

HOUSE No. 1825

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and
3 inserting in place thereof the 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
6 pursuant to section ten B, except that nothing herein shall prevent at attorney from collecting a
7 fee for advancing an employee’s rights under section seventy-five A or seventy-five B as
8 provided therein.

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

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

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

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

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

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

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