly examined by such  
28 medical inspector, or such other physician licensed to practice  
29 medicine and surgery, or advanced practice nurse, that he either is  
30 physically fit for employment in occupations permitted for persons  
31 under 18 years of age, or is physically fit to be employed under certain  
32 limitations, specified in the statement. If the statement of physical  
33 fitness is limited, the employment certificate issued thereon shall state  
34 clearly the limitations upon its use, and shall be valid only when used  
35 under the limitations so stated. The method of making such  
36 examinations shall be prescribed jointly by the Commissioner of  
37 Education and the State Department of Health and Senior Services;  
38 provided, however, no minor shall be required to submit to a physical  
39 examination, whose parent or guardian objects thereto in writing on  
40 the grounds such examination is contrary to his religious beliefs and  
41 practices.

42 (4) A school record signed by the principal of the school which the  
43 minor has last attended or by someone duly authorized by him, giving  
44 the full name, date of birth, grade last completed, and residence of the  
45 minor, provided, that in the case of a vacation certificate issued for  
46 work before or after school hours, such record shall also state that the

1 child is a regular attendant at school, and in the opinion of the  
2 principal may perform such work without impairment of his progress  
3 in school, but such principal's statement shall not be required for the  
4 issuance of a vacation certificate for work during regular school  
5 vacations.

6 (cf. P.L.1968, c.314, s.1)

7

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

10 15. Limitation of benefits. Notwithstanding any other provision of  
11 the "Temporary Disability Benefits Law," P.L.1948, c.110  
12 (C.43:21-25 et seq.), no benefits shall be payable under the State plan  
13 to any person:

14 (a) for the first seven consecutive days of each period of disability;  
15 except that if benefits shall be payable for three consecutive weeks  
16 with respect to any period of disability commencing on or after  
17 January 1, 1968, then benefits shall also be payable with respect to the  
18 first seven days thereof;

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

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

23 (d) for any period during which the claimant is not under the care  
24 of a legally licensed physician, dentist, optometrist, podiatrist,  
25 practicing psychologist, advanced practice nurse, or chiropractor,  
26 who, when requested by the division, shall certify within the scope of  
27 the practitioner's practice, the disability of the claimant, the probable  
28 duration thereof, and, where applicable, the medical facts within the  
29 practitioner's knowledge;

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

31 (f) for any period of disability due to willfully and intentionally  
32 self-inflicted injury, or to injury sustained in the perpetration by the  
33 claimant of a crime of the first, second, or third degree;

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

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

39 (i) for any period during which a covered individual would be  
40 disqualified for unemployment compensation benefits under subsection  
41 (d) of R.S.43:21-5, unless the disability commenced prior to such  
42 disqualification; and there shall be no other cause of disqualification  
43 or ineligibility to receive disability benefits hereunder except as may be  
44 specifically provided in this act.

45 (cf. P.L.1989, c.213, s.2)

1       3. Section 25 of P.L.1948, c.110, (C.43:21-49) is amended to read  
2 as follows:

3       25. (a) In the event of the disability of any individual covered  
4 under the State plan, the employer shall on the ninth day of disability  
5 issue to the individual and to the division printed notices on division  
6 forms containing the name, address and Social Security number of the  
7 individual, such wage information as the division may require to  
8 determine the individual's eligibility for benefits, and the name,  
9 address, and division identity number of the employer, together with  
10 a printed copy of benefit instructions of the division. Not later than 30  
11 days after the commencement of the period of disability for which  
12 such notice is furnished, the individual shall furnish to the division a  
13 notice and claim for disability benefits under the State plan or for  
14 disability during unemployment. Upon the submission of such notices  
15 by the employer and the individual, the division may issue benefit  
16 payments for periods not exceeding 3 weeks pending the receipt of  
17 medical proof. When requested by the division, such notice and proof  
18 shall include certification of total disability by the attending physician,  
19 or a record of hospital confinement. Failure to furnish notice and  
20 proof within the time or in the manner above provided shall not  
21 invalidate or reduce any claim if it shall be shown to the satisfaction of  
22 the division not to have been reasonably possible to furnish such notice  
23 and proof and that such notice and proof was furnished as soon as  
24 reasonably possible.

