

INTERAGENCY COMMUNICATION FROM THE STATE OFFICE of RISK MANAGEMENT ★ JAN. 2012



FREE SAFETY VIDEO

Year after year, the State of Texas spends more money on injuries resulting from slips, trips, and falls than any other type of injury.

The free "Slips, Trips, and Falls" video is less than 3 minutes long and provides an entertaining reminder to State employees on how to avoid these common injures.



Go to www.sorm.state.tx.us/Media/SpotlightOnSafety/Slips/slips.php to watch the video. This video is the latest in SORM's multimedia library of safety and workers' compensation videos. Click on the "Multimedia" link on SORM's homepage for a list of videos.

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Plan ahead for winter weather

In most of the United States, even as far south as Texas and Florida, there is the probability of winter weather, ice storms, and even arctic freeze conditions. Power failures can be a direct result of these events.

Minimizing the Effects of Power Failures Due to Ice Storms and Winter Weather POWER FAILURES

If a power failure lasts more than 4-5 hours, depending on the outside temperatures and the insulation level in the building, the building may no longer be heated above freezing. Power failures, especially

from ice storms, can last several days. When the temperature in the building drops below freezing, the fire sprinkler piping and the domestic water piping (toilets, faucets, etc.) is subject to freezing and, ultimately, cracking. The result will be water damage to the building once the temperatures rise and the pipes thaw. The damage from water can be extensive.

PREPARATION

Monitor the weather conditions in your area during winter months. (www.nws.noaa.

(See "Make a Plan," page 5)

Same-level falls rising nationwide

By Kyle Harward

SORM continues its series of articles on slips, trips, and falls with a focus on falls on the same level. These types of falls occur when people fall to the surface they are walking or standing on or fall into or against objects at or above the surface. Falls on the same level saw a growth trend of 41.9 percent from 1998-2008, and ranked as the second leading cause of injuries producing disability in 2008, according to figures from the Liberty Mutual Group Inc.

(See "Tips to Mitigate," page 7)

This is one in a series of articles about slips, trips, and falls. Go online to view the previous articles.

WHAT'S INSIDE?

Property Loss Claims.....3

Costs of Risk Management.....4

Claims Corner.....8

A look at physician dispensing

By Dennis Sponer

The National Council on Compensation Insurance (NCCI) recently published the research brief "Workers Compensation Prescription Drug Study: 2011 Update"* documenting a continued increase in physician-dispensed drugs in 2008 and 2009 that in previous years had been stable.

On a national level, the dollar share of physician-dispensed drugs rose from 12 percent in 2007 to 18 percent in 2008 to 23 percent in 2009. NCCI also found the cost per unit of physician-dispensed drugs was higher than the cost of the same drug dispensed by pharmacies. The cost per medical claim for physician-dispensed drugs in Florida, for example, rose from \$47 in 2007 to \$104 in 2008 to \$138 in 2009, whereas the cost for pharmacy-dispensed drugs dropped from \$151 to \$133.

While there can be patient bene-

fits to physician dispensing, including immediacy of medication, convenience, and dosage assessment, NCCI suggests physicians could also be looking to increase revenue by retaining some of the business they would otherwise send to pharmacies. Because physicians are not subject to pharmacy benefit management negotiated contracts and are not required to follow formularies and to substitute generics for brand name drugs, the price they charge, and the cost to workers' compensation payers, is unchecked.

While some states – notably Florida, California, Georgia, Maryland, Pennsylvania, and Illinois – are experiencing a higher growth of physician-dispensing (and related costs) and are trying to take legislative and regulatory measures to control the problem, Texas dealt with this problem back in 1999 with §158.003 "Dispensing of Dangerous Drugs in Certain Rural

Areas" of the Texas Occupations Code.

