

HOUSE No. 02289

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 relative to workers compensation benefits.

PETITION OF:

NAME:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

HOUSE No. 02289

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2289) of Bradley relative to workers compensation benefits Joint Committee on Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1827 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to workers compensation benefits.

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 1 of section 1 of Chapter 152 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by adding the following to the end of the first
3 paragraph thereof:-

4 If the employee returns to employment after an injury covered by this chapter without a lump
5 sum settlement and earns less than the pre-injury wages and such decrease results from the prior
6 work related injury, the prior average weekly wage shall be applicable to any subsequent period
7 of incapacity, whether or not said incapacity results from a new injury or subsequent injury as set
8 forth in section thirty-five B.

9 Section 2. Section 13A of said chapter 152, as so appearing, is further amended by striking out
10 subsection 4 and inserting in place thereof the following subsection:-

11 (4) Whenever an insurer or self-insurer files a complaint to reduce or discontinue an employee's
12 benefits, and the insurer or self-insurer withdraws such complaint prior to five days before a
13 hearing pursuant to section eleven, or whenever an insurer contests a claim for benefits on a form
14 prescribed by the department, other than the initial liability claim as provided by subsection (1),
15 by failing to commence the compensation requested within twenty-one days of receipt of such
16 claim, and is later required to pay benefits following a conference pursuant to section ten A on
17 said claim, the insurer or self-insurer shall pay an attorney's fees to the employees counsel in the
18 amount of seven hundred dollars, plus all necessary expenses. However, if the insurer or self-
19 insurer withdraws its complaint within five days of the date set for conference, the fee due shall
20 be three hundred fifty dollars, plus payment of all necessary expenses. Any fee payable under
21 this paragraph shall be reduced by half when the attorney failed to appear at a scheduled
22 conciliation and such failure was not beyond the control of the attorney.