

Risk Management Incident Reporting – What, When and How to File Reports

Incident Reporting When to Submit?

- ❖ All incidents, accidents, or near misses that reasonably could result in potential liability to the State or result in a WSI claim should be reported.
- ❖ Obligation to report exists even if there is no adverse event or injury.

Incident Reporting When to Submit?

- ❖ Agency is expected to exercise judgment.
 - Potential of third party claims from the incident, accident or near miss must be reasonable. Near misses must be reasonably capable of repeating.
 - Use legal and Risk Management staff as resources.

Incident Reporting When to Submit?

- ❖ Agencies may use the incident reporting system for broader purposes.
- ❖ Incident reports should be completed as soon as practicable. Expectation is that reports will be filed within 24 hours, if possible.

Incident Reporting Why?

- ❖ Protect the State's interests
- ❖ Preserve evidence
- ❖ Avoid impermissible destruction of documents
- ❖ Gather facts while memories are fresh
- ❖ Take corrective action
- ❖ Identify loss control measures

Incident Reporting Why?

- ❖ Redundant retention of documents including less formal documents such as e-mail.
- ❖ Gather information while fresh and maintain it separate from other agency files.
- ❖ Risk Management directed investigation documents are exempt from open records.
- ❖ Identification of cross-agency practices, evidence, training needs, etc.

Incident Reporting Special Note: Employment Practices Liability

❖ When?

- Any claim of protected status and adverse or potential adverse employment action.
- Harassment and hostile work environment.
- Statutory violations, e.g. FLSA.
- Allegations of agency wrongdoing.

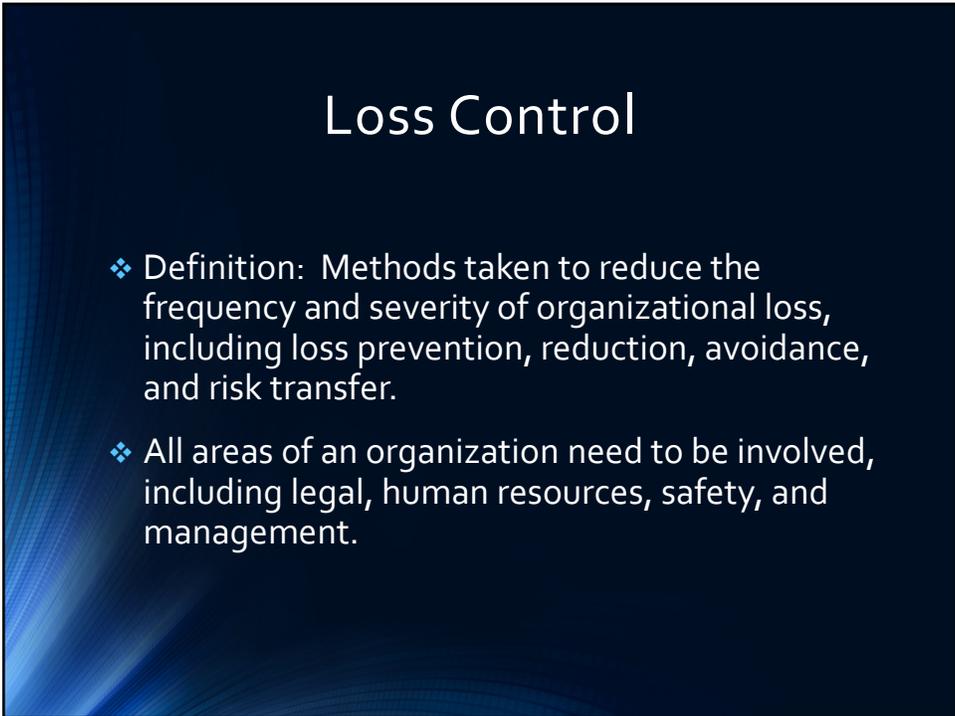
Incident Reporting Special Note: Employment Practices Liability

❖ Why?

