

MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL MINUTES

Wednesday, April 19, 2017
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

Council Members Present: Todd Johnson, John Pulgini, Terri McHugh, James Steenbruggen, Steve Falvey; Steve Joyce, Michael Kelley, and Bernie Mulholland

Also Present: Linda Edmonds Turner, Director; Kevin O'Leary, Deputy Director/General Counsel; Omar Hernandez, Senior Judge; Bill Taupier, Director of Administration; Bob Cronin, Director of Investigations; Aaron D'Elia, CFO;

Advisory Council Staff: Diane Walsh (temporary)

Absent: DIA – Omar Hernandez, Senior Judge and Kevin O'Leary, Deputy Director/General Counsel, Executive Office of Labor and Workforce Development; Executive Office of Housing and Economic Development: John Regan

Agenda:

Chairman's Welcome

DIA Update

- Judicial Update – Omar Hernandez, Senior Judge
- Vital Statistics – Bill Taupier, Director of Administration
- Director's Update

Communications

Selection Subcommittee

Action Items

- Minutes – January 11, 2017
- Minutes – February 8, 2017
- Minutes – March 8, 2017

Executive Director Update

Miscellaneous

CHAIRMAN'S WELCOME

Chairman Todd Johnson called the meeting to order and he began the meeting at 9:00 A.M. Chairman Johnson stated well, good morning to all the folks that are here. First of all, let me thank you for moving the meeting from last week to this week. That was much appreciated. In part it was an attempt to see if we could secure a quorum, and I think unfortunately we may have failed in that endeavor this morning.

Teri is on her way. She'll be here late, but I know of two of our voting members who could not attend today and I have not heard from Steve Joyce so I don't know if he'll be here with us or not. So lacking his appearance, that would leave us with I think six voting members, one person shy of a quorum. So that's unfortunate but we'll press on. And I know Senior Judge is on vacation this week, so he won't be

with us. And Director Turner, I don't know if you want to start out the meeting maybe speak about General Counsel's health status.

Director Linda Turner responded, yes, unfortunately Kevin had a heart episode last week and he had one of his arteries blocked (100% blockage). Kevin is doing well; he's out for now and meets with his doctor today. I'm not sure when he will back in the office but Gerry Pugsley is working as Acting General Counsel talking with Kevin O'Leary every day, so that's the status but I'm in contact with him daily and he's doing better each day. Again, I meant to send out an email but I just didn't get to it, but if you have any questions regarding any of the legal issues, please email me or call me and I'll have Gerry Pugsley get back to you.

JUDICIAL UPDATE

Judge Hernandez is currently on vacation; therefore, Bill Taupier, Director of Administrations' is providing us with the judicial update. Bill Taupier stated that both Judges Bergheimer and O'Neill have begun. O'Neill will be in Worcester and Bergheimer will be in Fall River and both of them are having conferences. The final judge has been approved, Ann McNamara. She will be training here in Boston and eventually will be stationed in Springfield.

Chairman Johnson stated that we are now at full capacity for AJ's and I believe there remains one ALJ vacancy which the administration does not seem anxious to fill.

Chairman Todd Johnson then responded, all right so let me get into our typical routine and turn this over to Mr. Taupier.

Bill Taupier, Director of Administration provided the DIA Update as follows:

VITAL STATISTICS

Director of Administration Bill Taupier updated Council members on the information contained within the DIA's vital statistics report for April, 2017. He offered the following statistics: Conference Queue: 564; Hearing Queue: 430; Reviewing Board Inventory: 61; Impartial Exams for FY'17 (to date): 3,157 (51 waivers); Exam Fees Collected for FY'17 (to date): \$1,463,561; Impartial Medical Examinations in Chj

Mr. Taupier updated the Council on the Stop Work Order (SWO) and Caseload Statistics, including the following: SWOs issued in March: 167 (8 SWOs were reissued as the result of defaults of previous orders); total SWOs issued in FY'17 (to date): 1,451; fine collection for March: \$157,048; total fines in FY'17 (to date): \$834,223; SWOs issued in FY'16: 2,185; total fines collected in FY'16: \$1,107,030; compliance checks for March: 7,105; estimated number of workers now covered by workers' compensation insurance as the result of a SWO: 4,634 in FY'17 (to date).

