

**Massachusetts Workers' Compensation
Advisory Council Minutes**

April 12, 2006

Division of Industrial Accidents

600 Washington Street

Boston, MA 02111

Present: Chairman Paul Byrne. CM: Tony Frias (Ines Leonardo); Robert Banks (William Corley); John D. Boyle; Edmund C. Corcoran; Ken Paradis; Jill Brown; Mickey Long; Robert Fitzsimmons; John Ziemba (Gayl Mileszko).

Also Present: DIA: Henry Swiniarski, Commissioner; James LaMothe, Senior Judge; Jack on and EDP; John Glennon, Director of ITD; Michael Kelly, AIM Mutual Insurance Company, Tynan, Deputy Commissioner of Administration; Soledad Johndro, Director of Finance & Accounting; William Taupier, Deputy Director of Administration

Advisory Council Staff: Andrew Burton; Evelyn Flanagan.

Absent: Vice-Chairman Thomas M. Jones; CM: Jeanne-Marie Boylan; John Pulgini; Bruce Cochrane; Department of Business & Technology.

Agenda:

Chairman's Welcome

DIA Update

Judicial Update - James LaMothe, Senior Judge

DIA Vital Statistics - William Taupier, Deputy Director of Administration & EDP

Action Items

- Minutes - December 14, 2005

Information Technology Project Update - John Glennon, Director of ITD

Executive Director Update

Miscellaneous

Chairman's Welcome

Chairman Paul Byrne began today's meeting at 9:00 a.m. Chairman Byrne introduced William Corley from IBEW, Local 103. Mr. Corley was asked to serve as a proxy for Council Member Robert Banks when he is not available to attend meetings.

Chairman Byrne addressed the scaffolding accident at Emerson College that tragically took the lives of three people. Chairman Byrne informed the Council Members that immediately following today's meeting, a Safety Grant Subcommittee would convene to address the criteria to be used for targeting and selecting grant applicants. Chairman Byrne stated that all Council Members are welcome to participate at this meeting. Chairman Byrne requested that Senior Judge James LaMothe proceed with his judicial update.

DIA UPDATE

Judicial Update

Senior Judge LaMothe updated Council Members on the information contained within the DIA's vital statistic report for March of 2006 (see attached). Conference Queue: 718; Hearing Queue: 1,550; Reviewing Board Inventory: 109; Impartial Exams for FY'06 (to date): 4,089 (70 waivers). In fiscal year 2005 there were 4,779 Impartial Medical Examinations (119 waivers).

Senior Judge LaMothe stated that although the conference queue appears high, he is pleased to see that the hearing queue is coming down. The Senior Judge stated that his goal was to achieve a hearing queue of 1,500, which would allow cases to move more quickly through the system. Senior Judge LaMothe commended the agency's judges, as well as the reviewing board, for the hard work they are performing.

The Senior Judge informed the Council Members that he recently met with a subcommittee of the Health Care Services Board (HCSB) to address the agency's attempt to increase the number of physicians on the impartial physician roster. The Senior Judge was pleased to report that the HCSB has agreed to assist the agency in the enlistment of doctors.

Stop Work Orders/Caseload Statistics

Mr. Taupier updated Council Members on the Stop Work Order (SWO) and Caseload Statistics for March of 2006 (see attached). SWO compliance and fine collection remains at 100%. Total compliance investigations completed during March: 2,070; total SWOs issued in March: 21; total SWOs issued for

FY'06 (to date): 154; total number of SWOs issued for FY'05: 173; total fines collected for March: \$27,069; total fines collected in FY'06 (to date): \$168,200; total fines collected in FY'05: \$267,061.

CM Mickey Long requested that the agency provide the Advisory Council with a list of repeat SWO offenders on an annual basis.

Mr. Taupier continued his update of the monthly vital statistics. Total number of cases filed for March: 1,672; total number of cases filed for FY'06 (to date): 11,732; total number of cases filed for FY'05: 16,276; total number of First Reports filed for February: 3,514; total number of First Reports filed for FY'06 (to date): 28,731; total number of First Reports filed for FY'05: 37,461. For FY'06, a total of 7,059 First Reports were filed online using the DIA's Information Portal on the Internet (25% of FRI filings).

Mr. Taupier proceeded with his update on uninsured claims (§65). Total number of §65 claims filed for FY'06 to date: 195; total amount of §65 claims paid by the Trust Fund for fiscal year 2006 (to date): \$4,602,008; total number of §65 claims filed for FY'05: 247 (with 201 actual uninsured injuries); total amount of §65 claims paid by the Trust Fund for fiscal year 2005: \$6,052,205. Mr. Taupier proceeded with the vital statistics for the Second Injury Fund (§37/37A).

