

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

February 8, 2000
Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, MA 02111

Chairman: William H. Carnes

Vice Chairman: Edmund C. Corcoran, Jr.

Present: Vice Chairman Edmund C. Corcoran, Jr. CM: John Gould (Donald Baldini); Alan S. Pierce; Robert Banks; John Perry; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan).

Also Present: DIA: Commissioner Campbell; Vinny Luca; Jim Hayes; Brian Hickey; Tom Griffin; Tom Jones (Commerce & Labor Committee); Alexandra St. Onge (WCRIB).

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

Absent: Chairman William H. Carnes; CM: Jeanne-Marie Boylan; Frank Fanning; Joseph Tamulis; Tony Frias; Bruce Cochrane; Department of Economic Development.

Agenda:

DIA Update

Conversion of Agency Database

Legislative Subcommittee Update

Action Items

Executive Director Update

Miscellaneous

Vice Chairman Corcoran conducted today's meeting. He thanked Council Members for rearranging their schedule for this meeting so that they could attend Wednesday's briefing by the Workers Compensation Research Institute

DIA Update

Senior Judge Jennings updated Council Members on the statistics for January. Conference queue: 879; Hearing queue: 2,085; Reviewing Board inventory: 310; Impartial exams: 2,820 (57 waivers); Judges' decisions outstanding averages: 15. Senior Judge Jennings stated that they are down to 110 board certified Orthopedic surgeons and 310 available doctors. He also stated that a judges' subcommittee reviews all impartial physicians.

Discussion Followed:

The Senior Judge was asked about the percentage of impartial reports, reaching the hearing level that had a motion filed to allow additional medical evidence. His response was 90%. Council Members again expressed concern regarding the shortage of judges when eleven of the judges' terms expire. Senior Judge stated that there was now a need to keep the two one year recall judges.

Chairman Corcoran noted that the Council has written a number of letters to the Governor Office, and the Office of Workforce and Development assured Council Members that they will continue to inform the Governor's Office and the Chief Secretary's Office of the necessity of these appointments.

Vice Chairman Corcoran thanked Senior Judge Jennings for his update.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders, which had been included in Council Members' packets. January Total Investigations: 327; Total SWO's Issued: 159; Fines Collected: \$18,020.00; Total Fines Owed: -\$17,356.00; and Total Fines Billed: \$13,700.

Personnel Issues

Mr. Luca continued with his update to Council Members on recent personnel issues and referred to the memo enclosed in Council Members' packet (attached to minutes). Total DIA positions as of January 31, 2000: 294.20.

Budget

Mr. Luca referred to the "Budget Transfer Summary" attached to minutes. He also noted that House I, of fiscal year 2001, was \$17,878,036 and did not include money for the Insurance Audit or the addition of

\$400,000 for Safety Grants. Mr. Luca stated that the DIA has had conversations regarding the monies for the Safety Grants and it appears it may have been an oversight, which may be corrected. He noted that the second injury fund is now current. If there is no change, they foresee about an 8M-dollar decrease in the Trust Fund budget.

Assessment Audit

Mr. Luca stated that there has not been any additional information to report on the assessment audit since the last meeting. As soon as a conclusion has been made it will be given to Council Members.

Brian Hickey, Director of Finance and Accounting, distributed handouts that were included in Council Members' packet and attached to minutes. He referred to the Budget Transfer Summary and explained the move from the payroll account into a consultants account and stated that this move would cover the cost of a programmer to replace the programmer who has resigned from the DIA. He explained that they were pursuing the funding for the conversion of current unify database to oracle and had met with a person from ITD to possibly obtain bond money to cover the necessary money needed for the conversion. They are also preparing to go before the Joint Committee on Science and Technology, who if they support the Departments' need, would assist in getting support from the House and Senate. (the Funding Conversion of Agency Database to Oracle attached to minutes). He then reviewed the timeline conversion of Agency's Database. He continued to emphasize that our system was outdated and the necessity of the new database. Discussion followed. Council Members agreed with the necessity of the conversion and

Vice Chairman Corcoran asked of the possibility of using the "Rainy Day Fund" to support the conversion. Mr. Lucas explained that this fund represents 35% of previous years' expenditures that are put aside for unexpected happenings. Other than revised legislation, he suggested that it might be possible to petition for the support of the utilization of this fund for the conversion of the computer system as an unexpected happening. Tom Jones, of the Commerce and Labor Staff, indicated that the Chairs of the Joint Commerce and Labor Committee would support the Council's recommendation on the use of the Rainy Day Fund.

Vice Chairman Corcoran suggested that the Advisory Council Budget Subcommittee meet with the DIA to the review the budget. He thanked Vin Luca and Brian Hickey for their input.

Legislative Subcommittee Update

Council Member Baldini updated Council Members and stated that a subcommittee met on two occasions. They discussed the possibility of legislative changes to the system regarding medical benefits. He then recognized Council Member Pierce who had requested that the Council assist him in bringing

forth to the attention of the legislature the necessity of change to some of the reforms in benefit legislation. He suggested that a consensus had been reached regarding scarring (§36) but there was no agreement reached on the §35's.

Vice Chair Corcoran agreed that there was room for change in some areas such as scarring, but felt that the Office of Vocational Rehabilitation needed to be more effective. He noted that the Council had voted on three issues that had gone to the Chairs of Commerce & Labor (timeframes for judges, code of judicial conduct and employer fines) which have been sent out of Committee. Chairman Corcoran indicated that the next step would be to discuss changes to §36.

Action Items

Minutes

Vice Chairman Corcoran asked for a motion to accept the January minutes. Motion made to accept the January minutes.

MMS - passed.

Executive Director Update

Executive Director Denise Lucciola thanked everyone for their caring and support during her difficult time in losing her mother. She then updated Council Members and referred to the enclosures in Council Members' packets.

Enclosed in Council Members' packet was a memo on the Governor's Budget Recommendations. Ms. Lucciola noted that the DIA's appropriation is 17,878,036, almost \$200,000 less than last year's final allocation. She stated would be calling Council Members to schedule a budget subcommittee meeting in March or April.

She referred to the enclosure of the Benchmark Highlights and the Key Findings for the WCRI's study for Council Members' to review for tomorrow's event at the Colonnade.

Ms. Lucciola noted that the Advisory Council Chair and Vice Chair have been invited to meet with Chairman Lynch and Chairman Larkin next Monday to discuss legislation.

Vice Chairman Corcoran asked for a motion to adjourn.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 10:45 a.m.

The next regular meeting of the Advisory Council: March 8, 2000 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.