25       (b) A person claiming benefits under the State plan or for disability  
26 during unemployment shall, when requested by the division, submit at  
27 intervals, but not more often than once a week, to an examination by  
28 a legally licensed physician, dentist, podiatrist, chiropractor, advanced  
29 practice nurse or public health nurse designated by the division. In all  
30 cases of physical examination of a claimant, the examination shall be  
31 made by a designee of the division who shall be the same sex as the  
32 claimant if so requested by the claimant. All such examinations by  
33 physicians, dentists, podiatrists, chiropractors or nurses designated by  
34 the division shall be without cost to the claimant and shall be held at  
35 a reasonable time and place. Refusal to submit to such a requested  
36 examination shall disqualify the claimant from all benefits for the  
37 period of disability in question, except as to benefits already paid.

38       (c) All medical records of the division, except to the extent  
39 necessary for the proper administration of this act, shall be confidential  
40 and shall not be published or be open to public inspection (other than  
41 to public employees in the performance of their public duties) in any  
42 manner revealing the identity of the claimant, or the nature or cause  
43 of disability nor admissible in evidence in any action or special  
44 proceeding other than one arising under this act.

45 (cf. P.L.1980, c.90, s.15)

1       4. This act shall take effect immediately.

2

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6       \_\_\_\_\_

6       Includes advanced practice nurses among medical professionals

7       authorized to examine or treat certain individuals under labor laws.

# ASSEMBLY, No. 826

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Includes advanced practice nurses among medical professionals authorized to examine or treat certain individuals under labor laws.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





1 AN ACT concerning advanced practice nurses and amending P.L.1940,  
2 c.153 and P.L.1948, c.110.

3

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

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7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to read  
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10 application in person of the minor desiring employment, and after  
11 having approved and filed the following papers:

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13 or by someone duly authorized by him, setting forth the specific nature  
14 of the occupation in which he intends to employ such minor, the wage  
15 to be paid such minor, and the number of hours per day and days per  
16 week which said minor shall be employed.

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24 (b) A baptismal certificate or attested transcript thereof showing  
25 the date and place of birth, and date and place of baptism of the  
26 minor, or

27 (c) Other documentary evidence of age satisfactory to the issuing  
28 officer, such as a bona fide contemporary record of the date and place  
29 of the minor's birth kept in the Bible in which the records of the births  
30 in the family of the minor are preserved, or a passport, showing the  
31 age of the minor, or a certificate of arrival in the United States, issued  
32 by the **[United States Immigration Office]** Office of Immigration and  
33 Naturalization Services, showing the age of the minor, or a life  
34 insurance policy, provided that such other documentary evidence has  
35 been in existence at least 1 year prior to the time it is offered as  
36 evidence, and provided further that a school record of age or an  
37 affidavit of a parent or guardian or other written statement of age  
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39 section.

40 (d) In the case none of the aforesaid proofs of age shall be  
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42 school record or the school-census record of the age of the minor  
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38 the grounds such examination is contrary to his religious beliefs and  
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46 principal may perform such work without impairment of his progress

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4 (cf. P.L.1968, c.314, s.1)

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12 (a) for the first seven consecutive days of each period of disability;  
13 except that if benefits shall be payable for three consecutive weeks  
14 with respect to any period of disability commencing on or after  
15 January 1, 1968, then benefits shall also be payable with respect to the  
16 first seven days thereof;

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

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

21 (d) for any period during which the claimant is not under the care  
22 of a legally licensed physician, dentist, optometrist, podiatrist,  
23 practicing psychologist, advanced practice nurse, or chiropractor,  
24 who, when requested by the division, shall certify within the scope of  
25 the practitioner's practice, the disability of the claimant, the probable  
26 duration thereof, and, where applicable, the medical facts within the  
27 practitioner's knowledge;

