



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
CHAIR

TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

April 9, 2025

Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Michael Hess, Teri McHugh, Kevin Snyder, Jim Steenbruggen, Bernie Mulholland, Michael Kelley, Patrick Walsh, Stephen Falvey; Sheri Bowles - DIA Director, Bill Taupier – DIA Director of Administration, Hernández. – Senior Judge, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Jeanne Natale - DIA Director of Operations, Jon Solomon - DIA Director of Investigations, Maryann Falvey – DIA Director of Safety, Vinnie Lopes – DIA Worcester, Shamea Monroe - DIA Fall River, Maryann Brunton - DIA Springfield; Cara Toomey - WCRIB; Roman Dolinski- WCRI; Caleb Huntington – Division of Insurance; Attorney Kerry Nero; Julie Bowler; Fred Taylor, James Laing – Department of Public Health, Emily Spieler, Nancy Segreve, and Maureen O'Connell.

Date: April 9, 2025

Location: Department of Industrial Accidents - via WebEx
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111

Time: 9:00 A.M.

Notice: All meetings are voice recorded to aid in preparing “hard copy” minutes.

1. CHAIRMAN'S WELCOME

2. DIA UPDATE

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

3. EXECUTIVE DIRECTOR'S UPDATE

- o 2025-26 Legislative bills
- o Council Member Appointments
- o Workers' Compensation trends for 2025
- o Meetings for 2025-26

4. ACTION ITEMS

- o Minutes - March 12, 2025

Chairman John Pulgini began the meeting at 9:01am.

Chairman Pulgini announced the newest Council Member, Kevin Snyder from AIM Mutual Insurance Companies who is replacing Sam Larson from AIM.

Director Sheri Bowles presented first. Director Sheri Bowles provided a brief update on the RFP process for the new Springfield DIA office, finalizing details, once paperwork is signed it will be ready to share with the public. The DIAs Office of Safety is finalizing the details to the FY'26 Safety Grant and will be accepting applications from June 1- June 30, 2025, once this has been completed the link will be placed on the DIA website.

Without questions for Director Bowles, the floor was directed to Senior Judge Omar Hernández. Senior Judge Hernández mentioned that the conciliation numbers look great, trending in a really good direction, thanks to Dele Edibiri and his team.

Vice-Chair Johnson asked about the Judicial vacancy. Senior Judge Hernández shared that Judge Spinale is supporting the workload in Lawrence, along with Judge Bean and Judge Rosado. Conferences can be spaced out as they're done virtually, but there are concerns over how the backlog will impact injured workers and their cases as the backlog is increasing. Also, in late 2025-26 Judges retirement is expected. This isn't a quick fix responded Senior Judge Hernández and it has implications for the workers' compensation system. Once judges are reappointed they go back to the original appointment date. Chairman Pulgini mentioned supporting Judicial vacancies and sharing potential backlog with Governor Healey's office by way of a letter from Council Members as outlined in the WCAC statute.

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

Mr. Taupier presented the Monthly Statistical Report Card slide deck for the Department of Industrial Accident (DIA) units. With respect to conciliations, 449 in March cases were resolved and 409 were referred to conference (51.4% - down from last month). The average waiting period for a conference is 12-24 weeks (up in DIA Lawrence region). Dispute Resolution: fluctuations in the conference & hearing queues will depend upon number of cases being referred from conciliation, conference order appeals, judges scheduling cycles, continuance requests and regional variations.

With respect to the conference queue, there are 1,239 and 1,992 in the hearing queue. There have been 5,175 as of March 31, 2025. These are a rolling total, not a cumulative total. As of March 31, 2025 the number of conferences scheduled: 427, hearings scheduled 402, orders issued 261, and appeals to reviewing board: 3.

With respect to the pending hearing decisions, there were 6 - a section was added to reflect 1, 2 and 3 year post hearing. Review Board inventory: 25, Fee waivers granted: 23, Exam fees collected: \$939,500, Attorneys fees: \$66,893,207, Referral fees: \$2,526,153, and Section 7/8 penalties: \$0. Note: Attorneys fees are not paid by the DIA, these fees are paid by the insurer to the claimant's counsel at certain stages of the dispute resolution process.

