

Workers' Compensation Full Board Meeting Minutes

Date: Tuesday, January 23, 2024

Location: 328 State St., Schenectady, NY Room 324
935 James St., Syracuse, NY Room 120
295 Main St., Suite 400, Buffalo, NY
Room 438
Webcast Live

Time: 10:00 a.m.

MEMBERS OF THE BOARD

Clarissa M. Rodriguez, Chair
Freida Foster, Vice Chair
Mark Higgins
Loren Lobban, Esq.
Samuel Williams
Linda Hull
Steven A. Crain, Esq.
Mark R. Stasko
Pamela Caggianelli
Arelis Tavares
Martin M. Dilan
Renee Delgado, Esq.
Gloribelle Perez, Esq.

EXECUTIVE DIRECTOR

Steven M. Scotti, Esq.

SECRETARY TO THE BOARD

Laura Inglis

GENERAL COUNSEL

Heather MacMaster, Esq.

1 CLARISSA RODRIGUEZ: Good morning, everyone,
2 and welcome. Thank you for joining us this morning.
3 I'm Clarissa Rodriguez, Chair of the New York State
4 Workers' Compensation Board. Today's meeting is being
5 webcast remotely throughout various locations in New
6 York State, as well as webcast live for members of the
7 public. So welcome, everyone.

8 I now have the Honor of calling the 1,028th
9 meeting of the Full Board to order. Madam Secretary,
10 will you please call attendance?

11 LAURA INGLIS: Vice Chair Foster.
12 FREIDA FOSTER: Here.
13 LAURA INGLIS: Board Member Higgins.
14 MARK HIGGINS: Here.
15 LAURA INGLIS: Board Member Lobban.
16 LOREN LOBBAN: Here.
17 LAURA INGLIS: Board Member Williams.
18 SAMUEL WILLIAMS: Here.
19 LAURA INGLIS: Board Member Hull.
20 LINDA HULL: Here.
21 LAURA INGLIS: Board Member Crain.
22 STEVEN CRAIN: Here.
23 LAURA INGLIS: Board Member Stasko.
24 MARK STASKO: 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: Board Member Perez.
10 GLORIBELLE PEREZ: Here.
11 LAURA INGLIS: And Madam Chair.
12 CLARISSA RODRIGUEZ: Here.
13 LAURA INGLIS: We have a Full Board.
14 CLARISSA RODRIGUEZ: Thank you. All right,
15 Agenda Item 1, approval of the December 19, 2023
16 meeting minutes. Board Members, you have all received
17 a copy of the December 2023 meeting minutes for your
18 review. Are there any questions or need for a
19 discussion? Okay, hearing none, is there a motion to
20 accept the Board meeting minutes for December 2023?
21 MARTIN DILAN: Board Member Dilan, I make a
22 motion to accept the minutes as presented.
23 CLARISSA RODRIGUEZ: Thank you, Board Member
24 Dilan. Is there a second?

1 PAMELA CAGGIANELLI: Board Member, this is
2 Board Member Caggianelli, and I make, I second that
3 motion.

4 CLARISSA RODRIGUEZ: Thank you, Board
5 Member Caggianelli, for that second. Is there any
6 opposition to the motion? Okay, hearing no
7 opposition, Board Members all in favor, please say
8 aye.

9 ALL: Aye.

10 CLARISSA RODRIGUEZ: Thank you. All
11 opposed? Hearing no opposition, I am also a yes.
12 Thank you, Board Members. That motion is passed.
13 Agenda Item 2, Office of General Counsel's
14 Departmental Report. General Counsel, Heather
15 MacMaster, will now present the Office of General
16 Counsel's Departmental Report for the month of
17 December.

18 HEATHER MACMASTER: Good morning, Madam
19 Chair, Madam Vice Chair, Members of the Board. In
20 December of 2023, the Office of General Counsel held
21 15,570 decisions, I mean hearings. The Adjudication
22 Division resolved 10,084 cases at hearing, and issued
23 279 Reserve Decisions, 1,784 Waiver Agreements were
24 also finalized in the Adjudication Division.

1 The Administrative Review Division received 1,080
2 applications for review, they processed 803, and there
3 are currently 6,693 applications pending.

4 And in Legal Affairs, there were 89 Full Board
5 Review applications received, 103 were processed, and
6 there's a current inventory of 2,015 Full Board Review
7 applications pending. Thank you.

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

13 MARK HIGGINS: Yes, Madam Chair, this is
14 Board Member Mark Higgins, I move to accept the report
15 of the General Counsel.

