



**Risk and  
Insurance  
Management  
Society, Inc.®**

*RIMS NEWS*

*JULY  
2003*

**THE AWARD WINNING HOUSTON CHAPTER**

**Advancing the Risk Management Profession**

## **“Hold Harmless/Indemnification Language – What Holds Up?”**

**Mr. Joseph M. Heard - Heard and Medack, P.C.**

**Mrs. Bridget R. Brinson - Heard and Medack, P.C.**

**What language and coverage is necessary to protect the company? Understanding “hold harmless” and “indemnification language” in contracts and certificates of insurance can be key in defending a claim or lawsuit. “Hold Harmless/Indemnification Language - What Holds Up?” will allow attendees to gain a working knowledge of the language necessary to defend the company’s position in a disagreement or suit.**

**Joe Heard, a native Texan, admitted to the State Bar of Texas in 1984, did his undergraduate education at The University of Houston and his legal education at South Texas College of Law and achieved a Juris Doctorate. Mr. Heard has tried a broad spectrum of cases including premises liability, auto accident, food contamination, property damage and construction defect matters. He has received favorable jury verdicts in both state and federal courts. Further, Mr. Heard has experience in successfully defending clients in a number of different Texas counties that are typically considered plaintiff-friendly venues.**

**Bridget Brinson, born in Beaumont, Texas, admitted to the State Bar of Texas in 1997 did her undergraduate education at The University of Texas at Austin and her legal education at The University of Texas School of Law and achieved a Juris Doctorate. Mrs. Brinson has experience defending clients in both Harris and Jefferson County, Texas. Her experience includes premises liability, auto accident, wrongful death, products liability and property damage cases. She has also been appointed attorney ad litem by several Harris County District Courts.**

**Heard & Medack, P.C. is a litigation firm that tries lawsuits. Formed in 1998, the firm’s practice involves the vigorous representation of its clients through all aspects of pre-trial discovery and, more importantly, at trial. With combined courtroom experience exceeding twenty-five (25) years, the firm’s principals aggressively represent their clients’ interests at trial, yet do so cost effectively and without the unnecessary overhead typically found with larger firms.**

**Published by The Houston Chapter  
of the Risk & Insurance  
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## From the President's Desk

If you missed last month's meeting, you missed a great time. Many of us were inspired by Dr. Jo's tips for making it easy to keep fit and healthy on the road. For those of us who travel frequently, I am sure her tips will be put to use on our next trip.

This month's speakers will be Joe Heard and Bridget Brinson of Heard & Medack, PC. They will discuss contract language, certificates of insurance and what to look for in hold harmless/indemnification language. Please join us on July 18<sup>th</sup>. As an added incentive, this month's evaluation drawing will be worth \$40. Remember, you have to be present to win.

As I mentioned in last month's meeting, we are joining with the Houston Chapter of CPCU and the Houston Business Journal to produce an insurance supplement in the October 3<sup>rd</sup> edition of the Journal. We would appreciate your support through advertising in the supplement or providing ideas for the articles. I am also looking for several members to assist in writing articles for the supplement. If you have a desire to "be in print" please give me a call at 832-351-7144. We are very excited to be able to highlight the RIMS and CPCU organizations as well as to bring important insurance issues to the Houston business community. Your support in this important project is greatly appreciated.

See you at the meeting,

**PAM**

## Upcoming Events



The Fall Conference is scheduled for Friday, October 17, 2003, at The Woodlands Conference Center. It will be a split morning session and we have applied for CEUs for both sessions. Possible morning sessions:

- Work Comp-New Rules and Legislation
- How FMLA and RTW Programs Interact with the Company's Work Comp Program.
- (alt) Legislative Tort Reform and Litigation Management.

More details coming soon!!!



# Regulatory & Legislative Issues

The Texas Workers' Compensation Commission invites all qualified individuals and representatives of public health care facilities and other entities to apply for openings on the Medical Advisory Committee in accordance with the eligibility requirements of the Procedures and Standards for the Medical Advisory Committee as adopted by the Commission. Each member must be knowledgeable and qualified regarding work-related injuries and diseases.

Applicants from all areas of Texas are encouraged to apply.

The Medical Review Division is accepting applications for Alternate Public Health Care Facility, Primary Chiropractor, Primary and Alternate Dentist, Alternate Medical Equipment Supplier and Alternate Employer Representative positions, which are currently vacant.

Commissioners for the Texas Workers' Compensation Commission appoint the Medical Advisory Committee, which is composed of 18 primary and 18 alternate members representing health care providers, employees, employers, and the general public.

The purpose and tasks of the Medical Advisory Commission are outlined in the Texas Workers' Compensation Act, [section 413.005](#), which includes advising the Commission's Medical Review Division on the development and administration of medical policies and guidelines. (Continues next column)

The Medical Advisory Committee meets at a minimum of once each quarter. Members serve voluntarily and are not reimbursed for travel, per diem, or other expenses associated with Committee activities and meetings.

During a primary member's absence, an alternate member must attend meetings for the Medical Advisory Committee, subcommittees, and work groups to which the primary member is appointed. The alternate may attend all meetings and shall fulfill the same responsibilities as primary members, as established in the Procedures and Standards for the Medical Advisory Committee.

