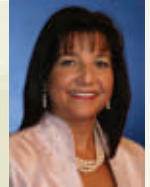




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Texas PRIMA Celebrating 25 Years Of Risk Management Silver Linings



President's Message:

Have you registered yet for the 25th Texas PRIMA Annual Conference in San Antonio? If not what are you waiting for? Let me tell you what you don't want to miss...

The opportunity to attend educational sessions where you will hear and learn from your colleagues in the industry about such topics as:

- *General Risk Management*
- *Employee Benefits*
- *Workers' Compensation*
- *Safety and Claims*

For more detailed information about this year's 31 educational sessions [view the *Schedule-At-A-Glance*](#).

Don't miss the opportunity to network at the *Welcome Reception* on Sunday from 5pm-6:30pm. Following the reception visit our beautiful *River*

Walk with friends old and new.

Monday morning begins with our Key Note speaker, Jeff Havens, followed by educational sessions leading into the *Annual Membership Luncheon*. The Grand Exhibit Hall will open with a desert celebration accompanied by Mariachis (San Antonio style). In the Exhibit Hall you will have the opportunity to visit with over 65 exhibitors/sponsors to learn more about how they can help you find ways to improve your risk management, benefit and safety programs. After the opening of the Grand Exhibit Hall you will have the opportunity to attend more educational sessions filled with valuable information to help you grow professionally and expand your knowledge in the industry. The afternoon educational sessions will be followed by another opportunity for you to network with colleagues in the Exhibit Hall from 5pm-6:30pm.

But wait that is not all!

Join us at the Monday *Opening Night Reception* where we will celebrate with glitz and glamour 25 years of Texas PRIMA years past. We are asking you to help us down memory lane by [uploading your favorite conference images or memorabilia](#) you have kept since 1989. We will feature your contributions in a slideshow for all to see on the big screen. No doubt we will have laughter with tears as we "remember when." Make sure you go by the photographer's glamour studio and memorialize you 25th anniversary glamour look for years to come.

There's more...

Tuesday promises to deliver a return on your investment by offering a full day of educational sessions. At the *Annual Awards Luncheon* you will hear about the many success stories as we announce the Risk Professional of the Year, the Risk Associate of the



Wanted: Your Texas PRIMA Photos and Memorabilia! [Click here](#) to upload your memories (jpg only please).

Year, and the Risk Management Program Achievement Awards. These are your colleagues being recognized for high achievements of excellence in the industry. Please join us as we celebrate their *Silver Linings*.

We will end the day with honoring and celebrating our Conference sponsors/exhibitors at the *Appreciation Reception* in the Exhibit Hall from 4:45-6pm. Without our sponsors/exhibitors our past 25 years of annual conferences would have never been possible. They have been and continue to be the pinnacle of our success.

Come back Wednesday morning, *please*, and join us for more educational sessions and don't miss out on our *Closing General Session* speaker Mr. John Borbi, who will speak to us about "The Dark Side of Success." Bet we can all relate to that on any given day.

Now that you know what you **do not** want to miss by not attending this year's annual conference hurry up and [register](#) and make your reservation now at one of San Antonio's most beautiful hotels on the River Walk, The Grand Hyatt, and become a part of the next 25 Texas PRIMA years.

See you in November on the River Walk!

Irma Hernandez,

Irma Hernandez, 2014 Texas PRIMA President



Previous Texas PRIMA Presidents, We THANK You!

Texas PRIMA has proudly served our industry for more than 25 years, offering educational programs and networking opportunities to Risk Management Professionals throughout Texas. This year we celebrate the 25th Texas PRIMA Annual Anniversary Conference and want to take a moment to recognize and THANK those who lead the organization in the past and helped us get where we are today.

1981 – Ron Pollard	1992 – Leroy Hyltin, Jr.	2003 – Tina Paquet
1982 – Ron Rakich	1993 – Sheila Stuckey	2004 – Ron Josselet/Tina Paquet
1983 – Al Hyman	1994 – Robby Neill	2005 – Gary Urban
1984 – Mark Ferraro	1995 – Cindy Kirk	2006 – Scott Payne
1985 – Mark Wilson	1996 – Joey Page	2007 – Alan Smith
1986 – Bill Herrington	1997 – Norma Essary	2008 – Melissa Sullinger
*1987 – Cindy Kirk	1998 – Henry Kaplan	2009 – David Kester
1988 – Rupa Mathur	1999 – James E. Huckaby	2010 – Regan Rychetsky
1989 – Bruce Birdwell	2000 – Linda C. Spacek	2011 – Tracy Seiler
1990 – Alan Smith	2001 – Martha Rider	2012 – Donna James-Spruce
1991 – La Rue Williamson	2002 – Robin Vincent	2013 – Bill Tarro

We want to especially recognize and thank CINDY KIRK for paving the way for women. She was the first female risk management professional elected as president of Texas PRIMA in 1987. She has served as president twice in the past 33 years and continues to serve on the Board to this day.

Special thanks also go to ALAN SMITH and TINA PAQUET who both served more than one year as President of this wonderful state chapter.

To BRUCE BIRDWELL and SCOTT PAYNE we say THANK YOU for your leadership in the past and for your continued and unwavering support to the Texas PRIMA Board, sponsors, and its membership to this day.

This year at the Texas PRIMA 25th Annual Anniversary Conference in San Antonio, we will be celebrating because of what the above past Presidents and their boards have accomplished.

THANK YOU,

Irma Hernandez, 2014 Texas PRIMA President

Membership Campaign

The Membership Committee launched a new membership drive this year with the goal of achieving 25 new members by June 15, 2014. I am excited to announce that we gained 20 new members! As part of our campaign, we offered each new Texas PRIMA member to be entered into a drawing for (1) complimentary conference registration to the 2014 Texas PRIMA Conference and Expo in San Antonio, Texas. The drawing took place on June 20, 2014. Congratulations to Nila Smith, Benefits Coordinator, City of Texarkana!

Thank you to everyone who referred individuals and helping us make this a successful campaign. We look forward to seeing you in November.

