

MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL MINUTES

February 8, 2012
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

Council Members Present: Mickey Long, Chairman; Edmund C. Corcoran, Jr., Vice-Chairman; Stephen Falvey; Stephen Joyce; Teri McHugh; John Pulgini; Antonio Frias (Ines Leonardo); John Regan; Dennis Hines; Todd Johnson; Bernard Mulholland.

Also Present: Philip L. Hillman, Director; Omar Hernandez, Senior Judge; Reuben Kantor, Director of Operations; William Tattan, General Counsel; William Taupier, First Deputy Director of Administration; Ray Marchand, Director of Investigations; Marc Joyce, Senior Regional Services Manager; Bob Ford, Budget Director, Executive Office of Labor and Workforce Development; Ellen Keefe, Workers' Compensation Rating & Inspection Bureau of Massachusetts.

Advisory Council Staff: William S. Monnin-Browder; Evelyn Flanagan; Alex Ashcraft.

Absent: William Corley; David Powell; Executive Office of Labor and Workforce Development; Executive Office of Housing and Economic Development.

Agenda:

Chairman's Welcome

DIA Update

- Judicial Update – Omar Hernandez, Senior Judge
- Vital Statistics – William Taupier, Deputy Director of Administration

Action Items

- Minutes – January 11, 2012

Executive Director Update – William S. Monnin-Browder

Miscellaneous

EXECUTIVE SESSION: CONSIDERATION OF JUDICIAL CANDIDATES

CHAIRMAN'S WELCOME

Chairman Mickey Long began the meeting at 9:00 A.M. Chairman Long asked the Senior Judge to provide the judicial update.

DIA UPDATE

Judicial Update

Senior Judge Omar Hernandez stated that conferences are currently set at seven a day and hearings would increase to four a day in attempt to maintain the queues. The Senior Judge noted that he would watch the hearing queue carefully to make sure that the Impartial Unit does not become overwhelmed.

The Senior Judge reported that the Judicial Nominating Panel had completed interviewing the 26 candidates for the Administrative Judge and Administrative Law Judge positions. The Senior Judge stated that he believed that there were good candidates moving through the process.

Senior Judge Hernandez informed the Council that the DIA anticipates holding public hearings on the proposed impartial physician fee increase sometime in May or June. The Senior Judge indicated that he is hopeful that the increase will go into effect by the beginning of next fiscal year.

Vital Statistics

Mr. Bill Taupier updated Council members on the information contained within the DIA's vital statistic report for February 2012. He offered the following statistics: Conference Queue: 731; Hearing Queue: 803; Reviewing Board Inventory: 41; Impartial Exams for FY' 12 (to date): 2,443 (28 waivers); Exam Fees Collected for FY' 12: \$875,842; Impartial Medical Examinations in FY' 11: 4,295 (48 waivers); Exam Fees Collected in FY' 11: \$1,560,963.

Mr. Taupier updated Council members on the Stop Work Order (SWO) and Caseload Statistics, including the following: SWOs issued in January: 198 (33 SWOs were reissued as the result of defaults of previous orders); total SWOs issued in FY' 12 (to date): 1,479; fine collection for January: \$137,725; total fines in FY' 12 (to date): \$798,307; SWOs issued in FY' 11: 2,972; total fines collected in FY' 11: \$1,836,225; compliance checks for January 2012: 4,578; estimated number of workers now covered by workers' compensation insurance as the result of a SWO: 5,213 (FY' 12).

Mr. Taupier continued the update of the monthly vital statistics by offering the following statistics: total number of cases filed in January 2012: 914; total number of cases filed in FY' 12 (to date): 7,078; total number of cases filed in FY' 11: 12,589; total number of First Report of Injury Forms (FRI) filed in January 2012: 2,370; total number of FRI filed online in January 2012: 843 (35%); total number of FRI filed in FY' 12: (to date): 16,902; total number of FRI filed in FY' 11: 30,820 (9,482 online).

