

2026 PREFACE

Welcome to the 40th annual supplement to the New Jersey Practice Series on Workers' Compensation Law. While the law of workers' compensation has undergone significant changes over the past four decades, the system has kept pace with social, economic, medical, legal, and technological advancements.

The supplement provides an updated and expanded analysis of the comparison between workers' compensation law and tort actions for intentional tort, negligence, gross negligence, and reckless employer conduct. New sections discuss the applicability of the exclusivity doctrine and its impact on intentional wrong civil actions, discrimination claims, insurance policy limitations, medical-mental health services for first responders, and the National Institute for Occupational Safety and Health (NIOSH).

This material covers the current changes in the structure and activity of the Federal government, as well as their impact on access to resource information for claim investigations and medical research, which will influence the availability of evidence, including medical expert testimony.

This supplement reviews the recent case law interpretation of the statutory language of an "essential worker" for the more liberal standard for establishing the element of causal relationship in COVID-19 infection disease claims.

The new case law about the procedural requirements for satisfying an application for judicial recusal and termination is included in this update.

The NJ Supreme Court holding concerning counsel fee sharing by certified workers' compensation lawyers with out-of-state lawyers is contained in this addendum.

The recent US Supreme Court decision in *Loper Bright* is reviewed, along with its holding that eliminates the Chevron Deference and its critical impact on reimbursement under Medicare Secondary Payment and workers' compensation Medicare set-aside agreements.

This annual update includes new case law, statutes, and regulations concerning the compensability of work-related accidents and injuries and workers' compensation disability rate charts. A table explaining the NJ Public employee pension offsets is included.

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