Welcome New Members

Mattie Atkinson, ADAAA Coordinator-San Patricio County

Chase Carlisle, Broker-Carlisle Insurance Agency, Inc.

Oldemar Da Silva, Director, New Business Development-HealthPlanOne, LLC

Zulena Davila, Human Resources Assistant-City of Edinburg

Chris Garza, Strategic Resources Specialist II-City of Irving

Estella Hinojosa, Risk Manager-City of Edinburg

Julie Novak, Chief Financial Officer-Fort Sam Houston ISD

Irma Paine, Risk Manager-Edgewood ISD

Belinda Raindl, Coord. Of Risk Management & Records-Comal ISD

Jim Revis, Risk Manager-City Of Plano

Members on the Move

Iris Moore, MBA, CISR – Insurance Manager

Iris recently joined the Houston Independent School District as an Insurance Manager in the Risk Management Department. She comes to HISD from a well-known Houston insurance agency: Brady, Chapman, Holland & Associates.

Melissa Sullinger – Benefits & Compensation Manager

Melissa recently left her previous position as Human Resources Director for the City of Mansfield to join the City of Arlington as their Benefits and Compensation Manager.

Ida M. Wall - Director of Risk Management

Ida M. Wall is the new Director of Risk Management for the Alief ISD. She started her career in Alief ISD in 1994 as a paraprofessional. Ida received a Bachelor of Science from the University of Houston downtown in 2005. Ida's degree and experience has helped her career flourish.

Texas PRIMA Loses A Friend & Colleague



As some of you know, we lost a true friend and colleague on July 17th. Wanda Kay Browning was born on August 4, 1952, in Wichita Falls, Texas. After graduating from Texas City High School in 1970, she began her career at Galveston County Memorial Hospital as the receptionist. She finished as Executive Vice President for AS&G Claims Administration. Wanda joined AS&G 19 years ago and has been a driving force in helping AS&G grow into the TPA they are today. Wanda set the standard and help define many of her company's goals and procedures. An active participant in Texas PRIMA for more than 20 years, she was loved by her community. Wanda, her sincere dedication to service, her devotion, her kindness, her love of animals, and her infectious smile and laughter will be greatly missed – but never forgotten - by family, coworkers, friends, and colleagues.

It was her preference that any donations be directed to the Society for the Prevention of Cruelty to Animals (SPCA) and/or the American Cancer Society (ACS). In accordance with her wishes, the Texas chapter made donations to both in Wanda's name.

SPONSORS in the SPOTLIGHT

Texas PRIMA's Chapter sponsors have been vital to the success of the Texas PRIMA Chapter, several having partnered with Texas PRIMA for 10 or more years. These long-term Chapter sponsors share their experience with Texas PRIMA:



Texas Political Subdivision JSIF

"Over the last 17 years TPS has enjoyed a very important partnership with Texas PRIMA. The availability and willingness to help our organization, as well as our members is unsurpassed. The Risk Management knowledge PRIMA offers our members, and the industry in general, helps promote a better environment for us all. TPS is happy to be a long-time sponsor and will continue our support for Texas PRIMA for years to come." Texas Political Subdivisions JSIF provides: Auto Liability, Crime, Cyber, General Liability, Law Enforcement, Property, Public Officials, School Board Legal and Workers' Compensation coverage to local governments. Our administration of insurance programs helps control costs through competitive pricing, aggressive claims management and by offering free loss control.

McGriff, Seibels & Williams of Texas, Inc.

"McGriff, Seibels & Williams of Texas, Inc. (MSW) has been a proud sponsor of Texas PRIMA for 15+ years. Texas PRIMA has provided a platform for MSW to provide consultative advice and expertise in design and implementation of complex risk solutions for various Texas PRIMA member's property, casualty, risk management and employee benefits. McGriff's Public Entity Group provides risk management solutions to tax-supported institutions, city and state governments, educational and transportation districts, and non-profit agencies. We are intimately familiar with the exposures faced by the public sector as well as the usual constraints related to budgets and staffing. Because every public entity has special needs all their own, we search the globe to find just the right fit. We have enjoyed the long term relationship and commitment Texas PRIMA has provided towards the Public Risk Management sector and look forward to a continuing our relationship for another 15+years."

Munich Reinsurance America, Inc.

"Munich Reinsurance America Inc. (Munich Re), Specialty Markets Division, has proudly partnered with Texas PRIMA for 15 years and is a GOLD Sponsor of the 2014 Texas PRIMA Conference & Expo. The Texas PRIMA Conference & Expo provides an opportunity to discuss the changing landscape of risk. The silver lining in our industry will be those companies that embrace change while creating solutions that meet tomorrow's needs. Know-how and intense client focus are the keys to our success. Meet with us to discuss how our multi-line, custom risk transfer, risk sharing and risk management solutions can support your risk management program."

Arthur J. Gallagher Risk Management Services, Inc.

"Arthur J. Gallagher & Co. appreciates PRIMA's ongoing endeavors in educating its members on evolving events, both in Texas and nationally. Through PRIMA's programs and its partners, we build a better Texas!"

Argus Services Corporation

"Argus Services Corporation considers it a privilege to partner with TX PRIMA as a sponsor for so many years. The networking, industry education and camaraderie garnered from the conferences are added value to the excitement which culminates at the annual event."

AS&G Claims Administration, Inc.

“AS&G Claims Administration, Inc. has been providing exceptional quality TPA services to our clients for the last 31 years. Our relationship with PRIMA over the last 20 years has significantly contributed to the success of AS&G, and we look forward to partnering with PRIMA for another 20 years.”

United Healthcare

“The mission of UnitedHealthcare is to help people live healthier lives and we are honored to support Texas PRIMA and its mission of continuing education and risk management expertise in governmental agencies, political subdivisions and school districts. UnitedHealthcare is very grateful for the many friendships made through our association with Texas PRIMA, honored to serve its members through participation at its annual and regional conferences, and is very pleased to be associated with Texas PRIMA since 1997.”

