

HOUSE No. 499

By Mr. Rudsten of Boston, petition of the Massachusetts Association of Plaintiffs' Compensation Attorneys for legislation to regulate fees paid to physicians engaged by either party in contested claims under the Workmen's Compensation Act. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT TO REGULATE THE FEES PAID TO PHYSICIANS ENGAGED BY EITHER PARTY IN CONTESTED CLAIMS UNDER THE WORKMEN'S COMPENSATION ACT.

1 *Whereas*, There exists a gross inequality between
2 employees and insurers as to producing and paying
3 for medical testimony, and justice requires that doctors
4 testifying be treated with equality and receive the
5 same amount no matter for which side they testify;
6 therefore under the police power and other powers, it
7 is intended by this act to eliminate this inequality.

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

1 Chapter 152 of the General Laws is hereby amended
2 by striking out section 9A and inserting in its place,
3 the following section:—

4 *Section 9A.* Whenever a medical question is in
5 dispute in any case, either party may engage one or
6 more physicians to appear and testify in his behalf

7 at each hearing thereon, and a reasonable fee shall
8 be allowed by the single member or by the department
9 for each such physician, to be paid by the insurer,
10 unless the member or the department makes a specific
11 finding based on evidence that the party engaging a
12 given physician was not reasonable in so doing. The
13 fee awarded shall include reasonable amounts for ex-
14 aminations, diagnostic studies and reports, as well as
15 appearances and testimony, and shall in no case be
16 less than thirty-five dollars.

17 It shall be a misdemeanor, punishable by a fine of
18 one hundred dollars or one month's imprisonment for
19 any physician who has been awarded a fee hereunder
20 for his appearance and testimony, to receive any other
21 remuneration for such appearance and testimony,
22 either directly or indirectly.