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RISKS ARE EVERYWHERE. ARE YOU A TARGET? ... AND WHO CAN YOU TRUST?

The 2009 Texas PRIMA conference is right around the corner and we hope that all of you have made your plans to attend. This will be Texas PRIMA's 20th annual conference and it is amazing to see how much the organization has grown and changed since that first conference in McAllen back in 1989!

The theme for this year's conference is "Quantum of Risk" and we will be giving all of our Risk Management Super Agents the tools and techniques necessary for battling the evils that threaten our entities each and every day! There will be great networking opportunities like the golf tournament, the Grand Opening of the Exhibition Hall, the Opening Night Reception, and the Sponsor Appreciation Reception to meet and get to know your fellow risk management practitioners and our generous sponsors. Don't forget to don your finest attire for the Casino Royale at the Opening Night Reception (come as your favorite secret agent or in your best evening wear...black tie and evening gown optional).

In addition, we have an impressive slate of educational sessions that will begin with the keynote address from Mr. Tim East, the Director of Risk Management for The Walt Disney Company and end with a closing session by J.P. Riordan, the Weapons of Mass Destruction Coordinator with the FBI Office in Houston.

See you all in Galveston, Texas, November 18 – 20, 2009!!!

For more information, visit www.texasprima.org



KNEE INJURY WHILE STANDING FOUND COMPENSABLE

The Fort Worth Court of Appeals ruled that a school teacher sustained an injury in the course and scope of employment when her knee buckled while standing. The employer argued that the claimant could have sustained the injury anyplace. The claimant did not trip, stumble, fall or do anything else that caused the knee to buckle. She was merely standing. Some of the facts are that the claimant was preparing for class when her right knee buckled. She collapsed to the floor.

A month later, a physician diagnosed her with a torn anterior cruciate ligament, medial meniscus, and lateral meniscus in the right knee. She subsequently underwent three surgeries to repair the damage. She filed a workers' compensation claim. At the CCH, a hearing officer stated that she suffered a compensable right knee injury and that she had intermittent disability.

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A Little Required Reading

Earlier this week, the US Senate Finance Committee released the legislative language of the America’s Healthy Future Act of 2009 (S. 1796), which will be soon set for vote in the Senate and will have to be melded in to other bills to be considered in the House of Representatives. I am taking a “break” from scouring the 1,504 page Senate bill (and accompanying 470 page committee report) to identify the potential financial impact on my employer’s health benefits plan. Actually, under the Senate bill, even the term “group health plan”, would be redefined as “Qualified Health Benefits Plan.”

While this matter is certainly an important and pressing issue facing our nation and our employers, I consider the process of reviewing this bill quite the same as our daily work in Risk Management. Identifying, financing and coming up with alternatives to managing risk. No, none of our programs come close to the \$829 billion as needed for the America’s Healthy Future Act, however, we do administer programs (on the local level) that are geared to guard and manage the finances of our organizations while helping to improve the health and safety of our employees and their families. THAT is a big deal!

Conference? Did you say Conference?

The slate of speakers and educational sessions are set, the exhibit hall is being prepared and we are READY! I realize that we are facing some of the hardest economic times that most of us have ever seen. First of all, I want to thank our long time and devoted sponsors who have continued to step up to the plate to support Texas PRIMA and make our conference affordable and help provide the means to make it a success! Secondly, there are quite a few folks that work “behind the scenes” to ensure that everything goes smoothly and that our program continues to be excellent quality. Now, all we need is YOU!

If you have yet to register, we have extended the “early registration” price up until the day before the conference. If you have already registered, remember to sign up in advance for the educational and optional events so that we can plan accordingly.

Yes, times are tough, but it is our goal to ensure that Texas PRIMA remains a value to your organization as well as you personally in your professional development and growth.

I hope to see you in Galveston!

Now, back to reading.....

David Kester

REGIONAL MEETINGS

Texas PRIMA held a regional meeting on September 24th in Laredo and it was well attended. Hector Gonzalez, M.D., Public Health Authority, City of Laredo, provided attendees with an in-depth review of border health challenges facing the City of Laredo and other entities along the Texas-Mexico border. Dr. Gonzalez discussed vector control, Tuberculosis elimination program, Bi-National public health efforts and covered seasonal and H1N1 influenza.

Steve E. Landin, Fire Chief/Emergency Management Coordinator, City of Laredo, and Eloy Vega, Strategic Planner/PIO, City of Laredo, provided attendees with an overview of the City of Laredo’s emergency management efforts, including providing timely and accurate warnings to the public and government officials in the event of and impending emergency situation, communication equipment and capabilities available during emergency operations, shelter and mass care coordination, implementing an effective radiological protection program, evacuation plans, business continuity and emergency management planning.

The speakers did an awesome job. The attendees were interactive and asked good questions of the speakers. Preferred Medical Network provided a door prize for attendees. The food was great and The Embassy Suites staff did a great job setting up the meeting room.

I want to thank Gilbert Sanchez, Risk Manager for the City of Laredo, for hosting this Texas PRIMA educational opportunity. He and his staff did a fantastic job planning and coordinating this meeting. It was one of our more successful regional meetings and we look forward to working with Gilbert and his staff again.

Regan J. Rychetsky



What is the most important mile in a Marathon race? When runners are asked this question, some say the first mile is most important because it takes commitment just to get started. Some runners say it is mile 18 or 20 because you are near your goal. Other runners say it is the last mile because you know you can complete the goal. You will be surprised to learn none of these answers are correct. Each mile is equally important because the sum of the miles pushes you to the finish. This is true of anything we do. Brian Tracy says: "You have to put in many, many tiny efforts that nobody sees or appreciates before you achieve anything worthwhile." This is true in life and in our job of Risk Managers.

