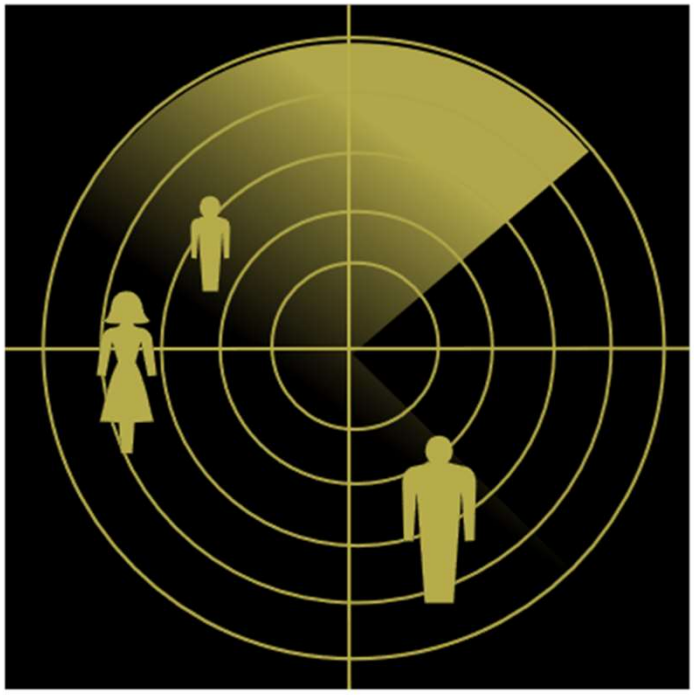


Claims Impacting School Districts:

These Should Be on Your Radar

Presented

by

Denise Bromley, DB3 Unlimited Services, LLC

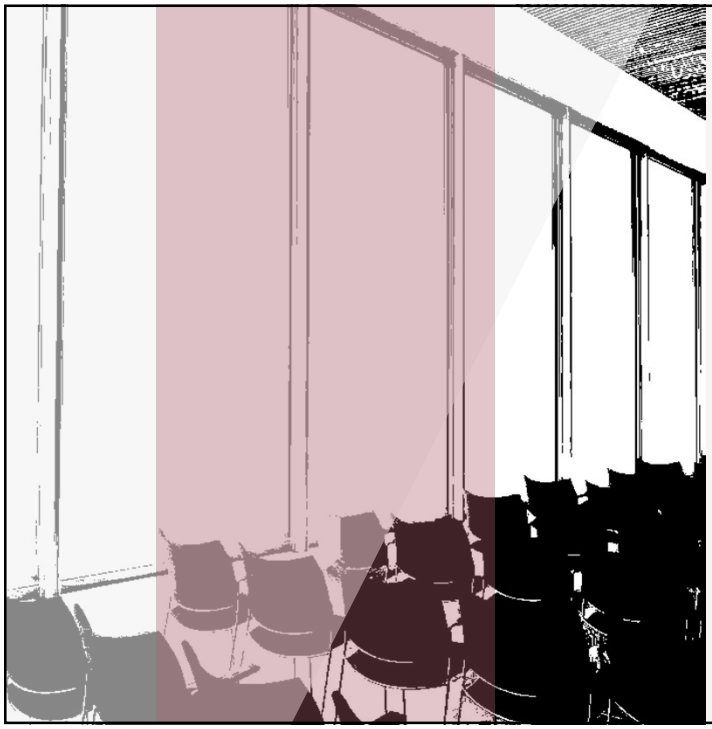
Tracy Debardelaben, Alief ISD

Guest Speaker:

Kim Bishop (Alief ISD Legal Counsel)

Course Overview

- Course Topics
  - Occupational Violence Involving School Staff
  - Mental Health Claims
  - Fraudulent Claims
  - Aging Workforce & Comorbidities
  - Potential of Telemedicine
- Course Agenda
  - Overview
  - Claim Scenario
  - Risk Strategies
  - Legal Perspective

