1 Workers' Compensation Full Board Meeting Minutes 2 Date: Tuesday, September 16, 2025 3 Location: 328 State St., Schenectady, NY Room 324 Webcast Live 5 Time: 10:00 a.m. 6 7 MEMBERS OF THE BOARD Freida Foster, Chair 8 Renee Delgado, Esq., Vice Chair Mark Higgins 9 Samuel Williams Steven A. Crain, Esq. 10 Clarissa Rodriguez, Esq. (Appearing remotely per Public Officers Law § 103-a [2][c]) 1.1 Pamela Caggianelli Martin M. Dilan 12 Gloribelle Perez, Esq. Bob Bergin, Esq. 13 Peter DeJesus, Jr. Maria Matos, Esq. 14 Gina Sillitti 15 16 SECRETARY TO THE BOARD Laura Inglis 17 ACTING GENERAL COUNSEL 18 Keith Longden, Esq. 19 20 SENIOR ATTORNEY Benjamin Jacobs, Esq. 21 22 23

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2	FREIDA FOSTER: Good morning, and welcome, everyone. Thank you for joining us this morning. I'm
3	Freida Foster, Chair of the Workers' Compensation
4	Board. Today's Full Board meeting is being webcast
5	live from, for members of the public. Welcome. It is
6	also facilitated by an American Sign Language
7	Interpreters. Thank you for joining us.
8	I now have the honor of calling the 1,046th
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.

	<b>[</b> ]`	
1		LAURA INGLIS: Board Member Perez.
2		GLORIBELLE PEREZ: Here.
3		LAURA INGLIS: Board Member Bergin.
4		BOB BERGIN: Here.
5		LAURA INGLIS: Board Member De Jesus.
6		PETER DEJESUS: Here.
7		LAURA INGLIS: Board Member Matos.
, 8		MARIA MATOS: Here.
9		LAURA INGLIS: And Board Member Sillitti.
10		GINA SILLITTI: Here.
11		LAURA INGLIS: Madam Chair, Board Member
12	. I	Rodriguez is joining us remotely.
13		FREIDA FOSTER: Thank you very much.
14 '	· -	Item 1 on the agenda. You've all received a copy of
15	· t	the July 15, 2025 meeting minutes for review. Are
16	, t	there any questions or need for discussion? Is there
17	ā	a motion to approve the Board meeting minutes?
18		PETER DEJESUS: Yes
19		MARK HIGGINS: Yes, Madam Chair, Board
20	1	Member Mark Higgins, I move to approve the Board
21	r	minutes.
22		FREIDA FOSTER: Thank you, Board Member
23 .	·	Higgins. Is there a second?
24		PETER DEJESUS: Madam Chair, I'll second

(Simultaneous crosstalk).

FREIDA FOSTER: Thank you, Board Member De Jesus. Any opposition? Hearing none, all favor, all in favor?

ALL: Aye.

FREIDA FOSTER: Any opposed? I'm also a yes, that motion is passed. Item 2 on the agenda is the Office of General Counsel Departmental Report.

And we are pleased to have our Acting General Counsel here, Keith Longden, who will present that report.

KEITH LONGDEN: Thank you very much, Chair Foster. As always it's a pleasure to be here. I'll begin with a brief summary of the statistics of some of the divisions in the Office of General Counsel that are responsible for issue resolution. These statistics are for the months of August -- I'm sorry -- the months of July and August, 2025. In August 2025, the Adjudication Division held 15,769 hearings, resolved 10,200 cases at hearings, issued 332 Reserve Decisions, held 1,307 pre-hearing conferences, and finalized 2,265 \$32 Waiver Agreements.

The Administrative Review Division received 890 applications for Administrative Review. Processed 979

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applications for Administrative Review, for an end-of-month inventory of 8,444 cases pending.

And finally, Legal Affairs Division, during the month, received 85 applications, processed 77 applications, and then end-of-month inventory of 206 cases.

During the month -- that was for the month of August. And previous to that, in the month of July 2025, the Adjudication Division held 16,872 hearings, resolved 10,280 cases at hearing, issued 320 Reserve Decisions, held 1,387 pre-hearing conferences, and finalized 1,967 §32 Waiver Agreements.

The Administrative Review Division received 1,099 applications, processed 1,080 applications, for an end-of-month inventory of 8,534 cases.

Finally, Legal Affairs Division received 97 applications for Full Board Review, processed 106 applications, for an end-of-month inventory of 197 cases.

