

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

April 12, 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: Frank Fanning; Tony Frias (Inez Leonardo); Robert Banks; Jeanne-Marie Boylan; Joseph Tamulis; Alan S. Pierce; Carol Falcone.

Also Present: DIA: Senior Judge Jennings; Vinny Luca; Alexandra St. Onge (WCRIB); Jim Manoli (T Equip. Corp.).

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

Absent: CM: Chairman William H. Carnes (proxy); John Perry (proxy); John Gould (Donald Baldini)(proxy); Bruce Cochrane; Department of Economic Development; Department of Labor & Workforce Development (Joan Lenihan).

Agenda:

DIA Update

Action Items

Executive Director Update

Miscellaneous

Judges' Nominations

Vice Chair Corcoran conducted today's meeting

DIA Update

Senior Judge Jennings 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 Jennings made reference to the "Bar Survey" on the performance of the Judges at the DIA and noted that he incorporated their survey into the judges' overall performance which he had completed.

Vice Chair 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. Total Investigations for March: 553; Total SWO's Issued: 182; Fines Collected: \$46,846.00; Total Fines Owed: -\$57,453.00; and Total Fines Billed: \$15,100.00.

Personnel Issues

Mr. Luca continued with his update to Council Members on recent personnel issues. In March, there was only one change and that was the Chief Legal Counsel. He will give the Council a two month report next month since a status report was not included in today's packet.

Budget

Mr. Luca included Fiscal Year 2001 Subsidiary HH Costs and Medical Utilization Tracking and Trending System Expenditure Analysis in Council Members' packet (attached to minutes)

Assessment Audit

Mr. Luca referred to the assessment report which he included in Council Members' packet (attached to minutes) and noted that there had been three completed audits as indicated in the enclosure. He stated that there were two or three more audits which were almost completed and as soon as a conclusion has been made, it will be given to Council Members. When asked about the cash flood, he explained that the Commonwealth will bill companies three times and if payment isn't received after the third billing the "intercept" program will go into effect and any monies they may have coming from the state will be deducted. Monies coming in will be distributed 70% into the Trust Fund and 20% into the Special fund.

Vice Chair Corcoran asked Mr. Luca to explain the duties of attorneys on the MUTTS program (attached to minutes).

Mr. Luca stated that he would have the information available for the Council at the next meeting. He continued to explain that the Lawrence move would be sometime before July 1, and that when a lease expires, DCAM automatically requests an RFR. The DIA prepares the RFR but has no say in the negotiations.

Vice Chair Corcoran thanked Mr. Luca.

Action Items

Minutes

Vice Chair Cochrane asked for a motion to accept the March minutes. Motion made to accept the March minutes.

MMS - passed.

Executive Director Update

Executive Director Denise Lucciola informed Council Members that on March 29, 2000, the House Committee on Ways & Means released its fiscal year 2000 budget recommendations and the DIA's appropriation is \$18,044,865. She noted that the only provision was the one million dollars for safety grants.

She informed Council Members that Ann Conway from Tillinghast has notified her that she can provide the Council with an updated section 35 addendum to her previous study by May 5. Ms. Conway was unable to locate any data on scarring and felt that the data collection is so insignificant that no one had any data available.

Ms. Lucciola also enclosed in Council Members' packets three articles addressing OSHA's proposed ergonomics regulations and an article on the WCRI's study of employee claims data. She asked that Council Member Falcone update the Council regarding their meeting with OVER.

Council Member Falcone stated that she, the Executive Director, Sarah Bee, CRC, LRC of Arbell, Lisa Taleghani, CRC, LRC of Board of Registration for Licensed Rehab Counselors, Vin Luca, Jim Hayes, Robert Demetrio and his staff member and reviewed the outline of concerns and recommendations to facilitate work returns for injured workers that had been discussed at the last meeting. She stated that the Department agreed to respond in writing to the Council in May.

Vice Chair Corcoran emphasized that this would be viewed as a positive and not a negative review of OEVR. The Co-Chairs of the Joint Committee on Commerce and Labor are viewing a verity of issues

including the extending of benefits. He felt that the OEVR is an important part of the process in evaluating the extension of benefits.

Vice Chair Corcoran asked for a motion to adjourn the regular meeting for the interviewing of prospective Judges.

Motion made to adjourn.

MMS - passed.

The next regular meeting of the Advisory Council: May 10, 2000 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.