

ABOUT THE AUTHOR

John H. Geaney, Esq. conducts a statewide practice involving workers' compensation, the Americans with Disabilities Act and the Family and Medical Leave Act. Mr. Geaney has practiced in workers' compensation since joining the law firm of Capehart Scatchard in 1982. He currently serves as Co-Chair of the firm's Workers' Compensation Group and served on the firm's Executive Committee from 2002 to 2020. He is past Chair of the Burlington County Bar Association's Workers' Compensation Section, a member of the New Jersey Self-Insurers Association and a Fellow of the College of Workers' Compensation Lawyers of the American Bar Association. He is also active in the National Workers' Compensation Defense Network, and he is a founding Board Member of New Jersey PRIMA.

Mr. Geaney has written for various publications concerning workers' compensation and regularly makes presentations on workers' compensation, ADA and FMLA issues throughout the State. He is certified by the Supreme Court of New Jersey as a workers' compensation attorney. He is a graduate of Holy Cross College, *summa cum laude*, 1979, and a graduate of Boston College Law School, 1982. From 2005 to 2017, Mr. Geaney has been named a "Super Lawyer" in the area of Workers' Compensation as voted by his peers and facilitated by Law & Politics and *New Jersey Monthly*.¹

Mr. Geaney publishes a weekly blog titled *New Jersey Workers' Comp Blog* (<https://njworkerscompblog.com/>) which is distributed to thousands of readers throughout the country. He is also a Board member of Friends of MEND, an organization devoted to promoting affordable housing in Burlington County, and a Board member of Kids' Chance of New Jersey.

A native of Wayne, New Jersey, Mr. Geaney and his wife Michelle reside in Lower Makefield Township, Pennsylvania. They have three children. He may be reached at Capehart Scatchard at 856.914.2063, by fax at 856.439.3168 or by e-mail at jgeaney@capehart.com. His mailing address is: 8000 Midlantic Drive, Suite 300 S., Mt. Laurel, NJ 08054.

¹ The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology may be viewed by visiting https://www.superlawyers.com/about/selection_process.html.

2021 EDITION HIGHLIGHTS

The 2021 Manual is a compilation of prior editions with particular emphasis on cases decided in 2018-2020 as well as the addition of three new chapters and 50 new pages of text.

Some of the 2021 Edition highlights are as follows:

- ◆ New Chapter on The Thomas P. Canzanella Law passed in 2019 dealing with the rights of first responders to file for occupational disease claims
- ◆ New Chapter on L. 2020, c.84 regarding COVID-19 claims
- ◆ New Chapter on the Hand and Foot bill passed in 2020
- ◆ Expanded analysis on liens and major/minor deviations

Some of the 50 new cases that are analyzed in the 2019 Manual include:

- Caraballo v. City of Jersey City (reasonable accommodation and workers' compensation)
- Martin v. Newark Board of Education (functional improvement is lodestar for ongoing pain management)
- Calero v. Target Corp. (Judge of Compensation can reopen terms of consent settlement to reconstruct wages)
- Manuel v. RWJ Barnabas Health (walk to hospital parking lot not covered)
- Marconi v. United Airlines (jurisdiction on the basis of localization of employer)
- New Jersey Transit Corp. v. Sanchez (employer has rights to pursue third party for economic losses where petitioner did not receive PIP benefits)
- Wild v. Carriage Funeral Homes (reasonable accommodation for use of medical marijuana off site)
- Kocanowski v. Twp. of Bridgewater (statutory volunteers need not prove actual wage loss for temp)
- Liberty Mutual Ins. v. Rodriguez (correct method to calculate lien reimbursement in high third party settlements)
- Malone v. Pennsauken Bd. of Educ. (Judge of Compensation has right to enter judgment for reimbursement against a party)
- McGory v. SLS Landscaping (Dismissal of motion for med and temp violated due process rights of petitioner)
- Hager v. M&K Construction (Carrier ordered to reimburse petitioner for costs of medical marijuana – certification granted)
- Anesthesia Associates v. Weinstein Supply (jurisdiction issues in MCP cases)

ACKNOWLEDGEMENTS

Over the course of writing eight editions of this manual, I have received assistance from many people in certain chapters or in proofreading. I wish to thank the following people for their generous help in helping me with aspects of this manual:

