



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
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VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

Present: John Pulgini, Todd Johnson, Michael Hess, Teri McHugh, Kevin Snyder, James Steenbruggen, Patrick Walsh, Stephen Falvey, Emily Spieler, Michael Kelly, Bernard Mulholland, Michael Ackland, Nancy Segreve; DIA Director Sheri Bowles, Director of Administration Bill Taupier, Senior Judge Omar Hernández, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Director of Investigations Jon Solomon, Director of Operations Jeanne Natale, Shamia Monroe, Vinnie Lopes, Maryann Brunton; Attorney Kerry Nero, Mary-Beth McGrath, Roman Dolinschi-WCRI; Dan Judson - WCRI BMA, Cara Toomey-WCIBMA, Attorney Patrick Francomano, Attorney AnaMari DeGaravilla; Julie Bowler, John Burrell MD, and Maureen O'Connell.

AGENDA

Date: September 22, 2025
Location: Department of Industrial Accidents - **via WebEx**
Lafayette City Center | 2 Avenue de
Lafayette, Boston, MA 02111
Time: 9:00 A.M.

▪ **CHAIR WELCOME**

Council Member Patrick Walsh Reappointment

▪ **DIA UPDATE**

Director's Update – Sheri Bowles, Director

Judicial Update - Senior Judge Omar Hernández, Senior Judge

- Conference | Hearing | Reviewing Board Queue
- Impartial Medical Exams | Physicians

Vital Statistics - Bill Taupier, Director of Administration

- Cases Filed with DIA
- Enforcement and Compliance
- Workers' Compensation Trust Fund
- Personnel Update

▪ **EXECUTIVE DIRECTOR'S UPDATE**

FY' 25 WCAC Annual Report
Legislation

Future guest speakers
Medical reimbursement rate
Open Meeting Law

- **ACTION ITEMS**

Minutes – June 11, 2025

- **EXECUTIVE SESSION**

Judicial Interviews

Next Meeting: Tentatively scheduled for October 8, 2025

Chair John Pulgini started the meeting at 9:02am.

Director Sheri Bowles provided an update to the Health Care Services Board on the asthma treatment guidelines, the stats look good, DIA staffing levels are down and are a result of retirements and resignations, impartial medical rates are at the Executive Office of Labor and Workforce Development for review, and the Springfield DIA office plan is ongoing with an approximate completion date in late February/March 2026.

Without questions for Director Bowles, the floor was directed to Senior Judge Omar Hernández.

The conciliation level remains at 50% resolution rate, this is a credit to Dele Edibiri and his team. The department is down a few judges. Judge Joseph Spinale moved to the Lawrence DIA office and Judge Dennis Maher is out of the office. Senior Judge Hernández has Judge Rose, Judge Barrett, and Judge Daniels assisting with the backlog. Mediation has been working well.

Without questions for Senior Judge Omar 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 August 479 cases were resolved (52.8%) and 428 were referred to conference. The average waiting period for a conference is 12-30 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. With respect to the August conference queue, there are 1,339 and 1,725 in the hearing queue for August. There have been 967 continuances as of August 31, 2025. Conferences scheduled: 608, Hearings scheduled: 259 and 6,806 received for FY'26. These are a rolling total, not a cumulative total. The number of orders issued 222 and appeals to reviewing board: 7.

With respect to the pending hearing decisions, there were 7 for the month of August. Review Board inventory: 28, Fee waivers granted: 12, Exam fees collected: \$164,000, Attorneys fees: \$16,424,792, Referral fees: \$88,520, and Section 7/8 penalties: \$10,000 (illegal discontinuance). 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 (FROI) filings for FY'26 were filed 5,133 (0.85% of the working population) with 2,503. Sprains/strains 39%: 1,339, contusions 585 17%, 820 cases filed for the month. Cases filed by type: 1,657 total cases, 1,370 employee claims, 276 in Insurance discontinuances, and 11 third-party claims.

Mr. Taupier provided statistics on compliance and enforcement for FY'26: 12,31 compliance letters, 6,717 field checks, and 5,738 office checks. In August, there were 6,307 compliance checks, 289 field investigations conducted, 1,605 more employees newly covered by workers' compensation, who were not previously covered by a policy, and 1,427 compliance letters. There were 98 Stop Work Orders, this includes 4 default. 6,689 workers covered by workers' compensation insurance as of FY'26. 203 SWOs issued year-to-date, and fine collection was \$80,690. There were 14 total uninsured injuries, with 4 laborer (occupation) with 6 in the construction industry for the month of September.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$8,000,000 (a **reduction** from last month) there were \$719,325 in payments against open claims and there was \$93,940 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 laborers occupation is not limited to construction). ***As of August 31, 2025, uninsured injuries reported to the WCTF one additional case was refilled.***

The Second Injury budget is \$35,700,000 (a budget **increase** since last month) and payments made were \$3,614,154. 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 \$1,345,145 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.

