



**MAURA HEALEY**  
GOVERNOR

**KIM DRISCOLL**  
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**

March 13, 2024  
Via WebEx

**Present:** Attendees: John Pulgini, Stephen Joyce, Michael Hess, Samuel Larson, Michael Kelley, Bernie Mulholland, and Stephen Falvey; Sheri Bowles – DIA Director, Bill Taupier – DIA Director of Administration, Omar Hernández - Senior Judge, General Counsel Philip Imbrescia, Jon Solomon - Director of Investigations, DIA Vinnie Lopes, Shamia Moore; Cara Toomey - WCRIBMA, ; Roman Dolinschi- WCRI; Tiffany Benjamin - Massport; Attorney Kerry Nero - City of Boston, Attorney Patrick Francomano, Attorney Ryan Benharris; Mary-Beth McGrath - Commonwealth of MA HRD; Isabel Hernandez - HealtheSystems, one call-in user, and Maureen O'Connell.

**Date:** March 13, 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 - February 14, 2024

#### **5. COMMUNICATIONS**

N/A

#### **6. MISCELLANEOUS**

N/A

Chairman John Pulgini began the meeting at 9:01am.

Senior Judge Omar Hernández provided the statistical update on the dispute resolution unit. The time between conciliation and conference look good, and the queues are in good shape. The 12-36 month range is about the parties getting packages together. Everything is going well, proud of my staff and team.

Mr. Bill Taupier, Director of Administration presented the Monthly Statistical Report Card slide deck for the Department of Industrial Accident (DIA) units.

With respect to conciliations, in January 498 cases were resolved and 539 were referred to conference (48%). The average waiting period for a conference is 10-16 weeks - down 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 745 (up from last month) with conferences scheduled: 702, there were 3,846 continuances as of February 29, 2024, Hearing queue: 1,751 and hearings scheduled: 147, Orders issued: 264, and Appeals to reviewing board: 2. Form 110 filed 50% of conferences and no 110 filed 92% 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 6, down one from last month. Review Board inventory: 27, Fee waivers granted: 46, Exam fees collected: \$788,500, Attorneys fees: \$59,362,812, Referral fees: \$2,044,933, 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 (FRI) filings for February were 2,419, down from last month. The number of Cases filed for February 2024 was 914 (up from last month). Cases filed by type: 7,006 total cases, 5,793 employee claims, 1,211 in Insurance discontinuances, and 22 third-party claims. Total FROIs in FY'24: 20,849 with 4,629 in sprains/strains (40%).

Mr. Taupier provided statistics on compliance and enforcement for FY'24: 11,865 compliance letters, 24,931 field checks, and 25,065 office checks. In February, there were 7,817 compliance checks, 256 field investigations, 1,817 compliance letters, and 2,611 employees covered by workers' compensation insurance. There were 117 Stop Work Orders, this includes 5 defaults - 897 SWOs issued year-to-date, and fine collection for the month was \$783,239, **no change since last month**. There were 77 uninsured injuries, with 26 laborer (occupation) and 24 other occupation, while 31 were in the construction industry, and 30 were in other industries.

Out of a budget of \$7,500,000 there were \$3,948,840 in payments against open claims and there was \$464,316 recovered by the Civil Litigation Unit, up from last month. ***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 \$14,854,117, up from last month. 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 \$5,858,395 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 \$57,364,061.

Personnel: As of February 29, 2024, there were 197 employees, no change since last month (65 Administration, 80 dispute, 14, legal, 28 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 Director Sheri Bowles.

Director Bowles welcomed Jon Solomon to the role of DIA Director of Investigations. He started on March 11, 2024 and was in the Investigator II position prior to being elevated to the Director position. Please join me in welcoming Jon. Director Bowles provided an update on the Fall River lease which has finally been signed and we are excited to be staying in that office. Landlord improvements will begin shortly and are waiting for the schedule before carpets, painting, and other modifications can be made with DCAMM approval.

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

Good Morning, everyone.

Good news, pursuant to MGL Ch 23 e Section 17, the Advisory Council provides an annual report. The FY'23 Annual Report has been published on March 11, 2024, and is now on our website under Publications [Advisory Council website](#). The WCAC website has been updated and the order under Publications has been changed: Monthly Statistical Report Card, Minutes, Annual Report, and Studies. The highlights of the FY;23 Annual Report:

Each department within the DIA is mentioned, but I'd like to share Office of Safety, a department we don't often get to talk about in the Advisory Council meetings, with an \$800,000 budget, over \$779,000 was approved, this includes 91 grants and over 5700 employees trained.

With respect to 10 bills were about remote meetings and how the public can access meetings - these bills were granted extension orders for July 1, 2023. Senator Cabral mentioned at the Open Meeting Law Advisory Commission last week that I attended that it the hope that the 10 bills will be consolidated into one bill and approved before the current remote meeting law expires on March 31, 2025.

With respect to Council Member appointments, there is one vacancy in Manufacturing - Voting seat, one vacancy in Medical Provider - Non-Voting, and one vacancy in Vocational Rehabilitation - Non-Voting seat. I'll place a link to Boards and Commissions in the chat box if anyone wishes to apply or knows someone who'd like to apply for these open seats.

The Prescription Drug Pricing Protocol public meeting is in the process of being rescheduled to mid-March. Once I have more information, I will forward.

Should you need a copy of the legislative spreadsheet, please email me after the meeting. Thank you.

Council Member Stephen Joyce asked for the new Director of Investigations, Jon Solomon to introduce himself and share his experience. Mr. Solomon indicated that he has been with the DIA as an Investigator for 19 years, and previously worked in law enforcement in Florida.

Without a quorum, and without further questions from the guests, Chairman Pulgini ended the meeting at 9:16am.

Webex meeting recording: 2024 | Mar 13 Advisory Council meeting-20240313 1318-1

Password: dFUuGxT2

Recording link: <https://maureenococonnell.my.webex.com/maureenococonnell.my/jdr.php?RCID=55a6f1ba9bf823d7879b9fc95ce03fe9>