Carla P. Aldarelli, Esq.
Kimberly L. Alford Rice
Peter Belsito, Esq.
Shawn Deane, Esq.
Ann DeBellis, Esq.
Stephen T. Fannon, Esq.
Melissa Floyd, Esq.
Marie A. Gigliotti
Robert J. Hagerty, Esq.
Anne M. Hammill-Pasqua, Esq.
Beth A. Hopkins
Nancy J. Johnson, Esq.
Yasmeen S. Khaleel, Esq.
Robert T. Lewis, Esq.
Herbert McCarter, Esq.
James G. Pietras, Esq.
Armando V. Riccio, Esq.
Claire Y. Ringel, Esq.
Kathie D. Urwiler
Francine C. Viden
Thomas J. Walls, Jr., Esq.
Carol Wright
Richard E. Hickey, Administrative Supervising Judge of Compensation (ret)
Ray. A. Farrington, Supervising Judge of Compensation (ret)

Special thanks to **Beth Hopkins** of our marketing department for her immense patience and skill in laying out the manual and polishing each version; **Francine Viden**, our Firm's talented information specialist, who keeps me informed on all recent decisions and has done all the cite checking for each version of the manual. Their dedication has been a key to the production of this Manual. **Florence Schiavo, Beth Hopkins, and Carol Wright**, who all assisted in designing this manual; **Herbert McCarter and Steven Gaechter**, for their chapter on Social Security Disability and Workers' Compensation; **Robert T. Lewis, Peter Belsito and Nancy Johnson**, for the chapter on the Medicare Secondary Payer Statute; **Carla Aldarelli and Claire Ringel**, who contributed towards various chapters; **Anne Hammill-Pasqua**, who contributed the chapter on the Longshore Harbor Workers' Act, **Richard E. Hickey**, Administrative Supervising Judge of Compensation (retired), and **Ray A. Farrington**, Supervising Judge of Compensation (retired).