16 CLARISSA RODRIGUEZ: Thank you very much,
17 Board Member Higgins. Is there a second?

18 (Simultaneous crosstalk.)

19 UNIDENTIFIED MALE SPEAKER: Go ahead, Mark.

20 MARK STASKO: This is Board Member Stasko,
21 and I second that motion.

22 CLARISSA RODRIGUEZ: Okay, thank you, Board
23 Member Stasko, for that second. Is there any
24 opposition to the motion? Hearing no opposition,

1 Board Members all in favor, please say aye.

2 ALL: Aye.

3 CLARISSA RODRIGUEZ: All opposed? Hearing
4 no opposition, that motion is also passed. Thank you.
5 Agenda Item 3, there are no Licensing Applications
6 this month to consider. So we'll move on to our Legal
7 Appeals. Heather MacMaster will now present the
8 recommendations concerning decisions by the Appellate
9 Division.

10 HEATHER MACMASTER: Thank you, Madam Chair.
11 With respect to Items 4A through 4C, it is the Office
12 of General Counsel's recommendation to adopt the
13 decisions of the Court as the decisions of the Board.

14 CLARISSA RODRIGUEZ: Okay, thank you.
15 Board Members, may I please have a motion to accept
16 the recommendations of the Office of General Counsel?

17 LINDA HULL: Yes, Madam Chair, this is Board
18 Member Linda Hull, and I move to accept the Legal
19 Appeals as presented by General Counsel Heather
20 MacMasters (sic).

21 CLARISSA RODRIGUEZ: Thank you very much,
22 Board Member Hull. Is there a second?

23 STEVEN CRAIN: Board Member Crain, I second.

24 CLARISSA RODRIGUEZ: Okay, thank you for

1 that second, Board Member Crain. Board Members, is
2 there any opposition to the motion? Okay, hearing no
3 opposition, Board Members all in favor, please say
4 aye.

5 ALL: Aye.

6 CLARISSA RODRIGUEZ: All opposed? Okay,
7 hearing no opposition, I am also a yes, that motion is
8 passed. Thank you. Agenda Item 5, there are no
9 mandatory cases for our review this month, so we will
10 move on to our Discretionary Full Board Review. And I
11 turn this portion of the agenda over to Vice Chair
12 Foster.

13 FREIDA FOSTER: Thank you, Madam Chair. For
14 the case listed in Item 6 of your agenda, it's been
15 recommended that Full Board Review be granted. That
16 case is the Matter of Weitsman Recycling, LLC. I move
17 to refer the case back to its respective Panel for
18 further consideration.

19 CLARISSA RODRIGUEZ: Thank you very much,
20 Vice Chair Freida Foster. Is there a second?

21 PAMELA CAGGIANELLI: Yes, Madam Chair, this
22 is Board Member Caggianelli, and I second that motion.

23 CLARISSA RODRIGUEZ: Thank you, Board
24 Member Caggianelli. Is there any opposition to the

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

3 ALL: Aye.

4 CLARISSA RODRIGUEZ: Thank you. All
5 opposed? Hearing none, I am also a yes, that motion
6 is passed. Thank you, Board Members. Board Members,
7 is there any other business to discuss? No. Okay,
8 thank you. So we'll move on to our guest speaker.

9 And now to introduce our guest speaker, who's in
10 the room with us today, is actually Juanita Perez,
11 Deputy Director of Intergovernmental and Regulatory
12 Services. Thank you for being here today, Juanita, to
13 introduce George.

14 JUANITA PEREZ: Thank you. Good morning,
15 everyone.

16 UNIDENTIFIED MALE SPEAKER: Good morning.

17 JUANITA PEREZ: Madam Chair, Madam Vice
18 Chair, Board Members. Thank you for providing our
19 team the opportunity to present to you this morning.
20 Again, I'm Juanita Perez, the Deputy Director for the
21 Board's Division of Intergovernmental and Regulatory
22 Services.

23 Our division has overall responsibility for
24 services provided to internal and external

1 stakeholders, to include integrated services, data
2 management, and language access. In addition, we
3 advise the Chair and Executive Director on matters of
4 risk management, regulatory compliance, and internal
5 controls. As a side, I hope you enjoyed last year's
6 presentation by our division Senior Vocational
7 Rehabilitation Counselor, Taniqua Hunter.

8 Today you will hear from our Director of Data
9 Management and Analytics, George Stolis. George holds
10 a Bachelor's Degree in Computer Information Systems,
11 from Sage College. He has been in state service for
12 24 years, 22 of which have been with the Board behind
13 the scenes, framing and implementing the many
14 decisions that have led to the way we currently
15 collect and assess our data.

