



## RETURN TO WORK AND STAY AT WORK PROGRAMS

Return to work programs have been such a hot topic in this year’s workers’ compensation environment, many expect it to be very hot in the 2007 Legislative session.

As costs soar and loss of productivity increases, public entities must look for a way to control both costs and losses. It has been demonstrated that an injured employee who continues to work or returns to work shortly after the injury will recover faster and more completely than one who is off completely. So, what are these ‘return to work and stay at work programs’ anyway and what will they do for your entity?

First of all, early return to work is the one subject that you cannot easily find on the internet. As for the Texas Department of Insurance, Division of Workers Compensation, not much information is there either. We can

conclude that these programs are going to be just what we make them to be. They will be the creation of your entity and what will work for you.

There will be some help out there, but you will need to put the proverbial blood, sweat, and tears into such a program. Our goal in this article is to give you some information that will help you push start your program.

First of all, let us tell you what we think an early return to work program is designed to do. An employer, when possible, should modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury as reconditioning for a return to full duty. Aside from the formal explanation, we know this as modified duty. In many cases, it has been called light duty. The employer must keep in mind that the Americans with Disabilities Act (ADA) accommodations may also be a part of this process.

Involving the injured worker and their doctor early on in the process will make it clear to both that you are concerned for the welfare of the

worker and truly want them back as a whole person. This also holds true in offering a stay at work program.

In short, these programs have many potential benefits for the employer and the employee. An employee who stays involved in some capacity in the work environment will have a higher degree of self worth, a lower occurrence of depression and will be a more productive member of society as a whole. The employer’s initial investment in their employees reduces loss of productivity.

Please keep an eye on this coming legislative session. We are sure it will be eventful as the issue of workers’ compensation costs parade across the floor of the House and Senate. Just as networks and employer run clinics are revolutionizing cost containment in health insurance, early return to work and stay at work programs in their infinite diversity will do the same for workers’ compensation in Texas in 2007. Who knows, this may be the next ‘Hot Topic’ for Texas PRIMA this fall and you may have information that other public entities need to help jump start their programs.

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January 2007

### Happy New Year!

The 2007 membership year is now underway. If you have not yet renewed your membership, don’t wait any longer! Submit your dues now to ensure your listing in the 2007 Member Directory and to continue receiving the benefits of your Texas PRIMA membership all year long! Visit [www.texasprima.org](http://www.texasprima.org) for more information or to download an application.

## Final Musings From The President...



Wow... what a great year! It's hard to believe that my term as President has come to an end. I want to extend my thanks to the entire membership for the opportunity to serve you this year. It truly has been a wonderful experience.

As I prepare to pass the gavel to Alan Smith, President-Elect, I find myself reflecting on 2006 and the activities of Texas PRIMA. In February, we had our first ever face-to-face meeting with our top-level *Scott Payne* sponsors to discuss ways to expand our partnerships with these vital contributors. Many valuable ideas were generated in this meeting, including the change in exhibitor hours at the annual conference, which was implemented in Corpus Christi. This meeting helped to give our sponsors a formal voice in the activities of the Chapter and we plan to continue this "tradition" in 2007.

In April, the Board set about the task of doing some vital strategic planning. Goals were set and action plans developed to build depth in leadership, build financial strength, formalize processes for committee chairs and board members, grow the membership, ensure the value of PRIMA for its members, and increase the profile of public risk managers in Texas. Significant strides were made in many of these areas but much work remains to be done.

In June, we broke the rule of "what happens in Vegas, stays in Vegas" by bragging to everyone about our National PRIMA award winners from Texas. David Kester, Harris County, was named the first ever Risk Manager of Year from Texas. Cindy Kirk, City of Bryan, received the International Exchange Program scholarship. Tina Paquet, City of Houston, was selected for the Chapter Service Award. And the UT System received a Risk Management Achievement Award. Who says no one ever leaves Las Vegas as a winner!

