

## Workers' Compensation Full Board Meeting Minutes

Date: Tuesday, January 13, 2026

Location: 328 State St., Schenectady, NY  
Room 324  
Webcast Live

**Time:** 10:00 a.m.

## MEMBERS OF THE BOARD

Freida Foster, Chair  
Renee Delgado, Esq., Vice Chair  
Mark Higgins  
Samuel Williams  
Steven A. Crain, Esq.  
Clarissa Rodriguez, Esq.  
Pamela Caggianelli  
Martin M. Dilan  
Gloribelle Perez, Esq.  
Bob Bergin, Esq. (Excused)  
Peter DeJesus, Jr.  
Maria Matos, Esq.  
Gina Sillitti

SECRETARY TO THE BOARD

Laura Inglis

**DEPUTY GENERAL COUNSEL**

Keith Longden, Esq.

**ASSOCIATE ATTORNEY**

Heather Justice, Esq.

## ALSO PRESENT

Jeremy Attie, President, New York Compensation Insurance

## Rating Board

Ziv Kimmel, Vice President and Chief Actuary, New York  
Compensation Insurance Rating Board

1 FREIDA FOSTER: Good morning, and welcome  
2 everyone. Thank you for joining us. I'm Freida  
3 Foster, Chair for the New York State Workers'  
4 Compensation Board. And today's Full Board meeting is  
5 being webcast live for members of the public. It is  
6 also facilitated by an American Sign Language  
7 interpreter.

8                   I now have the honor of calling the 1,050th  
9                   meeting of the Full Board to order. Madam Secretary,  
10                  roll call, please.

11 LAURA INGLIS: Vice Chair Delgado.

12 RENEE DELGADO: Here.

13 LAURA INGLIS: Board Member Higgins.

14 MARK HIGGINS: Here.

15 LAURA INGLIS: Board Member Williams.

16 SAMUEL WILLIAMS: Here.

17 LAURA INGLIS: Board Member Crain.

18 STEVEN CRAIN: Here.

19 LAURA INGLIS: Board Member Rodriguez.

20 CLARISSA RODRIGUEZ: Here.

21 LAURA INGLIS: Board Member Caggianelli.

22 PAMELA CAGGIANELLI: Here.

23 LAURA INGLIS: Board Member Dilan.

24 MARTIN DILAN: Here.

1                   LAURA INGLIS:       Board Member Perez.

2                   GLORIBELLE PEREZ:     Here.

3                   LAURA INGLIS:       Board Member De Jesus.

4                   PETER DE JESUS:      Here.

5                   LAURA INGLIS:       Board Member Matos.

6                   MARIA MATOS:       Here.

7                   LAURA INGLIS:       Board Member Sillitti.

8                   GINA SILLITTI:      Here.

9                   LAURA INGLIS:       Madam Chair, Board Member

10                  Bergin has requested to be excused today.

11                  FREIDA FOSTER:      Thank you. Thank you. May

12                  I have a motion to approve the absence of Board Member

13                  Bergin?

14                  MARK HIGGINS:       Yes, Madam Chair, Board

15                  Member Higgins, I move to approve the absence of Board

16                  Member Bergin.

17                  FREIDA FOSTER:      Thank you, Board Member

18                  Higgins. May I have a second?

19                  MARIA MATOS:       Board Member Matos, I second.

20                  FREIDA FOSTER:      Thank you, Board Member

21                  Matos. Is there any opposition? Hearing none, all in

22                  favor?

23                  ALL:                Aye.

24                  FREIDA FOSTER:      Any opposed? I am also a

1           yes. That motion is passed. Agenda Item 1, approval  
2           of the December 16, 2025 minutes. You have all  
3           received a copy of these minutes to review. Are there  
4           any questions or need for discussion? Do I have a  
5           motion to approve?

6           PAMELA CAGGIANELLI:        Madam Chair, this is  
7           Board Member Caggianelli, and I make a motion to  
8           approve the minutes.