And that concludes my report. Thank you all very much.

FREIDA FOSTER: Thank you, General Counsel. Are there any questions or any need for discussion? May I have a motion to accept the Office of General

1		Counsel's Departmental Report?
2		PAMELA CAGGIANELLI: Madam Chair, this is
3		Board Member Caggianelli, and I move that we approve
4		that report.
5		FREIDA FOSTER: Thank you, Board Member
6		Caggianelli. Is there a second?
7		MARIA MATOS: Madam Chair, Maria Matos,
8		also.
9		FREIDA FOSTER: Thank you, Board Member
10	,	Matos. Is there any opposition? Hearing none, all in
11		favor?
12		ALL: Aye.
13		FREIDA FOSTER: Any opposed? I'm also a
14		yes, that motion is passed. Item Number 3, Licensed
15		Applications. Assistant Attorney, Benjamin Jacobs,
16		will now present the Licensing Applications.
17		BENJAMIN JACOBS: Good morning, Madam Chair,
18		Madam Vice Chair, Board Members, and Colleagues. You
19		have before you the recommendation from the Assigned
20		Board Panel regarding the Licensing Application listed
21		in Part three of today's agenda. Under
22		Section 50(3-b), Standard Life Insurance Co. of New
23		York, Qualifying Officer, David Goldin, Esq.,
24		three-year renewal. I present this recommendation to

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1		the Board for your consideration. Thank you.
2		FREIDA FOSTER: Thank you very much. May I
3		have a motion to accept the recommendation of the
4		Panel as presented?
5		GLORIBELLE PEREZ: Board Member Perez, I
6	,	move to approve the recommendation.
7		FREIDA FOSTER: Thank you, Board Member
8		Perez. Is there a second?
9		STEVEN CRAIN: Second, Board Member Crain.
10		FREIDA FOSTER: Thank you, Board Member
11		Crain. Is there any opposition? Hearing none, all in
12		favor?
13		ALL: Aye.
14		FREIDA FOSTER: Any opposed? I'm also a
15		yes, that motion is passed. Back to the State,
16	1	General Counsel Longden will now present the
17		recommendation concerning the decision by the
18		Appellate Division.
19		KEITH LONGDEN: Thank you again, Chair
20		Foster. Since the last Board meeting in July, the
21		Appellate Division Third Department has issued only
22		one decision on a case on appeal from a decision of
23	·	the Board. You can find that one case in Item 4A on
24		your agenda. That decision of the Board and it's

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1		the recommendation of the Office of General Counsel
2	,	that that decision be adopted as the decision of the
3	,	Board.
4		FREIDA FOSTER: Thank you. May I have a
5		motion to accept the recommendation of the Office of
6		General Counsel?
7		PAMELA CAGGIANELLI: Board Member
8		Caggianelli, I make the recommendation that we accept
9		that.
10		FREIDA FOSTER: Thank you, Board Member
11		Caggianelli. May have I a second?
12		SAMUEL WILLIAMS: Board Member Williams,
13		second that motion.
14		FREIDA FOSTER: Thank you, Board Member
15		Williams. Is there any opposition? Hearing none, all
16		in favor?
17		ALL: Aye.
18		FREIDA FOSTER: Any opposed? I'm also a
19	· •	yes, that motion is passed. There is nothing to
20'		consider for our Mandatory Full Board Review in agenda
21		Item 5. So agenda Item 6. I turn this portion over
22	į	to Madam Vice Chair Delgado.
23		RENEE DELGADO: Thank you, Madam Chair. For
24		the cases listed in Item 6 of your addenda, it has

been recommended that Full Board Review be granted.

Those cases are 6A, G3671296, Matter of London

Trucking Inc.; 6B, G3218289, Matter of Cifarelli's

Crystal Clear, Clea; 6C, G3353415, Matter of KNA

Solutions LLC. I move to refer the cases back to the respective Panels for further consideration.

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

MARTIN DILAN: Board Member Dilan, I second.

FREIDA FOSTER: Thank you, Board Member
Dilan. Does anyone need to be recused from these
cases? Is there any opposition? Hearing no
opposition, all in favor?

ALL: Aye.

FREIDA FOSTER: Any opposed? I am also a yes, that motion is passed. Is there any other business that needs to be addressed? Okay. Today we have a guest speaker. Our Executive Director, Steven Scotti, is here. He joined us in 2022 celebrating his third year work anniversary.

