**Massachusetts** **Workers' Compensation
Advisory Council Minutes**

January 10, 2007
Department of Industrial Accidents
600 Washington Street, 7 th Floor
Boston, MA 02111

***Present****:* Vice-Chairman Thomas M. Jones. CM: Edmund C. Corcoran; John Pulgini; Tony Frias (Ines Leonardo); Peter A. Cook; Robert Banks (William Corley); John D. Boyle (Teri A. McHugh); Secretary Suzanne Bump, Executive Office of Labor and Workforce Development.

***Also Present****:* DIA: Commissioner Henry Swiniarski; Jack Tynan, Deputy Commissioner of Administration; Greg White, Deputy Commissioner/General Counsel; William McCarthy, Acting Senior Judge; Jack Defina, Chief Financial Officer; William Taupier, Deputy Director of Administration and EDP; John Glennon, Director of Information Technology; Karen Shandley, Cook & Company; Carol Falcone, Falcone Associates.

**Advisory Council Staff:** Andrew Burton; Evelyn Flanagan.

**Absent:** CM Jeanne-Marie Boylan; Mickey Long; Ken Paradis; Jill Brown; Executive Office of Economic Development.
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Agenda:

Chairman's Welcome

DIA Update

Judicial Update - William McCarthy, Acting Senior Judge

Action Items

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Data Mapping Technology Presentation

Advisory Council Appointment Status

Executive Director Update

Miscellaneous

## CHAIRMAN'S WELCOME

Vice-Chairman Tom Jones introduced the new Secretary of Labor and Workforce Development, Suzanne Bump and Acting Senior Judge, William McCarthy. Vice-Chairman Jones asked Judge McCarthy **to proceed with the judicial update.**

## DIA UPDATE

### Judicial Update

Acting Senior Judge William McCarthy updated Council Members on the information contained within the DIA's vital statistic report for January 2007 (see attached). Conference Queue: 323; Hearing Queue: 1,246; Reviewing Board Inventory: 108; Impartial Exams for FY'07 (to date): 2,388 (158 waivers). In fiscal year 2006 there were 5,374 Impartial Medical Examinations (95 waivers).

Judge McCarthy reported that the January hearing queue was below the December figure of 1,305. He explained that ideally the hearing queue should be near 1,500 cases and the conference queue should be approximately 500 cases.

The Acting Senior Judge stated that there were currently five sitting judges on the Reviewing Board. He noted that the Reviewing Board is down one Administrative Law Judge (ALJ) and that the Industrial Accident Board is down two Administrative Judges (AJs). Judge McCarthy anticipated that the Administration would soon post the position for Senior Judge. Stop Work Orders/Caseload Statistics

Mr. Taupier updated Council Members on the Stop Work Order (SWO) and Caseload Statistics for December 2006 (see attached). SWO compliance and fine collection remains at 100%. Total compliance investigations initiated: 2,089; total investigations for FY'07: 11,855; total investigations for FY'06: 23,118; total SWOs issued: 33; total SWOs issued for FY'07 (to date): 199; total number of SWOs issued for FY'06: 228;total fines collected: $36,247; total fines collected in FY'07 (to date): $140,096; total fines collected in FY'06: $230,465.

Mr. Taupier continued his update of the monthly vital statistics. Total number of cases filed for December 2006: 1,060; total number of cases filed for FY'07 (to date): 7,509; total number of cases filed for FY'06: 15,957; total number of First Reports filed: 2,376; total number of First Reports filed for FY'07 (to date): 16,864; total number of First Reports filed for FY'06: 36,590; total number of First Reports filed online: 671 (28%). For FY'06, a total of 9,405 First Reports were filed online using the DIA's Information Portal on the Internet (25.7% of FRI filings).

Secretary Bump asked for more information on why there has been a trend toward lower case filings and less litigation. She inquired if this was a product of the economic environment or if employees were fearful of losing their jobs.

Council Member Edmund Corcoran suggested that many employers, including Raytheon, have placed greater emphasis on safety programs which have contributed to this downward trend in claims. Vice-Chairman Jones added that the state has become less industrialized since the 1991 reforms.

Judge McCarthy informed the Council that another reason for less litigation was due to the nature of the injuries that now occur in Massachusetts. The Acting Senior Judge stated that 30 years ago you saw more physical injuries as opposed to the complex injuries and more difficult cases seen today (carpel tunnel & emotional injuries).

Mr. Taupier proceeded with his update on uninsured claims (§65). Total number of §65 claims processed for FY'07 to date: 102; total amount of §65 claims paid by the Trust Fund for fiscal year 2007 (to date): $2,853,863; total number of §65 claims filed for FY'06: 245; total amount of §65 claims paid by the Trust Fund for fiscal year 2006:$6,647,480.

