

Workers' Compensation Full Board Meeting Minutes

Date: Tuesday, June 17, 2025

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

Time: 10:00 a.m.

MEMBERS OF THE BOARD

Clarissa M. Rodriguez, Chair
Freida Foster, Vice Chair
Mark Higgins
Samuel Williams
Steven A. Crain, Esq.
Pamela Caggianelli
Martin M. Dilan
Renee Delgado, Esq.
Gloribelle Perez, Esq.

SECRETARY TO THE BOARD

Laura Inglis

ACTING GENERAL COUNSEL

Keith Longden, Esq.

SENIOR ATTORNEY

Benjamin Jacobs, Esq.

ALSO PRESENT

Maria Matos

1 CLARISSA RODRIGUEZ: Good morning, and
2 welcome, everyone. Thank you for joining us this
3 morning. I'm Clarissa Rodriguez, Chair of the New
4 York State Workers' Compensation Board. Today's Full
5 Board meeting is being webcast live for members of the
6 public, so welcome. It is also facilitated by
7 American, yes, there you are, American Sign Language
8 Interpreters. Thank you for joining us this morning.

9 I now have the honor of calling the 1,044th
10 meeting of the Full Board to order. Before I ask the
11 Secretary to call attendance, I'd like to mention that
12 last week Governor Kathy Hochul announced the
13 confirmation of new and reappointed administration
14 appointees by the New York State Senate, which
15 includes four new members to the Board: Gina
16 Sillitti, Peter De Jesus, and attorneys Robert Bergin
17 and Maria Matos. Ms. Matos is here today observing
18 the proceedings.

19 Now while we work on getting everyone onboarded
20 and trained, for now we congratulate our newest Board
21 Members, and will formally welcome them to their first
22 Board meeting next month, in July. We also thank
23 outgoing Board Members, Linda Hull for her 12 years of
24 service; Arelis Tavares for her six years of service;

1 and Mark Stasko for his nine years of service to the
2 Board, and we wish them well in their future
3 endeavors. They will be missed.

4 With that, Madam Secretary, will you please call
5 attendance?

6 LAURA INGLIS: Vice Chair Foster.

7 FREIDA FOSTER: Here.

8 LAURA INGLIS: Board Member Higgins.

9 MARK HIGGINS: Here.

10 LAURA INGLIS: Board Member Williams.

11 SAMUEL WILLIAMS: Here.

12 LAURA INGLIS: Board Member Crain.

13 STEVEN CRAIN: Here.

14 LAURA INGLIS: Board Member Tavares --
15 Caggianelli.

16 PAMELA CAGGIANELLI: Here.

17 LAURA INGLIS: Board Member Dilan.

18 MARTIN DILAN: Here.

19 LAURA INGLIS: Board Member Delgado.

20 RENEE DELGADO: Here.

21 LAURA INGLIS: And Board Member Perez.

22 GLORIBELLE PEREZ: Here.

23 LAURA INGLIS: All present.

24 CLARISSA RODRIGUEZ: Okay, thank you, Madam

1 Secretary. Agenda Item 1, approval of the May 20,
2 2025 meeting minutes. Board Members, you have all
3 received a copy of the meeting minutes for your
4 review. Are there any questions or need for
5 discussion? Hearing none, is there a motion to
6 approve the Board meeting minutes for the month of
7 May?

8 MARK HIGGINS: Yes, Madam Chair, Board
9 Member Mark Higgins, I move that we approve the
10 minutes of the May meeting?

11 CLARISSA RODRIGUEZ: Thank you, Board
12 Member Higgins. Is there a second?

13 GLORIBELLE PEREZ: I second. Board Member
14 Perez.

15 CLARISSA RODRIGUEZ: Okay, thank you, Board
16 Member Perez. Is there any opposition to the motion?
17 Hearing none, all in favor, please say aye.

18 ALL: Aye.

19 CLARISSA RODRIGUEZ: Thank you. All
20 opposed? No opposition, I'm also a yes. That motion
21 is passed. Agenda Item 2, Office of General Counsel's
22 Departmental Report. Acting General Counsel, Keith
23 Longden, will present the Office of General Counsel's
24 Departmental Report for the month of May.