In September a survey of the membership was conducted. Over 50% of the public entity members responded to the survey, which is a phenomenal response rate. The highlights of the survey responses shall be discussed in a later issue, but much of the information is already being used as we plan for 2007. Thanks again to all who took the time to respond!

October found us in Austin for a Symposium on Employee Health Clinics, where public entities who already have employee health clinics and those interested in setting one up came together to share information. Nearly 80 people attended and the evaluations were overwhelmingly positive. Special thanks to Darrell Wells (City of Odessa), Dan Mansour (Travis County), Esther Webb (Scott & White), and Mark Barta (Boon-Chapman) for presenting an extremely informative program!

And of course, in November we made our way south to Corpus Christi, Texas for the 17th Annual PRIMA Conference and Exhibition. With almost 500 people in attendance, it may well have been our biggest conference yet. From the golf tournament to the Grand Opening of the Exhibit Hall to the Opening Night Reception to the Keynote Speaker to the Educational sessions, there was something for everyone. My thanks to Alan Smith, Conference Chair, and everyone who worked on the Conference Planning Committee... you folks done good!

In closing I would just like to say that my involvement with Texas PRIMA has been one of the most rewarding things I have done in my professional career. This was a wonderful opportunity to give back to an organization that has given so much to me, and the chance to work with and meet so many incredible people. I will always be indebted to Linda Spacek and David Kester for twisting my arm into ever even running for the Board.

Texas PRIMA is a great organization because of the great people that make up its membership. We will continue to grow and to thrive as new people get involved with new ideas and new perspectives. Maybe service on the Board is not your calling, at least not right now, but there are so many other ways to get involved. Volunteer to serve on a committee or work as a moderator. Sign up to speak at a regional meeting or the annual conference. Respond to surveys and share your ideas with the Board. And most importantly, get to know your risk management peers across the State and share your knowledge and experiences with them.

I wish each of you a safe and prosperous 2007. See you all in Galveston, if not before!

## Election of 2007 Board of Directors and Officers

In accordance with Chapter By-Laws, an annual election was held to fill open Director-at-Large and Officer positions. Nominations were accepted for two Directors-at-Large, Secretary and President Elect. The slate of eligible candidates was presented to the membership for vote by numbered ballot. The following election results were announced at the annual business meeting held during Texas PRIMA's 17th Annual State Conference in Corpus Christi:

### Directors-At-Large:

Regan Rychetsky, Texas Health & Human Services Commission  
Tracy Seiler, The University of Texas System

### Officers:

*President Elect:* Melissa Sullinger, City of Baytown  
*Secretary:* David Kester, Harris County

Please join me in thanking all of our chapter leaders in advance for their service to our organization in 2007.

*Submitted by Tina Paquet, 2006 Nominations Committee Chair*

## Keynote Speaker: Mike Montgomery



Our keynote speaker this year was Mike Montgomery, who is the Emergency Management Coordinator for Harris County. Chief Montgomery opened his session with a video that left few eyes in the room dry. The video was a clear and present reminder that Harris County was not a county that is indestructible by human forces, at home or abroad, nor from an act of nature. He went on to explain Harris County's efforts both post Katrina and Rita,

including the level of commitment that it required from the whole state to make the relief efforts a reality.

Chief Montgomery reminded everyone of the threat that is ever present if the Houston area, or any of the gulf coast areas that are largely populated, took a direct hit from a Category 5 hurricane. The storm surge alone would completely erase Galveston Island and several other cities in Galveston County, Harris County, and along the ship channel. These are hard realities to face, but if we as governmental entities are not prepared to handle the disaster, we lose much more than buildings and property. We potentially lose citizen and employee lives which cannot be repaired or replaced.

Chief Montgomery did not leave with all doom and worry. He presented many great ideas about how cities, counties, school districts, the State and volunteer organizations can work together to actively prepare for disasters. No one group can do it alone. Even if it is a localized event, everyone needs to actively participate in regional planning sessions to prepare for, respond to, and recover from natural disasters, catastrophic fires, and other incidents. He is a firm believer that all involved must build partnerships and make use of all available resources to assess all potential risks and improve services to the community. Preparation, cooperation, and organization are major keys to the success of disaster recovery.

