

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.

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

4 (Simultaneous crosstalk.)

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

7 KEITH LONGDEN: Thank you, Chair Foster.
8 This month's agenda we have six decisions from the
9 Appellate Division Third Department. They are Items
10 4A through 4F on your agenda. It is the
11 recommendation of the Office of General Counsel that
12 all those decisions be adopted as the decision of the
13 Board.

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

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

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

23 PAMELA CAGGIANELLI: Madam Chair, Board
24 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.

1 ZIV KIMMEL: Let me go back. All right.
2 You show claim frequency for the state of New York
3 since 2004 in terms of both payroll in green, and
4 premium in blue. If you observe, that claim frequency
5 has declined over the long-term. The shaded area
6 represents economic recessions.

7 We had a recession corresponding to the 2008-2009
8 financial crisis, and another recession during COVID.
9 We notice that claim frequency during recessionary
10 periods has increased. Which clearly point to the
11 impact of the economy could have on claim frequency.

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

18 Starting with just over 300,000 assembled claims
19 in 2019, we see a significant decrease in the number
20 of claims in 2020, as a result of COVID, and then
21 subsequent rebounding. But after preliminary increase
22 in the number of claims in '21 and '22, the number of
23 claims has stabilized, and it is still about 10% below
24 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