1 KEITH LONGDEN: Thank you, Chair Rodriguez.
2 Following is our statistics for the month of May of
3 2025 for the three divisions of Office of General
4 Counsel responsible for deciding claims. The
5 Adjudication Division during that time period held
6 17,704 hearings, resolved 11,369 cases at hearings,
7 and issued 393 Reserve Decisions. They also held
8 1,352 pre-hearing conferences, finalized 2,080 Section
9 32 Agreements. And of those 2,080, 1,723 were
10 considered at a hearing, and 357 were approved via a
11 desk decision.

12 The Administrative Review Division received 1,064
13 applications for Administrative Review, processed 952
14 applications, for an end-of-month inventory of
15 8,530 cases. And finally, Legal Affairs Division
16 received 84 applications for Full Board Review,
17 processed 99 applications, for an end-of-month
18 inventory of 200 cases. That concludes my report.
19 Thank you.

20 CLARISSA RODRIGUEZ: Okay, thank you so
21 much, Keith. Agenda -- Board Members, are there any
22 questions or need for discussion? Okay, hearing none,
23 may I please have a motion to accept the Office of
24 General Counsel's Departmental Report?

1 PAMELA CAGGIANELLI: Madam Chair, this is
2 Board Member Caggianelli, and I move that we accept
3 the General Counsel's Departmental Report.

4 CLARISSA RODRIGUEZ: Okay, thank you, Board
5 Member Caggianelli. Is there a second?

6 RENEE DELGADO: Board Member Delgado, I
7 second.

8 CLARISSA RODRIGUEZ: Okay, thank you, Board
9 Member Delgado, for that second. Is there any
10 opposition to the motion? Hearing none, Board Members
11 all in favor, please say aye.

12 ALL: Aye.

13 CLARISSA RODRIGUEZ: Thank you. All
14 opposed? I hear no opposition, I am also a yes. That
15 motion is passed. Thank you, Board Members. Agenda
16 Item 3, License Applications. Senior Attorney,
17 Benjamin Jacobs, will now present the Licensing
18 Applications for the previous month. Morning.

19 BENJAMIN JACOBS: Good morning, Madam Chair,
20 Madam Vice Chair, Board Members, and Colleagues. You
21 have before you the recommendations from the Assigned
22 Board Panel regarding the Licensing Applications
23 listed in part 3 of today's agenda. Under
24 Section 24-a, Mark Tabakman, Esquire, three-year

1 renewal. Under 50(3-b) Benetech Incorporated,
2 qualifying officer, Michael J. Keenan, Esquire,
3 three-year renewal; and First Unum Life Insurance Co.,
4 qualifying officer, Mark A. Konkell, Esquire,
5 three-year renewal. And then under Section 50(3-d),
6 UPMC Benefit Management Services, Inc., qualifying
7 officer, Christopher Whyland, Esquire, three-year
8 renewal. I present these recommendations to the Board
9 for your consideration. Thank you.

10 CLARISSA RODRIGUEZ: Okay, thank you so
11 much. Board Members, are there any questions or need
12 for discussion?

13 STEVEN CRAIN: I have a question.

14 CLARISSA RODRIGUEZ: Yes.

15 STEVEN CRAIN: What the Senior Attorney just
16 mentioned, doesn't seem to comport with the agenda.

17 CLARISSA RODRIGUEZ: Oh, okay. I guess,
18 did, did we maybe misread the actual Licensing? If
19 it's, we can do it again if we -- if we need to
20 correct it. Do you have the agenda incorrect? Excuse
21 us, folks, while we figure it out.

22 KEITH LONGDEN: I think this is May's
23 agenda, licensing portion.

24 CLARISSA RODRIGUEZ: This is May's agenda?

1 KEITH LONGDEN: Yeah, the rest is correct.

2 CLARISSA RODRIGUEZ: Okay, everyone, so what
3 we read was correct, but just what's listed on, on the
4 written agenda is incorrect. Okay. So folks, for
5 those who have our agenda, it will be updated with the
6 correct information and will be replaced online.

