



MAURA HEALEY
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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

October 11, 2023

Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Stephen Joyce, Teri McHugh, Bernie Mulholland; Sheri Bowles – DIA Director, Bill Taupier – DIA Director of Administration, Senior Judge Omar Hernández – DIA Senior Judge, WCTF Director Holly Anderson, DIA Investigations Deputy Director Alan Green, DIA Vinnie Lopes, Shamia Moore; Cara Toomey - WCRIBMA, Dan Judson - President WCRIBMA; Roman Dolinschi- WCRI, City of Boston Attorney Kerry Nero, Attorney Lori Favata, Julie Bowler; Tracy Euler - Healthe Systems,, and Maureen O'Connell.

Date: October 11, 2023
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

4. ACTION ITEMS

- o Minutes - July 12, 2023
- o Minutes - September 13, 2023

5. COMMUNICATIONS

N/A

6. MISCELLANEOUS

N/A

LAFAYETTE CITY CENTER

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Chairman John Pulgini began the meeting at 9:00 am and asked Senior Judge Omar Hernández to provide an update on judicial activity.

Senior Judge Hernández indicated that the conciliation unit is doing incredible work resolving cases, thanks to Dele Edebiri and his team. The hearing queue is up a bit, perhaps due to vacation, conference queue is low. With respect to the pending hearing decisions, 9, a decrease from last month, but the department is in good shape. Reviewing board, 36. Everything in dispute resolution is moving well, credit to everyone, getting the injured workers the treatment they need, happy with the 5 judges. Without any questions for Senior Judge Hernández the floor was directed to Bill Taupier, Director of Administration.

With respect to **conciliations**, In September, 503 cases were resolved (46.7% - up from last month) and 574 were referred to conference. The average waiting period for a conference is 8-14 weeks - up 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. In addition, during FY 2023 attorneys have requested a total of 7,354 continuances. For FY 2022, there were 6,860 continuances. With respect to the **hearing** queue, there are 1,747 (up from last month) with conferences scheduled: 519, Hearings scheduled: 209, Orders issued: 281, and Appeals to reviewing board: 3. 110 filed 51% and no 110 filed 87%. 87% hearing and 83% no. With respect to the pending hearing decisions, there were 9. Senior Judge Hernández mentioned this is a result of pending cases either due to surgery, agreements, ADR or pro-se cases. Review Board inventory: 36, Fee waivers granted: 22, Exam fees collected: \$0, Attorneys fees: \$22,469,752, 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 July were 2,847 (2,739 - 41% for sprain/strain, 583 - 9% for laceration/cut). Total FRIs filed for FY'24: 8,266; FY 2023 are 32,803, and the total FRIs file for FY 2022 were 35,644. The number of Cases filed for September 2023 was 830. Total cases filed for FY 2023 are 10,560. Cases filed by type: 2,701 total cases, 2,171 employee claims, 520 in Insurance discontinuances, and 10 third-party claims.

Mr. Taupier provided statistics on **compliance** letters for the month of September: 3,172, 3,130 compliance letters, 3,130 field investigations, and 2,896 office checks, 1,044 employees covered under workers' compensation. Compliance/Stop Work Orders: 108 with 8 defaults - increase from last month, 342 for FY'24. There were 6,026 field investigations in August, 1,190 compliance letters sent out. Fine collection for the month of September \$89,850 and for FY'24: \$229,975. 28 uninsured by occupation: 8 laborer, 7 painter, and 5 carpenter. For industry: 10 construction, 9 all other services, and 7 painting. Out of a budget of \$7,500,000 there were \$1,379,625 in payments against open claims and there was \$122,613 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.**

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 since last month) and payments made were \$4,742,661. 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 \$2,143,277 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 \$3,834,611.

Personnel: **No change since June 2023** - 199 (67 Administration, 79 dispute, 15, legal, 28 WCTF, and 10 finance). Slide deck has been adjusted to reflect breakdown of personnel. *Staff are paid from either the General Appropriation Account or the WCTF depending upon their job. These number 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' audio was not working and she put a message in the chat box saying that she did not have an update for the Council.

Without questions for Director Bowles, Chairman Pulgini directed the floor to Executive Director Maureen O'Connell. Legislation is still pending in the Joint Committee on Labor and Workforce Development. FY'23 annual report process is ongoing. Without questions for Director O'Connell, Chairman Pulgini asked the guests if they had any comments. Without questions from the guests, Chairman Pulgini ended the meeting at 9:12am.

Webex meeting recording: 2023 Oct 11 | Advisory Council Meeting-20231011 1253-1

Password: EhtT2Jt Recording link: <https://maureenocconnell.my.webex.com/maureenocconnell.my/jdr.php?RCID=049eb7ca9545f44c5b86c6d574f1b38a>