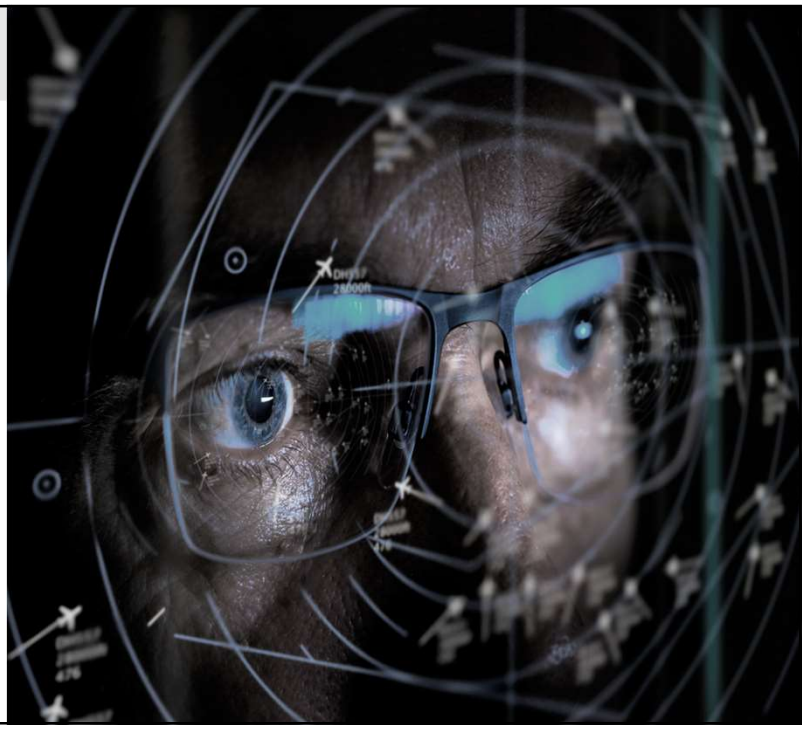


Course Objectives

- To identify current claim trends impacting Texas school districts
- To identify risk management solutions to mitigate risk exposures
- To obtain first-hand knowledge through shared experiences of another school district
- To provide legal perspective that support appropriate claims management protocols

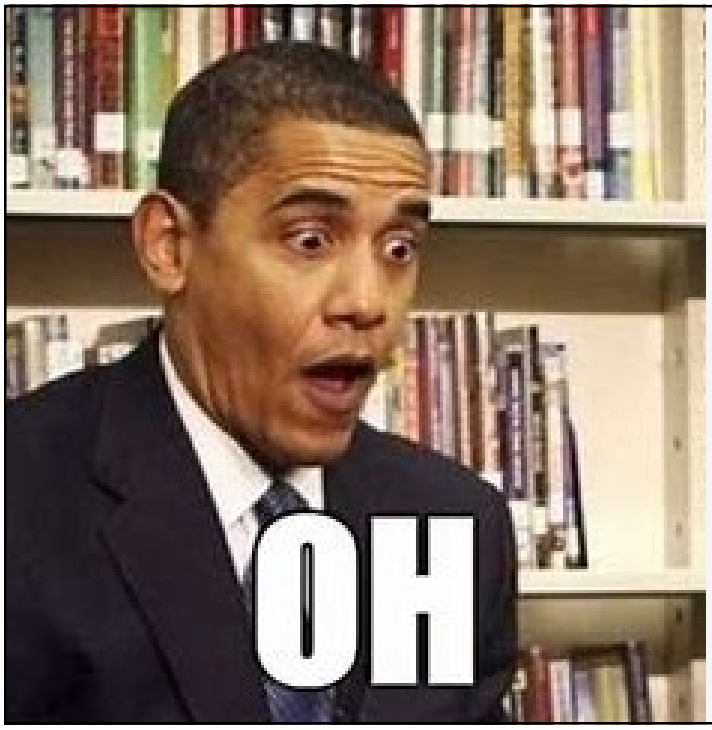
Managing Claims

- #1 Key to Success
- School Challenges
- Strategies Commonly Utilized by School Districts
  - Self-insurance
  - Loss Control Measures



Managing Claims

- Strategy 1: Develop and issue an effective policy statement.
- Strategy 2: Develop a diverse safety committee.
- Strategy 3: Formalize your injury & treatment process.
- Strategy 4: Conduct regular safety audits.