7 (Simultaneous crosstalk.)

8 LAURA INGLIS: -- online, and posted to the
9 website.

10 CLARISSA RODRIGUEZ: Okay, the correct one
11 has been posted to our website. We'll verify and make
12 sure. Thank you so much, Board Members, for picking
13 that up. All right, so knowing that, what was read
14 into the record at the meeting was accurate, Board
15 Members, are there any questions or need for
16 discussion? Okay, hearing none, may I please have a
17 motion to accept the recommendations of the Board
18 Panels as presented?

19 SAMUEL WILLIAMS: Yes, Madam Chair, Board
20 Member Sam Williams, I move that we accept the
21 recommendation.

22 CLARISSA RODRIGUEZ: Okay. Thank you,
23 Board Member Williams. Is there a second?

24 PAMELA CAGGIANELLI: Madam Chair, this is

1 Board Member Caggianelli and I second that motion.

2 CLARISSA RODRIGUEZ: Thank you, Board
3 Member Caggianelli. Is there any opposition to the
4 motion? Okay, hearing no opposition, Board Members
5 all in favor, please say aye.

6 ALL: Aye.

7 CLARISSA RODRIGUEZ: All opposed? Okay,
8 hearing no opposition, I am also a yes. That motion
9 is passed. Thank you. Agenda Item 4, Legal Appeals.
10 Keith Longden will now present the recommendations
11 concerning decisions by the Appellate Division.

12 KEITH LONGDEN: Thank you, Chair. This
13 month's agenda there are seven decisions of the
14 Appellate Division, Third Department located 4A
15 through 4G of your agenda. It's the recommendation of
16 the Office of General Counsel that all seven cases be
17 adopted as -- all seven decisions, be adopted as the
18 decisions of the Board. Thank you.

19 CLARISSA RODRIGUEZ: Thank you, Keith.
20 Board Members, are there any questions or need for
21 discussion? Hearing none, may I please have a motion
22 to accept the recommendations of the Office of General
23 Counsel with regards to decisions by the Appellate
24 Division?

1 STEVEN CRAIN: Madam Chair, Board Member
2 Crain, I move to accept the recommendation of the
3 General Counsel.

4 CLARISSA RODRIGUEZ: Okay. Thank you,
5 Board Member Crain. Is there a second?

6 MARTIN DILAN: Board Member Dilan, and I
7 second.

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

12 ALL: Aye.

13 CLARISSA RODRIGUEZ: All opposed? Again,
14 hearing no opposition, I am also a yes. That motion
15 is passed. Thank you, Board Members. Agenda Item 5,
16 Mandatory Full Board Review. We have case number,
17 case 5A, Smart Restoration Corporation, case number
18 G3329143. Is there a motion with respect to 5A on the
19 agenda?

20 RENEE DELGADO: Yes, Madam Chair, Board
21 Member Delgado, I make a motion to adopt the dissent
22 opinion.

23 CLARISSA RODRIGUEZ: Okay, thank you, Board
24 Member Delgado. Is there a second?

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

3 CLARISSA RODRIGUEZ: Thank you, Board Member
4 Dilan. Is there any opposition to the motion? Okay,
5 hearing no opposition, Board Members all in favor,
6 please say aye.

7 ALL: Aye.

8 CLARISSA RODRIGUEZ: Thank you. And all
9 opposed? Hearing none, I am also a yes, that motion
10 is passed unanimously. Thank you, Board Members.
11 Agenda Item 6, Discretionary Full Board Review. I now
12 turn this portion of the agenda over to Vice Chair
13 Freida Foster.

14 FREIDA FOSTER: Thank you very much, Madam
15 Chair. Good morning, everyone. For the cases listed
16 in your, in Item 6 of your agenda, it has been
17 recommended that Full Board Review be granted. Those
18 cases are 6A, Matter of Albany Police Department; 6B,
19 Matter of Verizon New York Inc.; and 6C, Matter of
20 Goodyear Tire and Rubber. I move to refer the cases
21 back to their respective Panels for further
22 consideration.

