

NEW JERSEY SELF INSURERS' ASSOCIATION

SEPTEMBER 2015 NEWSLETTER

ANNUAL MEETING

Hope you will make plans to attend our November 6th meeting and business session.

The program's agenda:

Registration and continental breakfast at 8 a.m.

A brief business session will follow.

(Registration information is on page 4.)

Case law update by Loran Northern, Esq.

A presentation by Dr. Robert Erickson on Post-Traumatic Stress Disorder.

A panel discussion on Medical vs. Legal definitions. The panel consists of Judge Ingrid French, Dr. Steve Crawford, Justin Wilkinson and Jeff Newby Esq.

Dr. Todd Lewis discusses Concussions and their consequences.

The final presentation is entitled 'Investigative Techniques and Innovations' and will be given by Mark O'Brien.

LEGISLATIVE UPDATE

S-2447 (Madden/Cunningham) Permits group self-insurance plans for collective bargaining agreements to improve the provision of workers' compensation. Senate passed the Bill 24-12. Assembly Labor committee passed the Bill.

S-374 (Scutari/Beck) A-3403

(Rible/DeAngelo) Concerns attorney fees for workers' compensation awards. The Senate version passed by a vote of 23-12. The Assembly Labor Committee has passed the bill. We are working with the sponsors to educate them on the facts of this bill.

S-750 (Sarlo) Increases workers' compensation for loss of hand or foot. There is no assembly version, no action by the Senate to date.

A-1908 (Burzichelli/Riley S-929 Sweeney)

This COLA legislation would cost employers an additional \$58 million over the next 3 years. Recent amendments delays the start of the benefits until July 2016 and adjusts the 3 year phase in over the next 3 years. Passed by both Houses. All employer should notify the Governor of their opposition to these Bills.

LITIGATION UPDATE

Appellate Court Decision: Wake v. Township of Toms River. A-5876-13T, September 16, 2015.

Petitioner received an award for knee surgery to the posterior horn and the entire middle portion of the lateral meniscus, he had pre-existing arthritis. The award referred to the accident causing an "acute exacerbation of bi-compartmental degenerative joint disease". Several years later, the petitioner filed a re-opener seeking treatment for the arthritic problems. Petitioner's medical expert opined that the surgery had materially exacerbated the pre-existing arthritis. Respondent's medical expert said the need for treatment was related to the prior degenerative arthritic condition, not the work related injury. Judge Ronald Allen held the condition was degenerative in nature and the deterioration in the knee was due solely to advancing arthritis unaffected by the meniscal surgery and dismissed the petition. The Appellate Division affirmed the dismissal of the case.

New Jersey Self Insurers' Association

P. O. Box 3455, Mercerville, NJ 08619

Phone: 609-587-4304 . **Fax:** 609-587-4304 . **E-mail:** kappa59@aol.com

Babekr v. XYZ, Two Way Radio. A—3036-13T3, decided August 6, 2015. Ruled that a limo driver was not an employee. Babekr provided chauffeuring services to XYZ, a car limousine service with 450 drivers who own shares in XYZ. He worked 10-12 hour per day, 6 days a week using his own car and paying for all car expenses including insurance. He could set his own hours and alerted the Company when he was available to pick up passengers. The fares were paid directly to XYZ, the drivers received a percentage of the fares and received 1099's with no taxes deducted. Petitioner was injured in an auto accident on October 21, 2011. He filed a motion for medical and temporary disability benefits. The Company denied, taking the independent contractor defense. The Judge found that the petitioner was not an employee but rather a co-owner of XYZ and denied benefits. The Appellate court affirmed the decision.

Special thanks to John Geany, Esq for his contributions to the Bulletin.

NOTICE OF COMPLIANCE

The Employers' Liability Insurance Law Title 24, Chapter 15, Article 5, Section 80 provides that employers who qualify to carry their own liability (self-insurers) must post and maintain a Notice of Compliance in the employers' work places. The association has a supply of these notices for our members.

2016 Rates. Maximum rate increases to \$871 for Temporary Total, & Permanent Total.

WELCOME TO NEW MEMBERS:

Advantage Specialty, Allied Risk Management, Capital Investigating, Definiti Healthcare, Goldberg Segalla, Kent & McBride, Onecallcare, Premier Comp Solutions, Seaview Orthopaedic, Tompkins, McGuire, Wachenfeld & Barry, UniMex.

JOIN NJSIA

For over 90 years the New Jersey Self Insurer's Association has represented the interests of New Jersey's employers in the area of worker's compensation. Membership in the Association is open to all employers, law firms, third party administrators, and medical groups. Visit our website for more information and an application. www.njsselfinsurers.com.

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330-384-5270. Lawhunk@firstenergycorp.com

Susan Tinnon- Gerresheimer Glass.

856-507-5991 S.Tinnon@gerresheimer.com

Executive Secretary

James C. Knicos, Kappa59@AOL.com

P.O. Box 3455

Mercerville, NJ 08619

Office 609-587-4304

www.njsselfinsurers.com

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**NOVEMBER 6, 2015
CROWNE PLAZA
JAMESBURG, NJ**

CONFERENCE REGISTRATION FORM

1. _____

2. _____

3. _____

4. _____

Submitted By:

Name _____

Company _____

Address _____

E Mail _____

SEMINAR FEE

Member cost \$150, 2 or more from same company \$100 each.

Non –Member cost- \$200.00

Payment by check only

NJSIA

PO Box 3455, Mercerville, NJ 08619

Tax D- 22-1153815