- Investigative documents created before a report cannot be made exempt by later filing an incident report.
- EPL litigation is very costly and time consuming.
- Risk of personal capacity lawsuits.
- Missing or incomplete documentation is the single worst thing that can happen in most EPL cases.



Loss Control – The Basics in Preventing Loss



Loss Control

- ❖ Definition: Methods taken to reduce the frequency and severity of organizational loss, including loss prevention, reduction, avoidance, and risk transfer.
- ❖ All areas of an organization need to be involved, including legal, human resources, safety, and management.

Loss Control

How Can Risk Management Assist?

- ❖ Discount Programs
 - Identified important loss control measures.
- ❖ Loss Run Reports
 - Review of actual agency losses, incidents, and near misses.
- ❖ Loss Control Committees
 - Review loss runs, ensure loss control measures are implemented, identify risks, and recommend preventive measures.

Desktop Reference: Print and post at workstations to help employees choose the best form to use when reporting incidents and accidents.

FORMS TO USE WHEN REPORTING INCIDENTS & ACCIDENTS		
Incident Report SFN 50508	Motor Vehicle Accident Report SFN 51301	Medical Services Incident Report SFN 53601
<ul style="list-style-type: none">• Incidents involving alleged:<ul style="list-style-type: none">✦ injuries (to non-employees and employees); OR✦ property damage of any type which occurred at any location/building/property owned or managed by the State; or✦ actions by State employee(s) that caused the alleged injury or property damage.• Use this form to make the first report of an employee's injuries to Risk Management Workers Compensation Program.	<ul style="list-style-type: none">• Incidents involving any type of vehicle owned or driven by the State or State employees (including permitted drivers) and causing injuries to individuals or damage to property that is not owned/managed or leased by the State. <p>Online Incident Reporting www.nd.gov/risk/</p>	<ul style="list-style-type: none">• Incidents involving any medical treatment or services provided by State employees or any injury to a third party at a State owned or managed medical facility (i.e. Human Service Centers, State Hospital, Developmental Center, Veteran's Home, or clinics).• This form is <u>NOT</u> for reporting vehicle accidents or employee injuries (workers compensation).

NOTES:

LOSS RUN REPORTS – WHAT SHOULD WE DO WITH THEM?

Risk Management provides monthly claims and quarterly incident loss run reports to agency Risk Management Contacts. Then what? What are the reports for and what should you do with them? These reports can actually serve as a valuable loss control/prevention tool. This article will hopefully take the mystery out of these reports and open a new door for managing exposures.

Simply put, a loss run report is a report showing the agency's incidents/claims/lawsuits for a particular time period. The report reflects key data such as the claim status, name of claimant, payments, reserves, a brief description of the incident/claim, etc. The data fields on the report have been identified in the [Guide to Reviewing Loss Run Reports](#).

The specific reports that will be provided by Risk Management are the following:

- ✦ Monthly reports of all of the agency's claims/lawsuits for the current fiscal year.
- ✦ Quarterly reports of all of the agency's incidents for the current fiscal year.

If there are no incidents/claims/lawsuits reported within the current fiscal year, the agency will not receive a report.

Figuring out what to do with the data through the loss analysis is a critical component. The data provided in the loss reports can be reviewed to identify trends and patterns to help you manage, reduce risk, and strengthen safety programs. The data can also be helpful when developing risk management plans, setting maintenance priorities, updating equipment, schedule or provide additional training, and tracking the results of current loss control efforts.

A greater benefit is received when the loss analysis is conducted by or through the agency's loss control committee, rather than a single point of contact. Loss analysis through the committee serves several functions such as, building awareness of exposures, input from various perspectives of the agency, and direct development of loss prevention efforts to address exposures. When the meeting has concluded, any copies of the loss run reports should be returned to the Risk Management Contact for proper retention and disposal.

Please contact Risk Management if you have any questions.

