

By Mr. Demers of Chicopee, petition of Richard H. Demers relative to non-payment of workmen's compensation claims. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATIVE TO NON-PAYMENT OF WORKMEN'S COMPENSATION CLAIMS.

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 29 of chapter 152 of the General Laws as most recently
2 amended by chapter 578 of the Acts of 1966, is hereby further
3 amended by striking section 29 and replacing it with the following
4 new section.

5 *Section 29.* No compensation shall be paid for any injury which
6 does not incapacitate the employee from earning full wages for a
7 period of at least five days. If incapacity extends for a period of six
8 days or more, compensation shall be paid from the date of injury,
9 provided that, except under section thirty-five, no compensation
10 shall be paid for any period for which any wages were earned. If
11 compensation is due an injured employee under any of the provi-
12 sions of this statute, payment shall commence within ten days
13 subsequent to such determination of compensability. If after ten
14 days compensation has not begun, the Industrial Accident Board
15 shall request a hearing before the Commissioner of Insurance and
16 the Commissioner of Insurance may issue an order of payment to
17 such insurer. If the insurer is found by the Commissioner of
18 Insurance to have refused or neglected to comply with his order, the
19 Commissioner may bring this matter to the Supreme Judicial Court
20 for an injunction and such court shall have jurisdiction to restrain
21 such insurer from further transaction of its business until it shall
22 comply with such order or ruling. When compensation shall have

23 begun it shall not be discontinued except with the written assent of
24 the employee. In other cases the insurer shall file a written
25 application for approval of the discontinuance of compensation
26 with a recent medical report in support thereof or stating such other
27 reason which may justify such discontinuance, and shall furnish a
28 copy of such application and supporting medical report or
29 statement of reason to the employee or his attorney, and such ap-
30 proval shall only be given by the division or a member thereof after
31 a conference at which the employee may be present or represented
32 by counsel. Failure of an employee to appear at such a conference
33 after due notice thereof or report for examination by an impartial
34 examiner if requested by a member or employee of the division, may
35 be deemed sufficient cause for approval of the discontinuance of
36 compensation; provided, that such compensation shall be paid in
37 accordance with section thirty-five if the employee in fact earns
38 wages after the original agreement or decision is filed.