



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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EXECUTIVE DIRECTOR

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GOVERNOR

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LIEUTENANT GOVERNOR

Present: John Pulgini, Todd Johnson, Michael Hess, Emily Spieler, Teri McHugh, Kevin Snyder, James Steenbruggen, Patrick Walsh, Stephen Falvey, Michael Kelly, Bernard Mulholland, Michael Ackland, Nancy Segreve; DIA Director Sheri Bowles, Director of Administration Bill Taupier, Senior Judge Omar Hernández, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Director of Investigations Jon Solomon, Director of Operations Jeanne Natale, Vinnie Lopes, Shamia Monroe; Attorney Kerry Nero, Attorney Patrick Francomano; Attorney AnaMari DeGaravilla; Mary-Beth McGrath-HRD, Roman Dolinschi-WCRI; Daniel Judson - WCRIBMA; Cara Toomey – WCRIBMA, Carolyn Bergh – WCRIBMA Angela Kennedy – WCRIBMA, Tony Salido – WCRIBMA, Christina Vasakas – WCRIBMA, Jaime Danko – WCRIBMA; Tim Hasset-Salley – WCRI; Julie Bowler-Atlantic Charter; Isabel Hernandez – Health Systems; and Maureen O'Connell.

AGENDA

Date: January 14, 2026

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

Time: 9:00 A.M.

▪ **CHAIR WELCOME**

Roll Call

▪ **ACTION ITEMS**

- Minutes – December 10, 2025
- Correspondence - impartial physician rate revision and workers' compensation medical reimbursement fees

▪ **DIA UPDATE**

Director's Update – Sheri Bowles, Director

Judicial Update - Senior Judge Omar Hernández, Senior Judge

- Conference | Hearing | Reviewing Board Queue
- Impartial Medical Exams | Physicians

Vital Statistics - Bill Taupier, Director of Administration

- Cases Filed with DIA | Enforcement and Compliance
- Workers' Compensation Trust Fund | Personnel Update

▪ **EXECUTIVE DIRECTOR'S UPDATE**

FY' 25 WCAC Annual Report

Legislation

Next Meeting: Tentatively scheduled for February 11, 2026

Chair John Pulgini began the meeting at 9:02am with a roll call (7 members to start with Council Member James Steenbruggen joining a few minutes late making 8 voting members present for the quorum) and a motion to approve minutes for December 10, 2025.– Council Member Emily Spieler made the motion, Council Member Stephen Falvey seconded the motion, and without anyone opposed, the minutes for December 10, 2025 were approved.

Chair Pulgini asked for a motion to approve the FY'25 WCAC Annual Report. Vice Chair Todd Johnson made the motion, Council Member Michael Hess seconded the motion, and without anyone opposed, the FY'25 WCAC Annual Report was approved.

Chair Pulgini asked Council Members if Council Members had any feedback to the draft letters that were provided on the Section 11A impartial physician rate revision and workers' compensation medical reimbursement fees. Vice Chair Todd Johnson shared at the December 10 and January 14 meeting that he drafted the letters.

Council Member Teri McHugh shared her experience on the Section 11A impartial rate revision: when conferences are delayed, backlog, 8 month slowdown, physicians ask for more money or review less records, case put back into the queue to be reassigned to another physician.

Council Member Bernie Mulholland echoed Council Member McHugh's comments – not all firms will pay upfront for clients, \$650 is manageable, if there's a need to pay more money for an employee it's difficult for a small firm.

Vice Chair Todd Johnson commented that for the workers' compensation system to run properly, a fundamental element of the 1991 reform, the impartial process needs to work properly – and this is something the Council should support.

Council Member Michael Kelley commented that he fully supports the increase as the current fee is too low and it severely impacts the pace of litigation and cost of claims – it's controllable, for example tying it to the state average weekly wage is an option (\$1,494.84). If the rate is to change in the future stakeholders wouldn't have to worry about readjusting and going through a lengthy process, as Senior Judge Omar Hernández recommended, it's going to be a crisis – delays in getting an impartial – the system has been very efficient over the last two decades.

