

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

January 13, 1999
Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, MA 02111

Chair: William H. Carnes

Vice Chair: Edmund C. Corcoran, Jr.

Present: Chairman Edmund C. Corcoran, Jr. CM: Jeanne-Marie Boylan; Robert Banks; Joseph Tamulis; Frank Fanning; John Gould (Donald Baldini); John Perry; Tony Frias (Inez Leonardo); Carol Falcone; Alan S. Pierce; Department of Labor & Workforce Development (Janice Tatarka).

Also Present: DIA: Commissioner Campbell; Senior Judge Jennings; Vin Luca; Jim Hayes; Bob Davis.

Staff: Andrew Burton; Ann Helgran.

Absent: Vice Chair William Carnes; Lawrence Morrisroe; Bruce Cochrane; Department of Economic Affairs (John Melina).

Agenda:

DIA Update

Fiscal Year 1998 Annual Report - Concerns & Recommendations

Subcommittee Update - Executive Director Search

Action Items

Chairman Corcoran conducted today's meeting.

DIA Update

Senior Judge Jennings updated the Council. He stated that the conference queue is now 2,278 and the hearing queue is 1,161. He reported that the reviewing board has an inventory of 309 cases, and the impartialists are on schedule with 1,551 exams and waivers 62. The Section 37's have reached a queue of 784 cases. Chairman Corcoran thanked Senior Judge Jennings for his update. Chairman Corcoran noted

that as was suggested at the last Council meeting, a letter was sent to the Governor indicating the immediate need to make appointments to the two vacant judgeships.

Stop Work Orders Mr. Luca reviewed the statistics on stop work orders (which had been included in Council Members' packet). December Investigations 396; SWO's issued 104; fines collected \$28,828.00.

Discussion followed. There was confusion among Council Members regarding the reporting of the collection of fines. It was suggested a change be made in the statistical report to reflect the actual fines levied and fines collected.

Personnel Issues

Mr. Luca updated the Council Members on recent personnel issues. A status report was included in Council Members' packets. In December there were 2 new hires, 3 promotions, and 3 resignations.

Assessment Audit

Mr. Luca informed Council Members that the Assessment Audit RFR process had been completed. There were three responses and on January 19th they will be evaluated so a selection can be made.

Budget

Mr. Luca stated that the spending plan had been approved and that there will be managers' meeting on Friday morning at 11:00 a.m. to review the spending plan. Chairman Corcoran thanked Mr. Luca.

Update on Progress of MUTTS

Bob Davis, Executive Director of the Health Care Services Board, updated the Advisory Council regarding the progress of MUTTS. He indicated that the replacement vendor for the pilot project had supplied them with 20,000 records which were now in the hands of the contractor. Chairman Corcoran referred to an article in Business Insurance Magazine. The article calls attention to the workers' compensation system, and a court decision regarding Utilization Review (UR) in Pennsylvania that will be heading to the Supreme Court next week. Mr. Davis stated that the UR system in Massachusetts is working reasonably well with few complaints.

Chairman Corcoran thanked Bob Davis for his update.

Fiscal Year 1998 Annual Report - Concerns & Recommendations

Chairman Corcoran called Council Members' attention to the Concerns & Recommendations section of the Annual Report that had been included in Council Members' packets. Discussion followed. Council Members were concerned about the lack of legislative activity on workers' compensation bills during the

1997-1998 legislative session. Commissioner Campbell implied that although no changes have recently been made in the workers' compensation system, this might be the year that changes may occur, and that he expects workers' compensation issues will be a top priority. It was suggested that Council Members meet with members of the Governor's Office, the Commerce & Labor Committee, and any other interested parties to discuss some of the Council's concerns.

A motion was made to accept the Concerns & Recommendations section of the Annual Report.

MMS - passed.

Further discussion followed regarding the Concerns & Recommendations section focusing on the performance of judges. Council Members expressed frustration with the current mechanism available for removing incompetent judges. Senior Judge Jennings offered the suggestion that initial judicial terms could be shortened, however, he noted this would have to be done by legislation. Chairman Corcoran asked for a motion to reconsider the motion made to accept the FY'98 Concerns and Recommendations section of the Annual Report.

MMS - passed.

Further discussion occurred in regards to assembling a judicial panel to create guidelines and timeframes. A motion was made to amend the FY'98 Concerns and Recommendations for the sections on "Judicial Guidelines for Decisions Outstanding/Time Frames" and "Staggering of Terms for Judges." Motion would eliminate specifics on establishing a panel of Administrative Judges to develop guidelines and timeframes. The motion would create a new recommendation that the Advisory Council would begin a review of this issue. The motion would also change the "Staggering of Terms for Judges" headline to read "Judicial Terms." It would also append to the recommendation that the length of an initial term for Administrative Judges at the DIA be either two or three years to allow for a judicial review by the Senior Judge.

MMS - passed.

Chairman Corcoran stated that the Concerns and Recommendations Section would be revised and a copy issued to Council Members. Chairman Corcoran also stated that a letter would be written to the Governor's Office and the Commerce & Labor Committee Chairs to request a meeting to discuss concerns of the Advisory Council.

Subcommittee Update - Executive Director Search

Chairman Corcoran updated Council Members on the search for an Executive Director. Members of the sub-committee who reviewed the candidates for the Executive Director position were Chairman Corcoran, Vice Chair Carnes, CM: Fanning, and Falcone. The subcommittee reviewed the resumes of the 18 candidates who applied and 5 will be interviewed on January 21st at 2:00 p.m.. He noted that all Advisory Council Members are welcomed to attend this meeting. The final candidates will be presented at the next Council Meeting.

Action Items

Chairman Corcoran asked for a motion to accept the December minutes. Motion made to accept the minutes.

MMS - passed.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 11:30 a.m.

The next regular meeting of the Advisory Council will be held on February 10, 1999, 9:00 AM, at the Division of Industrial Accidents, 7th Floor Conference Room, 600 Washington Street, Boston, MA 02111.