

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

August 8, 2001
Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, MA 02111

Present: Vice-Chairman: Edmund C. Corcoran, Jr. CM: Stephen Sampson; Richard Lord (Tom Jones); Alan S. Pierce; Carol Falcone; Department of Labor & Workforce Development (Joan Lenihan).

Also Present: DIA: Commissioner Tom Griffin; Deputy Commissioner Priscilla J. Conant; Jim Hayes; Karen Fabiszewski; Senior Judge O'Shea; George Sutcliffe; Karen Wager (WCRIB); Palmara McFarlane; Tom Budnar and Anton Nielsen (Oracle).

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

Absent: Chairman: William H. Carnes; CM: Joseph Tamulis; Bruce Cochrane; Frank Fanning; Antonio Frias (Inez Leonardo); Jeanne-Marie Boylan; Robert Banks; John Perry; Department of Economic Development (Tom McCullough).

Agenda:

DIA Update

Oracle: Calendar Presentation

Reminder: September Meeting in Lawrence at 10:00 a.m.

Action Items

- Minutes - July, 2001

Executive Director Update

Miscellaneous

Vice Chairman Corcoran conducted today's meeting.

DIA Update

Senior Judge O'Shea updated Council Members on current judicial statistics.

Conference Queue: 1,778; Hearing Queue: 2,197; Reviewing Board Inventory: 165; Impartial Exams: 400 (0 waivers).

Vice Chairman Corcoran informed the Senior Judge, and those present, that a letter had been sent in support of the increase in payment for impartial physician.

In reference to the status of impartial physicians, Senior Judge O'Shea replied that the total number of impartial doctors under contract is now 172. He further stated that 46 Doctors have not as yet responded and there are 23 who have declined to be on the roster. He anticipates having a total of 312 doctors.

Senior Judge O'Shea further explained that he will continue to work with the new Governor's Chief Legal Council and will request that the open judicial slots be filled as soon as possible.

Vice Chairman Corcoran asked Senior Judge O'Shea the process initiated when a Judge extends their time frames for hearing decisions. Judge O'Shea stated that a letters was sent to the judge, as in the past, and the judge is then asked for a written explanation. The final alternative would be to take the judge off-line.

Vice Chairman Corcoran thanked the Senior Judge for his update.

Stop Work Orders

Mr. Hayes reviewed the statistics on stop work orders. Total Investigations for July: 604; Total SWO's Issued: 199 and 1 re-issue (this was later verified by the insurance company as having insurance and they would be responsible for the employer's fine). Total Fines Collected: \$25,192.00; Total Fines Billed: \$12,800.00. Mr. Hayes further indicated that the DIA plans to increase their investigation staff by two.

Personnel Issues

Mr. Hayes then referred to the enclosed update on the personnel status in Council Members' packets (attached to minutes). Total staffing as of July 31, 2001 was 301.5. When asked regarding the "03" status, Mr. Hayes replied that the number was down and he would give the Council a breakdown of their status at the next meeting.

Budget

In answer to Council Members questions, Mr. Hayes informed them that both the Senate and House Budget allowed for \$800,000 in Safety Grants. That amount has been distributed in the form of grants and

should more money be awarded, it will be given out when it is received. He will give the Council the list of the safety grant awards at the next meeting.

Vice Chairman Corcoran thanked Mr. Hayes.

Assessment Audit

Ms. Karen Fabiszewski, Legal Counsel, updated and distributed a handout (attached to minutes), and reviewed the preliminary overview that she had discussed at the last meeting.

Mr. Fabiszewski continued to review her handout and called Council Members' attention to the Parent, McLaughlin & Nangle's report on Fairfield. She stated that a change had been made on what had been reported on the Fairfield Company. A final report had originally been issued that indicated that Fairfield owed the Department \$201,991.00, and that she now had a correction in regard to the remittance. It had been reported to the Council previously that Fairfield still owed the Department approximately \$43,000 plus penalties. Upon further review it was determined that because of a duplicate payment they had made, they had actually overpaid in the amount of \$9,190.00. The assessment was correct, but they overpaid.

Ms. Fabiszewski further informed Council Members that there will be a meeting with Moddy, Famiglietti and Andronico next Wednesday to give the Department an update on the status of Arbella.

Vice Chairman Corcoran thanked Ms. Fabiszewski for her update.

Oracle: Calendar Presentation

Vice Chairman Corcoran introduced Thomas C. Budnar, Senior Practice Director and Anton Nielsen, Technical Director of Oracle who attended today's meeting to update Council Members on the Oracle system. Vice Chairman Corcoran noted the Council had been an advocate for the funding of this program in order to upgrade the software system at the DIA.

Mr. Nielson distributed to Council members a hardcopy of his slide presentation (attached to minutes). He reviewed the slides along with the hardcopy noting the object was to convert the existing Diameter system and also to increase its security.

He reviewed the project status and the four phases of development. He then continued with the calendar highlights and demonstrations on how to submit schedules and generate reports.

Vice Chairman Corcoran asked when the system would be completed and Mr. Nielson responded close to February of next year. Another update will be given at that time.

Vice Chairman Corcoran thanked members of the DIA and Oracle.

Mr. Hayes, at this time, thanked Palmara McFarlane a member of the Oracle team, for her assistance.

Vice Chairman Corcoran announced the resignation of Council Member Joseph Tamulis.

Council Members will recognize his resignation officially at a later date.

Reminder: September Meeting in Lawrence at 10:00 a.m.

Vice Chairman Corcoran reminded Council Members that their September Advisory Council Meeting will be held at the Lawrence Regional Office. The meeting will be beginning at 10:00 a.m. and will be followed by a luncheon.

Action Items

Vice Chairman Corcoran asked for a motion to accept the July 2001 minutes.

Motion made to accept the minutes.

MMS - passed.

Executive Director Update

Executive Director, Denise Lucciola updated the Council. She reminder them again that the September 12th meeting would start at 10:00 a.m. and will be followed by a luncheon buffet. She will mail out directions to Council Members.

Ms. Lucciola noted that there was no movement on the Conference Committee budget recommendations. She further stated that the last recommendation from the Senate was approximately \$18.8 million. The allocation was about \$150,000 more than both the Governor's recommendation and the House Ways & Means. She will continue to inform the Council of any other developments.

Ms. Lucciola referred to the Eastern Casualty Rate Filing, and stated that Commissioner Ruthardt has not issued a decision regarding their proposed 11.6% rate increase. She has until September 1st to issue a decision.

Vice Chairman Corcoran thanked Ms. Lucciola and 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 September 12, 2001 at 10:00 AM, DIA Lawrence Regional Office, 160 Winthrop Avenue, Lawrence, MA 01843.