

Table of Contents

Volume 38

CHAPTER 1. INTRODUCTION

- § 1.1 Workers' Compensation system—Purpose
- § 1.2 Workers' Compensation system—Characteristics—Generally
- § 1.3 Workers' Compensation system—Characteristics—Wage loss insurance
- § 1.4 Workers' Compensation system—Benefits—Medical treatment *[Retitled]*
- § 1.5 Workers' Compensation system—Benefits—Rehabilitation *[Retitled]*
- § 1.6 Workers' compensation system—Benefits—Survivors and dependents *[Retitled]*
- § 1.6.50 Workers' Compensation—Taxation—Internal Revenue Code exemption *[New]*
- § 1.6.60 Temporary disability—Taxation—New Jersey state gross income tax *[New]*
- § 1.7 Comparison with tort remedy—No-fault *[Retitled]*
- § 1.7.10 Comparison with tort remedy—Exclusivity doctrine *[New]*
- § 1.7.20 Comparison with tort remedy—Intentional wrong *[New]*
- § 1.7.30 Comparison with tort remedy—Discrimination claims *[New]*
- § 1.7.40 Comparison with tort remedy—Policy coverage *[New]*
- § 1.7.50 Comparison with tort remedy—Derivative immunity *[New]*
- § 1.7.60 Comparison with tort remedy—Fraudulent concealment *[New]*
- § 1.7.70 Comparison with tort remedy—Household contacts *[New]*
- § 1.8 Comparison with tort remedy—Social remedial legislation *[Retitled]*
- § 1.9 Comparison with tort system—No payment for “future wage” loss
- § 1.10 Comparison with tort system—No payment for “pain and suffering”
- § 1.11 Comparison with tort system—Court's supervision of claims
- § 1.12 Comparison with tort system—Quasi-judicial tribunal
- § 1.15 Comparison with the social security system—Generally
- § 1.16 Comparison with the social security system—Workers' compensation is a private obligation
- § 1.20 Trends—Federal position—Generally *[Retitled]*
- § 1.20.05 Trends—Federal position—Privacy *[New]*
- § 1.20.06 Trends—Federal position—Medical cost containment *[New]*
- § 1.20.07 Trends—Federal position—Federal benefit programs *[New]*
- § 1.20.10 Trends—Federal position—Prototype universal occupational healthcare *[New]*

- § 1.21 Trends—The burden of the latent diseases upon the state workers' compensation system
- § 1.23 Comparison with Worker Adjustment and Retraining Notification Act
- § 1.25 Comparison with Smallpox Emergency Protection Act *[New]*
- § 1.26 Comparison with The Countermeasures Injury Compensation Program (CICP) *[New]*

CHAPTER 2. HISTORY AND DEVELOPMENT

- § 2.2 The Act of 1911—Generally
- § 2.3 The Act of 1911—Extensive employee coverage
- § 2.4 The Act of 1911—Extensive incident coverage
- § 2.5 Development of occupational disease coverage
- § 2.6 The 1979 Amendments
- § 2.7 Constitutionality
- § 2.10 Conflict of laws—Successive awards
- § 2.11 Conflict of laws—Choice of law and Jurisdiction
- § 2.11.30 Conflict of laws—Choice of Law and Jurisdiction- Intrateritorial Claims *[New]*
- § 2.11.50 Conflict of laws—Choice of Law and Jurisdiction—Extrateritorial Claims *[New]*
- § 2.12 *[Deleted]*

CHAPTER 3. COVERAGE OF EMPLOYMENTS

- § 3.1 Coverage of employments—In general
- § 3.2 Coverage of employments—Public employees
- § 3.4 Coverage of employments—Partners
- § 3.6 Coverage of employments—Minors—Double indemnity
- § 3.7 Coverage of employments—Volunteers
- § 3.9 Coverage of employments—New Jersey Horse Racing Injury Compensation Board
- § 3.10 Coverage of employments—The work first New Jersey program
- § 3.11 Coverage of employments—Youth Transitions to Work Partnership Act
- § 3.12 Federal remedies—In general
- § 3.13 Federal remedies—Longshore and Harbor Workers' Compensation Act
- § 3.14 Federal remedies—Federal Employers' Liability Act
- § 3.15 Federal remedies—The Jones Act
- § 3.16 Federal remedies—The Federal Coal Mine Health and Safety Act
- § 3.17 Federal remedies—Public Safety Officers' Benefits Act
- § 3.18 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act *[New]*
- § 3.19 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act—Employee's claim form *[New]*

TABLE OF CONTENTS

- § 3.20 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act—Survivor’s claim form *[New]*
- § 3.21 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act—Employment history *[New]*
- § 3.22 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act—Employment history—Affidavit for claim *[New]*
- § 3.23 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act—Pre-payment affidavit *[Deleted]*
- § 3.24 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act—Acceptance of payment *[Deleted]*
- § 3.25 Federal remedies—The Energy Employees Occupational Illness Compensation Program Act—Medical reimbursement *[New]*
- § 3.25.5 Federal remedies—The Defense Base Act *[New]*
- § 3.26 Federal remedies—The WTC tragedy *[New]*
- § 3.27 Federal Remedies—Federal Influenced and Corrupt Organization Acts (RICO)—Generally *[New]*
- § 3.28 Federal Remedies—Federal Influenced and Corrupt Organization Acts (RICO)—Complaint *[New]*

