

**Massachusetts Workers' Compensation
Advisory Council Minutes**

September 13, 2006
Division of Industrial Accidents
600 Washington Street
Boston, MA 02111

Present: Vice-Chairman Thomas M. Jones.CM: Jeanne-Marie Boylan; Tony Frias (Ines Leonardo); Edmund C. Corcoran; Bruce Cochrane (Thomas McClure); Mickey Long; John Pulgini; Gayl Mileszko, Director of Labor.

Also Present: DIA: Commissioner Henry Swiniarski; Jack Tynan, Deputy Commissioner of Administration; James LaMothe, Senior Judge; William Taupier, Deputy Director of Administration and EDP; Terry McCue, Boyle, Morrisey & Campo, P.C.; Joseph Pacheco, Department of Labor & Workforce Development; Jason Egan, Department of Labor & Workforce Development.

Advisory Council Staff: Andrew Burton; Evelyn Flanagan.

Absent: Chairman Paul Byrne; CM: Robert Banks (William Corley); John D. Boyle; Ken Paradis; Jill Brown; 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

Information Technology Update - John Glennon, Director of Information Technology

Action Items

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Uninsured Employer Subcommittee

Executive Director Update

Miscellaneous

CHAIRMAN'S WELCOME

Vice-Chairman Tom Jones began today's meeting at 9:00 a.m. The Vice-Chairman introduced the new Director of Labor, Gayl Mileszko, who will be serving as an exofficio member of the Advisory Council. Vice-Chairman Jones explained that during the second half of today's meeting, the membership will convene into Executive Session to review the qualifications of the six judges seeking reappointment. Vice-Chairman Jones requested that Senior Judge LaMothe proceed with the judicial update.

DIA UPDATE

Judicial Update

Senior Judge James LaMothe updated Council Members on the information contained within the DIA's vital statistic report for September of 2006 (see attached). Conference Queue: 454; Hearing Queue: 1,430; Reviewing Board Inventory: 129; Impartial Exams for FY'07 (to date): 571 (12 waivers). In fiscal year 2006 there were 5,374 Impartial Medical Examinations (95 waivers). Beginning in the fall, Senior Judge LaMothe stated that he intends to schedule more hearings to address a slight backlog. Senior Judge LaMothe noted that approximately 25 new physicians have been added to the Impartial Physician Roster. He indicated that there are still problems with attracting physicians in the western part of the state.

The Senior Judge explained to the Advisory Council that he would like to see formal training provided to the Impartial Physicians. He stated that physicians would be more likely to participate in a training exercise if they were given Continuing Education Credits. Training could include guidance on what to look for during an impartial exam and how to write a valuable report. The Impartial Manager is attempting to work with the Board of Registration of Medicine to get a program certified. Senior Judge LaMothe stated that there were six incumbent judges seeking reappointment. The Nominating Panel has voted to interview 15 new applicants, including the 6 reappointments on Thursday, September 14, 2006. The Senior Judge indicated that he expects to have the final names for the Advisory Council by Friday.

Stop Work Orders/Caseload Statistics Mr. Taupier updated Council Members on the Stop Work Order (SWO) and Caseload Statistics for July of 2006 (see attached). SWO compliance and fine collection remains at 100%. Total compliance investigations initiated during July: 1,908; total SWOs issued in July: 16; total SWOs issued for FY'07 (to date): 40; total number of SWOs issued for FY'06: 228; total fines

collected for August: \$13,430; total fines collected in FY'07 (to date): \$40,630; total fines collected in FY'06: \$230,465.

Mr. Taupier continued his update of the monthly vital statistics. Total number of cases filed for August: 1,490; total number of cases filed for FY'07 (to date): 15,957; total number of cases filed for FY'06: 15,957; total number of First Reports filed: 3,507; total number of First Reports filed for FY'07 (to date): 3,507; total number of First Reports filed for FY'06: 36,590. Total number of First Reports filed online for August: 897 (26%). 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).