9           FREIDA FOSTER:        Thank you, Board Member  
10           Caggianelli, may I have a second?

11           SAMUEL WILLIAMS:        Board Member Williams,  
12           second the motion.

13           FREIDA FOSTER:        Thank you, Board Member  
14           Williams. Any opposition? All in favor?

15           ALL:        Aye.

16           FREIDA FOSTER:        I'm also a yes, that motion  
17           is passed. Agenda Item 2, Office of General Counsel.  
18           General Counsel -- oh, no -- Counsel --

19           KEITH LONGDEN:        Deputy General.

20           FREIDA FOSTER:        Yes, yes, the Deputy  
21           General Counsel Keith Longden will present the office  
22           of General Counsels Departmental Report for December.

23           KEITH LONGDEN:        Thank you very much, Chair  
24           Foster, all Members of the Board. The following are

1 statistics for the month of December 2025, of the  
2 three divisions and the Board responsible for deciding  
3 claims. The Adjudication Division during that time  
4 held 16,974 hearings, resolved 1,173 claims at  
5 hearings, at hearing, and issued 309 Reserve  
6 Decisions. Held 1,569 Pre-Hearing Conferences, and  
7 finalized 2,123 Section 32 Waiver Agreements.

8 The Administrative Review Division received 974  
9 applications for Administrative Review, processed  
10 1,048 applications for review, and with an  
11 end-of-month inventory of 7,954 cases.

12 Finally, Legal Affairs Division received 107  
13 applications for Full Board review, processed 77  
14 applications, with an end-of-month inventory of  
15 277 cases. That concludes my report. Thank you.

16 FREIDA FOSTER: Thank you very much. Are  
17 there any questions or need for a discussion? May I  
18 have a motion to accept the Office of General  
19 Counsel's Departmental Report?

20 CLARISSA RODRIGUEZ: Yes, Madam Chair, this  
21 is Board Member Rodriguez, and I move to accept the  
22 Departmental Report of the Office of General Counsel.

23 FREIDA FOSTER: Thank you, Board Member  
24 Rodriguez. May I have a second?

1                   MARTIN DILAN:        Board Member Dilan, and I  
2                   second that.

3                   FREIDA FOSTER:        Thank you, Board Member  
4                   Dilan.  Is it there any opposition?  Hearing none, all  
5                   in favor?

6                   ALL:                Aye.

7                   FREIDA FOSTER:        Any opposed?  I'm also a  
8                   yes, that motion is passed.  Agenda Item 3, License  
9                   Applications.  Associate Attorney, Heather Justice,  
10                   will now (inaudible, fading out).

11                   HEATHER JUSTICE:        Thank you.  Good morning,  
12                   Madam Chair, Madam Vice Chair, Board Members, and  
13                   Colleagues.  You have before you the recommendations  
14                   from the Assigned Board Panel regarding the Licensing  
15                   Applications listed in Part 3 of today's agenda.

16                   For Workers' Compensation Law Section 24-a, these  
17                   are all three renewals:  Richard Feldstein, Joel  
18                   Fredericson, Angela Gucciardo, Domenica Gucciardo, and  
19                   Mitchell Weiss.

20                   For Section 50(3-b) also all three-year renewals:  
21                   Chesterfield Services, New York, Inc., qualifying  
22                   officer, David Goldsmith; Glacier Bay TPA LLC,  
23                   qualifying officer, Paul Cardinal; Intercare of New  
24                   York Insurance Services Inc., qualifying officer,

1                   William Jones; Triad Group LLC, qualifying officer,  
2                   Mathew Keller.

3                   And turning to Section 50(3-d), again, all  
4                   three-year renewals: Constitution State Services LLC,  
5                   qualifying officer, Irosha Ratnasekera; PMA Management  
6                   Corporation of New England, qualifying officer, Brian  
7                   Barry; and Soundview Claims Solutions Inc., qualifying  
8                   officer, Ronald Balter.

9                   I present these recommendations to the Board for  
10                  your consideration.

11                  FREIDA FOSTER:           Thank you very much. Are  
12                  there any questions or need for discussion? Hearing  
13                  none, do we have a motion to accept the  
14                  recommendations of the Panels as presented?

15                  MARIA MATOS:           Board Member Matos, and I so  
16                  move.

17                  FREIDA FOSTER:           Thank you, Board Member  
18                  Matos. May I have a second?

19                  SAMUEL WILLIAMS:       Madam Chair, Board Member  
20                  Williams, I second it.

21                  FREIDA FOSTER:           Thank you, Board Member  
22                  Williams. Is there any opposition? Hearing none, all  
23                  in favor?

