

By Mr. Kennedy of Brockton, petition of Thomas P. Kennedy relative to the appointment of impartial physicians by administrative law judges in workers' compensation cases. Commerce and Labor.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE FAIR AND ADEQUATE COMPENSATION OF INJURED WORKERS.

*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. Chapter 152 of the General Laws is hereby  
2 amended by adding after section 8A the following section:—

3 Section 8B. An administrative judge or administrative judge  
4 before whom a conference or hearing is scheduled, may appoint a  
5 duly qualified impartial physician to examine the injured  
6 employee and to report. The fee for this service shall be a reason-  
7 able amount set by the division, and the insurer shall remit pay-  
8 ment directly to the impartial physician promptly upon receipt of  
9 the approved bill. The report of the physician shall be admissible  
10 as evidence in any proceeding before the department or a member  
11 thereof; provided that the employee and the insurer have season-  
12 ably been furnished with copies thereof; and shall be paid by the  
13 deposing party directly to the physician promptly upon receipt of  
14 the report; provided, however, that if the decision of the adminis-  
15 trative judge is in favor of the employee, the cost of such deposi-  
16 tion shall be added to the amount awarded to the employee and be  
17 paid by the insurer under the provisions of this chapter. In  
18 reviewing and updating said roster, the senior judge shall utilize  
19 the criteria developed by the health care services board pursuant  
20 to section 13.

1 SECTION 2. Chapter 152 of the General Laws is hereby  
2 amended by striking section 11A, as appearing in the 1992

3 Official Edition, and by inserting in place thereof the following  
4 section:—

5 Section 11A. With the assistance of the medical consultant to  
6 the commissioner and the administrative judges, the senior judge  
7 shall periodically review and update a roster of impartial medical  
8 examiners who are certified specialists in various medical fields  
9 and who are willing to make prompt reports and be deposed as  
10 hereinafter provided. The senior judge shall establish criteria for  
11 being named to and remaining on said roster. Whenever an impar-  
12 tial medical examiner is appointed under section 8B, the impartial  
13 examiner shall examine the employee and make a report. The  
14 report of the impartial medical examiner shall, where feasible,  
15 contain a determination of the following:

16 (i) whether or not a disabling condition exists, (ii) whether or  
17 not any such disability is total or partial and permanent or tempo-  
18 rary in nature, and (iii) whether or not a personal injury alleged or  
19 found to have been arising out of and in the course of the employee's  
20 employment probably caused or was a contributing cause of said  
21 disabling condition. Such report shall also indicate the examiner's  
22 opinion as to whether or not a medical end result has been reached  
23 and what permanent impairments or losses of function have been  
24 discovered, if any. Whether the injury claimed is mental or emo-  
25 tional in nature, such report shall contain the said examiner's  
26 opinion as to whether or not any disabling mental or emotional  
27 condition has as its significant or predominant contributing cause,  
28 an event or series of events within the employment.

29 Failure of an employee to report to an impartial medical exami-  
30 nation after due notice and without cause, and failure to submit to  
31 such examiner all relevant medical records, medical reports, med-  
32 ical histories, and any other relevant information requested which  
33 are in the possession or control of the employee without good  
34 reason, shall constitute sufficient cause for suspension of benefits  
35 pursuant to section 45. The report of the impartial medical exam-  
36 iner shall be admitted into evidence at the Hearing. Either party  
37 shall have the right to engage the impartial medical examiner to  
38 be deposed for purposes of cross-examination. The fact that the  
39 impartial examiner has not treated the employee shall not consti-

40 tute sufficient reason for finding any report of an impartial exam-  
41 iner inadequate. The fee for the provision of a deposition by any  
42 impartial medical examiner engaged under this section shall be a  
43 reasonable amount approved by the Commissioner.

The first part of the paper deals with the general theory of the subject. It is shown that the theory is based on the principle of least action. The second part of the paper deals with the application of the theory to the case of a particle in a magnetic field. It is shown that the theory predicts the existence of a magnetic moment for the particle. The third part of the paper deals with the calculation of the magnetic moment. It is shown that the magnetic moment is proportional to the spin of the particle. The fourth part of the paper deals with the calculation of the energy levels of the particle. It is shown that the energy levels are split into two levels by the presence of the magnetic field. The fifth part of the paper deals with the calculation of the transition probabilities between the energy levels. It is shown that the transition probabilities are proportional to the square of the matrix element of the perturbation. The sixth part of the paper deals with the calculation of the cross-section for the scattering of a particle by a magnetic field. It is shown that the cross-section is proportional to the square of the magnetic moment. The seventh part of the paper deals with the calculation of the cross-section for the scattering of a particle by a magnetic field. It is shown that the cross-section is proportional to the square of the magnetic moment. The eighth part of the paper deals with the calculation of the cross-section for the scattering of a particle by a magnetic field. It is shown that the cross-section is proportional to the square of the magnetic moment. The ninth part of the paper deals with the calculation of the cross-section for the scattering of a particle by a magnetic field. It is shown that the cross-section is proportional to the square of the magnetic moment. The tenth part of the paper deals with the calculation of the cross-section for the scattering of a particle by a magnetic field. It is shown that the cross-section is proportional to the square of the magnetic moment.