Mr. Taupier proceeded with his update on uninsured claims (§65), offering the following numbers: total number of §65 claims reported in FY' 12 (to date): 70; total amount of §65 claims paid by the Trust Fund in FY' 12 (to date): \$4,049,167; total number of §65 claims filed in FY' 11: 118; total amount of §65 claims paid by the Trust Fund in FY' 11: \$7,668,940; total recovery efforts against uninsured employers FY' 12: \$598,342; total recovery efforts against uninsured employers FY' 11: \$1,242,706.

Mr. Taupier proceeded with the vital statistics for the Second Injury Fund (§37/37A), stating the following: total amount of §37/37A petitions paid in FY' 12 (to date): \$8,794,258; total amount paid on these claims in FY' 11: \$22,299,988; total COLA reimbursements to insurers in FY' 12 (to date): \$3,551,202; total COLA reimbursements to insurers in FY' 11: \$15,632,451.

Vice Chairman Ed Corcoran asked if there are other payments in the pipeline. He noted that the numbers the Second Injury Fund are low given where we are in the fiscal year.

General Counsel Bill Tattan explained that he could not speak to the Vice Chairman's question with regard to what is in the process of being paid, but not reflected on the slide. Mr. Tattan reminded the Council that the amount on the slide is the amount that has been paid out by the Comptroller. The General Counsel reported that they have completed the posting for the new COLA position and that the date to submit resumes has passed.

Council Member Todd Johnson asked if the agency could provide a comparison of where the agency was at the same time over the last couple of years with regard to Second Injury Fund payments.

Mr. Taupier agreed to create a comparison chart and send it to the Executive Director for distribution to Council Members.

Mr. Taupier reported that as of January 2012, the number of employees whose salary is paid by either the Special Fund or the Trust Fund was 246 (195 DIA employees, 51 WCTF employees). The DIA is authorized to have 258 payroll positions (including all full and part-time positions).

Mr. Taupier presented the following accounting and finance statistics: total referral fees collected in FY'12 (to date): \$1,991,558; total referral fees collected in FY'11: \$3,730,233; total first report fines in FY'12 (to date): \$65,600; total first report fines in FY'11: \$137,905; total assessment collections in FY'12 (to date): \$45,510,969; total assessment collections in FY'11: \$81,610,102; total SWO fines in FY'12 (to date): \$798,307; total SWO fines in FY'11: \$1,836,225.

ACTION ITEMS

A motion was made to approve the January 11, 2012 minutes.

Motion Seconded and Carried.

EXECUTIVE DIRECTOR UPDATE

Executive Director Will Monnin-Browder introduced Alex Ashcraft to the Council Members. The Executive Director informed the members that Alex attends New England School of Law and is interning with the Advisory Council for the semester.

Mr. Monnin-Browder stated that House Bill 532, An Act to Provide Incentives for Productive Workers' Compensation Audits was reported favorably by the Joint Committee on Labor and Workforce Development and has been sent to the House Committee on Ways and Means.

Mr. Monnin-Browder mentioned that he had sent around an email requesting volunteers for the Budget Subcommittee. He stated that anyone who was interested in being on the subcommittee should contact him.

Mr. Monnin-Browder noted that he had previously forwarded an email to Council members regarding the mandatory conflict of interest training. He stated that the trainings must be done every year and asked members to forward their certificate of completion to him once they had completed the training.

MISCELLANEOUS

The Executive Director reminded members that the next scheduled Advisory Council meeting will be held on Wednesday, March 14, 2012.

A motion was made to adjourn the meeting. Motion Seconded and Carried.

A motion was made to move into Executive Session. Motion Seconded and Carried.

The next meeting of the Advisory Council is scheduled for Wednesday, March 14, 2012, at 9:00 AM, at the Department of Industrial Accidents, 1 Congress Street, Suite 100, Conference Room #10-140, Boston, MA 02114-2017.