

**MASSACHUSETTS WORKERS' COMPENSATION  
ADVISORY COUNCIL MINUTES**

November 14, 2001  
Department of Industrial Accidents  
600 Washington Street, 7<sup>th</sup> Floor  
Boston, MA 02111

**Chairman:** William H. Carnes

**Vice Chairman:** Edmund C. Corcoran, Jr.

**Present:** Vice-Chairman Edmund C. Corcoran, Jr. CM: Antonio Frias (Inez Leonardo); Robert Banks; Richard Lord (Tom Jones); Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan).

**Also Present:** DIA: Jerome Shea; Jim Hayes; Jonathan Ablett; (Commerce and Labor Committee); George Sutcliffe (Standard News); Victoria Carter (WCRIB).

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

**Absent:** CM: Chairman William H. Carnes; Stephen Sampson; Jeanne-Marie Boylan; John Perry; Frank Fanning; Bruce Cochrane; Department of Economic Development.

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**Agenda:**

DIA Update

Budget Subcommittee Update

Concerns and Recommendation Section Review

Action Items

- Minutes - October, 2001

Executive Director Update

Miscellaneous

Vice Chairman Corcoran conducted today's meeting.

## DIA Update

Mr. Jerome Shea, Director of Administration, updated Council Members on the current judicial statistics. Conference Queue: 1,448; Hearing Queue: 1,912; Reviewing Board Inventory: 207; Impartial Exams: 1,367 (30 waivers). He also informed Council Members that there had been no developments regarding judicial appointments and that the Senior Judge was assisting in conference cases. Vice Chairman Corcoran applauded the Senior Judge's efforts, but voiced the concern of the Council regarding the lack of judges and the potential for a backlog.

## Stop Work Orders

Mr. Shea continued the statistics on stop work orders. Total Investigations for October: 939; Total SWO's Issued: 230; Total Fines Collected: \$34,597.00; Total Fines Billed: \$29,050.00.

## Budgetary Matters

Mr. Hayes informed members of the Council that no Budget has been approved at this time and there was also the possibility of layoffs due to Budget cuts.

Vice Chairman Corcoran stated that the funding for the DIA was unique whereas employers' assessments fund the DIA. Therefore, the DIA should not be included in Budget cuts. He stressed that Legislature again be reminded and educated as to the funding process when considering Budget cuts.

## Personnel Issues

Mr. Hayes updated Council Members on Personnel Issues and referred to his handout (attached to the minutes). He noted that there was a hiring freeze throughout the State and those positions filled had been vacant before the freeze. There will not be any new hires. Total Staffing as of October 31, 2001: 308.5

## Assessment Audit

Mr. Shea stated that Karen Fabiszewski, Assistant General Counsel, would update Council Members at the next Council meeting regarding the Assessment Audit. There have been no changes in the assessment report since the last meeting. Compensation Review System (CRS) Mr. Hayes discussed an alternative approach to the implementation of M.G.L.c.152 §13.

He informed Council Members that MUTTS would be replaced by the Compensation Review System (CRS). They would obtain seven fields of information from providers but would not use outside vendors. Information would be gathered from the Pyramid system to develop a database. Mr. Hayes will update the Council further at the next meeting. Vice Chairman Corcoran thanked the members of the Department for their update.

He then reviewed his personal experience with the Rhode Island compensation system whereby all of the parties in the system were brought together to evaluate how injured workers were treated. He mentioned the Robert Wood Johnson Grant that Rhode Island had received and he suggested that Dr. Folich be invited to an upcoming meeting of the Advisory Council to speak about the process in Rhode Island.

### **Budget Subcommittee Update**

Vice Chairman Corcoran stated that he had attended the budget subcommittee meeting and found it to be very informative.

Council Member Falcone who also attended the budget subcommittee meeting referred to the Department of Industrial Accidents FY '03 Proposed Budget Reductions outline (a plan that would be instituted to meet level funding).