Mr. Taupier continued the update of the monthly vital statistics offering the following: total cases filed in March: 1,212; total cases filed in FY'17 (to date):8,745; total cases filed in FY'16: 12,263; total First Report of Injury Forms (FRI) filed in March: 3,223 (3,223 filed electronically: 100%); total FRIs filed in FY'17: 25,581; total FRIs filed in FY'16: 34,660 (30,559 online). In March the number of employee claims filed: 1,018; number of employee claims filed in FY'17 (to date):8,745; number of discontinuances filed:190; the total number of discontinuances filed in FY'17 (to date): 1,346; the number of third party claims filed: 4; total number of third party claims filed in FY'17 (to date): 32.

Mr. Taupier proceeded with his update on uninsured claims (§65), offering the following: total §65 claims reported in FY'17 (to date): 121; total amount of §65 claims paid by the Trust Fund in FY'17 (to date): \$5,972,061; total §65 claims filed in FY'16: 129; total amount of §65 claims paid by the Trust Fund in FY'16: \$7,913,457; total recovery efforts against uninsured employers FY'17 (to date): \$1,967,926; total recovery efforts against uninsured employers FY'16: \$1,746,315.

Mr. Taupier proceeded with the vital statistics for the Second Injury Fund (§37/37A), stating the following: total amount of §37/37A petitions paid in FY'17 (to date): \$14,120,146; total amount paid on these claims in FY'16: \$28,019,870; total COLA reimbursements to insurers in FY'17 (to date): \$4,755,186; total COLA reimbursements to insurers in FY'16: \$11,018,308.

Mr. Taupier reported that as of March, 2017, the number of employees whose salary is paid by either the Special Fund or the Trust Fund was 217 (165 DIA employees, 53 WCTF employees).

Mr. Taupier presented the following accounting and finance statistics: total referral fees collected in FY'17 (to date): \$3,221,979; total referral fees collected in FY'16: \$4,154,786; total assessment collections in FY'17 (to date): \$65,229,607; total assessment collections in FY'16: \$83,503,309.

Bill Taupier reported that the March, 2017 Conference queue is at 564 cases, which is down when compared to the February figure of 580. Currently, the average waiting period for a conference is between 8 and 16 weeks. The April Hearing queue is at 430. This is down slightly compared to the March figure of 505. Currently the Hearing Queue is 2-4 months.

CFO's UPDATE

Chairman Johnson asked Aaron D'Elia if he had anything to report on the budget. Mr. D'Elia reported that the April Tax Revenue is currently being reviewed but it's too early to report anything at this time.

DIRECTOR'S UPDATE

Director Turner reported that Maureen O'Connell has accepted the job and she will start on Monday, May 15th. She was the first pick from the committee so we are really pleased to have her. If you remember she comes from the Insurance Fraud Bureau and also brings a background of teaching at various community colleges.

Director Turner also added that once Maureen gets started we will then start searching for Evelyn's replacement. Evelyn's position is in draft format ready to be posted as a Program Coordinator II – Research Analyst.

Chairman Todd Johnson added we have our next meeting scheduled for the 10th of next month and I'll just throw this on the table certainly we can continue to hold on to that date but if Maureen is starting on the 15th does the Council want to push up the next meeting until the 17th and is this okay with the administration. So everyone present is okay with pushing up the date of the next meeting to May 17th. We'll put out a notice to everybody who is not here today to change their calendar.

ACTION ITEMS

Chairman Johnson asked for an update on Steve Joyce’s arrival and was told that he is on his way. Chairman Johnson suggested we take a brief recess while we wait for Mr. Joyce to arrive. My count is we have 7 votes in the room with the arrival of Steve Joyce we will have the needed 8 votes.

First order of business is the approval of the 2016 Annual Report; everyone has had drafts and final reviews all in favor.

Motion to approve the 2016 Annual Report.

Motion seconded and carried.

A motion was made to approve the January 11, 2017 Minutes.

Motion seconded and carried.

A motion was made to approve the February 8, 2017 Minutes.

Motion seconded and carried.

A motion was made to approve the March 8, 2017 Minutes.

Motion seconded and carried.

ACTING EXECUTIVE DIRECTOR UPDATE

Motion was made to adjourn the meeting.

Meeting adjourned.

The next meeting of the Advisory Council is scheduled for Wednesday, June 14, 2017, at 9:00 A.M., at the Department of Industrial Accidents, 1 Congress Street, Suite 100, Conference Room #10-140, Boston, MA 02114-2017.