The Texas PRIMA board and membership would like to extend a special Thank You to Chief Montgomery for bringing such viable and important information to our conference, but also for actively participating throughout the event.

## 2007 BOARD OF DIRECTORS

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# Stepping Out and Back in Time

The crowd is silent, the man with a white envelope approaches and hands you the envelope. You hesitate and then open the envelope. You slowly lift a piece of paper from the envelope and it says, "Congratulations! You are in charge of Texas PRIMA's opening reception." The crowd cheers. You smile, but have this sinking feeling. Where will I start? Can I do as good as last year?

Then you think this is not a one-person job. You are a member of Texas Chapter PRIMA; made up of the best and brightest people in Texas. Call for help! Twenty three people were called. All were willing to help and the wonderful results are history.

For those of you that didn't get to attend, our theme was "Risk Management and All that Jazz." We couched the



theme in the roaring 20's era. The City of Corpus Christi group, headed by Donna James-Spruce and Joe Reyes, designed the entry way, which was a

realistic alley leading to "Club PRIMA" complete with an old drunk, liquor still, and trash cans. Table decorations for the whole meeting were done by Y. Etta McCutcheon.



You walked through the alley ducking clothes lines of laundry to the entrance of the reception. You were greeted by one or two characters in zoot suits and you entered the ball room with wonderful light jazz music played by a group from the local college.

The dinner was planned by Cindy Conyers, Cindy Kirk, and Linda Spacek. We had a wonderful buffet dinner followed



by the "gaming tables." For those who collected the "special money" from the vendors (designed by Samuel Lawrence of SORM), the gaming became serious. Participants could win prizes gathered by Melissa Sullinger and Gary Urban.



As the gaming began, the music switched from live band to a DJ who played tunes for dancing. The entertainment, gaming, band and DJ were obtained with the efforts of the group from San Patricia County lead by Norma Jean-Rivera and William Zagorski.

The dessert table was on the far side of the gaming tables. It contained sweet things and a chocolate fountain with cuts of fruit and cake for the dipping.

The goal of the opening reception is to help everyone meet each other, break the ice, and have fun. We accomplished this goal.

If you missed this year's welcome reception, hopefully this recap will have taught you a lesson...



***Don't miss next year's opening reception!***

## Mold Not Covered By Standard Texas Homeowners Policy

In a long awaited decision, insurers have won the latest battle at the Texas Supreme Court.

According to the policyholder plaintiffs in Fiess, et al. v. State Farm Lloyds, their standard homeowners' policy contained seemingly contradictory clauses concerning mold damage. In one section, the policy states that it does not cover a "loss caused by mold." But in another section, the policy says it does cover an "ensuing loss" caused by "water damage."

The Supreme Court ruled in a 7-2 decision that the insurance company is not responsible for covering the policyholders'

mold damage. Writing for the majority, Justice Scott Brister found nothing confusing about the policy, finding in essence that "no means no". The case arrived at the court via a certified question from the 5th U.S. Circuit Court of Appeals.

Many insurers in Texas now offer mold coverage to homeowners as an optional coverage. We tried it out. It is somewhat expensive, but here's how it works: if you pay big time for the mold coverage, mold won't grow. Mold only grows in the absence of mold coverage.

*Submitted by David E. Chamberlain, Chamberlain/McHaney, Texas Lawyers, Austin & San Antonio*

**HIGHLIGHT:**  
**Texas PRIMA Partners**



Thank you to Platinum Sponsor Harris & Harris for their long time support of Texas PRIMA. In the last 26 years, Harris & Harris has become the firm that represents more public entities in Texas workers' compensation than any other. That illustrates both their commitment to the public sector as well as the big part Texas PRIMA has played in their growth as a firm.

For Harris & Harris, this relationship with Texas PRIMA has always been a two-way street and that's why you see them as a sponsor, speaker, and exhibitor. Harris & Harris and Texas PRIMA are proud of that partnership. Harris & Harris continues to focus on the latest in workers' compensation, from training on changes in the law to its client's legal research site.