Just reviewed quotes for his school district's WC policy renewal

Occupational Violence & School Staff

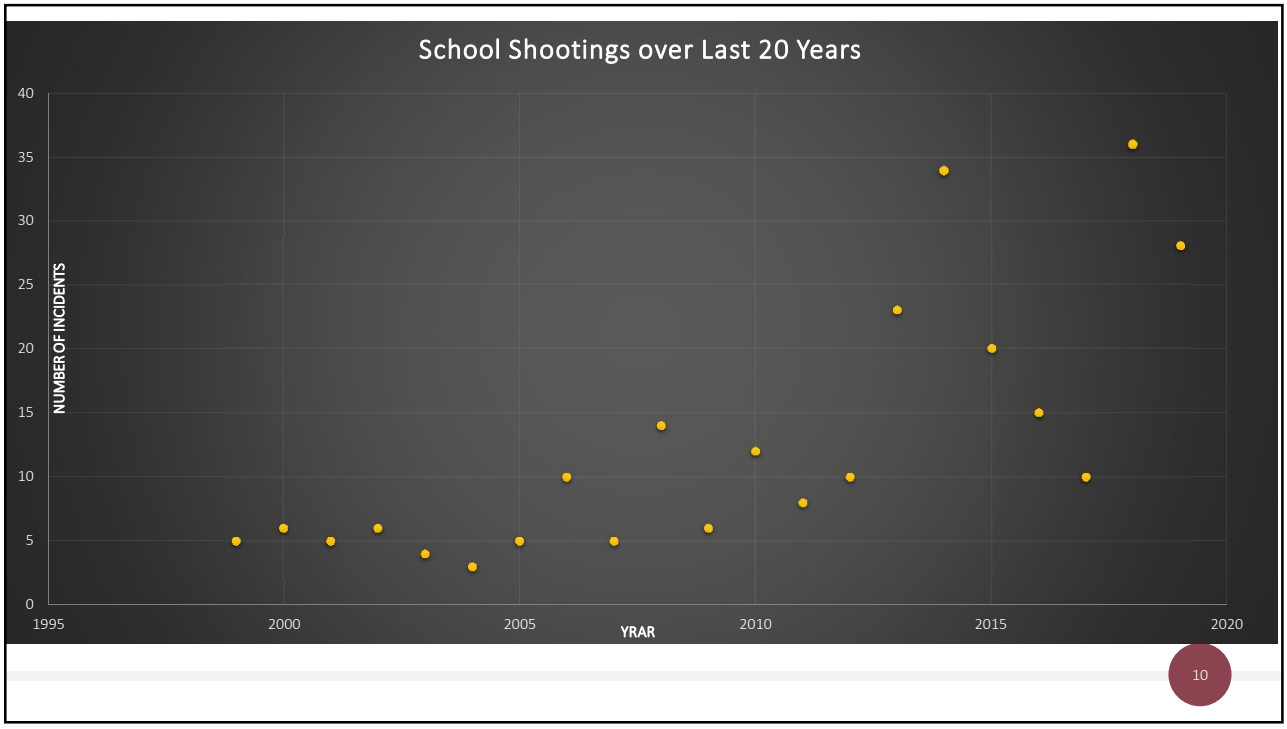
School Violence

How is It Defined?

- **WHAT:** Assaults (with or without weapons)
- **WHERE:** On School Property, To/From Schools, or At School-sponsored Events
- **WHO:** Anyone can be a perpetrator, a victim, or a witness of school violence

BIG DATA

- Gang related
- Bullying
- Workplace shootings
- Retaliation against teachers
- Shootings/Stabbings on campus
- Suicide attempts (students & employees)



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Assaults on School Staff

School staff can sustain compensable injuries from assaults…

- Higher Risks of psychological injury for teachers
- 5% of teachers nationally reported that they had been physically attached by a student from their school
- Assaults can be sexual in nature, involve students/coworkers, or caused by another 3rd party

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School Violence

Legal Perspective

To and From Activities

Appeal Panel Decisions

AP 982583 – Assaults by Coworkers

AP931144 – Sexual Assault of a Teacher

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School Violence

Risk Mitigation Strategies

1. Active Shooter & Lockdown Drills
2. Controlled Environments
3. School Resource Officers

Unorthodox, Proactive Strategies

1. Universal, School-based Prevention Programs
2. Crisis Tip Lines
3. Parent/Family-based Programs

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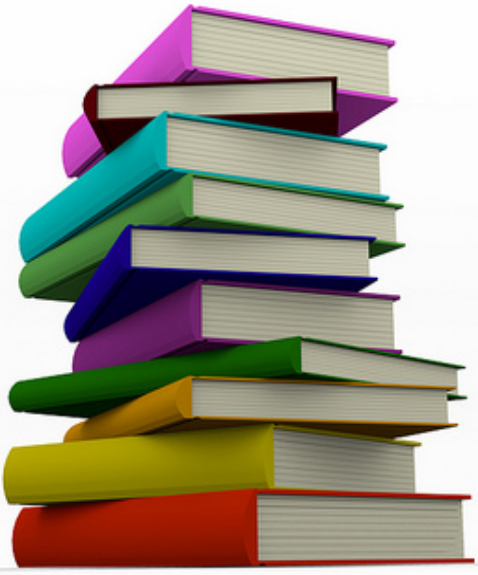
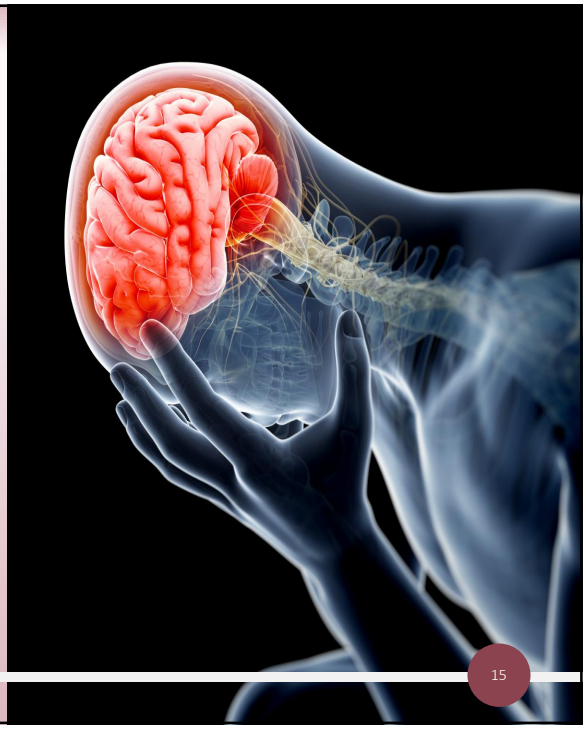
Mental Health Claims