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIESx

INDEX TO APPENDIX liv

CHAPTER ONE

AN OVERVIEW OF THE NEW JERSEY ACT ***1***

A. NO-FAULT CONCEPT1

B. LIMITED BENEFITS IN NEW JERSEY2

C. TWO RECOGNIZED CLASSES OF CLAIMS: TRAUMATIC AND OCCUPATIONAL2

D. HEARING PROCEDURE.....3

 1. Formal and Informal Claims3

E. POWERS OF JUDGES4

F. OPTING OUT OF N.J.S.A. 34:15-7 ET SEQ.8

G. REPORTING PROCEDURES IN THE DIVISION10

H. 2002 KEY RULE CHANGES10

I. 2004 KEY RULE CHANGES13

J. KEY STATUTORY CHANGES IN 2007 (NOTE: 2008 REFORM LAW IS COVERED IN CHAPTER SIX)15

 1. Amendment to N.J.S.A. 34:15-28 Reducing Time to Pay Awards15

 2. Amendment to N.J.S.A. 34:15-40 Raising Cost Allowance15

 3. Rights of Same Sex Couples15

K. KEY CHANGES TO THE OCCUPATIONAL DISEASE LAW IN 2019 AND 2020.....16

L. INTERROGATORIES AND DEPOSITIONS IN NEW JERSEY17

M. MOTIONS TO DISMISS AND RESTORE UNDER SECTION 5417

N. SUMMARY OF RULES IN REGARD TO MOTIONS FOR DISCOVERY22

O. COUNSEL FEES AND SANCTIONS.....26

P. MEDICAL EXPERT FEES29

CHAPTER TWO

BASIC DEFENSES IN WORKERS' COMPENSATION..... ***31***

A. EMPLOYEE STATUS AND "IN COURSE OF EMPLOYMENT"31

 1. Casual Employment Defense34

 2. Independent Contractor Defense.....36

 (a) Section 79 Issues49

 (b) Special Employment Issues51

 (c) Auditing Employers for Independent Contractor Status.....52

 (d) Misclassifying Employees as Independent Contractors in Construction.....52

 3. Defense of Volunteer/Non-employee53

 4. Undocumented Illegal Aliens59

B.	DEFENSE OF STATUTE OF LIMITATIONS	59
1.	Traumatic Claims.....	59
2.	Occupational Disease Claims	60
3.	Reopeners or Applications for Modification	73
4.	Second Injury Fund Payments and the Limitations Period.....	76
5.	The Statute of Limitations and IMEs.....	76
6.	Amendments of Claims to Avoid the Statute of Limitations.....	77
C.	NOTICE DEFENSE	77
1.	Traumatic Cases.....	78
2.	Occupational Cases	79
3.	Hernia Claims	79
D.	THE GOING-AND-COMING RULE AND PREMISES RULE.....	79
1.	Special Mission Exception and “Direction” by Employer	83
2.	Special Hazards Created By Employer.....	91
3.	Use of a Company or Authorized Vehicle.....	92
4.	Travel Time Cases	94
5.	Parking Lots, Elevators, and Access Roads.....	95
6.	Home Injuries.....	104
7.	Clocking Out of Work	104
8.	Unanswered Issues Regarding the Authorized Vehicle Exception.....	105
E.	RECREATIONAL ACTIVITY DEFENSE	106
F.	PERSONAL RISK DEFENSE: THE ACCIDENT DOES NOT ARISE OUT OF AND IN THE COURSE OF WORK BUT IS PERSONAL TO THE EMPLOYEE	110
G.	JURISDICTIONAL DEFENSE.....	117
H.	HORSEPLAY, ABANDONMENT OF EMPLOYMENT AND THE MUTUAL BENEFIT DOCTRINE.....	126
I.	MINOR/MAJOR DEVIATION.....	132
J.	THE INTOXICATION DEFENSE	136
K.	INTERVENING CAUSE AND INTENTIONAL INJURY DEFENSE.....	139
L.	LUNCH TIME INJURIES.....	140
M.	ASSAULTS IN THE WORKPLACE	142

CHAPTER THREE

	<i>HOW TO HANDLE OCCUPATIONAL DISEASE CLAIMS.....</i>	147
A.	STRESS AND ENVIRONMENTAL FACTORS AGGRAVATING A PREEXISTING DISEASE	149
B.	PULMONARY OR RESPIRATORY CLAIMS	150
C.	PSYCHIATRIC CLAIMS	157
D.	OCCUPATIONAL ORTHOPEDIC CLAIMS	163
E.	OCCUPATIONAL HEART CLAIMS	164
F.	THE ROLE OF INVESTIGATION IN DEFENDING OCCUPATIONAL DISEASE CLAIMS	167
G.	FOCUS MEDICAL EXPERTS ON THE ISSUE OF CAUSATION AND THE STANDARDS UNDER N.J.S.A. 34:15-31	168
H.	NON-MEDICAL INVESTIGATION	169
I.	OCCUPATIONAL HEARING LOSS CASES	169
1.	Occupational Tinnitus Claims.....	170

J.	LYME DISEASE.....	171
K.	OCCUPATIONAL CANCER CLAIMS	172
CHAPTER FOUR		
	<i>TRAUMATIC HEART AND STROKE CLAIMS</i>	<i>175</i>
CHAPTER FIVE		
	<i>MOTIONS FOR MEDICAL AND TEMPORARY DISABILITY BENEFITS, MEDICAL TREATMENT AND IME ISSUES.....</i>	<i>182</i>
A.	MOTIONS FOR MEDICAL AND TEMPORARY DISABILITY BENEFITS	182
B.	MEDICAL TREATMENT AND PAIN MANAGEMENT ISSUES	185
1.	Medical Treatment is Interpreted Liberally in New Jersey	187
2.	Medical Disputes over Surgery or Conservative Care.....	189
3.	Damage to Prosthetic Devices and Medical Appliances	193
4.	Past Medical Treatment Should Not Be the Subject of Motion Trial.....	193
C.	IME ISSUES IN WORKERS’ COMPENSATION AND SUGGESTED CHECKOFF LETTER.....	194
CHAPTER SIX		
	<i>REFORM LEGISLATION OF OCTOBER 2008</i>	<i>199</i>
A.	EMERGENT MOTIONS AND STATUTORY CONTACT PERSONS.....	199
1.	Statutory Contact Persons	200
2.	Service Rules	200
3.	Unresolved Issues	200
B.	ENHANCED PENALTIES	201
C.	PENALTIES FOR UNINSURED EMPLOYERS	204
D.	PROOF OF WORKERS’ COMPENSATION COVERAGE.....	205
E.	AMENDMENT OF COMPENSATION RATING AND INSPECTION BUREAU.....	205
CHAPTER SEVEN		
	<i>CAUSATION AND AGGRAVATION ISSUES.....</i>	<i>206</i>
A.	MOTIONS TO IMPLEAD PRIOR OR SUBSEQUENT EMPLOYER	212
B.	DERIVATIVE INJURY CLAIMS	213
CHAPTER EIGHT		
	<i>ISSUES PERTAINING TO PERSONAL WEAKNESS CAUSING FALLS, THE IDIOPATHIC DEFENSE, AND THE REQUIREMENT OF “ARISING OUT OF EMPLOYMENT”.....</i>	<i>215</i>
CHAPTER NINE		
	<i>MEDICAL CAUSATION VERSUS LEGAL CAUSATION.....</i>	<i>220</i>
CHAPTER TEN		
	<i>THE MECHANICS OF INDEMNITY PAYMENTS IN WORKERS’ COMPENSATION.....</i>	<i>226</i>
A.	WAGES	227
B.	RATES	228
C.	RULES ON TEMPORARY DISABILITY BENEFITS	233
D.	PERMANENT DISABILITY BENEFITS	248