Mr. Taupier proceeded with his update on uninsured claims (§65). Total number of §65 claims filed for FY'07 to date: 30; total amount of §65 claims paid by the Trust Fund for fiscal year 2007 (to date): \$738,990; 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 paid in fiscal year 2007 (to date): 90; amount paid on these claims in fiscal year 2007: \$2,055,777; number of §37/37A petitions filed in fiscal year 2006: 490; amount paid on these claims in fiscal year 2006: \$18,539,957; COLA reimbursements to insurers in FY'07 (to date): \$247,080; COLA reimbursements to insurers in FY'06: \$23.3 million.

Vice-Chairman Jones requested that Mr. Taupier add the amount budgeted in FY'07 to the Section 37/37A graph.

Budget/Personnel Issues

Mr. Taupier reported that as of August 2006, the number of employees whose salary is paid by either the Special Fund or the Trust Fund was 264 (230 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 4 legal interns. Each intern works on a part-time basis (the total hours each week add up to one position). The Senior Judge was asked about the staffing needs for the stenographer unit. Senior Judge LaMothe indicated that the unit could still use one or two more stenographers. The Senior Judge stated that the stenographer unit was currently down three positions.

Information Technology Update

Mr. John Glennon, Director of Information Technology, updated the Advisory Council members on the status of major projects. Mr. Glennon stated that during this past weekend, the Oracle Environment

version of 9I was converted to the 10G version. He explained that many of the projected functions are moving along smoothly and that a few projects are complete.

Mr. Taupier discussed the Document Management System (DMS), which will be a digital repository for all DIA Documents. Mr. Taupier stated that the system would allow the DIA to scan, index, and retrieve all documents related to cases filed at the agency. He explained that this system would allow the Judges to access pertinent information pertaining to a case in real-time, thereby streamlining their work process. According to Mr. Taupier, the DMS would be integrated with the Case Management System and training would be available to anyone who needs it. Mr. Taupier stated that the DIA was currently in the process of reviewing vendors.

Mr. Glennon informed the Advisory Council Members that he is examining the potential benefits of having Geographic Information System (GIS). He stated that a GIS could provide mapping data for the DIA's repository statewide. Mr. Glennon explained that he is looking at possible software for this system. Mr. Glennon reviewed the "Time Matters" case management application that is being utilized by the agency. Mr. Glennon explained that although the system has only been in operation for two months, it appears to have helped the Trust Fund to better manage caseloads.

ACTION ITEMS

Vice-Chairman Jones asked for a motion to accept the Minutes for June 14, 2006. Motion made to accept the Minutes for June 14, 2006. MMS - Passed.

UNINSURED EMPLOYER SUBCOMMITTEE UPDATE

Council Member Ed Corcoran stated that both labor and management joined together to form an Uninsured Employer Subcommittee. He informed the Council Members that the subcommittee met on September 7, 2006, to examine the increase in caseload of Section 65 Claims. CM Corcoran reviewed the subcommittee's recommendations (see attached).

CM Corcoran noted that the problem of uninsured employers has been a long-standing issue with the Advisory Council. He recognized the efforts of the DIA administration, which has dedicated considerable time in addressing this problem. He stated that a large amount of money is being spent on Trust Fund claims. CM Corcoran explained that beyond hurting the business climate in Massachusetts, uninsured employers create a public health issue whereby workers are exposed to needless workplace dangers that could be addressed with a proper safety program. CM Corcoran stated that the DIA may need to consider increasing the number of investigators on staff. CM Mickey Long suggested that support for the "Private Right of Action" legislation be included in the subcommittee's recommendations under needed legislative initiatives.

Vice-Chairman Jones asked for a vote to adopt the subcommittee's recommendations with the inclusion of support for the "Private Right of Action" legislation. Motion made to accept the Uninsured Employer Subcommittee's recommendations with the inclusion of support for the "Private Right of Action" legislation. MMS - Passed.

MISCELLANEOUS

Vice-Chairman Jones thanked all parties for participating and asked for a motion to convene into Executive Session to discuss the judicial re-appointments. A motion was made to convene into Executive Session. MMS - Passed. Public Meeting adjourned 10:30 a.m.

The next regular meeting of the Advisory Council is scheduled for Wednesday, October 25, 2006 at 9:00 AM, at the Division of Industrial Accidents, 160 Winthrop Avenue, Frank Janas Training Center, Lawrence, MA, 018437.