Steve started the Board with a vision to improve our system by continuing to improve the system for all stakeholders in furtherance of the Board's critical mission to serve injured workers and employers.

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Today Steve will give us an update on the work (audio garbling) system and improving the technology particularly through the (indecipherable) that we have to make that happen. Steve.

STEVEN M. SCOTTI: Thank you, Madam Chair, Madam Vice Chair, Board Members of the Board, professional colleagues, and other guests. Today I'm going to present a high level overview of the operational efforts being made to get hearings held more quickly, and to resolve certain disputes without the need for a hearing.

Before I begin, I just want to anchor all the Board's efforts in the Board's mission statement. The New York State Workers' Compensation Board protects the rights of employees and employers by insuring the proper delivery of benefits and by promoting compliance with the law.

This is a powerful mission statement. And it reminds us of the importance of that all we do here as an agency. The agency and its staff are stewards of the statute of the Workers' Compensation Law. And operationally, this informs us in everything that we do.

The framework of our efforts must be looked at in

the context of the Board's OnBoard Modernization

Program. This program is essential to the Board's

operations, and for the Board to fulfill its mission

statement in being more efficient and effective for

all stakeholders.

This slide here gives a little overview, kind of where we were, where we are, where we're going. You might want to look at the three columns as the past, the present, the future, or yesterday, today and tomorrow. I'm going to focus on the current progress that's been made with the OBLR PAR process that was rolled out in 2022. And then I'm going to talk about the RFA-1LC eForm that became mandatory in December of 2024.

And essentially what we have is an agency that is going from a purely paper environment to an online submission and resolution system, where there's an interactive ability of the user to communicate with us, and to provide the information that's necessary for us to do what needs to be done, and to make sure that hearings are held that need to be held, and that (indecipherable) resolutions can be decided where that's appropriate.

The Future State are all the benefits of the

OnBoard Modernization Program. We are not only re-platforming all of our legacy systems at the Board, but we're doing it in a way that will improve the quality and accuracy of information that we have, allow users to do self service. And you'll see how this work with both the OBLR PAR process and the RFA-1LC eForm.

In May of 2022, the OnBoard Limited Release went into effect for Prior Authorizations Requests. These are requests by medical providers for treatment. And as you can see, to date, nearly 3 million PARs have been resolved through this process, with only 9% being escalated to the Medical Director's Office. Fewer than 1% needing a hearing.

And 95% of medications, durable medical equipment, special services, and behavorial health PARs are resolved within one day, and the remaining 5% resolved within two days. This was a big change from the paper submission process that existed right before May of 2022.

The authorization has significantly expedited the process in comparison to paper requests. It's almost, you know, it's a huge understatement to say significantly expedited, this is transformational for

all the practitioners in the field who went from the paper submission process to this online submission process, where you immediately see your submission in the portal. Transformative change that brings speed, accuracy, and data analytics. And I'll talk about data analytics in a little while as well.

So how did get here? After the roll out in 2022, there was extensive outreach and feedback from payors and medical providers. And quite frankly, there were a lot of complaints from both payors and providers that the system needed to be improved. So we did substantial outreach, not only to individual doctors, but to medical associations, as well as all stakeholders.

Surveys were done, communications were done, webinars gov deliveries. We really listened to the community to try to improve this system. Everyone agreed that the electronic submission system was much better than the paper process, but they wasn't to see it improved.

And improve it we did. Since 2022, we made over 75 PAR enhancements. Many of these were at the request of stakeholders. All of the enhancements on this slide were made in 2024, with the exception of

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the grant without prejudice at Level 1, which was done in the second half of 2023.

And the process today is very much more efficient than it was in 2022. And it has delivered on a lot of the promise of the modernization program. It also provides us with data analytics that don't require a manual review. So for the first time we can see and analyze the submissions to make recommendations to stakeholders in how they can improve their submissions for better results.

The enable delegate submission and escalation of PARs, that was probably the number one request from medical providers, which we were able to, to enhance the system in 2024. And we have a few more enhancements as well. Process is, it's also continuing on how we can tweak the system to make it better.

Overall today there's much more medical provider satisfaction, as well as payor satisfaction. I really don't receive complaints about the PAR process That was the number one complaint I received when I became the executive director in September of 2022. So there's been a lot of success built into this system, and the authorizations are being made

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much more quickly than ever before.

I'm going to turn to eForms. Because the OnBoard Modernization Process, one of the key efficiencies is the use of an electronic form. And this slide shows you the difference of paper and electronic.