16 George also serves as the data lead for the
17 OnBoard systems modernization program ensuring we
18 improve the availability and reliability of Board
19 system data for the future. As the Director of the
20 Data Management and Analytics Unit, George has
21 encouraged his team to produce and assess Board data
22 in ways that make our information for all stakeholders
23 more timely, applicable, and efficient.

24 Last, but not least, George is a very busy person

1 outside of the office, as he is the father of
2 triplets. We are very lucky to have him. George,
3 you're up.

4 GEORGE STOLIS: Thanks so much, Juanita.

5 UNIDENTIFIED FEMALE SPEAKER: Lucky to have
6 him.

7 CLARISSA RODRIGUEZ: Thank you, Juanita.

8 GEORGE STOLIS: Good morning, Madam Chair,
9 Madam Vice Chair, Members of the Board, and
10 Colleagues. Thank you for the opportunity to speak
11 today. As Juanita mentioned, my name is George
12 Stolis, I'm the Director of the Data Management and
13 Analytics Team, or DMA for short.

14 Today, I would like to provide you with an
15 overview of what the DMA team does, and how we do it.
16 And hopefully we'll have a few minutes later to
17 discuss further. Sorry. Oh, there is, there are
18 slides to advance. Great.

19 LAURA INGLIS: You can if you want. You can
20 still see it from here, if that's helpful.

21 CLARISSA RODRIGUEZ: You can tell, you can
22 tell Laura and she'll advance.

23 GEORGE STOLIS: Okay. All right. DMA
24 ensures the right people have access to the right data

1 to inform their decision-making needs, with an
2 expectation of quality and reliability. Simply put,
3 we compile data, turn it into information, and help to
4 make decisions with it. We are a part of the Office
5 of Intergovernmental and Regulatory Services, and are
6 primarily located here in Schenectady. My team is
7 comprised of a dozen analysts, statisticians, and
8 researchers, who specialize in understanding data.

9 We help develop and maintain the Board's Data
10 Warehouse, which is comprised of data from nearly all
11 four systems. We provide research, data analysis, and
12 various recurring and on-demand reports, leveraging
13 the data in the Data Warehouse. We assist Board
14 leadership with policy-making decisions.

15 We use data to help identify business process
16 improvement opportunities in the workers' comp system.
17 We enable a broader understanding of the agency's
18 mission and values by using data. We work closely
19 with executive management to develop key strategic
20 metrics to, design to help achieve, the agency achieve
21 its mission. We are currently engaged in the OnBoard
22 program helping to identify data and reporting needs
23 for the future.

24 DMA provides on demand data analysis and reports

1 to both internal and external requestors through our
2 data request process. Requests are submitted either
3 directly to DMA staff, or to our data and request
4 mailbox. Requests are evaluated to ensure that the
5 data is available, and that the questions raised can
6 reliably be answered. Requests are then assigned,
7 developed, reviewed, and delivered.

8 We receive requests of many different kinds. Um,
9 we receive requests to research the performance of
10 internal Board programs for decision-making purposes,
11 for analysis of externally published research, and
12 news articles that include information about the
13 Workers' Comp Board, to analyze data and provide
14 insight, to inform policy-making decisions, or to
15 determine the impact of proposed legislation, to
16 create ad hoc reports for internal and external
17 customers, to produce data in response to FOIL
18 requests, to respond to inquiries from members of the
19 media, and in response to subpoenas for jury
20 proceedings.

21 To give you a sense of the volume of requests we
22 receive, in 2023 DMA handled over 400 total requests.
23 That's an average of 1.7 requests per day. Not all
24 requests are created equal, some can be handled by one

1 person in less than an hour. While others may require
2 a team and could take a week or more to complete.

3 Approximately a third of our requests in 2023
4 came from members of executive management. Another
5 third came from internal program areas such as Claims
6 Operations, Adjudication, Administrative Review,
7 Finance, Compliance, and Medical Director's Office.
8 Over 70 external requests came through FOIL, press
9 inquiries, or from other public entities, and other
10 state agencies.

11 DMA is also responsible for helping to produce
12 several periodic reports for the Workers' Compensation
13 Board. Pursuant to Section 153 of the Workers' Comp
14 Law, the Board's Annual Report, published each year on
15 February 1st, details the Board's work in hearing and
16 deciding cases, and related aspects of Board
17 operations. Pursuant to Section 35 of the Workers'
18 Compensation Law, and as part of the 2017 Workers'
19 Comp Reforms, the Board is charged with tracking and
20 reporting annually on all claimants who have been
21 awarded permanent partial disability status.

