

2010 NJ A.B. 1392 (NS)
2010 New Jersey Assembly Bill No. 1392, New Jersey Two Hundred Fourteenth
Legislature - First Annual Session (FULL TEXT - NETSCAN)

NEW JERSEY BILL TEXT

VERSION: Introduced

January 12, 2010
Primary Sponsor(s): Carroll, Michael Patrick / Rodriguez, Caridad

2010 NJ AB 3098

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SUMMARY: An Act concerning certain causes of action for negligence or malpractice
and amending P.L.1995, c.139.

TEXT:

ASSEMBLY, No. 1392

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Assemblywoman CARIDAD RODRIGUEZ

District 33 (Hudson)

SYNOPSIS

Includes midwives within definition of 'licensed person' for purposes of affidavits of merit in certain actions filed on or after effective date.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel

An Act concerning certain causes of action for negligence or malpractice and
amending P.L.1995, c.139.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1995, c.139 (C.2A:53A-26) is amended to read as follows:

1. As used in this act, "licensed person" means any person who is licensed as:

a. an accountant pursuant to [P.L.1977, c.144 (C.45:2B-1 et seq.)] **P.L.1997, c.259 (C.45:2B-42 et seq.)**;

b. an architect pursuant to R.S.45:3-1 et seq.;

c. an attorney admitted to practice law in New Jersey;

d. a dentist pursuant to R.S.45:6-1 et seq.;

e. an engineer pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

f. a physician in the practice of medicine or surgery pursuant to R.S.45:9-1 et seq.;

g. a podiatrist pursuant to R.S.45:5-1 et seq.;

h. a chiropractor pursuant to P.L.1989, c.153 (C.45:9-41.17 et seq.);

i. a registered professional nurse pursuant to P.L.1947, c.262 (C.45:11-23 et seq.);

j. a health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2);

k. a physical therapist pursuant to P.L.1983, c.296 (C.45:9-37.11 et seq.);

l. a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

m. a registered pharmacist pursuant to [R.S.45:14-1 et seq.] **P.L.2003, c.280 (C.45:14-40 et seq.)**;

n. a veterinarian pursuant to R.S.45:16-1 et seq.; [and]

o. an insurance producer pursuant to [P.L.1987, c.293 (C.17:22A-1 et seq.)] **P.L.2001, c.210 (C.17:22A-26 et seq.)**; and

p. a midwife pursuant to R.S.45:10-1 et seq.

(cf: P.L.2001, c.372, s.1)

2. This act shall take effect on the 30th day next following enactment and apply to causes of action filed on or after that date.

STATEMENT

Pursuant to section 2 of P.L.1995, c.139 (C.2A:53A-27), once a defendant has filed an answer to a malpractice or negligence complaint, a plaintiff is required to

file an affidavit from an appropriate licensed person stating that a reasonable probability of care, skill or knowledge was absent in the treatment or practice provided by the defendant. This bill includes midwives as a licensed person who may now provide an affidavit for a cause of action filed against a defendant midwife. The bill will take effect on the 30th day next following enactment and apply to causes of action filed on or after that date.

2010 NJ A.B. 1392 (**NS**)

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