

1 **Workers' Compensation Full Board Meeting Minutes**

2
3
4 **Date:** Tuesday, January 14, 2025
5 **Location:** 328 State Street, Schenectady, NY
6 Room 324
7 Webcast Live

8
9
10
11 **Time:** 10:00 a.m.

12 **MEMBERS OF THE BOARD**

13 Clarissa M. Rodriguez, Chair
14 Freida Foster, Vice Chair
15 Mark Higgins
16 Loren Lobban, Esq. (Appeared remotely per Public Officers
17 Law § 103-a[2][c])
18 Samuel Williams (excused)
19 Linda Hull (appeared remotely per Public Officers Law §
20 103-a[2][c])
21 Mark Stasko (excused)
22 Steven A. Crain, Esq.
23 Pamela Caggianelli
24 Martin M. Dilan
Arelis Tavares
Renee Delgado, Esq.
Gloribelle Perez, Esq.

SECRETARY TO THE BOARD

Laura Inglis

GENERAL COUNSEL

Heather MacMaster, Esq.

ASSOCIATE ATTORNEY

Heather Justice, Esq.

GUEST SPEAKER

Missy Stewart, WCB Director of Public Information

1 CLARISSA RODRIGUEZ: Good morning, everyone.
2 ALL: Good morning.
3 CLARISSA RODRIGUEZ: Morning. Thank you for
4 being here. I'm Clarissa Rodriguez, Chair of the
5 New York State Workers' Compensation Board. Today's
6 full meet -- Full Board meeting is being webcast live
7 for members of the public. Welcome, everyone. And it
8 is also being facilitated by American Sign Language
9 interpreters. Thank you, ASL Interpreters, for being
10 here.
11 I now have the honor of calling the 1,001 --
12 and -- I'm sorry, 1,039th meeting of the Full Board to
13 order. Madam Secretary, will you please call
14 attendance?
15 LAURA INGLIS: Vice Chair Foster.
16 FREIDA FOSTER: Here.
17 LAURA INGLIS: Board Member Higgins.
18 MARK HIGGINS: Here.
19 LAURA INGLIS: Board Member Lobban.
20 LOREN LOBBAN: Here.
21 LAURA INGLIS: Board Member Hull.
22 LINDA HULL: Here.
23 LAURA INGLIS: Board Member Crain.
24 STEVEN CRAIN: Here.

1 LAURA INGLIS: Board Member Tavares.
2 ARELIS TAVARES: Here.
3 LAURA INGLIS: Board Member Caggianelli.
4 PAMELA CAGGIANELLI: Here.
5 LAURA INGLIS: Board Member Dilan.
6 MARTIN DILAN: Here.
7 LAURA INGLIS: Board Member Delgado.
8 RENEE DELGADO: Here.
9 LAURA INGLIS: And, Board Member Perez.
10 GLORIBELLE PEREZ: Here.
11 LAURA INGLIS: Madam Chair, Board Members
12 Lobban and Hull will be joining us remotely. And
13 Board Member Stasko and Williams have asked to be
14 excused.
15 CLARISSA RODRIGUEZ: Okay. Thank you, Madam
16 Secretary. Board Members, may I please have a motion
17 to approve the absences of Board Members Stasko and
18 Williams?
19 RENEE DELGADO: Board Member Delgado --
20 MARK HIGGINS: Motion to approve the
21 absences of Board Members Stasko and Williams.
22 CLARISSA RODRIGUEZ: Thank --
23 MARTIN DILAN: Second.
24 CLARISSA RODRIGUEZ: Thank you.

1 MARTIN DILAN: Board Member Dilan.

2 CLARISSA RODRIGUEZ: Thank you -- thank you

3 for that second, Board Member Dilan. Is there any

4 opposition to the motion? Okay. Hearing no

5 opposition, Board Members all in favor, please say

6 aye.

7 ALL: Aye.

8 CLARISSA RODRIGUEZ: All opposed? Okay.

9 Hearing no opposition, I am also a yes. That motion

10 is passed. Thank you.

