

HOUSE No. 1572

By Mr. Navin of Marlborough, petition of the Massachusetts Association of Paraplegics, Inc., that provision be made for elective lifetime weekly payments for paraplegics and other permanently handicapped employees under the workmen's compensation law. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT TO HELP PARAPLEGICS AND OTHER PERMANENTLY HANDICAPPED EMPLOYEES BY PROVIDING ELECTIVE LIFETIME WEEKLY PAYMENTS.

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 hereby
2 further amended by adding the following new section
3 34C:—

4 *Section 34C.* At any time after an employee has been found
5 by decision or agreed by the parties to have a permanent and
6 total incapacity under section thirty-four A, or a permanent
7 and partial incapacity, under section thirty-four B, he may
8 elect instead to receive a lifetime weekly payment based on
9 the percentage of physical and/or mental loss of use of his
10 body as a whole for working purposes. A loss of eighty per
11 cent or more of the body as a whole for working purposes
12 shall be considered a total loss of use of the body, and shall
13 entitle the employee to the maximum weekly payment being
14 paid or due him. In other lesser cases, weekly payments shall
15 be in proportion to the said eighty per cent.

16 If the employee in such case goes or has gone to work, or
17 earns money, without any physical and/or mental improve-
18 ment in his condition, the wages or money earned shall not
19 reduce his weekly payments.

20 Either side may, at reasonable periods, request a hearing to
21 show a change in physical and/or mental condition to in-

22 crease or decrease the weekly award. If the request is by the
 23 insurer and the employee prevails in whole or in part, the
 24 member or reviewing board shall order the insurer to pay the
 25 costs of such proceedings, including therein reasonable coun-
 26 sel fees and witness fees of physicians appearing at such
 27 proceeding.