Senior Judge Hernández mentioned that for pro se cases they issue waivers, there's a safety net with respect to the rate, need public hearing for a happy and healthy discussion – I've been asking for a long time and thank you to all who support this.

Chair Pulgini mentioned that the last time these rates were changed was 2012. Vice Chair Johnson commented that this does require a public hearing to make a change and that the Council is not qualified to make opinions but could go to testify or offer another letter trying to get the process going.

Council Member Michael Ackland MD provided his comments: why do we want to revisit this every few years – it has to be comparable. Council Member Ackland agrees with the comments made by Council Member Kelley.

Council Member Emily Spieler also agreed that it should be tied to the state average weekly wage. Moving forward, as Vice Chair Johnson indicated, the process needs to get started. Chair Pulgini asked for a motion to vote on the Section 11A Impartial Physician Rate letter to be sent to EOLWD. Vice Chair Johnson made the motion and Council Member Michael Hess seconded. With all in favor, no opposition, motion passed.

Chair Pulgini welcomed WCRIBMA President Daniel Judson and asked for him to give a brief view on the WCRIBMA and on his thoughts about the workers' compensation medical reimbursement rate discussion.

Council Member Spieler completely agrees with the PCG data, it is not adequate with respect to the fees. The WCAC letter that is drafted for purposes of today's discussion doesn't mention the PCG report, 2009 rates as a base are inadequate, specifics of the rate and impact - in a position to opine about. The 2009 rate needs to be addressed, something needs to be done. A report by WCRI indicates that MA rates are lower than any other state.

Council Member Ackland MD added that the letter by the WCAC is a generic letter, there shouldn't be a delay in sending the letter to EOHHS.

Chair Pulgini commented that the letter doesn't name specifics about an increase, the Council is just saying that something needs to be done.

Chair Pulgini asked for a motion to vote on the Workers' Compensation Medical Reimbursement Rate letter to be sent to EOHHS. Vice Chair Johnson made a motion, Council Member Spieler seconded that motion. With a majority vote (7-quorum) the motion passed. 8 members were in attendance; Council Member Kevin Snyder opposed the motion.

Without questions, the floor was directed to Director Sheri Bowles.

Director Sheri Bowles provided an update on the grants process – online appeal system, financial cost/human capital need outstanding, need IT team/cross-secretariat collaboration. Director Bowles also mentioned the Springfield MA DIA office relocation, still underway. Director Bowles confirmed receipt of the inquiries she's received on the mileage reimbursement rate for injured workers, taken it under advisement, and will not comment further on this subject.

Without questions for Director Bowles, the floor was directed to Senior Judge Omar Hernández.

Senior Judge Omar Hernández confirmed that the conciliations are solid at 52%, consistently maintaining queues. The queue in Worcester is now at 8 months. DIA Judge Maher is retiring - his last day is Friday January 16, 2026. There will be a new judge being appointed/confirmed in the next week. This appointment will help bring the queue down, Senior Judge Hernández said that he'd take an aggressive approach to bring the queue down - sending the 11A letter to EOLWD will help, increasing conferences is an option, but without doctors and additional staff in the impartial unit it isn't feasible – these things are all tied together. The queue in the other regions is around 4 months – would like to bring this queue down as well.

Vice Chair Todd Johnson asked about the staffing pressures that were mentioned in the December 10, 2025 meeting. Where are we on staffing, knowing that funds are received from the employer community, how do we get back to a level that we had previously. Senior Judge Hernández indicated that we are down two judicial secretaries, down a judicial support manager, a Lawrence secretary is supporting a Fall River judge, process is getting worse. His staff has all stepped up, but burnout is a reality. The system is assessment based, but this is a high-level concern, FTE cap. Without a change, the system will get worse, behind the scenes Senior Judge Hernández confirmed he's being creative to resolve the backlog, but he's unable to fill or post for a position.