11 Agenda Item 1, approval of the December 17th,

12 2024 Full Board meeting minutes. Board Members,

13 you've all received a copy of the meeting minutes for

14 your review. Are there any questions or need for a

15 discussion? Hearing none, may I please have a motion

16 to approve the Board meeting minutes?

17 PAMELA CAGGIANELLI: Madam Chair, this is

18 Board Member Caggianelli, and I move that we approve

19 the December 17, '24 Board meeting minutes.

20 CLARISSA RODRIGUEZ: Thank you, Board Member

21 Caggianelli. Is there a second?

22 STEVEN CRAIN: Second.

23 CLARISSA RODRIGUEZ: Thank you, Board Member

24 Crain, for that second. Is there opposition to the

1 motion? Seeing no opposition, Board Members all in
2 favor, please say aye.

3 ALL: Aye.

4 CLARISSA RODRIGUEZ: Thank you. Again, all
5 opposed? Hearing no opposition, I am also a yes.
6 That motion is passed. Thank you, Board Members.

7 Agenda Item 2, Office of General Counsel's
8 Departmental Report. General Counsel,
9 Heather MacMaster, will now present the Office of
10 General Counsel's Departmental Report for December
11 2024.

12 HEATHER MACMASTER: Thank you, Madam Chair,
13 Madam Vice Chair, Members of the Board. In the month
14 of December 2024 in the Office of General Counsel, the
15 Adjudication Division held 17,658 hearings; 11,938
16 cases were resolved at hearing and 268 Reserve
17 Decisions were issued. The Adjudication Division also
18 finalized 2,035 Waiver Agreements.

19 In the Administrative Review Division, 1,136
20 applications were received, 892 were processed and
21 there are currently 8,164 applications pending.

22 In the Legal Affairs Division -- Division, 118
23 Full Board Review applications were received, 71 were
24 processed and there are currently 240 applications

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

pending. Thank you.

CLARISSA RODRIGUEZ: Thank you, Heather. Board Members, are there any questions or need for discussion? Okay. Hearing none, may I please have a motion to accept the Office of General Counsel's Departmental Report?

MARTIN DILAN: So moved.

CLARISSA RODRIGUEZ: Thank you, Board Member Dilan. Is there a second?

ARELIS TAVARES: Tavares, second.

CLARISSA RODRIGUEZ: Thank you, Board Member Tavares. Is there any opposition to the motion? Hearing no opposition, Board Members all in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: Thank you. All opposed? Thank you. All opposed? Okay. Hearing no opposition, I am also a yes. That motion is passed.

Agenda Item 3, License Applications. Associate Attorney, Heather Justice, will now present the Licensing Applications for the month of December.

HEATHER JUSTICE: Thank you, Madam Chair --

CLARISSA RODRIGUEZ: Hi. Good morning.

HEATHER JUSTICE: -- Madam Vice Chair, Board

1 Members and colleagues. You have before you the
2 recommendations from the Assigned Board Panel
3 regarding the Licensing Applications listed in Part 3
4 of today's agenda. Section 24-a, Stuart Goldstein,
5 three-years renewal; Section 50(3-b), Wright Risk
6 Management, LLC, QO Douglas Hayden, three-year
7 renewal; Section 50(3-d), ComTon, Inc., QO
8 Mark Somers, three-year renewal; Soundview Claim
9 Solutions, QO Ronald Balter, one year. I present
10 these recommendations to the Board for your
11 consideration.

12 CLARISSA RODRIGUEZ: Thank you, Heather.
13 Board Members, are there any questions or need for
14 discussion? Okay. May I please have a motion to
15 accept the recommendations of the Panels as presented?

16 PAMELA CAGGIANELLI: Board Member -- Madam
17 Chair, this is Board Member Caggianelli, and I make
18 that motion that we approve the Licensing
19 Applications.

