

Improving Claims Processes Today to Get Paid Tomorrow

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**RIMS-Oregon Chapter
E-Day
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PANEL:

**LARRY REBACK, MANAGING PRINCIPAL, INTEGRO INSURANCE BROKERS
CASSANDRA FORBESS, MANAGER, RISK & INSURANCE CLAIMS, OHSU**

Agenda

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- Basic features of Liability policies
- Top 10 Liability Mistakes to Avoid
- Working with the Insurer
- Attorney/Client Privilege Issues
- Non-insurance Risk Management Strategies
- Question and Answer

Features of Liability Policies

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- **Different types of Liability Policies**
 - General Liability
 - Professional Liability
 - Director & Officers/Employment Practice
 - Media/Cyber
- **Claims Made policies**
 - Extended reporting
 - Notice of circumstance
- **Occurrence policies**
 - Notice “as soon as practicable.”
- **Duty to defend/control of defense**
 - Panel counsel
 - Approval, large retention issues

10 Liability Claim Mistakes to Avoid

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10. **Delayed/Late notice to the carrier**
 - a. Prejudice required?
 - b. Strategies to avoid delayed/late notice
9. **Failing to notice all potentially relevant policies**
 - a. Umbrella/excess
 - b. Historic occurrence policies
 - c. First party
8. **Retaining counsel without consent**
 - a. Conflicts
 - b. Right to independent counsel
 - c. Panel counsel
7. **Incurring costs or liability without consent**
 - a. Voluntary payments
 - b. Pre-tender expenses
 - c. Agreeing to settle/admitting fault without carrier consent
6. **Not updating carrier timely or appropriately**
 - a. Carrier litigation guidelines
 - b. Withholding key information from carriers

10 Liability Claim Mistakes to Avoid

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5. **Failure to tender claims to other responsible parties**
 - a. Indemnification
 - b. Additional Insured
 - c. Contractual requirements (i.e. is there a contractual requirement to tender within x days)
4. **Internal disconnect between Legal and RM departments**
 - a. May result in late notice or incurring of pre-tender fees
3. **Non-disclosure of material information on application**
 - a. Denial of claim
 - b. Rescission
2. **Failing to contact broker/outside consultants when needed**
 - a. Early engagement
 - b. Outside coverage counsel

10 Liability Claim Mistakes to Avoid

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No. 1: GETTING A CLAIM!



Working with the Insurer

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- What happens to a claim after its reported
- Internal/external rules re: claims handling
 - Timeliness of response
 - Proper investigations
 - Setting reserves
- Reservation of Rights
- Denial
- Effective communication with the claims examiner
- Carrier Escalation Process

Attorney/client privilege

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- Attorney/client privilege
 - Tri-partite relationship
 - Privileged materials relevant to coverage
 - Email communication
 - ✦ Do you have an internal process for involving legal?
 - ✦ If it's important, meet in person

Non-insurance Risk Management strategies

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- **Contractual Risk Transfer**
 - Limitation of Liability
 - Indemnification/hold harmless
 - Additional Insured
- **Pre-Claim Waivers/Releases**
 - Work with in-house counsel to standardize
 - Review regularly
- **Effective Internal Communication process between In-House counsel and Risk Management**
 - Connecting Legal to Insurance Carriers where appropriate

The End

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QUESTIONS?