Wells Fargo

“Wells Fargo has partnered with TX PRIMA as a Silver Sponsor to promote quality risk management goals & objectives to TX public entities. We assist public entities with identification and implementation of optimal risk management strategies that protect their balance sheet, assets, employees and reputations.”

TML-IRP

“Texas PRIMA does an excellent job of providing training and resources to public entity risk managers across the state, which we consider to be a perfect complement to the services offered by the Pool. TMLIRP has enjoyed our long term partnership and is a proud sponsor of Texas PRIMA.”

TRISTAR Risk Management

“TRISTAR has been a Texas Prima sponsor for over a decade and now entering our 2nd year as a Platinum sponsor. We are excited about our continued relationship with Texas Prima and look forward to seeing everyone in San Antonio later this year.”

TASB Risk Management Fund

“The TASB Risk Management Fund (Fund), currently a Silver Sponsor, greatly values its long term relationship with Texas PRIMA. The Fund and Texas PRIMA share the common goal to provide a safe learning environment for students in Texas through risk management education and networking opportunities, and the Fund looks forward to many more years of working with Texas PRIMA towards this common goal.”

Texas Association of Counties

“The Texas Association of Counties Risk Management Pool (TAC RMP) has been a proud Silver Sponsor of Texas PRIMA for many years and is honored to be a part of Texas PRIMA again this year. We look forward to continuing this relationship as we all work together to provide the best risk management solutions to Texas political entities.”

JI Companies

“JI Companies, York Risk Services Group’s Texas Team, continues to believe in and support the mission of Texas PRIMA to strengthen the quality of public entity risk management through continuing education and networking. We have been a proud supporter of Texas PRIMA since its inception, and over the past decade, this support has been reflected in our: sponsorship at the platinum and diamond levels, funding scholarship opportunities, volunteering to help with conference planning, and providing industry expert speakers at the regional and annual conferences.”

Navitus Health Solutions Wins Spot as Gold Sponsor

Last year during the conference board members distributed surveys and asked that sponsors/exhibitors complete and return the surveys on the last exhibit day of the conference. In return for completing and submitting the surveys, sponsors/exhibitors would be entered into a drawing and if selected would be moved up a sponsor level without additional funding required for the coming year.

During the Texas PRIMA board meeting in January 2014, a drawing of all submitted and completed surveys was conducted. It gives me great pleasure to announce the results of that drawing.

Navitus Health Solutions, a long-term Silver sponsor and partner of Texas PRIMA won the drawing and has been moved up to Gold Sponsor with all Gold Sponsor benefits for the 25th Annual Conference Anniversary in San Antonio. CONGRATULATIONS!

We will be visiting with all our conference sponsors/exhibitors at the opening of the 2014 Exhibit Hall to distribute surveys and we hope you will take the time to complete and turn them in to a Texas PRIMA Board member for your change to Move Up a Level for the 2015 annual conference in Galveston.



Irma Hernandez, Texas PRIMA Conference & Sponsor Chair

Board of Directors Nominations

Have you decided to nominate yourself or someone you know for a position on the Texas PRIMA Board of Directors? Call for Nomination Applications were sent out on August 21st and are available at texasprima.org. If you haven't already thrown your name in the hat, now is the time to decide and we hope you decide to go for it!

As a reminder, the elected Board is comprised of two Past Presidents (Immediate Past and Past President), four Officers (President, President Elect, Secretary, and Treasurer) and four Directors-at-Large. Elections are conducted in October, and new Board terms begin January. The Board typically meets four times a year, and again at the annual conference.

Nominees must be a member of Texas PRIMA, employed by a qualified governmental entity, have responsibility for risk management functions, insurance, benefits and/or safety management, and be able to attend Board meetings in accordance with the bylaws. Consideration is given to experience, demonstrated leadership, participation in the Chapter, and proven commitment to the organization and profession. We look forward to receiving your application!

Texas PRIMA's Conference Scholarship Program

The scholarship application process for Texas PRIMA's 25th Annual Conference at the Grand Hyatt, San Antonio, Texas, November 9-12, 2014 is now underway!

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 available and may include:

- Conference Registration Costs
- All costs related to attending the conference, including travel and lodging at the conference hotel.
- Complimentary membership in Texas PRIMA through 2015.

DON'T MISS THIS ...



REGIONAL RISK MANAGEMENT SEMINAR

sponsored by **texasprima**
Texas Chapter Public Risk Management Association

We appreciate your help in spreading the word about the Texas PRIMA 25th Annual Conference and scholarship program, but hurry, application deadline is September 5, 2014. [Click here](#) for more information.

The Texas PRIMA Education Committee is hard at work putting together Regional Risk Management Seminars for 2014. The first Regional seminar in the City of San Marcos on April 9, 2014 was a great success as was the one on June 25, 2014 in Sugar Land. For the first time, we had six educational sessions and although a bit hectic, it was a huge success with over 60 attendees. The third, and last before Conference, will be held in Grand Prairie on September 18, 2014. See the line-up of topics, speakers and register now at www.texasprima.org. To better serve our membership in developing risk management topics of relevance and interest we want to hear from you. Do you have a specific topic of interest you want to see presented? Is there a topic YOU would like to present yourself? Send your submission to info@texasprima.org and we look forward to seeing you in Grand Prairie on September 18!!

Donna Parker Stirman, Education Committee Chair

Grand Prairie / Sept. 18, 2014

[[register now](#)]

8a – 9a	Registration / Continental Breakfast sponsored by McGriff Seibels & Williams, Inc.
9a – 10a	Costs Are Up, Costs Are Down: Managing Property Valuation Issues in Today's Economy Nigel P. Wilson, ASA/American Appraisal
10a – 10:15a	Networking Break
10:15a – 11:15a	Risk Management 101 Robert Waggoner, McGriff Seibels & Williams, Inc. and John Palm, Allen ISD
11:15a – 12:15p	A Business Case for Worksite Wellness Sallie Villarreal, BCBS
12:15p – 1p	Lunch sponsored by American Technologies, Inc & American Appraisal
1p – 2p	Workers' Compensation Thurman Williams, White Epsey, PLLC
2p – 2:15p	Networking Break
2:15p – 3:15p	Tort Claims Update Andrew Z. Schreck, Downs & Stanford, P.C.
3:15p – 4:15p	PPACA Employer Penalty Rules: Pay or Play, Tracking ACA Hours for Full-time, Part-time/Subs Scott Gibbs, McGriff Seibels & Williams, Inc.