Mental Trauma Claims

- Defining Mental Trauma Claims
  - Depression
  - Anxiety
  - Post-traumatic Stress Disorder (PTSD)
- NOT just applicable to 1st Responders
- Symptoms



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Mental Injury Impact on Schools

Delays

Higher Claim Costs

Negative Experience

Alief ISD's Approach to Minimize Mental Health Creep in WC

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Compensability Factors

Appeal Panel Decisions

AP030056

AP060176

AP941403

Risk Management Strategies

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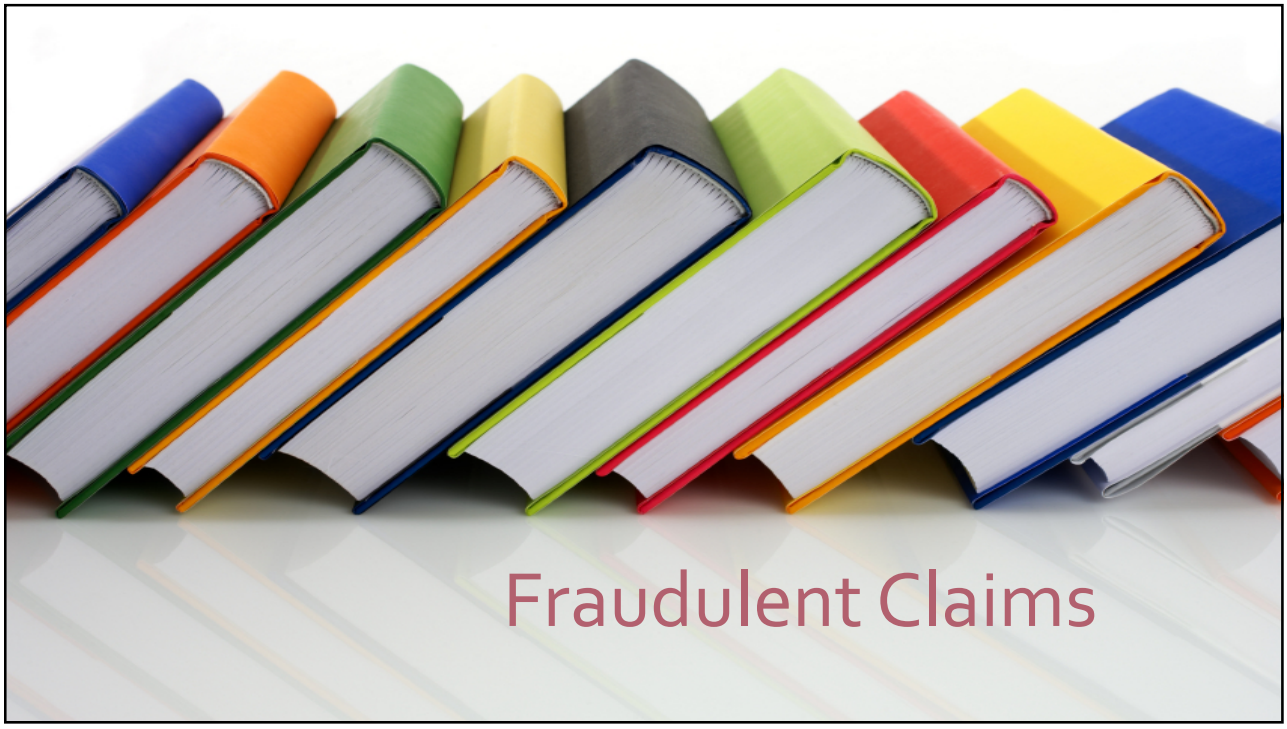

How is It Defined?

- **WHAT:** Misrepresentation of …
- **WHERE:** Anytime – Anywhere
- **WHO:** Injured employees, plaintiff attorneys, medical providers, witnesses, etc.

