

Appellate Division Holds That Medical Providers In Workers' Compensation Cases Have Six Years To Sue For Their Bills

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In *The Plastic Surgery Center v. Malouf Chevrolet-Cadillac* (A-5597-16T1), a consolidated appeal, several medical providers filed claims in workers' compensation court for payment of their services given to injured employees. The claims were filed in workers' compensation court and not Superior Court because, pursuant to N.J.S.A. 34:15-15, workers' compensation court has exclusive jurisdiction over any alleged outstanding medical bills stemming from a workplace injury. The claims were filed more than two years after the workplace accidents occurred.

The defendant employers argued that the medical provider claims should be dismissed because they were not brought within the two-year statute of limitations contained in the Workers' Compensation Act, N.J.S.A. 34:51-51. The plaintiff medical providers argued that the six year statute of limitations for lawsuits on contracts, N.J.S.A. 2A:14-1, applied. The workers' compensation judge agreed with the employers and dismissed the medical provider claims for being filed beyond the two year time period.

The Appellate Division reversed by concluding that the six-year time period applied. The court noted that it was possible that an employee with substantial injuries might receive medical treatment beyond two years of the accident date. In that situation the court stated, "are we really to assume the Legislature intended to create a situation where a medical provider's rights to pursue a legitimate claim might actually be extinguished before it even accrued?"

This decision is important to workers' compensation petitioner attorneys. There are times when I first learn about a medical bill from my clients after their case is settled. If a client moves a few times he or she may never be aware of an outstanding medical bill. The six-year statute protects the injured employee and the medical providers.