



LETIZIA TAGLIAFIERRO
INSPECTOR GENERAL

May 4, 2020

David Wertheim, Esq.
General Counsel
New York State Workers' Compensation Board
Attn: Provider Discipline
328 State Street
Schenectady, New York 12305-2318

Re: WCFIG 2754-325-2015

Dear General Counsel Wertheim:

[REDACTED], a risk advisor and insurance broker working as a consultant for the New York City Mass Transit Authority (MTA), alleged to the Office of the New York State Workers' Compensation Fraud Inspector General that many New York City Laborers Local Union [REDACTED] (Local [REDACTED]) members who had been laid off in or around 2015 after completing a phase of the MTA's East Side Access Project had filed for workers' compensation benefits claiming they were suffering from the occupational disease silicosis. Additionally, the [REDACTED] alleged that a majority of these claimants were receiving treatment from [REDACTED] of [REDACTED], and some diagnostic test results submitted by [REDACTED] for these claimants had been "reviewed by pulmonologists who have determined the findings to be untrue."

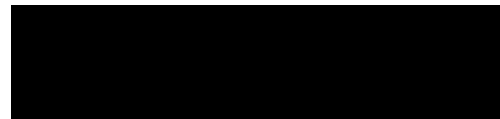
The Inspector General investigated this claim and found that [REDACTED] is rated in internal medicine and authorized by the New York State Workers' Compensation Board (WCB) to participate in the treatment of injured workers. The Inspector General obtained data from Liberty Mutual Insurance (Liberty), the insurance carrier for the contractors on the project, detailing the claims of silicosis made by [REDACTED] workers being treated by [REDACTED] between December 2011 and September 2016. A review of these claims found that between December 2011 and March 2014, Liberty utilized the services of multiple independent medical examiners. During this period, seven out of eight claims were established by the WCB. Subsequently, Liberty retained the services of [REDACTED] [REDACTED] a noted internist specializing in pulmonary medicine, to conduct its independent medical examinations utilizing more rigorous diagnostic testing procedures. During the period April 2014 to February 2019, 13 of the 16 claims made by Local [REDACTED] workers were ultimately disallowed. The Inspector General's review of these claims found broad discrepancies in the diagnoses of [REDACTED] and [REDACTED]

For the earlier period, December 2011 to March 2014, [REDACTED] was paid \$4,337.79. During the latter period, April 2014 to February 2019, no money was paid to [REDACTED] as all claims handled by [REDACTED] were controverted by the insurance carrier.

Given the discrepancies between [REDACTED] and the IME's findings and that the significant percentage of claims of workers examined by [REDACTED] were ultimately disallowed, I recommend that the Workers' Compensation Board conduct a comprehensive review of the tests conducted by [REDACTED] to evaluate his competence to continue as a participating provider.

Please advise me of any action taken by the Workers' Compensation Board in response to this recommendation within 45 days of the date of this letter. If you require further information, please contact Deputy Inspector General Jessica E. Silver at 212.635.3150.

Sincerely,



Letizia Tagliafierro
Inspector General