

Medical Provider Claims Still Have a Six Year Statute of Limitations

On January 17, 2019, the Appellate Division decided that the Statute of Limitations for a Medical Provider Application seeking payment for services rendered to an injured employee remains at six years. In the *Plastic Surgery Center vs. Malouf Chevrolet-Cadillac, Inc.* the Appellate Division dismissed the argument of the respondents that the two-year statute of limitations applicable to filing a Claim Petition should apply.

At the outset, the Court noted that the legislature amended N.J.S.A. 34:15-15 in 2012 granting the Division of Workers' Compensation exclusive jurisdiction over claims brought by medical providers for payment of services rendered to injured employees. At the time of the amendment, there was no mention of whether those applications should also have the two-year statute of limitations apply as outlined in Section 51 concerning the filing of a Claim Petition. The Medical Provider Applications were dismissed at the Judge level, but the dismissals were reversed on appeal.

Each medical provider filed its claim for payment more than two years from the date of each employee's accident but less than six years from the date of service. The Court noted that the statute of limitations with respect to a medical provider claim for benefits has always been controlled by N.J.S.A. 2A:14-1 which is six years; based upon a cause of action for a breach of contract.

The respondent's arguments were rejected, in particular, the argument that the two-year time bar should apply to all claims for compensation including medical bills. The Court rejected the argument and noted the fact that the legislature remained silent with respect to addressing the statute of limitations within the medical provider amendment. Surprisingly, the Court also rejected the respondent's argument that the 2-year statute of limitations should apply from the date of service (which certainly seems to make sense) and concluded that the time bar should not be applied differently to medical providers. The Court remains steadfast in its position that if the time limitation is to be altered with respect to Medical Provider Applications, the legislature must do so.