Call for Awards Nominations

Shooting Stars are far and few between, but when they appear everyone notices. Texas PRIMA is looking for these Shooting Stars. We want to acknowledge the same excitement and amazement with our colleagues and coworkers.

Texas PRIMA is looking for public entity Risk Management Professionals and Risk Management Programs that will shine and ensure that these individuals and programs get the recognition that is deserved.

Texas PRIMA wants to recognize the Silver Lining in everyone with three award categories: Risk Professional of the Year - honoring individuals who exemplify the title through continual innovation and commitment to the risk management field, Risk Associate of the Year - individuals that contribute to the risk management field and Achievement Awards - honoring public entities with creative and successful risk management programs that benefit the success of the organization.

We would like see a meteor shower of Shooting Stars in all categories. Please take the time to 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 easy. Nomination forms and qualifications for all three awards can be found by visiting www.texasprima.org. A list of previous winners and programs can also be found on the website. Award recipients for Risk Professional and Associate will be announced and recognized during the Awards Luncheon at the Annual Conference in San Antonio, receive a wall plaque, be recognized in the newsletter, Texas PRIMA Press, recognized on the Texas PRIMA web page and be reimbursed

for the conference registration and one night of hotel accommodation costs. Notification of the award will be sent to the award winners' supervisor.

The nomination **deadline is September 5, 2014**. 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.

UNT Risk, Insurance & Financial Services

This spring Tarrant County Budget & Risk Management hired its first part time person through the University of North Texas. UNT offers a degree program through their business school in Risk, Insurance & Financial Services. The curriculum gives an in-depth understanding of areas related to risk management, insurance and financial services. This program helps students prepare for employment as a(n):

- Broker or agent providing risk management counseling and market placement services
- Employee benefits consultant advising Fortune 500 corporations on risk management strategies
- Personal financial planner helping individuals, families and small businesses achieve their financial goals
- Risk analyst consulting for a business, nonprofit or government agency
- Risk manager providing enterprise risk management solutions for businesses
- Underwriter or risk control professional for an insurance carrier

The program has a very high placement record after graduation in all areas of insurance and risk management. I found out about the program a couple of years ago from my daughter, Courtney Wood. She attended UNT and received a B.B.A. degree. She took some risk management classes and started working part time for a property casualty agency in Frisco, TX. After graduation, she was offered a full time position and is still currently employed there.

Travis Yarbrough started working part time with Tarrant County in March 2014 and has been a great asset. He has been a tremendous help in processing claims submitted under our self-insured program and helping put documents together relating to different insurance and risk issues.

Paul Wood, Risk Management Specialist—Tarrant County, Texas

Risk Management Tidbits

Compliance Recap—June 2014

During the month of June, rules and decisions that potentially affect some or all group health plans were issued by the regulatory agencies and the Supreme Court of the United States.

Eligibility Waiting Periods and Orientation Periods (may affect all employers)

The Patient Protection and Affordable Care Act (PPACA) generally prohibits a plan from having an eligibility waiting period of more than 90 days. Details on this requirement, which is effective as of the start of the 2014 plan year, are included in our February 24, 2014, PPACA Advisor - Eligibility Waiting Periods.

The start of the 90-day waiting period may be delayed until the employee meets the plan's eligibility requirements. For example, if the plan does not cover employees who work fewer than 30 hours per week, or employees in certain job categories, and an employee moves from ineligible to eligible status, the waiting period may begin as of the date the employee first moves into the eligible class. The regulatory agencies have now issued a Final Rule that provides that, beginning with the 2015 plan year, an orientation or probationary period of not more than one month will be considered an allowable eligibility requirement.

The one month period is literally one month, which is determined by adding one calendar month and subtracting one calendar day. For example, if the employee is hired into an eligible position on May 3, the orientation period would need to end on June 2. If the employee was hired on October 1, the orientation period could not go past October 31. If there is not a corresponding date in the next calendar month, the orientation period must end on the last day of the next calendar month. For example, if the employee's start date is August 31, the orientation period could not go past September 30, and if the employee's start date is January 31 the orientation period could not go past February 28 (or February 29 in a leap year).

Cautions: The eligibility waiting period and employer-shared responsibility (play or pay) requirements are not identical. Employers that are large enough for the play or pay requirements to apply need to be aware that use of

an orientation period that is allowable under the eligibility waiting period rules may lead to penalties under the play or pay rules. The play or pay rules require coverage to begin by the first day of the fourth calendar month of employment (unless the employee is a part-time, seasonal, or variable hours employee), and the addition of an orientation period will sometimes cause that time period to be exceeded. For example, if the employee is hired into a full-time position on January 6, to meet the play or pay requirements, the employee must be offered coverage by May 1. If the employer applies a one-month orientation period and then offers coverage as of the 90th day after the orientation period is completed, coverage will not be available until May 6.

Employers that choose to use orientation or probationary periods need to clearly communicate to employees that completion of the orientation or probationary period does not mean that continued employment is assured.

It is unclear whether adding an orientation period will be considered a narrowing of eligibility that would cause a mid-size employer to forfeit the ability to delay compliance with the play or pay requirements until 2016. Employers with 50 to 99 employees who are otherwise maintaining coverage should carefully weigh the benefits and risks before adding an orientation period.

Source: Jennifer S. Kupper, IA Consultants

Employer Pay or Play Mandate - Final Regulations Explained

PAY OR PLAY BASICS

The rules governing the pay or play excise tax are complex. Even determining which employees are considered full-time calls for detailed analysis. Despite the “pay or play” shorthand reference, these provisions are best thought of as including two separate excise tax provisions.