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

29 (f) for any period of disability due to willfully and intentionally  
30 self-inflicted injury, or to injury sustained in the perpetration by the  
31 claimant of a crime of the first, second, or third degree;

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

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

37 (i) for any period during which a covered individual would be  
38 disqualified for unemployment compensation benefits under subsection  
39 (d) of R.S.43:21-5, unless the disability commenced prior to such  
40 disqualification; and there shall be no other cause of disqualification  
41 or ineligibility to receive disability benefits hereunder except as may be  
42 specifically provided in this act.

43 (cf. P.L.1989, c.213, s.2)

44

45 3. Section 25 of P.L.1948, c.110, (C.43:21-49) is amended to read  
46 as follows:

1       25. (a) In the event of the disability of any individual covered  
2 under the State plan, the employer shall on the ninth day of disability  
3 issue to the individual and to the division printed notices on division  
4 forms containing the name, address and Social Security number of the  
5 individual, such wage information as the division may require to  
6 determine the individual's eligibility for benefits, and the name,  
7 address, and division identity number of the employer, together with  
8 a printed copy of benefit instructions of the division. Not later than 30  
9 days after the commencement of the period of disability for which  
10 such notice is furnished, the individual shall furnish to the division a  
11 notice and claim for disability benefits under the State plan or for  
12 disability during unemployment. Upon the submission of such notices  
13 by the employer and the individual, the division may issue benefit  
14 payments for periods not exceeding 3 weeks pending the receipt of  
15 medical proof. When requested by the division, such notice and proof  
16 shall include certification of total disability by the attending physician,  
17 or a record of hospital confinement. Failure to furnish notice and  
18 proof within the time or in the manner above provided shall not  
19 invalidate or reduce any claim if it shall be shown to the satisfaction of  
20 the division not to have been reasonably possible to furnish such notice  
21 and proof and that such notice and proof was furnished as soon as  
22 reasonably possible.

23       (b) A person claiming benefits under the State plan or for disability  
24 during unemployment shall, when requested by the division, submit at  
25 intervals, but not more often than once a week, to an examination by  
26 a legally licensed physician, dentist, podiatrist, chiropractor, advanced  
27 practice nurse or public health nurse designated by the division. In all  
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29 made by a designee of the division who shall be the same sex as the  
30 claimant if so requested by the claimant. All such examinations by  
31 physicians, dentists, podiatrists, chiropractors or nurses designated by  
32 the division shall be without cost to the claimant and shall be held at  
33 a reasonable time and place. Refusal to submit to such a requested  
34 examination shall disqualify the claimant from all benefits for the  
35 period of disability in question, except as to benefits already paid.

36       (c) All medical records of the division, except to the extent  
37 necessary for the proper administration of this act, shall be confidential  
38 and shall not be published or be open to public inspection (other than  
39 to public employees in the performance of their public duties) in any  
40 manner revealing the identity of the claimant, or the nature or cause  
41 of disability nor admissible in evidence in any action or special  
42 proceeding other than one arising under this act.

43 (cf. P.L.1980, c.90, s.15)

44

45       4. This act shall take effect immediately.

1 STATEMENT

2

3 This bill includes advanced practice nurses among the medical  
4 professionals who are authorized to examine or treat individuals and  
5 certify disabilities under certain labor laws.

6 Currently, a minor must receive a statement of physical fitness,  
7 signed by an authorized medical professional, to obtain working  
8 papers. This bill adds advanced practice nurses to the list of  
9 authorized professionals who may issue statements of physical fitness  
10 to minors who desire employment and who require working papers.

11 It further adds advanced practice nurses to the list of authorized  
12 professionals who may examine, certify and treat disability claimants.  
13 Currently under the "Temporary Disability Benefits Law," no benefits  
14 are paid under the State plan to any claimant not under the care of an  
15 authorized medical professional. This bill expands the categories of  
16 authorized medical professionals to include advanced practice nurses.