Section 158.003 states only a physician who practices medicine in "an area located in a county with a population of 5,000 or less, or in a municipality, or an unincorporated town with a population of less than 2,500, that is within a 15mile radius of the physician's office and in which a pharmacy is not located" may: (1) maintain a supply of dangerous drugs in the physician's office to be dispensed in the course of treating the physician's patients; and (2) be reimbursed for the cost of supplying those drugs without obtaining a license under Chapter 558.

The reimbursement of cost, however, does not include a separate fee imposed for the act of dispensing the drug itself. It does include the cost of the drug product and all other actual costs to the

(See "Physician Dispensing," page 8)

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Property loss claims process

By Bart Douglas

Effective claims management is a key component of all risk management programs. For those agencies and institutions of higher education that purchase property insurance through SORM, this article provides an overview of "best practices" in preparing for and responding to a claim. A successful property claim settlement is a consensus-building process. When properly carried out, the process is a combination of decision-making, communication, and negotiation. A well-prepared claim presents your case strongly and establishes your perspective at the outset. Included below is a brief outline of key claim procedures to help ensure an effective response to a property claim.

PRE-LOSS

In preparation for a potential property loss, you should identify the key resources who may be involved in the event: executive management; risk manager; insurance claim manager; facilities/maintenance personnel; legal counsel; and SORM. Their office phone numbers, cell phone numbers, and other contact information should be noted in your business continuity plan.

POST-LOSS

IMMEDIATE RESPONSE

The risk manager should:

- Contact the various department heads regarding scope of damage;
- Report the claim to SORM and follow all applicable policy conditions; and
- Discuss with SORM and the assigned claim adjuster what to do next, including:
 - 1. Inspect the damage;
 - 2. Take photos of the damaged locations; put photos on a disc for adjuster;
 - 3. Make temporary repairs as needed to stabalize, save receipts, and take photos of the repairs;
 - 4. Mitigate damage and attempt to get up-andrunning to the extent you can;
 - 5. If extra expense is incurred (security guards, additional labor, etc.), save the receipts; and
 - 6. Set up a separate financial report to capture all claim loss expenses.

CLAIM COORDINATION/SETTLEMENT

Contact SORM and the claims adjuster to set up a date/time to meet with your risk manager. You may also want to include your department heads and other relevant staff so they can provide damage updates, quantify dam-

age, etc. Your coordinating claims adjuster, broker, carrier's adjuster, counsel, and regional claim advocate should also be involved in the meeting.

PROVIDE EXPOSURE AND POLICY INFORMATION

Provide the following exposure and policy information:

- Spreadsheet with the statement of values and applicable deductible information;
- Copy of the policy with language to show how the deductible is applied i.e. per building or location; and
- Copy of important sublimits, i.e. debris removal, code upgrades, increased cost of construction, etc.

DEVELOP INITIAL LOSS ASSESSMENT

- Initially review the buildings or locations that may be under the deductible threshold. Use the photos already taken to view these locations and expedite the process. Also view the temporary repairs made at a location.
- Physically visit and inspect these locations with the adjuster.
- Review and discuss the initial scope of damage.
 Attempt to find common ground on this issue as
 this is the basis for the claim adjustment. Discuss
 what temporary repairs were made and the cost
 for this mitigation of damage.
- Begin to track business interruption exposure. Alert department heads and discuss with your chief financial officer. You may want to consider obtaining your own forensic accountant in this regard. Discuss with the adjuster what type of information will be needed and in what format.
- Seek a very preliminary damage assessment value from the adjuster.

DETERMINE FUTURE ACTION PLAN/TIMELINE

- Discuss future repairs/replacement and confirm agreement regarding initial costs of materials/labor, etc. Try to anticipate, discuss, and iron out any preliminary problems.
- Determine on a go-forward basis what information the adjuster will need, in what format, timeline, any specific requirements, etc. Coordinate this with department heads, as they will be involved in information gathering.
- Determine a timeline for the adjuster providing an (See "Property Loss Claims," page 6)

Costs of risk management

By Robert Morales

Risks exist in every facet of state operations, exposing government to monetary, efficiency, resource, and public confidence losses. Risk managers are concerned with reducing the frequency and severity of losses to individual state agencies and, by extension, to the state as a whole. In the course of its normal business operations, the state is exposed to numerous potential losses, including, but not limited to, workers' compensation costs, fire damage, automobile accidents, lawsuits, and natural and manmade disasters.