Impact on School Districts

- Altered School Culture = Repeat Offenders
- Unusual RTW Delays
- Increased Incident Rates
- Reduced Money for District

Legal Perspective

Know your rights to pursue criminal investigations

A Prosecuted Case by District Attorney

- 418.001 Penalty for Obtaining or Denying Benefits
- 418.002 Penalty for Fraudulently Obtaining WC Insurance Coverage
- 418.003 Election of Prosecution

Three Risk Management Solutions

1. Due Diligence: *Identify Your Red Flags*
2. Claims Management: *Create Your Red Flags*
3. Accountability of Claims Staff: *Measure Your Red Flags*

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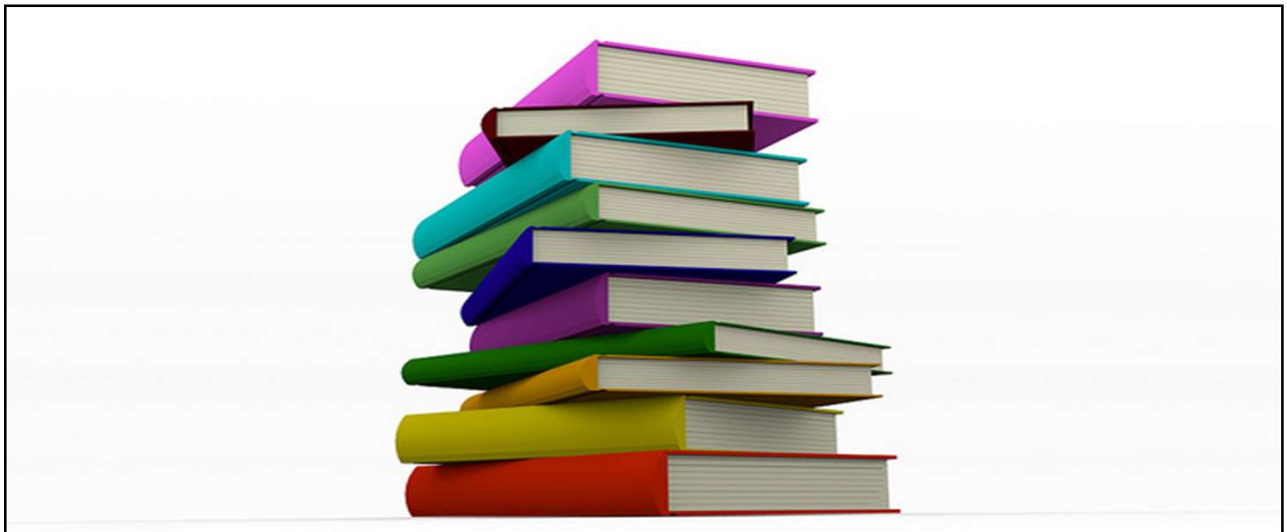
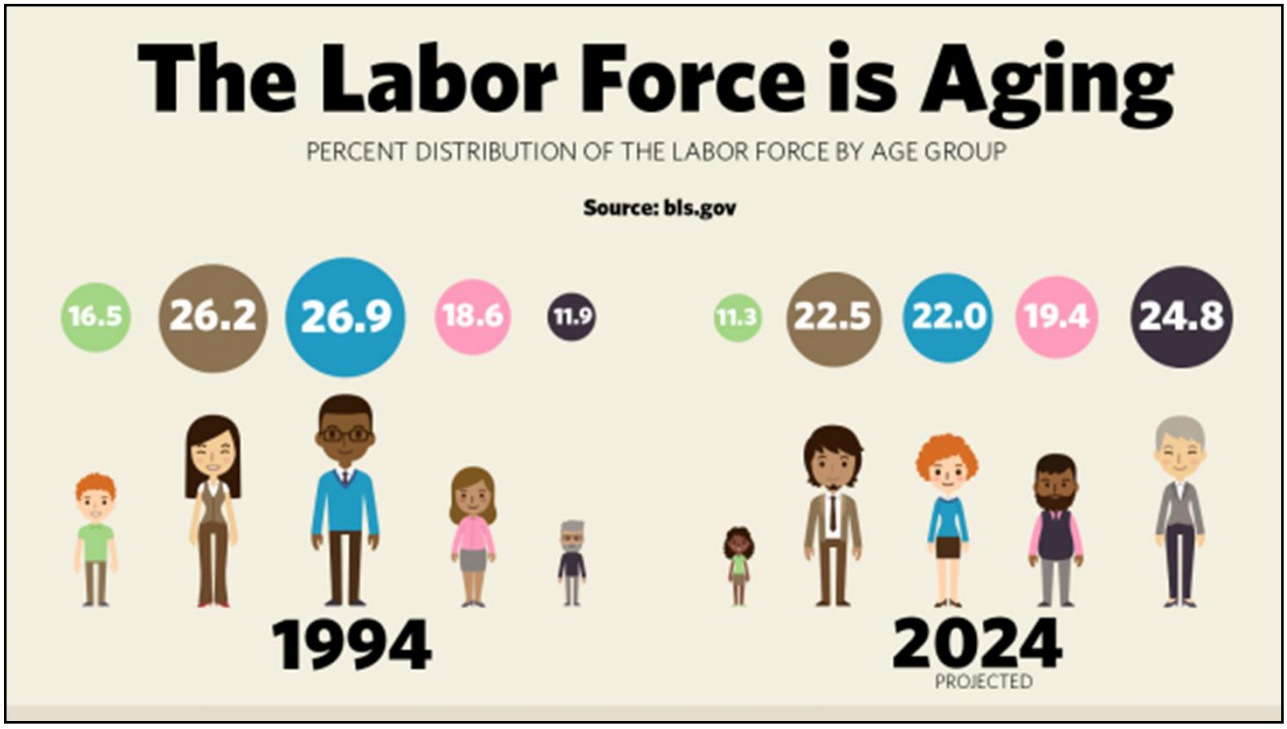
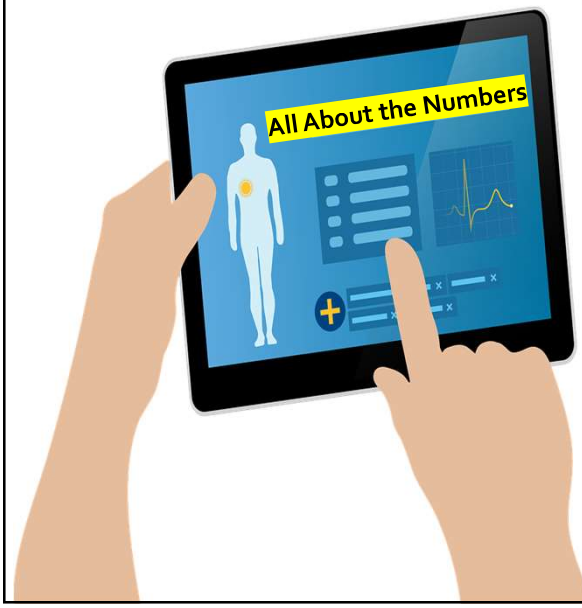