First Report of Injury (FRI) filings for FY'25 were 23,898 with 2,727 for the month of March. The number of Cases filed was 881. Cases filed by type: 7,591 total cases, 6,128 employee claims, 1,331 in Insurance discontinuances, and 132 third-party claims.

Mr. Taupier provided statistics on compliance and enforcement for FY'25: 13,677 compliance letters, 34,796 field checks, and 27,232 office checks. In March, there were 6,170 compliance checks, 294 field investigations conducted, 459 more employees newly covered by workers' compensation, who were not previously covered by a policy. There were 120 Stop Work Orders, this includes 2 employers who defaulted - 948 SWOs issued year-to-date, and fine collection was \$533,315, with 4,825 workers now covered by workers' compensation. There were 85 uninsured injuries, with 37 laborer (occupation) - 27 other and 37 were in the construction industry - 31 other.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$9,800,000 there were \$5,020,232 in payments against open claims and there was \$448,956 recovered by the Civil Litigation Unit. Please note, the claims paid in the current fiscal year may have occurred in the prior fiscal year. The Civil Litigation Unit make every effort to recover monies owed by utilizing the authority of M.G.L. Chapter 152 to recover money paid on uninsured claims through legal action against the employer in question. For comparative reasons, the left hand side is benefits side with budget, and on the right hand side is civil recovery. Please note, claims may be determined to be insured or underinsured after they've been filed.

The Second Injury budget is \$31,000,000 and payments made were \$19,385,549. Chart shows dollars paid for Sec. 37 /37A Claims (including quarterly payments and interest) by Fiscal Year. Sec. 37/37A claims are filed by insurers who are seeking reimbursement up to 75% of benefits paid for a second injury per the statute. In addition, the numbers indicate final payments have been registered in the state accounting system known as MMARS. Additional payments may be in process and are not yet registered in MMARS at the time of this publication.

COLA reimbursements were \$5,139,978 with a \$16,000,000 budget. 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. Additional payments are often in process that have not yet registered in MMARS at the time of this publication.

Vice Chair Todd Johnson asked about COLA and whether there's anticipated litigation and a surplus in COLA, when the cases will be resolved and what's the exposure to the administration. General Counsel Phil Imbrescia provided an update on the two cases before the Supreme Judicial Court and in his discussion with the Attorney General's office, these SJC decisions will be made before June 30, 2025.

Assessment collection budget is \$79,000,000 with a payment of \$40,405,652. Assessments represent 90-92% of DIA revenue annually.

Personnel: there were 198 (67 Administration, 77 dispute, 15 legal, 27 WCTF, and 10 finance). Slide deck has been adjusted to reflect breakdown of personnel. Staff: paid from either the General Appropriation Account or the WCTF depending upon their job. These numbers reflect full-time and part-time employees as of the close of the month.

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

Good Morning, everyone. Executive Director O'Connell shared the Legislation – there are a few duplicate bills regarding An Act providing benefits for permanent functional loss – these duplicate bills were withdrawn – House Bill 2123 still in play by Rep Chris Hendricks.

With respect to Council member appointments / reappointments Boards and Commissions alongside the Executive Office of Labor and Workforce Development are working on filling the vacancies - Business-manufacturing classification (voting), Medical Representative (non-voting) and Vocational Rehabilitation (non-voting). The Executive Office is requesting updated CVs/Resumes to conduct background checks per Governor Healey's office.

Governor Healey signed into law which extends the temporary provisions pertaining to the Open Meeting Law to June 30, 2027. There have been questions posed about the Open Meeting Law at outside meetings and I wanted to share a reminder that the Council requires 7 voting members to vote on minutes, annual report, anything before the council that requires a vote, and a majority of members to hold a meeting. If there are any questions regarding the Open Meeting Law please address them here at the meeting or reach out to Executive Director O'Connell directly.

Regarding workers' compensation trends for 2025, if there are any trends you are interested in and think the Council should be researching, please let me know.

With a quorum present, Council Members were able to vote on the March 12, 2025. Chairman Pulgini ended the meeting at 9:27am.