ASSEMBLY REGULATED PROFESSIONS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 826**

**STATE OF NEW JERSEY**

DATED: MAY 3, 2004

The Assembly Regulated Professions and Independent Authorities Committee reports favorably Assembly Bill No. 826.

This bill includes advanced practice nurses among the medical professionals who are authorized to examine or treat individuals and certify disabilities under certain labor laws.

Currently, a minor must receive a statement of physical fitness, signed by an authorized medical professional, to obtain working papers. This bill adds advanced practice nurses to the list of authorized professionals who may issue statements of physical fitness to minors who desire employment and who require working papers.

It further adds advanced practice nurses to the list of authorized professionals who may examine, certify and treat disability claimants. Currently under the "Temporary Disability Benefits Law," no benefits are paid under the State plan to any claimant not under the care of an authorized medical professional. This bill expands the categories of authorized medical professionals to include advanced practice nurses.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 826**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 27, 2004

The Senate Labor Committee reports favorably Assembly Bill No. 826.

This bill includes advanced practice nurses among the medical professionals who are authorized to examine or treat individuals and certify disabilities under certain labor laws.

Currently, a minor must receive a statement of physical fitness, signed by an authorized medical professional, to obtain working papers. This bill adds advanced practice nurses to the list of authorized professionals who may issue statements of physical fitness to minors who desire employment and who require working papers.

It further adds advanced practice nurses to the list of authorized professionals who may examine, certify and treat disability claimants. Currently under the "Temporary Disability Benefits Law," no benefits are paid under the State plan to any claimant not under the care of an authorized medical professional. This bill expands the categories of authorized medical professionals to include advanced practice nurses.

This bill was approved by the General Assembly on June 21, 2004.

**SENATE, No. 1319**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED MARCH 8, 2004

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Co-Sponsored by:**

**Senator Madden**

**SYNOPSIS**

Includes advanced practice nurses among medical professionals authorized to examine or treat certain individuals under labor laws.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/26/2004)**



S1319 TURNER

2

1 AN ACT concerning advanced practice nurses and amending P.L.1940,  
2 c.153 and P.L.1948, c.110.

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

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7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to read  
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9 8. The issuing officer shall issue such certificates only upon the  
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11 having approved and filed the following papers:

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14 of the occupation in which he intends to employ such minor, the wage  
15 to be paid such minor, and the number of hours per day and days per  
16 week which said minor shall be employed.

17 (2) Evidence of age showing that the minor is of the age required  
18 by this act, which evidence shall consist of one of the following proofs  
19 of age and shall be required in the order herein designated, as follows:

20 (a) A birth certificate or certified transcript thereof or a signed  
21 statement of the recorded date and place of birth issued by a registrar  
22 of vital statistics or other officer charged with the duty of recording  
23 births, or

24 (b) A baptismal certificate or attested transcript thereof showing  
25 the date and place of birth, and date and place of baptism of the minor,  
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27 (c) Other documentary evidence of age satisfactory to the issuing  
28 officer, such as a bona fide contemporary record of the date and place  
29 of the minor's birth kept in the Bible in which the records of the births  
30 in the family of the minor are preserved, or a passport, showing the  
31 age of the minor, or a certificate of arrival in the United States, issued  
32 by the **[United States Immigration Office]** Office of Immigration and  
33 Naturalization Services, showing the age of the minor, or a life  
34 insurance policy, provided that such other documentary evidence has  
35 been in existence at least 1 year prior to the time it is offered as  
36 evidence, and provided further that a school record of age or an  
37 affidavit of a parent or guardian or other written statement of age shall  
38 not be accepted, except as specified in paragraph (d) of this section.

