



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
CHAIR

TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

November 18, 2020
Via WebEx

Present: Attendees: John Pulgini; Todd Johnson; Mickey Long; Steve Joyce; Teri McHugh; James Steenbruggen; Michael Kelley; Bernie Mulholland; Patrick Walsh; Sheri Bowles – DIA Interim Director; Bill Taupier – DIA Director of Administration; Senior Judge Omar Hernandez – DIA Senior Judge; Kevin O’Leary – DIA General Counsel; Karen Fabiszewski; Dennis Johnson; Maryann Brunton; Vinnie Lopes; Shamia Monroe; Diane Neelon; Dan Judson – WCRI of MA; Ginny McCarthy – WCRI of MA; Evelina Radeva of WCRI; Kathy Fisher of WCRI; Roman Dolinschi of WCRI; John Burrell, MD; Attorney Deb Kohl; Dr. Okoroghski; Dr. Dietz; and Maureen O’Connell.

DIA UPDATE

- A. DIA Judicial Update - Senior Judge Omar Hernandez, Senior Judge
 - o Conference/Hearing/Reviewing Board Queue
 - o Impartial Medical Exams/Physicians
- B. 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
- C. Director’s Update – Sheri Bowles, Interim Director

EXECUTIVE DIRECTOR’S UPDATE

- o FY 2020 Annual Report

ACTION ITEMS

- o Minutes - September 9, 2020

COMMUNICATIONS

N/A

MISCELLANEOUS

- o Stetson Marshall, SIGs update

Chairman John Pulgini called this meeting to order at 9:06am. Senior Judge Omar Hernandez shared with the Advisory Council how busy it was during the last month, setting up virtual queue, WebEx meetings for conferences, labor intensive, working with Yafa Rachmany-Arkin and Deb Pierre, both of whom were instrumental in moving this project to where it is. Cloverhound add-on will assist in the process which was rolled out on October 13. Received great feedback. Working on this project since May 2020. Opened up for hearings on a limited basis. Two so far, one in Boston, one in Lawrence, difficult to hear with mask. Pre-hearing conference has been instituted within past month. Hearings need to move, memorandum need to be prepared to resolve case. Great feedback from all parties, uptick in resolutions. Working on virtual hearings with MATA and MBA, discussion ongoing, town hall meetings have been occurring with Senior Judge explaining the reason for virtual hearings and providing an opportunity for feedback. Conference queues in great shape one and a half to two and a half months between conciliation and conference. Addressing hearings with March through September cases. Pending Hearing Decisions asked why the delay - 2nd 11A exam waiting to schedule; death; Section 19 agreement; admits of settlement; 3rd party lawsuit; opioid hearings; going to mediation; and ADR process to resolve. They are now at 13. Can't thank my staff enough, continue to make the office/unit run smooth. Attorney Tamara Ricciardone will be sworn in this afternoon at 3pm for Administrative Judge.

Chairman John Pulgini asked if any of the guests at the meeting wanted to ask questions. Without questions, Chairman Pulgini directed the floor to Mr. Bill Taupier, Director of Administration.

Director of Administration update Mr. Bill Taupier provided the statistics with respect to the Reviewing Board numbers, 1,000 impartial examinations, good number for this period of time. The October 2020 Conference queue is 356 cases, which is up when compared to the September figure of 396. Currently, the average waiting period for a conference is 10 to 14 weeks. The October 2020 Hearing queue is 1,749. This is up when compared to the September figure of 1,491. Reviewing Board cases are at 55. Exam fees are at \$432,022.00 Enforcement, 3 SWOs in September, \$1,000 in fines. Beyond the SWOs compliance checks/letters, efforts have not stopped, using resources, difficult situation but investigation unit is working. 8,000 compliance letters, policies being obtained. The DIA 3 issued 3 Stop Work Orders (SWO) in the month of September. Be advised that, due to the COVID-19 crisis, DIA suspended issuing SWOs on March 13th and resumed issuing said orders August. Fine collection for the month of September was \$1,075 with a FY 2021 total of \$92,390. For Fiscal Year 2020 a total of 1,049 SWOs were issued and total fines collected was \$506,881. Office Compliance Checks are at 3412.

Council Member Steve Joyce asked if investigations are being conducted why the numbers are going down. Without being able to discuss this with the investigations unit, Mr. Taupier deferred to next slide. FRIs are steady, down slightly from previous years, claims are also down 4-5%. Cases filed 2755. Breakdown included on slide. Covid-19 claims separate slide, not confirmed cases, 85% come from the healthcare industry. The number of Cases filed for September 2020 was 963. First Report of Injury (FRI) filings for September were 2,783. Total FRIs filed for FY 2021 is 8,788. The total number of FRIs file for FY 2020 was 34,031. WCTF first quarter, 27 individuals filing for uninsured claims. FY 2020 \$7.4 million in benefits paid. Civil Litigation Unit recovered \$275,593.00. Second Injury Fund & COLA no claims during the month of July, few in August, this is fairly typical and will pick up over time. \$305,910.00 paid out in Second Injury Fund with \$308,520.00 in COLA. Personnel, two new additions, 210 range.

Referral fees \$770,000.00 for the year. Assessments \$13.2 million for the year.

Without questions for Mr. Taupier, Chairman Pulgini directed the floor to Interim Director Sheri Bowles. Interim Director Bowles welcomed Shakira Perry as the new Executive Assistant for the Director. Back in March several DIA employees assisting DUA full/part-time basis, transitioned back to DIA, 15-20 still at DUA. State Auditor's Office, field phase of the audit has been completed, on to the office phase, report is forthcoming. IAIABC 106th convention virtual - thread, most jurisdictions are phasing similar challenges (opening to the public, telework, virtual hearings, office space) as we navigate through the pandemic.

Without questions for Interim Director Bowles, Chairman Pulgini directed the floor to Executive Director Maureen O'Connell. Executive Director O'Connell provided an update and reminded Advisory Council members meeting about the FY 2020 Annual Report, financial data is outstanding, format will be slightly changed to engage readers. Reminder about OML is allowing us to operate in WebEx environment and to contact Executive Director O'Connell to attend meeting.

Outstanding items is the SIGs audit, Stetson Marshall is present and will be providing an update on the audit. Mr. Marshall process started in April of 2019 with an ambitious goal, 3 reviews were done. 2 reviews per quarter are to be done moving forward, identified system issue. One has been issued \$17,000.00, one report is pending balance owed to DIA \$3,600.00 not been issued, 3 \$22,000.00 balance. One concern is waiting for auditee and resolution to the system. Wants to come back within a month or so with a more robust review.

Vice-Chair Todd Johnson asked Mr. Marshall if the system issue/concern effect the outcome on the audits completed. The outcomes are accurate. The SIGs are not being penalized. Auto populating fields need to be assured that they are being populated correctly.

Without further questions for Stetson Marshall, and with a motion to adjourn, Chairman Pulgini concluded the meeting.