



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

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 12, 2022
Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Teri McHugh, James Steenbruggen, Michael Kelley, Bernie Mulholland, Patrick Walsh, Stephen Falvey; Sheri Bowles – DIA Interim Director, Bill Taupier – DIA Director of Administration, Senior Judge Omar Hernandez – DIA Senior Judge, Kevin O’Leary – DIA General Counsel, Bob Cronin InvesQgaQons, Maryann Brunton, Vinnie Lopes, Shamia Moore, Dennis Johnson; Sheila Tunny, Ginny McCarthy – WCRIBMA; Dan Judson WCRIBMA; Roman Dolinschi, Frank Rivera - MassPort; A4orney Kerry Nero, A4orney Alicia DelSignore, Lena-Kate Ahern; and Maureen O’Connell.

Date: January 12, 2022
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 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

3. EXECUTIVE DIRECTOR’S UPDATE

- o Legislative update

4. ACTION ITEMS

- o Minutes - October 13, 2021 o Minutes - November 10, 2022

5. COMMUNICATIONS

N/A

6. MISCELLANEOUS

N/A

Chairman John Pulgini began the meeting at 9:02am and asked Bill Taupier, Director of Administration to provide an update on activity.

With respect to conciliations, 470 were referred to conference, 515 resolved, 52.1%. Regarding continuances there were 3,007 and 906 conferences - the average waiting time is between 10-22 weeks. Hearings queue is 2,134, 5 pending hearing decisions in December 2021.

There were 17 cases in the reviewing board inventory. There were 1,551 in impartial examinations, 26 fee waivers were granted, and \$658,276 in exam fees collected. With respect to 13A Attorneys fees, \$40,541,731 was collected.

With respect to Compliance and Enforcement, there were 83 SWOs issued, 1,297 compliance letters sent, and \$62,838 fines collected. There were 4,939 in compliance checks and 200 field investigations. First Report of Injury (FRIs) were 2,939 with a total of 17,336 in FY '22. There were 807 total cases, 15 were submitted manually, 792 via Web.

With respect to Covid-19 FRIs there were 278 with the health care industry being the highest, 9,868 (77%). 44 were appealed to hearing, 46 a lump sum agreement. Regarding the Workers' Compensation Trust Fund (WCTF) there were 32 uninsured injuries, \$3,695,761 in payments against open claims (industries: 12 laborer, 8 carpenter, and 23 construction).

With respect to recovery efforts: \$453,265 was received. The Second Injury Fund budget was \$27,000,000 and payments were made in the amount of \$9,982,761. The COLA budget was \$10,900,000 (a significant reduction) while payments were made in the amount of \$767,445. Referral fees collected were \$1,795,000. Assessment budget was \$61,157,033 with payments made in the amount of \$29,093,458.

Vice Chair Todd Johnson provided positive feedback to Mr. Taupier regarding the significant decrease in the COLA budget. With respect to personnel, there are 197 employees, a few requirements in December 2021.

Without any questions for Mr. Taupier, Chairman Pulgini directed the floor to Senior Judge Omar Hernandez. Senior Judge Omar Hernandez joined the meeting at 9:10 and provided an update on judicial activity. All conferences will be going to a virtual platform given the uptick in Covid-19 cases. There is no end date at this time, situation will be evaluated. Hearings are still in-person, and all parties are required to follow the mask mandate and guidelines, an email will be sent out to all parties today.

Council Member Michael Kelley asked Senior Judge Hernandez if Executive Director Maureen O'Connell could be looped into the email notifications, he confirmed. He will also coordinate with Mass Bar Association who is supportive of his efforts to keep the conferences virtual.

Without any questions for Senior Judge Hernandez the floor was directed to Interim Director Bowles. Interim Director Bowles provided the Advisory Council on the lease for the DIA Fall River office. The lease is set to expire in 2023 without the possibility of renewal. The process will involve DCAMM. Th

mask mandate will be enforced in the Fall River office until February 28, 2022.

Without any questions for Interim Director Bowles, the floor was directed to Executive Director Maureen O'Connell.

Executive Director Maureen O'Connell thanked the Advisory Council and DIA for their feedback on the FY '21 Annual Report. No further updates on the legislative bills that the Council is following, all are in committee.

Executive Director O'Connell addressed Council Member Stephen Falvey on his November 10, 2021 request about OSHA and Amazon warehouses and will work to see who the right contact person is to handle his request.

Without a quorum the Advisory Council was not able to take a vote on October and November 2021 minutes or the FY '21 Annual Report. Vice Chair Johnson asked that this not wait another 30 days and asked Chairman Pulgini if a vote could be taken next week. Executive Director O'Connell will send out a WebEx link for Tuesday January 18, 2022 for a meeting to vote on said items.

Without further questions for Executive Director O'Connell and without a quorum the meeting concluded at 9:30am.