24                  ALL:                   Aye.

FREIDA FOSTER: Any opposed? I'm also a  
yes, that motion is passed. Agenda Item 4, Legal  
Appeals.

(Simultaneous crosstalk.)

FREIDA FOSTER: -- will now present the recommendations -- (indecipherable, fading out).

KEITH LONGDEN: Thank you, Chair Foster.

This month's agenda we have six decisions from the Appellate Division Third Department. They are Items 4A through 4F on your agenda. It is the recommendation of the Office of General Counsel that all those decisions be adopted as the decision of the Board.

FREIDA FOSTER: Thank you very much. May I have a -- are there any questions or need for discussion? May I have a motion to accept the recommendations of the Office of General Counsel?

PETER DE JESUS: Madam Chair, Board Member  
De Jesus, I make the motion to accept the  
(indecipherable) --

FREIDA FOSTER: Thank you, Board Member De  
Jesus. May I have a second?

PAMELA CAGGIANELLI: Madam Chair, Board Member Caggianelli, I second the motion.

1 FREIDA FOSTER: Thank you, Board Member  
2 Caggianelli. Is there any opposition? Hearing none,  
3 all in favor?

4 ALL: Aye.

5 FREIDA FOSTER: Any opposed? I am also a  
6 yes, that motion is passed. Agenda Item 5, Mandatory  
7 Full Board Review. Madam -- Item 5A, Miss Lillys,  
8 case number G3552716. Is there a motion in respect to  
9 5A on the agenda?

10 PAMELA CAGGIANELLI: Yes, Madam Chair, this  
11 is Board Member Caggianelli, and I make a motion that  
12 the majority opinion be the opinion of the Full Board.

13 FREIDA FOSTER: Is there a second?

14 RENEE DELGADO: Yes, Vice Chair Delgado, I  
15 second.

16 FREIDA FOSTER: Thank you. Does anyone  
17 need to be recused from this case? Is there any  
18 opposition to the motion?

19 MARIA MATOS: Yes, Madam Chair, Board Member  
20 Matos, I respectfully oppose the motion.

21 FREIDA FOSTER: Thank you very much. In  
22 light of the opposition, I call upon the secretary for  
23 a roll call vote.

24 LAURA INGLIS: Board Member Caggianelli? Is

1 that a yes?

2 PAMELA CAGGIANELLI: Yes.

3 FREIDA FOSTER: Board Member Crain?

4 STEVEN CRAIN: Yes.

5 LAURA INGLIS: Board Member De Jesus?

6 PETER DE JESUS: Yes.

7 LAURA INGLIS: Board Member Dilan?

8 MARTIN DILAN: Yes.

9 LAURA INGLIS: Board Member Higgins?

10 MARK HIGGINS: Yes.

11 LAURA INGLIS: Board Member Matos?

12 MARIA MATOS: No.

13 LAURA INGLIS: Board Member Perez?

14 GLORIBELLE PEREZ: Yes.

15 LAURA INGLIS: Board Member Rodriguez?

16 CLARISSA RODRIGUEZ: Yes.

17 LAURA INGLIS: Board Member Sillitti?

18 GINA SILLITTI: Yes.

19 LAURA INGLIS: Board Member Williams?

20 SAMUEL WILLIAMS: Yes.

21 LAURA INGLIS: Vice Chair Delgado?

22 RENEE DELGADO: Yes.

23 LAURA INGLIS: And Madam Chair?

24 FREIDA FOSTER: Yes.

1                   LAURA INGLIS:       That motion is, passes 11 to  
2                   1.

3                   FREIDA FOSTER:      Thank you very much. Item  
4                   Agenda Item 6, Discretionary Full Board Review. For  
5                   this portion of the agenda, I turn it over to our Vice  
6                   Chair Delgado.

7                   RENEE DELGADO:       Thank you, Madam Chair. For  
8                   the cases listed in Item 6 of your agenda, it has been  
9                   recommended that Full Board Review be granted. Those  
10                   cases are 6A, G3770093, Matter of Nassau County Police  
11                   Department; 6B, G2130614, Matter of Macy's Retail  
12                   Holdings Inc.; 6C, G2418267, Matter of Dejana Truck  
13                   and Utility Equip. I move to refer the cases back to  
14                   their respective Panels for further consideration.