39 (d) In the case none of the aforesaid proofs of age shall be  
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41 school record or the school-census record of the age of the minor  
42 together with the sworn statement of a parent or guardian as to the  
43 age of the minor and also with a certificate signed by the physician or

**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 advanced practice nurse authorized to sign the statements of physical  
2 fitness required by this section, specifying what in his opinion is the  
3 physical age of the minor. Such certificates shall show the height and  
4 weight of the minor and other facts concerning his physical  
5 development which were revealed by such examination and upon  
6 which the opinion of the physician or advanced practice nurse is based  
7 as to the physical age of the minor. If the school or school-census  
8 record of age is not obtainable, the sworn statement of the minor's  
9 parent or guardian, certifying to the name, date and place of birth of  
10 the minor, together with a physician's or advanced practice nurse's  
11 certificate of age as hereinbefore specified, may be accepted as  
12 evidence of age. The issuing officer shall administer said sworn  
13 statement.

14 The issuing officer shall, in issuing a certificate for a minor, require  
15 the evidence of age specified in paragraph (a) of this section in  
16 preference to that specified in paragraphs (b), (c) and (d) of this  
17 section and shall not accept the evidence of age permitted by any  
18 subsequent paragraph unless he shall receive and file evidence that the  
19 evidence of age required by the preceding paragraph or paragraphs  
20 cannot be obtained.

21 (3) A statement of physical fitness, signed by a medical inspector  
22 employed by the applicable board of education, or any other physician  
23 licensed to practice medicine and surgery, or advanced practice nurse,  
24 setting forth that such minor has been thoroughly examined by such  
25 medical inspector, or such other physician licensed to practice  
26 medicine and surgery, or advanced practice nurse, that he either is  
27 physically fit for employment in occupations permitted for persons  
28 under 18 years of age, or is physically fit to be employed under certain  
29 limitations, specified in the statement. If the statement of physical  
30 fitness is limited, the employment certificate issued thereon shall state  
31 clearly the limitations upon its use, and shall be valid only when used  
32 under the limitations so stated. The method of making such  
33 examinations shall be prescribed jointly by the Commissioner of  
34 Education and the State Department of Health and Senior Services;  
35 provided, however, no minor shall be required to submit to a physical  
36 examination, whose parent or guardian objects thereto in writing on  
37 the grounds such examination is contrary to his religious beliefs and  
38 practices.

39 (4) A school record signed by the principal of the school which the  
40 minor has last attended or by someone duly authorized by him, giving  
41 the full name, date of birth, grade last completed, and residence of the  
42 minor, provided, that in the case of a vacation certificate issued for  
43 work before or after school hours, such record shall also state that the  
44 child is a regular attendant at school, and in the opinion of the  
45 principal may perform such work without impairment of his progress  
46 in school, but such principal's statement shall not be required for the

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4

1 issuance of a vacation certificate for work during regular school  
2 vacations.

3 (cf. P.L.1968, c.314, s.1)

4

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

7 15. Limitation of benefits. Notwithstanding any other provision of  
8 the "Temporary Disability Benefits Law," P.L.1948, c.110  
9 (C.43:21-25 et seq.), no benefits shall be payable under the State plan  
10 to any person:

11 (a) for the first seven consecutive days of each period of disability;  
12 except that if benefits shall be payable for three consecutive weeks  
13 with respect to any period of disability commencing on or after  
14 January 1, 1968, then benefits shall also be payable with respect to the  
15 first seven days thereof;

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

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

20 (d) for any period during which the claimant is not under the care  
21 of a legally licensed physician, dentist, optometrist, podiatrist,  
22 practicing psychologist, advanced practice nurse, or chiropractor,  
23 who, when requested by the division, shall certify within the scope of  
24 the practitioner's practice, the disability of the claimant, the probable  
25 duration thereof, and, where applicable, the medical facts within the  
26 practitioner's knowledge;

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

28 (f) for any period of disability due to willfully and intentionally  
29 self-inflicted injury, or to injury sustained in the perpetration by the  
30 claimant of a crime of the first, second, or third degree;

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

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

36 (i) for any period during which a covered individual would be  
37 disqualified for unemployment compensation benefits under subsection  
38 (d) of R.S.43:21-5, unless the disability commenced prior to such  
39 disqualification; and there shall be no other cause of disqualification  
40 or ineligibility to receive disability benefits hereunder except as may be  
41 specifically provided in this act.