20 CLARISSA RODRIGUEZ: Thank you, Board Member
21 Caggianelli. Is there a second?

22 RENEE DELGADO: Board Member Delgado, I
23 second.

24 CLARISSA RODRIGUEZ: Thank you for that

1 second, Board Member Delgado. Is there any opposition
2 to the motion? Okay. Hearing none, Board Members all
3 in favor, please say aye.

4 ALL: Aye.

5 CLARISSA RODRIGUEZ: All opposed? Thank
6 you. All opposed? Hearing none, I am also a yes.
7 That motion is passed. Thank you.

8 Agenda Item 4, Legal Appeals. Heather MacMaster
9 will now present the recommendations concerning the
10 decisions by the Appellate Division.

11 HEATHER MACMASTER: Thank you, Madam Chair.
12 With respect to Items 4A through 4D, it is the
13 recommendation of the Office of General Counsel that
14 the decisions of the Appellate Division, Third
15 Department be adopted as the decisions of the Board.
16 Thank you.

17 CLARISSA RODRIGUEZ: Thank you. Board
18 Members, may I please have a motion to accept the
19 recommendations of the Office of General Counsel?

20 STEVEN CRAIN: Board Member Crain. I move
21 to adopt the recommendations of the General Counsel.

22 CLARISSA RODRIGUEZ: Thank you, Board Member
23 Crain. May I please have a second?

24 ARELIS TAVARES: Board Member Tavares, I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

second.

CLARISSA RODRIGUEZ: Thank you, Board Member Tavares. Is there any opposition to the motion? Okay. Board Members all in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? Hearing none, I am also a yes. That motion is passed. Thank you, Board Members.

Agenda Item 5, Mandatory Full Board Review. We have Case 5A, Visiting Nurse Service of New York, Inc., Case Number G3170907. Is there a motion with respect to 5A on the agenda?

LOREN LOBBAN: Yes, Madam Chair. Good morning. This is Board Member Loren Lobban, and I recommend the dissenting decision as modified be the decision for the Board.

CLARISSA RODRIGUEZ: Thank you, Board Member Lobban. Is there a second to the motion?

ARELIS TAVARES: Board Member Tavares, I second.

CLARISSA RODRIGUEZ: Thank you, Board Member Tavares. Are there any recusals from this motion? Okay. Hearing no recusals, is there any opposition to the motion? All right. Hearing no opposition, Board

1 Members all in favor, please say aye.

2 ALL: Aye.

3 CLARISSA RODRIGUEZ: Okay. All opposed? I
4 am also a yes. That motion is passed. Thank you,
5 Board Members.

6 Agenda Item 6, Discretionary Full Board Review.
7 I now turn this portion of the agenda over to Vice
8 Chair Freida Foster. Good morning.

9 FREIDA FOSTER: Good morning. Thank you,
10 Madam Chair. For the case listed in Item 6 of your
11 agenda, it's been recommended that Full Board Review
12 be granted. That case is the Matter of Joy
13 Construction Corporation. I move to refer that case
14 back to the respective Panel for further
15 consideration.

16 CLARISSA RODRIGUEZ: Thank you, Vice Chair
17 Foster. Is there a second?

18 STEVEN CRAIN: Second.

19 CLARISSA RODRIGUEZ: Thank you, Board Member
20 Crain. Is -- are there any recusals from this matter?
21 Okay. Hearing none, is there any opposition to the
22 motion? And hearing no opposition, Board Members all
23 in favor, please say aye.

24 ALL: Aye.

1 CLARISSA RODRIGUEZ: Thank you. Thank you.
2 All opposed? Again, hearing none, I am also a yes.
3 That motion is passed. Thank you, Board Members.

4 Agenda Item 7, is there any other business?
5 Okay. Hearing none, we will get to our guest speaker,
6 Missy Stewart.

7 Now, Missy Stewart is the Director of Public
8 Information at the Workers' Compensation Board. As
9 the head of the communications team, Missy works to
10 promote the Board's efforts to protect the rights of
11 New York State workers and employers and raise
12 awareness of the critical benefit programs
13 administered by the Board.