You can see that the paper forms that are mailed to the Board, it takes three days just for it to be scanned in by our vendor, another two days to arrive at our Claim Information System, and then it works its way through examiner queues in Operations, and that takes about three days. So we don't even see the pieces of paper until day nine. And that's if it went to the right place.

We estimate that about 20% of all submissions are incorrect, or need corrections or additional information. So unfortunately, we then return that to sender and we go back through this all again.

On the electronic side of the house, we have, you see ten seconds there, it's probably really three seconds, because I tested it out, but we're going to be generous here with ten seconds. You can see the difference here. First, up front, we have quality assurance control, so you cannot even submit your electronic form until you provide the information that

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we need. So we no longer will send it back to you for a resubmission.

Attorneys today who file an eForm will see that in the e-case system within 3 to 10 seconds. Light years ahead of where it was prior to the roll out of the first eForm. And again, we get data analytics from these eForms. We see what's on the submission.

In the past, we would have to do a manual review of each form to see which boxes were checked requesting what type of action, what type of hearing, why. Now all of this is programmed and our data management folks can show us data as to what type of hearings are needed. And this enables us to improve our own workloads. So we have a lot of speed here, the elimination of delays, and you have quality data, and transparency for the user of the eForm.

So the first eForm that was rolled out for attorneys was the RFA-1LC. This is an eForm for claimants' attorneys. There are two RFAs: There's an 1LC for claimants' attorneys, and the RFA-2 for carriers' attorneys.

We wanted to get the biggest bang for our buck, so we went with the RFA-1 first. And as you can see from the slide, this form has enabled to the Board to

schedule requested hearings 50% faster than a year ago. And just as a frame of reference, we receive about 10,000 RFA-1LC forms a month, so you can see the volume.

So just how quickly is the Board scheduling a hearing from the receipt of a request for one by an RFA-1LC? You can see how quickly we do it here. Pretty good. The average today is 35 days from the receipt of the request for a hearing. A year ago, it was double that. So 50% faster than a year ago.

This is really even more impressive when you think about the fact that we give 21 days advance notice by mailing our hearings. So we will not schedule a hearing for the first 21 days. So we're getting hearings on average now two weeks when you, you know, two weeks plus the mailing time. This is, this is a performance that is probably been, I could extend this graph back many, many years, I don't think you're going to see as good a performance as this.

35 days. And that is sustainable.

And again, 20% of these RFAs were returned because they had insufficient information, or needed additional information. That no longer happens. So we're doing a much better job of getting hearings held

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upon request.

The chart also includes the RFA expedited hearing request. This is the 45 day hearing request pursuant to Section 25.2(a), which was amended in 2017 to require a hearing within 45 days when a claimant was not working, and the employer was not paying compensation as required by law, in an accepted case.

Prior to the use of the eForm, fewer than 2% of all RFAs were the RFA expedited 45 day hearing request. Post implementation of this eForm, and I think this shows you the quality controls that are built into the submission, that has now grown to 8%. So now we have 45 day expedited hearings have more than tripled with the use of eForm. So we're getting the hearings to the people who need them because they are not receiving benefits as required by law.

I want to talk about two more initiatives to clear calendar hearing space for claims with actual disputes that need a hearing. We have about 240,000 hearings a year. That number, you know, is pretty much in that ballpark each and every year. And we want to make sure that the hearings that the Board uses are for actual disputes.

So where you have a stipulated agreement, like a

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§32 Waiver Agreement, looking at this, you know, can we do any of this off calendar, off the hearing? Let me first say, §32 Waiver Agreements entered the statute in 1996 as part of the 1996 historic Reform Package. And from 1996 to 2016, every §32 Waiver Agreement had to be approved at a hearing before a Law Judge. We would not allow a desk review. Even though these are agreements by parties represented by counsel. Nothing in dispute.

So that changed in 2016 when the Board issued a Subject Number that said for the first time, the Board on its own motion will approve a \$32 when it only involves the settlement of indemnity. The Subject Number also said the parties can also agree to a desk review that would be a full waiver of both medical and indemnity. But I can tell you that that has rarely been used by the stakeholders. A little bit more on that coming up.

So Waiver Agreements settling medical benefits could not be approved at a, at a desk review. So with the desk review approval, the, let's look at some of the data here, you can see, you know, we average, we're averaging now about 20,000 to 22,000 §32 Waiver Agreement approvals a year. You see 2016 when the,

when the Board opened the door for desk review approvals, we start seeing percentages of desk review approvals. We looked at the data for these years, they are primarily indemnity only cases, there was a large inventory of indemnity cases where attorneys were seeking 32 approvals. Very, very few of these were Full Waivers based on an agreement by both parties.