Vice Chair Johnson commented that this is adding costs to the system and waiting time, and the employer community will be paying more money. Director Bowles could be advocating for positions to be filled.

Director Bowles commented that EOLWD Secretary Lauren E. Jones increased the FTE cap, but that this is set by a different agency (A&F).

Council Member Emily Spieler agrees that the WCAC should keep watch on the system – should the WCAC ask the body that represents outside positions that this is affecting injured workers. Vice Chair Johnson supports Council Member Spieler's comments. We support the letter being written, the Council has a statutory obligation, issues are a concern in the system - this could turn into a crisis.

Chair Pulgini asked for a motion to draft letter to discuss at the February 11, 2026 meeting. Vice Chair Johnson made that motion, Council Member Spieler seconded that motion. With no one opposed, the motion passed.

Senior Judge Hernández appreciated the support of the letter, any effort to resolve the issue is appreciated.

With respect to the pending hearing decisions, the number has increased since last month, Senior Judge Hernández has spoken to the judge handling these cases and they confirmed that they are writing at the moment and this number will decrease by next month. Reviewing Board numbers are on point.

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

The Monthly Statistical Report Card can be found under Publications on the Workers' Compensation Advisory Council's website.

Mr. Taupier presented the Monthly Statistical Report Card slide deck for the Department of Industrial Accident (DIA) units – flat trajectory over the last few years. With respect to **conciliations**, in November 458 cases were resolved (54.8%) and 378 were referred to conference. The average waiting period for a conference is **16-36** weeks (up from last month). With respect to the January 2026 conference queue, there are 1,372 and the hearing queue for January 2026 is 1,721. **Pending** hearing decisions: 10 for the month of December (5 in 1 year post hearing). **Review Board** inventory: 22, Fee waivers granted: 29, Exam fees collected:

\$637,875, Attorneys fees: \$48,287,111, Referral fees: \$1,721,109. First Report of Injury (FROI) filings: 2,511, 785 cases filed for December. **Cases** filed by type: 4,925 total cases, 4,021 employee claims, 853 insurance discontinuances, and 51 third-party claims. **Compliance** and enforcement for FY'26: 7,569 compliance letters, 20,249 field checks, 15, 840 office checks, 81 Stop Work Orders, \$290,693 total fine collection. Workers' Compensation **Trust Fund**: 53 uninsured injuries, \$3,521,454 in payments against open claims and \$615,664 recovered by the Civil Litigation. **Second Injury** payments: \$13,740,173. **COLA** reimbursements: \$2,549,831. Assessment collection: \$39,523,588. **Personnel**: there were 193 employees.

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

Executive Director Maureen O'Connell provided an update to the Council. Thank you to Director Bowles and EOLWD for providing feedback on the FY'25 annual report, and to the Council for your comments – format is similar to last year and will be up on the WCAC website within the next day or so. Since our last meeting, updated legislation from the Joint Committee on Labor and Workforce Development: **S2205** regarding the Open Meeting Law – extension order filed until January 31, 2026. **S1298** An Act creating fairness in workers' compensation referred to Senate Committee on Ways and Means, **H2105** Fairness in workers' compensation disfigurement reported favorably by Joint Committee LWD and referred to House Committee on Ways and Means on December 22, 2025, **H2123** relative to scarring referred to House Committee on Ways and Means on December 22, 2025, **H1310** relative to workers' compensation reported favorably by Joint Committee LWD and referred to Senate Committee on Ways and Means on December 18, 2025, **H 2151** an Act to protect injured workers reported favorably by Joint Committee LWD and referred to House Committee on Ways and Means on December 22, 2025 and **H2172** outdoor workers protection reported favorably by Joint Committee LWD and referred to House Committee on Ways and Means on December 22, 2025.

Without questions for Executive Director O'Connell, Chair Pulgini asked for a motion to end the meeting, Vice Chair Todd Johnson made a motion, Council Member Teri McHugh seconded that motion and Chair Pulgini ended the meeting at 10:02am.