CHAPTER 4. COMPLIANCE WITH REQUIREMENT FOR INSURANCE COVERAGE

- § 4.1 Compulsory coverage
- § 4.3 Self-insured status—Generally
- § 4.4 Self-insured status—Application for exemption
- § 4.5 Self-insured status—Indemnity agreement and corporate resolution *[Retitled]*
- § 4.6 Self-insured status—Certification of resolution of the board of directors *[Deleted]*
- § 4.7 *[Deleted]*
- § 4.8 Self-insured status—Renewals *[Retitled]*
- § 4.8.50 Self-insured status—Renewals—Certificate *[Deleted]*
- § 4.10 Self-insured status—Insolvency fund
- § 4.10.10 Insolvency—Workers’ compensation insurance carriers *[New]*
- § 4.11 Failure to insure
- § 4.12 Reporting of employer identification number
- § 4.12.10 Reporting of contact person for medical and temporary issues *[New]*
- § 4.13 Cancellation of contract *[Retitled]*
- § 4.14 Insurance carrier’s liability
- § 4.15 Fraud Prevention Act—Generally
- § 4.16 *[Deleted]*

CHAPTER 5. UNINSURED EMPLOYERS' FUND

- § 5.1 Uninsured Employers' Fund—Generally
- § 5.2 Uninsured Employers' Fund—Attorney's Verification and Proof of Service
- § 5.3 *[Deleted]*
- § 5.4 Uninsured Employers' Fund—Notice of Motion to Join the Uninsured Employers' Fund
- § 5.5 Uninsured Employers' Fund—Certification to Join the Uninsured Employers' Fund
- § 5.6 Uninsured Employers' Fund—Order to Join the Uninsured Employers' Fund
- § 5.7 Uninsured Employers' Fund—Checklist for Disposition of Claim Against Uninsured employer
- § 5.8 Uninsured Employers' Fund—Letter to treating physician requesting certification
- § 5.9.50 *[Deleted]*
- § 5.10 Uninsured Employers' Fund—Asbestos exposure cases—Generally *[New]*
- § 5.11 Uninsured Employers' Fund—Asbestos disease case—Petitioner's certification in compliance with N.J.A.C. 12:235–7.9(a) *[New]*
- § 5.12 Uninsured Employers' Fund—Asbestos disease case—Motion to join the Uninsured Employers' Fund in asbestos disease case *[New]*
- § 5.13 Uninsured Employers' Fund—Asbestos disease case—Due diligence certification *[New]*
- § 5.14 Uninsured Employers' Fund—Asbestos disease case—Attorney certification in compliance with N.J.A.C. 12:235–7.3 *[New]*
- § 5.15 Uninsured Employers' Fund—Asbestos disease case—Order joining the New Jersey Workers' Compensation Uninsured Employers' Fund in asbestos case *[New]*
- § 5.16 Uninsured Employers' Fund—Asbestos disease case—Submission correspondence *[New]*
- § 5.17 *[Deleted]*

CHAPTER 6. COMPENSATION, RATING AND INSPECTION BUREAU

- § 6.1 Compensation Rating and Inspection Bureau—Generally
- § 6.2 Compensation rating and inspection bureau—Insurance policy provisions
- § 6.3 *[Deleted]*
- § 6.4 *[Deleted]*
- § 6.5 *[Deleted]*
- § 6.6 *[Deleted]*
- § 6.7 *[Deleted]*
- § 6.8 *[Deleted]*
- § 6.9 New Jersey workers compensation insurance plan—Forms *[Retitled]*
- § 6.10 *[Deleted]*

TABLE OF CONTENTS

- § 6.11 *[Deleted]*
- § 6.12 *[Deleted]*
- § 6.13 New Jersey Workers' Compensation Insurance Plan—Policy Coverage *[New]*

CHAPTER 7. EMPLOYMENT STATUS

- § 7.1 In general
- § 7.2 Right to control test
- § 7.3 Nature of the work test
- § 7.6 Statutory employees—Insurer's obligation to employees of uninsured sub-contractors
- § 7.7 Lent employees and dual employment

CHAPTER 8. TRAUMATIC INJURIES

- § 8.2 Particular injuries—Back
- § 8.5 Particular injuries—Assault
- § 8.8 Particular injuries—Fractures
- § 8.9 Particular injuries—Suicide
- § 8.10 Particular injuries—Cerebral hemorrhages
- § 8.14 Particular injuries—Terrorism *[New]*

CHAPTER 9. OCCUPATIONAL EXPOSURES AND DISEASES

- § 9.1 In general
- § 9.2 Orthopedic disability
- § 9.5 Otological disability—In general
- § 9.7 Otological disability—1979 Amendments—Standards of measurement
- § 9.8 Otological disability—1979 Amendments—Calculation of hearing loss
- § 9.10 Psychological disability—In general
- § 9.11 Psychological disability—The Saunderlin standards *[Retitled]*
- § 9.12 Psychological disability—Harassment
- § 9.13 Cardiovascular disability—The Ciuba/Dwyer Doctrine
- § 9.14 Cardiovascular disability—The 1979 Amendments and the Hellwig Decision
- § 9.14.50 Cardiovascular and Cerebrovascular disability—Rebuttable presumption as to causal relationship *[New]*
- § 9.15 Cardiovascular disability—Occupational heart condition
- § 9.16 Pulmonary disability—Generally
- § 9.17 Pulmonary disability—Respiratory protection
- § 9.18 Cancer—Occupational exposure to carcinogens/aggravation and acceleration
- § 9.19 Cancer—The smoking defense
- § 9.20 Asbestos related disease—Generally
- § 9.21 Asbestos related disease—Asbestos bankruptcy
- § 9.22 Asbestos related disease—Liability claims directly against employer
- § 9.23 Latex-related disease *[Retitled]*