**McGriff, Seibels & Williams, Inc.**

Texas PRIMA would like to thank McGriff, Seibels & Williams, Inc. for their continued long-term partnership. In addition to their Diamond level sponsorship, McGriff provides countless hours of support to the Chapter, our regional programs, and our annual conference.



For McGriff, relationships developed through Texas PRIMA are the cornerstone of their business. The strength of these relationships with Texas PRIMA has enabled McGriff to become the premier public entity brokerage firm in Texas. Services provided by McGriff include property, casualty, benefits brokerage, and consulting with top quality in-house claims and loss control resources.

**2007 Chapter Sponsors**

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**MARK YOUR CALENDARS NOW!**



**Texas PRIMA**  
**18th Annual Conference**

November 14-16, 2007  
Moody Gardens  
Galveston, Texas



## Risk Management Achievement Awards

This year, the Awards Committee had a tremendous task of narrowing the list of several creative and innovative projects submitted by Public Entity members. Awards were presented to: Capital Metropolitan Transportation Authority for their Wellness Program; City of Fort Worth for their Commercial Driver's License Program and: Travis County for their Public Defibrillator Policy.

Details of these awards and additional information can be found on the Texas Chapter PRIMA website [www.texasprima.org](http://www.texasprima.org).

We are certainly are VERY proud of this year's award recipients and to those who submitted nominations. Be sure and look out for next year's award solicitation and nominate a deserving member, project or program.

### Capital Metropolitan Transit Authority: Wellness Program



Faced with soaring health care costs and high absenteeism rates among operators, mechanics and other employees, Capital Metro responded to the challenge by illuminating

the problem at its root, employee health. With the focus on reducing an employee's risk to obesity, diabetes, and hypertension, a Wellness plan was developed to introduce numerous health-conscious programs to improve an individual's health and lifestyle at work. By immersing employees with alternative, healthier options in their choices throughout the workday, Capital Metro and its employees can achieve an even higher level of job satisfaction, productivity and employee morale through success in personal health.



*For more information about this program contact Michael Nyren, at (512) 389-7549.*

### City of Fort Worth: Commercial Drivers' License Program



A few years ago, the Fort Worth City Council adopted a City goal of being the safest city in the United States. A spin-off of that initiative was a goal to attain the safest workplace. One of the first programs to emerge from the initiative was

Commercial Drivers' License (CDL) Program. The need for this program was magnified because of the number of drivers (550) operating commercial motor vehicles (CMV) on city streets with medical conditions, which would disqualify them under DOT Regulations and create an unsafe environment for the drivers and the citizens of Fort Worth. The Program follows the DOT physical examination regulations, but is modified with the addition of a medical review board, physical examination categories, a City-exclusive medical card, and special forms to document the evaluation process.



*For more information about this program, contact William Armstrong, City Safety Coordinator, at (817) 392-8414.*

### Travis County: Public Defibrillator Policy



A growing awareness of sudden cardiac arrest (SCA) in public places precipitated the County's needs assessment. The chance of surviving an SCA drops about 7-10% for every minute that the heart is not beating. The average response time for the Austin/Travis County EMS is 7.5 minutes, from the time the call is received until they drive up to your door, with a survivability rate from SCA of about 10%+. Time is lost on both ends of this response time; before the dispatch is made and from the time they get out of the vehicle and to the victim. It naturally followed that a program using Automated External Defibrillators (AED's) would be a greater advantage in loss prevention. A very detailed policy was written that governed all aspects of the program. The policy planned for a 3 minute response time by placing the AED closer to the victim and in the hands of trained Lay Rescuers. Sixty-two AED's have been deployed in 43 Travis County buildings with over 300 trained Lay Rescuers.

