

**SENATE . . . . . No. 114**

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By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 114) of Robert D. Wetmore, Arthur Joseph Lewis, Jr., members of the House and others for legislation to authorize liens on workmen's compensation payments to the extent of welfare benefits paid to the employee. Commerce and Labor.

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**The Commonwealth of Massachusetts**

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

**AN ACT AUTHORIZING LIENS ON WORKMEN'S COMPENSATION PAYMENTS TO THE EXTENT OF WELFARE BENEFITS PAID TO THE EMPLOYEE.**

*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 1. Section 46A of chapter 152 of the General Laws,  
2 as amended by chapter 883 of the acts of 1975, is hereby fur-  
3 ther amended by striking out the second sentence and insert-  
4 ing in place thereof the following two sentences: —

5 If cash assistance, relief or support, or medical assistance is  
6 paid to or on behalf of an employee or a dependent of an  
7 employee by the department of public welfare under chapter  
8 eighteen, chapter one hundred and seventeen, chapter one  
9 hundred and eighteen, or chapter one hundred and eighteen E,  
10 with respect to a claim which is subsequently found to be  
11 compensable under this chapter, the department of public wel-  
12 fare, may, at any time before an award of workmen's compen-  
13 sation benefits or approval of a lump sum settlement is paid,  
14 file with the division a claim for reimbursement out of the  
15 proceeds of such award or lump sum settlement. In those  
16 instances in which such a claim is filed, said accident and  
17 health insurer or hospital, medical or dental service corpora-  
18 tion, the department of public welfare or employer shall have  
19 a lien against the award, or lump sum, and upon satisfactory  
20 proof, the division or a member thereof shall order direct  
21 payment of the reimbursement to be made from such award

22 or lump sum to the employer, health or accident insurer,  
23 hospital, medical or dental service corporations, or the depart-  
24 ment of public welfare who paid or furnished such benefits.

1 SECTION 2. Section 47 of said chapter 152, as amended by  
2 chapter 792 of the acts of 1960, is hereby further amended by  
3 adding the following phrase: — and except as permitted to the  
4 department of public welfare under chapter eighteen, chap-  
5 ter one hundred and seventeen, chapter one hundred and  
6 eighteen and chapter one hundred and eighteen E.