- § 9.24 Lead related disease
- § 9.24.50 Infectious disease and pandemics *[New]*
- § 9.26 Apportionment of responsibility—Date of manifestation theory
- § 9.27 Apportionment of responsibility—The Bond Doctrine

CHAPTER 10. ARISING OUT OF EMPLOYMENT OR IN THE COURSE OF EMPLOYMENT

- § 10.1 In general *[New]*
- § 10.2 The going and coming rule—Introduction *[New]*
- § 10.3 The premises rule—On employer's premises *[New]*
- § 10.4 The premises rule—Off the employer's premises *[New]*
- § 10.5 The premises rule—Parking lot injuries *[New]*
- § 10.6 The premises rule—On call employees and first responders *[New]*
- § 10.7 The special mission rule *[New]*
- § 10.8 Paid travel time—Employee's travels *[New]*
- § 10.9 The authorized vehicle rule *[New]*
- § 10.10 Ridesharing *[New]*
- § 10.11 Deviation from employment—In general *[New]*
- § 10.12 Deviation from employment—Lunch *[New]*
- § 10.13 Deviation from employment—Personal comfort doctrine *[New]*
- § 10.14 Deviation from employment—Recreational activities *[New]*
- § 10.15 Deviation from employment—Horseplay *[New]*
- § 10.16 Deviation from employment—Mutual benefit doctrine *[New]*

CHAPTER 11. DEFENSES

- § 11.3 Intoxication or unlawful use of controlled dangerous substances
- § 11.5 Statute of limitations
- § 11.6 Notice and knowledge
- § 11.7 Fraudulent misrepresentation
- § 11.8 Undocumented aliens

CHAPTER 12. BENEFITS

- § 12.1 Temporary disability—Generally
- § 12.1.50 Temporary disability—Corrections officers *[New]*
- § 12.2 Temporary disability—Waiting period
- § 12.3 Temporary disability—Determination of inability to work
- § 12.4 Medical—Generally
- § 12.5 Medical—Medical and surgical treatment
- § 12.8.50 Medical—Mental health services for first responders *[New]*
- § 12.9 Permanent disability—Generally
- § 12.10 Permanent disability—Prior functional credit
- § 12.12 Permanent disability—Permanent total—Odd lot doctrine
- § 12.12.50 Electronic Medical Bills *[New]*
- § 12.13.50 New Jersey Department of Labor and Workforce Development Division of Workers' Compensation—Trial scheduling order *[New]*
- § 12.14 Dependency—Eligibility of spouse

TABLE OF CONTENTS

- § 12.14.50 Dependency—Surviving spouse of police or fire department killed in-the-line of duty *[New]*
- § 12.14.75 Dependency—Dependent of public safety officer—Supplemental benefit *[New]*
- § 12.16 Dependency—Medical expenses and funeral allowance
- § 12.17 Dependency—Bond
- § 12.18 Overpayment of benefits—Generally
- § 12.19 Overpayment of benefits—Request for status of dependent

CHAPTER 13. MEDICAL MANAGED CARE ORGANIZATIONS

- § 13.1 Managed Care Organizations *[Retitled]*
- § 13.2 Managed Care Organizations—Workers' compensation managed care organization application *[Retitled]*
- § 13.3 Managed Care Organizations—Ambulatory site contacts *[Retitled]*
- § 13.4 Managed Care Organizations—General Acute Care Hospitals *[Retitled]*
- § 13.5 Managed Care Organizations—Summary of ancillary, tertiary and specialized providers by county *[Retitled]*
- § 13.6 Managed Care Organizations—Summary of physicians by county *[Retitled]*
- § 13.7 Managed Care Organizations—Annual report *[Retitled]*
- § 13.8 Managed Care Organizations—Annual financial filing *[Retitled]*

CHAPTER 14. SECOND INJURY FUND

- § 14.1 Second injury fund—In general
- § 14.2 Second injury fund—Benefits not vested
- § 14.3 Second injury fund—Vocational rehabilitation assessment
- § 14.4 Filing letter to join the Commissioner of Labor and Workforce Development as a party respondent *[Retitled]*
- § 14.4.50 Stop-work orders *[New]*
- § 14.5 Second injury fund—Verified petition for second injury fund benefits
- § 14.6 Second injury fund—Order to join the Commissioner of Labor *[Deleted]*
- § 14.7 Second injury fund—Decision of eligibility for second injury fund benefits
- § 14.8 Permanent disability—Permanent total—Second injury fund—Decision of eligibility for second injury fund benefits—Social security offset calculation
- § 14.9 Second injury fund—Decision of eligibility for second injury fund benefits—Order for benefits
- § 14.10 Second injury fund—Annual recertification
- § 14.11 Second injury fund—Decision of dismissal of second injury fund benefits *[Retitled]*
- § 14.12 Second injury fund—Second injury fund information review *[New]*

CHAPTER 15. CATASTROPHIC INJURIES

- § 15.1 Generally

- § 15.2 Checklist of catastrophic work-related injury issues
- § 15.4 Motion for life care plan-letter of transmittal
- § 15.5 Motion for life care plan-notice of motion
- § 15.6 Motion for life care plan—Certification of mailing for life care plan motion
- § 15.7 Motion for life care plan—Order for life care plan
- § 15.8 Motion for life care plan—Certification in support of life care motion
- § 15.9 Motion for life care plan—Certification in support of life care motion—Appendix of supplies and services required
- § 15.10 Life care plan
- § 15.12 Order for purchase of a home, home improvement and transportation allowance

