



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
CHAIR

TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

November 13, 2024

Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Michael Hess, Teri McHugh, Jim Steenbruggen, Samuel Larson, Patrick Walsh, Stephen Falvey, 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, Shamea Monroe - DIA Fall River, Maryann Brunton - DIA Springfield, Dennis Johnson EOLWD, Adriana Leon - EOLWD; Cara Toomey - WCRI; Roman Dolinschi - WCRI; MaryBeth McGrath - Human Resources Division; Tiffany Benjamin - Massport; Attorney Lori Favata, Attorney Kerry Nero, Attorney Kevin Jones, Dr. Michael Ackland; Julie Bowler; and Maureen O'Connell.

Date: November 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. Director's Update - Sheri Bowles, Director
- B. DIA Judicial Update - Senior Judge Omar Hernández, Senior Judge
 - o Conference/Hearing/Reviewing Board Queue
 - o Impartial Medical Exams/Physicians
- C. 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

3. EXECUTIVE DIRECTOR'S UPDATE

- o 2023-24 Legislative bills
- o Council Member Appointments

4. ACTION ITEMS

- o Minutes - June 12, 2024
- o Minutes - September 11, 2024
- o Minutes - October 9, 2024

5. COMMUNICATIONS

N/A

6. MISCELLANEOUS

Holly Anderson, Director - Workers' Compensation Trust Fund

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

Director Sheri Bowles presented first. Director Sheri Bowles provided a brief update on the RFP process for the new Springfield DIA office and that the process was ongoing. The stats for this month look great, there are no shifts or changes.

Without questions for Director Bowles, the floor was directed to Senior Judge Omar Hernández. Senior Judge Hernández mentioned that the conciliation numbers look great, thanks to Dele Edibiri and his team. Judge Maher is back online, numbers look good, and timelines are down. With respect to the pending hearing decisions, Senior Judge Hernández is not concerned with these numbers.

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 November 482 cases were resolved and 471 were referred to conference (50.6% - down from last month). The average waiting period for a conference is 12-16 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 1,080 (down from last month) and 1,972 (up from last month) in the hearing queue. There have been 2,434 continuances as of October 31, 2024. 6,730 continuance requests were received in FY24. *These are a rolling total, not a cumulative total.* As of September, 2024 the number of conferences scheduled: 822, hearings scheduled 515, orders issued 327, and appeals to reviewing board: 0.

With respect to the pending hearing decisions, there were 7 (down from last month) - a section was added to reflect 1, 2 and 3 year post hearing. Review Board inventory: 27, Fee waivers granted: 23, Exam fees collected: \$425,919, Attorneys fees: \$31,298,219, Referral fees: \$1,197,334, 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.***

Senior Judge Hernández mentioned Judge Maher was back online and handling conferences.

First Report of Injury (FRI) filings for FY'25 were 10,825 with 2,859 for the month of October. The number of Cases filed was 872. Cases filed by type: 3,456 total cases, 2,815 employee claims, 592 in Insurance discontinuances, and 49 third-party claims.

Mr. Taupier provided statistics on compliance and enforcement for FY'25: 6,602 compliance letters, 16,160 field checks, and 12,975 office checks. In October, there were 7,427 compliance checks, 291 field investigations conducted, 442 more employees newly covered by workers' compensation, who were not previously covered by a policy. There were 126 Stop Work Orders (up from last month), this includes 1

default - 450 SWOs issued year-to-date, and fine collection was \$293,375. There were 38 uninsured injuries, with 16 laborer (occupation), while 10 were in the construction industry.

Vice Chair Todd Johnson asked Mr. Taupier for anecdotal information on the jump in SWOs (94 to 126). Mr. Taupier said there was more activity this month, but would circle back to the Council at next month's meeting with more information.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$9,800,000 there were \$2,494,498 in payments against open claims and there was \$107,280 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.***

The Second Injury budget is \$31,000,000 and payments made were \$9,062,662. 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 \$2,268,964 with a \$16,000,000 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 \$21,040,025.

Personnel: there were 200 employees, no change since July 2024 (66 Administration, 80 dispute, 16 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 Executive Director Maureen O'Connell.

Good Morning, everyone. Executive Director O'Connell provided a status on the FY'24 WCAC Annual Report. The final report was shared with the Executive Office with the hope for Council Members to vote on the report at the December 11th meeting. FY'24 data is from July 1, 2023 to June 30, 2024.

With a quorum present, Council Members voted on June 12, 2024, September 11, and October 9, 2024 minutes. Chairman Pulgini ended the meeting at 9:18am.