



Summary of Senate Bill 3375

- 1) Respondent cannot contact an authorized treating physician after designation without providing the time, date and substance of the communication to petitioner's representative.
- 2) Any written communication or email to the authorized physician must be contemporaneously provided to the employee or the employee's designated representative.
- 3) Upon request, any authorized medical provider must reveal to the injured worker or his or her legal representative any communication made between the authorized physician and the respondent unless there is a documented therapeutic medical reason for the withholding of that record.
- 4) Respondent's right to control medical treatment would essentially be limited to just the initial designation of the authorized treating physician; thereafter, respondent may not delay, or deny authorization for any treatment, diagnostic studies, procedures, therapies or medications recommended by an authorized medical care provider.
- 5) Respondent, carriers or third-party administrators may not de-authorize any medical care provider without first securing an order from the court.
- 6) Respondent cannot secure medical records unless sent to petitioner/petitioner's attorney contemporaneously.
- 7) For all practical purposes, this bill would make second opinion IMEs pointless because respondent cannot delay any authorized treating physician recommendations or surgeries.
- 8) Neither petitioner nor respondent counsel would have a right to in-person court hearings.
- 9) If respondent loses a Motion for Medical and Temporary Total Disability Benefits, the respondent must pay 100% of all petitioner's costs, including expert testimony fees, plus a 20% counsel fee.
- 10) There are no percentage or dollar limits on the workers' compensation judge ability to award petitioner's attorney's fees if found "necessary for the proper presentation of the case."
- 11) This bill omits any reference to precluding petitioners' attorneys from contacting the authorized treating physician and not copying respondent.
- 12) Nurse case managers who attend medical examinations in all cases must be approved by petitioner or petitioner's attorney and all their communications must be shared with petitioner and/or petitioner's attorney. That would include all reports to the adjuster on the file.
- 13) These changes, if enacted, will significantly increase the costs of workers' compensation claims by eliminating all respondent's rights in the control of authorized treatment but for the initial designation of the authorized treating physician.

Employers, carriers and third-party administrators should also be aware of Bill A-2617 that passed the Assembly Labor Committee to require employers with more than 50 employees to give employees who reach MMI a hiring preference, if the employee is unable to perform the essential duties of his or her position but can perform the duties of an unfilled position. This bill would become part of the New Jersey Workers' Compensation Act.

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