

**MARIN SCHOOLS INSURANCE AUTHORITY  
MANAGEMENT COMMITTEE MEETING**

**Marin County Office of Education  
1111 Las Gallinas Ave.  
San Rafael, CA 94913  
Thursday, October 1, 2009  
9:00 a.m.**

**MINUTES**

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**MEMBERS PRESENT:** Ms. Chris Thomas, President, *San Rafael City Schools*  
Mr. Larry Enos, Vice President, *Bolinas Stinson/Lagunitas*  
Ms. Karen Maloney, Treasurer, *MCOE/Rurals*  
Ms. Kathleen Clow, *Ross Valley Elementary*  
Ms. Lori Parrish, *Tamalpais Union High*  
Ms. Michele Rollins, *Mill Valley Elementary*

**MEMBERS ABSENT:** Mr. Robert Marical, *Dixie Elementary*

**OTHERS PRESENT:** Ms. Marla Blackledge, *Novato Union*  
Mr. Rick Brush, *Executive Director, Bickmore Risk Services  
& Consulting*  
Ms. Adrienne Beatty, *Assistant Manager, Bickmore Risk  
Services & Consulting*  
Ms. Ia Her, *Analyst, Bickmore Risk Services & Consulting*  
Mr. Ron Martin, *Keenan & Associates*  
Mr. Montgomery Stewart, *Keenan & Associates*  
Ms. Trina Caton, *Keenan & Associates*

**1. CALL TO ORDER**

The meeting was called to order by Board President, Ms. Chris Thomas, at 9:09 a.m.

**2. INTRODUCTIONS**

Those in attendance introduced themselves and it was determined a quorum was present.

**3. APPROVAL OF AGENDA**

*Ms. Karen Maloney moved to approve the agenda as presented. Ms. Kathleen Clow seconded the motion. The motion passed unanimously.*

**4. PUBLIC COMMENTS**

None.

## 5. CONSENT CALENDAR

*Mr. Larry Enos moved to approve the consent calendar. Ms. Michele Rollins seconded the motion. The motion passed unanimously.*

## 6. RISK CONTROL PROGRAM

### A. Draft Proposal Re: Workers' Compensation Risk Control Plan

Currently, MSIA has a Hazardous Material contract in place with Keenan & Associates; this contract allows for loss control hours in the property and liability programs. During the September 3, 2009, meeting the Management Committee requested Keenan staff revise the workers' compensation risk control proposal to combine the former risk control plan with the workers' compensation plan as well as allocate a portion of the discretionary hours from the Hazardous Material contract into the agreement. Mr. Ron Martin was in attendance to review the revised risk control proposal. Mr. Martin noted the staff has taken \$18,000 from the Hazardous Material contract as well as the \$18,000 from the expired IIPP contract to apply to the workers' compensation loss control services agreement which combines to a \$36,000 loss control budget. Mr. Martin noted that he, Mr. Montgomery Stewart and Mr. Rick Brush have reviewed the discretionary hours and noted the Marin Community College District (MCCD) as well as Novato were not originally included in the HMI contract but have been added.

Mr. Brush noted that when the hours were reviewed staff considered past utilization as well as total insured value (TIV) and average daily attendance (ADA). Staff calculated the average TIV and ADA and determined four hours would be an adequate base amount for each District and the remainder of the hours were distributed based on percent of total TIV and ADA for each District. Mr. Brush noted Marin County Office of Education's (MCOE) hours are hard coded at 16 hours; this is due to the fact that they have a broader span of usage and provide services to all Districts such as coordinating the trainings. The rural Districts MCOE represents will still be allocated four hours. Ms. Thomas noted that if a District utilizes MCOE's services for trainings or inspections that Districts hours should be deducted rather than MCOE's, thus it may not be necessary to hard code additional hours for MCOE.

Mr. Ron Martin stated the Committee should keep in mind that part of the services in the contract will focus on the frequency and severity of the group's workers' compensation claims. Mr. Martin noted some of the services the group has discussed such as playground inspections are included in the loss control and safety contract MSIA has with Nor Cal ReliEF (NCR). Mr. Stewart noted in the past these hours have been used for hazard analysis rather than inspections. Mr. Martin noted all mandated trainings have been included in the contract. If Districts do not use all of their allocated hours they will roll over to the next year for the group as a whole rather than each individual District.

A discussion ensued regarding how to allocate the hours over and above the base hours. Mr. Ron Martin suggested an analysis be done in order to determine risks at

the individual Districts and verify the number of hours each District should be allocated as well as on which hazardous areas they should focus. The Committee requested data to show what risks on which the group should focus hours to reduce frequency of loss in the workers' compensation program. Keenan and York Insurance Services will work with staff to conduct a loss analysis and bring a recommendation on the use of the hours to the Committee at the next meeting. Staff will bring back options for calculating the discretionary hours by payroll or full time employee count.

