RIMA PRESS

quarterly newsletter for members



texasprima

Texas Chapter Public Risk Management Association

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Texas PRIMA Tailgating and Getting Fired Up!!! **President's Message**

It is May, and the school year for us who work in school districts is almost over. But, for Texas PRIMA, our work is at a fever pitch. My tenure as President is really going by fast. We met with our Gold, Diamond and Platinum sponsors in April to give them a brief overview of our activities concerning the annual conference and other aspects of the chapter. We are always grateful for their input and of course their support. We are also very grateful to all who choose to support at any level for without you, we would not exist.

We are moving along with our sports/football theme for the annual conference in Galveston on November 10 to 13, 2013. I have always loved sports and all the teamwork involved in putting together a championship team. Well let me tell you that Texas PRIMA has a championship team and teamwork is very evident. I know why head coaches wear headphones now. While everyone else is planning and executing the game plan, he is listening to music. Seriously, a lot of hard work has gone into the planning of this conference to make it the best yet. The education committee is in the process of beginning to look through the wealth of presentations for our educational sessions. Once again, it looks like those sessions will offer a lot of great information for conference attendees. While learning is always at the forefront, the planning for some relaxation and fun is also in full mode.

Nobody can beat our team when it comes time to offering events for some relaxation. Of course, there will be golf to kick things off and at a cost that you cannot afford not to play. Then, a welcome reception, followed by tradition of a fun opening night reception. Then, of course, there is always time for our sponsors to be able to spend time with clients and perspective clients.

On another note, the article in the last newsletter about Alan Smith and his involvement in the founding of Texas Chapter PRIMA reminded me that the annual conference in San Antonio in 2014 will the 25th anniversary of our chapter. I was looking through some old files that I had and found a Texas PRIMA membership list from 1988

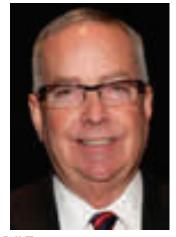
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with 58 members listed, a 1991 membership roster with 174 members listed and a 1992 membership roster with 214 members listed.

We were growing by leaps and bounds. I think it would be great for all of the "Oldtimers" to look for anything they may have from the good old days and maybe we can have a booth dedicated to memorabilia. It would be fun to look at things from our history.

Well, enough of that. In the meantime, the call for presentations for our educational sessions and the prospectus for the opportunity to sponsor and exhibit are available on our website. We are looking forward to great annual conference in Galveston beginning November 10th with Golf and concluding on November 13th with a great closing session. There will be lots of great education sessions and an exciting Keynote speaker to kick off the conference with some great relaxation mixed in. Hope to see EVERYONE there.



Bill Tarro 2013 Texas PRIMA President

Texas PRIMA is Calling for your Presentation

The Texas PRIMA Education Committee is currently calling for presentations for its annual conference which will be held from November 10th through the 13th at Moody Gardens Hotel and Resort in Galveston, Texas. We extend this invitation to anyone interested in presenting at our conference to submit their presentation proposal before the June 14, 2013 deadline. You can visit our website www.texasprima.org and complete our on-line application. For information regarding topic diversity, selection criteria, presentation proposal outline or to find answers to other questions you may have regarding the submission and selection process, please review our call for presentation information docu-

We thank you for your time and effort and look forward to receiving your submissions and seeing you at Conference in November!

Texas PRIMA Board Member Spotlight

John Palm is the newest Board member of Texas Chapter PRIMA. He is from the small town of Bridge City, LA – a suburb near New Orleans. His Dad is a retired police officer and Mom was a beautician, but most importantly did the job of raising 3 boys of which he is the oldest. John is a die-hard New Orleans Saints fan. An interesting fact about John just for laughs is that he is a beauty pageant champion. Before there was ever Honey Boo Boo, he was crowned "Most Beautiful Child" at the Louisiana Gumbo Festival in 1979. After that, he decided to retire from the beauty pageant profession while still on top, at the age of 3. John lives in Mesquite with his wife Annette, 8-year old son John "JP", and 4-year old daughter Lily. Outside

of work, he stays busy shuttling the kids to baseball and gymnastics events.

John received the Associate in Risk Management (ARM) designation in 2007. He holds a Master of Public Health Degree from the University of Southern Mississippi which he received in 2001. As part of his education curriculum, John completed an internship with the Occupational Safety and Health Administration

(OSHA) in Mobile, Alabama.

Prior to joining Mesquite ISD, John held the position of risk control manager for a multi-national construction equipment rental company where he was responsible for managing the safety and loss prevention programs of over 50 construction equipment rental locations throughout 9 states in the Southeast region. He has also served as an industrial hygienist and safety officer for a health and safety consulting company in Garland, Texas.

Currently, John is the Risk Management/Operations Manager for Mesquite ISD. He manages insurance policies covering the district's facilities, fleet vehicles, employees, and student athletes. He also oversees the district's workers' compensation, unemployment, safety, and crossing guard programs. He was named to the position in 2011 after serving 5 years as MISD's safety officer. He has maintained the Risk Management Department's position as one of the most innovative and effective among public school districts.

John is a valuable addition to the Texas Chapter PRIMA Board. His knowledge and involvement in National PRIMA is an asset that will prove to be invaluable. Welcome John.

Members on the Move

Christina Cummings, ARM, PHR was promoted from City of Farmers Branch Risk Manager to City of Cedar Park's Assistant Director of Human Resources (over Risk Management, Recruitment, and Benefits).

Kari Jo Zika, former Benefits Administrator for the City of Denton is now the Benefits & Compensation Manager for the City of Arlington, Texas.

PRIMA Members Select 2013-14 President-Elect and Board Directors: Our Very Own... Regan Rychetsky, ABCP, will be PRIMA's 2013-14 president-elect.

Tracy Seiler will serve on PRIMA's board of directors.

