

**MASSACHUSETTS WORKERS' COMPENSATION  
ADVISORY COUNCIL MINUTES**

August 9, 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:** Vice Chairman Edmund C. Corcoran, Jr. CM: Frank Fanning; Robert Banks; John Perry;  
Jeanne-Marie Boylan; Alan S. Pierce; Carol Falcone;

**Also Present:** DIA: Commissioner Campbell; Vin Luca; Bob Davis; Jim Hayes; Tom Griffin; Karen Wager  
(WCRIB).

**Advisory Council Staff:** Denise A. Lucciola; Andrew Burton.

**Absent:** CM: Chairman William H. Carnes; Richard Lord (Donald Baldini); Antonio Frias; Joseph Tamulis;  
Bruce Cochrane; Department of Economic Development; Department of Labor & Workforce  
Development.

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Agenda:

DIA Update

Vocational Rehab Update

Action Items

- Minutes - July, 2000

Executive Director Update

Miscellaneous

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Vice Chairman Corcoran conducted today's meeting.

### DIA Update

Mr. Luca updated Council Members on the judicial statistics for July. Conference queue: 2,626; Hearing queue: 1,685. He noted that there were less cases in the Conference queue this month than in last month's report. He stated that the Reviewing Board had 110 cases under deliberation; 306 cases in the inventory; and 46 cases were appealed. Mr. Luca explained that the administration has increased the monthly Conference load from ten Conferences per Judge to twelve, in an effort to get ahead of the inventory.

Council Members voiced their concern regarding the judicial vacancies and the timely appointment of a new Senior Judge.

### Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders, which had been included in Council Members' packets. Total Investigations for July: 381; Default Letter Visits: 56; Total SWO's Issued: 160; Fines Collected: \$14,956; Total Fines Owed: \$93,290; As requested by Vice Chairman Corcoran, Mr. Luca agreed he would include the amount of "debt owed" in future monthly reports by the Office of Investigations.

### Personnel Issues

Mr. Luca continued with his update to Council Members on recent personnel issues (attached to minutes). He stated that in July, there had been 5 resignations and 1 new hire. Mr. Luca stated that the Budget Director position would be replaced with an "in-house" hire. Total DIA positions as of July 31, 2000: 287.4.

### Budgetary Matters

Mr. Luca informed Council Members that the budget had been passed. He informed Council Members that at the September Advisory Council meeting a presentation will likely be given on the Oracle Conversion. Mr. Luca explained that the only problem the administration had with the Fiscal Year 2001 Budget was that only \$800,000 was appropriated for the Safety Grant program. Mr. Luca suggested that the Council form a subcommittee to study the appropriate funding for the Oracle Conversion.

Mr. Luca informed Council Members that the Assessment Report by Tillinghast had recently been revised. He noted that the Council's research analyst, Andrew Burton, had found a mathematical error in the report, thus decreasing the overall assessment rate. The Executive Director noted that the corrected

mistake resulted in a 12% decrease (previously 4.472% to 3.953%) to the assessment rate for private employers.

#### Assessment Audit

Mr. Luca stated that he was unprepared to give an assessment audit update this month, due to the recent resignation of the Budget Director, Brian Hickey. Mr. Luca assured Council Members that a status update would be presented at the next Council meeting.

#### Vocational Rehabilitation Update

Council Member Carol Falcone updated the Council on the progress of the Voc. Rehab Subcommittee. She noted that the subcommittee is continuing to meet with Robert Demetrio who is now the permanent Director of OEVR. Ms. Falcone stated that the Executive Director would be meeting with the advisory group that meets with OEVR members on a regular basis. The Subcommittee is planning on creating a draft of the concerns expressed by the industry and the community. Ms. Falcone has recommended that any rule changes be left unchanged until next year so they can be further studied.

Executive Director Denise Lucciola explained to Council Members that the Director of OEVR is planning on conducting an anonymous survey with all of the providers to determine the relevant issues that need to be addressed. Vice Chairman Corcoran suggested that injured workers and attorneys also be included in this survey so that all parties are represented. Commissioner Campbell agreed that this is a good opportunity to be discussing these issues with the recent interest generated by the CompScope Study released by the WCRI.

#### Action Items

##### Minutes

Vice Chairman Corcoran asked for a motion to accept the July 2000 minutes.

Motion made to accept the July 2000 minutes.

MMS - passed.

#### Executive Director Update

Executive Director, Denise Lucciola reviewed a budget memorandum that been previously mailed to Council Members (see attached).

Ms. Lucciola stated that she and Andrew Burton would be attending a meeting next Tuesday with Oracle representatives and would update the Council on issues discussed.

Ms. Lucciola explained that no action had been taken on any workers' compensation bills at the end of the legislative session (July 31, 2000). She noted the Senator Lynch will most likely re-file the scarring legislation for the next legislative session.

### **Miscellaneous**

Vice Chairman Corcoran asked Mr. Luca how the funds for the Oracle Program would be transferred into the DIA's account to supplement the budget. Mr. Luca noted that the DIA already has access to these funds, but will need the affirmative vote of at least seven Council Members. Mr. Luca explained that the Fiscal Year 2001 Budget gives the DIA the ability to spend beyond the appropriated number.

Council Member Falcone asked Commissioner Campbell of any news regarding the appointment of a new Senior Judge. The Commissioner stated that the DIA is working with the Governor on this important matter and that he hopes by the next Council meeting an appointment will have been made. He noted that six candidates had been interviewed and that Senior Judge Jennings was gracious enough to attend these interviews.

Vice Chairman Corcoran asked for a motion to adjourn.

Motion made to adjourn.

MMS - passed. Meeting adjourned 10:00 a.m.

**The next regular meeting of the Advisory Council: September 13, 2000 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.**