14 Missy is here today to present some of the great
15 work that she's been doing, that -- being done by the
16 Public Information Team and also that she's been
17 doing. Thank you, Missy, for being here.

18 MISSY STEWART: Thank you. Good morning,
19 Chair, Vice Chair, Board Members and colleagues. I'm
20 happy to be here today to share an update on the
21 Public Information Office.

22 The Public Information Office, or PIO for short,
23 oversees Board training and communications for both
24 internal staff as well as external stakeholders.

1 Those external stakeholders include both Workers' Comp
2 system participants who play a role in providing and
3 administering critical benefits, as well as members of
4 the general public who use them. This includes tens
5 of thousands of injured workers and surviving family
6 members, over 500,000 employers, more than 20,000
7 health care providers and other system participants,
8 such as insurance carriers, third-party
9 administrators, attorneys and more, all of whom rely
10 on the Board for critical education and information on
11 Board-administered benefits and related processes,
12 regulations and more.

13 The PIO works closely with all Board units as in
14 it -- and is involved in almost every major project.
15 We ensure the Board communicates to our stakeholders
16 effectively, which means accurately, timely and
17 consistently, and that we look good while doing it.
18 One more.

19 Next slide. The PIO includes Change Management
20 led by Pam Barnhart, which oversees outreach and
21 training for Board staff and our external
22 stakeholders. Within Change Management there are two
23 units; Staff Development led by Darren Anderson, which
24 oversees mandated training from the Office of Employer

1 Relation -- Employee Relations, or OER, and the Board
2 and develops additional training and support aids to
3 assist Board employees with job functions in
4 scourse -- course -- course skills. Stakeholder
5 Engagement, led by JP Munyan, responsible for training
6 and communicating with our external stakeholders.
7 This team develops outward facing Board brochures,
8 fact sheets and other materials, creates and delivers
9 presentations, posts webinars and other events, helps
10 creates videos for social media and manages our gov
11 delivery e-mail subscription service, which blasts
12 updates to Board subscribers and targeted stakeholder
13 groups. Within this group is our small but talented
14 Graphics Design Unit led by our newly promoted
15 colleague, Ben O'Brien who is responsible for the look
16 and feel of Board communications.

17 Andrea Cyr oversees the Board's PR and Regulatory
18 Comms Unit, which manages press releases, press
19 inquiries and monitors the media for mentions of the
20 Board and the New York State Workers' Comp system.
21 They manage the Board's social media channels along
22 with many of our internal communications, such as
23 editorial for our Internet, theHub, and our monthly
24 newsletter, Across the Board. Andrea's team also

1 reviews, proofreads and edits materials from PIO and
2 other units and manages the subject number process,
3 which is the Board's mechanism for announcing things,
4 such as emergency regulations and proposed or adopted
5 amendments to the Workers' Comp Law.

6 Next slide. So as you can see on the screen, our
7 team supports a wide range of Board programs and
8 initiatives from OnBoard to managing content for our
9 websites, delivering a steady stream of educational
10 webinars, hosting conferences, drafting organizational
11 updates and supporting our executive team.

12 So let's look at some highlights from 2024. I'd
13 like to start with one of our biggest projects and
14 successes, the 2024 New York State Workers' Comp Board
15 Conference. This sold-out event held in Albany drew
16 approximately 250 Workers' Comp Board stakeholders for
17 a full day of learning and engagement around all
18 things Workers' Compensation. All of PIO was involved
19 at some level with Pam Barnhart serving -- serving as
20 the overall project lead.

21 In addition to cohesive branding that included a
22 dedicated website, conference invite and materials,
23 PowerPoint template and more, the PIO worked closely
24 with the Chair and executive director, the finance

1 team, Medical Director's Office, Office of General
2 Counsel, internal and extern -- external presenters to
3 make the event seamless and worthwhile for all who
4 attended. Here's a brief recap video of the day where
5 you should see lots of familiar faces.

6 (Whereupon, a video was played.)