Responsibility for the operation, financing, and management of risks shown below are shared between SORM and its client agencies, and varies by risk. SORM's risk management program is concerned with all catagories of risk and provides services to covered agencies and to other entities identified by statute, such as Community Supervision and Corrections Departments, that are included in the state's self-insured workers' compensation program. In

addition, covered agencies are required to have designated risk managers and claims coordinators who have responsibility for oversight and reporting on agency risk management efforts, injuries, and losses at each agency.

The cost of risk management can vary depending on exposures, the implementation of different risk control techniques used by an agency, and the number of full-time equivalents (FTEs) agencies assign to the risk management tasks. Capital expenditures are funds that can be used to install fire protection and security equipment, employee trainings on safety, purchase insurance, or can be reserved by the agency to pay for unanticipated losses. Also, a preventative maintenance program could be implemented for the upkeep of machinery and equipment to avoid unwanted breakdowns and wear and tear. The fact is there will always be a cost when it comes to risk management, and agencies must decide how much of their budget to allocate to their program. The purpose of investing in a risk management program is to:

- reduce the severity of a loss;
- reduce the frequency of losses; and
- reduce and control risk in the most efficient and cost-effective manner.

In order to achieve these goals, SORM works with agency risk managers to help identify and prioritize risks in order to develop an effective risk management program for the agency. Although agency sizes range from as little as five FTEs to thousands of FTEs, SORM's goals remain the same in assisting each agency develop a cost-effective risk management program.

Endnote: Pursuant to Senate Bill 5, 82nd RS, universities are exempt from this reporting requirement but may voluntarily submit this information to provide a better picture of the state's overall exposures.

Robert Morales is an insurance specialist in the Risk Assessment and Loss Prevention division.

Statewide Risk Management Costs for FY '09, FY '10, and FY '11

	FY '09	FY '10	FY '11
SORM's Risk Management Expense	\$1,905,446	\$1,943,995	\$2,054,983
Cost Containment	\$1,720,602	\$1,874,741	\$1,837,855
Settlements and Judgments	\$4,146,556	\$2,305,842	\$3,049,966
Bonds, Insurance, and Deductibles	\$18,146,494	\$18,927,253	\$14,789,859
Actuarial Services	\$10,000	\$10,000	\$10,000
Court Costs and Attorney Fees	\$2,278,513	\$964,012	\$368,423
SORM's Workers' Compensation Expense	\$45,157,296	\$43,264,206	\$44,668,900
Statewide Risk Mgmt. and Claims Admin. (AY)	\$5,897,300	\$5,963,668	\$6,288,324
Total Risk Management Costs	\$79,262,207	\$75,253,717	\$73,068,310

Make a plan before it gets cold

(Continued from page 1)

gov)

- When subfreezing temperatures are predicted, check all heating systems for proper operation. Service as needed.
- If an ice storm is predicted, anticipate a power failure at your facility.
- Develop a plan ahead of time on how to respond to a lengthy power failure and loss of heat.
- To help in preparing the plan, refer to the following documents from the Travelers Companies,
 Inc. for guidance.
 - Winter Weather Checklist (http://www.sorm.state.tx.us/Publications/risk_tex/12/Jan/winter weather checklist.pdf)
 - Cold Weather: Planning Ahead (http://www.sorm.state.tx.us/Publications/risk_tex/12/Jan/cold_weather_planning_ahead.pdf)
 - Emergency Planning General Overview (http://www.sorm.state.tx.us/Publications/risk_tex/12/Jan/emergency_planning_general_overview.pdf)
- Maintain safe roof access throughout the storm.
 Prepare equipment to be used for keeping drains clear and removing excessive snow loads from the roof.
- Line up ahead of time appropriate licensed sprinkler contractors, plumbing contractors, and electricians to assist with the preparations outlined below.

