

Advisory Council Minutes

September 9, 1998
Division of Industrial Accidents
600 Washington Street
7th Floor Conference Room
Boston, MA 02111

Chair: Edmund C. Corcoran, Jr.
Vice Chair: William H. Carnes

Present: Chairman Edmund C. Corcoran, Jr.

CM: Edward Sullivan, Jr.; Robert Banks; John Gould (Donald Baldini); John Perry;
Joseph Tamulis; Tony Frias (Ines Leonardo); Carol Falcone; Alan S. Pierce;
Bruce Cochrane; Department of Labor & Workforce Development (Janice Tatarka).

Also Present: DIA: Commissioner Campbell; Tom Griffin; Senior Judge Jennings;
Vinny Luca; Jim Hayes; Dino Theodore; Bob Roesch (WCRIB); Sharon Soong (Division
of Health Care Finance & Policy); John Lawless (General Electric, Employers
Reinsurance Corp.)

Staff: Matthew Chafe; Andrew Burton; Ann Helgran.

Absent: Vice Chair William H. Carnes; CM: Jeanne-Marie Boylan; Lawrence Morrisroe;
Department of Economic Affairs.

Agenda:

DIA Update

Action Items

Minutes - August 12, 1998

Advisory Council Budget

DIA Emergency Regulations

Executive Director Update

Chairman Corcoran conducted today's meeting.

DIA Update

Senior Judge Jennings updated the Council. The conferences queue is 1,950 and the hearing queue is 1,500. Impartials last year are down from the year before by 187 and waiver of impartial fees for indigency are up 20% over the prior year. He reported that the reviewing board queue is 380 (of this number 179 are waiting to be processed). Senior Judge Jennings also reported that there are three new judges in training and that there are three open judgeships awaiting appointment (one vacant AJ, Judge Thompson's position which expires this month, and Judge McLaughlin to handle lump sum settlements on a part-time basis in Judge Vergados' place).

Chairman Corcoran thanked Senior Judge Jennings for his update.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders. August Investigations 568, SWO's issued 176, fines collected \$34,809.00. He explained that a new process was implemented to revisit companies that were issued stop work orders but had not responded. Council Members inquired as to how many employers continued to operate without insurance and were told that the information would be available for the next Council Meeting.

Budgetary Matters

Mr. Luca stated within 4 or 5 days the fiscal year 1998 Collections and Expenditures report would be given to Council Members. In addition, the fiscal year 1999 spending plan would be available shortly and a copy will be given to Council Members next month.

Personnel Issues

Mr. Luca updated Council Members on recent personnel issues. He distributed a status report. There have been 4 new hires: counsel II and three administrative judges. Two resignations: administrative secretary and a clerk IV. One transfer from dispute to manager of conciliation. At this time, no vacancies will be filled except for a legal counsel.

Assessment Audit

Mr. Luca informed Council Members that the Assessment Audit RFR is at OSD and would be out within one week. He should have responses available by the next Council Meeting.

Council Members inquired as to the Executive Director's request for numbers on the past history of assessment collections. Mr. Hayes stated that they would run that information and make it available to the Council.

Chairman Corcoran thanked Mr. Luca and Mr. Hayes for updating the Council.

MUTTS

Chairman Corcoran stated that Mr. Davis would have a status report of the progress of phase I for the October Advisory Council meeting. Chairman Corcoran rescheduled the October meeting to October 21st for the report.

Action Items

Chairman Corcoran asked for a motion to accept the August 12, 1998 minutes.

Motion made to accept the minutes.

MMS- passed.

Advisory Council Budget

Chairman Corcoran referred to the various correspondences that transpired regarding the Advisory Council budget between the Executive Director and the DIA.

The Executive Director stated that the Advisory Council's budget had been cut from its original request and that the correspondences noted the necessity of having monies available for any pending studies and reports to the legislature.

Mr. Hayes explained that the money had not been cut but placed in the DIA budget pool. The Advisory Council Budget has been changed to reflect the money for these studies (attached to minutes).

DIA Emergency Regulations

Chairman Corcoran referred to the Executive Director's memo on the DIA's emergency regulations regarding Second Injury Fund claims against the Trust Fund under §37 and §37A effective August 14, 1998 (attached to minutes).

Commissioner Campbell stated that the DIA was conducting a review of all of the departments within the agency. In doing so, a plan had been developed to more effectively handle second injury claims. Senior Judge Jennings and his staff have been working with the Commissioner to implement these revisions. The emergency regulations state that every request for second injury funds must proceed through dispute resolution.

Senior Judge Jennings stated that the official investigation into second injury claims initiated when someone wrote him a letter in January complaining that their cases were not being processed. This began the internal investigation to explain the "log-jam" between the Trust Fund and Dispute Resolution. The process has now been designed to take place in front the conciliator. If it is not settled there, it will go before a judge. Senior Judge Jennings stated 7,500 backlog conferences had been moved in 3 months (900 for section 37 cases).

The Executive Director referred to a new organization chart regarding the Office of Legal Counsel, the Trust Fund, and the Deputy Commissioner's Office (attached to minutes).

Commissioner Campbell stated that he had asked Senior Judge Jennings and his staff to assist in the reorganization of the Trust Fund. He stated that the Trust Fund was restructured to comply with the statute and to make the department more efficient.

Chairman Corcoran applauded the efforts of the DIA to correct section 37 and 37A issues.

Executive Director Update

The Executive Director referred to the article he had distributed to Council Members. State Rating Bureau Director Steve D'Amato has resigned from the Division of insurance.

Motion made to adjourn.

MMS – passed

Meeting adjourned 10:10 a.m.

The next regular meeting of the Advisory Council will be held on October 21, 1998, 9:00 AM, at the Division of Industrial Accidents, 7th Floor Conference Room, 600 Washington Street, Boston, MA 02111.