

By Mr. Businger of Brookline, petition of John A. Businger for legislation to provide for liens by group accident and health insurers under certain conditions. Insurance.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Three.

**AN ACT TO PROVIDE FOR A LIEN BY GROUP ACCIDENT AND HEALTH ACCIDENT INSURERS UNDER CERTAIN CONDITIONS.**

*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 one hundred and fifty-two of the General Laws is  
2 hereby amended by inserting after section forty-six thereof, the  
3 following section: —

4 *Section 46A.* If benefits have been paid under a group  
5 policy of accident and health insurance which excludes the  
6 obligation for which the employer or his insurer may be held  
7 liable under any workmen's compensation law, with respect to  
8 a claim which is subsequently found to be compensable under  
9 this chapter, or an insurer or self insurer subsequently makes  
10 payment with respect to such disability pursuant to this  
11 chapter, the accident and health insurer that issued said group  
12 policy or the employer may at any time before an award of  
13 workmen's compensation benefits or approval of a lump sum  
14 settlement is paid, file with the division a claim for reimburse-  
15 ment out of the proceeds of such award or lump sum  
16 settlement. In those instances in which such claim is filed, said  
17 accident and health insurer or employer shall have a lien  
18 against the award, or lump sum, and upon satisfactory proof,  
19 the division or a member thereof shall order direct payment of  
20 the reimbursement to be made from such award or lump sum.  
21 In no event shall the reimbursement exceed the amount of the  
22 award or lump sum.

...

...

...

...

...

...

...