Council Member Falcone compared the fiscal year 2002 proposed amount and the reduction plan for fiscal year 2003. She noted that there was a matter of concern in Personnel (regarding payroll shortfalls) and all of the judicial vacancies that had not been included in the fiscal year 2003 plan.

She said she understood that the plan was to meet level funding and that the Department had done their best to meet this goal, but it would be very tight if there were to be level funding. Since at this time there was no way of knowing the outcome if there of the funding process, she advised the Council to wait and see what develops. Vice Chairman Corcoran thanked the members of the budget subcommittee.

### **Concerns and Recommendations**

Vice Chair Corcoran referred to the handout in Council Members' packet regarding the Concerns and Recommendations Section to be included in the Advisory Councils Annual Report. He asked members for their input and suggestions regarding this section.

Discussion followed. Ms. Lucciola noted that the issue of judges would be addressed in the Concerns and Recommendation section of the Advisory Council's Annual Report. Council Member Pierce asked that his following motion be accepted in regarded to judicial appointments:

*"The Advisory Council has concerns regarding the delays in the appointment and reappointment of the Department's Administrative Judges. It is troubling to see vacancies exist for months or years despite many qualified candidates who are awaiting nomination. Fewer sitting judges means longer delays in processing cases through the system. This situation may bring back the backlogs that the 1991 reforms did much to eliminate".*

Vice Chairman Corcoran accepted Council Member Pierce's motion.

MMS - passed.

Vice Chairman Corcoran noted that the alternative approach to the implementation of M.G.L. c.152, §13 (Compensation Review System (CRS)) be inserted in the language of the Annual Report and that the reference to MUTTS be eliminated. Council Members agreed with the Vice Chair.

Vice Chairman Corcoran also suggested that in the Annual Report recognition be given to the funding mechanism of the DIA and that it be noted that the DIA is funded by employer assessments and should not be effected by budget cuts. Council Members also agreed.

Vice Chairman Corcoran asked for a motion to accept the language proposed regarding the alternative approach to MUTTS. He also asked that a motion be made that language be inserted which would reflect the funding process of the DIA by employer assessments.

MMS - passed.

Ms. Lucciola stated that she would like to send a letter to the Commerce & Labor Committee Chairs indicating the Council's concerns and their endorsement of various bills. She also suggested that a letter welcoming Senator Marc R. Pacheco be sent by the Council. Council Members agreed.

Ms. Lucciola stated that she would make the necessary changes to the Concerns and Recommendation Section of the Annual Report to reflect the suggestions made by Council Members.

### **Minutes**

Vice Chairman Corcoran asked for a motion to accept the October 2001 minutes.

Motion made to accept the minutes.

MMS - passed.

### **Executive Director Update**

The Executive Director continued to update the Council regarding the Oracle Steering Committee Meeting that was held on November 6th. She and Andrew Burton had not been able to attend that meeting because they were attending the New England Workers' Compensation Conference in Newport. She did receive the minutes of the meeting and noted that the project remains four weeks behind schedule and that the DIA will be bringing in additional resources to assist with development and testing.

Ms. Lucciola then referred to a letter (a copy of which had been sent to Council Members) from Chairman Greene (Commerce & Labor Committee) to Commissioner Griffin inquiring as to the progress of the

OEVR subcommittee. Mr. Hayes stated that the DIA has formed a reply and would include any input from the Advisory Council Members. On December 4th there will be another OEVR Subcommittee meeting.

Ms. Lucciola then asked for suggestions as to where the next Council Meeting should be held. It was the general consensus that a breakfast should be held at the Swissotel and the meeting remains at the DIA. All Council Members that are not present today will be contacted next week for their input in this matter.

Vice Chairman Corcoran thanked Ms. Lucciola for her update.

### **Miscellaneous**

Vice Chairman Corcoran inquired as to whether or not safety procedures had been implemented in the handling of mail. He was assured that everything was being done to assure that both the mail and mail handlers were safe.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 12:30 p.m.

**The next regular meeting of the Advisory Council: December 12, 2001 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.**