

HOUSE No. 4620

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 2022.

The committee on Public Service to whom was referred the petition (accompanied by bill, Senate, No. 1758) of Patrick M. O'Connor for legislation to allow Joseph Barbati, a retired member of the Massachusetts Trial Court, an accidental disability retirement option, reports recommending that the accompanying bill (House, No. 4620) ought to pass.

For the committee,

KENNETH I. GORDON.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act allowing Joseph Barbati, a retired member of the Massachusetts Trial Court, an accidental disability retirement option.

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. Notwithstanding chapter 32 of the General Laws or any other general or
2 special law to the contrary affecting the noncontributory or contributory retirement system in the
3 commonwealth, the Massachusetts Trial Court Officer Retirement System shall allow Joseph
4 Barbati, a retired member, the option to receive accidental disability retirement from any
5 condition of impairment of health caused by severe depression and anxiety disorder accompanied
6 by post-traumatic stress disorder resulting in total or partial disability and that such disability be
7 presumed to have been suffered in the course of his employment. The retirement board shall pay
8 Joseph Barbati accidental disability retirement benefits as of the effective date of this act for the
9 remainder of his retirement. Joseph Barbati shall notify the board of his decision on the option
10 granted by this act within 90 days of the effective date of this act.

11 SECTION 2. The payments provided for in this act shall only be made when

12 Joseph Barbati has been examined by a medical panel, pursuant to section 6 of chapter 32
13 of the General Laws, in which a majority of the physicians have certified to the retirement board

14 that the member is mentally or physically incapacitated from further duty and that such
15 incapacity is likely to be permanent, and that the disability is such as might be the natural and
16 proximate result of the accident or hazard undergone on account of which retirement is claimed;
17 provided, however, that the public employee retirement administration commission may, upon
18 request, waive such examination if the member has already been approved by a medical panel
19 and the board and is receiving a disability benefit as of the effective date of this act. The
20 commission shall promptly notify the retirement system of such waiver.

21 SECTION 3. This act shall take effect upon its passage.