CHAPTER 16. CALCULATION OF RATE

- § 16.1 Wage determination
- § 16.2 Temporary rate
- § 16.3 Permanent partial rate
- § 16.4 Permanent total rate and special adjustment benefit
- § 16.5 Permanent total rate and special adjustment benefit—Report of monetary award and petitioner's questionnaire
- § 16.6 Permanent total rate and special adjustment benefit—Annual petitioner questionnaire
- § 16.7 Permanent total rate and special adjustment benefit—Verified annual report from beneficiary and certification from interviewer
- § 16.8 Permanent total rate and special adjustment benefit—Reduction or suspension of benefit payments
- § 16.9 Permanent total rate and special adjustment benefit—Notification of benefit adjustment
- § 16.10 Permanent total rate and special adjustment benefit—Adjustment due to social security award
- § 16.11 Permanent total rate and special adjustment benefit—Petitioner data change
- § 16.12 Dependency rates
- § 16.13 Dependency rates—COVID-19 essential workers

Volume 39

CHAPTER 17. LIENS

- § 17.1 Temporary disability liens—Generally
- § 17.2 Temporary disability liens—Private plan benefits
- § 17.3 Temporary disability liens—Proof and claim for disability benefits—State plan
- § 17.4 Temporary disability liens—Notice to claimant of receipt of claim—State plan
- § 17.5 Temporary disability liens—Notice of required pursuit of workers' compensation claim—State plan
- § 17.6 Temporary disability liens—Notice of eligible determinations—State plan
- § 17.7 *[Deleted]*

TABLE OF CONTENTS

- § 17.8 *[Deleted]*
- § 17.9 Temporary disability liens—Notice of final lien
- § 17.10 Temporary disability liens—Certification of contested workers' compensation claim
- § 17.10.10 Temporary disability liens—Certification of contested workers' compensation claim—Private plan *[New]*
- § 17.10.50 Temporary disability liens—Non-duplication of benefits *[New]*
- § 17.11 *[Deleted]*
- § 17.12 Veterans administration and other medical liens—Statement of charges for medical care *[Deleted]*
- § 17.13 Third party action liens—Generally
- § 17.19 Workers' compensation lien on uninsured motorist coverage
- § 17.20 Matrimonial liens on workers' compensation actions
- § 17.20.10 Matrimonial liens on workers' compensation actions—Child Support Lien worksheet *[New]*
- § 17.21 Personal injury protection liens on workers' compensation actions
- § 17.22 Collateral medical reimbursement—Generally *[New]*
- § 17.22.50 Collateral medical reimbursement—Collection and credit reporting *[New]*
- § 17.23 Collateral medical reimbursement—Veterans Administration *[New]*
- § 17.23.50 Medicaid liens *[New]*
- § 17.24 Collateral medical reimbursement—General health care providers—Generally *[New]*
- § 17.25 Collateral medical reimbursement—General health care providers—Notice of motion *[New]*
- § 17.26 Collateral medical reimbursement—General health care providers—Attorney certification *[New]*
- § 17.27 Collateral medical reimbursement—General health care providers—Certification of mailing *[New]*
- § 17.28 Collateral medical reimbursement—General health care providers—Order joining group health carrier *[New]*

CHAPTER 18. OFFSETS

- § 18.1 Social Security disability reverse offset—Generally *[Retitled]*
- § 18.2 Social Security disability reverse offset—Request for average current earnings information *[Retitled]*
- § 18.3 Social Security disability reverse offset—Computation Sheet for Social Security Offset *[Retitled]*
- § 18.4 Social Security disability reverse offset—Benefit Information request *[Retitled]*
- § 18.4.10 Social Security disability reverse offset—Consent for release of information *[New]*
- § 18.5 Pension offset
- § 18.6 Pension offset—New Jersey public employees' retirement system
- § 18.7 Longshore and Harbor Workers' Compensation Act offset
- § 18.8 Medicare services—Medicare Secondary Payer Act—Generally *[Retitled]*

- § 18.9 Medicare services—Conditional payments *[New]*
- § 18.9.10 Medicare services—Conditional payments—Proof of representation *[New]*
- § 18.9.20 Medicare services—Conditional payments—Rights and responsibilities letter *[New]*
- § 18.9.30 Medicare services—Conditional payments—Consent to release *[New]*
- § 18.9.40 *[Deleted]*
- § 18.9.50 *[Deleted]*
- § 18.9.60 *[Deleted]*
- § 18.9.70 Medicare services—Conditional payments—Waiver Of Overpayment Recovery Or Change in Repayment Rate *[New]*
- § 18.10 Medicare services offsets—Medicare Secondary Payer Act—Medicare Set-Aside arrangements *[New]*
- § 18.11 Medicare services—Medicare Secondary Payer Act—Notification *[New]*
- § 18.12 Medicare services offsets—Medicare Secondary Payer Act—Medicare set-aside account *[New]*
- § 18.13 *[Deleted]*
- § 18.13.50 Medicare services—Medicare Secondary Payer Act—Medicare set-aside account—Electronic submission portal *[New]*
- § 18.14 *[Deleted]*
- § 18.15 *[Deleted]*
- § 18.15.50 Medicare services offset—Medicare Secondary Payer Act—Medicare set-aside arrangements—Procedures (WCMSA) *[Retitled]*
- § 18.16 *[Deleted]*
- § 18.17 Medicare Services—Commercial Repayment Center—Appeals *[New]*
- Appendix 18-A *[Deleted]*