Comorbidities & Your Aging Workforce



Common Comorbidities:

Hypertension, diabetes, obesity, degenerative changes, arthritis, cardiovascular disease



Impact on WC Claims by the Numbers

Claim Durations increased by 76%

Total claim costs increased by 341%

LT days increased by 285%

Litigation rates increased by 147%

Surgery rates increased by 123%

Comorbidities and Chronic Diseases

- 60% of the adult population = Minimum of one chronic medical condition
- 42% have multiple conditions
- Top 3 Comorbidities
  - Obesity
  - Diabetes
  - Hypertension

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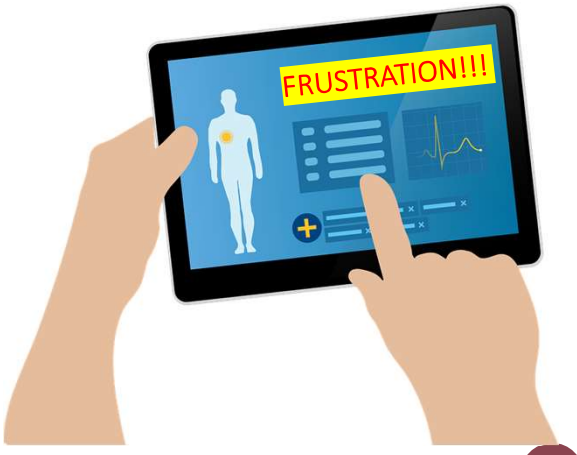
Comorbidities: The Impact on Your Aging Workforce

- Causation Issues = Claim Decision Delays
- Additional Compensable Diagnosis
- More Complex Treatment
- Increased Treaters and Prescribers
- Complications During Treatment
- Delayed Recovery/Healing



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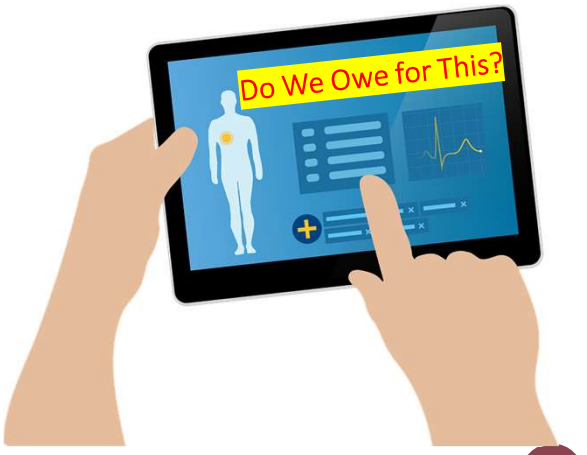
Comorbidities: *The Legal Perspective*

