



CHARLES D. BAKER
GOVERNOR

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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

November 9, 2022

Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Teri McHugh, John Regan, James Steenbruggen, Michael Kelley, Bernie Mulholland, Patrick Walsh, Stephen Falvey; Sheri Bowles – DIA Interim Director, Bill Taupier – DIA Director of Administration, Senior Judge Omar Hernandez – DIA Senior Judge, Kevin O'Leary – DIA General Counsel, WCTF Director Holly Anderson, Timothy Foley, Shamia Moore, Vinnie Lopes, Maryanne Brunton; Virginia McCarthy - WCRIB, Dan Judson - WCRIB, Christopher Stark - Mass Insurance Federation; Roman Dolinschi- WCRI, Attorney Kerry Nero - City of Boston, Attorney James Ramsey, Kerry Nero, Ryan Benharris, Ana Mari DeGaravilla, Lori Favata, Patrick Francomano, David O'Connor, Julie Bowler, Maryann Calnan, Alicia Delsignore, Gary Orlacchio, Daniel Napolitano, Steven Bolognese, Courtney Pidani, Martin Schneider, Frank Rivera - Massport, and Maureen O'Connell.

Date: November 9, 2022

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 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

3. EXECUTIVE DIRECTOR'S UPDATE

- o FY '22 Annual Report
- o Council Member terms of appointment

LAFAYETTE CITY CENTER

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4. ACTION ITEMS

- o Minutes - October 12, 2022

5. COMMUNICATIONS

N/A

6. MISCELLANEOUS

N/A

Chairman John Pulgini began the meeting at 9:03am and asked Senior Judge Omar Hernandez to provide an update on judicial activity. Senior Judge Hernandez indicated that the unit is resolving cases and perform at a high level, a credit to Dele Edibiri and his entire staff. 482 cases were resolved during the conciliation process, 476 referred to conference. Hearing and conference queues down. Time between conciliations and conferences is between 2-3 months and close to 4 months for Boston region. A few cases are pending 12-36 months (ADR), agencies are running behind, but numbers should be update next month. Review board inventory stable in the past year. . Impartial fees are positive.

Council Member Michael Kelley asked about an update on going back in-person conferences. A definitive date has not been given by the Secretary and the Office of Labor and Workforce Development.

Senior Judge Hernandez asked attendees for their patience and respect and to not spread misinformation about the return to in-person conferences until a decision has been made. Judicial Reappointments are underway.

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

Mr. Taupier provided statistics on hearing queue, 2,482 attorney requests for continuances in FY '22: 871 conferences scheduled, 502 hearings scheduled, 304 orders issued, and 2 appeals to the reviewing board, 7 pending hearing decisions, 25 review board inventory for the month of October, 13 fee waivers granted, \$570,975 in exam fees collected, \$29,753, 524 in attorneys fees, and zero in Section 7/8 penalties. Compliance/Stop Work Orders: 131, (125, six of those were defaults). In the month of October, 1,259 compliance letters were issued. Fine collection for the month of October was \$111,294 for a total of \$306,774 in FY '23, 6,711 total compliance checks and 344 field investigations. DIA conducted 22,456 compliance checks, and 1,660 uninsured employees are now covered under workers' compensation insurance.

With respect to cases filed, 888 were filed in October and 2,299 FRIs, with 11,705 total for FY '23. There are 3,549 total cases, 2,950 in employee claims, 594 insurance discontinuances, and 5 third party claims With regard to Covid-19 FRIs: 68 were filed in October. Healthcare accounted for 73% for a total of 11,830. Lump sum agreement: 93 (increase from last month), Section 19 agreement: 51, Withdrawn prior to conciliation: 31, Appeal to Hearing: 18, and Adjusted at conciliation: 10.

With respect to the Workers' Compensation Trust Fund, there are 31 new Section 65 injuries

(November). Payments made against open claims in FY '23 - \$1,778,341 with a \$8,200,000 budget. Recovery efforts for the month were \$100,797.

The Civil Litigation Unit make every effort to recover monies owed by utilizing the authority of MGL Chapter 152 to recover money paid on uninsured claims through legal action against the employer in question.

The Second Injury budget is \$28,000,000 and payments made were \$6,622,086. Second Injury Fund and Payments (Section 37/37A) - these are claims filed by insurers who are seeking reimbursement of up to 75% of benefits paid for a second injury per the statute.

COLA reimbursements were \$1,760,000. Referral fees were \$1,403,065. Assessment collection budget is \$63,500,000 with a payment of \$6,564,119.

Council Member Kelley asked if the fiscal year is closed out. Mr. Taupier said that he's waiting on a final number from the finance department and will provide an update next month.

One addition to Personnel: 196 (68 Administration, 76 dispute, 15, legal, 27 WCTF, and 10 finance). Slide deck has been adjusted to reflect breakdown of personnel.

Chairman John Pulgini asked about personnel. Mr. Taupier mentioned that the count is going down due to attrition.

Council Member Stephen Falvey asked about open investigation positions and whether there was a new director. General Counsel Kevin O'Leary responded by saying that Alan Greene is Acting Director and there are two investigative positions open in Western MA. The positions have been reposted and are currently open.

Without questions for Mr. Taupier the floor was directed to Interim Director Sheri Bowles. Director Bowles had no updates for the Council. Without questions for Director Bowles, Chairman Pulgini directed the floor to Executive Director Maureen O'Connell.

Executive Director O'Connell updated the Advisory Council on the annual report ongoing and the collections data is almost completed. Council Member reappointments have been completed, waiting on one reappointment.

With a quorum, Advisory Council voted on minutes for October 12, 2022. All in favor for October, the minutes were approved. Chairman Pulgini concluded the meeting at 9:27 am.