CHAPTER 19. CLAIM INVESTIGATION

- § 19.2 Wrongful discharge checklist *[Retitled]*
- § 19.3 Interview questionnaire (occupational disease information form)
- § 19.4 Request for name of carrier—Compensation, rating and inspection bureau
- § 19.5 Request for name of carrier—Compensation, rating and inspection bureau—Notification to the division of workers' compensation of the correct name of the insurance carrier
- § 19.6 Request for federal income tax statements
- § 19.7 Temporary disability information—Request for copy of employee, employer and medical certifications
- § 19.7.10 Temporary disability information—Certification of Contested Workers' Compensation Claim *[New]*
- § 19.7.20 Temporary disability information—Certification of Contested Workers' Compensation Claim—Private plan *[New]*

TABLE OF CONTENTS

§ 19.8	Temporary disability information—Authorization for release of information
§ 19.9	Request for prior records from the Division of Workers' Compensation
§ 19.10	<i>[Deleted]</i>
§ 19.11	Request for social security administration information—Detailed earnings information
§ 19.12	Occupational safety and health administration—Request
§ 19.12.10	Occupational Safety and Health Administration—Complaint <i>[New]</i>
§ 19.13	Occupational safety and health administration—Access to employee exposure and medical records
§ 19.13.50	Occupational Safety and Health Administration—New Jersey public employee only state plan <i>[New]</i>
§ 19.15	Worker and Community Right to Know Law—Generally
§ 19.16	Worker and Community Right to Know Law—Community right to know survey
§ 19.17	Worker and Community Right to Know Law—New Jersey environmental hazardous substance list/hazardous materials table
§ 19.18	Worker and community right to know law—Consolidated list of emergency release notification requirements <i>[Retitled]</i>
§ 19.19	Worker and Community Right to Know Law—County lead agencies
§ 19.20	Worker and Community Right to Know Law—Request for information form
§ 19.21	Worker and Community Right to Know Law—Employer groups and activities subject to hazardous substances inventory reporting <i>[Deleted]</i>
§ 19.22	Police report request
§ 19.23	National toxicology program
§ 19.24	ASTRA—Agency for Toxic Substances and Disease Registry <i>[Retitled]</i>
§ 19.25	The National Institute for Occupational Safety and Health (NIOSH) <i>[Retitled]</i>
§ 19.26	Motor vehicle services—Request for information
§ 19.27	New Jersey state department of health records

CHAPTER 20. MEDICAL INVESTIGATION

§ 20.1	Medical records—Generally
§ 20.2	Medical records—Request for hospital records
§ 20.3	Medical records—Letter to secure medical report from treating physician
§ 20.4	Medical records—Letter to secure treating physician's report in fatal claim
§ 20.5	Medical records—Patient's right to obtain copies of physician's records
§ 20.6	Medical records—Medical authorization of petitioner—Authorization for the release of medical records
§ 20.7	Medical records—Medical authorization of petitioner—Authorization for release of psychotherapy notes <i>[Retitled]</i>
§ 20.7.10	Medical records—Medical authorization of petitioner—

- Authorization for the release of protected health information *[Deleted]*
- § 20.7.20 Medical records—Medical authorization of petitioner—Health Information Privacy Complaint *[New]*
- § 20.9 Medical records—Radiology requests
- § 20.10 Medical records—Requests for veterans administration records
- § 20.11 Medical records—Request for military records
- § 20.12 Medical records—Request for military records—Court order requirements *[Deleted]*
- § 20.13 Requests for medical examinations—Generally

CHAPTER 21. INITIAL PLEADINGS

- § 21.1 Employee's claim petition—Traumatic event
- § 21.2 Employee's claim petition—Occupational exposure
- § 21.3 Employee's claim petition—Supplemental page
- § 21.4 Employee's claim petition—Amended claim petition
- § 21.5 Dependency claim petition
- § 21.5.10 Dependency Claim Petition Supplemental Page *[New]*
- § 21.5.30 Dependency claim petition—To convert voluntary tender to formal judgment *[New]*
- § 21.5.70 Dependency Claim Petition—Order to convert dependency voluntary tender to judgment *[New]*
- § 21.6 Employer's first report of accident
- § 21.7 Employer's report to the division of workers' compensation *[Deleted]*
- § 21.8 Insurer's initial notice of accident *[Deleted]*
- § 21.9 Employer's final report of accident *[Deleted]*
- § 21.9.50 Claims administrators benefit status letter *[New]*
- § 21.10 Employer's report of death *[Deleted]*
- § 21.11 Answer of respondent to employee's claim petition
- § 21.12 Answer of respondent to dependency claim petition
- § 21.12.50 Medical provider—Medical provider application for payment or reimbursement of medical payment *[New]*
- § 21.12.60 Medical provider—Respondent's answer to an application for payment or reimbursement of medical provider *[New]*
- § 21.13 Third party joinder by respondent—Notice of motion
- § 21.14 Third party joinder by respondent—Affidavit
- § 21.15 Third party joinder by respondent—Order
- § 21.16 Personal service *[Deleted]*
- § 21.17 Bankruptcy—Request for information *[Deleted]*
- § 21.18 Substitution of attorney

