

**Massachusetts Workers' Compensation
Advisory Council Minutes**

October 21, 1998
Department of Industrial Accidents
600 Washington Street
Boston, MA 02111

Chair: Edmund C. Corcoran, Jr.

Vice Chair: William H. Carnes

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

Also Present: DIA: Commissioner Campbell; Tom Griffin; Senior Judge Jennings; Vinny Luca; Jim Hayes; Brian Hickey; Bob Roesch (WCRIB); Sharon Soong (Division of Health Care Finance & Policy); Frank Fanning (SEIU-Local 154).

Staff: Matthew Chafe; Andrew Burton; Ann Helgran.

Absent: Vice Chair William H. Carnes; John Perry; Bruce Cochrane; Department of Economic Affairs.

Agenda:

DIA Update

Executive Director Update

Advisory Council Review of Rate Filing

Miscellaneous

Judicial Appointments

Chairman Corcoran conducted today's meeting.

DIA Update

Senior Judge Jennings updated the Council. The conferences queue is 2,007. He reported that the three new judges are taking an abbreviated caseload and in November will be taking full caseloads. The hearing queue is 1,184; the reviewing board has had 14 appeals, 34 cases resolved and a queue of 319. The impartialists for this year are 753. Senior Judge Jennings stated he will begin reporting on section 37's. The queue is now 492 and he expects this number to increase.

Senior Judge Jennings commented that there were nine applicants for judicial appointments. The nominating panel interviewed eight, and six were recommended. Those six candidates will come before the Council today. Chairman Corcoran thanked Senior Judge Jennings for his update.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders. September Investigations 673; SWO's issued 190; fines collected \$44,693.00.

Personnel Issues

Mr. Luca updated Council Members on recent personnel issues. He distributed a status report that was included in Council Members' packet (attached).

Budgetary Matters

The fiscal year 1999 spending plan has not been approved as yet. However, a copy was sent to Council Members.

Assessment Audit

Mr. Luca informed Council Members that the Office of the State Auditor had reviewed the Assessment Audit RFR and it should be on-line within the next couple of weeks. Chairman Corcoran thanked Mr. Luca for updating the Council.

MUTTS Chairman Corcoran explained that Mr. Robert Davis, Health Care Service Board Executive Director, was not available for today's meeting but would update Council Members on MUTTS at the November meeting.

Executive Director Update

The Executive Director referred to his memo regarding the DIA Fiscal Year 1999 Spending Plan that had been sent to Council Members. He noted that a correction had been made to the spending plan that had been sent to Council Members and the corrected sheet was included in Council Members' packets.

Advisory Council Review of Rate Filing

The Executive Director referred to his memo (attached) regarding a draft RFR for actuarial services. He explained that the Council should have a contract in place before a rate filing is made by the WCRB. Because of the lengthy process involved with Operational Services Division approving all RFRs, he suggested that the Council begin the process now. Chairman Corcoran directed him to initiate the RFR process and update the Council on its progress.

Miscellaneous

Chairman Corcoran welcomed and introduced to Council Members Mr. Frank Fanning of SEIU-Local 254 who will be replacing Mr. Ed Sullivan.

Judicial Appointments

The Advisory Council met with and reviewed the qualifications of candidates seeking appointment to the position of administrative judge pursuant to Mass. Gen. L. ch. 23E, sec. 9. Council Members were given a list of candidates to be interviewed for appointment to Administrative Judge:

- Yvonne Vieira-Cardoza
- Gail E. Quinn
- James F. Fitzgerald, Jr.
- Dolores A. Randolph
- Carrie Shrallow
- Ronald N. Sullivan

Chairman Corcoran thanked each candidate for coming before the Council. He explained the function of the Advisory Council and asked the candidates to briefly introduce themselves, state their qualifications, and their reasons for wanting the position. Council Members questioned each candidate.

At the conclusion of the interviews, Chairman Corcoran explained that there were not enough members present for a quorum. He suggested that motions be made by those present and that the Executive Director conduct a telephone poll of those members not present based on these motions.

Yvonne Vieira-Cardoza

Motion made that she be rated "**qualified.**"

MMS - 4 affirmative, 1 opposed

James F. Fitzgerald, Jr.

Motion made that he be rated "**qualified.**"

MMS - 4 affirmative, 1 opposed

Motion made that he be rated "**highly qualified.**"

MMS - 4 affirmative, 1 opposed

Gail E. Quinn

Motion made that she be rated "**qualified.**"

MMS - 3 affirmative, 2 opposed

Dolores A. Randolph

Motion made that she be rated "**qualified.**"

MMS - 5 affirmative

Carrie Shrallow

Motion made that she be rated "**qualified.**"

MMS - 4 affirmative, 1 abstained

Ronald N. Sullivan

Motion made that he be rated "**qualified.**"

MMS - 5 affirmative

Motion made that he be rated "**highly qualified.**"

MMS - 5 affirmative

Chairman Corcoran requested that the Executive Director conduct a phone poll of those members not present regarding these motions. Letters should then be addressed to the Governor advising him of the findings of the Council.

Meeting adjourned at 12:15 p.m.

The next regular meeting of the Advisory Council will be held on November 18, 1998, 9:00 AM, at the Division of Industrial Accidents, 7th Floor Conference Room, 600 Washington Street, Boston, MA 02111.