23 CLARISSA RODRIGUEZ: Okay, thank you, Vice
24 Chair Freida Foster. Is there a second?

1 MARK HIGGINS: Yes, Madam Chair, Board
2 Member Mark Higgins, I second the motion.

3 CLARISSA RODRIGUEZ: Okay, thank you for
4 that second. Are there any, is there any opposition
5 to the motion? Are there any recusals? Okay, hearing
6 none, Board Members all in favor, please say aye.

7 ALL: Aye.

8 CLARISSA RODRIGUEZ: All opposed? Hearing
9 no opposition, I am also a yes. That motion is
10 passed. Thank you. Um, Board Members, is there any
11 other business? Okay, if not, I will take a moment of
12 executive privilege to say a few words myself.

13 So as I announced a couple of months ago, I have
14 made the decision to step down as Chair of the Board.
15 It's hard to believe that my tenure as Chair and head
16 of this agency has drawn to a close after almost eight
17 years in September.

18 I've learned a lot about leadership and what it
19 takes to lead an almost 1000 state employees. The
20 almost 1000 state employees, who tirelessly administer
21 several important insurance programs on behalf of New
22 Yorkers, and do it well.

23 And while there's always room for improvement, I
24 am immensely proud of the work that we have done to

1 improve and modernize our operations, bring more
2 medical providers into the system, get them paid
3 faster, and put hearings on the calendar faster than
4 ever before. And more importantly, to ensure that New
5 York's workers are taken care of expeditiously when
6 they need it the most.

7 But yesterday, as I was having some conversation
8 with my Board Members, it was, someone mentioned that
9 we're not very good at touting our own successes. So
10 I figured this is my last opportunity to do so, so I
11 will take it proudly because I want the public to know
12 just how remarkable the employees at this agency are,
13 and what they've been able to accomplish just in my
14 tenure.

15 So when I came on as Chair in 2017, the Board had
16 just piloted virtual hearings, and then rolled them
17 out statewide in 2018. This enabled injured workers
18 and other hearing participants to attend their
19 hearings from the convenience of their home or office,
20 anywhere with a computer or mobile device.

21 Then in 2018, the Board implemented its
22 successful payor compliance program, monitoring
23 performance and improving imposing penalties for late
24 payments to injured workers. We also successfully

1 implemented New York State's landmark Paid Family
2 Leave program, and developed new Permanent Impairment
3 Guidelines to provide medical providers with more
4 clarity and reflected advances in medical care and
5 outcomes.

6 We also promptly created new procedures to ensure
7 injured workers get a hearing within 45 days when they
8 are not receiving benefits and their claim is
9 undisputed. And successfully defended a lawsuit to
10 close the reopened case fund to new cases, eliminating
11 unnecessary system costs.

12 In 2019, we implemented our first drug formulary,
13 and hosted several regional conferences to share
14 updates and successes, and provided extensive
15 training.

16 In 2020, as COVID-19 caused major disruption to
17 every industry across the country, and globally, the
18 Board kept the New York State compensation system
19 fully running without interruption through our virtual
20 hearings, enabling the continued flow of critical
21 benefits to injured workers.

22 We also embarked on an outreach campaign to
23 educate workers and first responders across the state
24 about their rights to file a workers' compensation

1 claim if they believed they contracted COVID at work.
2 We also introduced telemedicine into the workers'
3 compensation system, which are now permanent, but at
4 the time we did it through emergency regulation.

5 We also, that same year, implemented the Expanded
6 Provider Law, enabling more types of healthcare
7 providers to become authorized to treat injured
8 workers. We also implemented the Farm Laborers Fair
9 Labor Practices Act, providing disability and Paid
10 Family Leave benefits to farm workers.

11 Also in 2020, the Board began making changes to
12 encourage healthcare provider participation, and
13 improved injured workers access to medical care,
14 making the strategic decision to transition to
15 universal medical billing forms. Updated our medical
16 fee schedules for the first time in over a decade, and
17 implemented online authorization process. We've also
18 implemented the Injured Workers Legal Assistance
19 Project with the New York State Bar Association to
20 provide free legal assistance to workers with medical
21 only cases.