A Warm Welcome To New Texas PRIMA Members

Jacque Jones, CIC, CPSR, INS, Regional Sales Vice President, Midwest Employers Casualty Co Evangelina Moran, Sr. Claims Specialist, City of Waco Teresa Ower, Risk Manager, City of

Humble

Paul Stone, Attorney, Flahive, Ogden & Latson

Mark Young, Business Development, Carl Warren & Company

TEXAS PRIMA REGIONAL RISK MANAGEMENT SEMINAR HARLINGEN—JUNE 20, 2013

The Texas PRIMA Education committee will be hosting its second Regional Risk Management Seminar in the beautiful city of Harlingen, Texas on June 20, 2013 at City Hall located on 118 East Tyler on the second floor. In an effort to provide more value to its membership this seminar will have four sessions. The following is a tentative agenda. Please note that the agenda may be subject to change:

-	
8:00a—9:00a 9:00a—10:15a	Registration/Continental Breakfast (TMLIRP) Health and Wellness—McGriff, Seibels and
7.00a—10.13a	Williams—Scott Gibbs/Lance Pendley I Hour CE pending
10:15a—10:30a	Networking Break
10:30a—11:45a	Workers' Compensation—Pat Crawford, Texas
	Department of Insurance I Hour CE
11:45a—1:00p	Lunch (provided by TAC)
1:00p—2:15p	Property Casualty: Texas Windstorm Insurance Association (TWIA) Randy Wipf
2:15p—3:30p	I Hour CE pending Safety—"Emergency Preparedness: Hurricane 101' Art Alvarez, TMLIRP
3:30p—3:45p	Networking—Q&A

To register for the Harlingen Regional Risk Management Seminar online <u>click</u> <u>here</u> or visit our <u>website</u> for a printable form. When registering online, please remember to use your username and password so a duplicate record isn't created.

As always, the Education Committee is always looking for ways to improve our service to its membership so whether you want Texas PRIMA to present on a specific topic of interest or want to present a topic please contact or send your submission to info@texasprima.org.

We hope to see you there!!!!

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Long Term Member Spotlight

James E. Huckaby, ARM-P

I am extremely humbled and grateful to be featured in the Long Term Member Spotlight section of Texas PRIMA's newsletter. I began my professional career as an environmental health specialist for the City of Garland in Texas. In this position, I coordinated state and federal health & safety regulations compliance, conducted sanitation, environmental noise, and pollution inspections, and served as a natural transition into the City's safety coordinator's position.

In 1990, I was introduced to the fascinating world of risk management by my dear friend, Alan Smith, who hired me for my first risk management position with the City of Garland. As the Safety Coordinator and under Alan's leadership, I became well acquainted with the public sector risk management industry. I began managing the planning, implementation, and coordination of loss control programs; as well as being responsible for program development, policy writing, facility inspections, training, accident investigation, and loss analysis & reporting. My experience helped sculpt me into a public risk management professional. It was also Alan Smith who introduced me to Texas PRIMA and I was fortunate to have attended the first conference in McAllen. My association with Texas PRIMA has tremendously impacted my career.

In 1992, as a young public risk manager, I accepted a position with the Mesquite Independent School District and the challenge began to build a risk management department from the ground up. Mesquite ISD's Risk Management Department, which is recognized as one of the most innovative and effective among public school districts; as further evidenced by being cited as one of the "Top 10" Public Risk Managers in America published in the July 2000 edition of American City & County Magazine. In 2011, I was promoted to Administrative Officer of Operations and Risk Management. In addition to the oversight of the risk management program, I am responsible for the district's warehouse operations and all administrative duties associated with custodial services, records management, and security guards.

In 2011, I was the recipient of the prestigious "National Risk Manager of the Year" Award from the Public Risk Management Association. In 2005, I was awarded the Outstanding Achievement and Service Award by the Texas Association of School Boards. In 1996, I was the recipient of the "Risk Manager of the Year" Award from the Texas PRIMA Chapter. Preceding that award, I was recognized by the Texas Safety Association as "Safety Manager of the Year" in 1995.

As I have said many times, "No Man is an Island," especially in the field of Risk Management. With that in mind, I want to acknowledge those who have helped me along the way. My success would not have been possible without my risk management team members past and present, whose resourcefulness and dedicated commitment to excel-

lence has made our department the envy of many. Judyann Robinson (Irving ISD Risk Manager), John Palm (Mesquite ISD Risk Management / Operations Manager), and Jacque Crouch (Houston ISD Claims Specialist), I will forever be indebted for your unprecedented support of my pursuits and our risk management program.



I am a past president of the National Public Risk Management Association (PRIMA) and the Texas PRIMA Chapter. I served a two-year term on the Texas Safety Association Board of Directors. I am currently serving as a public representative to the Texas Life and Health Insurance Guaranty Association Board of Directors. I also served as a public representative to the Texas Surplus Lines Stamping Office Board of Directors from 2008-2010.

During my tenure on the national PRIMA board, I had the opportunity to attend risk management chapter activities across the USA, in Australia, and in Europe. I can assure you that no chapter does it better than Texas PRIMA! To the Texas PRIMA Board (both present and past) thank you for the countless hours you have given to serve the membership. Your devotion has served as a catalyst to this organization for accomplishing its goals and objectives. I also want to say thank you Texas PRIMA for the many memorable experiences, which are too numerous to count! The biggest risk management challenge that I ever had to overcome occurred in 2000 while attending a risk management symposium in El Paso. I successfully got David Kester, Joey Paige, Robert Waggoner, and myself out of Mexico after the inadvertent turn we made during our sightseeing tour.

I attribute my risk management success largely due to the numerous professional growth opportunities made available through

Texas PRIMA. The shared experience, knowledge, and wisdom that I have gained are invaluable. We learn so much from each other! Someone somewhere has indubitably faced the same challenges and is standing ready, willing, and able to lend a hand. My fellow colleagues, I entreat

you to continue to expand Texas PRIMA's horizons, as we combine our knowledge and experiences to increase the positive influence of the public risk management community.

Written by:

James E. Huckaby, ARM-P Administrative Officer – Operations/Risk Management Mesquite ISD

Texas PRIMA



Look for Texas PRIMA on LinkedIn and get connected!!! The site is new and a work in progress, but we plan to post information and create groups for Regional Meetings and our upcoming conference in November at Moody Gardens, Galveston, Texas. Stay tuned......



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Sponsor Highlight



Aetna was founded in Hartford, Connecticut in 1853 and is one of the nation's leading providers of health care, dental, pharmacy, group life, disability insurance, and employee benefits. Building on their 160-year heritage, Aetna is a leader in cooperating and working with doctors, hospitals, employers, patients, public officials and the community in general to build a stronger, more effective health care system. They want to make sure healthcare is high quality and affordable for all. Aetna believes it can help create a better health care system and this belief drives their daily decisions as one of the nation's leading health care benefits companies. They

work hard to provide their members with information and resources to assist them to make the most informed decisions about their health. Aetna lives by a core set of values and the people who use their services are the focus of everything they do so that they can deliver on their mission to help people achieve health and financial security by providing easy access to cost-effective, high-quality health care. Aetna continually develops new products and services that will have a positive impact.

