



The Commonwealth of Massachusetts

Division of Industrial Accidents

Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

I.A.B. FILE NO.
ATTENTION OF:

August 29, 1972

CIRCULAR LETTER NO. 195

TO: ALL INSURANCE COMPANIES, ALL SELF-INSURERS, AND WORKMEN'S COMPENSATION AGENTS OF DEPARTMENTS OF THE COMMONWEALTH AND COUNTIES, CITIES, TOWNS, AND DISTRICTS SUBJECT TO THE WORKMEN'S COMPENSATION LAW (GENERAL LAWS, CHAPTER 152, AS AMENDED).

Your attention is invited to the amendments to Chapter 152 for the 1972 Legislative year. Enclosed is a copy of Chapters 188, 233, 374, 403, 727, 741, 742, and 764.

Please note the increase in the amounts due under section 36 (Chapter 741) for injuries which occur on or after November 1, 1972.

Also, please note the provisions of Chapter 403 pertaining to physical examinations.

Lastly, your attention is directed to the provisions of Chapter 879 of the Acts of 1971, which increases the rate of compensation under sections 34, 34A, and 35 from \$77.00 to \$80.00 per week for injuries which occur after November 1, 1972.

Very truly yours,

A handwritten signature in cursive script that reads "John J. Maloney".

John J. Maloney
Secretary

Enclosures
JJM:kms

CHAPTER 188

AN ACT EXTENDING THE RIGHT TO A REVIEWING BOARD OR SINGLE MEMBER OF THE INDUSTRIAL ACCIDENT BOARD TO INCREASE CERTAIN AWARDS TO INJURED EMPLOYEES.

Be it enacted, etc., as follows:

Section 7E of chapter 152 of the General Laws, inserted by section 1 of chapter 468 of the acts of 1968, is hereby amended by inserting after the word "board", in line 1, the words:-, reviewing board or single member.

Approved April 20, 1972
Effective July 19, 1972

CHAPTER 233

AN ACT EXTENDING THE AUTHORITY OF THE DIVISION OF INDUSTRIAL ACCIDENTS IN OBTAINING DEPOSITIONS AND TESTIMONY OF DOCTORS RESIDING IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

The last paragraph of section 5 of chapter 152 of the General Laws, added by chapter 882 of the acts of 1971, is hereby amended by inserting after the word "may", in line 2, the words:- order, or, - and by inserting after the word "deposed", in line 11, the words:- or whose witness is ordered to be deposed.

Approved May 4, 1972
Effective August 2, 1972

CHAPTER 374

AN ACT FURTHER REGULATING INSURANCE COVERAGE UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (4) of section 1 of chapter 152 of the General Laws is hereby amended by striking out the third paragraph, as most recently amended by chapter 306 of the acts of 1960, and inserting in place thereof the following paragraph:-

The provisions of this chapter shall remain elective as to employers of seasonal or casual or part-time domestic servants. For the purpose of this paragraph, a part-time domestic servant is one who works in the employ of the employer less than sixteen hours per week.

SECTION 2. Section 54A of said chapter 152, as amended by chapter 275 of the acts of 1957, is hereby further amended by striking out the second sentence.

SECTION 3. The provisions of section one of chapter one hundred and fifty-two of the General Laws, as amended by section one of this act, and the provisions of section fifty-four A of said chapter one hundred and fifty-two, as amended by section two of this act, shall apply to insurance contracts entered into on and after the effective date of this act.

Approved June 5, 1972
Effective September 3, 1972

CHAPTER 403

AN ACT REQUIRING INSURERS TO GIVE AN ANNUAL PHYSICAL EXAMINATION TO INJURED EMPLOYEES DURING THEIR HOSPITALIZATION.

Be it enacted, etc., as follows:

Section 30 of chapter 152 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 233 of the acts of 1946, and inserting in place thereof the following sentence:-

The insurer shall furnish to an injured employee adequate and reasonable medical and hospital services, and medicines if needed, together with the expenses necessarily incidental to such services, and in the case of an injured employee, a physical examination shall be given at least once a year while the employee is a resident in a hospital.

Approved June 8, 1972
Effective September 6, 1972

CHAPTER 727

AN ACT PROVIDING FOR THE APPOINTMENT OF FIVE TEMPORARY MEMBERS TO THE INDUSTRIAL ACCIDENT BOARD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to enable the industrial accident board to reduce its present backlog of claims under the workmen's compensation act and to insure that compensation be paid when due, therefore it is declared to be an emergency law, necessary for the preservation of the public convenience and welfare:-

Be it enacted, etc., as follows:

Chapter 23 of the General Laws is hereby amended by inserting after section 15A the following section:-

Section 15B. The industrial accident board, in addition to the members provided for in section fifteen shall also consist of five temporary members, one of whom shall be a member of organized labor affiliated with the Mass. State Labor Council, AFL-CIO, appointed by the governor, with the advice and consent of the council, to serve for a period of two years only, and shall receive salaries not exceeding eighteen thousand one hundred twenty-six dollars each, as the governor and council shall determine. Said temporary members shall have all the powers and duties of regular members of the industrial accident board. They shall devote their full time during normal business hours to the duties of their office. No temporary member shall represent any person or party before the board for a period of six months following the end of his two-year term.