For more information go to <http://www.twcc.state.tx.us/information/events/macapp.html>.

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The Austin Court of Appeals has upheld the one year rule again in the case of *All Saints Health System, et al. v. Continental Casualty Co., et al.* The Court held that hospital bills re-submitted to carriers claiming that the hospitals were entitled to more money than what was paid under the void 1992 Hospital Fee Guideline were barred if the hospitals did not seek medical dispute resolution within one year from the date of service. This means, at present, that approximately 70 to 75 percent of the \$150 million (possibly more as the figures in dispute vary greatly) in outstanding reimbursements the hospitals sought will be barred from recovery (if any is owed anyway). I expect a motion for rehearing before the Court of Appeals and then a petition to the Texas Supreme Court by the hospitals. (Note: Permission received from attorney John D. Pringle)

## Member's Corner

The Houston Chapter has the privilege of welcoming the following new Corporate Deputy members:

- TOTAL E&P USA, Inc.
  - o Ann Seckler, Claims Manager

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## Looney Lawsuits

### Don't Have What It Takes? Sue-It's the Coach's Fault!

A teenager in Bucks County, Pennsylvania isn't getting the softball scholarship she'd hoped for, but rather than accept that she doesn't have what it takes, she's suing her coach and the local athletic association.

Cheryl Reeves' lawsuit says that coach Roy Jenderko taught her an "illegal" style of pitching (crow hopping), and that his use of "favorite players" demoralized her and led to emotional and psychological stress. She's suing for \$700,000, alleging loss of future earnings capacity, reputation, and scholarship opportunities. ([Continues next column](#))

Says the attorney for Jenderko and the Middletown Athletic Association, Timothy Kolman, "The real danger of lawsuits like this is the desperately chilling effect on volunteers who each week do yeoman's work, giving their time, expertise and love to youngsters."

### Aerosmith Blamed for Fans Hearing Damage

A Walnut Creek California man claims he suffered permanent hearing loss at a rock concert. The man has sued the rock band that performed, Aerosmith, and the Concord Pavilion, the open-air amphitheater which hosted the show. The plaintiff seeks an unspecified amount to recover medical damages and lost wages after he developed a constant ringing in his ears.

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Meeting Notices, Newsletters and other chapter correspondence are now sent out by **e-mail**. If you are a deputy member and are not receiving yours please let us know by contacting Jim Lyon, Membership Director. All others, Associates and Non-Members, please contact Monica Olis. Deputies can update/correct information by logging on to the Society web site: [www.rims.org](http://www.rims.org).

## Houston Area Job(s) Listing for July 2003

### Harris County – Claims Officer (06/2003)

- ❖ Any job listing descriptions, contacts, etc. can be found at The Houston RIMS website: <http://houston.rims.org/ChapterWebsite/RIMSChapter.cfm?CID=328>
- ❖ For further information regarding positions or to place a job opening for your company in our newsletter, contact Toni Green, Director - Job Placement, via email at [toni.green@nli-usa.com](mailto:toni.green@nli-usa.com) or by telephone at (281) 423-3357.
- ❖ For information regarding National RIMS listings, contact Jennifer Berman at RIMS New York at (212) 286-9292 or email: [jberman@rims.org](mailto:jberman@rims.org).
- ❖ Also, look online at the Houston Chronicle's classified web site under employment. Do a key word search for Safety or Risk Management: [www.houstonchronicle.com/classifieds](http://www.houstonchronicle.com/classifieds) or look online at the Houston Press's classified web site: [www.houstonpress.com/classifieds](http://www.houstonpress.com/classifieds)

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## Houston Chapter of RIMS

### UPCOMING EVENTS

Luncheon meetings are at 11:30 am

**2003**



**July 16, 2003**

“Hold Harmless/Indemnification Language  
What Holds UP?”

**August 20, 2003**

“How to Prepare the Perfect Submission”

**September 17, 2003**

Recognition of those  
receiving the ARM  
designation.

**October 17, 2003**

Fall Conference  
The Woodlands Convention Center



**November 19, 2003**

Roster of New Board Members Presented  
Closed Meeting “Deputy Members Only”

**December 17, 2003**

50th Anniversary Celebration  
Installation Ceremony: New Officers

**January 21, 2004**

Check the web Site: [www.rims.org](http://www.rims.org) >chapters  
>chapter web sites > Houston.  
Watch for event information.

### Reservation Deadline

is **Monday, July 14th, 2003 at 4pm.**

Please send your response by e-mail to  
[ginny.penzell@elpaso.com](mailto:ginny.penzell@elpaso.com) or fax the  
notice to her, at 713.420.6350.

The Luncheon Registration form is avail-  
able on the chapter web site at  
[www.rims.org](http://www.rims.org)

choose “chapters” then “chapter web  
sites” then “Houston” look for the  
“Monthly Meeting Notice” on the list to  
the left.

### MEETING PLACE

**Crowne Plaza Medical Center Hotel.**

**6701 Main @ Holcomb, Houston, TX 77030.**

**Phone # 713.797.1110**

**Parking is available in the hotel garage for \$3.00.  
Bring your parking ticket to the registration table  
for a validation sticker.**

**Parking is also available on the surface  
lot to the south of the hotel**