When I started in Risk Management in 1984, the job was thought of as buying insurance. Then it grew to buying insurance and managing claims. The point most of us are at now is buying insurance, managing claims, and preventing losses. We are beginning a new phase called "Enterprise Risk Management." This adds the component of strategic planning. Strategic planning is a part of managements' early decision making process. The goal is to better manage risk so the organization has better outcomes.

This is my last year on the PRIMA Board. As president in 1990, I was one of the pioneers in Texas PRIMA. That year we had our first day-and-a-half conference in McAllen, Texas. At that time most cities, counties, and school districts did not know what Risk Management was about. Our job at Texas PRIMA is to educate our management about the importance of Risk Management, to save taxpayers' funds and best utilize monies. While we do this, we need to educate each other as Risk Managers build and grow new individuals into our profession. Presently, we have over 500 members from a start of twelve, but there are so many cities, counties and school districts yet to reach. We can make a difference. Each "mile" we run as Risk Managers needs to count. As we run with our torch of Risk Management we make the world a better place each small step along the way. At this conference, reach out to newcomers. Select a mentor or protégé for yourself. The miles each count as we run this Marathon of Life.

*Alan Smith, CPCU, ARM, CSRM, CTSBO
Past President of Texas PRIMA*

SUPREME COURT RULES 60-DAY TIMEFRAME DOES NOT APPLY TO EXTENT

The Texas Supreme Court determined that the "60-day limit" from the date of notice to dispute compensability does not apply to extent of injury disputes. Rather, when a dispute involves extent, the carrier has up to 45 days from the date it receives a complete medical bill to dispute whether that treatment was necessary.



In *State Office of Risk Management v. Mary Lawson* delivered on August 28th, the court held that Texas Labor Code Section 409.021(c)'s 60-day deadline applies only to a dispute of the entire injury, i.e. compensability. It does not apply to a dispute of the extent of injury. Instead, Rule 124.3(e) provides that extent of injury disputes must be filed no later than the earlier of:

the date the carrier denied the medical bill; or the due date for the carrier to pay or deny the medical bill as provided in Chapter 133. Extent of injury disputes are not tied to the date of notice as are compensability disputes.

In this case, SORM accepted the claimant's knee contusion and strain as compensable but disputed that the extent included the claimant's chondromalacia. SORM's extent dispute was after the 60 days from the date it received notice of the injury. Apparently relying on previously issued Appeal Panel decisions, the Division, Trial Court and Court of Appeals held that the carrier waived the right to dispute the extent based on the "60-day rule".

The clock starts to run for disputing compensability on the day the carrier receives written notice of injury. The carrier must act within 60 days or waive a dispute to the compensability of the injury. The clock does not start to run on a dispute of extent of injury until the carrier receives a complete medical bill. Then, the carrier has 45 days to dispute whether the treatment was necessary. The case can be found at:

<http://www.supreme.courts.state.tx.us/historical/2009/aug/080363.htm>

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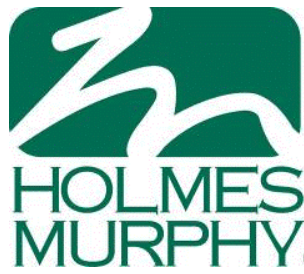
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Cindy Kirk

MEMBER SERVICES

I want to update you on all the exciting accomplishments that the Member Services Committee has made! In September, we participated in the 2nd Annual St. Mary's University Risk Management and Insurance Career Fair! Irma Hernandez, Risk Manager with San Antonio ISD, represented Texas PRIMA at the fair. Over 75 students were in attendance! Irma stated that she "enjoyed meeting the students and learning about their goals and sharing with them the many opportunities available to them in our industry." She also explained to them that "as members of our organization they would receive employment opportunities that are posted on our website and shared with the membership." Irma did a fantastic job at the fair and on behalf of the Board of Directors, we would like to thank her!

We also had a very successful Conference Scholarship Program this year. This year's program was enhanced to cover 100% of the attendee's conference costs. Eight applicants received scholarships and will be attending this year's conference at no cost! Recipients are; Lynn Fagerstrom-City of Wylie, Jeff Johnson-Dallas Housing Authority, Diana Buckley-Ellis County, Lucy Pope-Grimes County, Stephanie Morgan-Parkland Health & Hospital System, Sandra Jacobs-Spindletop MHMR, Cheryl

Davenport-Town of Flower Mound and Melissa Nixon-Port of Houston Authority. Congratulations!!!

Our member-get-a-member campaign has yielded eleven new Texas PRIMA members. Thanks to those who participated and referred those new members. Our overall membership, which includes corporate members, public entities, risk pools, and retired members totals **588**. We want to continue to encourage our risk management colleagues to join Texas PRIMA so they can enjoy the professional development, recognition and resources that are offered!
Donna James-Spruce

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KNEE INJURY WHILE STANDING FOUND COMPENSABLE ...continued

The Division's Appeals Panel affirmed, and the school district appealed. The trial court granted the claimant's motion for summary judgment, and the school district appealed.

At the Court of Appeals, the judges focused on whether a claimant moves in and out in the course and scope of employment while at work, and decided it would not make such a distinction if a claimant is injured at work. During oral argument, "the district bemoaned the blurring of the line between injuries linked to employment related causes and injuries that simply happen at work," the appellate justice wrote. "And it asked us to stiffen the distinction and draw a proverbial line in the sand." The judges ruled that this school teacher sustained a work injury, regardless of whether it could have occurred some other place.

Submitted by The Law Office Of Ricky D. Green

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About This Newsletter

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 Please send news, information, comments, etc. to the editor via email, info@texasprima.org.