*For more information about this program, contact Dan Mansour, Risk Manager, at (512) 854-9499.*

## 2006 Award Recipients Make Texas Proud!

*Submitted by David Kester*

### Risk Manager of the Year: Darrell Wells

Each year, Texas PRIMA recognizes both individual and entity excellence in the form of the awards program. This year was no exception and awards were given to deserving members for their outstanding achievement and innovation in the Risk Management profession



Highlighting the awards program at our annual conference in Corpus Christi was the award for the Risk Manager of the Year. The 2006 recipient of this honor went to **Darrell Wells** with the City of Odessa. Darrell oversees and manages both the Risk Management and Employee benefits programs for his entity.

He has been with the City of Odessa for 11 years.

In addition to the responsibility of the City's health plan and on site clinic, Wells Risk Management department includes traditional risk management programs relating to safety, insurance and workers' compensation coverages. The program has several components including a sophisticated decision and database support system to assist in the management of the City's many exposures.

Mr. Wells is devoted to fostering understanding of public risk management programs and their role in providing sustainable programs and services. His innovation and enthusiasm in Risk Management and in particular health benefits is remarkable. He reaches out to both learn and share from and with other risk management professionals. He credits his experiences with Texas PRIMA and names several peers in providing the encouragement to press on and meet the never ending challenges of Public Risk Management.

While truly humbled by his selection as Texas Public Risk Manager of the Year, Darrell Wells is a tribute to our profession. During his address to members at the awards luncheon, Darrell encouraged fellow Risk Managers to "tell the truth" and made mention of several peers who have inspired and mentored him along the way. His results speak for themselves and Texas PRIMA is proud to recognize Darrell Wells as the 2006 Risk Manager of the Year.

### Risk Management Associate of the Year: Cindy Conyers

Texas PRIMA's 2006 Risk Associate of the Year is **Cindy Conyers**, Loss Prevention Manager for the City of San Marcos.

Ms. Conyers duties and responsibilities include developing and implementing safety and loss prevention programs for her entity. Conyer's efforts have contributed of 95% in lost time injuries and a 52% reduction in general liability claims and the City's achieving a workers' compensation experience modifier of .41.



Conyer's service to the Risk Management profession includes participation on various committees for Texas Chapter PRIMA over the past 10 years and service as the Secretary for the Texas Safety Association. Cindy is also a volunteer for the American Red Cross.

Proven results, innovation and service to the profession and the community are some of the many reasons that Texas Chapter PRIMA is proud to recognize Ms. Cindy Conyers of the 2006 Risk Associate of the Year.

### International Exchange Recipients

International Exchange Recipients visited with Texas PRIMA in Austin immediately following the PRIMA conference in Las Vegas. Gerald Tait, Risk Manager of the Midlothian Council in Dalkeith, Scotland, traveled to the City of Bryan to learn more about risk management in the USA. The Texas Chapter hosted site visits with Travis County and the State Office of Risk Management followed by a luncheon with members from the Austin Area.



Pictured are Tracy Seiler, Cindy Kirk, Regan Rychetsky, Dan Stewart, Linda Spacek, Gerald Tait and his wife Susan, Gary Urban, and Cindy Purinton (front). The following week Cindy Kirk traveled to the UK to attend the ALARM conference and visit Gerald in Dalkeith where she learned about the risk management profession in the UK.

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## IMPORTANT DATES

### TEXAS PRIMA:

#### 2007 Events

February 1 - 2

Board of Directors Meeting

November 14 - 16

Texas PRIMA Conference & Exhibition (Galveston)

### NATIONAL PRIMA ANNUAL CONFERENCES:

June 10 - 13, 2007

Boston, MA

June 1 - 4, 2008

Anaheim, CA

May 31 - June 3, 2009

Dallas, TX

## About This Newsletter

This newsletter is published quarterly for the benefit of the members of Texas PRIMA. However, the opinions expressed in the newsletter are those of the writers and do not necessarily represent the views of Texas PRIMA. The aim of this newsletter is to provide information to our members about Chapter events and risk management issues. Please send news, information, comments, etc. to the editor via email, [hdkaplan@garlandisd.net](mailto:hdkaplan@garlandisd.net).

**The deadline for the next issue of this newsletter is two weeks following the next meeting of the Board of Directors.**

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