Number of §37/37A petitions paid in fiscal year 2006 (to date): 398; amount paid on these claims in fiscal year 2006 as of March 31, 2006: \$11,301,784; number of §37/37A petitions filed in fiscal year 2005: 316; number of §37/37A petitions paid in fiscal year 2005: 530; amount paid on these claims in fiscal year 2005: \$25,299,116; COLA reimbursements to insurers in FY'06 (to date): \$13,773,518; COLA reimbursements to insurers in FY'05: \$16.1 million.

Budget/Personnel Issues

Mr. Taupier reported that as of March 2006, the number of employees whose salary is paid by either the Special Fund or the Trust Fund was 267 (233 DIA employees, 34 WCTF employees). The DIA has no contract employees at this time. Nine (9) temporary employees are being utilized within the DIA as of this report. The Office of Legal Counsel is utilizing the services of 3 legal interns. Each intern works on a part-time basis (the total hours each week add up to one position). Chairman Byrne recognized Commissioner Swiniarski and asked if there was anything he would like to add. Commissioner Swiniarski briefly reported to the Advisory Council members that he had received a draft audit report from the State Auditor's Office covering a period between July 1, 1999 to June 30, 2002.

The Commissioner explained that the report was extensive and identified seven (7) significant findings. Commissioner Swiniarski informed the Council Members that the DIA administration was currently writing a response to address the issues raised in the report. The Commissioner stated that although the report

was not complimentary to the agency, the administration has worked diligently during the last 2½ years on resolving many of the audit's findings.

CM Boyle requested that the DIA provide Advisory Council Members with a list of DIA employees and their functions.

ACTION ITEMS

Chairman Byrne asked for a motion to accept the Minutes for March 8, 2006.

Motion made to accept the Minutes for March 8, 2006.

MMS - Passed.

INFORMATION TECHNOLOGY PROJECT UPDATE

John Glennon, Director of Information Technology, provided the Advisory Council Members with a project update on the on the continued expansion of the agency's computer system (see attached). Mr. Glennon explained that the Fiscal Year 2006 General Appropriations Act allowed the Advisory Council to release funds from the Special Reserve Account to pay for the expenses of this technology update. Mr. Glennon noted that the Advisory Council released approximately \$1.3 million in August of 2005. Mr. Glennon stated that the first project completed was the Overnight Report Scheduling.

Currently there are three projects underway: Financial Integration Project, Document Management System, and the Oracle Environment Upgrade from 9I to 10G. Mr. Glennon stated that the target date for this upgrade is May 6, 2006. He explained that no additional development is being done in terms of programming at this time and that the agency is on schedule.

Deputy Commissioner Jack Tynan reported that the DIA currently has all of the forms online and is working towards a paperless operation. The Deputy Commissioner stated that the agency is finding that a more aggressive outreach program may be needed to get additional people to use the online forms. Deputy Commissioner Tynan mentioned that the High Volume Batch Claim Submission Project will allow the agency to process filings in batches. He indicated that another important project is the Online Assessment Project, which will allow the DIA to exchange assessment information with insurance companies.

Director Glennon spoke briefly about the data security system in place at the DIA. He explained that the system is well protected and that data is stored within the firewalls of MAGNET (the state's main security system). Director Glennon explained that the agency also conducts a local backup.

Director Glennon stated that the DIA is focusing on strengthening their own internal expertise rather than relying on consultants. Deputy Commissioner Tynan stated that the agency would be more efficient in the long-term by training internal employees on matters that historically needed a consultant.

Various Council Members offered recommendations for ways to reach out to the insurer and attorneys in an effort to increase the online filings. It was suggested that the DIA conduct outreach and marketing through publications such as "Lawyers Weekly." Another suggestion was to make online filing mandatory for certain forms.

EXECUTIVE DIRECTOR UPDATE

Executive Director Andrew Burton informed the Advisory Council on the details of the Fiscal Year 2007 House Ways & Means Budget. The Executive Director stated that the total amount appropriated for the DIA was \$20,406,316, which was the same amount, endorsed by the Advisory Council in March. Mr. Burton noted that the House Ways & Means Budget did not allocate funding for the Department of Labor. The Executive Director suggested that the Advisory Council meet with Senate budget analysts to educate them on the unique funding scenario of the DIA.

Executive Director Burton reported that he and Evelyn Flanagan had recently attended an Oversight Hearing held by the Committee on Public Safety and Homeland Security. The purpose of the hearing was to examine the present administrative framework on safety in the construction industry. The Executive Director noted that the DIA plays an important role in preventing accidents through the administration of the Safety Grant Program. Mr. Burton reminded Council Members that directly following the meeting, a subcommittee would work with the DIA administration on targeting the Safety Grant Program towards high-risk industries. Executive Director Burton invited all Council Members to participate at this meeting.

MISCELLANEOUS

Chairman Byrne thanked all parties for participating and asked for a motion to adjourn.

Motion made to adjourn.

MMS - passed. Meeting adjourned 11:15 a.m.

The next regular meeting of the Advisory Council is scheduled for Wednesday, May 10, 2006 at 9:00 AM, at the Division of Industrial Accidents, 7th Floor Conference Room, Boston, MA 02111.