



January 3, 2022

CIRCULAR LETTER NO. 2396

To All Members and Subscribers of the WCRIBMA:

Revisions to the Massachusetts Workers' Compensation Statistical Plan and Experience Rating Plan

On December 30, 2021, the Massachusetts Division of Insurance (“DOI”) approved the WCRIBMA’s attached Filing to extend the accident date range of Catastrophe Number 12 (COVID-19 Pandemic) within the Massachusetts Workers’ Compensation Statistical Plan and the Experience Rating Plan to include accidents out to December 31, 2022.

WCRIBMA Circular Letter #2380 announced the DOI’s approval of adding Catastrophe Number 12 to the Statistical Plan’s Extraordinary Loss Event Table and the exclusion of Catastrophe Number 12 claims from experience rating and merit rating calculations in the Experience Rating Plan. The accident date range for COVID-19 claims within that approval included claims from 12/01/2019 to 12/31/2021 and noted that the ending accident date could be amended in consultation with state regulatory authorities. Given the continuing impact of COVID-19, after consultation with the DOI the WCRIBMA filed to extend the Catastrophe Number 12 accident date range out to 12/31/2022. It is still noted that this ending accident date could be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.

The Internet-based versions of the affected manual pages, accessible at www.wcribma.org, will be updated soon.

Please contact Anthony Salido (617-646-7524 or asalido@wcribma.org) if you have any questions.

Anthony Salido
Assistant Vice President, Data Operations / Actuary

Attachment



December 21, 2021

The Honorable Gary D. Anderson
Commissioner of Insurance
Commonwealth of Massachusetts
Division of Insurance
1000 Washington Street, #810
Boston, MA 02118-4082

RE: Revisions to the Massachusetts Workers' Compensation Statistical Plan and Experience Rating Plan

Dear Commissioner Anderson:

Enclosed for your review and approval are revisions to the Massachusetts Workers' Compensation Statistical Plan ("MA Statistical Plan").

The proposed change include:

- Extension of the accident date range of Catastrophe Number 12 in the Extraordinary Loss Event Table.

Also enclosed for your review and approval are revisions to the Experience Rating Plan.

The proposed change include:

- Extension of the exclusion of claims reported with Catastrophe Number 12 from experience rating calculations.

Enclosed are brief descriptions of the proposed changes, and the accompanying revised pages to the MA Statistical Plan and Experience Rating Plan. The proposed changes are shown in red, italic font.

If you have any questions about the revisions to the MA Statistical Plan and Experience Rating Plan, please contact Anthony Salido at 617-646-7524 or asalido@wcribma.org.

Anthony Salido
Assistant Vice President, Data Operations & Actuary

Statistical Plan Change

PART		CHANGE DESCRIPTION
VI	APPENDIX I	Update ending accident date for Catastrophe Number 12 from 12/31/2021 to 12/31/2022

Experience Rating Plan Changes

PART	PAGE	CHANGE DESCRIPTION
State Rule Exceptions	1	Update ending accident date for Catastrophe Number 12 from 12/31/2021 to 12/31/2022

**MASSACHUSETTS WORKERS' COMPENSATION
STATISTICAL PLAN**

Effective: December 31, 2021
Distributed: January, 2022
Part VI – Appendices

Appendix I – ELE Table
Page 1

PART VI - APPENDICES

APPENDIX I – EXTRAORDINARY LOSS EVENT TABLE

Extraordinary Loss Event			
Catastrophe Number	Event	Description	Accident Dates
12	COVID-19 Pandemic	COVID-19 Coronavirus Pandemic	12/1/2019– 12/31/202 1 ² *
48	World Trade Center Attacks	Events of September 11, 2001 attacks	9/11/2001 – 9/14/2001
87	World Trade Center Attacks	Rescue, recovery, and clean-up efforts related to September 11, 2001 at the World Trade Center site	9/11/2001 – 9/12/2002

* The 12/31/202~~1~~² ending accident date may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.

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* The 12/31/2022 ending accident date may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities.

STATE RULE EXCEPTIONS

RULE 1—GENERAL EXPLANATIONS

C. DEFINITIONS *Effective 01 Jan 2022*

3. Losses

Change Rule 1-C-3-a as follows:

No loss is excluded from the experience of a risk even if the employer was not responsible for the accident that caused such loss.

Exception: Claims reported with Catastrophe Number 12 are excluded from experience rating calculations. Catastrophe Number 12 claims include all claims attributable to the COVID-19 (coronavirus) pandemic with Accident Dates of December 1, 2019 through December 31, 202~~4~~2 (The ending accident date may be amended to an earlier or later date as circumstances warrant in consultation with state regulatory authorities). This rule applies to experience rating modifications with rating effective dates of August 16, 2020, and later.

Exception: Claims that are reported as noncompensable are excluded from experience rating calculations. For instructions on noncompensable claims, refer to Massachusetts Rule 4-B-2-f.

Exception: Losses reported with Catastrophe Number 48 are excluded from experience rating calculations. Catastrophe Number 48 claims include all workers compensation claims directly attributable to the September 11, 2001 attacks with accident dates of September 11 through September 14, 2001. This rule applies to experience rating modifications with anniversary rating dates of June 1, 2002 through May 31, 2006.

Exception: Losses reported with Catastrophe Number 87 are excluded from experience rating calculations. Catastrophe Number 87 claims include all workers' compensation occupational disease claims resulting from the rescue, recovery and clean up work at the World Trade Center occurring between the dates of September 11, 2001 and September 12, 2002. The employee's injury must have occurred within the jurisdiction of New York and the claimant must be filing for benefits under New York law. This rule applies to experience rating modifications with anniversary rating dates of June 1, 2002 through May 31, 2007.

6. Statistical Plan

Add the following to Rule 1-C-6:

In certain circumstances, fourth and fifth reports and corrections to those reports may be used in experience rating calculations. Refer to Rule 4-B-2-e.

In Massachusetts, the *Massachusetts Workers' Compensation Statistical Plan* is used.

Add the following to Rule 1-C:

9. Massachusetts Workers Compensation and Employers Liability Insurance Manual

The *Workers' Compensation and Employers Liability Insurance Manual* ("MA Manual") is the Massachusetts equivalent to NCCI's *Basic Manual*. Massachusetts users should substitute "MA Manual" for "Basic Manual" throughout this Plan.

D. ADMINISTRATION *Effective 01 Jul 2006*

Change Rule 1-D-4 as follows:

4. The designated carrier is issued the experience rating worksheet when the rating is calculated. The WCRIB will provide a copy of the rating to the insured upon request. Other parties, such as agents, risk managers, or carriers (other than the insuring carrier) can obtain a copy of the worksheet with the permission of the insured at a cost. The permission of the insured is presented through a "Letter of Authority," which must be on the insured's stationery and must be signed by the insured. An e-mail or a fax from the insured is considered the insured's stationery.

RULE 2—EXPERIENCE RATING ELEMENTS AND FORMULA

C. ELEMENTS OF EXPERIENCE RATING FORMULA AND WORKSHEET *Effective 01 Jul 2006*

5. Actual Incurred Losses

Change Rule 2-C-5 as follows:

STATE RULE EXCEPTIONS

RULE 1—GENERAL EXPLANATIONS

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