

**Massachusetts Workers' Compensation
Advisory Council Minutes**

April 8, 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.; Vice Chair William H. Carnes. CM: Jeanne-Marie Boylan; Edward Sullivan, Jr.; John Perry; Robert Banks; John Gould (Donald Baldini); Joseph Tamulis; Carol Falcone; Alan S. Pierce; Department of Labor & Workforce Development (Joan Lenihan).

Also Present: DIA: Commissioner Campbell; Senior Judge Jennings; Bill Sivert; Bob Davis; Vinny Luca; Neil Gibbons (WCRIB); Diane Jacobs (Division of Health Care Finance & Policy).

Staff: Matthew Chafe; Andrew Burton; Ann Helgran.

Absent: CM: Tony Frias; Lawrence Morrisroe; Bruce Cochrane; Department of Economic Affairs (John Melina).

Agenda:

DIA Update

Senior Judge Jennings

Stop Work Orders

Personnel Issues

Assessment Audit

MUTTS

Action Items

- Minutes - February 11, 1998 & March 11, 1998

DIA Fiscal Year 1999 Budget

Judges' Appointments

Meeting on Trust Fund Personnel

Miscellaneous

Chairman Corcoran conducted today's meeting.

Action Items

Chairman Corcoran asked for a motion to accept the February 11, 1998 and March 11, 1998 minutes.

Motion made to accept the minutes.

MMS - passed.

DIA Update

Senior Judge Jennings updated the Council. The hearing queue was 918; conference queue was 1,070 and the reviewing board inventory was 382. He has increased judges' caseloads by 40%. Senior Judge Jennings noted that the manager of the Impartial Unit is on leave, but impartialists will continue on schedule without interruptions. He referred to his decisions outstanding memo and stated that the average decisions outstanding were 8 (attached to minutes). Senior Judge Jennings explained that two judges have had excessively high numbers but because he has five judges off-line at the present time, he cannot take these two judges off-line.

Senior Judge Jennings stated that no action has been taken on judges' appointments; three slots on the nominating panel are still unfilled. Chairman Corcoran informed Council Members that a letter was sent to the Governor's Chief Legal Counsel, but that there had been no response. Chairman Corcoran thanked Senior Judge Jennings.

Stop Work Orders

Mr. Sivert reviewed the statistics on stop work orders. March Investigations, 507; SWO's issued, 219; fines collected, \$0.

Personnel Issues

Mr. Sivert referred to the Personnel Status included in Council Members' packet (attached to minutes). Council Members were unclear as to the information presented on the Personnel Status memo and asked that it contain information regarding the status of positions vacated by resignation or termination.

Mr. Sivert stated that he would reorganize the personnel statistics to meet the Council's needs.

Trust Fund Personnel Sub-committee Meeting

Chairman Corcoran referred to a sub-committee meeting held in the last month to discuss vacancies within the Trust Fund. Council Member Tamulis updated the Council. He and Council Member Boylan convened a small meeting with Dino Theodore, Tom Griffin, Priscilla Conant, Bill Sivert and Vinny Luca to discuss personnel issues in the Trust Fund. The meeting ended with Mr. Sivert agreeing to present the needs of the Trust Fund to the Commissioner.

MUTTS Chairman Corcoran asked if the Commissioner or Mr. Davis could address the progress of the Medical Utilization Trending and Tracking System (MUTTS).

The Commissioner stated that a meeting was held last week at the request of Director Buonopane's office and the Governor's Finance Office at which questions were answered regarding the MUTTS program. Many issues were discussed, including cost. The Commissioner explained that Mr. Davis, Executive Director of the Health Care Services Board, gave a detailed presentation. Although the DIA was not prepared to give the Council a summary at this meeting, they would be willing to prepare a full report for Council Members. Mr. Sivert stated it was a presentation well worth the Council's time and would be willing to set up a convenient time for Council Members. Chairman Corcoran inquired as to any feedback as to the direction of the MUTTS program.

