

By Mr. Carney of Boston, petition of the Mass. State Labor Council, AFL-CIO, and Daniel W. Carney for legislation to extend the authority of the Division of Industrial Accidents in obtaining depositions and testimony of doctors residing in the Commonwealth. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT EXTENDING THE AUTHORITY OF THE DIVISION OF INDUSTRIAL ACCIDENTS IN OBTAINING DEPOSITIONS AND TESTIMONY OF DOCTORS RESIDING IN THE COMMONWEALTH.

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 5 of chapter 152 of the General Laws is hereby
2 amended by striking the third and last paragraph of said sec-
3 tion and inserting the following new paragraph in place there-
4 of: —

5 In addition to the foregoing procedures relative to deposi-
6 tions, the division or any member thereof may, or upon the
7 written request of any party shall, authorize the taking of
8 depositions or testimony of medical witnesses residing within
9 the Commonwealth, and may make rules to facilitate the tak-
10 ing of such depositions. Said depositions shall be taken for use
11 as medical evidence only, and shall be admissible in whole or in
12 part in proceedings before the division or any member thereof.

13 In case the division or any member thereof on its own motion
14 authorizes the taking of such a deposition the expense for
15 stenographic services in connection therewith and a reasonable
16 fee for the services of each such medical witness shall be paid
17 by the division. In case the division or any member thereof
18 authorizes the taking of such a deposition, upon the request of
19 any party, the expense of stenographic services in connection

20 therewith and a reasonable fee for the services of each such
21 medical witness shall be paid by the party so requesting the
22 taking of such deposition; provided, that, if the order or
23 decision of the single member, or reviewing board or of the
24 division is in favor of the employee such expense and fee shall
25 be added to the amount awarded the employee, and paid by
26 the insurer under the provisions of this chapter.