- Offers a broad range of insurance and employee benefits products.
- The first national, full-service health insurer to offer a consumer-directed health plan.
- Full line of consumer-directed health care products.
- Offers a wide array of programs and services that help control rising employee benefits costs while striving to
 improve the quality of health care, such as case management; disease management and patient safety programs;
 integrated medical, dental, pharmaceutical, behavioral health and disability information.
- Provides members with access to convenient tools and easy-to-understand information that can help them make better-informed decisions about their health and protect their finances against health-related risks.

For more information please visit www.aetna.com

Holmes Murphy is among the 22 largest independent premier risk management and insurance brokerage firms in the United States. Over the past ten years, the dedicated Public Entity team within Holmes Murphy has worked on roughly 33% of all municipality business in Texas with estimated populations of 60,000 and above. They are the only firm in the country to have representatives from one office sit on the national consultant advisory boards of each of the three largest national health plans. Holmes Murphy spe-

Sponsor Highlight



cializes in a wide variety of plans and lines of coverage, including: insured and self funded health plans, group life insurance, accidental death and dismemberment insurance, dental plans, short- and long-term disability plans, vision plans, voluntary benefits, and cafeteria plans

Over the past 2 years, the clients of Holmes Murphy have seen a 5% or lower medical trend while the rest of the market has experienced 10% or more. With Holmes Murphy as your consultant, you can expect to receive a full scope of resources, expertise, and capabilities. This includes in-house access to actuaries, compliance, reporting, marketing and a Medical Director. Holmes Murphy is a leader in developing clinical risk management and wellness initiatives. Additionally, Holmes Murphy has dedicated a separate division by the name of ACAPHealth whose sole responsibility is to develop new and innovative strategies. In fact, ACAPHealth provides consultative services to the insurance carriers themselves regarding their wellness capabilities and how to more effectively improve the health of their members. Holmes Murphy's understanding and commitment to innovation and wellness is one of the greatest features that sets them apart from their competitors.

Sponsor Highlight



AS&G Claims Administration, Inc. is the nation's premier provider of claims administration services to the public risk sector. For 30 years, they have been a single source provider of workers' compensation, general liability, automobile liability, professional liability and property claims expertise to local governments and municipal organizations. AS&G has 7 offices in Texas and 17 offices nationwide that service the Gulf Coast, South East and Mid-Atlantic states.

Their goal is to reduce clients' costs through proactive claims handling and experienced decision making. AS&G's dedication is to deliver quality service that exceeds expectations.

Texas PRIMA 24th Annual Conference Scholarship

The scholarship application process for Texas PRIMA's 24th Annual Conference at Moody Gardens Hotel and Convention Center in Galveston, Texas is getting close.

There are many deserving people who may not be aware of the scholarship program Texas PRIMA offers. We are encouraging members to get the word out to any of your public entity colleagues and clients who might qualify. The scholarship program is designed to assist risk management professionals whose public entity might not be able to afford the cost of attending the Annual Conference. Full and partial scholarships will be awarded and may include up to the following:

- Conference Registration Costs
- Costs related to attending the conference, including travel and lodging at the conference hotel
- Complimentary membership in Texas PRIMA through 2014

Last year we included scholarship donation opportunities for our sponsors. It was a huge success and their generosity enabled us to award more conference scholarships to the conference than ever before! We look forward to their support again this year and hope that we increase last year's scholarship awards.

Look for an email in mid July with specific details to include the application process. Applications will be accepted July 19 through September 6.

We appreciate your help in spreading the word about the Texas PRIMA 24th Annual Conference and scholarship program.

Here is what some of last year's recipients had to say about attending the 2012 PRIMA conference;

Stacy Buckley, City of Murphy, stated "Yes, the fact that PRIMA offers scholarships is outstanding. In my role as HR Manager, I have a generalist function and risk management is not my forte. Nor am I very active in PRIMA, simply because my training budget goes towards other HR training throughout the year.

So, when I saw the opportunity to try once again for the scholarship, I jumped on it. The conference was great as many of the tracks were on issues/topics that I have little experience/knowledge of. I also enjoyed the networking, attending the lunches and the reception one night. PRIMA involves a different group of people than all the other HR (TMHRA) training that I attend and I'm always up for broadening my network[©]

The safety sessions and the wellness programming session (presented by Holmes Murphy) were the standout sessions for me. I hope/plan to get more involved with this particular organization and truly thank PRIMA for the opportunity to attend the conference through scholarships."

Sylvia Collins, North Texas Tollway Authority, shared "I truly enjoyed my first Texas PRIMA Conference. The classes I attended were excellent and I gleaned a few points for me to implement on my job. Honestly, I really didn't think a conference could and/or would be fun and informative, but boy was I wrong. Since returning to work, I've been telling everyone about the conference. GREAT CONFERENCE and hats off to all!"

Michelle Du, City of Austin, writes "I was very pleased to be awarded a scholarship to attend the Texas PRIMA Annual Conference in Frisco, Texas. By attending the sessions I learned new information and was able to find out more about what other entities were doing with their wellness programs. I was able to use the information I learned from the sessions to improve our HealthyConnections employee wellness program. The conference gave me specific ideas on how to incorporate our medical plan into our wellness programming. I also enjoyed meeting other attendees from around Texas and finding out about their programs. It was a very good experience and I hope to attend the conference again in the future."

Margaret Hampton, City of Cleburne, says "It was an honor to be one of the recipients of the 2012 Scholarship Program. The President and other Board Members in organizing the Conference—they went above and beyond to make all of us feel welcomed. This was truly one of the better conferences that I've had the privilege of attending. Most of the presentations were 'on point' and I found myself trying to be in several places at the same time—fearing that I would miss out on some pertinent information. There were some amazing speakers and as a result of networking, I have kept in touch with several individuals who I have reached out to for support, advise and resources. There was a great group of sponsors, and the meals and breaks were planned out perfectly. I truly gained some knowledge that I brought back and implemented here in Cleburne, and I'm truly looking forward to attending a Texas PRIMA Conference in the future."

