MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES

September 13, 2000
Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, MA 02111

Chairman: William H. Carnes

Vice Chairman: Edmund C. Corcoran, Jr.

Present: Vice Chairman Edmund C. Corcoran, Jr.CM: Richard Lord (Donald Baldini); Joseph Tamulis; Robert Banks; Jeanne-Marie Boylan; Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan); Department of Economic Development (Thomas McCullough).

Also Present: DIA Commissioner Campbell; Vin Luca; Jim Hayes; Tom Griffin; Bob Davis; Priscilla Conant; Joseph Constantine; Karen Guarin (House Post audit); Tony Salido (WCRIB).

Guests: David Holmes, Paul English, Omer Rondeau - Oracle

Advisory Council Staff: Denise A. Lucciola; Andrew Burton; Ann Helgran.

Absent: Chairman William H. Carnes; CM: Antonio Frias; John Perry; Frank Fanning; Bruce Cochrane.

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Agenda:

DIA Update

Presentation from Oracle Representatives

Action Items

Oracle Budget

- Minutes - September, 2000

Executive Director Update

Miscellaneous

Vice Chairman Corcoran conducted today's meeting.

DIA Update

Mr. Luca updated Council members regarding judicial statistics. He noted that for impartial's listen to tape I in bottom draw to get the numbers and judges' status.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders, which had been included in Council Members' packets. Total Investigations for August: 501; Total SWO's Issued: 173; Total Fines Collected: $58,344; and Total Fines Billed: $12,950.

Personnel Issues

Mr. Luca continued with his update to Council Members on recent personnel issues. He stated the following statistics: there had been a Counsel II resignation, an Admin. Law Judge resignation, a Secretary rehired in Budget, a Hearing Stenographer demotion, a Paralegal promotion, a Legal Counsel II new hire, an Investigator new hire, and a Budget Director lateral transfer. Total DIA positions as of August 31, 2000, 285.4

Assessment Audit Tape I

Mr. Luca referred to the assessment report he had included in Council Members' packets.

Presentation from Oracle Representatives - Tape II in Denise's office Oracle.

Representatives from Oracle: David Holmes, Omer Rondeau, and Paul English came before the Council today. They distributed Oracle's E-Government Solution for the Department of Industrial Accidents to Council Members. Mr. David Holmes presented a slide presentation of a detailed overview of the Department of Industrial Accidents' proposed database conversion to Oracle (attached to minutes). He estimated the cost of the project would be 3 million 960 thousand and if started in October could be completed by January 2002.

It was noted by Council Members that according to the Commonwealth's General Appropriation's Act for fiscal year 2001, Treasurer O'Brien could release to the DIA sufficient funds from the Special Fund Reserve Account but this release was contingent upon adequate and appropriate documentation. The DIA stated that she would receive the necessary documentation.

A sub-committee will be formed to include both employees of the DIA, Oracle Representatives, and Advisory Council Members. This sub-committee will monitor each phase of the conversion and provide progress updates at the Advisory Council monthly meetings.

Action Items

Oracle Budget

Motion made to release funds totaling $3,960,000 to the Department to support the conversion to Oracle.

MMS- passed

Minutes

Vice Chairman Corcoran asked for a motion to accept the August 2000 minutes.

Motion made to accept the August 2000 minutes.

MMS - passed.

Executive Director Update

Vice Chairman Corcoran suggested that we hold an Advisory Council meeting at the Lawrence facility at the Oct. or November meeting. I wanted to get the Member's opinions on dates that you are available. Bob Davis has drafted a survey for injured workers' to assess their satisfaction with the health care they have utilized. I mailed you the survey a couple of weeks ago and please feel free to send your comments back to either Bob or myself.

House 5010, *An Act Relative to Self Insured Workers' Compensation Groups*, was enacted by the House and Senate 2 weeks ago in an informal session. The Governor signed this bill last week. This law now allows for SIGs with over 1,000 members and 5 years in good standing to no longer have to disclose their finances through a certified financial statement. (mainly effects the Retailers Assoc. of MA & Archdiocese of Boston)

The Department of Labor and Workforce Development made a direct request to me to brief the Governor on our concerns. After researching this bill, there was only one concern that I thought might effect the workers' comp. system. The issue was that if a member of an SIG didn't use a CPA to file a certified financial statement and their finances were in distress, how would the SIG become aware of this problem? How I thought it may affect us is if this member could not pay a workers' comp. claim, does the DIA have to assume liability of that claim through the Trust Fund?

No one was able to clarify or answer this question so I sent a memo to Paul O'Neil detailing this concern. After conducting further research, I found that Chapter 152, Sec. 25K, paragraph 3 clearly states that the SIG will assume liability for this member. So, I informed Mr. O'Neil of this issue and DLWD's concerns were warranted as well.

Lastly, in addition to Andrew finding a significant mistake on Tillinghast's report on assessment rates, he again found another issue that concerns us. The website: www.workerscompensation.com has plagiarized info. from the DIA and the Council without referring or citing us, and copyrighting the material. So, we spoke w/ Bill Taupier and Richard Fairbrothers and we are going to draft a letter to this company stating our concerns.

The next regular meeting of the Advisory Council: October 11, 2000 (Lawrence facility) at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.