

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

April 17, 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

Designee Beth Vollucci  
Designee Kathy Sherman

Maryanne Kucia

Designee Matt Carey

**1. Approval of the February 7, 2024 Meeting Minutes**

Motion was made by Ray Coia, seconded by Laureen Grebien, to approve the minutes of the February 7, 2024 meeting of the Workers' Compensation Advisory Council. All in favor. So moved.

**2. Committee Reports**

**a. Update of the Subcommittee Regarding Workers' Compensation Issues**

Chief Ferrieri noted that although this year's Omnibus Bill will not contain proposals relative to comparative medical evidence, hearing aids or scarring and loss of use, the subcommittee will continue their work on these matters of interest.

**b. Update of the Subcommittee to Improve the Arrigan Center Building**

Chairman Nee reported a fruitless discussion with the Speaker and Senate President while inquiring about the possibility of available funds in this year's budget from either the American Rescue Plan Act (ARPA) or Rhode Island Capital Plan (RICAP) to get the process started on the Arrigan Center's much needed improvements relative the therapy pool, HVAC and roof.

Administrator Villegas reported work is progressing updating the energy related building management system.

Contract for a new psych team has been signed effective May 1, 2024.

Chairman Nee requested a written description of the new psych unit/program be sent to all Council members.

- c. **Status of R.I.G.L. § 28-29-17.1 Notice of designation as independent contractor.**  
Representative Corvese suggested Chairman Nee speak with the Speaker's Legal Counsel regarding additional tweaks that may be needed.

### 3. Old Business

#### **Indirect Cost Recovery Efforts Update**

No update.

### 4. New Business

#### **Recommendations for this year's Omnibus Bill**

- a. 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.

##### **(a) § 28-33-18.2 Suitable alternative employment.**

**Effective January 1, 2025, the employer or insurer shall pay an injured employee who accepts suitable alternative employment a weekly compensation equal to sixty-two percent (62%) of the difference between the employee's average weekly wage, earnings, or salary before the injury and his or her weekly wages, earnings, or salary from the suitable alternative employment.**

- b. Increasing dependents' allowances from \$5.00 to \$25.00 per week for each child along with an increase, but not to exceed per week total, from \$15.00 to \$75.00 .

##### **§ 28-37-10. Dependents' allowances to totally incapacitated persons.**

Whenever an injured employee suffering total incapacity ceases to receive payment under the Rhode Island temporary disability insurance act, chapters 39 — 41 of title 28, he or she shall receive compensation in addition to compensation for total incapacity, not exceeding ~~five dollars (\$5.00)~~ **twenty-five dollars (\$25.00)** per week for each child wholly or partially dependent upon the wages, earnings, or salary of the employee, including an adopted or stepchild, under the age of eighteen (18) years, or over that age but physically or mentally incapacitated from earning, but not exceeding a total of ~~fifteen dollars (\$15.00)~~ **seventy-five dollars (\$75.00)** per week, which additional compensation shall be paid out of the fund established under § 28-37-1; provided, that any injured employee suffering total incapacity as the consequence of an injury sustained on or after September 1, 1969, shall not be eligible for this additional compensation.

c. **§ 28-33-17. Weekly compensation for total incapacity – Permanent total disability-Dependents' allowances**

(c)(1) Where the employee has persons conclusively presumed to be dependent upon him or her, or in fact so dependent, the sum of fifteen dollars (\$15.00) shall be added to the weekly compensation payable for total incapacity for each person wholly dependent on the employee. Effective January 1, 2025, the sum to be added to the weekly compensation payable for total incapacity for each person wholly dependent on the employee shall be raised to twenty-five dollars (\$25.00)., except that the sum of forty dollars (\$40.00) shall be added for For those receiving benefits under § 28-33-12 the sum shall be forty dollars (\$40.00), but in no case shall the aggregate of those amounts exceed eighty percent (80%) of the average weekly wage of the employee, except that there shall be no limit for those receiving benefits under § 28-33-12.

(e) the court, or any of its judges, may, in its or his or her discretion, order the insurer or self-insurer to make payment ~~of the nine dollars (\$9.00) or fifteen dollars (\$15.00)~~ for those receiving benefits under § 28-33-12 directly to the dependent.

d. Addition of paragraph (d)

**§ 28-35-58. Liability of third person for damages**

(d) In the event there is a dispute over the reimbursement owed or the period of suspension going forward, the Court, by agreement of the parties and upon petition by either the employee or the employer and/or its insurance carrier, shall assign the dispute to the workers' compensation court's mediation program in accordance with the rules and procedures established by the Court. Nothing herein shall preclude any party or attorney from pursuing any action otherwise available.

Motion was made by Senator Frank Ciccone, seconded by Jack DeGiovanni, Esq., to make these recommendations part of the Omnibus bill for this year. All in favor. So moved.

**5. Public Comment**

In recognition their upcoming retirement, Kathy Sherman and Matt Carey, were both thanked for all they have done for the state and the Workers' Compensation System. Applauded by all.

**6. Scheduling of Next Meeting**

At the call of the Chair.

**7. Proposed Agenda for Next Meeting**

None

**8. Adjournment**

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