- Compensability
  - Heart Attacks (WC Statute 408.008)
  - Arthritic Conditions
- Aging Workforce and Extent of Injury
  - Knees & Back Injuries
  - AP 121927
  - AP120041
  - AP110481

TAKEAWAY: Defense of these claims will require expert testimony!



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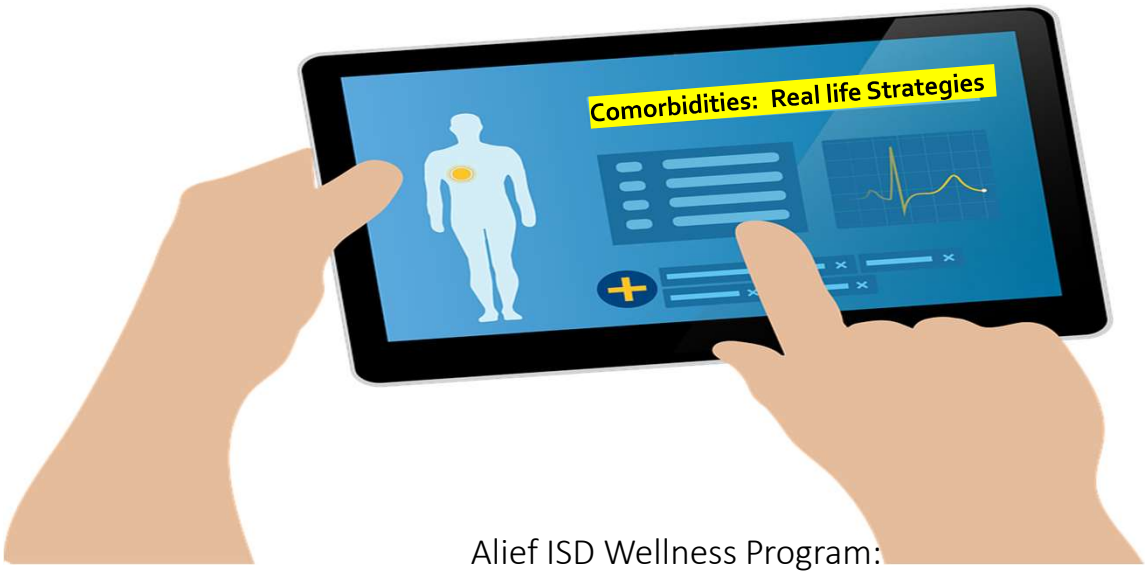
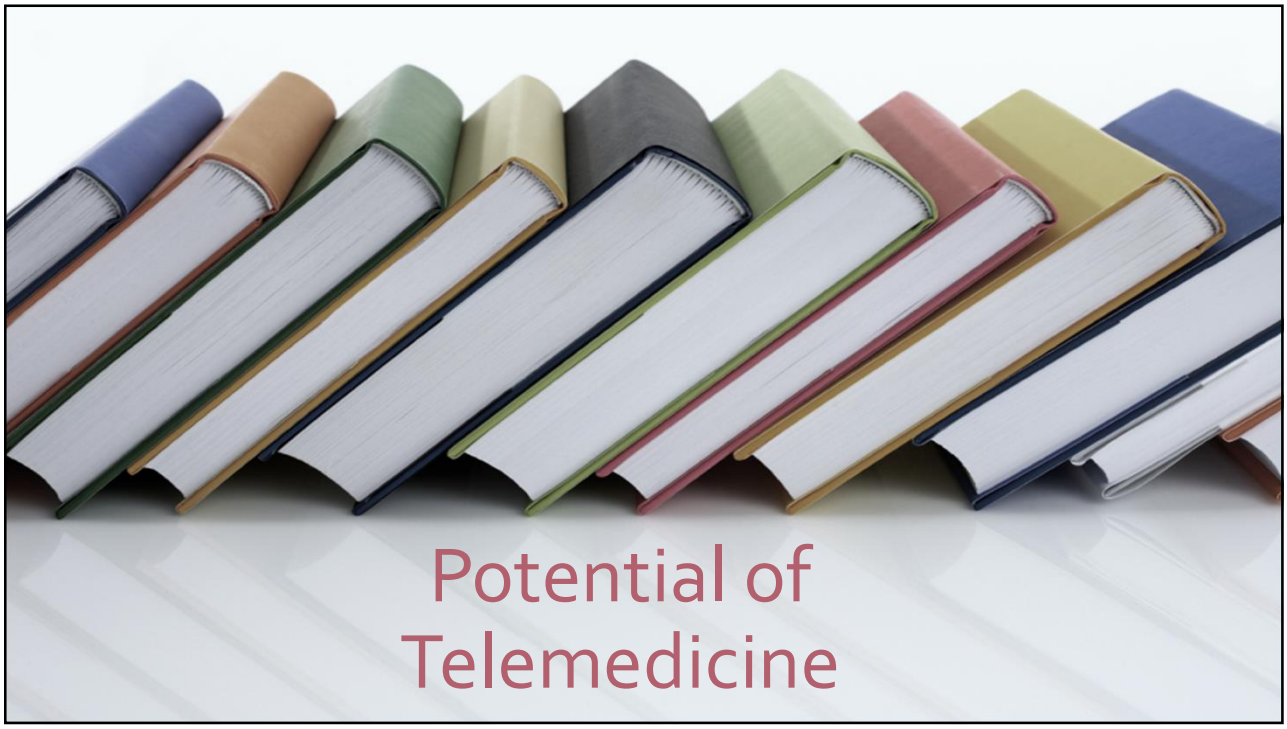


