



# MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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**JOHN A. PULGINI**  
CHAIR

**TODD R. JOHNSON**  
VICE-CHAIR

**MAUREEN O'CONNELL**  
EXECUTIVE DIRECTOR

## MINUTES

September 11, 2024

Via WebEx

**Present:** Attendees: John Pulgini, Todd Johnson, Michael Hess, Teri McHugh, Samuel Larson, Michael Kelley, and Stephen Falvey; Sheri Bowles - DIA Director, Bill Taupier – DIA Director of Administration, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Jeanne Natale - DIA Director of Operations, Patrick Alosso - DIA Investigations Manager, Shamea Monroe - DIA Fall River; Laura Kirchberg - WCRIBMA; Roman Dolinschi- WCRI; MaryBeth McGrath - Human Resources Division; ;Attorney AnaMari deGaravilla, Attorney Patrick Francomano, Attorney Kerry Nero; Emily Spieler; and Maureen O'Connell.

**Date:** July 11, 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 Council Member Appointments

### 4. ACTION ITEMS

- o Minutes - June 12, 2024

### 5. COMMUNICATIONS

N/A

### 6. MISCELLANEOUS

N/A

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

Senior Judge Omar Hernández was not present, 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 September 485 cases were resolved and 499 were referred to conference (49.3%). The average waiting period for a conference is 12-22 weeks. ***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 1,075 (up from last month) and 1,941 in the hearing queue (these are a rolling total, not a cumulative total). As of September, 2024 the number of conferences scheduled: 715, hearings scheduled 4445, orders issued 289, and appeals to reviewing board: 2.

With respect to the pending hearing decisions, there were 8 (down from last month) - a new section was added to reflect 1, 2 and 3 year post hearing. Review Board inventory: 24, Fee waivers granted: 11, Exam fees collected: \$179,578, Attorneys fees: \$14,364,064, Referral fees: \$413,689, 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.***

Council Member Kelley asked what judges were offline, Mr. Taupier mentioned Judge Maher and Judge Preston.

First Report of Injury (FRI) filings for August were 2,943. The number of Cases filed was 875. Cases filed by type: 1,754 total cases, 1,429 employee claims, 300 in Insurance discontinuances, and 25 third-party claims. (Total FROIs in FY'24: 29,125).

Mr. Taupier provided statistics on compliance and enforcement for FY'25: 3,600 compliance letters, 8,239-field checks, and 6,617 office checks. In August, there were 1,742 compliance checks, 302 field investigations conducted, 1,788 more employees newly covered by workers' compensation for a FY'24 total of 3,801 workers now covered by workers' compensation insurance who were not previously covered by a policy. There were 110 Stop Work Orders, this includes 6 defaults - 1,294 SWOs issued year-to-date, and fine collection was \$6,848. There were 21 uninsured injuries, with 10 laborer (occupation), 7 all other occupation, while 6 were in the construction industry, and 10 were in other industries.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$9,800,000 there were \$1,236,106 in payments against open claims and there was \$19,454 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 \$24,781,367, 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 \$0 with a \$16,000,000 budget. Council Member Kelley asked why the budget for COLA reimbursements doubled. This budget increase is due to a re-evaluation assessment of risk of an appeals court / appellate review case according to Holly Anderson of the DIA Workers' Compensation Trust Fund. 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 \$578,904. Mr. Taupier mentioned that the fiscal year books just closed on August 31, 2024.

Personnel: there were 200 employees, two new attorneys were hired (66 Administration, 80 dispute, two new employees 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 Director Sheri Bowles. DIA Director Sheri Bowles update included Fall River lease and landlord improvements have been completed, DIA signed a 10-year lease. The notice to employee post was revised for FY'25 and FY'26. Request for Proposal (RFP) process is underway in Springfield, DCAMM is conducting a cost-analysis on all of the bids they've received, the impartial regulations is undergoing an internal review, and HHS is reviewing the vendor information - there is no timeline on whether this will be completed. DIA is working on modernization of software for easy upload of documents.

Council Member Michael Kelley asked Director Bowles about the notice to employee post and whether there could be another post sent to employees, is it possible to reach out to WCRI. Director Bowles indicated she could send another email blast. Attendee Mary Beth McGrath - Director of Workers' Compensation, Human Resources Division indicated that the notices were placed on the Commonwealth of MA sites.

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

Good Morning, everyone. Executive Director O'Connell provided a status update on legislative bills. The Monthly Statistical Report Card will be on the WCAC website under Publications later today. Should you need a copy of the legislative spreadsheet, please email me after the meeting. Regarding Council Member appointments, if you hear from anyone regarding your appointment, please forward your appointment letter to me to keep with our records.

Without a quorum present, Council Members could not vote on June 12, 2024 minutes, and the meeting ended at 9:17am.