22 In 2021, after staff telecommuting by necessity
23 through COVID was implemented, the statewide pilot
24 program, the Board implemented its own more permanent

1 telecommuting program for Board staff, and revamped
2 our public-facing website to make it easier for
3 injured workers and other stakeholders to access the
4 information they need, all while presiding over the
5 1,000th meeting of the Full Board.

6 In 2022, the Board successfully implemented
7 OnBoard Limited Release, the first phase of the
8 Board's new business information system. And a huge
9 step in the modernization of the Board. We also
10 adopted 12 new and/or updated Medical Treatment
11 Guidelines; launched related training for healthcare
12 providers and nonmedical staff; completed the
13 transition to the universal medical billing form, the
14 CMS-1500; and eliminated countless other forms.

15 Internally, we established our inaugural
16 Diversity, Equity and Inclusion Council, DEI Council,
17 comprising staff, comprising of staff from different
18 regions, roles, ages, abilities, ethnicities, genders,
19 sexualities, religions, to help the Board understand
20 and address DEI issues from a range of perspectives;
21 and submitted our first five-year DEI strategic plan
22 to the Governor; and appointed our first ever Chief
23 Diversity Officer; and hired our first full-time
24 Language Access Coordinator. All to advance DEI goals

1 internally and externally. And I have to say this
2 commitment remains strong with the Board.

3 And in 2023, I was finally reappointed as,
4 formally, as Chair of the Workers' Compensation Board.
5 At that same year, we hosted our first ever virtual
6 New York State Workers Advocate Conference on May Day,
7 bringing together government, labor, research
8 institutes, and community based organizations to build
9 community among those advocating for vulnerable
10 workers.

11 That same year, we reached our one millionth
12 Prior Authorization Request, or PAR submission, via
13 the new business information system, OnBoard, and made
14 over 60 enhancements. Many in response to stakeholder
15 feedback, gleaned through focus groups, and other
16 outreach.

17 I also hosted the Board's first internal
18 leadership conference to build consensus on agency
19 core values and enhanced leadership communication and
20 collaboration, which has led to countless employee
21 engagement and recruitment initiatives that continue
22 to this day. Including one that I will miss the most,
23 our COMPversations with Clarissa, which is our, is our
24 internal show here at the Board where I had the honor

1 and privilege of interviewing a lot of our management
2 and exposing the rest of our staff to the remarkable
3 leaders that we have here at the Board.

4 All of that to say that we've been busy over the
5 years, and we must do better at singing our own
6 praises. And I'm happy to do so today. Um, and as I
7 depart, you know, I'll just say that I'm incredibly
8 grateful of the opportunity to continue to serve on
9 the Board as a Board Member.

10 And wanted to take this opportunity to thank all
11 of our dedicated staff, many of whom are here in the
12 room today, and the Board Members, without which, none
13 of this would be possible. Thank you so much for
14 making this the most remarkable professional
15 experience of my life. Thank you so much. Upward and
16 onward.

17 ALL: (Clapping.)

18 CLARISSA RODRIGUEZ: I'm glad I did not
19 start to cry there. It was a little touch and go
20 there for a moment. But with that, just know that the
21 Board will be in very, very capable hands. And now,
22 may I please a motion to adjourn today's meeting?

23 STEVEN CRAIN: Motion to adjourn.

24 (Simultaneous crosstalk.)

1 CLARISSA RODRIGUEZ: Thank you. May have I
2 a second?

3 MARK HIGGINS: Second, Board Member Higgins.

4 CLARISSA RODRIGUEZ: Thank you, Board
5 Member Higgins. Is there any opposition to the
6 motion? Okay, hearing none, Board Members all in
7 favor, please say aye.

8 ALL: Aye.

9 CLARISSA RODRIGUEZ: All opposed? Hearing
10 no opposition, that meeting is, that motion is passed.
11 And the meeting is adjourned.

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13 (Whereupon, the meeting was adjourned.)

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