

MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL MINUTES

September 9, 2015

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

Council Members Present: Stephen Joyce; Stephen Falvey; Frank Ruel; Bernie Mulholland; Teri McHugh; Michael Kelley.

Also Present: Linda Edmonds Turner, Director; Omar Hernandez, Senior Judge; Bill Tattan, General Counsel; Bill Taupier, Deputy Director of Administration; Michael Doheny, Executive Office of Labor and Workforce Development; John Riordan, Deputy General Counsel; Melissa Butts, Program Coordinator, Council on the Underground Economy; Ellen Keefe, Worker' Compensation Rating and Inspection Bureau; Julie Bowler, Atlantic Charter; John P. Murphy, Massachusetts Insurance Federation.

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

Absent: Bill Corley; Todd Johnson; John Regan; Mickey Long; John Pulgini; 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
- Director's Update – Director Linda Edmonds Turner

Communications

Action Items

- Minutes – August 12, 2015

Legislative Discussion

Executive Director Update – William Monnin-Browder

Miscellaneous

CHAIRMAN'S WELCOME

Chairman Stephen Joyce welcomed everyone and asked Senior Judge Omar Hernandez to provide his Judicial Update.

DIA UPDATE

Judicial Update

Senior Judge Hernandez stated that the average wait times between conciliation and conference are approximately 1.5 months in Boston and Fall River; 2.5 months in Lawrence and Springfield and 3 months in Worcester. The Senior Judge stated that last year he focused on bringing down the conference wait times and this year he would be focusing on bringing down the time frame for hearing decisions. The Senior Judge stated that every month he sends out a report to all judges requesting that they explain

any late hearing decisions. He noted that in February of this year, there were 68 decisions that met his criteria for being a late decision, and there are currently 29, which is an approximately 60% reduction.

The Senior Judge reminded the Council that the Tri-State Conference (Massachusetts, Rhode Island and New Hampshire) is coming up on October 23, 2015. The Senior Judge stated that he was going to pass around the agenda and registration form for members.

Senior Judge Hernandez stated that the DIA has not heard anything yet on the reappointment/appointment process. The Senior Judge noted that the Agency is not dire need for judges right now, since there is just one vacancy.

Vital Statistics

Bill Taupier updated Council members on the information contained within the DIA's vital statistics report for September 2015. He offered the following statistics: Conference Queue: 282; Hearing Queue: 596; Reviewing Board Inventory: 86; Impartial Exams for FY'16 (to date): 384 (6 waivers); Exam Fees Collected for FY'16 (to date): \$245,190; Impartial Medical Examinations in FY'15: 4,146 (94 waivers); and Exam Fees Collected in FY'15: \$1,967,550.

Mr. Taupier updated the Council on the Stop Work Order (SWO) and Caseload Statistics, including the following: SWOs issued in August: 167 (5 SWOs were reissued as the result of defaults of previous orders); total SWOs issued in FY'16 (to date): 379; fine collection for August: \$107,700; total fines in FY'16 (to date): \$172,625; SWOs issued in FY'15: 1,938; total fines collected in FY'15: \$1,189,530; compliance checks for August: 8,022; estimated number of workers now covered by workers' compensation insurance as the result of a SWO: 893 in FY'16 (to date).

Mr. Taupier continued the update of the monthly vital statistics offering the following: total cases filed in August 2015: 916; total cases filed in FY'16 (to date): 2,065; total cases filed in FY'15: 11,837; total First Report of Injury Forms (FRI) filed in August 2015: 2,761 (2,437 filed electronically: 88%); total FRIs filed in FY'16: 5,987; total FRIs filed in FY'15: 33,353 (29,290 online). In July 2015 the number of employee claims filed: 759; number of employee claims filed in FY'16 (to date): 1,753; number of discontinuances filed: 150; the total number of discontinuances filed in FY'16 (to date): 300; the number of third party claims filed: 7; total number of third party claims filed in FY'16 (to date): 12.

Council member Frank Ruel suggested that the Agency provide a 12 month rolling comparison for the cases filed by type statistics.

Bill Taupier proceeded with his update on uninsured claims (§65), offering the following: total §65 claims reported in FY'16 (to date): 21; total amount of §65 claims paid by the Trust Fund in FY'16 (to date): \$947,010; total §65 claims filed in FY'15: 99; total amount of §65 claims paid by the Trust Fund in FY'15: \$7,620,855; total recovery efforts against uninsured employers FY'16 (to date): \$270,664; total recovery efforts against uninsured employers FY'15: \$1,556,069.

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'16 (to date): \$83,838; total amount paid on these claims in FY'15: \$30,682,389; total COLA reimbursements to insurers in FY'16 (to date): \$64,101; total COLA reimbursements to insurers in FY'15: \$14,344,261.

Mr. Taupier reported that as of August 2015, the number of employees whose salary is paid by either the Special Fund or the Trust Fund was 234 (181 DIA employees, 53 WCTF employees).

Mr. Taupier presented the following accounting and finance statistics: total referral fees collected in FY'16 (to date): \$588,515; total referral fees collected in FY'15: \$3,888,246; total assessment collections in FY'16 (to date): \$20,421,304; total assessment collections in FY'15: \$70,934,025.

DIRECTOR'S UPDATE

Director Linda Turner stated that the Agency is going to delay the implementation of Circular Letter 348, indicating that a letter would be going out to interested parties notifying them of the delay. As background, Director Turner reminded Council Members that Circular Letter 348 amends practices and procedures relative to the filing of employer assessments. She noted that there are now new forms, separating the assessment submission and any amendments to prior filings. Additionally, she explained, Circular Letter 348 instituted a 36 month cap on the filing of amendments/revisions. Director Turner explained that the changes were made in light of an audit finding relative to the assessment collection process. The Director explained that the Agency would like the opportunity to gather feedback on the provisions of the circular letter. Director Turner explained that the purpose of the delay is to allow the Agency to gather additional feedback from insurers and other stakeholders.

COMMUNICATIONS

Executive Director Will Monnin-Browder stated that the Council had received a letter from Senator William Brownsberger, Chairman of the Joint Committee on the Judiciary, thanking the Council for its letter regarding to House Bill #1427.

EXECUTIVE DIRECTOR UPDATE

Executive Director Monnin-Browder informed the Council members that the Joint Committee on Veterans and Federal Affairs has scheduled a hearing on House Bill 1909 for September 30, 2015.

The Executive Director asked any members with suggestions for the Annual Report to please contact him.

The Executive Director reminded Council members that they had scheduled Dr. Simon Talbot to speak at the October 14, 2015, Advisory Council meeting. The Executive Director explained that Dr. Talbot is a hand transplant specialist.

Meeting adjourned.

The next meeting of the Advisory Council is scheduled for Wednesday, October 14, 2015, at 9:00 A.M., at the Department of Industrial Accidents, 1 Congress Street, Suite 100, Conference Room #10-140, Boston, MA 02114-2017.