



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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Present: John Pulgini, Michael Hess, Teri McHugh, James Steenbruggen, Patrick Walsh, Stephen Falvey, Emily Spieler, Michael Kelly, Bernard Mulholland, Michael Ackland, Nancy Segreve; DIA Director Sheri Bowles, Director of Administration Bill Taupier, Senior Judge Omar Hernández, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Director of Investigations Jon Solomon, Director of Operations Jeanne Natale, Shamia Monroe, Vinnie Lopes; Attorney Kerry Nero-City of Boston, Attorney Patrick Francomano; Mary-Beth McGrath-HRD, Roman Dolinschi-WCRI; Dan Judson - WCRIBMA; Julie Bowler-Atlantic Charter; Mary Dumont-PAM Health; Isabel Hernandez-Health Systems; Stefanos Kales MD-Guest Speaker, and Maureen O'Connell.

AGENDA

Date: November 12, 2025
Location: Department of Industrial Accidents - via WebEx
Lafayette City Center | 2 Avenue de
Lafayette, Boston, MA 02111
Time: 9:00 A.M.

▪ **CHAIR WELCOME**

Roll Call

Guest Speaker

- Stefanos Kales, MD – Mindfulness Study

▪ **DIA UPDATE**

Director's Update – Sheri Bowles, Director

Judicial Update - Senior Judge Omar Hernández, Senior Judge

- Conference | Hearing | Reviewing Board Queue
- Impartial Medical Exams | Physicians

Vital Statistics - Bill Taupier, Director of Administration

- Cases Filed with DIA
- Enforcement and Compliance
- Workers' Compensation Trust Fund
- Personnel Update

- **EXECUTIVE DIRECTOR'S UPDATE**

- FY' 25 WCAC Annual Report
 - Legislation
 - Future guest speakers
 - Medical reimbursement rate
 - Open Meeting Law

- **ACTION ITEMS**

- Minutes – August 6, 2025
 - Minutes- September 22, 2025

Next Meeting: Tentatively scheduled for December 10, 2025

Chair John Pulgini began the meeting at 9:00am with a roll call and a motion to approved minutes for August 6, 2025 and September 22, 2025. Council Member Stephen Falvey made a motion, Council Member Patrick Walsh seconded that motion – without opposed, minutes for August 6 and September 22 were approved.

Guest Speaker Stefanos Kales, MD presented his Mindfulness Study to the Advisory Council. Mindfulness will be used as an adjunct for injured workers with serious injuries, stress reduction, for employees out of work for more than 30-days. The aim of the study will be one control group and one group for usual care, randomized fashion, it has been found that injured workers who are exposed to mindfulness return-to-work sooner and have overall better well-being – adding mindfulness to an injured worker's care has been proven successful, positive outcomes, balanced lifestyle, and better social engagement.

Council Member Michael Ackland, MD mentioned the strong support of the mindfulness study and added that the patient's attitude going into surgery is a great predictor of success. Western medicine view mindfulness as a weakness and there still is a stigma to that.

Senior Judge Omar Hernández would like to inform judges and the Massachusetts Bar Association to add this to the injured worker's recovery care. Dr. Kales mentioned that this could involve different modalities – yoga, meditation, combination. Mindfulness is an evidence-based treatment.

Council Member Emily Spieler asked if Dr. Kales was looking for the Advisory Council to fund this study. Executive Director Maureen O'Connell mentioned that we are not at this stage yet, that we are looking for Dr. Kales to present his study and then discuss next steps.

Director Sheri Bowles mentioned that the queues were up but that should self-correct with the appointment of new judges. The Office of State Auditor is conducting a

performance audit on the DIA which is limited to EOTSS policy/asset vulnerability management with a deadline of November 14, 2025 to review whether it is to be broadened.

Council Member Spieler asked Director Bowles about the January 2024 DIA filed Language Access Plan that provides interpreters for customer requests – DIA is the only agency that doesn't provide this. Director Bowles said that this was discussed internally to see if there was a need to change the regulations, General Counsel Philip Imbrescia confirmed that the interpreter is the moving-party's request, Senior Judge Omar Hernández confirmed that the regulations supported the hard of hearing interpreter (DIA required to pay).

Without questions for Director Bowles, the floor was directed to Senior Judge Omar Hernández.

Senior Judge Omar Hernández confirmed that the conciliation level remains at 52-54% resolution rate - the team is doing great and this is a credit to Dele Edibiri and his team. The hearing queues are up in the Worcester, Lawrence, Fall River and Boston DIA offices – and the queue is due to the fact that the office needs judges, a few are also out on leave. The Governor's Office said that no new judges will be appointed/reappointed until the new year and asked for everyone's patience, be ready at conference, have Form 140 completed, this will go back to the queue if Counsel is not ready. This information has been out for years through Administrative Bulletins. The office also has a temporary decrease in judicial secretaries with the end of year use/lose time – these messages will be brought to MCLA next week. The Pending Hearing Decisions are down to 6 – the ones left pertain to ADR/waiting on settlement. Mediations are helping, less hearing decisions, impartial/attorney fees trending toward \$4million. Contracts are out to impartial physicians, six-year expiration term, a few did not renew as the fee is low.