- One excise tax (we call it the “cliff” but it is also known as the Section 4980H(a) penalty) usually will be very large if it applies, but it is easily avoidable.
- The other excise tax (which we call the “drop-off,” but it is also known as the Section 4980H(b) penalty) usually will be small by comparison but is more difficult to avoid completely.

These excise taxes apply only to large employers (50 or more full-time employees [including full-time equivalents] in the last calendar year). Also, neither the cliff nor the drop-off applies unless the employer receives a certification that at least one of its full-time employees has obtained coverage through a public insurance exchange (also known as the health insurance marketplace) and has qualified to receive premium assistance or cost-sharing reduction with respect to that coverage. Very generally, full-time employees are those employed for an average of at least 30 hours of service per week.

The cliff may apply if an employer fails to offer minimum essential coverage (which includes almost any employer-sponsored medical benefits, regardless of cost or value) to substantially all of its full-time employees and their dependent children (up to age 26). The cliff excise tax is \$2,000 annually – \$166.67 per month – for every one of an employer’s full-time employees. The \$2,000 penalty is indexed in 2015 and future years. Depending on corporate structure, up to 30 of the employer’s full-time employees are disregarded (transitional guidance available for 2015 provides that an employer may reduce its number of full-time employees by 80 rather than 30). For an employer that is part of a controlled group, its allocation is equal to 30 (or 80 for 2015) allocated ratably among all members of the controlled group on the basis of the number of full-time employees employed by each applicable member of the controlled group during the calendar month.

If an employer avoids the cliff, it may still incur the drop-off if it does not offer each full-time employee minimum essential coverage that is both minimum value (at least 60% actuarial value) and affordable (no more than 9.5% of the employee’s household income, which can be determined by the employee’s W-2 pay, the employee’s rate of pay, or the federal poverty line for a single individual). The drop-off excise tax is \$3,000 annually – \$250 per month – for each full-time employee for whom the employer receives a certification of premium assistance or cost-sharing reduction, unless the cliff would be a lower amount. The

drop-off penalty is capped so that it cannot exceed the amount of the cliff penalty that would apply if no coverage was offered by the employer. The \$3,000 penalty is indexed for 2015 and future years.

WHO IS A LARGE EMPLOYER

The pay or play mandate applies to large employers. An employer is not subject to any pay or play excise tax, regardless of what coverage it does (or does not) offer, unless the employer (including certain affiliated companies) is a large employer. A large employer is defined as an employer that employed an average of at least 50 full-time employees on business days during the preceding calendar year (please see below for information on a transition rule available to certain large employers employing fewer than 100 full-time [including full-time equivalent] employees).

Tax-exempt, charitable, religious or governmental organizations are not exempt from the pay or play provisions. Employees of all employers that are part of a single controlled group or affiliated service group (defined under the rules for qualified retirement plans) are added together when establishing whether the individual group members are large employers. However, for purposes of determining whether the pay or play excise tax has been incurred, each entity within the controlled group is considered a separate employer and generally has no responsibility for the other group members.

For purposes of calculating whether an employer has 50 or more full-time employees, full-time equivalent employees (FTE) as well as full-time employees are taken into account. The number of FTEs for each calendar month in the preceding calendar year is determined by calculating the aggregate number of hours of service for that calendar month for employees who were not full-time employees (but not more than 120 hours of service for any employee) and dividing that number by 120. In determining the number of FTEs for each calendar month, fractions are taken into account. The final regulations provide that, as an option, an employer may round the resulting monthly FTE calculation to the nearest one hundredth (i.e., a calculation of 30.544 FTEs for a calendar month may round the number to 30.54 FTEs). Because part-time employees essentially count as fractions when making the large employer determination, a company with only a few employees working 30 or more hours per week may be a large employer.

An employer is not considered to employ more than 50 full-time employees if (1) the employer's workforce exceeds 50 full-time employees for 120 days or fewer during the calendar year, and (2) the employees in excess of 50 employed during such 120-day period are seasonal workers. For this purpose, the term seasonal worker is defined as a worker who performs labor or services on a seasonal basis.

When determining whether a company is a large employer for 2016 and later calendar years, employment during all 12 months of the previous calendar year must be factored in. Under a transition rule available for the 2015 calendar year, the determination of whether a company is a large employer may be made based on any period of at least six consecutive calendar months during 2014.

TRANSITIONAL GUIDANCE

In addition to the transitional rules referenced above, the final regulations provide a number of other transitional rules that delay the application of the pay or play mandate to certain employers and lower the thresholds for different aspects of the law. The following summarizes these rules.

Source: Willis Human Capital Practice Team

Health Care Reform Law

90-DAY WAITING PERIOD AND ORIENTATION PERIOD: FINAL REGULATIONS EXPLAINED

Final regulations governing the 90-day waiting period requirement under the Patient Protection and Affordable Care Act (PPACA) were issued by the Departments of Treasury, Labor and Health and Human Services on February 24, 2014. Final regulations on the orientation period were released June 20, 2014.

BACKGROUND

The PPACA prohibits a group health plan, including a health insurance issuer offering group health insurance, from applying a waiting period that exceeds 90 days. A waiting period is a period of time that must pass before coverage becomes effective for an individual who is otherwise eligible to enroll under the terms of the group health plan. If the individual is a special enrollee or late enrollee (generally as governed by HIPAA rules), however, any period before the special or late enrollment is not a waiting period.

Like the proposed regulations, the final regulations stipulate that the 90-day waiting period limitation does not require a plan or plan sponsor to offer coverage to any particular individual or class of individuals, including, for example, part-time employees.

WHAT DOES THE RULE REQUIRE?

Under the final regulations, an eligible individual cannot be required to wait more than 90 days before the individual's health coverage becomes effective. Despite requests by commentators, the waiting period remains at 90 days, not three months.

This rule applies to grandfathered and non-grandfathered plans alike, as well as to both self-insured and insured plans. All calendar days are counted towards the waiting period calculation beginning on the enrollment date, including weekends and holidays. If the 91st day falls on a weekend or holiday, a plan can make coverage effective earlier, but not later – it is not an option for coverage to be effective on the 92nd day. A plan is not considered to violate the rule if individuals take more than 90 days to elect coverage.