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Who is your "MVP" Tell Us...We Want to know

Texas PRIMA is looking for public entity Risk Management Professionals and Risk Management Programs deserving recognition for excellence in the Risk Management field. We are looking for your STAR player, your play-by-play offensive and defensive risk management programs to ensure they receive the recognition they deserve. Annually, Texas PRIMA recognizes excellence among its Risk Management members with three awards:

<u>Risk Professional of the Year</u> and <u>Risk Associate of the Year</u> honor individuals who exemplify the title through continual innovation and commitment to the Risk Management field.

Risk Management Program Achievement Awards honor public entities with creative and successful risk management programs. Winners are recognized at the awards luncheon during Texas PRIMA's annual conference in November and in the Texas Chapter's "PRIMA Press" newsletter and they are also awarded a wall plaque. The Risk Professional of the Year Award recipient and Risk Associate of the Year Award recipient receive complimentary conference registration and one night hotel accommodation.

We would like to have a quality list of nominees. Please take a few minutes and nominate a Risk Management professional for Risk Professional of the Year or Risk Associate of the Year or a Public Entity for the Risk Management Program Achievement Award. The nomination process is very easy and can be anonymous. Nomination forms for all three awards can be found by <u>clicking here</u> or visit <u>www.texasprima.org</u>.

A list of previous winners for Risk Professional of the Year, Risk Associate of the Year and Program Achievement Awards can be found by <u>clicking here</u>.

Please take a moment <u>today</u> to nominate successful individuals and programs in the risk management field or nominate your own programs for the Program Achievement Award. You can nominate yourself if you feel qualified. The nomination deadline is September 13, 2013.

Any questions concerning the award process can be addressed to Norma Jean Rivera, Chairman of the Awards Committee, at nrivera@co.san-patricio.tx.us

Move in to the Zone as a Texas PRIMA Sponsor

Texas PRIMA is excited to announce the move from Exhibitor zone to Silver Level Sponsor zone for MES Solutions! At last year's conference/exhibit, surveys were handed out to all exhibitors and sponsors and a drawing from all submissions collected was held. The winner got "moved up" from their current level to the next highest level. MES will now enjoy a significant increase in benefits!

Texas Chapter PRIMA thanks all of our corporate sponsors for their partnership in providing valuable services and educational opportunities to members. Our Partners help make these services available at a reasonable cost to members.

The 2013-2014 sponsorship prospectus outlines all of the great benefits of being a Texas Chapter PRIMA sponsor. Interested in "Moving to the Zone" or recommending Texas PRIMA to a prospective sponsor? You can access the prospectus on our website which can be found by clicking here. Partnering with Texas PRIMA offers you the opportunity to market your services and network with long standing public entity members AND new members by offering the following at conference and all year long:

- Annual Conference exhibit booth space and listing in conference program.
- Complimentary conference registrations, including tickets to the opening night reception, membership meeting, and awards luncheon.
- Complimentary Texas PRIMA mem-

berships.

- Pre-registration list for preconference marketing and postregistration list for postconference follow-up (sortable spreadsheet for Platinum, Diamond, and Gold).
- Recognition at Awards Luncheon for donors to Texas PRIMA's Scholarship Fund.
- Recognition at Texas PRIMA regional seminars and newsletters throughout the year.
- Listing in Texas PRIMA's online Buyer's Guide.
- Company logo and hyperlink from Texas PRIMA website to company's website.

Additional benefits are offered to Diamond and Platinum partners, depending on level:

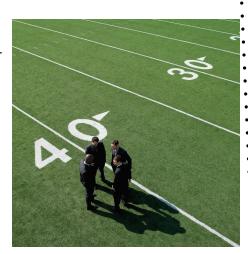
- Microphone time at select conference events.
- Recognition at conference Keynote Session and Opening Night Reception.
- Company logo on Texas PRIMA co-branded conference attendee tote bags and registration kick panels
- Corporate promotional item in conference attendee bags.
- Complimentary conference golf tournament registrations.
- Company logo on conference

signage and exhibitor listing.

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- Access to Texas PRIMA membership listing in electronic format.
- Featured in Texas PRIMA newsletter.
- Golf tournament hole sponsorships and signage.
- Opportunity to sponsor events (meals) at golf tournament.
- Company description in sponsor section of Texas PRIMA's web-

Reserve your space by completing and submitting the partnership prospectus NOW!



Calling All Golfers and Duffers!!!



The 2013 Texas PRIMA Annual Conference will be held at the beautiful Moody Gardens Hotel and Conference Center in Galveston, Texas, November 10-13, 2013.

Come play golf on Sunday, November 10, 2013 at the Moody Gardens Golf Course. It will be a scramble format, shotgun start with three flights with three winners!! Start time will be at 11 a.m. and we will be done in time for the Welcome Reception back at the hotel from 6 PM to 8 PM, where awards will be presented.

Mulligans, 4 per team, will be available.

And what a deal with prices at \$25 for public entities, \$75 for Pools and \$100 for corporate. Where can you play golf for that kind of a deal?? We will once again have Scratch-off Fantasy Golf cards at the Welcome Reception for anyone who wants to "play golf".

For Your Benefit...

WELLNESS AS A BUSINESS OF STRATEGY

As most of you know, the world of employee benefits is in a state of flux. With the adoption of the PPACA (commonly called the Affordable Care Act), employers throughout the U.S. are evaluating the best approach to benefits and health care cost containment. No matter what the size of your organization, your bottom line is affected by the overall well-being of your employees. Therefore, using wellness as a main line of defense against rising health care costs has become a popular approach for many employers.

Health care cost containment is not the only benefit of wellness initiatives; sometimes, rethinking, redesigning and rebuilding business and benefit strategies to include wellness offerings can provide organizations with a powerful mechanism for meeting the challenges of today's volatile economy. Creating a culture of wellness in your workplace can increase productivity and trickle down to improvements in innovation, engagement, retention and overall performance. The positive effect of wellness on each of these workplace elements provides clear and consistent grounds for utilizing health outcomes as a key strategic initiative.

The starting block for most employers is to accept that the cost of improving one's health is far lower than the cost of treating disease. The race to well-being often begins with an employee reality check—where assessments are used to increase awareness of health risks. Many of our employees, both young and old, do not have a clear understanding of their true health status. Employers should consider providing tools to identify risk in the employee population. Groups can then develop strategies to facilitate positive change among high risk individuals, as well as strategies to keep the healthy population healthy.

The majority of our health care woes are the
product of personal choices we make every day.

