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MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

February 12, 2020
Department of Industrial Accidents
Lafayette City Center
2 Avenue de Lafayette
Boston, MA 02111-1750

Attendees: John Pulgini; Todd Johnson; Mickey Long; Stephen Joyce; Teri McHugh; Michael Kelley; Patrick Walsh; Sheri Bowles, Interim Director; Bill Taupier, Director of Administration; Karen Fabiszewski, Director of Workers' Compensation Trust Fund; Peter Vitali, Lawrence Regional Manager; Shamia Monroe, Regional Manager Fall River; Vincent Lopes, Regional Manager Worcester; Maryann Brunton; Regional Manager; Virginia McCarthy (WCRI); and Maureen O'Connell.

AGENDA

CHAIRMAN'S WELCOME

DIA UPDATE

- DIA Judicial Update - Senior Judge Omar Hernandez
 - Conference | Hearing | Reviewing Board Queue
 - Impartial Medical Exams | Physicians
- DIA Vital Statistics - Bill Taupier, Director of Administration
 - Cases Filed with DIA
 - Workers' Compensation Trust Fund
 - Personnel Update
 - Enforcement and Compliance
- Director's Update - Sheri Bowles, Interim Director

EXECUTIVE DIRECTOR'S UPDATE

- Open Meeting Law

ACTION ITEMS

- Minutes – January 8, 2020

COMMUNICATIONS

N/A

MISCELLANEOUS

N/A

CHAIRMAN'S WELCOME

Chairman John Pulgini called this meeting to order at 9:05am. The Council is without a quorum.

DIA UPDATE

Judicial Update

Vital Statistics

Senior Judge Omar Hernandez had a prior commitment and Director of Administration Bill Taupier provided the judicial statistics.

The February 2020 Conference queue is 624 cases, which is up when compared to the January figure of 540, but manageable. The average waiting period for a conference is 14-16 weeks. The February 2020 Hearing queue is 871. This is up when compared to the January figure of 825. Chairman Pulgini asked Mr. Taupier about Conference queues and he confirmed that the numbers provided is an average, but would confirm with Senior Judge Omar Hernandez. Council Member Teri McHugh shared her experience with the queues and received a hearing decision within a week of the hearing date. Judges Heffernan, Herlihy, and Braithwaite are now offline.

The Pending Hearing Decisions are up slightly to 8. Reviewing Board inventory of cases on appeal for the month of February is 62 cases, this is down slightly when compared to the January figure of 63. These numbers have to do with the dates that the cases are disposed of in the system.

For the month of January, the DIA issued 192 Stop Work Orders (SWOs) for a total of 863 for FY 2020. Of these numbers, 37 SWOs were reissue as a result of defaults of previous orders or repeat offenses. Fine collections for the month of January 2020 was \$49,000 with a FY 2020 total of \$362,416. For FY 2019 a total of 2,028 SWOs were issued and total fines collected was \$1,165,656.

The DIA conducted 6,900 total compliance checks in the month of January 2020 which brought 2,729 workers under workers' compensation insurance coverage during the current fiscal year (Office Compliance Checks – 3,436 and Field Compliance Checks – 3,464). During FY 2019 DIA estimated that the number of workers was 5,486.

First Report of Injury (FRI) filings for the month of January 2020 were 2,673. Total FRIs filed for FY 2020 is 19,684. The number of FRIs filed for FY 2019 was 34,169. The number of cases filed for FY 2020 is 7,157. The total number of cases filed for FY 2019 was 12,659. *Please note: a case is an employee claim, an insurers request for discontinuance or a third-party claim/lien.* Council Member Mickey Long asked Mr. Taupier to confirm the fiscal year.

As of January 31, 2020, 59 uninsured injuries have been reported to the Workers' Compensation Trust Fund (WCTF) for FY 2020. For FY 2019, a total of 117 new Section 65 injuries were recorded. *Please note, claims may be determined to be insured or uninsured after they have been filed.* As of this date, payments against open claims in FY 2020 stand at \$4,218,655. The WCTF made \$6,613,536 in

payments against open claims during FY 2019. As of February, 2020 \$847,622 has been collected in recovery efforts by the Civil Litigation Unit. For FY 2020, \$9,617,345 has been paid for Second Injury Payments while COLA reimbursements payments total \$1,957,045.

DIA Personnel Update as of January 31, 2020 is 213 employees. Referral Fees for February 2020 are \$2,487,914 with Assessment Collections totaling \$33,685,403.

Without any further questions for Bill Taupier, Chairman Pulgini directed the floor to Interim Director, Sheri Bowles.

Interim Director Update

Interim Director Bowles indicated that the DIA was exploring options with respect to the medical reimbursement rates. Another area DIA is working on is increasing online capabilities to reduce paper intake. Council Member Michael Kelley asked about the medical fee rates and if they were adjustments, Interim Director Bowles confirmed that they were adjustments.

Without any further questions for Interim Director Bowles, Chairman Pulgini directed the floor to Executive Director Maureen O'Connell.

Executive Director's Update

Executive Director Maureen O'Connell updated the Council on the reappointment process and indicated that it is ongoing. Chairman Pulgini indicated that the Executive Office and Boards and Commissions are working on it. Assessment Rate for Private Employers memorandum was prepared and sent to Council Members for FY 2020. Executive Director O'Connell indicated that she joined the Regulation Committee for the International Association of Industrial Accidents Boards and Commissions (IAIABC) and will provide Council Members on the activities pertaining to the Council. Health Care Services Board had their quarterly meeting about occupation medical clinics closing. Chair Dean Hashimoto, MD and the Executive Director discussed a potential meeting with the subcommittee and Council Members in April of 2020.

Council Member Kelley mentioned the profits and losses with respect to the occupational health system and the rate filing that is ongoing now with WCRIBMA and the Division of Insurance. Vice Chair Johnson mentioned that it is not workers' compensation related it is healthcare related. Council Member Kelley asked if Dr. Hashimoto could educate the Council Members on the HCSB and how they function, and as a subset what they are addressing. Vice Chair Johnson asked that it be relayed to HCSB as an educational meeting and that it needs to be deliberated on by the Council. Lastly, FY 2020 Annual Report is in preparation, specifically revising funding language and moving the funding conversation to the Chairman's Welcome.

Without a quorum the Council was not able to vote on prior minutes. Without additional questions, the meeting adjourned at 9:30am.

The next meeting of the Advisory Council is tentatively scheduled for April 8, 2020, 9:00am at the Department of Industrial Accidents, Lafayette City Center, 2 Avenue de Lafayette, Commons Conference Room, Boston, MA 02111-1750