15                   FREIDA FOSTER:      Thank you, Vice Chair  
16                   Delgado. Is there a second?

17                   GINA SILLITTI:       Board Member Sillitti, I  
18                   second that.

19                   FREIDA FOSTER:      Thank you, Board Member  
20                   Sillitti. Does anyone need to be recused from any of  
21                   these cases? Is there any opposition? Hearing none,  
22                   all in favor?

23                   ALL:                Aye.

24                   FREIDA FOSTER:      All opposed? I am also a

1           yes, that motion is passed. Agenda Item 7, I don't  
2           think we have any other business. But Agenda Item 8,  
3           we do have a guest speaker. I'm pleased to welcome  
4           two special guests from the New York Compensation  
5           Insurance Rating Board, Jeremy Attie, and -- President  
6           of the Rating Board -- and Ziv Kimmel, Vice President  
7           and Chief Actuary.

8           Jeremy Attie joined NYCIRB as president-elect in  
9           late February 2016 and assumed the position of  
10           president that July. Prior to joining the Rating  
11           Board, Jeremy served in the office of the New York  
12           State Governor from 2012 to 2016. Most recently, as  
13           the Assistant Counsel to the Governor for Labor and  
14           Financial Services.

15           Prior to the Governor's office, Jeremy was a  
16           litigator at the New York City, at a New York City law  
17           firm. He is a graduate of Cornell University and  
18           Brooklyn Law School.

19           Ziv Kimmel joined the Rating Board in 2008 as  
20           Director of Actuarial Research, and was named Senior  
21           Vice President and Chief Actuary in 2016. Ziv  
22           started -- Ziv started his career in 1997 as an  
23           Actuarial Analyst at ISO, where he worked on  
24           commercial property pricings. He joined the National

1 Counsel on Compensation Insurance in 2001, where he  
2 worked on legislative analysis, medical cost research,  
3 and state rate filings.

4 He's a fellow of the Casualty Actuarial Society,  
5 and a member of the American Academy of Actuaries. He  
6 earned his B.A. in mathematics from Queens College in  
7 1997.

8 Welcome gentlemen, and thank you for joining us.

9 JEREMY ATTIE: Thank you, Chair Foster,  
10 thank you, Commissioners, for giving us a little bit  
11 of your time today. My name is Jeremy Attie, I'm the  
12 president and CEO of the New York Compensation  
13 Insurance Rating Board.

14 For those of you who are not familiar with the  
15 Rating Board, we are a private, non-partisan,  
16 non-political, non-profit organization licensed by the  
17 Department of Financial Services to serve as the rate  
18 service organization for workers' compensation  
19 insurance in New York.

20 All insurance carriers who write workers'  
21 compensation policies in the state are our members and  
22 they give us their data. We use that data on their  
23 behalf to make filings with the Department of  
24 Financial Services, and provide services to the

1 marketplace.

2 So we develop an annual loss cost recommendation  
3 for the Superintendent of Financial Services. We  
4 maintain all of the rule books for writing workers'  
5 compensation policies in New York. We maintain the  
6 New York classification system. We develop online  
7 tools for stakeholders, we conduct research, and  
8 perform market conduct functions.

9 Our work promotes the public interest and  
10 benefits both New York State businesses and workers  
11 because we utilize data driven actuarial methodologies  
12 to derive appropriate pricing values for workers'  
13 compensation policies. And we make the marketplace  
14 transparent for all stakeholders by publishing  
15 research studies, reports, and analytics.

16 And this work moves us beyond the numbers crunch  
17 of our loss cost filing and into finding the stories  
18 in the data, and relaying those stories in a way  
19 that's accessible to everyone. We believe that you  
20 shouldn't have to be an actuary or an insurance  
21 industry expert to understand the marketplace.

