



# COMMONWEALTH OF MASSACHUSETTS

## Office of Consumer Affairs and Business Regulation

### DIVISION OF INSURANCE

One South Station • Boston, MA 02110-2208

(617) 521-7794 • FAX (617) 521-7758

<http://www.mass.gov/doi>

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

GREGORY BIALECKI  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

BARBARA ANTHONY  
UNDERSECRETARY OF CONSUMER AFFAIRS  
AND BUSINESS REGULATION

NONNIE S. BURNES  
COMMISSIONER OF INSURANCE

## Filing Guidance Notice 2009-J Property and Casualty

TO: Workers' Compensation Insurers Making Repatriation Endorsement Filings

FROM: Kevin P. Beagan, Director, State Rating Bureau

DATE: November 10, 2009

RE: Coverage for the Repatriation of Employees Travelling Overseas

---

The purpose of this notice is to provide guidance for carriers who write workers' compensation coverage on the procedure for submitting form filing materials on so-called "repatriation" endorsements, which cover the cost to bring employees back to the United States when they are injured or become ill, or lose their lives in a foreign country.

Workers' compensation insurance is required, under M.G.L. c. 152 §30, to cover all reasonable and necessary medical care for work-related accidents or illnesses affecting those employees covered under M.G.L. c. 152. The standard workers' compensation policy covers the cost to return employees working in a foreign country on an incidental basis (*e.g.*, travelling on a business trip) to the United States in the event of the employee's death or if travel is required to obtain reasonable and necessary medical care to treat a work-related injury or illness. The standard workers' compensation policy does not cover employees who are *not* subject to M.G.L. c. 152 (because they are not Massachusetts employees) at all. That would include benefits tied to disabilities or death resulting from work-related incidents or endemic diseases. The standard policy also does not cover repatriation for purposes of medical care of even a *covered* employee when reasonable and necessary medical care is available in the country in which that employee is travelling.

Certain carriers have filed "foreign voluntary workers compensation" (FVWC) endorsements that apply to employees of their policyholders who are in foreign countries on more than an incidental basis (*e.g.*, a six-month stay). Such forms often include repatriation provisions or separate repatriation endorsements to cover the cost of repatriating *deceased* employees who are eligible for benefits pursuant to the FVWC. Companies filing such repatriation provisions either

with FVWC coverage or as separate endorsements to standard workers' compensation policies are to submit appropriate documentation and actuarial support for any proposed charge for the repatriation coverage that is in excess of \$25 per named employee per policy year.

Carriers that wish to provide premium-generating coverage, not for repatriation as described above, but for the medical evacuation of employees who are either (i) covered under the standard workers' compensation policy, but such evacuation is not medically necessary under M.G.L. c. 152, or (ii) are eligible for benefits of any kind only by virtue of a FVWC endorsement are asked to submit medical evacuation coverage forms as stand-alone policy forms<sup>1</sup>. Insurers wishing to offer commercial policyholders such medical evacuation coverage may file such forms and the proposed rates for the coverage they provide as stand-alone added expense coverage which the Division of Insurance will review according to the checklists and filing guidances for property and casualty insurance filings.

If you have any questions regarding the filing procedures or fee requirements for filings of these types, please consider contacting Walter Horn at (617) 521-7335 or via e-mail at [walter.horn@state.ma.us](mailto:walter.horn@state.ma.us).

---

<sup>1</sup> Insurance sub-type [Product Coding Matrix Sub-TOI] 33.0002, Other Commercial Lines.