



James J. Campbell
Commissioner

The Commonwealth of Massachusetts

Department of Industrial Accidents

*600 Washington Street
Boston, Mass. 02111*

CIRCULAR LETTER NO. 272

TO: ALL INTERESTED PERSONS

FROM: JAMES J. CAMPBELL, COMMISSIONER *JJC*

RE: FEE FOR IMPARTIAL EXAMINATIONS UNDER G.L. c. 152, § 11A(2)

DATE: JULY 30, 1993

In accordance with the provisions of M.G.L. c. 7, § 3B, on July 27, 1993 the Executive Office of Administration and Finance (EOAF) notified the legislature of its intention to determine the amount of the fee to defray the cost of medical examinations under M.G.L. c. 152, § 11A(2).

The proposed fee amount is three hundred and fifty dollars (\$350.00), with further provision, when required, for the collection of a seventy five dollar (\$75.00) missed appointment fee and a ninety dollar (\$90.00) supplemental report fee. A public hearing will be held by Administration and Finance no later than August 27, 1993 relative to the proposed fee amount.

Impartial examinations will be scheduled by the department in anticipation of the fee amount set by EOAF taking effect. Fees submitted to the department on or after July 1, 1993 in an amount "equal to the average weekly wage in the commonwealth" (\$543.30) will be returned. The department will begin processing the fee as established by EOAF on Monday, September 27, 1993. Fees due for conference appeals from July 1, 1993 through September 26, 1993 are not required to be submitted until September 27, 1993.

Beginning September 27, 1993, parties who have not submitted the fee in the amount established by EOAF within ten (10) calendar days following the filing of an appeal of a conference order may seek an enlargement of time to file the fee from the Commissioner. The granting of any such enlargement is subject to the discretion of the Commissioner. Those parties who were previously granted an enlargement of time to file the fee by the Commissioner shall have the enlargement extended to September 27, 1993 or to the expiration of their enlargement, whichever is later.

Failure to pay the fee as otherwise required under M.G.L. c. 152, § 11A(2) may result in one or more of the following: suspension of the impartial examination, suspension of the tendering of the impartial examiner's report, suspension of all proceedings or activities within the division of dispute resolution relating to the claim or complaint, and/or dismissal of the claim or complaint.