22 And with this in mind, I'm going to turn the  
23 floor over to Ziv Kimmel, our Chief Actuary, to  
24 present some highlights from our 2025 State of the

1 System Reporting.

2 ZIV KIMMEL: Thank you, Jeremy. And good  
3 morning, everybody, Chair and Commissioners.

4 ALL: Good morning.

5 ZIV KIMMEL: If you can bring up the  
6 presentation. Thank you. So I'm going to provide  
7 some highlights on our State of the System Report. I  
8 want to talk about the claim frequency. I'll then  
9 discuss briefly some data about New York State  
10 economy, specifically about the employment. I'll then  
11 move on and talk about indemnity severity or the  
12 average indemnity severity, the average indemnity cost  
13 per case. And then I'll conclude with some comments  
14 on medical severity.

15 Start with claim frequency. Claim frequency is  
16 defined as the number of lost time claims per unit of  
17 exposure. So we're not just looking at the number of  
18 claims, but we're looking at how it relates to how  
19 much exposure there is. And exposure can be measured  
20 in terms of premiums or in terms of payroll.

21 LAURA INGLIS: Showing on my screen, I don't  
22 know why it's not showing there.

23 ZIV KIMMEL: I'll have to go back.

24 LAURA INGLIS: There we go.

ZIV KIMMEL: Let me go back. All right.

You show claim frequency for the state of New York since 2004 in terms of both payroll in green, and premium in blue. If you observe, that claim frequency has declined over the long-term. The shaded area represents economic recessions.

We had a recession corresponding to the 2008-2009 financial crisis, and another recession during COVID.

We notice that claim frequency during recessionary periods has increased. Which clearly point to the impact of the economy could have on claim frequency.

Now a major factor in the measure of claim frequency, as I mentioned, it's the number of claims per exposure. So the first component is the number of claims. So let's take a look at that. And here we are looking at the number of assembled claims over the most recent several years.

Starting with just over 300,000 assembled claims in 2019, we see a significant decrease in the number of claims in 2020, as a result of COVID, and then subsequent rebounding. But after preliminary increase in the number of claims in '21 and '22, the number of claims has stabilized, and it is still about 10% below pre-pandemic levels.

1                   The frequency, again, is the measure of the  
2                   number of claims per unit of exposure. Exposure,  
3                   payroll, premium, starts with employment. So let's  
4                   take a quick look at the economy, and specifically  
5                   employment figures, and see how those change since  
6                   right before the pandemic.

7                   Here, we're looking at the percentage change in  
8                   employment from February of 2020, right before the  
9                   pandemic hit, through December of 2024. And you see  
10                  that overall employment is just about pre-pandemic  
11                  level. So it took about four years to recover all the  
12                  lost jobs in the system. So with employment  
13                  increasing, but claim numbers decreasing, claim  
14                  frequency is, will resume it's downward trend.

15                  However, I do want to point out that these  
16                  results could be very different when you look at  
17                  specific industries. For example, employment in the  
18                  health care sector is 13% higher than pre-pandemic  
19                  levels, whereas in the arts, in the arts and  
20                  hospitality, we're still slightly below pre-pandemic  
21                  levels. And in the information sector, we're still  
22                  10% below pre-pandemic employment levels.

23                  So what does that mean in terms of claim  
24                  frequency for the different industry sectors? Here we

1 are looking at the percentage change in claim  
2 frequency per worker between 2019 and 2024 by industry  
3 sector. In the health care sector, we see a decrease  
4 of 18% in claim frequency. And with the health care  
5 sector representing 20% of the workforce, this  
6 contributes to the overall continued reduction in  
7 overall statewide claim frequency.

8 Interestingly, in the arts and entertainment  
9 section, we have an increase of 39%. Now this  
10 industry is much smaller, only representing 2% of the  
11 workforce, so it is more susceptible to more volatile  
12 numbers. And even though we have a significant  
13 increase, because it's only representing 2% of the  
14 workforce or applies to the workforce, it doesn't  
15 contribute that much to the overall frequency in the  
16 state.

17 Let's shift to indemnity severity or the average  
18 cost per lost time claim. Indemnity benefits are  
19 functional wages. And so we generally expect  
20 indemnity severity to increase as wages increase.  
21 Here, we have a long-term view of indemnity severity  
22 in green, and the state average weekly wage in black.  
23 Although we see the expected relationship between  
24 severity and wages generally holding up in the long

1 run, we do observe several periods, which we marked in  
2 gray, where the two lines diverge or deviate.