Council Member Michael Kelley asked about the COLA budget payments. General Counsel Philip Imbrescia mentioned that the books have closed and funds were added to the budget for pending litigation. Payments have stopped as of July 2025, two agreements are in place (surety bond and reinsurance). There are approximately 150 cases dating back to the 1990s up until October 2024.

Assessment collection budget is \$81,000,000 with a payment of \$2,913,790. Assessments represent 90-92% of all DIA revenue annually. Vice Chair Todd Johnson asked if there is legal exposure as there is a \$10m gap and potential impact on assessment. General Counsel Philip Imbrescia mentioned that the DIA is aware of the impact that the Arrowood, Steward, MIIF case that was decided by the SJC in July 2025, the office is planning on paying out on those claims per SJC rulings, currently assessing how the DIA is going to do that, extra expenditures may be made. Attorney Patrick Francomano Chair of MBA Workers' Compensation Section Council had concerns about workers' compensation cases and how many cases were from Steward Medical Company.

Personnel: there were 195 employees (68 Administration, 75 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. There is a reduction of employee due to retirements and the hiring freeze. Vice Chair Johnson asked if the DIA could speak to the vacancies: Mr. Taupier responded that the vacancies were in dispute (2 positions), legal (1), and trust fund (2).

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

Executive Director Maureen O'Connell provided an update to the Council. The FY'25 annual report is underway – the format will be similar to last year's report and the timeline for completion will be December which will give the Executive Office time to review before the Council votes on the report in January 2026.

The Executive Office of Health and Human Services (EOHHS) has scheduled a Listening Session for October 14, 2025 on the workers' compensation medical reimbursement rate and is looking for stakeholders input to better understand how current rates affect workers' compensation coverage and quality of care for injured workers. The listening session will be held over Zoom from 10a-12noon. If you are not able to attend virtually you can send comments to EHS. A public records request was also made to secure the two reports from Public Consulting Group (PCG) that were completed in 2018 and

February 2025. If you'd like more information on the listening session, Zoom link, who to reach out to about written testimony and to access the PCG reports, please reach out to me after the meeting.

Council Member Emily Spieler expressed concern with the workers' compensation medical reimbursement rate, a higher payment can be negotiated but that could lead in a delay and increase in costs. There are no written rules within EOHHS, the statutes do not meet reasonableness, 2025 is not much different than 2018 rates and it's hard to justify these delays. With respect to Section 13-1, EOHHS belongs in their purview, DIA cannot push this along any further. The regulation needs to change, as of now it is up in the air. Dr. Michael Ackland shared his concerns, there have been no physicians working on this and no effective representation by medical doctors, the WCAC medical representative seat had remained vacant for a long time.

Executive Director O'Connell continued with an update on the legislative bills before the Joint Committee on Labor and Workforce Development H2151, H2169, H2172, H2122, H2123, and H2105 were granted extension orders until December 3, 2025.

All Advisory Council seats have been filled except for the Business (manufacturing classification – voting seat) which remains vacant. If you know anyone who is interested in that seat, please let me know.

With the October meeting tentatively scheduled in two weeks, the Council decided to forego that meeting and will meet again on November 12. We will be having a guest speaker for our November meeting, waiting on confirmation.

Without questions for Executive Director O'Connell, Chair Pulgini made a motion to the Council to vote on the June 11, 2025 minutes. With a motion seconded, the minutes for June were approved. Chair Pulgini asked for a motion to end the meeting, with a motion seconded the meeting at 9:40am and the Advisory Council went into Executive Session.

Executive Session

Immediately following the monthly Workers' Compensation Advisory Council meeting, the Council Members went into Executive Session at 9:41am and interviewed two candidates for Administrative Judge: one reappointment and one appointment.

With a quorum present, Chair Pulgini asked for a motion to vote on candidates, a motion was made, seconded and candidates were approved to move forward.

Chair Pulgini thanked Council Members for their time and asked for a motion to end the meeting, with a motion granted and seconded, the meeting ended at 10:30am.