

SENATE No. 703

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to allow Division of Industrial Accident judges the ability address fraud by claimants..

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. Section 14 Chapter 152 of the General Laws, as appearing in the 2004
2 Official Edition, by inserting at the end there of the following new paragraph:-

3 If an administrative judge determines that any party defrauded, or attempted to
4 defraud another party, at any time that the claimant had an active claim for benefits or was
5 receiving benefits under this chapter, the defrauding party shall be assessed the whole costs of
6 proceedings at which the fraud was established including attorney's fees and a penalty, payable
7 to the aggrieved party, in an amount of the average weekly amount wage in the Commonwealth
8 multiplied by six. Any employee who has received payments for compensation pursuant to a
9 claim found to be fraudulent under this subsection shall reimburse the amount of such payment
10 to the insurer or self insurer. Sufficient evidence to establish the fraud may be supplied by
11 admission of the party, by actions witnessed by the administrative judge during a hearing or
12 other event in court, by testimonial evidence of a witness or witnesses, by videotape evidence,
13 and/or by documentary evidence. Fraudulent activity includes, but is not limited to working and
14 being paid for work while receiving compensation pursuant to sections 34 or 34A; making a

- 15 knowing and material misrepresentation to a doctor, nurse or other medical provider, or
- 16 representative of the insurer; and knowingly causing another to make a material
- 17 misrepresentation on behalf of the defrauding party.