CHAPTER ELEVEN	
<i>COMPLEX ISSUES IN TEMPORARY DISABILITY BENEFITS</i>	258
CHAPTER TWELVE	
<i>OFFERS, CREDITS AND SECTION 20 DISPOSITIONS</i>	266
A. THE 26-WEEK RULES	266
1. Bona Fide Offers under Section 64.....	267
B. SECTION 20 DISPOSITIONS.....	271
C. CREDITS.....	274
CHAPTER THIRTEEN	
<i>APPLICATION FOR REVIEW OR MODIFICATION OF AWARD</i>	277
A. STRATEGIC CONSIDERATIONS IN TRYING REOPENER CASES	284
B. RIGHT OF JUDGE TO MODIFY ANY ORDER APPROVING SETTLEMENT.....	288
CHAPTER FOURTEEN	
<i>LIENS AND ANSWERS TO COMMON SUBROGATION QUESTIONS</i>	290
CHAPTER FIFTEEN	
<i>THE EXCLUSIVE REMEDY PROVISION, INTENTIONAL HARM CASES, JOINT AND SPECIAL EMPLOYMENT</i>	317
A. INTENTIONAL HARM CASES	317
B. WRONGFUL DEATH ACTIONS	326
C. MINORS AND THE EXCLUSIVE REMEDY PROVISION	326
D. JOINT OR SPECIAL EMPLOYMENT ISSUES AND THE EXCLUSIVE REMEDY.....	328
1. General and Special Employers	328
2. Joint Employment	330
3. SORA -- Security Officer Registration Act	334
4. Working for Affiliated Corporations	335
5. Suits Against Partners	336
E. EMPLOYEE LEASING ISSUES.....	337
F. MEDICAL MALPRACTICE CLAIMS AGAINST COMPANY PHYSICIANS	339
G. THIRD PARTY TORTFEASOR MAY NOT OBTAIN CONTRIBUTION FROM EMPLOYER.....	341
CHAPTER SIXTEEN	
<i>ISSUES ARISING FROM HOME INJURIES AND TELECOMMUTING</i>	342
CHAPTER SEVENTEEN	
<i>THE SECOND INJURY FUND AND CLAIMS FOR TOTAL AND PERMANENT DISABILITY</i>	347
A. RULES IN HANDLING FUND CASES	348
B. FUND PAYMENTS IN ACCIDENT CASES AND OCCUPATIONAL CLAIMS	349
C. FUND DEFENSES.....	352
D. MECHANICS OF PAYMENT BY THE FUND	354