22 DMA also produces a suite of dashboards each
23 month for executive management to evaluate internal
24 Board performance. Each week, DMA produces a report

1 for Chamber that includes keyboard metrics. In
2 accordance with New York State insurance laws, DMA
3 contributes to an annual report published by the
4 appointed public actuary on the impact of the 2017
5 Workers' Comp Reforms. We also produce an internal
6 monthly report tracking COVID-19 workers' compensation
7 claims.

8 Each quarter, DMA publishes an anonymized
9 workers' comp claim data to the New York State Open
10 Data Website. These data sets are available to the
11 public, and include information about workers' comp
12 claims assembled since 2000.

13 The data and reports that DMA produce serve a
14 broader purpose. They provide insight to those who
15 seek information to help them make decisions. There
16 were many instances in 2023 where DMA provided data
17 that helped achieve an important goal.

18 Here are just a few: On September 6, 2023,
19 Governor Kathy Hochul signed into law a bill that
20 increased the minimum benefit rate for permanent and
21 temporary partial disabilities. DMA worked to
22 evaluate, evaluated the impact of the proposed
23 changes. DMA also performed an analysis to evaluate
24 the impact of proposed bill to modify the Board's

1 hearing process.

2 Throughout 2023 DMA produced monthly dashboards
3 for executive management. These dashboards were used
4 to monitor and improve critical processes that serve
5 workers' comp stakeholders. Including the timely
6 processing of mail, timely scheduling of hearings, and
7 the timely resolution of claimed disputes.

8 The Board's Medical Director's Office is
9 responsible for responding to Level 3 Prior
10 Authorization Requests, or PARs. DMA provided weekly
11 data to the MDO to help them eliminate their backlog
12 of pending PARs that were older than thirty days.

13 Finally, DMA provided analysis of paper requests
14 for action, RFA-1LC forms, that helped inform the
15 design of the future OnBoard Request For Action
16 electronic form intake process. These are just a few
17 examples of where the DMA team was able to leverage
18 data to help make decisions and improvements.

19 Since 2012, DMA has helped build and maintain the
20 Board's Data Warehouse, which is an essential database
21 comprised of data from Board application systems like
22 CIS, IC-2, HPA, and Claims, OnBoard Limited Release,
23 and more.

24 DMA also helps to manage the centralized

1 reporting platform that the Board, that Board users
2 use to access data in the warehouse. This web-based
3 tool is known as Pentaho. Pentaho allows users to
4 build their own reports, dashboards, and
5 visualizations. Nearly all reports that DMA produce
6 come from the Data Warehouse or from Pentaho. These
7 are two very important tools that provide a single
8 version of the (inaudible) of Board data.

9 DMA is also looking toward the future. We are
10 working closing with the OnBoard team to identify data
11 and reporting needs for the future system to help
12 ensure a more efficient Board and a more responsive,
13 efficient and effective system. DMA is helping to
14 improve the availability and quality of data to be
15 used for automation and analysis to increase
16 reliability and reduce the chance for errors.

17 OnBoard will vastly improve our ability to help
18 the Board make decisions with data. And that's
19 something we're very excited about. Thank you all
20 again for the opportunity to speak to you today about
21 the work that Data Management and Analytics team does.

22 CLARISSA RODRIGUEZ: Thank you, George.

23 UNIDENTIFIED SPEAKERS: Thank you.

24 (Clapping.)

1 CLARISSA RODRIGUEZ: Okay. And now, Board
2 Members, may I please have a motion to adjourn today's
3 meeting?

4 LINDA HULL: Madam Chair, this is Board
5 Member Linda Hull, and I move to adjourn the meeting.

6 CLARISSA RODRIGUEZ: Thank you, Board
7 Member Hull. Is there a second?

8 PAMELA CAGGIANELLI: Madam Chair, this is
9 Board Member Caggianelli, and I second that motion.

10 CLARISSA RODRIGUEZ: Thank you, Board
11 Member Caggianelli. Is there any opposition to the
12 motion? Okay, hearing no opposition, Board Members
13 all in favor, please say aye.

14 ALL: Aye.

15 CLARISSA RODRIGUEZ: I am also a yes, that
16 motion is passed. Meeting adjourned. Thank you all.

17

18 (Whereupon, the meeting was adjourned.)

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