*Mr. Larry Enos moved to approve the Risk Control contract pending additional language noting unused hours will roll over to the next program year and any revisions to the discretionary hour's exhibit. Ms. Lori Parrish seconded the motion. The motion passed unanimously.*

## **7. JPA MANAGEMENT COMMITTEE MATTERS**

### **A. President's Report – Chris Thomas**

Ms. Chris Thomas reported the Bickmore Risk Services & Consulting (BRS) contract will expire as of June 30, 2010. Ms. Thomas stated the contract will likely be renewed as a multi-year agreement; however, the contract language will need to be reviewed. Ms. Thomas suggested the Management Committee review the contract and provide recommendations to Ms. Thomas; if necessary, a subcommittee can be formed to further review the details of the contract. Staff will email the current contract along with any amendments for the Management Committee to review and send responses to Ms. Thomas prior to the November meeting. The Board officers, Ms. Chris Thomas, Ms. Karen Maloney and Mr. Larry Enos, will meet with BRS to discuss the contract fees and scope of services. The Management Committee directed staff to present a draft multi-year contract at the November meeting and provide a final contract for approval at the February or March meeting.

### **B. Executive Director's Report – Rick Brush**

Mr. Enos inquired if the districts would be participating in the "Safe Routes to School" event. If the District is sponsoring the event for volunteers the District is responsible for the risks involved. Staff will send information to all Superintendents noting that this event is not sponsored by the Districts; therefore, the members will not be liable.

Mr. Rick Brush noted staff will be beginning the California Association for Joint Powers Authorities (CAJPA) Accreditation process. Ms. Adrienne Beatty has been through the accreditation process and will be assisting with MSIA's accreditation.

Mr. Brush has been working with Keenan on the risk control contract and ensuring the Districts receive the services they need. Mr. Brush stated, with regard to the nurse triage log from Professional Dynamics Inc. that was placed in the consent calendar, that the group currently has a 45% success rate, meaning the calls resulted in self care advice only, and no claim was created. Ms. Beatty noted this is

a very impressive success rate in comparison to other JPAs she works with who also use a nurse triage service.

### C. Board Policy Discussion

Mr. Brush noted that staff has reviewed the standards for the CAJPA Accreditation and compared that to the governing documents MSIA currently has in place. Staff has included some sample policies for reference only. Ms. Adrienne Beatty noted she has been through the CAJPA accreditation four times, and it is a very detailed process. Ms. Beatty reviewed the CAJPA Accreditation process noting staff will be gathering all the required documents and working with the Policies and Procedures Subcommittee to review and revise the documents as needed. There isn't a strict timeline on the process because this is the group's first accreditation; when renewing accreditation in the future a request will be sent from CAJPA along with a deadline to furnish the required information.

The estimated fee for accreditation is \$6,500; this is paid once every three years in line with the group's accreditation renewals. The benefits of becoming accredited include a good standing amongst other JPAs, marketing in the industry, credibility, and higher standards.

Mr. Larry Enos suggested a day session for the subcommittee to review all of the policies on file as well as those needed to meet the standards. It may be necessary to have legal counsel review the policies. As such, the Board directed staff to schedule a meeting for the subcommittee.

### D. Medicare Set-Aside Update

Mr. Brush reported MSIA has been registered with Medicare for both the liability and workers' compensation programs; once the PIN numbers are received from Medicare, staff will test the numbers to ensure they work and then forward them to Keenan and York Insurance Services to begin testing their reporting systems. Ms. Beatty noted the current reporting date is April 1, 2010; however, there is a chance the reporting date may be pushed back again.

Ms. Beatty gave some back ground on the need for the Medicare reporting noting Medicare is intended to be a secondary payer on claims; however, there have been instances where Medicare was made the primary payer. By forwarding Medicare eligible claims to the Centers for Medicare and Medicaid Services (CMS), they will identify the potential costs as well as what liability the JPA should have. Mr. Brush noted if potential Medicare claims are not reported the JPA will be fined \$1,000 a day for each claim that is not filed.

## 8. CLOSING COMMENTS

### A. Management Committee

Ms. Michelle Rollins stated at the August 6, 2009, meeting, the eligibility for the dental plan and the language in the California family code section 297 regarding

opposite sex domestic partners was discussed. The family code requires coverage for same sex and opposite sex partners over the age of 62. Currently, MSIA does not cover opposite sex partners unless they fall under the California family code section 297; however, Delta Dental, the dental program third party administrator, does allow this coverage. Ms. Debra DeSpain, Keenan & Associates, was directed to research the impact of including the additional coverage. Ms. Thomas noted in addition to this issue the Dental Subcommittee should also meet regarding the true up re-rating, as well as decision making on who receives coverage (i.e. domestic partners, retirees). The Management Committee directed staff to schedule a dental subcommittee meeting to discuss coverage under Family Code 297 prior to the November meeting.

B. Staff

None.

9. ADJOURNMENT

There being no further business the meeting was adjourned at 10:32 a.m.