

**Massachusetts Workers' Compensation
Advisory Council Minutes**

December 9, 1998
Department of Industrial Accidents
600 Washington Street
Boston, MA 02111

Present: Chairman Edmund C. Corcoran, Jr.; Vice Chair William Carnes. CM: Jeanne-Marie Boylan; Lawrence Morrisroe; Robert Banks; Tony Frias (Inez Leonardo); Joseph Tamulis; Frank Fanning; Carol Falcone; Alan S. Pierce; Department of Labor & Workforce Development (Janice Tatarka); Department of Economic Affairs (John Melina).

Also Present: DIA: Commissioner Campbell; Tom Griffin; Senior Judge Jennings; Vin Luca; Bob Davis; Matthew Chafe; Denise Attwood (Department of Mental Retardation).

Staff: Andrew Burton; Ann Helgran.

Absent: John Gould (Donald Baldini); John Perry; Bruce Cochrane.

Agenda:

DIA Update

Action Items

Fiscal Year 1998 Annual Report - Concerns & Recommendations

Executive Director Update

Miscellaneous

Chairman Corcoran conducted today's meeting.

DIA Update

Senior Judge Jennings updated the Council. He stated that the conference queue is 2,423. Senior Judge Jennings noted that he is down two judges (the lump sum judges have not been reappointed), and that he has two judges off-line. He reported that the reviewing board has an inventory of 328 cases, and the impartialists are running a little behind from last year (1,483 at the end of November). The Section 37's have reached a queue of 763 cases.

Council Members expressed concern over the increase in the conference queue resulting in a six month wait for some cases to proceed from conciliation to a conference. It was agreed that delays in the dispute resolution process are equally burdensome to injured workers as well as insurers. Concern was also expressed over the appointments for the two administrative judgeships which have yet to be made by the Governor's Office.

Adding to this problem is the fact that two judges are off-line and three judges are new to the position of administrative judge. It was suggested that the Council communicate with the Governor's Office indicating the urgency for appointments to be made to help alleviate the delays caused by backlogs in the dispute resolution system.

Motion made to send a letter to the Governor indicating the immediate need of judges' appointments.

MMS - passed

Chairman Corcoran thanked Senior Judge Jennings for his update.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders. November Investigations 515; SWO's issued 154; fines collected \$21,605.00.

Budget

Mr. Luca indicated that verbal confirmation has been received for the DIA's Spending Plan, and that the DIA is expecting a letter from Fiscal Affairs sometime this week.

Personnel Issues

Mr. Luca updated the Council Members on recent personnel issues. A status report was included in Council Members' packets (attached).

Assessment Audit

Mr. Luca informed Council Members that the Assessment Audit RFR is online with Comm-PASS (Commonwealth Procurement Access and Solicitation System). Mr. Luca stated that there has been contact with three outside entities, and that the closing date for the responses is December 18th. Mr. Luca stated that he expects to be able to inform Council Members on selections for the next Council Meeting.

Chairman Corcoran thanked Mr. Luca and asked if Commissioner Campbell would like to comment on his special guest who visited the DIA last week.

Commissioner Campbell stated the DIA had been visited by those interested in the success of the workers' compensation system in Massachusetts. He had had several foreign visitors from Hong Kong and Taiwan.

Commissioner Campbell wished Council Members a healthy and happy holiday and anticipated that the year 1999 would be an active year on issues of workers' compensation.

Chairman Corcoran thanked Commissioner Campbell.

Update on Progress of MUTTS

Bob Davis, Executive Director of the Health Care Services Board, updated the Advisory Council regarding the progress of MUTTS and noted again that Travelers Insurance Company had declined to participate in the pilot program. The contractor for the MUTTS program is continuing to pull data into the system, and he has a meeting scheduled with the contractor for tomorrow.

Chairman Corcoran thanked Bob Davis for his update. He suggested that a meeting be scheduled prior to the February meeting with the outside consultant to further discuss the MUTTS program.

Action Items

Chairman Corcoran asked for a motion to accept the minutes of November 18, 1998.

Motion made to accept the minutes.

MMS - passed.

Chairman Corcoran referred to the Advisory Council's Draft Request for Responses (RFR) to provide actuarial analysis of the insurance rate filing that was distributed in Council Members packets. Mr. Luca

noted that a few minor changes would have to be made, but nothing that would change the services being requested. He asked for a motion to accept the RFR.

Motion made to accept the RFR.

MMS - passed

Fiscal Year 1998 Annual Report - Concerns & Recommendations

Chairman Corcoran noted that an outline of Advisory Council Concerns from Fiscal Year 1998 was included in Council Members' packets. He informed Council Members of the importance of the Concerns & Recommendations section of the Annual Report and suggested that Council Members take time to discuss its contents.

Among the concerns discussed were the staggering of judicial terms, the numerous benefit-level bills before the Commerce & Labor Committee, the Employer Fines Legislation filed by Senator Lynch, judicial decisions outstanding for more than six months, drafting a set of standards for removal or suspension of an administrative judge, and creating legislation to free up monies from Special Fund balances.

Council Members agreed that it would be beneficial to meet and work closely with Senator Lynch and Representative Koczera to discuss legislative priorities for 1999. Chairman Corcoran requested that any further comments be directed to Andrew Burton to be included in the final draft for Council Members' approval.

Executive Director Update

Andrew Burton, Acting Director, referred to the Executive Director's Ad, which had been included in Council Members packets. Chairman Corcoran requested that Andrew Burton consult with Vinny Luca and Alice Crotty of Personnel to finalize the ad so that interviews could be scheduled for prospective candidates.

Chairman Corcoran asked if any Council Members would be interested in serving on a sub-committee to help review and narrow the selection of candidates interested in the Executive Director's position so that interviews can take place in front of a full Council.

Members of the sub-committee to review and narrow the selection of candidates for the Executive Director position will be Chairman Corcoran, Vice Chair Carnes, CM: Morrisroe, Banks and Falcone.

Chairman Corcoran informed Council Members that he had asked Matthew Chafe to return today so that the Council could appropriately thank him for his service as

Executive Director of the Advisory Council

Council Members presented him with a momentum of their appreciation and praised him for his work and wished him the best in his new position. Mr. Chafe thanked the Council. Chairman Corcoran wished everyone a Happy Holiday Season.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 10:30 a.m.

The next regular meeting of the Advisory Council will be held on January 13, 1999, 9:00 AM, at the Division of Industrial Accidents, 7th Floor Conference Room, 600 Washington Street, Boston, MA 02111.