



**CHARLES D. BAKER, JR.**  
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## **MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL**

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**TODD JOHNSON**  
CHAIR

**JOHN PULGINI**  
VICE-CHAIR

**MAUREEN O'CONNELL**  
EXECUTIVE DIRECTOR

### **MINUTES**

September 12, 2018  
Department of Industrial Accidents  
1 Congress Street, Suite 100  
Boston, MA 02114-2017

**Attendees:** Todd Johnson; Mickey Long; Stephen Joyce; Teri McHugh, Stephen Falvey; Michael Kelley; Frank Ruel; Bernie Mulholland; Linda Edmonds Turner, Director; Sheri Bowles, Director of Operations; Bill Taupier, Director of Administration; Senior Judge Omar Hernandez, Senior Judge; Kevin O'Leary, Director Legal Counsel; Karen Fabiszewski, Director Workers' Compensation Trust Fund; Paul Przystarz, Regional Manager; Robert Cronin, Director of Investigations; Virginia McCarthy, Workers' Compensation Rating and Inspection Bureau (WCRIB); 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

## **CHAIRMAN'S WELCOME**

The meeting was called to order at 9:05 am. We do not have a quorum, a pattern that has been in existence for a period of time. Since we are unable to vote, we ask the DIA to give us an update.

Chairman Johnson directed the floor to Mr. Taupier.

## **DIA UPDATE**

### **Judicial Update**

Senior Judge Hernandez mentioned the fluctuation of the conference queue, many continuances. Worcester DIA is up, waiting for judicial appointment. Outstanding cases 36+ months are now down to zero. Council Members congratulated Senior Judge on this accomplishment.

There will be a posting for a stenographer position due to a retirement.

As far as Judgeships, Senior Judge has reached out to the Governor's Office - Judge Harpin, Judge Williams and Judge Preston up for reappointment, one position is vacant (Judge Solomon).

Without additional questions, Chairman Johnson and directed the floor to Director of Administration Bill Taupier.

### **Vital Statistics**

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

Mr. Taupier said the September 2018 Conference queue is 953 cases. Currently, the average waiting period for a conference is between 12 and 16 weeks. The April 2018 Hearing queue is 449.

With regard to Pending Hearing Decisions, there were three in the month of June and July, with zero in 12-36+ month range for August.

The Reviewing Board inventory of cases on appeal for the month of September is 71 cases. The impartial medical examinations (IMEs) were 3,686 for FY 2018; the number of fee waivers granted was 66 and \$ 2,009,409. In FY 2019 there were 635 IMEs scheduled.

With respect to Stop Work Orders (SWO), 221 were issued in the month of September for a total of 383 for FY 2018. 27 SWOs were reissued as the result of defaults of previous orders. Fine collection for the month of September \$70,884 with a FY 2019 total of \$193,001. FY 2018: 1,909 SWOs and fines collected \$983,445.

The DIA conducted 6,047 compliance checks in the month of September. 561 workers have been brought under workers' compensation insurance.

Council Member Long requested clarification on the No Prior Policy (NPP) listed on the statistics report. Director Cronin mentioned that it had to do with the Investigations division working with outside agencies.

Mr. Taupier offered the following statistics on cases filed within DIA claims administration: the number of cases filed for September 2018 was 1,266. First Report of Injury (FRI) filings for September were 3,392. Total FRIs filed for FY 2019 is 5,932. FRIs for FY 2018: 34,430. Total cases filed for FY 2019 is 2,112. 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 17 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 \$584,507. 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.

General Counsel O’Leary discussed the violations and exposure to the trust fund. Chairman Johnson mentioned the increase in activity with SWOs.

Council Member Kelley requested clarification on the budget calculation. Director Fabiszewski addressed COLAs.

Mr. Taupier provided statistics on the Second Injury Fund: \$0 in payments. The COLA reimbursements were \$31,932. In assessment collections, \$19,558,916 was collected.

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

### **Director Update**

Director Linda Turner said that DIA has had meeting with the Executive Office of Health and Human Services (EOHHS) about the medical rate reimbursement, meetings will be later in the fall. New rates should be available in 2019. The process is ongoing.

Secretary Acosta had a Town Meeting with DIA to highlight the recent changes in the career centers, now branded as MassHire.

Director Turner mentioned that she will be attending the International Association of Industrial Accident Board (IAIAB) conference in October.

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

### **Executive Director Update**

Executive Director O'Connell requested a status update on the Self-Insured Groups (SIGs) procedure, DIA indicated it has been put on-hold.

A request was made to DIA to update Council Members on the Executive Office of Labor and Workforce Development use of Twitter. Director of Operations, Sheri Bowles mentioned that the Executive Office of Labor and Workforce Development (EOLWD) and their use of social media as a tool to get messages across to the Commonwealth of MA.

Open Meeting Law (OML) - Executive Director will be attending a webinar with the Attorney General's office and will update Council Members on the OML.

A few items were highlighted as topics for the agenda in October - Executive Director mentioned the great feedback received on the annual report and requested Council Members review the priority focus areas before next meeting. The goal is to have the annual report out before the calendar year end.

There was discussion around Advisory Council terms and appointments.

Aaron D'Elia, CFO will be attending the October 10, 2018 meeting and will update Council Members on the end of the year finance activity.

Council Member Falvey gave thanks for the legislative update and spreadsheet.

The process is ongoing for the Office Support Specialist position.

### **Communications**

Council Member Long communicated that a \$30,000 settlement to the trust fund AFL-CIO received under Section 25 Subsection 11.

Council Member Ruel asked for more detail in the DIA presentation.

Meeting adjourned at 9:57am.

**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.**