

**MASSACHUSETTS WORKERS' COMPENSATION  
ADVISORY COUNCIL MINUTES**

March 8, 2000  
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:** Chairman William H. Carnes; Vice Chairman Edmund C. Corcoran, Jr. CM: John Gould (Donald Baldini); Frank Fanning; Tony Frias (Inez Leonardo); Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan).

**Also Present:** DIA: Commissioner Campbell; Vinny Luca; Jim Hayes; Brian Hickey; Tom Griffin; Richard Fairbrothers; Alexandra St. Onge and Claudia Cunniff (WCRIB); Donna Holmes (MA Medical Society).

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

**Absent:** CM: Robert Banks; Jeanne-Marie Boylan; Joseph Tamulis; John Perry; Bruce Cochrane; Department of Economic Development.

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**Agenda:**

DIA Update

Action Items

A. Minutes - February, 2000

OVER Discussion

A. Sarah Bee, CRC, LRC - Arbella

B. Lisa Taleghani, CRC, LRC - Board of Registration For Licensed Rehab Counselors

C. Carol Falcone - Advisory Council Member

## Legislative Meeting

A. Scarring issue

B. Benefits Study

## Executive Update

## Miscellaneous

Chairman Carnes conducted today's meeting.

### **DIA Update**

Senior Judge Jennings 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 Jennings 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 judges' whose terms will be expiring.

Chairman Carnes 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. February Total Investigations: 467; Total SWO's Issued: 202; Fines Collected: \$21,801.00; Total Fines Owed: not available; and Total Fines Billed: not available.

### **Personnel Issues**

Mr. Luca continued with his update to Council Members on recent personnel issues and noted that there has been no change since last month. Total DIA positions as of February 29, 2000: 294.20.

### **Assessment Audit**

Mr. Luca stated that additional information on the audit will be received later today and he will give the summary report to Council Members when it has been received.

Discussion followed. Council Members inquired as to the cost/accessibility of the Lawrence move and its necessity. Mr. Luca stated that it would be more accessible. The lease expired last June and the Capitol

Management Group as required by Commonwealth policy had distributed a RRP. Vice Chair Corcoran shared the concerns of Council Members on how the higher cost of leases could have an effect on employer assessment. Mrs. Joan Lenihan, Department of Labor & Workforce Development would inform the Governor's staff of the Council's concerns regarding employer assessments.

Mr. Luca also informed Council Members that the Secretary of Administration and Finance had sent the request for the addition sum of \$400,000 for Safety Grants, to the Chairs of the House and Senate Ways and Means Committee. It is to be included in House I.

Chairman Carnes thanked Mr. Luca for his update.

Chairman Carnes introduced Mr. Richard Fairbrothers, General Counsel of the DIA, to Council Members and those present.

### **Action Items**

Minutes

Chairman Carnes asked for a motion to accept the February minutes. Motion made to accept the February minutes.

MMS - passed.

### **OEVR Discussion**

Chairman Carnes asked that Council Member Carol Falcone address the discussion on OEVR.

Ms. Falcone distributed a concerns and recommendation overview of OEVR to Council Members (attached to minutes) that she had prepared for this meeting. She introduced Sarah Bee, CRC, LRC of Arbella and Lisa Taleghani, CRC, LRC of Board of Registration For Licensed Rehab Counselors. Ms. Falcone stated that at the suggestion of the Council and Co-Chairs of the Commerce and Labor Committee, she and the guest speakers today prepared an outline of concerns and recommendation to facilitate work returns for injured workers (attached to minutes). Ms. Falcone emphasized that they did not want Legislative changes because you cannot micro-manage the vocational process. She felt, however, that there were things that could be done Administratively in the OEVR Unit. She stated that she had also had a meeting with the Department of Labor and Workforce Development about networking with the other agencies.

In her handout that she distributed to Council Members (attached to minutes) she reviewed the "clarification of role" section of the outline. She again noted that the main objective was to facilitate work

returns for injured workers. She continued to review her outline of other necessary changes needed in OVER.

Mr. Luca stated that the acting Director of OEVR had accepted the position of permanent Director and that the paperwork was being done at this time. The Commissioner stated that a major problem in obtaining a permanent Director, was the necessity to give up union status. The Commissioner stated that he considered Ms. Falcone a very valuable asset, appreciated her input, and looked forward to meeting with her on these issues.