7 MISSY STEWART: So a little shout out to
8 Craig Smith who is in the room who actually put
9 together that video.

10 CLARISSA RODRIGUEZ: Very nice. Very nice.

11 MISSY STEWART: Had him doing it late hours
12 and we came in, and we were surprised that he had
13 finished it so quickly. So creative.

14 Other key PIO projects in 2024 include support
15 for the Board's reopening to the public by
16 appointment. Our work included communications to both
17 staff and stakeholders, on-site signage and materials
18 and website and hearing notice updates.

19 Next slide. New branding. Our Graphics Design
20 team rolled out new branding for all Board
21 presentations in line with upstated guidelines from
22 the New York State Branding Group, which we used for
23 the conference and onward.

24 New materials, next slide. We produced a lot of

1 new materials. A few examples include the annual
2 report, which we're working on the 2024 now; a new
3 get-notified card that has one side in English and one
4 in Spanish, updated PFL materials, signage for the
5 Pride Parade, and one page is promoting various
6 speaking events.

7 Next slide. Over in PR and Regulatory Comms, the
8 team worked on 60 subject numbers related to health
9 care provider authorization, 16 subject numbers on
10 other topics, including the RFA-1LC form that's now an
11 eForm, physical therapy assistants and occupational
12 therapy assistants being able to treat injured workers
13 and the 2025 employer assessment rate, among others.

14 We issued eight Workers' Compensation Board
15 releases, and I meant to check this, but I'm quite
16 sure that's a record for the Board. I don't think
17 we've ever done so many releases. And there were four
18 Governor releases mentioning the Board and we played a
19 large role in drafting those.

20 The next slide. The Governor's recent press
21 release on the increases to PFL benefits, the new
22 Workers' Comp minimum weekly benefit and the reduction
23 in the employer assessment resulted in more than a
24 dozen significant media hits, including News Day and

1 numerous local newspaper and TV stations.

2 Next slide. We launched a new Efficiency
3 Enhancements Bulletin, which was a brain child of
4 Executive Director, Steven Scotti, to share tips and
5 best practices with Board stakeholders. We
6 distributed five issues in 2024 on a range of topics
7 from best practices on completing and submitting Board
8 forms, to reminders of payment timelines, to PAR tips
9 and more. So these were very well received and it was
10 like feedback that we had been getting on problems
11 that we were seeing a lot. So we're getting the word
12 out and -- and making corrections and helping people
13 make corrections.

14 We continue to grow and enhance our popular
15 webinar program working closely with the advocates and
16 other colleagues. Our Workers' Comp 101 and 202,
17 which Joe Cavalcante delivers, reached nearly 2,000
18 live attendees and many more with a recorded version.
19 Our Advocate for Business, Anthony Tomaselli,
20 delivered protecting yourself and your team, coverage
21 essentials for businesses to more than 800 live
22 attendees, and again, many more online. And we also
23 continued our popular Paid Family Leave series for
24 employers and employees and held a special webinar on

1 worker safety for Safe and Sound Week. And we -- that
2 was a collaboration with the unions.

3 In 2024 we published more than 1,200 social media
4 posts across our Board social media channels. We also
5 introduced reels and highlights on our Instagram
6 giving visitors to our account a quick way to learn
7 about Workers' Comp, PFL and disability benefits. The
8 content on the Board's website is also under our
9 purview, and in 2024 we worked closely with subject
10 matter experts and the web support team within our
11 Chief Innovation Office to develop and promote new
12 content.

13 Next slide. This includes a new medical billing
14 disputes page giving providers and payors detailed
15 guidance on the arbitration process, as well as new
16 provider and payor tool kits, payors that offer a
17 roundup of need-to-know information and tools for each
18 audience.

19 We regularly partner with other units. As an
20 example, next slide. Over the past year we've been
21 working closely with the Integrated Support Services
22 team to get the word out about the Board's vocational
23 rehabilitation and social worker support offerings
24 developing fact sheets, short promotional videos and

1 finding opportunities to make a plug for these
2 life-changing services. Shout out to Allie Price, who
3 is sitting here in the room, who played a huge role in
4 that effort. We refined and relaunched our OnBoard
5 section of theHub giving staff a destination to go for
6 all things OnBoard.