There is nothing in the final regulations that precludes a plan from applying different waiting periods to different groups of employees, provided no waiting period exceeds 90 days and the approach is otherwise not a subterfuge to avoid compliance with the 90-day waiting period limitation. For example, an employer could apply a 60-day waiting period to hourly employees and a 30-day waiting period to salaried employees.

Alternatively, an employer could vary the length of the waiting period based on the locations of the different employee groups. Please note, however, that such an approach would also need to be non-discriminatory under applicable law.

According to the preamble to the final regulations, state insurance laws that are more “consumer protective” than the federal requirements are unlikely to be preempted by PPACA law and therefore, states have “significant latitude” to impose requirements on health insurance issuers that are more restrictive than the PPACA law. As a result, it is permissible for a state to require insurance companies to use waiting periods that are shorter than 90 days.

To date, one state, California, has imposed a 60-day waiting period for insurance policies issued under the California Insurance Code. At present there is a bill pending in the California legislature to repeal that law. If that legislation is approved (which appears likely at this point), California employers will be allowed to include a 90-day waiting period limitation in their insured plans, although that proposed legislation does not allow California health insurers and HMOs to impose a 90-day waiting period.

Source: Willis Human Capital Practice Team

Workers' Compensation Update

Decision Issued on Disputed Course and Scope Claim

The appeals panel issued this really interesting decision on April 25, 2014 regarding a disputed course and scope claim. In this case, the hearing officer found that the claimant was in the course and scope of employment, but the appeals panel reversed and rendered that the claimant was not in the course and scope of employment on the date of injury. In this case, the claimant worked as a detention service officer (DSO) for the employer and received an email from the employer telling her that the employer scheduled two mandatory pre-physical assessments for her position. The claimant testified at the CCH that she injured her left knee while performing a vertical jump during the first scheduled pre-physical assessment.

The appeals panel stated the following:

“The hearing officer noted in the Background Information section of the decision that the claimant believed participation in the pre-physical readiness assessment was mandatory by the employer and relied in part on an email from a Civil Service Coordinator indicating that the pre-physical readiness assessment was mandatory. In evidence is the email sent to the claimant and all Deputy test candidates from a Civil Service Coordinator with the employer, with the subject listed as “Pre-Physical Readiness Assessment.” The email lists the dates for the two pre-physical readiness assessments and notes that both sessions are mandatory. The hearing officer further noted that the evidence was persuasive that the claimant reasonably believed participation in the pre-physical readiness assessment was mandatory and under the control of the employer.

Appeals Panel Decision (APD) 961159, decided July 29, 1996, is strikingly similar to the case on appeal. In APD 961159, the claimant, a clerk with the sheriff's department, applied for a transfer/promotion to become a certified jailer. The claimant was notified that before she could become a certified jailer she would have to pass an agility test. While taking the agility test the claimant fell and injured her leg. The Appeals Panel noted that the claimant was not directed to take the agility test as part of her clerk duties but rather was told, as any other applicant, that to qualify for the position of certified jailer she would first have to pass an agility test. The Appeals Panel affirmed the hearing officer's determination that the claimant's undertaking the agility test was not an activity which was in the course and scope of her employment as a clerk as being supported by the evidence and not an incorrect application of law.

The evidence in the case on appeal established that the claimant, just as any other candidate for the Deputy I position, was required to attend the pre-physical readiness assessment as part of the application process, which the claimant voluntarily underwent, and not as part of her employment as a DSO. The evidence did not establish that the employer directed the claimant to attend the pre-physical assessment readiness as part of her DSO duties. Accordingly, we reverse the hearing officer's determination that the claimant sustained a compensable injury on [date of injury], and we render a new decision that the claimant did not sustain a compensable injury on [date of injury].”

Source: Roger Green

Injured Worker's Attorney Fights Carrier's '1st Money' Right

A Texas appellate court ruled that a workers' compensation insurance carrier could not take all of the proceeds from a worker's settlement with a third-party tortfeasor without paying the worker's attorney for her work in securing the settlement.

Allison v. Service Lloyds Insurance Co., No. 14-13-00214-CV, 07/01/2014, published.

Rodrigo Alcaraz-Cruz, employee of Ashton Sawing & Drilling, suffered injuries in a motor vehicle accident with Willie Tomlinson.

The Service Lloyds Insurance Co. provided workers' compensation coverage to Ashton. Alcaraz-Cruz was paid benefits of \$28,261.30 by Lloyds.

Alcaraz-Cruz retained attorney Boma Allison and signed an agreement stating Allison would receive a 1/3rd contingency fee as to claims that settle prior to the filing of any lawsuit.

Attorney Allison engaged in negotiations with Tomlinson's auto insurance carrier, Progressive Insurance Co, and negotiated a \$24,000 settlement. The settlement check was made out to Alcaraz-Cruz, Service Lloyds and Allison.

Service Lloyds argued it was entitled to the full amount of the settlement to cover its payment of benefits to Alcaraz-Cruz. Allison countered that she was due \$11,000 in attorney fees plus \$3,000 to cover an advance she had made to Alcaraz-Cruz.

A trial judge granted summary judgment in favor of Service Lloyds, ordering that the carrier receive the full settlement amount of \$24,000.

The 14th District Court of Appeals noted: The “first money” doctrine does not preclude the claimant's attorney from recovering attorney's fees or expenses under either subsection (a) or (c) of section 417.003 of the Texas Labor Code if she establishes her entitlement to them under either

subsection. Therefore, the trial court erred in granting summary judgment. The Appellate Court reversed the trial court's judgment and remanded for further proceedings.

Source: Brandi Prejean

Safety

Shootings Redefine Beat of School Police Officers

LA QUINTA, Calif. — Once, perhaps unfairly, they fit a Mayberry image. School-based police officers were seen as friendly if a bit over-the-hill, a touch out of shape and counting the days to retirement as they watched children head from the lunchroom to recess. If anything serious happened, they were to lock the building and wait for help.