Additionally, employees are often spending more hours a week at their work-place than in their own homes, and the ability to make healthy choices is greatly influenced by that workplace culture. Employers must realize that their employees are a captive audience, ready to absorb whatever the environment provides, be that sweets in a vending machine or walk-at-lunch programs. Knowing that this captive audience can impact your bottom line positively (in the form of productivity) and negatively (in the form of health care costs), employers can accept the imperative to build a culture of health improvement where the healthy choice is the easiest choice.

Source: Willis, HRFocus, "Bringing HR Knowledge, Expertise and Resources into Focus, Issue 71, 05/26/2013



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Risk Management Tips & Tools...

WHEN CRIME COVERAGE DOESN'T PAY—If your organization is like many companies today, you've outsourced tasks that put your vendor's hand very close to the cookie jar. The Crime coverage solution to this exposure is to require your vendors to carry Fidelity/Crime protection that specifically names you as a payee in case of theft by *their* employees of *your* property—in case the vendor's hand is caught in that cookie jar. That works—as long as the crime is committed by an *employee* of the vendor. If the crime is committed by the owner or a partner who is also an owner, the coverage won't pay.

In the case of remote/off-site employees, coverage is often included in a Fidelity/Crime product. Unfortunately, it's often excluded, too, depending on the definition of employee in the wording of the bond or policy.

There are ways to fill these coverage gaps and help make sure that your Crime coverage does, in fact, pay.

Crime Coverage Gap I: Small Vendors

The crime risk that comes with many outsourcing relationships is easy to spot because so many organizations outsource tasks that involve handling of money—sometimes lots of money. Payroll. Pension. Even mailroom. Risk managers have long been accustomed to making sure that their vendors have the proper Fidelity/Crime coverage in place with clear language delineating who is being covered and for what. A red flag arises when a small vendor is involved, where the owner or other principal partners may be the ones handling the assets.

Fidelity/Crime insurance will not pay when the owner is involved in the crime because of the moral hazard that would otherwise be created. Such coverage would mean, in effect, the company would be committing a crime and then getting reimbursed for it. The answer to this potential gap in coverage is agents coverage. This is insurance protection that treats a small vendor as your agent, or a type of employee, extending your Crime/Fidelity protection to that agent.

Agents coverage is not always easy to obtain. Some carriers won't offer it and others must be convinced. Convincing your carrier to add agents coverage to your bond or Crime policy can be best accomplished in the same way carriers are usually persuaded: by demostrating steps you've taken to mitigate the exposure. In this case that would be based on a robust system for keeping watch over the vendor's activity to detect any possible fraud early.

Crime Coverage Gap 2: Remote Workers

- Check vendor Fidelity bond/Crime policies to make sure you are named as a payee and the coverage applies not just to the vendor's assets, but to yours as well.
- 2) If the owner of your vendor may be directly handling your assets—which will almost always be the case if you are working with a sole proprietorship—work with your risk adviser to explore the possibility of obtaining agents coverage.
- 3) Put in place a system for closely monitoring vendor activity with regard to your assets and be prepared to document and present that system to insurance carriers.
- 4) Make sure the definition of *employee* in your Fidelity bond/Crime policy reflect the true nature of your workforce. If your people are off-site or working from home, the language in your bond or policy should clearly indicate that they are covered by all policies covering your employees.

Source: Willis INSIGHTS, Insurance, Benefits and Risk Review, May 2013

Property & Casualty Hazard Awareness...this could happen to YOU!!!



West Fertilizer Property, Little Else Likely Insured

Unfortunately, it looks as if the West Fertilizer Co. was significantly underinsured. A bit more than a week after a massive explosion, that registered on seismographs as a 2.1-magnitude quake, devastated the small, rural town of West, Texas, there are still more questions than answers.

The April 17 blast heavily damaged or destroyed 140 homes, a middle school, an apartment building, and a retirement center.

That's the property toll, which doesn't include the damaged nerves of people directly or indirectly impacted by the blow of the blast's shockwaves.

The Insurance Council of Texas now <u>estimates insured property losses are \$100 million</u>—which includes the plant.

Dan Keeney, spokesman for Adair Grain Inc., parent company of West Fertilizer, tells *PC360* West Fertilizer was insured but how much and by whom are tidbits Keeney has not been authorized to release.

This leads to one obvious conclusion: The West Fertilizer plant likely had some kind of property insurance. Otherwise, there would be no reason for ICT to include West Fertilizer in its estimation of insured losses.

Emails and calls I received since my initial coverage of this story have consistently named the property insurer. I wont' release it until I've independently confirmed the information. This insurer has been contacted and I've been told by them to contact the plant owner. You've just read the results of that endeavor.

Property & Casualty Hazard Awareness...this could happen to YOU!!! Continued...

PC360 has learned only a handful of carriers serving the agribusiness niche would think about providing general liability and/or umbrella coverage on this type of risk.

But who is underwriting a facility known to be storing hundreds of tons of the fertilizer ammonium nitrate—a volatile chemical compound Timothy McVeigh used in a bomb to blow up the Oklahoma City federal building in 1995.

(The cause of the West, Texas explosion remains under investigation.)

- West Fertilizer did not tell federal authorities it had this much ammonium nitrate on site, which it was required to do. It may not have told too many people if the West ambulance service medical director had no idea about it, as the New York Times reported this week.
- No one knows if the plant told the fire department, and West Fertilizer doesn't look to have had any kind of appropriate risk management plan.
- Therefore we could easily assume no insurer would have provided this facility with liability insurance—especially any company owned by
 W.R. Berkley Corp., one within the handful of well-known providers to this niche of agribusiness.
- Several <u>Berkley companies have filed a subrogation lawsuit</u> against Adair Grain, claiming negligence on the part of West Fertilizer. The
 suit was filed on behalf of the companies' policyholders—businesses, churches and individuals of West, Texas.
- The suit does not name an insurer of the plant.
- I've been asked why I think I should be able to find out Who the Heck Insured This Place?
- The question surprised me, but here's an answer other than, "Because it's what I do."
- A business lacking insurance (and admittedly this one—in this case—may have been underinsured had it possessed every kind of coverage at the highest limit available to it) isn't just a shame for that business.
- It affects other insurers, as we've seen with the Berkley suit. This, in turn, affects policyholders—not only in West but in the towns surrounding supposedly thousands of facilities in the country just like West Fertilizer.
- It affects secondary business partners. If and when subrogates find Adair Grain's pockets shallow, they'll move on—maybe to chemical manufacturers or transportation providers, for instance. In turn, more insurers are brought to the fray.
- It affects the business owned by the Adair family who, by all accounts, was beloved in West. The business was around for a long time. It's
 gone now and it' not coming back. Whatever financial footing the family stood on is quickly crumbling. In all likelihood, they will be wiped
 out financially.
- If a retailer with such an enormous potential liability had been required to purchase some kind of liability coverage, it would not be a
- stretch to imagine that the company or companies providing said coverage would have had a role to play in ensuring the safe operation
- of the plant. This seems especially plausible given the insurance industry's attention to risk management and loss mitigation, and given that
- the town of West had been permitted to expand so inexplicably close to an industrial use with a substantial explosion hazard.
- "This is the way things are done here" isn't an excuse. I understand sentiment, but it isn't an excuse.
- Fifteen people died. There are 180 families being helped by the Red Cross. Many aren't insured. Businesses are gone or severely damaged and/or interrupted.
- •That is not the way things are done. That is the way things are undone.