Ms. Lisa Taleghani, CRC, LRC from the Board of Registration for Licensed Rehab Counselors, emphasized the need for more training of OEVR personnel. She reviewed the staff training section of the handout (attached to minutes). Ms. Taleghani stressed that the personnel of OEVR needed to have more professional updates and needed to be made more aware of what was going on in the community i.e. industry standards. She further noted that some counselors did not have licenses and needed monthly reviews to get input from their peers. She continued to review the staff training section of their outline and stated that the OEVR staff should be able to acquire updated resource materials such as DOT and job technology.

Mrs. Taleghani referred to the Addendum which was also given to Council Members (attached to minutes) indicating the credentials that OEVR personnel should have, and which are going to be required by Mass Rehab Counselors. She stated that Federal guidelines are coming down to all local rehab commissions and that they must have credentials by a certain time period, making it necessary for personnel to have a masters in rehabilitation or related fields. When she was asked if the department staff were replaced, would it be possible to hire staff with a background described on the addendum, she said yes.

Ms. Falcone noted that the Judges have training and professionals in the industry should also train the OEVR staff. They would then have at least the knowledge if not the credentials.

Ms. Sarah Bee, CRC, LRC of Arbella reviewed the outreach section of their handout. She stressed the need for more regular meetings between OEVR and outside providers, which would include attorneys, self-insurers, insurers, etc. Ms. Bee also stressed the need of alternative resources for injured workers who do not fall under the OEVR guidelines. She felt that relationships should be setup with the Department of Labor and Workforce Development, DET, and Career Agencies of Massachusetts. Ms. Bee expressed the opinion that there should be more interactions between OVER and the providers.

Ms. Falcone concluded with the concern section of her recommendation for the Office of Education and Vocational Rehabilitation (attached to minutes). She was hopeful these concerns could be resolved with

the assistance of the Robert Demetrio, now acting, who will be the Director of OEVR. One of the concerns mentioned was the appeal process for DOS and Mr. Hayes stated that the DIA is reviewing this with their legal counsel.

Vice Chair Corcoran requested that Robert Demetrio, Director of OEVR, attend the next Council Meeting.

Chairman Carnes thanked Council Member Falcone and the quest speakers for their input in today's meeting.

### **Legislative Meeting**

Chairman Carnes updated Council Members of the Legislative Subcommittee's meeting with the Joint Committees on Commerce & Labor. He noted that part of the discussion focused on Vocational Rehabilitation for injured workers and what could be done to make OVER more effective. Chairman Carnes stated that they decided to invite professionals in the field (such as the speakers today) to give them insight as to what could be done to improve the system.

Chairman Carnes had attended the meeting with the Joint Committees on Commerce and Labor with Vice Chair Corcoran and Andrew Burton to discuss the possibility of legislative changes regarding scarring and medical benefits. There was agreement that there was room for change in some areas such as scarring but were reluctant to implement major changes in the entire process. They agreed to review OEVR.

Chairman Carnes also informed Council Members that Commerce and Labor had asked for a report on these issues and Tillinghast had been contacted for their opinion in doing such a study.

Vice Chairman Corcoran stated that the three issues that had come before the Committee were the time frames for the judges, code of judicial conduct, and the employer fines, which were acted on favorably. He stated that one of the concerns of Senator Lynch and Representative Larkin expressed was that they did not want major legislative changes and asked for a report on the cost factor of benefit changes.

Chairman Carnes asked if a motion could be taken to commission Tillinghast to do a study. Discussion followed with members of the Council and the Department regarding contract arrangements with Tillinghast to have such a study done. It was agreed that a vote might not be necessary and the existing contact with Tillinghast may be sufficient to cover the study. Mr. Luca will refer back to the Council when he has checked contract procedures and what is presently contained in the existing Tillinghast contract and what would be required to do the study.

## **Executive Update**

Executive Denise Lucciola updated Council Members and referred to the enclosures in Council Members' packets.

She noted that she had enclosed a copy of an article in this week's The Standard that addressed the Council's Concerns and Recommendations section of the Annual Report on case time frames.

Ms. Lucciola also enclosed an article from the Insurance Times that contained information about the WCRIB's "CompScope" series of studies in the Commonwealth.

She stated that she hoped that Council Members were pleased with the results of the Annual Report and that Andrew Burton had put the report on-line. It is located on the Advisory Council's Website.

Ms. Lucciola will contact Senior Judge Jennings as to when the nominating panel will hold their final interviews with judges. She will then contact Council Members to setup a meeting to review these candidates.

Chairman Carnes informed Council Members that the Budget Subcommittee would follow this meeting. He asked for a motion to adjourn the regular Council Meeting.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 10:40 a.m.

**The next regular meeting of the Advisory Council: April 12, 2000 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.**