



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
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VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

MINUTES

June 11, 2025
9:00AM Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Michael Hess, Teri McHugh, Jim Steenbruggen, Stephen Falvey, Michael Kelley, and Bernie Mulholland; Sheri Bowles - DIA Director, Bill Taupier – DIA Director of Administration, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Jeanne Natale - DIA Director of Operations, Jon Solomon - DIA Director of Investigations, Vinnie Lopes - DIA Worcester, Maryann Brunton -DIA Springfield; Cara Toomey - WCRIB; Christopher Stark – MA Insurance Federation; Attorney Kerry Nero, Attorney AnaMari DeGaravilla; Emily Spieler; Paul Capurso; and Maureen O'Connell.

Date: June 11, 2025
Location: Department of Industrial Accidents - via WebEx
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111
Time: 9:00 A.M.

1. CHAIRMAN'S WELCOME

- Guest - Mr. Paul Capurso

2. DIA UPDATE

- A. Director's Update - Sheri Bowles, Director
- B. DIA Judicial Update - Senior Judge Omar Hernández, Senior Judge
 - Conference/Hearing/Reviewing Board Queue
 - Impartial Medical Exams/Physicians
- C. DIA Vital Statistics - Bill Taupier, Director of Administration
 - Cases Filed with DIA
 - Workers' Compensation Trust Fund
 - Personnel Update
 - Enforcement and Compliance

3. EXECUTIVE DIRECTOR'S UPDATE

- Council Member Appointments
- FY'25 WCAC Annual Report
- Meetings for July/August

4. ACTION ITEMS

- Minutes - April 9, 2025
- Minutes - May 14, 2025

Chairman John Pulgini began the meeting at 9:02am with the roll call, 6 voting members in attendance, 8 members total.

Mr. Paul Capurso, guest, wished to address the Advisory Council on his experience as an injured worker and his involvement with multiple agencies who were/are making different decisions using the same information but arriving at different conclusions with cases lingering. Mr. Capurso appreciated the Advisory Council hearing him on the challenges he's experienced. Senior Judge Omar Hernández mentioned that there were different timelines and standards for the agencies Mr. Capurso was involved with and was proud of the work that the DIA did in handling his claim.

With 7 voting members now in attendance Chair Pulgini asked for a motion to vote on April 9, 2025 minutes. Council Member Stephen Falvey made a motion, seconded by Council Member James Steenbruggen, without opposition Council Members voted on April 9, 2025 minutes. Chair Pulgini asked for a motion to vote on May 14, 2025 minutes. Council Member Stephen Falvey made a motion, seconded by Council Member Patrick Walsh, without opposition Council Members voted on May 14, 2025 minutes.

Director Sheri Bowles had no updates for the Advisory Council, the floor was directed to Senior Judge Omar Hernández.

Senior Judge Hernández mentioned that the conciliation numbers are holding steady at 52%, this is a credit to Dele Edibiri and his great staff. The queues are down, credit to the MA Bar who are resolving cases through mediation and rules within the Administrative Bulletin. The Dispute Resolution Unit is working to resolve cases while the DIA is short two judges. An update on the judicial interviews - the nominating panel is working to schedule interviews late July 2025 for one judicial vacancy and four reappointments and will coordinate dates with the Advisory Council.

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, in May 539 cases were resolved (52.2%) and 494 were referred to conference. The average waiting period for a conference is 12-22 weeks. 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 June conference queue, there are 1,253 and 1,975 in the hearing queue for May. There have been 6,257 continuances as of May 31, 2025. Conferences scheduled: 787, Hearings scheduled: 404. These are a rolling total, not a cumulative total. The number of orders issued 314 and appeals to reviewing board: 0.

With respect to the pending hearing decisions, there were 8 for the month of May. Review Board inventory: 21, Fee waivers granted: 58, Exam fees collected: \$1,273,975, Attorneys fees: \$83,563,756, Referral fees: \$3,828,568, 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 (FROI) filings for FY'25 were 26,341 (0.85% of the working population) with 2,443 for the month of April. The number of Cases filed for May 2025, 2,400 first reports of injury for the month of June. Cases filed by type: 8,504 total cases, 6,881 employee claims, 1,486 in Insurance discontinuances, and 137 third-party claims.

Mr. Taupier provided statistics on compliance and enforcement for FY'25: 16,212 compliance letters, 42,716 field checks, and 32,265 office checks. In May, there were 6,801 compliance checks, 272 field investigations conducted, 300 more employees newly covered by workers' compensation, who were not previously covered by a policy. There were 110 Stop Work Orders, this includes 1 default - There were 1,225 compliance letters sent in May 2025 - one employer found out of compliance has 1,000 employees. 6,689 workers covered by workers' compensation insurance as of FY'25. 1,077 SWOs issued year-to-date, and fine collection was \$597,315. There were 106 total uninsured injuries, with 50 laborer (occupation) with 49 in the construction industry.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$9,800,000 there were \$5,392,592 in payments against open claims and there was \$468,012 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. Mr. Taupier explained that the laborers occupation is not limited to construction.

The Second Injury budget is \$30,700,000 (a budget reduction since last month) and payments made were \$22,851,644. 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 \$6,386,914 with a \$16,000,000 budget. Filings will begin before the fiscal year ends. 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. Council Member Michael Kelley asked about what caused the increase to the COLA budget. Workers' Compensation Trust Fund Director Holly Anderson mentioned that the department was calculating the potential loss and exposure by the Arrowood Case that is pending at the Supreme Judicial Court.

Assessment collection budget is \$79,000,000 with a payment of \$75,792,337. Mr. Taupier added that the department will reach its fiscal year goal. Assessments represent 90-92% of all DIA revenue annually.

Personnel: there were 200 employees (68 Administration, 76 dispute, 15 legal, 31 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 provided a status update on the appointments and reappointments of Council Members, background paperwork to be submitted, process ongoing to fill vacant seats. The FY'25 WCAC Annual Report process will begin at the beginning of July and hope to vote on report at end of calendar year. The Council is determining meetings for the months of July and August, will depend on available data and vacations, will keep the Council and guests informed.