

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

February 10, 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.; Vice Chair William H. Carnes. CM: Jeanne-Marie Boylan; Joseph Tamulis; Lawrence Morrisroe; Frank Fanning; John Gould (Donald Baldini); Tony Frias (Inez Leonardo); Carol Falcone; Alan S. Pierce; Department of Labor & Workforce Development (Janice Tatarka); Department of Economic Affairs (John Melina).

Also Present: DIA: Tom Griffin; Senior Judge Jennings; Vin Luca; Jim Hayes; Bob Davis.

Staff: Andrew Burton; Ann Helgran.

Absent: CM: John Perry; Robert Banks; Bruce Cochrane.

Agenda:

Executive Director Interviews

A. John F. McPartland 8:45 A.M.

B. Denise A. Lucciola 9:00 A.M.

DIA Update

Action Items

- Minutes - January 13, 1999

Executive Director Update

Miscellaneous

Chairman Corcoran conducted today's meeting.

Executive Director Interviews

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 6 were interviewed on January 21st. Two candidates were selected to attend today's meeting.

John F. McPartland and Denise A. Lucciola came before the Council. The Council discussed their qualifications and Denise A. Lucciola was chosen for the position of Executive Director. Salary range will be discussed in Executive Session. Motion made to offer the position to Denise A. Lucciola.

MMS - passed.

DIA Update

Senior Judge Jennings updated the Council. He stated that claims are down to 2,032 and will be down further next month because he now has three new judges taking caseloads. Senior Judge Jennings also reported that hearing queue has 1,070 cases, and the impartial queue is behind that figure. The reviewing board inventory as low as it has ever been at 292 cases. The Section 37's have reached a queue of 503 cases (of the 818 cases, 315 have been processed). Judges decisions outstanding has an average of 16 but with the two judges off-line, who have the highest decisions outstanding, it will bring the average to 12.

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). A change was made in the statistical report to reflect the actual fines levied and fines collected. January Investigations 373; SWO's issued 113; fines owed \$170,572.00; fines billed \$5,2000.00; fines collected \$34,745.00.

Personnel Issues

Mr. Luca updated the Council Members on recent personnel issues. A status report was included in Council Members' packets. There were two resignations and three new hires in the month of January. Total DIA positions filled as of January 31, 1999: 298.

Budget

Mr. Luca stated that the budget for 1999 is "on track," and fiscal year 2000 (House I) has been received in which there is a 2% increase over the 1999 appropriation. The allocations may change, but the DIA feels confident that House I (\$18,142,031) will be the final appropriation. Chairman Corcoran suggested that the previous Budget Subcommittee, and any other members of the Council who are interested, meet again this year to review the DIA's budget.

Assessment Audit

Mr. Luca informed Council Members that the Assessment Audit RFR process had been completed. There were three responses, which were evaluated on January 19th, and all three were accepted. A meeting will be held next Thursday to finalize the contract and the audit is expected to begin in March.

Chairman Corcoran thanked Mr. Luca.

Update on Progress of MUTTS

Mr. Davis, Executive Director of the Health Care Services Board, updated the Advisory Council regarding the progress of MUTTS. Phase I and Phase II of testing the program should be completed by the third week in March. The focus is on how to involve the insurance industry. The preliminary plan is to invite the insurers to participate in groups of three. The system is designed to evaluate the medical community on how they are providing care, and then determine statistically the injured worker's treatments and what is being spent for medical services. Guidelines will be developed from the data obtained.

Mr. Davis informed Council Members that Dean Hashimoto, MD, JD, has been appointed Chair of the Health Care Services Board. Chairman Corcoran thanked Mr. Davis for his update.

Action Items

Chairman Corcoran asked for a motion to accept the January minutes. Motion made to accept the minutes. MMS - passed.

Executive Director Update

The Acting Executive Director, Andrew Burton, updated Council Members regarding the Request for Responses (RFR) for the analysis of the Insurance Rate Filing. He noted that the RFR was currently on the Commonwealth's Procurement Website and that the closing date for responses is February 19, 1999. Mr. Burton informed Council Members that he would be attending a Bidders Conference in the afternoon to answer any question that potential vendors may have about the RFR. Mr. Burton referred to a Policy Brief that was enclosed in Council Members' packets that was released by the Senate Post Audit and

Oversight Bureau detailing excessive profits by Massachusetts workers' compensation insurers. He noted that the Policy Brief makes a recommendation to the legislature to consider proposals such as House Bill 1319, which would increase workers' compensation benefits for injured workers.

The Executive Director reminded Council Members that a meeting to discuss legislation with members from the Commerce & Labor Committee and the Governor's Office, is scheduled for March 1, 1999, at 1 p.m., at the State House. Mr. Burton informed Council Members that the Advisory Council's Fiscal Year 1998 Annual Report would return from the printers on February 18th. Chairman Corcoran asked that the meeting to discuss newly appointed Executive Director's salary be held in Executive Session. Motion made to convene in Executive Session. MMS - passed. Chairman Corcoran reopened the original Council Meeting and asked for a motion to adjourn.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 11:15 a.m.

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