

**Massachusetts Workers' Compensation
Advisory Council Minutes**

June 24, 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; Edward Sullivan, Jr.; Robert Banks; John Gould (Donald Baldini); Joseph Tamulis; Tony Frias (Ines Leonardo); Lawrence Morrisroe; Carol Falcone; Alan S. Pierce; Department of Economic Affairs (John Melina); Department of Labor & Workforce Development (Joan Lenihan).

Also Present: DIA: Commissioner Campbell; Senior Judge Jennings; Vinny Luca; Jim Hayes; Neil Gibbons (WCRIB); Sharon Soong (Division of Health Care Finance & Policy).

Staff: Matthew Chafe; Andrew Burton; Ann Helgran.

Absent: Vice Chair William H. Carnes. CM: John Perry; Bruce Cochrane.

Agenda:

DIA Update

Action Items

- Minutes April 8, 1998 - (May 7th, May 13th & 19th Judges' Meetings)

Subcommittee Update

Legislative Update

Budget Update

Employer Assessments

DIA Update

Senior Judge Jennings updated Council Members. The conference queue for May was 1,045 and June 1,320 (there are few conferences scheduled for July); the hearing queue for May was 961 and the June 1,271; the reviewing board inventory for May was 381 and June 346; and impartial exams (indigency granted) for May was 4,050 (118) and June 4,548 (130). All judges reappointments have been made (a list of these appointments are attached). The four remaining judicial appointments will be taken up next week. When asked about the backlog from retiring judges, Senior Judge Jennings stated that most of their cases had been disposed of. Judge Thompson, who is retiring in September, was now offline, and in all likelihood some of her outstanding hearing decisions will be reassigned to other judges. Judges have been in training this week. Chairman Corcoran thanked Senior Judge Jennings for his update.

Stop Work Orders

Mr. Luca reviewed the statistics on stop work orders. May Investigations, 424; SWO's issued, 180; fines collected, \$89,879.00.

Budgetary Matters

Mr. Luca informed Council Members that fiscal year 1998 was nearly concluded. There will be \$450,000 left in the judicial payroll account, but those funds cannot be spent or transferred.

Personnel Issues

Mr. Luca updated Council Members on personnel issues. Mr. Tom Griffin was made Deputy Commissioner (no longer "Acting"), Mr. Luca is now Acting Director of Administration, Mr. Sivert is First Deputy Director of Administration, Mr. Hayes is Acting Director of Administration and Data Processing, and Mr. William Taupier is Acting Director of Claims. There have been two resignations; one counsel II, and one data entry position.

Mr. Luca explained that most positions have been filled within the agency since there has been no money available in the payroll and that the DIA has gone from 319 staff members to 298. Mr. Luca continued to inform Council Members that the Management Review process of the DIA is proceeding as scheduled and that when the entire process has been completed they will better know the status of the staffing needs within the DIA. It is expected to be completed by the end of the summer. Chairman Corcoran

requested that the Council be updated with a status report from the Management Review Team on their timetable.

MUTTS

Mr. Luca stated that he was not prepared to give an update on MUTTS. Bob Davis, who is responsible for the MUTTS program was not available. The Executive Director noted that he had talked with Mr. Davis and was informed that the pilot program was initiated at the end of April, is ongoing, and is scheduled to continue through the summer. Mr. Chafe stated that according to Mr. Davis those participants will be Aon, Buckler Irvin & Graf and Travelers, but Council Member Falcone stated that Travelers had no intentions of participating.

Chairman Corcoran suggested that Mr. Luca meet with Mr. Davis regarding the status of MUTTS since it would be on the agenda every month.

Assessment Audit

Mr. Luca stated that the audit would cover all monies that are transacted with insurance carriers.

Chairman Corcoran noted that the Council's concern was whether or not insurance carriers are making proper payment of assessments. If in fact more issues were being added to the audit the Council would like to be made aware of them.

Mr. Luca noted that the RFR was completed on March 30th, but since that date there has been some legal questions. Mr. Luca stated that the RFR was released last week and should be on the Internet in two weeks.

Action Items

Chairman Corcoran asked for a motion to accept the April 8, 1998 - (May 7th, May 13th & 19th Judges' Meetings) Minutes.

Motion made to accept the minutes.

MMS - passed.

Subcommittee Update

Chairman Corcoran informed Council Members that several subcommittees were formed over the past months and meetings had since been held with the DIA.

MUTTS Subcommittee Chairman Corcoran stated that the subcommittee had a number of inquiries as to who the participants were in the MUTTS program, when the program would begin, and the cost of the project. Chairman Corcoran also stated that they would continue to meet with Mr. Davis.

Trust Fund Subcommittee Council Member Tamulis stated that they are examining how the staff of the Trust Fund could be increased and how to improve communications among the DIA staff. Council Member Banks informed the Council that the Commissioner had since met with staff members and the subcommittee and that there will be another meeting held with the Commissioner and the subcommittee on July 7th.

Administration Subcommittee (OEVR)

Council Member Falcone has met with Robert DeMetrio, Director of Education & Vocational Rehabilitation. A manual has been prepared and will be finalized by July 1, 1998. There will be a more formal update next month.

Legislative Update

The Executive Director updated the Council. Of those bills reported favorably by the Commerce & Labor Committee, only has advanced, House No. 5042 (relative to the staggering of terms of AJs and ALJs). A new draft, House No. 5604 was submitted on June 11, regarding future terms.

That bill is now with the Senate Ways & Means. There has been no other movement of workers' compensation legislation.

Budget Update

The Executive Director referred to his budget memo (attached to minutes). He noted that there are two outside sections dealing with workers' compensation. One outside section would allow the Board of Higher Education and the public colleges and universities in the state to buy their own insurance. Council Member Sullivan requested that the Executive Director follow-up on this section.

The other section concerns limiting the amount the agency can hold over in year-end balances through reductions in assessments.

Employer Assessments

Mr. Chafe noted that he received a copy of Tillinghast's report yesterday, but has not had the opportunity to review it. He will review the report and submit his findings to Council Members in a memo. The private employer assessment rates will be 5.4% of premium (34% more than last year's assessment rate).

Miscellaneous

Chairman Corcoran referred to the DIA newsletter enclosed in Council Members' packets. He congratulated Andrew Burton for being one of the DIA's 1998 Performance Recognition Award recipients and also noted that he had been chosen as the department's nominee for the Manuel Carballo Governor's Award for Excellence in Public Service.

The Executive Director referred to articles he had enclosed in Council Members' packets. The Standard had several articles on workers' compensation.

A Council Member requested reconsideration of the Council's rating of Michael G. Chadinha for appointment as administrative judge.

Motion made to reconsider the appointment of Michael G. Chadinha as administrative judge.

MMS - passed

Motion made that he be rated "qualified."

MMS - 7 affirmative, 1 abstained - passed

Council Members agreed to conduct the next meeting on July 15th.

Meeting adjourned 11:00 a.m.

The next regular meeting of the Advisory Council will be held on July 15, 1998, at the Division of Industrial Accidents, 7th Floor Conference Room at 9:00 AM, 600 Washington Street, Boston, MA 02111.