

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Worker's Compensation .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	13th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1862 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO WORKER'S COMPENSATION .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 36 of Chapter 152 of the General Laws is hereby amended by striking
2 out subsection (k) and substituting in its place the following paragraph:— “Subsection (k). For
3 bodily disfigurement, an amount which, according to the determination of the member or
4 reviewing board, is a proper and equitable compensation, not to exceed the average weekly
5 wage in the Commonwealth at the date of injury multiplied by twenty-nine; which sum shall be
6 payable in addition to all other sums due under this section.”

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8 SECTION 2. Section 33 of Chapter 152 of the General Laws is hereby amended by striking out
9 the word “four” and inserting in place thereof the word “eight.”

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11 SECTION 3. Chapter 152 of the General Laws, as now appearing, is hereby amended by striking
12 out Section 35 as so appearing, and inserting in place thereof, the following section:— “Section
13 35. While the incapacity for work resulting from the injury is partial, during each week of
14 incapacity, the insurer shall pay the injured employee a weekly compensation equal to sixty
15 percent of the difference between his or her average weekly wage before the injury and the
16 weekly wage he or she is capable of earning after the injury. An insurer may reduce the amount
17 paid to an employee under this section to the amount at which the employee’s combined
18 weekly earnings and benefits are equal to two times the average weekly wage in the
19 Commonwealth at the time of such reduction. The total number of weeks of compensation due
20 the employee under this section shall not exceed two hundred sixty; provided however, that
21 this number may be extended to five hundred twenty if an insurer agrees or an administrative
22 judge finds that the employee has, as a result of a personal injury under this chapter, suffered a
23 permanent loss of seventy-five percent or more of any bodily function or sense specified in
24 paragraph (a), (b), (e), (f), (g), or (h) of subsection (1) of Section 36, developed a permanently
25 disabling occupational disease which is of a physical nature and cause, or has returned to
26 employment pursuant to an Individual Written Rehabilitation Plan pursuant to Section 30(H); or
27 has been found unsuitable for vocational rehabilitation by the Office of Education and
28 Vocational Rehabilitation; or has returned to employment at less than his pre-injury average
29 weekly wage; or has been found by an administrative judge to have a permanent partial
30 incapacity. Where applicable, losses under this section shall be determined in accordance with
31 standards set forth in the American Medical Association Guides to the Evaluation of Permanent
32 Impairments. Where the insurer agrees or the administrative judge finds such permanent

33 partial disability as is described in this paragraph, the total number of weeks the employee may
34 receive benefits under this section shall not exceed five hundred twenty. Where there has been
35 no such agreement or finding the number of weeks the employee may receive benefits under
36 these sections shall not exceed three hundred sixty-four.”

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