Approved July 17, 1972
Effective July 17, 1972

CHAPTER 741

AN ACT INCREASING THE PAYMENTS UNDER WORKMEN'S COMPENSATION LAW FOR SPECIFIC INJURIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 36, as most recently amended by chapter 584 of the acts of 1966, and inserting in place thereof the following section:-

Section 36. In addition to all other compensation the employee shall be paid the sums hereafter designated for the following specified injuries:-

(a) For the loss by emucleation or otherwise, or the total loss of use of one eye, or for injury to one eye which produces an inability which is not correctible to use both eyes together for single binocular vision, or the reduction to twenty seventieths of normal vision in one eye, with glasses, the sum of six thousand dollars.

(b) For the loss by emucleation or otherwise, or the total loss of use of both eyes, or the reduction to twenty seventieths of normal vision in both eyes, with glasses, the sum of fifteen thousand dollars.

AN ACT FURTHER ELABORATING THE ADMINISTRATION OF CONFERENCES AND HEARINGS HELD AND DECISIONS RENDERED BY SINGLE MEMBERS OF THE INDUSTRIAL ACCIDENT BOARD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 7, as most recently amended by chapter 974 of the acts of 1971, and inserting in place thereof the following section:-

Section 7. If the insurer and the injured employee fail to reach an agreement in regard to compensation, or if they have reached such an agreement, which has been signed and filed in accordance with this chapter, and compensation has been paid or is due in accordance therewith, and the parties thereto then disagree as to the continuance of any weekly payments, under such agreement, either party may notify the division, which shall thereupon assign the case for conference by a member thereof, to be held not later than twenty-eight days from the date such notice was received by the division. Such member shall make such inquiries and investigations as he deems necessary and shall have the power to require and receive reports of injury, signed statements of the employee and other witnesses, medical and hospital reports and records, and such other oral and written matter as shall enable him to determine whether compensation under this chapter is due. If the member determines, on such information, that compensation is due under this chapter, he shall forthwith file a written order for such compensation. If the member determines that compensation should be modified or terminated, he shall forthwith file a written order modifying or discontinuing compensation. Any party aggrieved by an order filed under this section may within ten days from the filing of such an order request the division to set the case for a hearing before another member thereof. Upon the filing of such request the chairman shall schedule a hearing to be held on a date not later than three months from the date the request was filed. Pending a decision rendered after such hearing, compensation shall be paid, modified or discontinued in accordance with the order filed under this section. Such an order shall for all purposes be enforceable under section eleven; provided, however, that in the event of a request for a hearing, such order shall be enforceable under said section eleven only until a decision has been rendered after such hearing. If, after such hearing, a decision is rendered that weekly payments made under the original order were not due, the state treasurer shall reimburse the insurer and the employee shall reimburse the state treasurer for the amounts paid the insurer. If, after such hearing, a decision is rendered ordering payment of compensation from the date on which a modification or discontinuance of payments had been ordered, the employee shall be paid the compensation found due. The decision rendered after a hearing shall be enforceable under said section eleven.

SECTION 2. Section 8 of said chapter 152, as most recently amended by section 8 of chapter 611 of the acts of 1961, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The decision shall be enforceable under section eleven.

SECTION 3. Said chapter 152 is hereby further amended by striking out the section 8A, as most recently amended by section 1 of chapter 693 of the acts of 1957, and inserting in place thereof the following section:-

Section 8A. A party who has by accident, mistake or through other reasonable cause, omitted to request a hearing from an order rendered under section seven or to claim a review from a decision rendered under section eight within the time limited under section ten may, within two years from the filing of such order or decision with the division, petition the superior court for the county in which the injury occurred, or for the county of Suffolk or the municipal court of the city of Boston, if the injury occurred in Suffolk county, for leave to request such hearing or claim such review, and the court may grant such petition and permit such hearing to be requested or claim to be filed if it finds that justice and equity require it, notwithstanding that a decree has previously been rendered on such order or decision as provided in section eleven.

SECTION 4. Section 10 of said chapter 152, as most recently amended by chapter 546 of the acts of 1947, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- If a claim for review is filed by either party within ten days from the filing of a decision rendered under section eight, the reviewing board shall hear the parties, and may hear evidence in regard to pertinent matters and may revise the decision in whole or in part, or may refer the matter back to the member for further findings of fact, and shall file its decision with the records of the proceedings and notify the parties.