

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

June 13, 2001
Department of Industrial Accidents
600 Washington Street, 7th 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: Antonio Frias (Inez Leonardo); Richard Lord (Tom Jones); Alan S. Pierce; Carol Falcone; Frank Fanning; Department of Labor & Workforce Development (Joan Lenihan); Department of Economic Development.

Also Present: DIA: Deputy Commissioner Priscilla J. Conant; Jim Hayes; Senior Judge O'Shea; Jerome Shea; George Sutcliffe.

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

Absent: CM: Jeanne-Marie Boylan; Joseph Tamulis; Bruce Cochrane; Robert Banks; Stephen Sampson; John Perry.

Agenda:

DIA Update

Sunshine Fund - Carol Falcone

Ann Conway -Tillinghast - Towers Perrin Report for Rate Filing

Action Items

Minutes - May, 2001

Executive Director Update

Miscellaneous

Chairman Carnes conducted today's meeting. He announced that after the regular meeting today, Council Members would adjourn to an Executive Session in order to interview judicial candidates.

DIA Update

Senior Judge O'Shea updated Council Members on current judicial statistics. Conference Queue: 1,421; Hearing Queue: 2,086; Reviewing Board Inventory: 200; Impartial Exams: 4,123 (65 waivers). He noted that Council Members would be interviewing prospective candidates for judicial appointments after their regular meeting.

Chairman Carnes thanked the Senior Judge for his update.

Stop Work Orders

Mr. Shea reviewed the statistics on stop work orders. Total Investigations for May: 726; Total SWO's Issued: 262; Total Fines Collected: \$31,092.00; Total Fines Billed: \$14,050.00.

Budget

Mr. Shea informed Council Members that both the Senate and House Budget allowed for \$800,000 in Safety Grants and a specific company was allotted \$150,000. The DIA has contacted DLWD regarding this allotment.

Personnel Issues

Mr. Shea then referred to his handout on personnel issues (attached to minutes). Total DIA positions as of May 31, 2001: 300.5.

Assessment Audit

Mr. Shea stated that there was no change from last month regarding the Assessment Audit. Ms. Karen Fabiszewski, Legal Counsel, will be available at the next Council meeting to bring Council Members up-to-date. When asked what procedure would be used to make insurance companies comply with the request for information, Mr. Shea stated that an option would be to have the AG's office bring suit against the company.

Chairman Carnes thanked Mr. Shea.

Sunshine Fund - Carol Falcone

A letter was distributed to Council Members by Council Member Falcone in which the Governor recognized and thanked the Council for their gift. Council Member Falcone asked that a "Sunshine Fund" be established to cover the cost of future acknowledgements. Council Members were in agreement.

Chairman Carnes thanked Council Member Falcone and recognized Mr. Hayes. Mr. Hayes informed Council Members that the Oracle program had a project manager change but it will have no impact on the DIA project. There was a meeting held this week and everything is on track.

Ann Conway -Tillinghast - Towers Perrin Report for Rate Filing

Ms. Conway came before the Council and presented them with the final report for the Rate Filing. It was unchanged from the initial draft report that was reviewed and discussed by Council Members at their last meeting.

Chairman Carnes thanked Ms. Conway.

Action Items

Chairman Carnes asked for a motion to accept the May 2001 minutes. Motion made to accept the minutes.

MMS - passed.

Executive Director Update

Executive Director, Denise Lucciola, updated the Council and referred to articles she had enclosed in Council Members' packets.

She thanked Council Members for their assistance in casting their vote to release the Tillinghast report to Commissioner Ruthardt, the WCRB and the SRB.

Ms. Lucciola told Council Members that Senator Lynch might attend the next Council Meeting.

She noted that she had received an e-mail from someone who had stated that he had supervised and adjusted workers' compensation claims for many years and has noticed that insurers have started to use checks that could not be immediately cashed. She asked if Council Members were aware of this situation. Council Members were not aware of this, but were in agreement that it probably applied to those individuals who did not have checking accounts and had to wait for checks to clear.

Miscellaneous

Chairman Carnes mentioned that Lou Connolly, of the DIA Lawrence Office, had been elected President of the Statewide Elks Association and suggested a letter of congratulations be sent to him. He also suggested that a Council meeting again be held in Lawrence. Council Members agreed to discuss having the September meeting in Lawrence.

Adjourn to Executive Session Judicial Appointment Interviews

Chairman Carnes asked for a motion to adjourn to Executive Session for Judicial Appointment Interviews.

MMS - passed.

Meeting adjourned to Executive Session 9:45 a.m.

Council Meeting adjourned to Executive Session to interview prospective candidates for Administrative Law Judge and Administrative Judges in order to fulfill its statutory role in rating judicial nominees pursuant to its authority under M.G.L., c.23E, §9. Council Members were given a list of candidates who had been recommended for appointment by the Nominating Panel. Upon completion of the interviews letters will be sent to the Governor advising her of the Council's position regarding the appointment of Judges.

The next regular meeting of the Advisory Council: July 11, 2001 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.