

**MASSACHUSETTS WORKERS' COMPENSATION  
ADVISORY COUNCIL MINUTES**

December 8, 1999  
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:** Tony Frias (Inez Leonardo); Frank Fanning; Robert Banks; John Gould (Donald Baldini); Joseph Tamulis; Jeanne-Marie Boylan; John Perry; Carol Falcone; Department of Labor & Workforce Development (Joan Lennihan).

**Also Present DIA:** Commissioner Campbell; Tom Griffin; Vinny Luca; Alexandra St. Onge (WCRIB).

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

**Absent:** Chairman William H. Carnes; CM: Bruce Cochrane; Alan S. Pierce; Department of Economic Affairs.

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**Agenda:**

DIA Update

Senior Judge Jennings: Judicial Nomination Update

Action Items

Executive Director Update

Miscellaneous

Vice Chairman Corcoran conducted today's meeting.

### **DIA Update**

Senior Judge Jennings updated Council Members on the statistics for November. Conference queue: 974; Hearing queue: 1,759; Reviewing Board inventory: 294; Impartial exams: 2,104. He noted that the impartial roster of doctors is down to 314. He stated that there are two complaints against doctors, which he and an appointed committee will be reviewing.

Vice Chairman Corcoran referred to a draft letter in Council Members Packets to the Governor regarding judicial appoints at the DIA. He asked for the Senior Judge's opinion regarding the letter.

Senior Judge Jennings stated that he had met with members of the Chief Secretary's Office and Chief Legal Counsel's Office, which are the two entities that make the decisions and recommendations regarding the judicial process. Since they were a new staff, he informed them of the nomination process. He also went over the issue of judges' terms expiring and the necessity to stagger judicial terms. He reviewed the judges who are presently in the Judicial Pool.

The meeting was positive and he noted the Council's position of sending a letter to the Governor regarding the need for judicial appointments.

Vice Chairman Corcoran suggested that the draft letter be amended to delete the section regarding the practice of judges' writing decisions after their term has expired. Council Members agreed and the letter will be sent to the Governor.

Vice Chairman Corcoran asked that the Executive Director create a mailing list of organizations who would be supportive and interested in the Advisory Council initiatives i.e. legislation for the staggering of judges terms.

Vice Chairman Corcoran thanked Senior Judge Jennings for his update.

### **Stop Work Orders**

Mr. Luca reviewed the statistics on stop work orders, which had been included in Council Members' packets. November Total Investigations: 400; Total SWO's Issued: 157; Fines Collected: \$26,800.00; Total Fines Owed: -\$35,550.00; and Total Fines Billed: \$4,900.00. When asked to explain the cost of collecting monies owed, Mr. Luca stated that the Commonwealth has nine collection agencies under contract who have setup a matrix of charges based on the amount and age of the debt. The older and

smaller of the debt, the more the charge. The larger the debt and more recent, the less percent the collection agencies charge.

### **Personnel Issues**

Mr. Luca continued with his update to Council Members on recent personnel issues. In November, there was 1 manager position opened in Insurance (deceased), and 1 resigned position in docketing of Clerk IV. Total DIA positions filled as of November 30, 1999: 296.20.

### **Assessment Audit**

Mr. Luca referred to the assessment report in Council Members' packets on the status of insurance company reviews. He stated that a final report would be received next week on one of the audits. Based on what information that the DIA has received, they have found that certain insurers in the last three years have used deviated rates (discount rates) as a base for their assessment application. He told Council Members that the insurers will be paying the Department the difference between what they paid the DIA and what discount they took.

### **Budget**

Mr. Luca stated that the Budget had passed but the funds have not as yet been allotted. He will have a more in-depth report next month.

Vice Chairman Corcoran thanked Mr. Luca and recognized Commissioner Campbell.

Commissioner Campbell wished everyone a Happy Holiday and updated the Council on the national picture of workers' compensation. He noted that because of the increase in medical costs, many states have increased their workers' compensation insurance rates. He believes that the DIA's emphasis on safety programs and grants will be effective in Massachusetts in the controlling of workers' compensation costs in this State. The Budget allocation, for Fiscal Year 2000 is \$800,000; the request of the DIA for Fiscal Year 2001 is \$1.2 million.

Vice Chairman Corcoran noted that the ergonomics standards that OSHA is proposing will be of substantial cost to employers and the Safety grants will be in demand. He suggested that a speaker be asked to address the Council in January or February to explain OSHA's proposal. also suggested that the Council go on record as supporting an increase in the Office of Safety's budget, and Council Members agreed.

Vice Chairman Corcoran thanked the Commissioner for his input.

### **Discussion of Fiscal Year 1999 Annual Report**

Vice Chairman Corcoran referred to the Concerns and Recommendation Section of the Annual Report. He had suggested at the November meeting that this discussion be postponed until the December meeting and that a vote be taken when a full Council is present. Council Members proceeded to discuss the Concerns & Recommendations and the Fiscal Year 1999 in Review Sections, which had been included in Council Members' packets. They agreed to amend the Concerns & Recommendation Sections to include comments regarding the assessment audit; the support of additional funds for the Office of Safety; and the Council's concerns regarding the Office of Education and Vocational Rehabilitation.

Motion made to accept the Concerns & Recommendation Section of the Annual Report with the noted amendments.

MMS - passed.

Motion made to accept the Fiscal Year 1999 in Review Section of the Annual Report.

MMS - passed'

### **Action Items**

Minutes

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

MMS - passed.

Draft Fiscal Year 1999 Report

Vice Chairman Corcoran asked for a motion to accept the Draft Fiscal Year Report that had been previously sent to Council Members.

Motion made to accept the report.

MMS - passed.

### **Executive Director Update**

Executive Director Denise Lucciola updated Council Members. She referred to the enclosures in Council Members' packets.

Enclosed in Council Members' packets was a letter from Council Member Larry Morrisroe. Mr. Morrisroe retired from the Carpenter's Union and as a member of the Advisory Council on November 1, 1999. The Chairman and Vice Chairman prepared a letter for Mr. Morrisroe on behalf of the Council. The letter will be sent this week along with a gourmet basket.

The Executive Director informed Council Members that she spoke to Janice Tatarka from the Department of Labor & Workforce Development. She suggested the Council might want to do a letter to Director Buonopane regarding re-appointments. She stated that Chairman Carnes is researching the labor re-appointment but she would like to do a letter from the Council to appoint a medical representative.

Vice Chairman Corcoran suggested that all of the Council Members terms are reviewed and the necessary appointments are included in the proposed letter to the Governor.

Ms. Lucciola also referred to a memo from her regarding the General Appropriations Act. The Governor signed the Act on November 16, 1998 and allocated the DIA \$18,072,014. This funding is the exact recommendation from the Senate Committee on Ways & Means and the House & Senate Conference Committee. She will continue to keep in touch with the Joint Committee on Commerce and Labor in regards to the Council's endorsed legislation. The Council's Subcommittee on Legislation will reconvene on January 12th after the scheduled Council Meeting.

The Executive Director referred to the packet she had received from the IAIABC, which researched what the Council had been asked to do from the Legislative Sub-committee on Vocational Rehab, on how many states utilize the ABA code of judicial conduct and the vocational rehab mediation process. It was found that only Idaho utilizes them, but that most states model from the ABA code.

### **Miscellaneous**

The Legislative Subcommittee will meet on January 12, 1999 after the regularly scheduled Council Meeting.

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: January 12, 2000 at 9:00 AM, Division of Industrial Accidents, 7th Floor Conference Room, and 600 Washington Street, Boston, MA 02111.**