

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

March 13, 2002
Department of Industrial Accidents
160 Winthrop Avenue
Lawrence, MA 01843

Chairman: William H. Carnes

Vice Chairman: Edmund C. Corcoran, Jr.

Present: Chairman William H. Carnes *CM:* Frank Fanning; Richard Lord (Tom Jones); John Perry; Robert Banks; Bruce Cochrane; Alan S. Pierce; Carol Falcone; Department of Economic Development (Robert Matthews).

Also Present: DIA: Deputy Commissioner Conant; Legal Counsel Paul Griffin; Senior Judge O'Shea; Jerome Shea; Jim Hayes; Barbara Allan (Vocational Rehab).

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

Absent: Vice Chairman Edmund C. Corcoran, Jr.; *CM:* Jeanne-Marie Boylan; Stephen Sampson; Antonio Frias; Department of Labor & Workforce Development (Joan Lenihan).

Guests: Louis Connolly, Regional Manager and Thomas Nee, Director of Workers' Compensation Education and Training in Lawrence.

Agenda:

DIA Update

Action Items

Minutes - February, 2002

Executive Director Update

Miscellaneous

Chairman Carnes conducted today's meeting.

DIA Update

Senior Judge O'Shea updated Council Members on current judicial statistics. Conference Queue: 1,264; Hearing Queue: 1,740; Reviewing Board Inventory: 207; Impartial Exams: 2,852 (59 waivers). The Senior Judge informed Council Members that an Administrative Judge (one-year term) is opting to take the early retirement incentive and that the Governor's Chief Legal Counsel had stated that one judicial reappointment would be finalized today.

Stop Work Orders

Mr. Shea updated Council Members on the stop work orders statistics. Total Investigations for February: 807; Total SWO's Issued: 194; Total Fines Collected: \$18,248; Total Fines Billed: \$16,300.

Budget Mr. Hayes told Council Members that the Commissioner will be accompanying officials of the Department of Labor & Workforce Development who will be presenting testimony to the Senate Ways & Means Committee on March 25, 2002.

Personnel Issues

Mr. Shea continued to address the personnel statistics. As of February 28, 2002 the personnel number is 306.5. There have been no changes since the last meeting.

When asked about the backfilling of positions, Mr. Hayes responded that the DIA did not have the authority to backfill positions. He did believe, however, that 20% of the payroll will be saved, but would not know until the final figure for retirement was established on March 15th (the last day for those wishing to take early retirement). Mr. Hayes was asked about the job description for the consultant in the Office of Health Policy. He stated that the role of this person's position is to work on the Compensation Review System and to market the system to the insurers.

Assessment Audit

Deputy Commissioner Conant introduced the newly appointed Legal Counsel, Paul Griffin. Mr. Griffin updated Council Members on the status of Eastern Casualty Insurance Company and noted that a letter had been sent to them in response to a letter that the DIA had received from Eastern Casualty. He noted that Eastern Casualty had remitted a total of \$830,302 in unpaid assessments but are disputing the balance owed. In a letter sent to Eastern Casualty it was requested that the remittance of the additional \$621,594 be paid as it was their responsibility to pay this amount.

Discussion followed regarding the various methods of collections that could be implemented in order to collect payment from Eastern Casualty. Members felt that it was the responsibility of carriers to pay any

debt owed to the agency. Council Members expressed concern that this case could set a precedent and that it might be worthwhile to spend money on legal fees since the DIA is due this money from the carrier. It was also noted that the statute of limitations could be an issue on some claims. Council Members agreed that a decision had to be made for the collection of the remaining revenue by the DIA. They requested that members of the DIA have a report for the next meeting clarifying the course of action that will be taken to ensure payment from Eastern Casualty.

Chairman Carnes thanked the members of the Department for their input.

Action Items

Chairman Carnes asked for a motion to accept the February 2002 minutes.

Motion made to accept the minutes.

MMS - passed.

Executive Director Update

Executive Director, Denise Lucciola updated Council Members. She noted that there will be bi-monthly meetings regarding the DIA's Oracle conversion and that the project is scheduled to launch on April 2, 2002. The Executive Director informed the Council that an Oracle subcommittee meeting was held yesterday. She stated that members of the Oracle team will come before the Council and give a presentation at the April 10th Advisory Council Meeting.

Ms. Lucciola recognized Council Member Falcone and Barbara Allen, members of the OEVR subcommittee, and thanked them for their assistance. She stated that a meeting was held on February 28th, in which members discussed drafting a progress report. The Executive Director stated that they also reviewed items of concern that the sub-committee had discussed in November.

Council Member Falcone stated that she wanted Council Members to be aware of the fact that Jim Hayes had been involved in the meetings with outside vendors and listened to their concerns. She noted that Mr. Hayes was responsive to the recommendations being voiced by the plaintiff bar, insurers, and those involved in the system. She further thanked him for his cooperation. Council Member Falcone felt they were progressing well and hoped they would be able to get something to the legislature soon. The next meeting will be held on April 24, 2002. Ms. Lucciola thanked Lou Connelly, Tom Nee, Mary Doyon and Mrs. Connelly for their help with the organization of today's meeting.

Ms Lucciola then presented each Council Member with the recently published Fiscal Year 2001 Annual Report. The Executive Director thanked her staff for their hard work in bringing this document together.

Miscellaneous

Chairman Carnes acknowledged the retirement of Lou Connelly and Thomas Nee of the Lawrence Regional Office. He then read a letter of appreciation to both Mr. Connelly and Mr. Nee on behalf of the members of the Advisory Council.

Both Lou Connelly and Thomas Nee individually addressed and thanked Chairman Carnes, Vice Chairman Corcoran, Members of the Council, and all those present for their recognition. Lou Connelly leaves the Department with 24 years of service and stated it had been an excellent journey. Mr. Connelly hoped that he was able to help people in some small way through the years.

Chairman Carnes stated that there would be a luncheon following today's meeting and all were invited to attend.

Chairman Carnes asked for a motion to adjourn.

Motion made to adjourn.

Meeting adjourned 11:30 a.m.

The next regular meeting of the Advisory Council: April 10, 2002 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.