The DIA is in the second year of a five-year contract with the Center for Health Economics Research (CHER) to develop the computer system. Mr. Davis explained that all the coding had been done and a work plan is now underway with the contractor (CHER). He is waiting for this work plan to be accepted. The first tangible results should be seen when the pilot system runs its course through its three phases. The delay rests with issues concerning the terms of the contract insuring that the DIA will receive what they had originally contracted for in 1996. When asked about participation in the pilot program, Mr. Davis replied there were more than enough interested parties.

Chairman Corcoran stated that he believes the medical guidelines were outstanding, that they have cut medical costs in the state, and that there is a need to monitor the effects of the guidelines and identify non-compliance. Nevertheless, a problem exists with the lengthy delays in getting MUTTS operational, which have raised concerns about the use of public funds on the project. He suggested that he and several Council Members attend the next meeting of MUTTS to get a better idea as to its progress. He understood that money allotted for MUTTS has been used for other purposes, i.e. computers and hardware at DIA. However, Council members expressed concern for the money being allocated for MUTTS every year and would like a better explanation. Mr. Davis explained that the presentation given in Director Buonopane's office took 2 ½ hours and was extremely complicated. He was willing to give this presentation to the Council.

Council Member Boylan requested a statement of all monies spent on MUTTS to date. Mr. Sivert said he would provide that information. Chairman Corcoran requested that a sub-committee meeting be held with CHER.

Chairman Corcoran, Council Members Baldini, Boylan, Tamulis and Falcone will be on this subcommittee. Mr. Davis will arrange a time with the Executive Director before the next Council Meeting.

Assessment Audit

Mr. Luca stated that bids would be submitted to OSD by Friday afternoon (April 10, 1998). Dino Theodore is doing a final review which will be submitted Friday. It will be on the Internet in the next two weeks. It will take 4-6 weeks before a review of responses is available. The contract date should be June 1. There will be an information meeting prior to the bidding. Chairman Corcoran thanked Mr. Sivert for his input.

DIA Fiscal Year 1999 Budget

The Executive Director referred to his memo of February 19th attached to minutes. Mr. Luca stated that the Trust Fund would pay for the assessment audit since they would be the ones benefiting from the audit.

Chairman Corcoran asked if Council Members were prepared to vote on the fiscal year 1999 budget. Council Members stated they would like to wait until more information was available on the MUTTS program.

Judges' Appointments

Chairman Corcoran noted that the topic of Judges' Appointments was covered by Judge Jennings and that Council Members would be willing to meet in extra meetings to cover the volume of judges' candidates that will be coming before the Council.

Meeting on Trust Fund Personnel

Chairman Corcoran asked Council Member Tamulis if he had any further comments regarding his meeting with the Trust Fund. He commented that it went well.

Mr. Sivert stated that the Commissioner established a Management Review Team in February which has been looking at all the departments in the DIA. Presently they are reviewing the Investigation Department and he suggested to the Commissioner that the next department to be reviewed would be the Trust Fund.

Miscellaneous

Chairman Corcoran asked if there were any other topics Council Members would like to discuss.

Council Member Banks expressed concern about the philosophy of the Commissioner regarding uninsured employers and how they are to be handled which was discussed at the last Council Meeting. He referred to a press release which he acquired on the internet regarding the handling of uninsured employers in California titled "Operation Insure" (attached to minutes). He requested that the Executive Director contact the agencies involved for more background information. Mr. Banks reminded Council Members of the urgency of this issue and will continue to update the Council of any further developments. Commissioner Campbell requested a copy of this article and expressed interest in the California endeavor.

Chairman Corcoran suggested that subcommittees be formed to meet with the DIA during the month in order to update the full Council at their monthly meetings. Council Members agreed.

Chairman Corcoran will work with Matthew Chafe to outline the subcommittees and inform Council Members.

Meeting adjourned 10:30 a.m.

The next regular meeting of the Advisory Council will be held on May 13, 1998, at the Division of Industrial Accidents, 7th Floor Conference Room at 9:00 AM, 600 Washington Street, Boston, MA 02111