Winter Ice Storms Risk Management Guide PROTECTION

If the heating system will be off for several hours to several days due to a power failure, and the temperature in the building will fall below 32 degrees, the following protection features should be implemented.

- Shut off and completely drain all fire sprinkler systems.
- If there are any fire sprinklers installed on drops (like in suspended ceiling areas), they should be drained (if there are not many). If there are sprinklers on drops over areas with highly damageable equipment, such as computer rooms or materials such as fine arts, these should be drained. For other areas where it is impractical to drain all the sprinkler drops, be ready for water damage when the heat returns. Have buckets, tarps, mops, etc. ready for the water to mini-



mize damage.

- Notify the local fire department and alarm receiving company that the fire sprinkler system(s) have been shut off.
- If there is a diesel fire pump on site, it may automatically start when the power fails. If so, shut it off and put it on manual start at the controller to conserve the fuel.
- If there is an electric fire pump and it is connected to an emergency generator via an automatic transfer switch, the transfer switch should be disabled along with the pump controller when the sprinklers are shut off. Otherwise, it will start and needlessly run throughout the power failure.
- Shut down all hazardous operations like welding, cutting with a torch, painting, flammable or combustible liquid use, etc. while the sprinklers are
- Provide a constant fire watch in all areas while the sprinklers are off. This is best done by employees. If the employees need to leave, hire a security service to provide the constant fire watch. Be sure the employees and/or security officers are trained to turn on the sprinklers and fire pump (if there is one) in case of fire. Be sure they know to call the fire department, as the alarm system may be out of battery backup.
- Shut off and completely drain the domestic water and heating piping systems.
- If portable heating systems are used, make sure they are listed with Underwriters Laboratories

(See "Guide for Preparing," page 6)

Guide for preparing for ice storms

(Continued from page 5)

(UL) or approved by FM Global (FM) and used in accordance with the manufacturer's instructions. Ensure they are placed on stable surfaces and far enough from any combustible materials that may be ignited. Also, consider the health and safety implications of carbon monoxide buildup in enclosed areas. Refer to the Travelers' carbon monoxide web page (https://www.travelers.com/ business-insurance/risk-control/risk-managementresources/article5.aspx). Fuel should be kept in UL-listed or FM-approved containers and stored in safe areas or outdoors. Refueling should be done outdoors and away from potential ignition sources. It's better to not use them, than to have them become an ignition source for a potentially catastrophic fire.

 Portable emergency generators also have many of the same life safety and property protection considerations that portable heaters do. They should be used in strict accordance with manufacturer's instructions, including use of licensed electricians to make the connections to building

Property loss claims

(Continued from page 3) initial report to the carrier.

 Discuss a timeline for obtaining an initial advance and how much the advance will be.

SUBSEQUENT FOLLOW-UP AND CLAIM RESOLUTION

- Subsequent claim meeting will be needed and are strongly recommended. Set up a preliminary timeline for these meetings.
- Have periodic follow-up meetings to assess the progress of repairs and coordinate and manage the progress of the claim.
- Set up a chain of communication so all relevant parties are kept in the loop as the claim progresses.

Bart A.J. Douglas, AIC, is the managing director of the Claim Advocacy Practice Group for Arthur J. Gallagher Risk Management Services, Inc. and is currently engaged as the lead claims executive for SORM's statewide property insurance program. wiring.

- Make sure all roof drains, gutters, and scuppers are clear prior to the storm, and clear snow from the roof (if this can be done safely) during the storm if there are concerns that the amount of snow and ice will be enough to collapse the building. Pay particular attention to differences in roof heights where drifting snow may cause unanticipated snow loading.
- As practical, store water-damageable stock off the floor on pallets or in racks to minimize damage in the event of pipe breaks or water infiltration.

