

# SENATE . . . . No. 247

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To accompany the petition of the Associated Industries of Massachusetts, by Roy F. Williams, Executive Vice President, for an amendment of the law relative to procedure before the Industrial Accident Board where compensation is discontinued. Labor and Industries.

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## The Commonwealth of Massachusetts

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

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AN ACT AMENDING THE PROCEDURE BEFORE THE INDUSTRIAL ACCIDENT BOARD WHERE COMPENSATION IS DISCONTINUED.

*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, as amended, is  
2 hereby further amended by striking out the third  
3 sentence in section twenty-nine and inserting the fol-  
4 lowing:— When compensation shall have begun or  
5 has been discontinued with the written assent of the  
6 employee or otherwise, the employee or insurer may  
7 file a written request for an informal conference to be  
8 held before a member of the department. Such a con-  
9 ference shall be held after reasonable notice to the  
10 parties at which time the employee shall be examined  
11 by an impartial physician. The impartial physician  
12 shall immediately following his examination report to  
13 the member the extent of incapacity, if any. If the

14 conference is for further compensation and the im-  
15 partial report shows no disability related to the  
16 injury the member shall order no further payment to  
17 be made. If the conference is for the discontinuance  
18 of compensation and the impartial report shows no  
19 disability related to the injury, the member shall im-  
20 mediately discontinue compensation. In either case  
21 if the impartial report indicates a continuance of total  
22 disability the member shall direct the insurer to con-  
23 tinue payment of the compensation. If the confer-  
24 ence is for the discontinuance of compensation and the  
25 member directs the insurer to continue the payment  
26 of compensation, then costs may be assessed against  
27 the insurer. If the impartial report indicates a par-  
28 tial disability, the member shall rule on the extent of  
29 such partial disability. Conferences, as provided in  
30 this section shall be held and granted preference over  
31 all other pending matters. An appeal from the order  
32 of the member for a formal hearing shall be made  
33 within seven days.