E.	SOCIAL SECURITY DISABILITY OFFSETS	355
F.	DATES OF TOTALITY	360
CHAPTER EIGHTEEN		
	<i>DEPENDENCY AND RELATED ISSUES.....</i>	361
A.	DEATH FROM NON-WORK CAUSES	361
B.	DEATH FROM WORK CAUSES	362
CHAPTER NINETEEN		
	<i>PROBLEM ISSUES IN COMPENSATION</i>	371
A.	CANCELLATION OF WORKERS' COMPENSATION POLICIES.....	371
B.	COVERAGE B - EMPLOYER'S LIABILITY	376
C.	CLAIMS BY MINORS.....	377
D.	RETALIATION CLAIMS UNDER N.J.S.A. 34:15-39.1.....	378
E.	CONTRACTUAL DUTY OF CARRIER TOWARD INSURED	386
F.	COVERAGE AND LIMITATIONS FOR OUT OF STATE ACCIDENTS	386
G.	THE NEW JERSEY SELF INSURERS GUARANTY ASSOCIATION.....	390
H.	COVERAGE FOR INTENTIONAL HARM CLAIMS	392
I.	CLAIMS FOR REIMBURSEMENT BY ONE CARRIER AGAINST ANOTHER.....	393
J.	EXPANSION OF JURISDICTION OF JUDGES OF COMPENSATION TO DECIDE DECLARATORY JUDGMENT ACTIONS	395
K.	RESOLVING CONFLICTS OF LAW BETWEEN NEW JERSEY AND OTHER STATES.....	397
L.	CLAIMS FOR REIMBURSEMENT BY ONE EMPLOYER AGAINST ANOTHER EMPLOYER FILED IN THE NAME OF PETITIONER.....	398
CHAPTER TWENTY		
	<i>THE RELATIONSHIP OF THE ADA AND FMLA TO WORKERS' COMPENSATION IN NEW JERSEY</i>	401
A.	INTRODUCTION AND OVERVIEW	401
B.	OVERVIEW OF THE NEW JERSEY WORKERS' COMPENSATION ACT....	401
C.	OVERVIEW OF ADA COVERAGE.....	402
D.	ASSESSING POTENTIAL COVERAGE OF/FOR AN INJURED WORKER UNDER THE ADA	402
E.	OVERVIEW OF THE FMLA	407
F.	2009 FMLA REGULATIONS	409
G.	EXAMINING THE INTERSECTION OF WORKERS' COMPENSATION, THE ADA AND FMLA USING SPECIFIC EXAMPLES.....	414
1.	The Occupational Physician and the Fitness for Duty Process.....	414
2.	Return to Work and 100% Healed Policies	419
3.	Light Duty Issues under Workers' Compensation, the ADA and FMLA.....	419
4.	Catch 22 and Inconsistent Statements.....	421
5.	Vocational Rehabilitation under Workers' Compensation and the ADA.....	422
6.	Leave as Reasonable Accommodation	422
7.	Indefinite Leaves of Absence.....	423
8.	Disability-Based Hostile Work Environment Claims.....	423

9.	Medical Information and Records under the ADA, FMLA, and Workers' Compensation	424
10.	Medical Treatment In Comp Does Not Qualify As A Reasonable Accommodation Under ADA.....	427

CHAPTER TWENTY-ONE

	<i>THE INTERPLAY OF WORKERS' COMPENSATION WITH OTHER LAWS.....</i>	430
A.	TITLE 59, NEW JERSEY STATUTES ANNOTATED	430
B.	SOCIAL SECURITY DISABILITY OFFSETS	432
C.	ACCIDENTAL AND ORDINARY DISABILITY PENSIONS IN PUBLIC EMPLOYMENT.....	432
1.	Relationship of Ordinary Disability Pension to Workers' Compensation Award.....	437
2.	Treatment of the Annuity Portion of the Ordinary Disability Pension	438
3.	Arriving at the Offset Rate.....	438
4.	Social Security Disability Offsets.....	438
5.	Right of the Second Injury Fund to Offsets	439
6.	Section 40 Lien Rights.....	439
7.	November 16, 2006 Director's Guidance	440
D.	NEW JERSEY STATE TEMPORARY DISABILITY BENEFITS	442
E.	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.....	447
F.	HIPAA, WORKERS' COMPENSATION, AND PROPER SUBPOENAS	447
G.	MEDICAID AND WORKERS' COMPENSATION.....	450
H.	WORKERS' COMPENSATION AND SMALLPOX TEAM MEMBERS	451
I.	BANKRUPTCY ISSUES AND WORKERS' COMPENSATION	451
J.	NEW JERSEY TEMPORARY DISABILITY INSURANCE ACT (PAID LEAVE LAW)	452

