

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

November 8, 2000
Department of Industrial Accidents
160 Winthrop Avenue
Lawrence, MA 01843

Chairman: William H. Carnes

Vice Chairman: Edmund C. Corcoran, Jr.

Present: Chairman William H. Carnes; Vice Chairman Edmund C. Corcoran, Jr. CM: Richard Lord (Tom Jones); Frank Fanning; Stephen Sampson; John Perry; Antonio Frias (Inez Leonardo); Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan);

Also Present: DIA: Vin Luca; Jim Hayes; Louis Connolly Thomas Nee; Tony Salido(WCRIB).

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

Absent: CM: Joseph Tamulis; Jeanne-Marie Boylan; Robert Banks; Bruce Cochrane; Department of Economic Development (Thomas McCullough).

Agenda

DIA Update

Discussion of:

- Potential Concerns and Recommendations and Year in Review
- For Fiscal Year 2000 Annual Report

Action Items

- Minutes - October, 2000

Executive Director Update

Miscellaneous

Chairman Carnes conducted today's meeting and thanked Mr. Louis Connolly, Manager of the Lawrence Office for his hospitality. He also recognized Tom Jones, who will be replacing Don Baldini, as the designee from AIM and Senior Judge O'Shea of the DIA.

DIA Update

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders which had been included in Council Members' packets. October Total Investigations: 626; Total SWO's Issued: 191; Fines Collected: \$46,665.00; and Total Fines Billed: \$11,750.00.

Personnel Issues

Mr. Luca continued with his update to Council Members on recent personnel issues. He informed Council Members that there had been two new hires: A Counsel II and a Hearing Steno. There had also been four promotions: An Administrative Secretary promotion to Judicial Support, a Manager II promotion to Docketing, a Research Analyst II promotion to HCSB and a Manager VI promotion to Conciliation. Total DIA positions as of October 31, 2000: 288.4.

Assessment Audit

Mr. Luca distributed the Insurance Audit Report (attached to minutes). He indicated that there were twenty-six insurance companies under review at present and that the total amount due the DIA was \$432,842.00.

Vice Chairman Corcoran asked Mr. Luca when Travelers Insurance would be re-audited and he replied that it would be in about a year to two. Mr. Luca was also asked to explain the information contained in the audit report that he had distributed to Council Member. He explained that the report explains who the vendors had auditor ed, what they found, and what they had billed the DIA.

Mr. Luca informed Council Members that the DIA's Budget Spending Plan has been approved

Chairman Carnes thanked Mr. Luca for his update.

Mutts - ()

Bob Davis, Executive Director of the Health Care Services Board, updated Council on the status of the MUTTS program. He stated that there hadn't been a significant amount of activity associated with the program. The DIA is still waiting for the Attorney General's Office to get back to the DIA's Legal Counsel regarding several legal issues in regard to the MUTTS program. As soon as the Attorney General's Office

does this, they will be able to continue. He noted that contractors are presently in the process of doing system enhancement. In the meantime they are working with the MUTTS program internally revising the insurer database which is reasonably close to completion. The data for the program has been stored and he will work with the Department so that the incorporation collected would be compatible with the Oracle system. Mr. Davis also informed Council Members that the code and rate person who he had working in his department on MUTTS has retired and he will not be replacing that position.

Mr. Davis was asked about the monies being used for MUTTS. He responded that the contract this year expended only \$30,000 of the \$270,000 that was on the books and that no money would be spent until the Attorney General's Office gave them permission to proceed.

Vice Chairman Corcoran asked Mr. Davis if he were familiar with what was going on in Rhode Island regarding the Robert Wood Johnson Grants. Mr. Davis stated that one award included the Commonwealth of Massachusetts. It is in his office and is being used for an injured workers satisfaction survey. He noted that there were seven states included in the grant program with Massachusetts and two have already passed out an early form of their questionnaire, Texas would be next and Massachusetts will follow Texas. The research from the various states will meet on the West Coast this month to review questionnaire.

Vice Chair Corcoran requested that, in the future, Mr. Davis designate him as the contact person from Raytheon who would release information for the MUTTS program.

Discussion followed:

Chairman Carnes asked if there were any questions for Mr. Davis and he also enquired as to if the MUTTS program was on hold awaiting for the Attorney General's approval.

