

THE COMMONWEALTH OF MASSACHUSETTS
Public Employee Retirement Administration Commission
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MEMORANDUM

TO: All Retirement Boards

FROM: Robert F. Stalnaker, Executive Director

RE: Early Intervention Plans

DATE: September 9, 1998

This memorandum provides additional information on the Early Intervention Plan legislation and serves as a follow-up to PERAC memorandum #38/1998.

The effective date of Chapter 252 of the Acts of 1998 (the Early Intervention Plan) will be November 5, 1998. As the Commission has not approved any retirement board's submitted early intervention plan, the boards should not expend any further resources or funds for the organization, implementation or administration of these plans. Since the cost of preparing these plans was a legitimate cost at the time it was incurred, the boards should forward these plans to the employer for their possible use in the development of their own plans.

This act prohibits a retirement board member from serving as the designee to the early intervention team reviewing injured members of the system. Retirement board staff, however, may serve as the designee. Any costs associated with the position of designee will be the responsibility of the employer charged with convening the early intervention team. The act provides in part:

The employer shall assume responsibility for all costs associated with the assessment and subsequent rehabilitation plan...

The boards should keep in mind that the act prohibits personal or medical information gathered by the early intervention team from being used for any employment-related purpose. The act provides in part:

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Any records obtained by the team shall be used for the sole purpose of making the determination required by this section and shall not be used for any other purpose related to the member's employment. ... No member of the team shall disclose to any person who is not a member of the team any confidential medical information about the member that has been supplied to the team under the provisions of this section.

While this provision prohibits the disclosure of information by an early intervention team member, the Commission believes that the member being evaluated may use this information in support of a disability retirement application.

This act also changes G.L. c. 32, § 20(5)(d) by removing the requirement that a board designate a neutral medical doctor to advise the board on determinations of disability applications. The boards remain able to designate such a doctor if they choose.