



CHARLES D. BAKER
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MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
CHAIR

TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

June 9, 2021
Via WebEx

Present: Attendees: John Pulgini, Stephen Joyce, Teri McHugh, James Steenbruggen, Michael Kelley, Bernie Mulholland, Patrick Walsh; Sheri Bowles – DIA Interim Director, Bill Taupier – DIA Director of Administration, Senior Judge Omar Hernandez – DIA Senior Judge, Kevin O'Leary – DIA General Counsel, Karent Fabiszewski - DIA Director of WCTF, Bob Cronin Investigations, Maryann Brunton, Vinnie Lopes, Shamia Monroe, Dennis Johnson; Ginny McCarthy – WCRIBMA; Dan Judson WCRIBMA; Roman Dolinschi, WCRI, Attorneys Patrick Francomano, Kerry Noto, Alicia DelSignore, Lisa Rocha, Jim Ramsey, Mary Ann Calnan, Judson Pierce; and Maureen O'Connell.

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

EXECUTIVE DIRECTOR'S UPDATE

ACTION ITEMS

- o Minutes - May 12, 2021

COMMUNICATIONS

N/A

MISCELLANEOUS

Chairman John Pulgini began the meeting at 9:02am.

Chairman Pulgini asked Senior Judge Omar Hernandez to provide an update on judicial activity.

Senior Judge Omar Hernandez shared that the conference schedule will be adjusted effective July 6 2021, hearing queue is up, limited to courtroom, attorneys are not preparing conference memoranda, and tools are not being used effectively. With a new appointment of judges this should help with the backlog. Council Member Michael Kelley reminded Senior Judge Hernandez to notify the Advisory Council members when names are forwarded to the Governor's Council. Council Member Bernie Mulholland asked if the virtual conferences would be virtual or in-person, Senior Judge Hernandez confirmed that status conferences will be done virtually and added that pre-conference memos are here to stay, he has received great feedback.

Without any questions for Senior Judge Hernandez, Chairman Pulgini directly the floor to Director of Administration Bill Taupier.

Dispute resolution: in FY 2021 attorneys have requested 5,050 continuances. Conference queue is 392. Average waiting time is 8-14 weeks. Hearing queue is 2,813. Referred to conference: 514, Conciliations resolved: 512 (49.9%).

Pending Hearing Decisions is 3 for May, 2021, Review Board inventory is 25.

The DIA issued 12 Stop Work Orders (SWOs), sent 1,437 compliance letters in the month of May 2021. DIA suspended issuing SWOs on March 13, 2020 and resumed orders as of January 2021. Fine collections was \$12,658.

With respect to compliance checks, DIA conducted 2,403 compliance checks, 233 field investigations with a total of 38,797 compliance checks for FY 2021.

Cases filed: 874, First Report of Injury: 2,396. *Please note: a case is an employee claim, an insurers discontinuance, or a third-party lien. Covid-19 cases: 42*

With respect to the Workers' Compensation Trust Fund, 93 uninsured injuries, with \$4,890,563 in payments made to open claims. Recovery efforts: \$761,351.

The Second Injury Fund reports payments in the amount of \$17,830,796 with a budget of \$27,000,000. COLA reimbursement payments are reported as \$6,376,147, with an \$18,000,000 budget.

Personnel: 204 employees.

Accounting and Finance referral fees: \$3,100,437 and Assessment and Collections are reported as \$53,973,054 (with a budget of \$52,887,822).

Without any questions for Mr. Taupier the floor was directed to Interim Director Bowles.

Interim Director Bowles provided the Advisory Council with an update on the DIA Lawrence office lease

which has been signed for 10-years in the same location.

Attorney Lisa Rochas asked Senior Judge Hernandez if the lump sum settlements would be conducted virtually and he responded by saying they would probably be conducted in-person.

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

Executive Director O'Connell provided an update on legislative activity, wage theft, civil penalties, and contractor accountability and will be following all bills from the Joint Committee on Labor and Workforce Development.

Without further questions for Executive Director O'Connell and without a quorum, Chairman Pulgini concluded the meeting at 9:20 am.