In looking at the recent years, the desk review approvals shrunk to 2 to 3%. And we looked at the data here as well and 85% of these were Full Waivers. So the attorneys today are really getting §32 Agreements approved with a waiver of both indemnity and medical, a Full Waiver Agreement.

So we want to drive the desk review approval percentage much higher so we can create additional hearing space on calendar for those claims with actual disputes. So we did two things: The Board issued a Subject Number on July 1st of 2024 expanding the desk review process. And basically said, on our own motion, the Board will do a desk review for a full waiver of medical indemnity, but only if it is \$10,000 or less. If it is more than that, the Board will not do a desk review. The parties could always, of

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course, consent to a desk review, but continued not to do so.

We spoke about this, I spoke about this at the Workers' Compensation Board conference last October. And got feedback from attorneys on both sides of the aisle, basically saying look, basically saying we like the desk reviews, why don't you raise it to \$25,000? I said why not. So January 6, 2025, we raised the amount to \$25,000. I also had the opportunity to remind lawyers that you can always consent to a desk review, regardless of the amount, if both attorneys consent.

So how did we do? Pretty good. You can see we're now about 22% of 32 approvals are being done by desk review. 22% of 22,000, that savings 4840 spots for hearings with actual disputes. Helps us gets cases on calendar before judges.

Our goal is to reach 40% here. We think we can reach 40%. We're starting to see attorneys now check the box to consent to desk reviews. So we think a 40% goal is reasonable and achievable. And we're hoping to see this continue upward. And if we were to have 40% of §32s approved via desk review, that would open up nearly 9000 hearings a year for actual disputes.

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So again, would help to us get the hearings held for those claims that need them to be before a Law Judge. Now I do want to say that no desk review is ever done with a claimant is unrepresented, or where a language interpreter is required.

Another initiative to reduce the time to get a hearing involves the Uninsured Employer's Fund. Where an employer has no coverage, or where the carrier is disclaiming coverage, hearings will be held in the Uninsured Employer's Fund part.

And it's important that these hearings be expedited, quite frankly, because often there's no doubt that there is an injury, and there's no doubt that benefits are needed. There's just a dispute as to who is going to pay them. Is it going to be one carrier versus another carrier, or the Uninsured Employers Fund.

When we were looking at the numbers here, we saw that we had quite a backlog in 20 -- that's June 2024, we had 592 claims in an unset status, meaning they are waiting to be scheduled for a hearing. We've actually had that a little higher than that, in the 600s. And we went about reducing that. And we did it with four process improvements.

When we, when the Board reopened to the public with hearings by appointment only, we decided to consolidate all the UEF hearings into four virtual parts. Prior to that, UEF hearings were spread across the state, all the judges kind of had them. We decided we can get efficiencies by consolidating them into four virtual parts, which we did, and continue to do. We added some UEF hearing sessions.

And then we monitor them, so we can move, you know, if one part was light, we can move other cases to the other parts to even them out so that there would be uniformity. And we also assigned Judges who had expertise in UEF hearings. These are kind of complicated cases. And it's important to have a Judge who has expertise in handling these.

So now you can see the average number of unsets has been reduced below 80. That really means you are going to wait a week, maybe no more than two weeks to have a hearing. So a lot of success here on the UEF front. And we are looking at other, we have other initiatives underway. Always looking to get hearings held much faster that they have been before.

So this concludes my report on operational efforts and the results of holding hearings more

1	quickly, and to facilitate the resolution of disputes.
2	Thank you.
3	ALL: Thank you.
4	FREIDA FOSTER: Every third work
5	anniversary here. All right. May I have a motion to
6	adjourn?
7 :	GINA SILLITTI: Board Member Sillitti, I
8	move to adjourn.
9	FREIDA FOSTER: Thank you, Board Member
10	Sillitti. May I have a second?
11	PAMELA CAGGIANELLI: Board Member
12	Caggianelli, second.
13	FREIDA FOSTER: Thank you, Board Member
14	Caggianelli. All those in favor?
15	ALL: All aye.
16.	FREIDA FOSTER: Opposed? I'm also a yes,
17	that motion is passed. Meeting adjourned.
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19	(Whereupon, the meeting was adjourned.)
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