Chair John Pulgini asked how the recruitment process is handled for impartial physicians, Senior Judge Hernández confirmed word of mouth.

Council Member Spieler asked about the medical fees/IME fees and the discussion at the Executive Office of Labor and Workforce Development. Senior Judge Hernández mentioned that the discussion was about increasing the fees and indexing it to the average weekly wage – 2012 was the last time the impartial rates were increased.

Council Member Spieler asked if the fees were raised would that increase participation. Senior Judge Hernández mentioned that 50-60 impartial physicians are regularly used.

Council Member Michael Ackland provided his thoughts and added that since he serves on the impartial physician roster, it would be his opinion only – for busy/practicing surgeons the amount of time needed to review files and conduct examinations, the fee of \$650 is low. Per Senior Judge Hernández, the system needs active physicians to do

this work and the fee would need to be indexed to keep it competitive, need an active practice. Council Member Spieler asked what the role of the Council is in this instance.

Chair Pulgini mentioned that the Advisory Council can make recommendations, what the delays are and how that impacts cost to both sides. Executive Director Maureen O'Connell, when asked, confirmed that the Advisory Council has submitted letters of recommendation per [MGL CH23E S17](#) for matters before the WCAC.

Chair Pulgini asked if Senior Judge Hernández could share the analysis/correspondence with Executive Director O'Connell, Senior Judge Hernández confirmed.

Council Member Spieler asked if the Advisory Council could send letters to EOHHS as well. Council Member Ackland mentioned the doctor's fee and that the emergency departments are impacted this.

Without questions for Senior Judge Omar Hernández, the floor was directed to Bill Taupier, Director of Administration.

The Monthly Statistical Report Card can be found under Publications on the Workers' Compensation Advisory Council's website.

Mr. Taupier presented the Monthly Statistical Report Card slide deck for the Department of Industrial Accident (DIA) units. With respect to conciliations, in August 505 cases were resolved (52.3%) and 460 were referred to conference. The average waiting period for a conference is 14-32 weeks (**increase** from last month). Dispute

With respect to the November conference queue, there are 1,424 and 1,853 in the hearing queue for November. The number of continuances as of October 31, 2025 is 2,117. Conferences scheduled: 415, Hearings scheduled: 201 and 6,806 received for FY'26 (rolling/not cumulative total). The number of orders issued 288 and 3 appeals to reviewing board.

With respect to the pending hearing decisions, there were 6 for the month of October. Review Board inventory: 25, Fee waivers granted: 23, Exam fees collected: \$548,200, Attorneys fees: \$32,873,904, Referral fees: \$1,189,984, and Section 7/8 penalties: \$10,000 (this is **not new** for the month - illegal discontinuance). Attorneys' fees are not paid by the DIA - fees are paid by the insurer to the claimant's counsel at the dispute resolution process.

First Report of Injury (FROI) filings for FY'26 were 10,311 with 2,595 filed for the month of October (0.85% of the working population) with 2,341 in sprains/strains 40% and 889 cases filed for the month. Cases filed by type: 3,397 total cases, 2,270 employee claims, 596 in Insurance discontinuances, and 31 third-party claims.

Mr. Taupier provided statistics on compliance and enforcement for FY'26: 5,110 compliance letters, 13,892 field checks, and 11,001 office checks. There were 103 Stop Work Orders. FY'26 2,520 employees now covered by workers' compensation insurance. There were 36 total uninsured injuries, one additional claim refiled and not counted as a new claim.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$8,000,000 there were \$2,267,359 in payments against open claims and there was \$172,802 recovered by the Civil Litigation Unit - claims paid in the current fiscal year may have occurred in the prior fiscal year.

The Second Injury budget is \$31,000,000 (a **budget decrease** since last month) and payments made were \$8,637,638 – represents dollars paid for Sec. 37 /37A Claims including quarterly payments and interest by Fiscal Year.

COLA reimbursements were \$2,318,601 with a \$11,000,000 budget (a **budget decrease** since last month). These numbers lag throughout the fiscal year. The dollar amounts indicate the final payments that have been registered in the state accounting system known as MMARS.

Assessment collection budget is \$81,000,000 with a payment of \$6,537,581. Assessments represent 90-92% of all DIA revenue annually.

Personnel: there were 194 employees (**increase** from last month). Staff are paid from either the General Appropriation Account or the WCTF.

Without questions for Bill Taupier, the floor was directed to Maureen O'Connell, Executive Director.

Executive Director Maureen O'Connell provided an update to the Council. The FY'25 annual report is almost complete – outstanding information (assessments). Once all data is received, I'll forward to Council Members for review, then DIA, then EOL – this will give the Executive Office time to review before the Council votes on the report on January 14, 2026. Legislation – new updates came in this morning, will review to see if there are any changes to workers' compensation bills.

Without questions for Executive Director O'Connell, Chair Pulgini asked for a motion to end the meeting, with a motion seconded the meeting ended at 9:58am.