CHAPTER 22. DISCOVERY

- § 22.1 Discovery—Generally
- § 22.2 Discovery—Demand for medical information—Introduction
- § 22.3 Discovery—Demand for medical information—Demand
- § 22.4 Discovery—Demand for medical information—Motion
- § 22.5 Discovery—Demand for medical information—Order

TABLE OF CONTENTS

§ 22.6	Discovery—Demand for medical information—Certification of service
§ 22.7	Discovery—Interrogatories—Generally
§ 22.8	Discovery—Interrogatories—Directed to the respondent—Standard occupational disease interrogatories
§ 22.9	Discovery—Interrogatories—Directed to the respondent—Dependency occupational disease interrogatories
§ 22.10	Discovery—Interrogatories—Directed to the respondent—Supplemental cardiovascular disease interrogatories
§ 22.11	Discovery—Interrogatories—Directed to the respondent—Supplemental pulmonary disease interrogatories
§ 22.12	Discovery—Interrogatories—Directed to the respondent—Supplemental repetitive motion trauma interrogatories
§ 22.13	Discovery—Interrogatories—Directed to the respondent—Supplemental hostile work environment interrogatories
§ 22.14	Discovery—Interrogatories—Directed to the respondent—Motion to compel respondent to answer
§ 22.15	Discovery—Interrogatories—Directed to the respondent—Order directing respondent to answer
§ 22.15.10	Discovery—Interrogatories—Directed to the respondent—Employer's Affidavit of No Records <i>[New]</i>
§ 22.16	Discovery—Interrogatories—Directed to the petitioner—Standard occupational disease interrogatories
§ 22.17	Discovery—Interrogatories—Directed to the petitioner—Dependency occupational disease interrogatories
§ 22.18	Discovery—Interrogatories—Directed to the petitioner—Application to review or modify prior award
§ 22.19	Discovery—Interrogatories—Directed to the petitioner—Motion to compel petitioner to answer
§ 22.20	Discovery—Interrogatories—Directed to the petitioner—Order directing petitioner to answer
§ 22.21	Discovery—Depositions—Generally
§ 22.22	Discovery—Depositions—De bene esse—Motion
§ 22.23	Discovery—Depositions—De bene esse—Affidavit of attorney in support of motion
§ 22.24	Discovery—Depositions—De bene esse—Physician's certification
§ 22.25	Discovery—Depositions—De bene esse—Order to take deposition
§ 22.26	Discovery—Depositions—Videotaped deposition and Video Conferencing <i>[Retitled]</i>
§ 22.27	Discovery—Depositions—Liability deposition
§ 22.28	Discovery—Depositions—Liability deposition—Notice of motion
§ 22.29	Discovery—Depositions—Liability deposition—Certification
§ 22.30	Discovery—Depositions—Liability deposition—Certification of service
§ 22.31	Discovery—Depositions—Liability deposition—Order for depositions
§ 22.32	Discovery—Depositions—Extra-territorial deposition
§ 22.33	Discovery—Electronic discovery—Generally <i>[New]</i>

CHAPTER 23. MOTIONS

§ 23.1	Motion for temporary and medical benefits—Generally
--------	---

- § 23.2 Motion for temporary and medical benefits—Notice of motion
- § 23.3 Motion for temporary and medical benefits—Affidavit
- § 23.3.10 Motion for temporary and medical benefits—Certification
[New]
- § 23.4 Motion for temporary and medical benefits—Order
- § 23.4.10 Motion of temporary and medical benefits—Order closing
motion for medical and temporary benefits [Deleted]
- § 23.5 Motion for temporary and medical benefits—Respondent's
answering statement to motion
- § 23.5.10 Motion for emergent medical care—Generally [New]
- § 23.5.20 Motion for emergent medical care—Checklist [New]
- § 23.5.30 Motion for emergent medical care—Form [New]
- § 23.5.40 Motion for emergent medical care—Physician's certification
of need for emergent medical care: Form [New]
- § 23.5.50 Motion for emergent medical care—Notice to employer and
insurance carrier [New]
- § 23.5.60 Motion for emergent medical care—Order [New]
- § 23.6 Motion to suppress defenses for failure to engage in
discovery—Generally
- § 23.7 Motion to suppress defenses for failure to engage in
discovery—Notice of motion
- § 23.8 Motion to suppress defenses for failure to engage in
discovery—Affidavit of attorney
- § 23.9 Motion to suppress defenses for failure to engage in
discovery—Certification of service
- § 23.10 Motion to suppress defenses for failure to engage in
discovery—Order to suppress defenses
- § 23.11 Motion to dismiss claim for failure to prosecute—Generally
- § 23.12 Motion to dismiss claim for failure to prosecute—Notice of
motion
- § 23.13 Motion to dismiss claim for failure to prosecute—Affidavit of
attorney
- § 23.14 Motion to dismiss claim for failure to prosecute—
Certification of service
- § 23.15 Motion to dismiss claim for failure to prosecute—Order to
dismiss
- § 23.16 Motion to suppress respondent's defenses and proceed to
proof for failure to answer—Generally
- § 23.17 Motion to suppress respondent's defenses and proceed to
proof for failure to answer—Notice of motion
- § 23.18 Motion to suppress respondent's defenses and proceed to
proof for failure to answer—Affidavit of attorney for
petitioner
- § 23.19 Motion to suppress respondent's defenses and proceed to
proof for failure to answer—Certification of service
- § 23.20 Motion to suppress respondent's defenses and proceed to
proof for failure to answer—Order to suppress defenses
and proceed to proof
- § 23.21 Motion to preclude respondent's medical expert testimony
for failure to schedule evaluations—Generally
- § 23.22 Motion to preclude respondent's medical expert testimony
for failure to schedule evaluations—Notice of motion