Source: McGriff, Seibels & Williams, Inc., Chad Hemenway-News Editor for Property Casualty360.com and Property Casualty 360-National Underwriter. Copyright 2013 PropertyCasualty360, A Summit Business Media website; April 2013

Workers' Compensation...things that make you go Huh???

Improve Your Workers' Compensation Bottom Line



It is easy to be lulled into thinking that workers' compensation is an uncontrollable cost of doing business. Nevertheless, substantial operating costs can be regenerated into productive capital with a reasonable amount of effort. This article discusses eight concepts that help you take a fresh look at your workers' compensation bottom line...

Here is how you can get started.

I. PREVENT ACCIDENTS.

Once a claim gets in the system, everyone has their hands in the pie: third-party administrators, lawyers, bill reviewers, utilization reviewers, medical networks, nurse case managers, doctors, pharmacies, and investigators. It is tough to mange a claim once it starts. The easiest way to save money is not to have the claim in the first place.

Ask why we lock out the power on machines before performing maintenance, why it is good to use a cart to transport loads, or why we are required to teach employees how to use chemicals properly? It is because we know how to prevent tragedies. As motivational speaker Gordon Graham says, "If we can predict it, we can prevent it."

We are at a point in history where there is enough data on accidents that it is known what is likely to occur in our workplace, and we have scientifically predetermined preventative measures at our fingertips. Take a look at the Occupational Safety & Health Administration rules; they are not arbitrary.

The science to prevent future injuries is well documented. There are those around you who have dramatically reduced their injury rate. This is a competitive advantage

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Workers' Compensation...things that make you go Huh??? Continued...

that makes a difference whether you are building shareholders' equity or just making sure that tax dollars go towards the work of the people.

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2. ESTABLISH ACCOUNTABILITY DOWN TO THE LEVEL WHERE THE WORK IS BEING PERFORMED.

As a risk manager, I am conscious of the fact that I manage very little actual risk from my office. I tell woeful stories and provide lots of training because I see a broad range of tragedy and want to share information to protect people. But stories do not make the difference.

As I told one group of vehicle operators, the actual daily risk is managed by the driver that has his or her hands on the wheel and foot on the accelerator. Everyone in your organization needs to be a risk manager and understand the controls they have over their daily risk.

Employees need to understand that when they make good decisions, there is a much higher likelihood of a good result. Let them know that management applauds good results. There are no guarantees on individual decisions, but the greater the number of good decisions, the higher probability that good results tend to stack up over time.

It is not difficult to accomplish accountability. Here are a few tips.

- Obtain support from the top.
- Share the goal of your program all the way down to the lowest level.
- Share performance indicators that provide feedback on your progress.
- Stress safety as a value of the organization and back that up with actions.
- Require safety as a rating topic on everyone's performance evaluation.
- Make sure that every unit in the organization has a strategic plan for improvement included in its plans and actions every year. It
 doesn't have to cast a shadow over the central purpose, but there does need to be a plan and expectation for improvement.

Remember: As Peter Drucker stated, "Culture eats strategy for breakfast." Work the culture of your organization daily.

3. MANAGE THE "LONG-TAIL" OF WORKERS' COMPENSATION CLAIMS.

Workers' compensation has what is known in the insurance industry as a "long-tail." In comparison to liability claims, workers' compensation claims take an extended time to close and the associated finding is sitting out there gaining meager interest. A claim is frequently considered mature at two years, but any claim that continues to develop means trouble.

To give you an example, I know of an organization that has some 90 claims a year on average. About 40 of these claims will be indemnity claims that involve serous injury or time-loss. Of that, 10 claims will be serious claims and remain open longer than two years.

These are the claims that accumulate over time, slowly add up, and cost so much. When future medical is left open, when claimants get steadily worse, or when claimants incur new and additional injuries as "compensable consequences" from the original, you are on the "long-tail-ride." This long-tail-ride is where the expression "the only good claim is a closed claim" comes from.

If you look at a complete portfolio of claims, the median age of combined future medical claims may be 13 to 15 years. Older claims for established entities may be on the books for 30 or more years. Each year you are paying someone to mange these claims, you are paying treatment costs on these claims, and the claims become convoluted as to what treatment is really necessary to cure and relieve the effects of the original injury. Each year it becomes more difficult to control the costs and direction of these claims.

One of the largest transactions I took part in was the result of an accumulation of long-tail claims. It was a \$174 million loss portfolio transfer where a large entity sold off an entire portfolio of aging workers" compensation claims. Ask yourself who would buy these claims and why? It is because there is big money sitting on the books just waiting to be managed.

Here is how you put that money back in your organization's pocket:

- Track and review all your claims regularly, not just "current: employees or "open" claims. Have a plan for each of the long-tail claims.
- Take control. Insist on a real strategy and plan for every claim—a plan that should include closing out future medical exposure.
- Insist on claims accountability from the claims examiner and third-party administrator (TPA) managing your claims.
- Focus on medical or settlement solutions to close out claims. Don't fall into the old school of thinking that you cannot compromise and release a claim if the injured worker still works for you.

Many risk managers are reluctant to pay a premium to buy out future medical exposure if an employee still works for them for fear that the person will simply turn around and file another claim for the same body part. Keep in mind that if someone does file a new claim to the same body part, there still needs to be medical or factual support that a new injury has occurred. Employers, who have used the settlement strategy and tracked results, have seen that the recidivism rate is low.

Workers' Compensation...things that make you go Huh??? Continued...