But the string of mass killings at schools over the past 15 years has changed all that, adding urgent new duties and risks to the job and drawing in younger and often burlier officers. Out of hard experience has come a major re-thinking of tactics in a crisis.

At the annual meeting of the National Association of School Resource Officers here last week, school-based officers crowded into multiple sessions on a theme hardly pondered by earlier generations, “the active shooter,” and discussed the aggressive responses now being recommended by security experts and federal officials.

“You’re not just Officer Friendly anymore,” said Kevin Quinn, the association’s president and a school police officer from Arizona.

Radical shifts in tactics have swept the field — calling on officers to rush toward attackers without backup if necessary. Federal education and law enforcement agencies have also encouraged schools to switch from all-purpose lockdown policies and train staff and students to run if they can, hide if they must and, as a last resort, divert or even fight back against a gunman in the room.

The main job of the school-based officer — most of the estimated 10,000 to 12,000 such officers are on assignment from the local police or sheriffs — continues to be to mentor youths and prevent campus crimes, Mr. Quinn said.

And he said the association has worked to end what civil rights advocates say have been excessive arrests of students for minor infractions in some cities. But protecting schools from intruders has become an ever greater preoccupation, with federal agencies, scholars and private security experts gleaning lessons from a succession of mass killings such as Columbine in 1999, Virginia Tech in 2007 and Sandy Hook in 2012.

And so the pop-pop of blank pistol fire resounded in a hotel ballroom as officers practiced one- and two-person assaults, through makeshift windows and doors, on a gunman intent on mass murder.

“Don’t let your elbow stick out,” shouted the instructor, Tony Lambraia of Phoenix RBT Solutions, a private company that provides training and equipment to the industry, as an officer preparing to shoot through a window exposed himself to a crippling wound. The rounds were lead-free blanks, only half as loud as live ammunition, but the brief sampling of commando tactics had the officers revved up.

In another room the speaker, an advocate of more active resistance by students and teachers under siege, threw a sponge at an audience member. His reflexive start, the speaker noted, showed how easily the concentration of a shooter could be diverted, gaining precious seconds for swarming the shooter or bashing him with a chair, or for help to arrive.

Fifteen years ago, before the mass killing at Columbine, responding officers were trained to seal off a building with a shooter inside and wait for the SWAT team. Now, after repeated demonstrations of how quickly a lone gunman can kill multiple victims, officers are taught to charge in immediately, alone if necessary.

Officers here said they were happy to embrace an approach that accorded with their instincts. “We’re trained now to head straight for the shooter, because every passing second can mean another dead kid,” said Travis Garrison, a school resource officer in Gresham, Ore.

Only last month, Mr. Garrison heeded the new mandate himself when an armed student killed a pupil and

wounded a teacher at a nearby high school; as one of the first officers on the scene, he followed the attacker into a bathroom. He found that the student had already shot himself, a common outcome once law enforcement arrives.

And despite the so-called lockdown drill becoming a schoolhouse staple, federal and private security experts have declared the tactic to be too passive. While hiding in dark rooms is sometimes the best option, they say, too many children become victims when fleeing or resisting may have saved them.

...Continue reading at http://www.nytimes.com/2014/07/26/us/shootings-redefine-beat-of-school-police-officers.html?_r=0

Driving Greater Engagement in Health Programs

People can make meaningful differences in their health and well-being when they actively engage in activity and outcome-based incentive programs. But even the best-designed programs won't work if plan participants aren't taking advantage of them.

A recent analysis¹ of our largest incentive program compared incentive-program participants to non-participants to get a better understanding of motivations that drive engagement and behavior change. We're using this information to drive improvements in our incentive programs for even greater results.

Statistics Demonstrate that Incentives Work

Leveraging preventive programs is an essential part of driving better health outcomes, especially among those with chronic conditions and complex health challenges. Our data shows that enrollees participating in an incentive program were:

- 11 times more likely to complete a health assessment.
- 20 times more likely to enroll in an online coaching program.
- 6.4 times more frequently engaged in biometric screening.
- 3.2 times more actively involved in a telephonic coaching program.

2.6 times more likely to achieve weight loss of 10% or more of original body weight.

Knowing the impact that completion of these health actions can have on health and health care claims makes engagement that much more essential.

New Research Aims to Enhance Participation

We learned from our latest consumer research that initially, program interest is generated by the desire for a reward. The extent that consumers participate is driven more by personality type:

- **Proactives** generally live a healthy life and the financial reward reinforces their healthy behavior. They also see value beyond the reward.
- **Reactives** typically have some sort of trigger (e.g., health event, life change, etc.) that motivates their action plan. They, too, see value beyond the reward.
- **Unresponsives** avoid health-related actions and may not overcome barriers that could lead to healthier choices. Unresponsives see only the reward and are less interested in the broader benefits of program participation.

Not surprisingly, financial rewards – especially premium credits – were the initial motivator for participation. However, the reward amount was not necessarily a determining factor if the perceived the time commitment and inconvenience were too great.

Respondents indicated that smaller-scale activities might help overcome declining interest or even generate new interest because the activities feel more manageable or are an easier commitment for participants.

Next Steps

As we work to apply these learnings to future enhancements of our incentive programs, we are also looking to better understand the gaps and barriers tied to certain personality types. We are constantly leveraging our data to help

consumers overcome the barriers that hinder their ability to live a healthy life.

We believe that the right mix of personalization, incorporation of “supporting” health behaviors (e.g., setting health goals, sleep, tracking nutrition, health education, etc.), focus on health outcomes and adding greater convenience (e.g., digital access) will be important keys to greater engagement.

If your organization is considering offering an incentive program, or if you have one in place and would like to discuss how you can increase employee engagement for increased health ownership, please contact your strategic account executive.

1 Two UnitedHealthcare book-of-business analytic assessing members comparing incentive program membership with non-incentive program membership; January 2012 & October 2013

The findings of this qualitative research are based on a small number of UnitedHealthcare members and should be regarded as directional in nature, are not definitive and should not be considered projectable. Actual results may vary depending on independent factors of members and group implementation.