TABLE OF CONTENTS

- § 23.23 Motion to preclude respondent's medical expert testimony
for failure to schedule evaluations—Affidavit
- § 23.24 Motion to preclude respondent's medical expert testimony
for failure to schedule evaluations—Certification of service
- § 23.25 Motion to preclude respondent's medical expert testimony
for failure to schedule evaluations—Order

CHAPTER 24. INFORMAL HEARINGS

- § 24.1 Informal process—Generally *[Retitled]*
- § 24.2 Informal hearings—Application for an informal hearing
- § 24.3 Informal hearings—Scheduling
- § 24.4 Informal hearings—Scheduling—Divisions' notice to petitioner
- § 24.5 Informal hearings—Representation
- § 24.6 *[Deleted]*
- § 24.7 Attorneys' fees
- § 24.8 Procedure at hearing
- § 24.9 *[Deleted]*
- § 24.10 Fees for physician's services
- § 24.11 Failure to achieve settlement

CHAPTER 25. FORMAL HEARINGS

- § 25.1 Pre-trial conference—Generally
- § 25.2 Pre-trial conference—Scheduling
- § 25.3 *[Deleted]*
- § 25.4 Pre-trial conference—Disposition
- § 25.5 Pre-trial conference—Pre-trial memorandum
- § 25.5.50 Pre-trial conference—Surveillance *[New]*
- § 25.6 Formal hearing procedure—Generally
- § 25.7 Formal hearing procedure—Claim petition service notice
- § 25.8 *[Deleted]*
- § 25.9 Venue—Generally
- § 25.10 Venue—Motion to transfer venue
- § 25.11 Venue—Attorney's affidavit in support of motion to transfer
venue
- § 25.12 Venue—Consent order to transfer venue
- § 25.13 Stenographic transcript
- § 25.13.50 Trial scheduling order *[New]*
- § 25.14 Order of trial—Checklist
- § 25.15 Formal hearing procedure—Opening and closing
statements
- § 25.16 Trial preparation—Checklist
- § 25.18 Notice to petitioner to be "on call"
- § 25.20 Notice to physician to be "on call"
- § 25.21 Interlocutory appeals
- § 25.22 Case Organization Utilization Reporting Tracking System
(COURTS)
- § 25.22.10 *[Deleted]*
- § 25.22.20 *[Deleted]*
- § 25.22.30 *[Deleted]*
- § 25.22.40 Case organization utilization reporting tracking system
(COURTS)—E-filing of motions—General motion *[New]*

- § 25.22.50 Case organization utilization reporting tracking system (COURTS)—E-filing of motions—Notice of motion to dismiss *[New]*
- § 25.23 Case organization utilization reporting tracking system (COURTS)—Assignment of frequent filer code *[Deleted]*
- § 25.24 Public access to workers' compensation courts—Still and television cameras and audio coverage of proceedings *[New]*
- § 25.25 Electronic Calendar Notices *[New]*

CHAPTER 26. EVIDENCE

- § 26.1 Formal hearing evidence—Generally
- § 26.2 Medical experts—Introduction
- § 26.3 Medical experts—Examinations
- § 26.4 Medical experts—Admissibility of expert evidence
- § 26.5 Medical experts—Availability
- § 26.6 Medical experts—Hypothetical questions
- § 26.6.50 Formal hearing procedure—Adjournment/Ready Hold request *[New]*
- § 26.7 Exhibits
- § 26.8 Case exhibit listing
- § 26.9 Depositions
- § 26.10 Subpoena—Generally
- § 26.11 Subpoena duces tecum—Custodian of hospital records
- § 26.12 Subpoena duces tecum—Insurance company records
- § 26.13 Subpoena duces tecum—Treating physician records
- § 26.14 Subpoena duces tecum—Employer's health, personnel, and safety records
- § 26.15 Formal hearing evidence—Right to cross examination
- § 26.16 Burden of proof
- § 26.17 Burden of proof-Rebuttable presumption *[New]*
- § 26.18 Burden of Proof-Intervening Cause *[New]*

CHAPTER 27. MINORS

- § 27.2 Minors—Child labor referral for wage and hour compliance
- § 27.3 Election of remedies

CHAPTER 28. JUDICIAL PERFORMANCE

- § 28.1 Commission on judicial performance *[Retitled]*
- § 28.2 Judges of Compensation—Generally
- § 28.3 Judges of Compensation—Supervising Judges of Compensation
- § 28.4 Judges of Compensation—Judicial evaluation *[Deleted]*
- § 28.5 Judges of Compensation—Powers of appointment *[New]*

CHAPTER 29. JUDGMENTS

- § 29.1 Judgments—Generally
- § 29.2 Standard form of judgment *[Retitled]*
- § 29.3 Affidavit for disposition pursuant to judgment
- § 29.4 Long form *[Deleted]*
- § 29.5 Order approving settlement