CHAPTER TWENTY-TWO

	<i>THE WORKERS' COMPENSATION FRAUD ACT, THE HEALTH CARE CLAIMS FRAUD ACT AND INSURANCE FRAUD ISSUES.....</i>	454
A.	THE WORKERS' COMPENSATION FRAUD ACT	454
B.	FRAUD BY INSUREDERS IN OBTAINING COMP COVERAGE	464
C.	THE HEALTH CARE CLAIMS FRAUD ACT	467

CHAPTER TWENTY-THREE

	<i>ISSUES PERTAINING TO PUBLIC ENTITIES.....</i>	470
A.	FULL SALARY OBLIGATIONS UNDER N.J.S.A. 18A:30-2.1	470
B.	THE OBLIGATION TO CONTINUE PENSION CONTRIBUTIONS DURING PERIOD OF WORKERS' COMPENSATION PAYMENTS.....	472
C.	CALCULATING WAGES FOR PUBLIC ENTITIES WHERE TWO OR MORE JOBS ARE PERFORMED FOR THE PUBLIC ENTITY.	474
D.	HEALTH AND GROUP LIFE INSURANCE BENEFITS AND WORKERS' COMPENSATION	475
E.	EXTRATERRITORIAL COVERAGE FOR POLICE OFFICERS.....	475
F.	FULL SALARY FOR STATE CORRECTIONS OFFICERS.....	477

G.	FULL SALARY FOR VOLUNTEER FIREFIGHTERS AND STATUTORY VOLUNTEERS	477
H.	NEW SUPPLEMENTAL BENEFITS LAW FOR DEPENDENTS OF PUBLIC SAFETY WORKERS.....	478
CHAPTER TWENTY-FOUR		
	<i>EVIDENCE IN WORKERS' COMPENSATION</i>	480
CHAPTER TWENTY-FIVE		
	<i>PIP SUBROGATION, TITLE 39 AND THE RIGHTS OF MEDICAL PROVIDERS TO SEEK REIMBURSEMENT</i>	490
1.	PIP Carriers and Derivative Rights.....	491
2.	Statute of Limitations and PIP Claims.....	493
3.	Jurisdiction over Collectability under Workers' Compensation.....	494
4.	PIP Carriers are Subject to the Same Defenses as Injured Worker	495
CHAPTER TWENTY-SIX		
	<i>CLAIMS BY MEDICAL PROVIDERS</i>	496
CHAPTER TWENTY-SEVEN		
	<i>THE UNINSURED EMPLOYERS FUND AND CHILD SUPPORT LIENS</i>	507
A.	THE UNINSURED EMPLOYERS FUND	507
B.	CHILD SUPPORT LIENS	509
CHAPTER TWENTY-EIGHT		
	<i>THE 2020 HAND AND FOOT BILL AND READING THE NEW JERSEY RATE CHART</i>	511
CHAPTER TWENTY-NINE		
	<i>PRACTICAL ISSUES IN CALCULATING NEW JERSEY WORKERS' COMPENSATION AWARDS</i>	519
A.	CALCULATING WAGE AND RATE	519
1.	The Basic Award.....	519
2.	Stacking an Award.....	520
3.	A Reopened and Increased Award.....	520
4.	Section 40 Lien and Impact on Calculations	521
5.	Credit for Prior Award and <u>Abdullah</u> Credit	522
CHAPTER THIRTY		
	<i>THE MEDICARE SECONDARY PAYER STATUTE</i>	524
A.	BACKGROUND	524
B.	PRIMARY PAYER RESPONSIBILITY	525
C.	REIMBURSING MEDICARE'S CONDITIONAL PAYMENTS	526
1.	How Medicare Calculates the Conditional Payment Amount	528
2.	Determining Medicare's Interest in a Claim.....	529
3.	Disputing Medicare's Claim	531
4.	Timing and Finality Issues.....	533
5.	MSP Extended to Medicare Advantage Organizations ("MAOs")	534
C.	MEDICARE SET-ASIDES – CONSIDERING MEDICARE'S INTEREST AFTER THE SETTLEMENT	534

