Workers' Compensation Update: Medical Providers Have Six Years to Sue for Their Bills in Work-Related Claims

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NJ Supreme Court Affirms Appellate Division Decision and Protects Injured Employee and Medical Providers

As discussed in my prior blog on the matter of The Plastic Surgery Center v. Malouf Chevrolet-Cadillac, 457 N.J. Super. 565 (App. Div. 2019), the Appellate Division held that a six-year statute of limitations, rather than a two-year statute, applied to medical provider claims filed in workers' compensation court for payment of their services given to injured employees. In a per curiam opinion on February 3, 2020, the New Jersey Supreme Court affirmed the Appellate Division's decision, noting that even though the Legislature did not expressly address the statute of limitations in the 2012 amendment to N.J.S.A. 34:15-15, the Legislature is free to do so in the future. This is an important decision, in that the six-year statute protects the injured employee and the medical providers.

Factually, the defendant employers had 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 Judge in the Division of Workers' Compensation ruled that the claims were out of time, but the Appellate Division reversed in favor of the medical providers. The Appellate Division reasoned that while N.J.S.A. 34:15-15 states that workers' compensation court has exclusive jurisdiction over any alleged outstanding medical bills stemming from a workplace injury, the six- year time period applied.

The affirmation of the Appellate Division's decision by the New Jersey Supreme Court is a positive outcome for injured employees and medical providers. Medical bills are contractual, and as such should be subject to a six-year statute of limitations. The timeframe affords more protection to an injured

worker. For example, an injured worker may receive treatment from a medical provider after two years from the accident date; also, if an injured worker moves a few times, he or she may never be aware of an outstanding medical bill.