

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act improving the workers' compensation system.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1825 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT IMPROVING THE WORKERS' COMPENSATION SYSTEM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection 10 of section 13A of chapter 152 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the
3 following sentence:-

4 The attorney's fees specified in this section shall be the only fees payable for any services
5 provided to employees under this chapter, unless otherwise provided by an arbitration agreement pursuant
6 to section ten B, except that nothing herein shall prevent an attorney from collecting a fee for advancing an
7 employee's rights under section seventy-five A or seventy-five B as provided therein.

8 SECTION 2. Section 19 of said chapter 152, as so appearing, is hereby amended by adding after
9 subsection (2) the following subsections:-

10 (3) Any administrative judge, administrative law judge or conciliator may approve any
11 agreement authorized under this section.

12 (4) Nothing shall prohibit an administrative judge, administrative law judge or conciliator from
13 approving an agreement to pay weekly compensation, medical bills or other benefits without
14 prejudice when the insurer has failed to pay benefits timely pursuant to section eight or has
15 failed to respond timely to a claim for such benefits.

16 SECTION 3. Said chapter 152 is hereby further amended by striking out section 34, as so appearing, and
17 inserting in place thereof the following section:-

18 Section 34. While the incapacity for work resulting from the injury is total, during each week of
19 incapacity the insurer shall pay the injured employee compensation equal to sixty percent of his average weekly
20 wage before the injury, but not more than the maximum weekly compensation rate, nor less than the minimum
21 weekly wage of the employee is less than the minimum weekly compensation rate, in which case said weekly
22 compensation shall be equal to his average weekly wage.

23 SECTION 4. Said chapter 152, is hereby further amended by striking out section 34A, as so appearing,
24 and inserting in place thereof the following section:-

25 Section 34A. While the incapacity for work resulting from the injury is both permanent and total, the
26 insurer shall pay to the injured employees, following payment of the maximum amount of compensation provided in
27 section thirty-four, a weekly compensation equal to two-thirds of his average weekly wage before the injury, but not
28 more than the maximum weekly compensation rate nor less than the minimum weekly compensation rate, unless the

29 average weekly of the employee is less than the minimum weekly compensation rate, in which case said weekly
30 compensation shall be equal to his average weekly wage.

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