D.	MANDATORY INSURER REPORTING (“MIR”) REQUIREMENTS	537
1.	Responsible Reporting Entities (“RRE”).....	537
2.	When MIR is Required	538
3.	Verifying Medicare Status	538
E.	MEDICARE SMART ACT	539
F.	CONCLUSION.....	540
CHAPTER THIRTY-ONE		
	<i>WHAT A COMPENSATION PRACTITIONER SHOULD KNOW ABOUT SOCIAL SECURITY DISABILITY</i>	542
CHAPTER THIRTY-TWO		
	<i>OSHA AND WORKERS’ COMPENSATION.....</i>	548
CHAPTER THIRTY-THREE		
	<i>BAD FAITH AND WORKERS’ COMPENSATION.....</i>	553
A.	MAINTAINING A CAUSE OF ACTION	553
B.	BURDEN OF PROOF	557
C.	NEED TO EXHAUST REMEDIES	559
D.	CARRIER’S GENERAL IMMUNITY FROM SUIT.....	560
CHAPTER THIRTY-FOUR		
	<i>APPELLATE PRACTICE IN WORKERS’ COMPENSATION.....</i>	565
CHAPTER THIRTY-FIVE		
	<i>LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT.....</i>	572
A.	INTRODUCTION TO LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT 33 U.S.C. §901	572
B.	EXTENSIONS OF THE LHWCA	572
C.	WHO IS COVERED UNDER THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT?.....	572
D.	TYPE OF CLAIMS	574
E.	COMPENSABILITY.....	574
F.	NOTICE.....	574
G.	STATUTE OF LIMITATIONS SECTION 13	575
H.	WHAT BENEFITS ARE AVAILABLE?	576
1.	Medical Benefits.	576
2.	Disability Benefits	577
3.	Permanent Partial Disability	578
4.	Scheduled Benefits.....	578
5.	Death Benefit	578
6.	Payment of Benefits	578
I.	SPECIAL FUND	579
J.	THIRD PARTY CLAIMS	579
K.	PROCEDURE.....	580
L.	SETTLEMENTS.....	580
M.	FRAUD/MISREPRESENTATION	580

CHAPTER THIRTY-SIX	
<i>CATASTROPHIC CLAIMS IN NEW JERSEY</i>	582
CHAPTER THIRTY-SEVEN	
<i>CONFIDENTIALITY ISSUES UNDER WORKERS’ COMPENSATION, ADA, FMLA, HIPAA AND GINA</i>	588
CHAPTER THIRTY-EIGHT	
<i>COMPLEX JURISDICTIONAL ISSUES</i>	594
A. OFFER AND ACCEPTANCE	594
B. PETITIONS FILED BY AN EMPLOYER TO JOIN OTHER EMPLOYERS	595
C. CHOICE OF LAW JURISDICTIONAL ISSUES OVER SUBROGATION	595
D. RESTRICTING LIABILITY OF A CARRIER TO A SPECIFIC STATE.....	596
E. MEDICAL PROVIDER CLAIMS WITH MINIMAL CONTACTS IN NEW JERSEY	597
CHAPTER THIRTY-NINE	
<i>MEDICAL MARIJUANA AND OPIOID ISSUES IN WORKERS’ COMPENSATION</i>	600
A. REASONABLE ACCOMMODATION ISSUES IN THE WORKPLACE INVOLVING MEDICAL MARIJUANA	603
B. OTHER STATE CASES REGARDING REIMBURSEMENT OF THE COST OF MEDICAL MARIJUANA	605
C. CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDELINES	607
D. NEW JERSEY STATUTE 24:21-6 (2017)	608
CHAPTER FORTY	
<i>DUE PROCESS ISSUES IN WORKERS’ COMPENSATION</i>	612
CHAPTER FORTY-ONE	
<i>ISSUES PERTAINING TO COVID-19 AND NEW JERSEY WORKERS’ COMPENSATION</i>	620
CHAPTER FORTY-TWO	
<i>N.J.S.A. 34:15-31.2: THOMAS P. CANZANELLA TWENTY FIRST CENTURY FIRST RESPONDERS PROTECTION ACT</i>	624
Appendix and Keyword Index	A1-A82
Index to the CD	A83-84