Mr. Davis replied that work that can be done in-house is being done, but that the outside contractors are not being paid at this time. Commissioner Campbell stated that it sounded confusing, but the reason was the "issue of privacy" when obtaining information on injured workers. Since this was an issue at both the State and Federal level, they are moving slowly and waiting for the Attorney General's opinion. He wanted the Council to know that he appreciated their patience and noted that MUTTS is part of the whole medical component that was presented to and supported by the Council several years ago. He also stated that he knew MUTTS, which is part of the medical component, is working because they have received the national study showing that it is working in Massachusetts. Vice Chair Corcoran praised the HCSB's medical guidelines and the Commissioner stated that they were formulated as the result of health care professionals who were consulted and participated in the origination of the HCSB. He also noted that these same professionals would agree that it is necessary to obtain the present data in order to continue

the program. Mr. Davis continued to say that of the five pieces of the reform that had to do with medical initiatives, four have been implemented and the fifth component is the tracking system. Chairman Carnes asked if MUTTS had to be implemented today, could it be done on the technology that is now in place, and how long would its compatibility be able to be on hold. Mr. Davis replied that they do have the system in place but although he could not project its potential he feels it would be effective for many years.

Chairman Carnes thanked both Mr. Davis and the Commissioner for their input. He then introduced Acting Senior Judge O'Shea.

Senior Judge Moshe updated Council Members on the statistics for March. Conference queue: 1,421; Hearing queue: 1,639; Reviewing Board inventory: 261; Impartial exams: 3,659 (68 waivers).

Senior Judge O'Shea updated Council Members on the statistics for February. Conference queue: 1,835; Hearing queue: 1,163; Reviewing Board inventory: 258; Impartial exams: 3,283.

Senior Judge Moshe informed Council Members that the Nominating Panel would meet Wednesday afternoon on March 15, 2000. He noted that there were three open terms available and current judicial terms will be expiring.

Chairman Carnes thanked Senior Judge O'Shea for his update.

Executive Director Update

Completed portions of the Annual Report and in addition to asking for your input on the Concerns & Recommendations & Year in Review sections, we would like to ensure that you approve both Member lists in your packet. Could you please contact me if you have any changes or updates with these 2 Member lists.

Holiday Luncheon: Dec. 13th @ 12:30 @ Venezia (after 10:00 a.m. Council).

Andrew & Denise attended the Oracle Steering Committee on October 23rd. The project is now fully underway and is progressing on schedule. We will have monthly meetings and inform you of each phase of the project.

On October 27th, they attended Fran Fanning's Local 254 Leadership Forum. Fran and Ed Sullivan did a magnificent job and managed to achieve a very impressive agenda of speakers such as the Governor, Lt. Governor, Congressman Meehan, and Attorney General Riley just to mention a few.

On October 28 - 29th, Vice Chairman Corcoran, Alan Pierce, Andrew and I attended the 3rd Annual NE Workers' Compensation Educational Conference. Vice Chairman Corcoran spoke on a panel addressing

NE Advisory Councils. He did a great presentation on PowerPoint and we handed out our legislative agendas, Council overview, and Annual Reports. Alan spoke on a panel addressing the Massachusetts reforms and if they were working. He discussed the impartial medical examiners role in the dispute resolutions system.

On November 1st, Andrew, Ann, Vice Chairman Carnes, Commissioner Campbell and myself attended a proclamation for Andrew from Lt. Governor Swift. He received the proclamation for the error he found in employer assessment rates that saved employers tens of millions of dollars. We are extremely proud of him and he is very deserving of such an award.

On November 2nd, Andrew and I met with Ken Owens from the Joint Committee on Commerce & Labor. We will be re-drafting the Judge's Staggering bill and meeting with Chairman Larkin, Chairman Carnes and Vice Chairman Corcoran to discuss our legislative agenda on Nov. 13th.

Vice Chairman Corcoran had requested information on the State Average Weekly Wage (SAWW). Andrew compiled research on how the \$43,206 dollar figure was calculated. The Vice Chair has concerns on how that number was derived and would like the Council to discuss it.

Chairman Carnes asked for a motion to adjourn.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 12:30 p.m.

The next regular meeting of the Advisory Council: December 13, 2000 at 10:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.