



MAURA HEALEY
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MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

LAFAYETTE CITY CENTER
2 AVENUE DE LAFAYETTE
BOSTON, MASSACHUSETTS 02111

JOHN A. PULGINI
CHAIR

TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

January 10, 2024

Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Stephen Joyce, Teri McHugh, Bernie Mulholland, Michael Kelley, and Stephen Falvey; Sheri Bowles – DIA Director, Bill Taupier – DIA Director of Administration, General Counsel Philip Imbrescia, Dennis Johnson - EOLWD, DIA Vinnie Lopes, Shamia Moore, Maryann Brunton; Samuel Larson - AIM; Cara Toomey - WCRI; Roman Dolinski- WCRI; Christopher Stark, MA Insurance Federation, Tiffany Benjamin and Frank Rivera- Massport; Attorney Kerry Nero - City of Boston, Attorney Ryan Benharris, Attorney Lori Favata, Attorney David O'Connor, Attorney Michael Muse, Attorney AnaMari DeGaravilla; Mary-Beth McGrath - Commonwealth of MA HRD; Julie Bowler - Atlantic Charter; Emily Spieler - Northeastern University, and Maureen O'Connell.

Date: January 10, 2024

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. DIA Judicial Update - Senior Judge Omar Hernández, 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, Director

3. EXECUTIVE DIRECTOR'S UPDATE

- o 2023-24 Legislative bills
- o FY'23 Annual Report
- o Council Member appointments

4. ACTION ITEMS

- o Minutes - December 13, 2024

5. COMMUNICATIONS

N/A

6. MISCELLANEOUS

N/A

LAFAYETTE CITY CENTER

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Chairman John Pulgini began the meeting at 9:00am. Senior Judge Omar Hernández was on vacation and Mr. Bill Taupier, Director of Administration will be presenting the slide deck for judicial activity and other DIA units.

With respect to conciliations, In December, 482 cases were resolved and 471 were referred to conference (50.6%). The average waiting period for a conference is 8-16 weeks - up from last month. *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 713 (down from last month) with conferences scheduled: 687, Hearing queue: 1,793 and hearings scheduled: 358, Orders issued: 287, and Appeals to reviewing board: 0. Form 110 filed 48% of conferences and no 110 filed 87% while hearings were 78% with a Form 110 filed and 86% without a Form 110 filed. With respect to the pending hearing decisions, there were 10. Review Board inventory: 26, Fee waivers granted: 36, Exam fees collected: \$475,775, Attorneys fees: \$45,867,519, 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.*

Vice Chair Todd Johnson asked Mr. Taupier if he could pass on a message to Senior Judge Hernández about the pending hearing decisions and whether the 4 cases that have been on this list for a long time, could they provide an update at next meeting or send an email about the reason they are on the list. Mr. Taupier indicated that he would share this with Senior Judge Hernández.

First Report of Injury (FRI) filings for December were 2,269. The number of Cases filed for December 2023 was 751 (down from last month). Cases filed by type: 5,219 total cases, 4,277 employee claims, 923 in Insurance discontinuances, and 19 third-party claims.

Mr. Taupier provided statistics on compliance letters for the month of December: 8,426 compliance letters, 17,595 field checks, and 17,231 office checks. In December there were 5,057 compliance checks, 135 field investigations, 1,628 compliance letters, and 1,900 employees covered by workers' compensation insurance. There were 99 Stop Work Orders (SWOs) this includes 9 defaults, and fine collection for the month was \$729,239. There were 59 uninsured injuries, with 14 laborer (occupation) and 24 other occupation, while 20 were in the construction industry, and 25 were other industries.

Out of a budget of \$7,500,000 there were \$2,796,672 in payments against open claims and there was \$391,382 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.*

With respect to the Workers' Compensation Trust Fund, these slides have been revised. 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 (budget increase) and payments made were \$9,574,901. 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 \$4,420,095 (**no change** since last month) with a \$8,700,000 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.* Assessment collection budget is \$79,000,000 with a payment of \$36,605,140.

Personnel: **One retirement since last month** - 198 (65 Administration, 80 dispute, 15, legal, 28 WCTF, and 10 finance). Mr. Taupier mentioned that there was one resignation in December.

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 Director Sheri Bowles. Director Bowles did not have an update.

Council Member Stephen Falvey asked Director Bowles if she had an update on the open investigation manager position, to which Director Bowles said the process was ongoing and she would put out a statement when the process is completed.

Chairman Pulgini directed the floor to Executive Director Maureen O'Connell.

The FY'23 Annual Report is waiting for the Governor's office to approve before the report is published on the WCAC website and the State House Library. Legislation is still pending in the Joint Committee on Labor and Workforce Development; HB 1880, HB1897, and SB 1159 An Act relative to permanent and functional loss and disfigurement under the Workers' Compensation Act - Legislative Session has resumed after their winter break and Director O'Connell mentioned that she'd follow along to see if there are any new hearings. Lastly, with respect to Council Member appointments, some members are operating in expired terms, and other terms will expire this year. Should you hear about your appointment being active please forward the appointment letter to keep with our records.

Council Member Stephen Joyce asked about the approval process and was unclear on why a report from the Advisory Council that is going to the Governor's Office has to be approved by the office before sending it to them, it doesn't make any sense to me, and shouldn't be held up, it's the whole process of the report. Director O'Connell thanked Council Member Joyce for his feedback.

Vice Chair Johnson asked about the appointment process and status of appointments. The Council has another vacancy, how many members do we need for a quorum. There is a high bar for votes, with winter season and folks being sick there is a need for a quorum. Director O'Connell mentioned that there are 8 voting seats at the moment, two Council Members (voting members) are not present today, and one voting member is in the process of transitioning off of the Council. We are in the process of filling the AIM seat, and I will follow up on the outstanding Council Member seats.

Without questions for Director O'Connell or from the guests, and without a quorum, Chairman Pulgini ended the meeting at 9:15am. Enjoy your day everyone.

Webex meeting recording: 2024 | Jan 10 Advisory Council mtg-20240110 1347-1

Password: PpPx85mCRecording link: <https://maureenocconnell.my.webex.com/maureenocconnell.my/jdr.php?RCID=8486f2809ac802094a287c0e0f6180c1>