4. DEVELOP A PLAN FOR CATASTROPHIC CLAIMS.

As much as I believe that accidents are preventable, prepare for the worst. If you chat with your actuary, he or she will confirm that every mature organization has, or will have, that "outlier"—an unexpected, catastrophic claim. The accident might have been as simple as a driver making a left turn that twists a quick afternoon work errand into a catastrophic loss.

- When a catastrophic loss occurs, you are
 most likely operating in a response mode, so
 it is important to have a pre-established plan
 to manage the initial phase of the claim. I have
- found it useful to:
- Meet the family. Someone once said that if a person has given his or her life or physical well-being in your service, you should know something about that person and his or her family. This is a simple rule. Show support.

 Do something useful. Put your plan in writing so you remember to:
- Contact a translator if needed.
- Employ the services of a professional catastrophic claims manager.
- Assign a nurse case manager who is familiar with the type of injuries sustained and whose personality agrees with the injured worker and his or her family.
- Make use of the employee assistanceprogram.
- Tap into the resources available to you from other people who support the organization and who can support and help the family at its most vulnerable moment.
- Assist in funeral or memorial services, if accepted by the family.
- Report required claims to state or federal OSHA offices as required.
- Contact claims professionals and insurance carriers that have an insurable interest.
- Consider forensic investigation specialists or accident professionals.

If necessary, assign legal counsel with experience in the area of loss. The best time to document and study an accident is immediately after it occurs. Showing the family that you are earnest and seeking information on how to prevent similar accidents in the future is one way of showing that you care. Having a plan will help you be professional at a time when you feel the most exposed.

5. RECOGNIZE AND DEAL WITH PO-TENTIALLY BAD CLAIMS AT CLAIM INCEPTION.

Catastrophic claims have been covered here. Once you get started, those catastrophic claims are actually the easy claims on which to focus. What's left is the group of claims that contain the potentially really bad claims, the ones that sneak up on you.

They don't start out with a high dollar value or as a major tragedy. I am talking about the foot injury that slowly turns into a hip and back problem and then becomes a major mobility issue. Or maybe it is a fall that turns into cognitive difficulty and ends up as a person who requires care for life functions he or she can no longer perform.

These claims can be a result of unresolved pain and physicians who are inclined to opiate rather than delve into the source of the pain. You need to be able to spot these elusive claims early and work them. As soon as a bad claim is identified, this is the approach I recommend:

- Gather your team (e.g., claims adjuster, legal counsel, nurse case manager, maybe an investigator).
- B. Make a plan.
- C. Work the plan.
- D. Adjust for new information.
- E. Keep at it. Call the team together as often as needed to discus progress and ongoing strategies.

When I meet for claim file reviews, I always remind the claims adjusters that I am looking for these three things: I) Take care of my employees; 2) Save me money; and 3) Close my claims. I use the same goals but expend more effort on the claims that I feel are going to go south.

6. MAKE SURE YOUR EMPLOYER-DESIGNATED TREATING PHYSICIAN OR CLINIC KNOWS THAT EVERY INJURED EMPLOYEE WHO HAS BEEN RELEASED WILL RETURN TO WORK.

Hey, this is easy. Every organization has extra work available and supervisors wish that they had the resources to do those projects that are not a part of the mission, but that would make daily life easier. These are the projects that simply don't get done because of the lack of human capital.

Think of the return-to-work program as an opportunity to match abilities and

skills to needed projects. Employees off work on temporary disability will be getting paid anyway, so why not take competitive advantage of them by using them to get ahead. Here is a basic plan in the event you need to develop a written program:

- A. Obtain support from the top for a return-to-work program.
- B. Go see the doctor where you send employees. That physician should know you and feel comfortable enough to call you with questions about your program. Make sure the physician knows you have available work for everybody who is not confined to a hospital bed.
- C. Make sure departments or units know that they have an obligation to find meaningful work for those who have the ability to come back.
- D. It is critical that the physician review the injured employee's normal job description and complete a comprehensive release-to-work form when he or she treats any injured employee. Demand the physician return the completed release-to-work form with the employee. Require the injured employee to present the completed release form to his or her direct supervisor after every doctor visit.
- E. Develop a matrix of predetermined, modified duty tasks that can be performed by injured employees. Include written job descriptions and pictures so the physician can better understand what tasks the employee will be expected to do.
- Be prepared to modify these lightduty jobs so you can accommodate unusual restrictions.
- G. The employee and supervisor need to understand and sign a return-to-work agreement indicating that they both understand the limitations and agree to them, and understand the maximum duration of the light duty.
- H. Monitor the program both claim by claim and in aggregate. As Lou Gerstner, chairman of the board and chief executive officer of IBM from 1993 to 2002, and author of the book Who Says Elephants Can't Dance?, says "People do what you inspect, not what you expect." Measure those temporary disability days against last year's results at this time.

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Workers' Compensation...things that make you go Huh??? Continued...

7. MANAGE YOUR CLAIMS EXAMINER OR THIRD-PARTY ADMINISTRATOR.

Claims examiners have a lot of work to do. They are responsible for the majority of communication on claims, paying bills, setting reserves, meeting all the various legal requirements, and closing claims.

This may explain why claims examiners are notorious for completing work goals right before a file review. They are busy with their daily routine. To whatever extent the work only gets done before the file review, it stretches out the life of the claim. Some things need to be done right now. I want three basic things: Take care of my people; save me money; close my claims. And, I want the work done on a daily basis!

Take care of my people. I believe in a sports medicine philosophy. If you have a quarter-back who can't play, that is costing money and the coach will be aggressive with the best possible care in order to get that person back on the field. Other than several million dollars in salary, what is the difference between this situation and your employees?

Your are still out a highly trained player who is not producing. So get the treatments going. Take a look at how the system works without the sports medicine philosophy. The physicians typically take a conservative healing approach—maybe some ice or elevation, a few pain meds, and some time off. When the doctor does decide to take it up a notch, he or she is required to submit a request for treatment authorization to the claims examiner.

With a mind towards program savings, the claims examiner sends the authorization for approval to a utilization review service. Meanwhile, appointment dates are getting filled on the physician's calendar and the doctor is wondering why he or she can't treat the patient and why he or she ever decided to take workers' compensation as a form of business.

My suggested fix is "medical advocacy" for the injured employee. Everyone should be involved. Speed up the process, speed up the approval, and double your communications. It concerns me that employees will sit at home watching television, not knowing what is going to happen next. I say: Get them involved asking questions. What do I do next? When is my next appointment? Who should I see? What should I be doing?