42 (cf. P.L.1989, c.213, s.2)

43

44 3. Section 25 of P.L.1948, c.110, (C.43:21-49) is amended to read  
45 as follows:

1       25. (a) In the event of the disability of any individual covered  
2 under the State plan, the employer shall on the ninth day of disability  
3 issue to the individual and to the division printed notices on division  
4 forms containing the name, address and Social Security number of the  
5 individual, such wage information as the division may require to  
6 determine the individual's eligibility for benefits, and the name,  
7 address, and division identity number of the employer, together with  
8 a printed copy of benefit instructions of the division. Not later than 30  
9 days after the commencement of the period of disability for which  
10 such notice is furnished, the individual shall furnish to the division a  
11 notice and claim for disability benefits under the State plan or for  
12 disability during unemployment. Upon the submission of such notices  
13 by the employer and the individual, the division may issue benefit  
14 payments for periods not exceeding 3 weeks pending the receipt of  
15 medical proof. When requested by the division, such notice and proof  
16 shall include certification of total disability by the attending physician,  
17 or a record of hospital confinement. Failure to furnish notice and  
18 proof within the time or in the manner above provided shall not  
19 invalidate or reduce any claim if it shall be shown to the satisfaction of  
20 the division not to have been reasonably possible to furnish such notice  
21 and proof and that such notice and proof was furnished as soon as  
22 reasonably possible.

23       (b) A person claiming benefits under the State plan or for disability  
24 during unemployment shall, when requested by the division, submit at  
25 intervals, but not more often than once a week, to an examination by  
26 a legally licensed physician, dentist, podiatrist, chiropractor, advanced  
27 practice nurse or public health nurse designated by the division. In all  
28 cases of physical examination of a claimant, the examination shall be  
29 made by a designee of the division who shall be the same sex as the  
30 claimant if so requested by the claimant. All such examinations by  
31 physicians, dentists, podiatrists, chiropractors or nurses designated by  
32 the division shall be without cost to the claimant and shall be held at  
33 a reasonable time and place. Refusal to submit to such a requested  
34 examination shall disqualify the claimant from all benefits for the  
35 period of disability in question, except as to benefits already paid.

36       (c) All medical records of the division, except to the extent  
37 necessary for the proper administration of this act, shall be confidential  
38 and shall not be published or be open to public inspection (other than  
39 to public employees in the performance of their public duties) in any  
40 manner revealing the identity of the claimant, or the nature or cause of  
41 disability nor admissible in evidence in any action or special  
42 proceeding other than one arising under this act.

43 (cf. P.L.1980, c.90, s.15)

44

45       4. This act shall take effect immediately.



SENATE LABOR COMMITTEE

STATEMENT TO

**SENATE, No. 1319**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 27, 2004

The Senate Labor Committee reports favorably Senate Bill No. 1319.

This bill includes advanced practice nurses among the medical professionals who are authorized to examine or treat individuals and certify disabilities under certain labor laws.

Currently, a minor must receive a statement of physical fitness, signed by an authorized medical professional, to obtain working papers. This bill adds advanced practice nurses to the list of authorized professionals who may issue statements of physical fitness to minors who desire employment and who require working papers.

It further adds advanced practice nurses to the list of authorized professionals who may examine, certify and treat disability claimants. Currently under the "Temporary Disability Benefits Law," no benefits are paid under the State plan to any claimant not under the care of an authorized medical professional. This bill expands the categories of authorized medical professionals to include advanced practice nurses.

This bill is identical to A-826 which was approved by the General Assembly on June 21, 2004.