Mr. Taupier proceeded with the vital statistics for the Second Injury Fund (§37/37A). Number of §37/37A petitions approved for payment in fiscal year 2007 (to date): 391; amount paid on these claims in fiscal year 2007: $13,065,906; number of §37/37A petitions filed in fiscal year 2006: 490; amount paid on these claims in fiscal year 2006: $18,539,957; monies recovered by the Trust Fund in FY'07 (to date): $612,421; monies recovered in FY'06: $1,443,520; COLA reimbursements to insurers in FY'07 (to date):$4,351,631; COLA reimbursements to insurers in FY'06: $23.3 million.

Secretary Bump inquired if the DIA had a slide that displayed the output of the OEVR unit. Specifically, Secretary Bump stated that she was interested in learning about the types of training programs being offered by OEVR. The Secretary stated that the Executive Office of Labor and Workforce Development had begun to look at employment data in a different manner. She emphasized that she would like to ensure that the DIA's OEVR programs are training the injured worker to fill vacancies in today's work environment and not just for future jobs.

### Budget/Personnel Issues

Mr. Taupier reported that as of December 2006, the number of employees whose salary is paid by either the Special Fund or the Trust Fund was 261 (229 DIA employees, 32 WCTF employees). The DIA has no contract employees at this time. Eleven temporary employees are being utilized within the DIA as of this report.

## DATA-MAPPING TECHNOLOGY PRESENTATION

Mr. John Glennon, Director of Information Technology, provided a presentation of the DIA's new data-mapping technology to the Advisory Council Members. Mr. Glennon stated that the software is provided by Microsoft and will allow the DIA to track pertinent information geographically. He informed the Advisory Council that current testing of the product has utilized data from the DIA's First Reports of Injuries, cases filed, and disputed cases.

Mr. Glennon reviewed a slide that indicated geographically where injuries are occurring in Massachusetts. He noted that mapping software uses zip codes as a data source to map the regions where injuries are occurring. Mr. Glennon explained to Council Members that the technology is new and the DIA is just scraping the surface of the benefits this software can provide. He noted that this software will eventually assist the DIA's Office of Safety in determining which regions should be targeted for the Safety Grant Program.

Mr. Glennon provided a brief update on the status of the DIA's Document Management System. Mr. Glennon stated that the IT department was on track with the system's development. He noted that a Circular Letter had also gone out to all parties explaining that notices would begin to be delivered by e-mail. Mr. Glennon explained that instead of the insurer receiving a notice in 4 days, it would be delivered instantaneously. Mr.Glennon indicated that this change in work process would help the DIA save on the cost of postage and paper.

## ACTION ITEMS

Vice-Chairman Jones asked for a motion to accept the Minutes for December 13, 2006. Motion made to accept the Minutes for December 13, 2006. MMS - Passed.

## ADVISORY COUNCIL APPOINTMENT STATUS

Mr. Andrew Burton, Executive Director of the Advisory Council, reviewed the appointment status of the Advisory Council Members. The Executive Director explained that six Council Members had terms which expired and that there was presently one vacancy. Mr. Burton further noted that the Advisory Council was awaiting the appointment of a new Chairman and Vice-Chairman.

The Executive Director stated that he would be contacting Advisory Council Members to learn if they wished to seek a reappointment. Mr. Burton stated that during the next few weeks he would be communicating with the Governor's Director of Gubernatorial Appointments to review all pending appointments. The Executive Director promised to keep the members apprised of any membership appointments.

## MISCELLANEOUS

Executive Director Burton informed the Advisory Council Members that today was the bill filing deadline for the 2007-2008 Legislative Session. Mr. Burton stated that he had spoken to Dan Foley from the Massachusetts Association of Independent Insurance Agents in regards to legislation protecting the names and addresses of injured workers under the Public Records Law. Mr. Burton explained that a revised-bill, that incorporated the Advisory Council's recommendations, would be filed by Representative John Fresolo. The Executive Director stated that he would keep Council Members abreast on all legislative matters.

Mr. Burton thanked all Advisory Council Members for their input into the Annual Report. He stated that many of the comments and suggestions have been added. The Executive Director stated that the Annual Report was currently at the printers and would be made available early next week. Vice-Chairman Jones thanked all parties for attending today's meeting.

**The next regular meeting of the Advisory Council is scheduled for Wednesday, February 14, 2007, at 9:00 AM, at the Division of Industrial Accidents, 600 Washington Street, 7th Floor Conference Room, Boston, MA 02111.**