7 Next slide. And on the internal training side,
8 our Staff Development team worked closely with Chief
9 Diversity Officer, Adedapo Orederu, to develop our own
10 diversity, equity, inclusion, belonging and
11 accessibilities training, which is now being rolled
12 out statewide -- or Boardwide.

13 The team also made sure all the OER statewide
14 learning mandates were successfully rolled out and
15 completed by Board staff and we're very proud to be
16 in -- 100 percent in compliance. The team developed
17 and began training staff on various Microsoft
18 applications, played a key role in the conference that
19 I mentioned earlier and developed numerous support
20 aids, including a new locating resources page on
21 theHub to help people find procedures and other unit
22 resources.

23 On the internal comms and employee engagement
24 side, we put out a new issue of Across the Board each

1 month. We assist with the monthly Claims Connection
2 newsletter. We ensure regular rotation of new content
3 on theHub and we continued Clarissa's popular series,
4 Compversations With Clarissa. And here she is with
5 her most recent guest, Sharon Schanz.

6 We got employees involved with various drives.
7 Last year the Board collected 700 pounds of food and
8 toiletries statewide as part of the
9 Dr. Martin Luther King, Jr. food drive and 425 books
10 for the related children's literacy drive.

11 In September we organized a back-to-school drive
12 focusing on keeping teachers and school staff safe,
13 collecting hand sanitizer, wipes and tissues, which
14 our Chair and Vice Chair personally delivered to a
15 school right here in Schenectady.

16 To help build community with -- within the Board,
17 we launched a book club, collaborated with the DI --
18 DEI Unit on their lunch and learn events and brought
19 employees together to raise awareness for important
20 causes like breast cancer awareness, domestic violence
21 prevention and suicide prevention.

22 Now, moving into 2025, as the Chair and so many
23 others know, the PIO is always open to ideas and
24 suggestions and requests. So if you'd like to reach

1 us, we have a few e-mails to do so. Write to
2 betterboard@wcb.ny.gov with any ideas and suggestions.
3 For event or education requests, outreach@wcb.ny.gov.
4 Any internal request, training request or support
5 aids, staffdevelopment@wcb.ny.gov. And any press
6 inquiries should go to publicinfo@wcb.ny.gov.

7 So and then finally if you are not already
8 following the Board on social media, I encourage you
9 to do so. Our handles for X, Facebook, Instagram,
10 LinkedIn and YouTube are on the screen. This is a
11 great way to get quick tips, see what the Board is up
12 to and learn about upcoming webinars and other
13 trainings. You can also subscribe to receive Board
14 notifications by e-mail by hitting the get
15 notifications button on the bottom of the wcb.ny.gov
16 home page.

17 Thank you very much for having me today and I
18 hope everyone has a great 2025.

19 CLARISSA RODRIGUEZ: Thank you, Missy.

20 ALL: Thank you.

21 CLARISSA RODRIGUEZ: And thank you for you
22 and the team for all that you do. That's remarkable.
23 And I work very closely with you and I was impressed.
24 Thank you. All right. Board Members, may I please

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

have a motion to adjourn today's meeting?

RENEE DELGADO: Board Member Delgado. I
make a motion to adjourn.

CLARISSA RODRIGUEZ: Thank you. Is there a
second?

PAM CAGGIANELLI: I will second --

LINDA HULL: Board Member Hull, I second.

CLARISSA RODRIGUEZ: Okay. Well, we have
two seconds.

PAM CAGGIANELLI: We got two.

CLARISSA RODRIGUEZ: Thank you, Board Member
Hull. Board Members, any opposition to the motion?
Okay. Hearing no opposition, all in favor, please say
aye.

ALL: Aye.

CLARISSA RODRIGUEZ: Okay. I am also a yes.
That motion is passed. Thank you. Meeting adjourned.

WHEREUPON, THE CASE WAS ADJOURNED.