What Has My Pool Done for Me Lately?

Assisting with the Uninsurable

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Pandemic & Epidemics – Schools Insurance Authority

- An epidemic occurs when a disease affects a greater number of people than is usual for the locality or one that spreads to areas not usually associated with the disease. A pandemic is an epidemic of world-wide proportions.
- Opioids represent an epidemic.
- Schools Insurance Authority is assisting its members with this problem, through supplying access to an expert who consults with them on issues relating to opioids. Parts of a recent presentation follow.

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1999
(range 1 - 50)
General Principles of all Opioid Prescribing Guidelines

- Not first line treatment
- Rx lowest dose and short duration, short acting formulation
- D/C CNS depressants
- Advise storage/disposal
- Caution driving and operation of equipment
- Vigilant for MME >80
- Comprehensive evaluation
- ID patients with high risk of addiction, misuse, abuse, diversion
- Contract
- Inform risk, benefits, alternatives
- Urinary Drug Testing
- Function > Pain reduction (30%)
What's in it for the Pool?

- Conditioning Physicians on avoidance:
  - Avoidance of a long term problem with an employee
  - Preferential treatment by hospital systems
  - Lower WC costs
  - The societal benefits of lower opioid use and its derivative results

Getting Ahead of Employment Claims - Enduris

- Enduris created a pre-litigation fund
- $100,000 set aside each year to prevent and mitigate EPL claims
- Members are saved money on the uninsurable portions of an EPL claim
- It’s often possible to deal with continuing employment issues
- The ROI has been significant

Early Intervention

- Ask members to contact us before a termination or significant disciplinary action, or at the threat of litigation, a complaint of harassment, or prior to an independent investigation.
- Enduris needed to establish early intervention and get involved before it became a claim.
- Enduris had to decide what the risk pool’s level of involvement would be, what available resources we had as well as the amount of manpower and finances it would take.
Creating the Program and Educating the Board

- Enduris had to decide what this would look like internally in terms of who would manage the program and how to fund it.
- What would convince our members that they needed to contact staff early, while there was still time for us to impact the outcome?
- How staff educate members regarding the program and the benefits of using it?
- What would it be called?

Pre-Defense Program

- Researched and found the best EPL attorneys who could not only litigate, but coach members (few attorneys are good at doing both!)
- Enduris eventually made the program part of its Memorandum of Coverage.
- Touched many points of contact with the members, educating them to contact staff early. Involved the marketing and member services department, and really the entire staff. Newsletter articles, website, plugged at every presentation.

Pre-Defense Program Incentive

- Enduris initially tried many things including two hours free legal advice, $1K – $5K free legal advice, waived the EPL deductible and/or co-pay.
- What worked best was an Addendum to the MOC - if the member contacts the pool before a claim is filed and early enough to make an impact, the 20% co-pay on EPL cases is waived; but, they must follow the legal advice given.
- There is also a section in the Risk Management Handbook that has a checklist to use when confronted with an employment issue.
Pre-Defense Program Methodology

- Lined up resources – Staff was committed to the program, created a line item budget amount dedicated to program, and had management buy-in
- Written guidelines
- Worked with the EPL attorneys and wrote an Employee Handbook Template to provide to the members. Made sure it addressed the most common problems encountered (i.e. at will, policy not a contract, discipline, grievances, etc.)

The Results

- Solidified relationships with members – the pool saves them money and the stress of an EPL claim - they truly appreciate being a member!
- Increased retention, great marketing tool!
- Significantly decreased number of EPL claims and lawsuits.
- Significantly decreased the cost of EPL claims and litigation, to the point the claims auditor noticed and commented.

  **HUGE COMMITMENT - HUGE REWARD!**

Best guess on annual savings = 3 – 5 cases avoided annually at an average of $100,000 each

Protecting A Member’s Brand - Virginia Municipal League

- Active Shooter – VML provides free training
- Succession – offers free HR Consulting services
- Social Media – offers free training (and provides cyber coverage)
- Cloud Computing – offers cyber plus training on breach prevention
- Environmental – provides free of charge pollution coverage for members
- Contract Liability – provides free contract review
- Bullying – sponsors STOPIT (anonymous bullying reporting app)
- Business Continuity Planning – used to provide free of charge Agility Recovery Solutions, but discontinued because too few members used it.

- Brand/Reputation – offers free PR consulting on crisis communications
Protecting a Member’s Brand – Virginia Municipal League

- Access to an in-house expert with background in governmental communications and public relations
- Webinars, workshops and on-site training
- Sample policies, procedures and materials
- Articles and best practices
- Monitoring of current communications trends

Changing the Public’s Perception of Police – Midwest Public Risk

- The system can be used for a Citizens Academy class or demonstration to the public
- Educating elected officials
- Training for school district employees and security
- Media awareness…the best Branding there is

Broadening Crisis Response – Texas Association of School Boards

- A program to respond quickly to a variety of events
  - Active Shooter – an alternative to buying coverage
  - Bus Crash (when a charter is involved)
  - Mass injury event (tornado)
  - Other non-insured events
- Originally capped at $25,000
- Now capped at $200,000
- Can be used for a variety of purposes
Regulatory - California Pools Unite to address SAM

- 12 pools, who compete for business, have shared loss data
- 14,000 claims are being analyzed
- 0.8% of the claims are driving 50% of the net incurred
- 38% of these claims are related to sexual abuse and molestation
- The K-12 pooling community seeks to drive legislative change
  - Tort reform?
  - Mandatory arbitration or mediation as a first step?
  - Victim’s Fund?
- More importantly, what can the data tell us about mitigating the exposure
- Can that mitigation help with a looming insurability crisis?