Eye Exams Help Early Identification of Chronic Conditions

Comprehensive eye exams can help identify certain chronic conditions, which may lead to early diagnosis and better disease management, according to a new UnitedHealthcare study.

“[Impact of Eye Exams in Identifying Chronic Conditions](#)” demonstrates how eye care professionals can play a key role in identifying people with various diseases. The study concluded that eye care professionals identified nearly 6% of the chronic conditions diagnosed among the study population.¹

For certain diseases, including multiple sclerosis and diabetes, eye care professionals identified 15% of study participants who were ultimately diagnosed with those chronic conditions. Other common conditions identified by eye care professionals were high cholesterol and hypertension, rheumatoid arthritis, juvenile rheumatoid arthritis, Crohn’s disease and Graves’ disease.

UnitedHealthcare’s Bridge2Health®

On their own, our vision plans provide the sufficient coverage, but even greater value comes from our integrated approach, known as [Bridge2Health](#). It combines medical with our specialty dental, vision and critical illness programs into a single care bundle. Approximately 145 companies representing 6.8 million plan participants have embraced this packaged solution.

When we administer all of these components, we can generate and view a more complete health profile, which may lead to a healthier population, lower health care costs, decreased absenteeism and greater productivity.

Providing vision benefits via Bridge2Health supports patients and health care professionals with information, decisions and outcomes through several program elements, including:

- Encouraging eye care practitioners to code claims with chronic condition categories. Those diagnosed are automatically referred to disease management programs for follow-ups based on the participant’s needs and the programs purchased.

- Notifying eye care practitioners about patients with at-risk conditions during the eligibility verification process, with a recommendation to include a dilated fundus exam as part of the comprehensive eye examination.

- Calling patients with diabetes, diabetic retinopathy, hypertension, hypertensive retinopathy, vascular disease or high cholesterol to notify them about the importance of their annual eye exam, which is much more effective than sending a postcard reminder. Our reminder phone calls have been shown to improve exam adherence by 50% vs. 3% for postcard programs.²

- Supporting eye care practitioners by providing specially designed chronic condition referral forms available online to facilitate communication with primary care providers.

Talk to your strategic account executive if you have questions about this study or our Bridge2Health integrated approach. Review the [press release](#) for more information or visit the [website](#) to learn more.

1 This study is based on an extensive analysis of claims data for UnitedHealthcare plan participants with both medical and vision benefits.

2 UnitedHealthcare Specialty Benefits internal study (2009) based on a sample of 10,000 members in each group, supplemented with current Specialty Benefits dental program data.

UnitedHealthcare vision coverage provided by or through UnitedHealthcare Insurance Company, located in Hartford, Connecticut, UnitedHealthcare Insurance Company of New York, located in Islandia, New York, or their affiliates. Administrative services provided by Spectera, Inc., United HealthCare Services, Inc. or their affiliates. Plans sold in Texas use policy form number VPOL.06.TX or VPOL.13.TX and associated COC form number VCOC.INT.06.TX or VCOC.CER.13.TX.

Insights from Fifth Annual Wellness in the Workplace Study

Companies continue increasing their investment in wellness programs to advance health and productivity, despite the uncertain financial climate and continued evolution of the health care landscape, according to new research by Optum.

For each of the past five years, Optum's Resource Center for Health and Well-being has surveyed employers to track how they strategically approach wellness at work. The Wellness in the Workplace survey has become an important industry tool in helping understand what companies value as they consider approaches to employee health and wellness. This annual tracking [study](#) surveyed 500 employers of all sizes to assess five significant categories:

- Programs and administration
- Strategic indicators
- Incentives
- Success metrics
- Emerging engagement strategies

Key Findings

In 2013, employers continued to show a strong commitment to employee health management programs – 87% of employers indicated that health management solutions are important to their benefits mix and 79% indicated they are important to their overall business strategy.

21% of companies increased their wellness budget in 2013, compared to only 5% in 2009.

Health management program penetration continues to be strong. In 2013, large companies reported having 9.3 health management programs on average, compared to an average of 8 programs for companies of all sizes.

The survey also highlighted companies' perspectives on topics that have emerged during the past five years.

For example, companies of all sizes are offering incentives for more programs, and the average amount of the incentives increased by 55% to \$167 in 2013, from \$108 in 2010.

The survey also showed that more employers are moving toward rewarding specific health outcomes, such as a healthy cholesterol or body mass index (BMI) range, or being tobacco-free.

In 2013, 42% of employers rewarded health outcomes, compared to only 37% in 2012.

When it comes to the physical environment, more than two-thirds of employers have made or are considering making changes in their workplace to promote wellness. Among the top modifications employers have already made are launching a smoke-free campus (61%) and offering healthier food options in vending machines (59%).

While wellness programs continue to evolve, there is a strong commitment on the part of employers of all sizes to developing a culture of health for their employees and helping them to be as productive as possible at work.

Review the latest [Wellness in the Workplace study](#), or contact your strategic account executive to discuss opportunities for UnitedHealthcare to further support your health management strategy.

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About This Newsletter

This newsletter is published quarterly for the benefit of Texas PRIMA members. 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, info@texasprima.org.

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LETTER FROM THE EDITOR

Although this is the third edition for me as editor, my own work as a school risk manager is really firing up. With the beginning of school, workers' comp and health insurance come to the fore front. With the Affordable Care Act's many facets, I am struggling with such things as how to handle substitutes. It has also had a dramatic effect on workers' compensation stop loss. Medical costs are on the rise and it really can affect the budget process for risk managers whether it be school districts, cities, counties, or whatever. Hopefully, there are tidbits of information you can glean from this newsletter as I attempt to include the most up to date information about these topics. If anyone has information they feel is pertinent for our profession, I welcome your submissions and will be glad to include them in this newsletter. So remember: "It's not easy taking my problems one at a time when they refuse to get in line." ~Ashleigh Brilliant; and "When you come to the end or your rope, tie a knot and hang on" ~Franklin D. Roosevelt.

Bill Tarro, CSRM

Editor

