

**Massachusetts Workers' Compensation  
Advisory Council Minutes**

November 18, 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: Lawrence Morrisroe; Robert Banks; John Gould (Donald Baldini); Tony Frias (Inez Leonardo); Carol Falcone; Alan S. Pierce; John Perry; Frank Fanning; Department of Labor & Workforce Development (Janice Tatarka).

**Also Present:** DIA: Commissioner Campbell; Tom Griffin; Senior Judge Jennings; Bob Davis; Jim Hayes; Bill Sivert

**Staff:** Matthew Chafe; Andrew Burton; Ann Helgran.

**Absent:** Vice Chair William Carnes; Jeanne-Marie Boylan, Joseph Tamulis; Bruce Cochrane; Department of Economic Affairs.

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**Agenda:**

DIA Update

Action Items

Update on Progress of MUTTS

Executive Director Update

Miscellaneous

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Chairman Corcoran conducted today's meeting.

**DIA Update**

Senior Judge Jennings updated the Council. The conference queue is 2,402 and the hearing queue is 1,120. The reviewing board has an inventory of 328 cases. The impartialists for this year are 1,249. Section 37's have reached a queue of 708 cases. The Senior Judge explained that after 90 days he would re-examine the caseloads at conciliation to determine how the process is working. Chairman Corcoran thanked Senior Judge Jennings for his update.

**Stop Work Orders**

Mr. Sivert reviewed the statistics on stop work orders. October Investigations 461; SWO's issued 178;

fines collected \$35,970.00.

### Personnel Issues

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

### Assessment Audit

Mr. Sivert informed Council Members that the Assessment Audit RFR is online with Comm-PASS (Commonwealth Procurement Access and Solicitation System). Mr. Sivert said that he would update Council Members on any responses generated from the RFR at the next Council meeting. Chairman Corcoran asked Mr. Sivert if he would comment on the need for the 310 positions that are presently being budgeted for. Mr. Sivert stated that currently management review is taking place and addressing this issue. Mr. Sivert also stated that he expects the outcome of the management review will be a number less than 310 positions.

Council Member Robert Banks inquired about the variety of ways that a stop work order investigation is initiated. Mr. Hayes informed Council Members that they receive information from the Secretary of State on all new incorporations and from the Department of Employment and Training regarding those who are paying unemployment taxes. He also noted that there are plans to give investigators "open" stop work orders which would allow them to issue stop work orders in a more flexible manner.

Council Members expressed concern over the pending legislation that was drafted by the Advisory Council which increased the stop work order fines by charging violating employers a percentage of premium avoided. It was suggested that the Council revisit this issue through a letter writing campaign to both members of the Joint Committee on Commerce and Labor and Senate Ways & Means Committee. Commissioner Campbell suggested that the Council communicate with the new Attorney General on the importance of this issue.

### Action Items

Chairman Corcoran asked for a motion to accept the minutes of September 9, 1998, and October 21, 1998.

Motion made to accept the minutes.

MMS - passed.

### Update on Progress of MUTTS

Bob Davis, Executive Director of the Health Care Services Board, reported to Council Members that the MUTTS program continues to develop more or less on schedule. Mr. Davis stated that Travelers Insurance Company has declined to participate in the pilot program. In response to this late departure, Mr. Davis has invited another participant (one of the state's largest TPA's) into the pilot program to serve as replacement data. Mr. Davis presented the Council with the three documents which represented the coding for MUTTS. Mr. Davis handed Council Members copies of a sample billing statement (see attached) that MUTTS is based upon.

Chairman Corcoran asked Mr. Davis about the implications of losing Travelers from the pilot program so late in the process.

Mr. Davis explained that pressure from within the larger insurer community may have caused Travelers to withdraw from participation in the pilot program. He noted that Travelers and five other major insurers had separately started working with the Workers' Compensation Research Institute in Cambridge on a similar data program that included both indemnity and medical components on a national scale. Mr. Davis

explained the MUTTS project would not only assess the current treatment guidelines, but would create new guidelines along with profiles of providers, insurers, and possibly employers as well. Mr. Davis said he would continue to update the Advisory Council at the monthly meetings regarding the progress of MUTTS.

Chairman Corcoran thanked Bob Davis for his update.

### **Executive Director Update**

Chairman Corcoran expressed his gratitude for the excellent work that Mr. Chafe has provided to the Advisory Council over the years. He explained to Council Members that he would make Mr. Chafe available to the Council during this transition. The Chairman recommended that Council Members make a motion to appoint Andrew Burton as Acting Executive Director until the position is filled permanently. Chairman Corcoran invited Mr. Chafe to return to the December 9, 1998 Advisory Council meeting so that Council Members can formally recognize his accomplishments.

Motion made to appoint Andrew Burton as Acting Executive Director.

MMS - passed.

The Executive Director informed Council Members that staff member Ann Helgran is recovering from surgery and that he would make her address available to anyone who would like to send a card. Motion made to adjourn.

MMS - passed.

Meeting adjourned 10:30 a.m.

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