

WORKERS' COMPENSATION ADVISORY COUNCIL
J. JOSEPH GARRAHY COMPLEX
ONE DORRANCE PLAZA
PROVIDENCE, RI

November 20, 2024

MEMBERS

(* Denotes absence)

George Nee, Chair
Chief Judge Robert M. Ferrieri
Chief Judge George E. Healy, Jr. (ret.)
Judge Steven A. Minicucci
Jack DeGiovanni, Esq.
Director Elizabeth Kelleher Dwyer*
Director Jonathan Womer*
Raymond Coia
Steven Giarrusso
Jacqueline Parrillo
Ian Ridlon
Laureen Grebien
Jose Raul Figueroa*
Senator Frank Ciccone
Representative Arthur J. Corvese*
Director Matthew Weldon*
Brian Spero

Prior to addressing the agenda, all those in attendance identified themselves and who they represented.

Approval of the April 17, 2024 Meeting Minutes

Motion was made by Ray Coia, seconded by Brian Spero, to approve the minutes of the April 17, 2024 meeting of the Workers' Compensation Advisory Council. All in favor. So moved.

Review of Omnibus Bill for 2024

Chief Ferrieri summarized the 2024 approved legislation effective January 1, 2025. Highlights include:

Increase in the dependency benefits

A change in the calculation of payment for those employees who accept suitable alternative employment, to be consistent with the calculation of average weekly wage

Enactment of a statute allowing parties access to the Court's Mediation Program in the event of a dispute over a reimbursement owed regarding third party liens.

Committee Reports

Update of the Subcommittee Regarding Workers' Compensation Issues

To improve efficiency, the Subcommittee, recognizing its large membership, will be forming smaller committees to address feasible topics. These smaller committees will submit their reports to the Chairs of the larger group, enabling them to subsequently communicate the results to the Advisory Council.

3rd party liens

Comfortable with the passage of recent legislation related to liability of third person for damages, they have tabled this matter until next year.

Accidental Disability Claims

Feeling the ability to reach any type of an agreement to have accidental disability claims of municipal employees heard before the Workers' Compensation Court is beyond their scope, the Subcommittee has tabled the idea for the time being.

In response to the Court's expressed interest, Chief Ferrieri suggested the creation of a dedicated committee to handle accidental disability and IOD claims, proposing that these claims fall within the jurisdiction of the Workers' Compensation Court. The committee would consist of members from the Office of the General Treasurer and representatives from the Unions of the Rhode Island Airport Police and the Aircraft Rescue and Fire Fighting Unit.

Chairman Nee offered to reach out to the Office of the General Treasurer to ascertain their willingness to participate.

Comparative Medical Evidence

The topic of Comparative Medical Evidence is still under consideration.

Hearing Aids

Rather than just the issue of hearing aids, the Subcommittee would like to address the section of the of Statute which deals with occupational hearing loss. Given the complexity of the issue, suggestion was made that an educational program for attorneys be developed, possibly with the involvement of the Medical Advisory Board.

Scarring and Loss of Use

A well-established item on the agenda, remains a subject of ongoing interest.

Cost Shifting of the Cost of the Deposition of the Impartial Medical Examiner

While there is consensus on the principles, significant concerns remain.

Discussion ensued.

Update of the Subcommittee to Improve the Arrigan Center Building

Administrator Villegas stated that the initiative to update the energy-related building management system is continuing along with repair work on the roof and minor improvements around the building. The most significant issue for the Center is the refurbishment of the therapy pool and the Aquatic Center.

The dire condition of the therapy pool and its significance were discussed.

Motion was made by Steven Giarrusso and seconded by Jack DeGiovanni affirming that the Council has documented its commitment to prioritizing the restoration of aquatic therapy services. All in favor. So moved.

Status of R.I.G.L. § 28-29-17.1 Notice of Designation as Independent Contractor

A report could not be provided as there was no representation from the Department of Labor & Training.

Old Business

Indirect Cost Recovery Efforts Update

The Council is determined to maintain its long-term commitment to the elimination of the indirect cost recovery.

Public Comment

The Department of Business Regulation has issued an order that allows Beacon Mutual Insurance to shift from being a non-profit state fund to a for-profit insurance company. As per statute, Beacon will retain the residual market in Rhode Island. but can now look to be licensed in other states as they choose.

Scheduling of Next Meeting

At the call of the Chair.

Proposed Agenda for Next Meeting

None

Adjournment

There being no further business brought before the Council, the meeting was as adjourned by Chairman Nee.