Winter Ice Storms Risk Management Guide RECOVERY

After the event is over and the power is restored, follow these steps.

- Inspect all fire sprinkler, domestic water, and heating system piping before restoring them to service. Make needed repairs, if any, immediately. Where water has frozen in piping, it is often many hours or even days after power, heat, and water are restored before pipe breakage and resulting water damage becomes evident as ice plugs in the piping begin to thaw. Around-the-clock surveillance of these areas may be warranted to ensure there is no hidden pipe damage and water leakage.
- Do not use open flames, lamps, or other high temperature devices to thaw frozen pipes. Experts recommend using hair dryers.
- Restore all fire sprinkler, domestic water, and heating system piping to service. Maintain the constant fire watch until this is completed.
- Notify the fire department and the alarm company that the systems are back in service.
- Maintain the weather watch. Be especially cautious of rainstorms after snow, as roof pooling can occur with resultant possible collapse.
 Take measures to ensure all roof drainage is in service.
- Watch for post-storm drifting on roofs and remove the extra weight, if this can be done safely.
- Clear fire lanes, fire hydrants, fire sprinkler valves, process valves, gas shutoffs, etc. of snow accumulations.
- Resume normal safe operations.

Tips to mitigate same-level falls

(Continued from page 1)

Falls on the same level come at a great cost to both the worker and the employer. The worker can experience pain, lost wages, temporary or permanent disability, reduced quality of life, and/or depression. The employer will have a loss in productivity and business, possible increased insurance premiums, and costs associated with training a replacement worker.

From FY '05 to FY '10, SORM accepted 10,944 slips, trips, and falls claims totaling \$89.7 million from employees at client agencies. Falls on the same level accounted for 27 percent of those claims (or 2,995 claims), costing almost \$19.4 million, with the average claim costing \$6,473.

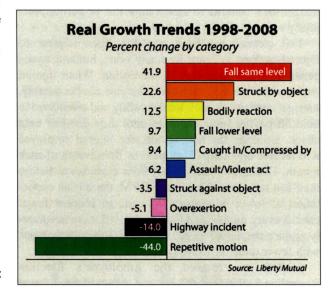
Some common causes of falls on the same level include:

- Clutter in the way;
- Employees in a hurry, not paying attention;
- Floor surfaces in disrepair;
- Inappropriate footwear;
- Loose or unanchored mats or rugs;
- Obstructed views;
- Open cabinets, file, or desk drawers;
- Poor lighting, glare, or shadows;
- Transition from one floor type to another;
- Uncovered cables;
- Uneven walking surfaces;
- Wet, oily, or otherwise contaminated walkways; and
- Weather hazards.

Some best practices to mitigate same-level falls include:

- Always closing cabinet, file, or desk drawers;
- Covering cables across walkways;
- Not carrying or pushing anything that prevents you from seeing obstructions, spills, etc.;
- Providing effective education, training, and supervision:
- Keeping floors maintained, clean, and dry, if possible;
- Keeping passageways and aisles clear of clutter;
- Keeping work areas and walkways well lit;
- Posting warning signs at the locations of slip, trip, or fall hazards;
- Securing mats, rugs, etc. that don't lay flat;
- Using slip/skid-resistant matting where individuals encounter slippery or foreign materials on the floor surface;
- Walking with feet pointed slightly outward, making wide turns, adjusting stride; and
- Reviewing dress codes and enougraging employees to wear slip-resistant footwear.

Total Slips, Trips, Falls Claims Costs By Cause FY '05-FY '10		
Other Fall, Slip, Trip	\$33,809,806	
From Different Level (Elevation)	\$11,110,996	
From Ladder/Scaffolding	\$1,309,760	
From Liquid/Grease Spills	\$10,854,852	
Into Openings	\$1,240,855	
On Ice/Snow	\$1,463,829	
On Same Level	\$19,387,918	
On Stairs	\$7,016,451	
Slipped, Did Not Fall	\$3,505,967	
Grand Total	\$89,700,434	
Average Per Fiscal Year	\$14,950,072	



No matter how cautious employees may be, sometimes falls still happen. Remember these rules to fall properly: (1) roll with the fall by letting your body crumple; (2) bend your elbows and knees, and use your legs and arms to absorb the fall; and (3) always seek medical attention after a fall to treat anything torn, sprained, or broken.

