

**HOUSE . . . . . No. 1825**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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 an 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.