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MAUREEN O'CONNELL
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MINUTES

October 10, 2018
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

Attendees: Todd Johnson; John Pulgini; Teri McHugh; James Steenbruggen; Linda Edmonds Turner, Director; Sheri Bowles, Director of Operations; Bill Taupier, Director of Administration; Senior Judge Omar Hernandez, Senior Judge; Kevin O'Leary, General Counsel; Karen Fabiszewski, Director Workers' Compensation Trust Fund; Paul Przystarz, Regional Manager; Robert Cronin, Director of Investigations; Evelyn Radeva, Workers' Compensation Research Institute (WCRI); and Maureen O'Connell

AGENDA

Chairman's Welcome

DIA Update

- DIA Judicial Update - Senior Judge Omar Hernandez, Senior Judge
 - o Conference/Hearing/Reviewing Board Queue
 - o Impartial Medical Exams/Physicians
- DIA Vital Statistics - Bill Taupier, Director of Administration
 - o Cases Filed with DIA
 - o Workers' Compensation Trust Fund
 - o Personnel Update
 - o Enforcement and Compliance
- Director's Update – Linda Turner, Director
- Executive Director's Update

Action Items

- Minutes – May 9, 2018
- Minutes – September 12, 2018

CHAIRMAN'S WELCOME

At the outset of the meeting, Chairman Johnson referenced the ongoing issues with maintaining a quorum. Without a quorum no votes will be taken today.

Chairman Johnson directed the floor to Bill Taupier, Director of Administration; Senior Judge had a prior commitment and would be attending soon after.

Judge Solomon's position will be advertised for Worcester to reduce the conference queue. Hearing queue looks great. No overdue hearings outstanding over six months, if the trend continues DIA may forego the chart.

Mr. Taupier mentioned a \$30,000 recovery that was received by the DIA from a contractor, not a civil recovery but will go to the special recovery fund.

Addressing questions pertaining to the budget, it is on the higher end to be conservative.

Chairman Johnson mentioned the Workers' Compensation Rating and Inspection Bureau (WCRI) Test Audit Program that takes effect January 2019. Chairman asked Executive Director O'Connell to share with Council Members and DIA.

The lag time in COLA distribution was mentioned. According to Trust Fund Director Karen Fabiszewski, the Section 37 case is actively being tried. The COLA case is pre-litigation.

Salaries, Cloud conversion, budgeted expenses are the three drivers to the DIA budget increase.

Questions were asked about DIA office relocation. Waiting for Boston bids to return, Worcester is slated to move in May 2019.

Six new positions will be added to DIA personnel including an attorney in the trust fund and an administrative judge in Worcester.

Chairman Johnson mentioned to Mr. D'Elia that the presentation showed a positive impact.

Requests for an update on the formulary were made. DIA indicated that the formulary did not include DIA. It will be administered by the Executive Office of Health and Human Services.

Medical rate reimbursement process is ongoing. Public meeting is in November with a possible Spring 2019 final disposition.

Chairman Johnson directed the floor to Mr. Taupier.

DIA UPDATE

Vital Statistics

Director of Administration Bill Taupier updated Council members on the information contained within the DIA's vital statistics report for October 2018.

Mr. Taupier said the October 2018 Conference queue is 1,132 cases. Currently, the average waiting period for a conference is between 12 and 22 weeks. The October 2018 Hearing queue is 386, down when compared to September figure of 449.

With regard to Pending Hearing Decisions, there were zero in the month of August and September 2018.

The Reviewing Board inventory of cases on appeal for the month of October is 74 cases. The impartial medical examinations (IMEs) were 951 for FY 2019; the number of fee waivers granted was 17 and \$410,635.

With respect to Stop Work Orders (SWO), 169 were issued in the month of September for a total of 536 for FY 2019. 43 SWOs were reissued as the result of defaults of previous orders. Fine collection for the month of September \$109,514 with a FY 2019 total of \$302,514. FY 2018: 1,909 SWOs and fines collected \$983,445.

