

THE DEPARTMENT OF INDUSTRIAL ACCIDENTS – USING TECHNOLOGY TO MAKE THE WORKERS' COMPENSATION SYSTEM MORE EFFICIENT

Teri A. McHugh

Massachusetts Workers' Compensation attorneys may recall fifteen years ago, when the Department of Industrial Accidents' ("DIA") Forms could only be obtained at the regional offices of the DIA and had to be typed or hand written. In 1995, the DIA developed its website (www.mass.gov/dia). Over the past ten years, the DIA has continually updated its website with technological advances to make the system more user friendly. The DIA's website provides a wealth of information and resources to attorneys, insurers, employers and employees. All necessary forms and instructions can be obtained and downloaded on this website. The following will detail the current status of the DIA website and future developments.

I. THE DIA WEBSITE

A. ONLINE PORTAL

The DIA website has an online portal that provides additional services not available to the general public. Attorneys, insurers, third party administrators and employers may obtain accounts to access the portal. The service is **FREE** and requires a password issued by the DIA for security reasons. The portal also provides access to the status of claims. Once logged into the portal, subscribers can search the system for a claim by using the employee's name and/or social security number or the board number of the claim. The system identifies the attorneys of record and their clients as well as notices filed, including third party liens. Additionally, attorneys, employers and insurers can have notices and circular letters emailed to them.

Once logged into the online portal, the following Forms may be completed and filed online:

- Form 101 – First Report of Injury
- Form 103 – Insurer's Notification of Payment
- Form 104- Insurer's Notification of Denial
- Form 106NM – Insurer's Notification of Modification of Weekly Compensation During Payment Without Prejudice Period
- Form 106NT – Insurer's Notification of Termination of Weekly Compensation During Payment Without Prejudice Period
- Form 107GT – Insurer's Notification of General Termination of Weekly Compensation
- Form 107RC/NM – Insurer's Notification of Resumption or Modification of Weekly Compensation
- Form 108 - Insurer's Complaint for Modification, Discontinuance or Recoupement of Compensation

- Form 110 – Employee Claim
- Form 115TPC – Third Party Claim
- Form 115TPL – Third Party Notice of Lien
- Form 116 – Request for Lump Sum Conference

Currently, only the Forms specified above can be completed and filed online. However, the DIA is in the process of enabling all Forms to be filed online and allowing these Forms to be filed in bulk. This change would allow an account holder to file more than one Form at a time, e.g. an employer can file fifteen (15) First Reports with one submission.

B. RESOURCE PAGES

1. Employee's Page

The employee's page provides a link to the Injured Worker's Guide to the Massachusetts Workers' Compensation System. This guide is available in Spanish, Portuguese, Haitian, Chinese and Vietnamese. The site also has links to Most Frequently Asked Questions and State Law Library List of Attorney Referral Sources to assist employees with locating a lawyer.

2. Employer's Page

The employer's page provides a link to the Employer's Guide to the Massachusetts Workers' Compensation System, which is also available in Spanish, Portuguese, Haitian, Chinese and Vietnamese. There are also links to Most Frequently Asked Questions as well as the Workers' Compensation Act, M.G.L. c. 152, and the DIA Regulations, C.M.R. 452 1.00-8.00. Employers can also easily locate insurance affidavits and Form 101 – the Employers First Report of Injury.

3. Insurer's Page

The insurer's page provides a link to all of the Forms used by the DIA. The DIA is a form driven agency, and all of its forms are now available online. Additionally, the insurer's page contains a link to a list of the impartial physicians as well as M.G.L. c. 152, the controlling statute, and C.M.R. 452 1.00-8.00, the rules and regulations of the DIA.

4. Attorney's Page

The attorney's page provides everything that the insurer's page provides as well as a link to the Reviewing Board Decisions. An additional feature available to attorneys is the attorney calendar. This feature can be accessed by logging into the online portal and allows an attorney to view all scheduled events in the current month, including conciliations, conferences, hearings and lump sum conferences. However, events are listed by the attorney listed on the Notice of

Appearance. Therefore, it is critical for parties to file a Notice of Appearance in order to utilize this feature. Attorneys need to obtain an account with the DIA in order to access their calendar, however, this service is also free.

II. FUTURE DEVELOPMENTS ON THE DIA WEBSITE

Attorneys can expect many additions to the DIA website and the workers' compensation system over the coming years. The goal of the DIA is to become a paperless entity. Many insurers are currently paperless, and the DIA is working to become more in stride with those using the system. By becoming paperless, claims will be processed through the system more expeditiously and efficiently. Attorneys can look forward to eventually filing all Forms, Appeals as well as Conference and Hearing Memoranda online. Eventually Judges will have the entire DIA file for every claim available on a laptop. This will eliminate Judges having to carry voluminous files to hearings and conferences.

Currently, the United States District Court for the District of Massachusetts ("USDC") requires all documents to be filed electronically. The goal of the DIA is to offer similar electronic filing as the USDC. Currently, the DIA website has an average of seven hundred (700) visitors per day. Approximately twenty-five (25) to thirty (30) percent of all First Reports are filed online. Although a limited number of Forms can be filed online, the DIA is still steps ahead of the State District and Superior Courts. Neither the Superior Court nor the District Court allow pleadings to be filed online. However, the Superior Court does provide online access to case dockets.

With electronic filing of documents and medical records, come increased concerns of violations of privacy. However, the DIA website is within the state firewall, and the security of the website is very high according to the Department. Currently, claims and first reports are being submitted online. These documents contain sensitive information about the employees' injury and medical treatment as well as the employees' home address and social security number. The Department reports that there have been no problems or privacy concerns with the submission of the aforementioned documents. This achievement may be attributed to the security measures the DIA already has in place. Only those with accounts can access the portal where these sensitive documents are contained. An additional security measure has been added so that only the parties to the claim can view the documents related to the claim.

Questions regarding the DIA website can be emailed to INFO2@dia.state.ma.us.