

SENATE NO. 2118

AN ACT RELATIVE TO MEDICAL TREATMENT

*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. Chapter 160 of the general Laws is hereby amended by inserting after 176A the
2 following new section:
- 3 Section 176C. (a) A railroad shall make a good faith effort to provide prompt medical attention
4 for a railroad employee who is injured in the course of his or her employment.
- 5 (b) It is unlawful for a railroad or person employed by a railroad to:
- 6 (1) deny, delay or interfere with medical treatment or first aid treatment to an employee of that
7 railroad who has been injured during employment; or
- 8 (2) discipline or threaten discipline to an employee of a railroad who has been injured during
9 employment for (i) requesting medical or first aid treatment or
10 (ii) following the orders or treatment plan of his or her treating physician.
- 11 (c) Nothing in this Section shall be construed to require a railroad or railroad employee to
12 perform first aid or medical care.
- 13 (d) This section does not prevent an employer from:
- 14 (1) noting in an employee's record that an injury occurred: or

15 (2) offering light duty or an alternate work assignment to an injured employee if the light duty or
16 alternate work assignment does not conflict with the orders or treatment plan of the employee's
17 treating physician.

18 (e) The Attorney general has exclusive jurisdiction to determine violations of this section. If,
19 after a proper complaint and hearing, the Attorney General determines that a violation has
20 occurred, the Attorney General shall impose for each violation, a penalty in an amount not
21 exceeding \$10,000. This penalty is the exclusive remedy for any violation of this section. The
22 Attorney General shall give priority to any complaint alleging a violation of this Section and
23 shall issue its decision as promptly as possible.

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