3 We recently published a study on this phenomenon,  
4 and we found that some of the reasons for the  
5 deviations include the declining opioid equalization,  
6 which also has an affect on the indemnity cost, shift  
7 in the industry mix, and the change in the  
8 distribution of claims by type of injury. We have  
9 fewer permanent partial claims in the state as it  
10 relates to other claims.

11 Next we'll go over medical severity figures. Now  
12 every year we get new data from the industry and we  
13 reevaluate our results. Here, the gray solid line  
14 shows average medical severity as it was evaluated in  
15 2024. And the dash line just shows the projected  
16 line, the projection line, based on this data.

17 This means that in 2024 we saw medical severity  
18 was relatively stable, and even slightly decreasing.  
19 So our expectation was it will remain stable, or even  
20 slightly decreasing. Now the new data we got in 2025,  
21 represented by the blue line, shows that things are  
22 beginning to change. With both years 2022 and 2023  
23 showing increases in medical severity. This suggests  
24 that some of the factors that contributed to stable or

1           decreasing medical severity may have started to  
2           exhaust themselves.

3           Let's take a look at some of those factors.  
4           First, utilization of opioids. In 2014, opioids,  
5           which are more expensive drugs, generally, represented  
6           30% of all payments for prescription drugs in New  
7           York, in New York workers' compensation system. But  
8           with the battle against the opioid epidemic, and  
9           significant controls added, such as the drug  
10          formulary, and pharmaceutical fee schedule, that share  
11          was reduced significantly down to 21% in 2020 with  
12          continued reduction in 2021, 2022. And as of 2023,  
13          opioids were no longer the leading drug category. And  
14          by 2024, opioids are ranked third, by behind NSAIDs  
15          and topicals, topical agents. So reduction in opioids  
16          are one factor controlling, or contributing, to more  
17          stable medical costs.

18           Another factor contributing to the stability of  
19          medical costs is the increase in claim settlement  
20          activity. Here, we show the share of incurred losses  
21          in the system that were subject to claim settlement or  
22          Section 32 settlements, specifically, two different  
23          claim evaluation periods.

24           First, we're looking at first report, this is at

1           18 months since the policy effective date, we get a  
2           report on the claims. As a first report, in 2008,  
3           hardly any claims were settled. Whereas by 2022, we  
4           see that almost 4% of losses were subject to Section  
5           32 settlement. That doesn't sound like a lot.

6           Let's take a look at more mature claim  
7           evaluation, third reports, that's 24 months into the  
8           life of the claim. Here, in the third report, in  
9           2008, we had about 4% of losses subject to claim  
10           settlement, whereas by 2019, we're at 20% of losses.  
11           To the extent that these settlements include medical,  
12           that increase certainly controls future development of  
13           medical losses.

14           Finally, another look at prescription drugs. We  
15           notice a significant reduction in the utilization of  
16           brand name drugs and the shift to the less expensive  
17           generic drugs. In 2014, 58% of drug payments were  
18           brand name. And by 2024, that share is decreased to  
19           35%. So again, another factor contributing to  
20           stability in medical severity.

21           However, as I mentioned, it's possible that some  
22           of these factors may have started to exhaust their  
23           efficacy, as we see medical severity starting to  
24           increase in '23 and '24.

1                   The Rating Board will of course continue to  
2 monitor and report on these, and other trends in the  
3 industry. I thank you for listening, and I hope you  
4 found this informative.

5                   ALL:        Thank you.

6                   FREIDA FOSTER:        Thank you very much for  
7 that informative report. May I now have a motion to  
8 adjourn?

9                   STEVEN CRAIN:        Motion to adjourn, Board  
10 Member Crain.

11                  FREIDA FOSTER:        Thank you, Board Member  
12 Crain.

13                  PAMELA CAGGIANELLI:        (Indecipherable).

14                  FREIDA FOSTER:        Thank you, Board Member  
15 Caggianelli. Is there any opposition to the motion?  
16 All those in favor?

17                  ALL:        Aye.

18                  FREIDA FOSTER:        Any opposed? I'm also a  
19 yes. This meeting adjourned.

20  
21                  (Whereupon, the meeting was adjourned.)  
22  
23  
24