By incorporating these best practices, both employees and employers can reduce the risk of falls on the same level. It requires a joint effort from employers to provide a safe working environment through education and training of safety policies and good housekeeping, and from employees to take their time and pay attention to where they are going. Doing so should reduce the number of slips, trips, and falls on the same level, reduce the risk of injury, and lower the cost to both the employer and employee.

Kyle Harward is an administrative assistant in the Risk Assessment and Loss Prevention division.

Injured employees can now receive monthly TIBs checks

By Gordon Leff

This month SORM approved an election to allow injured employees to receive Temporary Income Benefits (TIBs) on a monthly basis like their paycheck, instead of weekly. By allowing injured employees to receive their income benefits in the first week of the month, at the same interval as they would traditionally receive their paychecks, employees can more easily budget their benefits to match their lost or partial postiniury wages.

This election has been available, upon request, to injured workers in Texas for many years, but employees generally were not aware of the option. When injured workers receive their temporary income checks weekly, they get a portion of their total monthly and often have to hold off paying some expenses until they get their next check. Utilizing the new option, the injured employee will receive one lump check paid by the seventh of each month. This allows them to pay their expenses as before their lost time. As a benefit to SORM, there is an expectation of lower administrative costs to process fewer checks every month, and the checks will more accurately replace the actual wages lost by an injured employee with fewer under or overpayments.

SORM has revised the Employee's Election Regarding Utilization of Sick and Annual Leave forms (SORM-80 and SORM-80-PO) to initiate this election by the employee. The election has no effect on other possible elections or the amount of income benefits due to the injured employee.

The Texas Department of Insurance, Division of Workers' Compensation Rule 129.11 instructs on how to make monthly payments of TIBs. SORM will pay weekly benefits through the month that the SORM-80 is signed. Then monthly TIB payments will be made on or before the seventh day following the month that benefits are due. In other words, all monthly TIB recipients will be issued their checks or electronic deposits during the first week of the month. Claimants eligible for TIBs receive 70-75 percent of their lost wages, subject to a minimum and maximum, as set by the Legislature. This will not change when the injured worker elects to receive a monthly TIBs check. An injured employee can end this agreement by notifying SORM in writing. The agree-

ment will come to an end with the last TIB payment and will not carry over to Impairment Income Benefits, if due.

The new election comes after Election 4 and reads:

MONTHLY TIB ELECTION

□ I elect to change my Temporary Income Benefits frequency from weekly to monthly.

Besides directing the injured worker to this new option, there is no additional work or duties for the employer or the claims coordinator at the time of the injury. The wage statement remains the same. The calculations from weekly income benefits to monthly benefits will be performed by SORM adjusters. Notice of status changes will still be done through the Notification of Additional Information (SORM-90) and the Supplemental Report of Injury (DWC-6) forms. SORM claims adjusters will obtain wage payment information at the end of every month for any employee losing time. Agency claim coordinators will assist adjusters in obtaining that information.

Gordon Leff is director of the Claims Operations division.

Physician dispensing

(Continued from page 2)

physician, incidental to providing the dispensing service.

Physician dispensed drugs, as a share of all drugs in Texas, is approximately 10 percent compared to 50 percent in Florida. Although it does occur, it appears physician dispensing in Texas is of greater benefit to the patient than the physician's bottom line.

* https://www.ncci.com/documents/2011_ncci_ research_rxdrug_study.pdf

Dennis Sponer is the chief executive officer of ScripNet. SORM contracts with ScripNet to provide pharmacy benefit management services to covered employees.