Alief ISD Wellness Program:
https://www.youtube.com/watch?v=VGdQe44cr5c



Potential of Telemedicine

Telemedicine

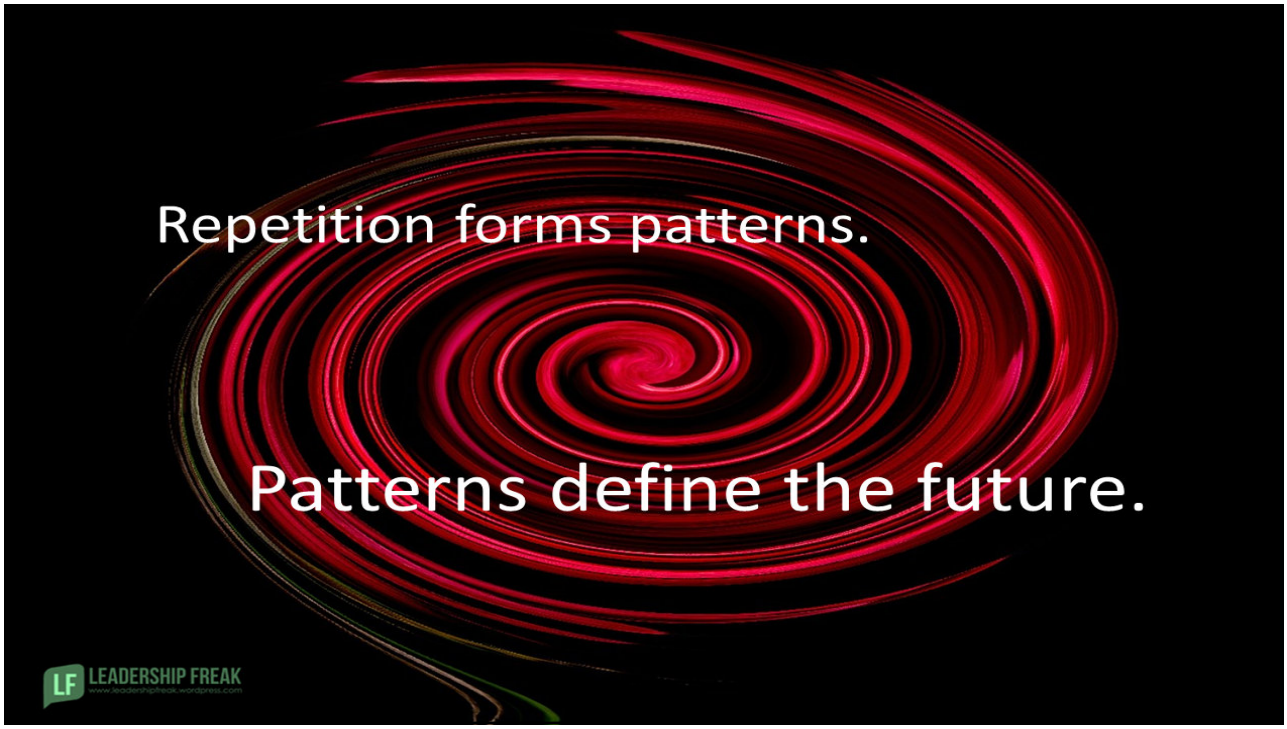
How Is It Defined

Telemedicine

Impact on Districts

Telemedicine

Slow Acceptance/Concerns



Questions and Comments…

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THANK YOU

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