The DIA conducted 6,998 compliance checks in the month of September. 1,394 workers have been brought under workers' compensation insurance.

Chairman Johnson asked about the office and field compliance checks. Mr. Taupier said that they were consistent: Office 3,135 and Field 3,863 for a total of 6,998 compliance checks for the month of September 2018.

Mr. Taupier offered the following statistics on cases filed within DIA claims administration: the number of cases filed for September 2018 was 1,043. First Report of Injury (FRI) filings for September were 2,549. Total FRIs filed for FY 2019 is 8,481. FRIs for FY 2018: 34,430. Total cases filed for FY 2019 is 3,155. Cases filed in FY 2018: 11,979. *Please note: a case is an employee claim, an insurers request for discontinuance or a third party claim/lien.*

Mr. Taupier offered the following statistics: the WCAC Trust Fund had 21 uninsured injuries for FY 2019. 112 new Section 65 injuries were recorded in FY 2018. This figure is trending lower than last year. A total of 133 new Section 65 claims were recorded. As of today, payments against open claims are \$1,006,682. The WCTF made \$8,102,089 in payments against open claims during FY 2018.

The Trust Fund has received civil recoveries and money owed to the trust fund, outside of a civil recovery, settlement. Chairman Johnson mentioned that the funds received "outside of a civil recovery" should be highlighted in the annual report.

Mr. Taupier mentioned that a \$30,000 private right of action was received by the DIA. It is not a civil recovery, but the money will go to the special fund.

Mr. Taupier provided statistics on the Second Injury Fund: \$1,133,482 in payments. The COLA reimbursements were \$31,932. COLAs are quarterly and lag behind. The budget of \$18,500,000 is conservative. DIA personnel remains the same; 223. With regard to referral fees, \$1,124,550 has been received thus far and in assessment collections, \$19,648,072.

Without additional questions for Mr. Taupier, Chairman Johnson directed the floor to Senior Judge Omar Hernandez.

Judicial Update

Senior Judge Hernandez mentioned that the focus is his department is on timeframes in Worcester, conference queue high (incremental increase) but that will be brought down with a new judge. Posting advertised to fill Judge Solomon's slot and will be placed in the Worcester DIA office.

Sometime in November interviews will be conducted with the Nominating Panel and then will be forwarded to Advisory Council.

Without additional questions for Senior Judge Hernandez, Chairman Johnson directed the floor to CFO Aaron D'Elia.

CFO Update

Mr. Aaron D'Elia provided an overview of the finances in the DIA. Some of the highlights included the revenue estimate. The office is projecting a \$20 million dollar decrease from FY 2018 to FY 2019, due to lowering the assessment rate. Overall, the organization is financially sound.

Without additional questions for Mr. D'Elia, Chairman Johnson directed the floor to Director Linda Turner.

Director Update

Director Linda Turner said attended the International Association of Industrial Accident Boards (IAIAB) Conference in Virginia. Three topics of interest were discussed at the conference: IT systems; Safety; and Opioids. There has been a nationwide improvement on opioid deaths – the focus now is on long-term users. DIA in Boston is ahead of that with Senior Judge Hernandez Opioid Pathway Treatment Program. The IAIAB requested Senior Judge Hernandez as a presenter next year.

Without additional questions, Chairman Johnson directed the floor to Executive Director Maureen O'Connell.

Executive Director Update

Executive Director provided a draft version of the Advisory Council's FY 2018 Annual Report.

The Open Meeting Law was also discussed.

An update was provided on the Office Support Specialist position, awaiting completion of background check.

Without additional questions the meeting adjourned at 10:20am.

The next meeting of the Advisory Council is tentatively scheduled for Wednesday, November 14, 2018 at 9:00 A.M., at the Department of Industrial Accidents, 1 Congress Street, Suite 100, Conference Room #10-140, Boston, MA 02114-2017.