TABLE OF CONTENTS

§ 29.6	Order approving settlement—Petitioner’s affidavit of consent
§ 29.7	Dependency claim
§ 29.8	Total and permanent disability <i>[Deleted]</i>
§ 29.9	Total and permanent disability notification by the petitioner’s attorney—No Social Security offset <i>[Deleted]</i>
§ 29.10	Total and permanent disability with Social Security setoff <i>[Deleted]</i>
§ 29.11	Total and permanent disability—Notification by the petitioner’s attorney—Social Security offset <i>[Deleted]</i>
§ 29.12	Total and permanent disability and second injury fund <i>[Deleted]</i>
§ 29.13	Total and permanent disability and second injury fund—Notification by the petitioner’s attorney—No Social Security offset <i>[Deleted]</i>
§ 29.14	Total and permanent disability and second injury fund with Social Security setoff <i>[Deleted]</i>
§ 29.15	Total and permanent disability and second injury fund—Notification by the petitioner’s attorney—Social Security offset <i>[Deleted]</i>
§ 29.16	Total and permanent disability and second injury fund with Social Security offset—Computation of judgment <i>[Deleted]</i>
§ 29.17	Discontinuance
§ 29.18	Discontinuance—Departmental discontinuance <i>[Deleted]</i>
§ 29.19	Dismissal—For lack of prosecution or for failure to sustain the burden of proof
§ 29.20	Settlement with dismissal—Generally
§ 29.21	Settlement with dismissal—Section 20—Order
§ 29.22	Settlement with dismissal—Petitioner’s affidavit of consent
§ 29.22.10	Settlement with dismissal—Affidavit of dependent or dependent(s) representative in support of settlement <i>[New]</i>
§ 29.23	Settlement with dismissal—Section 20—Social Security rider
§ 29.24	Division of vocational rehabilitation referral <i>[Deleted]</i>
§ 29.25	Reserved decisions
§ 29.26	Assessment of penalty against uninsured respondent
§ 29.26.50	Order: Generic <i>[New]</i>
§ 29.27	Amended order
§ 29.28	Judgment form—Total disability with second injury fund contribution <i>[New]</i>
§ 29.29	Judgment form—Total disability against respondent <i>[New]</i>
§ 29.30	Judgment form—Total disability against respondent with Social Security offset <i>[New]</i>
§ 29.31	Judgment form—Addendum to order for total disability award <i>[New]</i>
§ 29.32	Judgment form—Offsets—Addendum to order for total disability <i>[New]</i>
§ 29.33	<i>[Deleted]</i>

- § 29.34 Judgment Form—Thomas P. Canzanella Twenty-First
Century First Responders Protection Act Addendum
[New]

CHAPTER 30. FEES

- § 30.1 Counsel Fees *[Retitled]*
§ 30.2 Counsel fees—Offers and tender
§ 30.3 Counsel fees—Affidavit of services rendered with notice of
motion for fees
§ 30.4 Medical expert fees
§ 30.5 Stenographic fees/transcripts
§ 30.6 Interpreter fees

CHAPTER 31. POST-JUDGMENT RELIEF

- § 31.1 Appeals—Generally
§ 31.2 Appeals—Notice of appeal to Appellate Division *[Deleted]*
§ 31.3 Appeals—Appellate Division case information
statement—Civil *[Deleted]*
§ 31.4 Appeals—Court transcript request form *[Deleted]*
§ 31.6 Docketing judgment—Statement for docketing—Uninsured
respondent
§ 31.7 Docketing judgment—Checklist for docketing a judgment
§ 31.8 Docketing judgment—Transcript of judgment
§ 31.10 Application for review or modification of formal award—
Employee's application
§ 31.11 Application for review or modification of formal award—
Respondent's answer to application
§ 31.12 Commutation—Generally
§ 31.13 Commutation—Checklist for application for commutation
§ 31.14 Commutation—Application for commutation
§ 31.15 Interest

CHAPTER 32. DISCRIMINATION

- § 32.1 Discrimination—Generally
§ 32.2 Discrimination—Checklist for discrimination complaint
§ 32.3 Discrimination complaint
§ 32.4 Appeal from the determination

CHAPTER 33. AMERICANS WITH DISABILITIES ACT

- § 33.1 Definition of disability
§ 33.4 Complaint
§ 33.5 Affidavit
§ 33.6 Grievance procedure
§ 33.7 Equal employment opportunity commission guidance—Workers'
Compensation and the Americans with Disabilities Act

TABLE OF CONTENTS

CHAPTER 34. ATTORNEY RESPONSIBILITIES AND ETHICAL CONSIDERATIONS
[Retitled]

- § 34.1 In general *[Retitled]*
- § 34.2 Scope of representation *[Retitled]*
- § 34.3 Disclaimer as to other claims *[Retitled]*
- § 34.4 Declining or terminating representation *[Retitled]*
- § 34.4.50 Closing Letter *[New]*
- § 34.5 Conflicts of interest *[Retitled]*
- § 34.6 Communications *[Retitled]*
- § 34.7 Representation of minor or incompetent individual *[New]*
- § 34.8 Responsibilities in negotiating settlements *[New]*
- § 34.9 Confidentiality of private information in the course of litigation *[New]*
- § 34.10 Board of attorney certification *[New]*
- § 34.11 Cybersecurity *[New]*

Volume 39A

Appendices

- Appendix A. New Jersey Workers' Compensation Act (N.J.S.A. 34:15-1 et seq.)
- Appendix B. Rules of the New Jersey Division of Workers' Compensation (N.J.A.C. 12:235-1 et seq.)
- Appendix D. Permanent Compensation Rates
- Appendix E. Administrative Directives and Memoranda
- Appendix F. Table of Life Expectancy

Table of Laws and Rules

Table of Cases

Index