Effective medical advocacy starts with the patient and is accelerated by all of the supporting services. Communicate and communicate often. Make sure your claims people know that standard treatment doesn't need

to be approved by utilization review—what a waste of time and money. The common sense treatments should be instantly approved.

Save me money. Getting people back to work saves on temporary disability costs and typically shortens healing time. Now how can I save on the medical? Bill review is critical. Do we have the right patient? Is the treatment reasonable? Is there double billing, are there upcharges or overcharges?

Does the doctor have everyone, including first-aid patients, come back in for a second appointment before he or she will release them? Are we using approved clinics? Are discount prescription programs being used? Are unusual or experimental treatments not under the guidelines being considered and reviewed? Do we use peer review or consultations when there are questions?

If a case has complicated medical issues, do we assign a nurse case manager? If there are questionable injuries, do we hire investigators to do activity checks or subrosa? Third-party administrators should be able to show you various supplemental services and the documented use and associated savings as a result of their work

Close my claims. Closing claims is a skill. This requires that an examiner who believes that he or she can make a difference is willing to think strategically and can focus on improvement. Only the best claims examiners really know how to strategically knock out claims with a good solid plan.

As a risk manager, I need accountability. During file reviews, claims examiners are required to follow a rigid protocol that goes like this:

- Tell me what you promised was going to get done at the last review in writing.
- Tell me what you did to meet that promise and what date if was completed in writing.
- Provide a written strategy for the resolution of the claim with prioritized target dates for action.
- Note all plan adjustments with an approval date.

I want strategies that are well-thought-out and of a level that I would expect from a senior claims examiner. I don't want cookie-cutter or cut-and-paste answers. Every claim should have an individual strategic plan., Work the plan for the claim (loosely quoting Norman Vincent Peale, "Plan the work, work the plan.")

Document those actions so I don't have to remember what we talked about at the last claim review. If I have to ask the same question at more than one claims review, I am going to be disappointed, and I am going to let you know!

Show your appreciation. I am also going to let the claims adjuster or TPA know when I approve of a job well done. Let's face it, claims handling is a thankless job. I have a standing offer for a bottle of champagne to the claims examiner who can take a valid fraud claim to conviction. I know that it takes effort beyond the normal routine to get a conviction on a workers' compensation fraud claim.

A silly victory gift that is awarded for achieving success will be remembered by the winning claim examiner and noticed by his or her peers. Celebrate those victories. I once sent several cans of the energy drink Go Girl to a claims examiner who, years later, reminded me that was one of her most cherished claim victories because I had expressed my pride in her abilities. Put those goals and kudos out there for enjoyment.

8. REDUCING LITIGATED CLAIMS.

Why do injured employees go to lawyers? I have been known to argue that workers' compensation is one of the greatest social programs to ever be established. The roots of this program go back to the first non-indentured working people with skills. Today, it is either illegal or extremely difficult to mistreat an injured employee because the system is well-defined legally and liberally interpreted by the judicial system.

So why do applicants seek representation? My experience is that most applicants seek legal help because they do not understand the system, they do not trust the system, or they do not trust the employer. The solution is simple.

- Talk to injured employees, even if you have to call them at home.
- Explain workers' compensation benefits and the system. Encourage them to ask questions. If you know they are having problems, help them.
- Hold your door open for them to come back for more help or with more questions.

Workers' Compensation...things that make you go Huh??? Continued...

I have seen workers' compensation programs with as much as 80 percent of the cost being attributed to legally represented applicants. The average claim grows exponentially with representation. It may take a little time to build trust with employees, but you will put a lot of lawyers out of business with just a little good communication.

In closing, it is important to remember that numbers are not the end game, they are simply a measurement. If I have to pick between doing analysis and changing the culture with the basics shared in this article, I will always choose to work the program first. Do that well, and the numbers will follow. Here is to hoping that you become a workers' compensation hero.

And remember: Don't waste talent, and injuries are wasted talent.

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Letter From the Editor

Dear Colleagues,

I carefully selected the articles for this newsletter to raise awareness and for us to reflect on how much responsibility and accountability we have as risk managers for our organizations, employees, and communities. Colleagues there isn't a minute to waste! We have to anticipate and prepare and as it was so eloquently stated in the quote included in the workers' compensation article "if we can predict it, we can prevent it." And shame on us if we don't open our eyes in light of recent tragic events and continue exploring ways to protect our organizations and our most valuable asset (people all people) against potential risks to our state, cities, counties, universities, school districts, etc.



Have you started working on your 2014 health insurance renewal? Say hello to my little friend PPACA fees or the new TAX. These new "fees" or "taxes" will add additional costs to your health insurance renewal beginning January 1, 2014. Yet another unfunded legislation.

Are you prepared? Ensuring that you revamp your wellness program can help you mitigate some of these additional added costs to your health insurance program. Wellness initiatives make good "cents."

Where is your cookie jar and who is watching and guarding your valuable assets? Do you have adequate crime insurance protection? What safeguards do you have in place to protect your payroll, pension plans, mailroom, etc. Take heed and review and identify any vulnerabilities and implement systems to protect your organization from theft.



How much insurance is enough and how do we know? The West Fertilizer tragic explosion that heavily damaged the town of West, Texas should be reason enough for us all to want to quickly and diligently evaluate our risk management programs to ensure that when we are asked if our organization is adequately protected, our answer is a resounding and confident "absolutely YES!" The many people that were directly or indirectly impacted by this tragic event

will in time recover but that may not be the case for the owners of the West Fertilizer Co. Get into the practice, if you are not doing it already, to evaluate your risk management programs annually and make the necessary adjustments needed to protect your organizations in today's risky business.



The recent Oklahoma tornado ripped a 17-mile gash through the small community of Moore flattening entire blocks of homes, two schools and a hospital. In less than an hour the twister claimed 24 lives and injured approximately 377. The Plaza Towers Elementary School is now just a pile of rubble where seven children died. Briarwood Elementary School in Moore also received direct hits from the tornado leaving it in shambles.

The Moore tornado was the most powerful in a flurry of 76 tornados that touched over a three-day span. The outbreak caused an estimated \$2B-\$5B according to disaster modeling company Eqecat.

Our thoughts and prayers are with all Oklahoma families who were damaged directly or indirectly by the deadly tornado that ravaged their lives.



Irma Hernandez, PHR, CSRM
Editor
Texas PRIMA Press



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