



MORIARTY, SHAY & ASSOCIATES, PC.

COUNSELORS AT LAW

Edgewater Office Park
301 Edgewater Place – Suite 330
Wakefield, MA 01880

Edward M. Moriarty, Jr. >
David G. Shay
James L. O'Brien (1949-2003)
Joseph R. Conte ***
Thomas F. Finn * *

Telephone: (781) 246-8000
Direct Dial: (781) 246-8011
Facsimile: (781) 246-8080
edwardm@moriartywc.com
www.moriartywc.com

Paul T. Fisher (1946-2003)

> Martindale-Hubbell® AV
Preeminent™ Rating 2016
> Fellow of The College of
Workers' Compensation Lawyers

Of Counsel
W. Todd Huston
Thomas Galvin Cotter *
Gregory M. Iudice
Christopher L. Maclachlan
Ellen H. Sullivan
Sheila S. Cunningham
Diane C. Laine
Merlene J. Rangulong **
Daniel W. Gracey****

Admitted in MA and NY****
Admitted in CT and MA ***
Also Admitted in NH **
Admitted in CT *

MEDICAL MARIJUANA:

LEARNER OBJECTIVES RELEVANT TO PRESENTATION:

**DEFINE, DESCRIBE, AND ANALYSE CURRENT MASSACHUSETTS' STATE
REGULATIONS AND POLICIES WITH RESPECT TO PATIENTS BEING
TREATED WITH MEDICAL MARIJUANA FOR CHRONIC PAIN
SECONDARY TO AN ACCPETED INDUSTRIAL INJURY - IS THE
TREATMENTS COST REIMBURSABLE BY INSURER?**

My presentation, as an experienced Massachusetts workers' compensation insurance defense attorney, will focus on defining, describing, and analyzing Massachusetts accepted industrial accident injury patient/employees being treated with medical marijuana and said employee's request at the Department

of Industrial Accident for reimbursement for said medication for treatment of chronic, intractable pain.

1. What is the state of the law in Massachusetts relative to reimbursement to the patient for medical marijuana care for treatment for chronic pain secondary to a compensable industrial injury?
2. Is there any legal distinction between reimbursement to the injured employee patient and/or to the payor for patient treatment with medical marijuana under applicable Massachusetts workers' compensation law?
3. What is the most probable objection and defense likely to be raised by the Massachusetts workers' compensation insurance industry to employee/patient claims for treatment with medical marijuana?
4. Finally, will medical marijuana for treatment of chronic pain in the injured worker be deemed by the insurance industry reliable, reasonable, necessary, therapeutic, cost effective, and consistent with Massachusetts law and substantial counter veiling Federal law prohibiting the use of marijuana for any purposes, inclusive of medical?

Edward M. Moriarty, Jr.

Edward M. Moriarty, Jr, Esquire
MORIARTY, SHAY & ASSOCIATES, P.C.
Edgewater Office Park
301 Edgewater Place – Suite 330
Wakefield, MA 01880
Tele: (781) 246-8000
Facsimile: (781) 246-8080
BBO No.: 354760
edwardm@moriartywc.com

October 14, 2016