



# *The Commonwealth of Massachusetts*

## *Division of Industrial Accidents*

*State Office Building, Government Center  
100 Cambridge Street, Boston 02202*

WHEN REPLYING  
PLEASE QUOTE I.A.B.  
FILE NO.  
ATTENTION OF:

January 18, 1968

### CIRCULAR LETTER NO. 158

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 called to the provisions of Section 20 of Chapter 152 and to Rules I - 4,5 of the Division of Industrial Accidents.

Section 20 reads, in part, as follows:

"All medical records and reports of hospitals, clinics and physicians of the insurer, employer, or of the employee shall be filed with and open to the inspection of the division so far as relevant to any matter before it."

Rules I - 4,5 read as follows:

"In any case when filing an agreement in regard to compensation, an employee's discontinuance agreement, an application to discontinue compensation or when stating denial of liability or requesting a hearing, and in all cases of continuing disability where compensation is being paid, the insurer shall file with the division copies of all medical and other records specified in section 20 of the chapter immediately on receipt by the insurer.

Insurers shall require their physicians who furnish treatment to injured employees at private hospitals to keep records of such cases in the same manner as they are kept in public hospitals. The insurer is to file copies of such records with the division, as required under Rule 4 above."

Section 20 and Rules I - 4,5 have been observed more in their breach than in compliance therewith. Effective immediately, failure to file medical reports in accordance with the provisions of Section 20 and Rule I - 4,5 may be the basis of postponement by the Sitting Member of a hearing or conference, in the discretion of the Sitting Member.

The provisions of this circular letter will also apply to employees and employee's counsel.

Very truly yours,

*John J. Maloney*  
John J. Maloney  
Secretary

JJM/ec