GUIDE TO REVIEWING LOSS RUN REPORTS – CLAIMS & LAWSUITS

Risk Management Fund AL Loss Report Open/Closed Claims/Lawsuits for Current Fiscal Year } (1) 11050 – RISK MANAGEMENT DIVISION (5)

Claim # 2013-1156150*001 (2) **Claim Made Date:** 05/05/2011 (6)
Status: OPEN (3) **Loss Date:** 04/11/2011 (7)
Name: Claimant Name (4) (8)
Agency: 11050 – RISK MANAGEMENT DIVISION (5) **Litigation:** NO (9)

Reserves: (10)	Indemnity (13)	Expense (14)	(15) Total
Payments: (11)	\$70,000.00	\$3,353.00	\$73,353.00
Outstanding: (12)	\$256.00	\$1,369.36	\$1,625.36
	\$69,744.00	\$1,983.64	\$71,727.64

Summary: (16) Provides an explanation or what occurred and/or allegations.

Totals for	11050 – RISK MANAGEMENT DIVISION	Indemnity	Expense	Total
Claim Count:	1 (17)	\$70,000.00	\$3,353.00	\$73,353.00
	(18) {	\$256.00	\$1,369.36	\$1,625.36
		\$69,744.00	\$1,983.64	\$71,727.64

Definitions:

- Title** – identifies the name of the report: AL = auto liability, GL = general liability; the type of information: claim or lawsuit; and the time period of the captured information: fiscal year, month, etc.
- Claim Number** – number is assigned by the RiskVision (incident reporting) system.
- Status** – indicates the status of the claim, i.e. open, re-opened, and closed.
- Name of the Claimant** – person(s) that filed the claim.
- Agency** – name of the agency that the claim has been filed against.
- Claim Made Date** – date the notice of claim was received from the claimant.
- Loss Date** – date the incident and/or accident occurred.
- Claim Close Date** – date the claim was closed by the Risk Management Division.
- Litigation** – indicates if the claimant has filed a lawsuit, i.e. yes or no.
- Reserves** – amount set by the Risk Management Division and represents an estimate of what the claim may cost.
- Payments** – indicates monetary payments the Risk Management Division has made.
- Outstanding** – represents the reserves minus any payments.
- Indemnity** – amount reserved and/or paid for damages, i.e. property damage and/or bodily injury.
- Expenses** – amount reserved and/or paid for attorney fees, court fees, etc.
- Total** – total of the amounts reserved and/or paid for indemnity and expenses.
- Summary** – provides an explanation of what occurred and/or allegations.
- Claim Count** – total number of claims/lawsuits for your agency.
- This area represents the total of all claims/lawsuits for the agency.

Risk Management Fund Event Summary Report for Current FY
Pending Claims and Closed Events
From: 1/1/2013 To: 11/1/2013
Coverage: GL

Department	Incident No.	Incident Date	Incident Description	Full Name	Status
11050-Risk Management	2013-199999*001	03/04/2013	ONE OF THE CUSTODIANS HAD A SEIZURE.	HIBL, SHEILA	CLOSED
11050-Risk Management	2013-199999*001	03/08/2013	THUMB CUT ON TABLE SAW	MOEN, DAWN	CLOSED
11050-Risk Management	2013-199999*001	03/07/2013	STUDENT WAS CUT ON TWO FINGERS BY A PIECE OF GLASS TUBING	ABLEIDINGER, VICKI	CLOSED
11050-Risk Management	2013-199999*001	03/11/2013	SLIPPED ON ICE	MOEN, DAWN	CLOSED-WC
11050-Risk Management	2013-199999*001	03/12/2013	LAI D PALM OF MY RIGHT HAND ON TOP OF THE FLAT TOP GRILL	HIBL, SHEILA	CLOSED-WC
11050-Risk Management	2013-199999*001	10/05/2013	FELL ON THE SIDEWALK DUE TO ICE	ABLEIDINGER, VICKI	PENDING CLAIM

Definitions:

- Title** – identifies the name of the report; status of incident reports included in the report; the time period of the captured information: month, day, and year; and coverage: AL = auto liability, GL = general liability.
- Department** – name of the agency that the incident report has been filed under.
- Incident No.** – number assigned by the RiskVision (incident reporting) system.
- Incident Date** – date the incident occurred.
- Incident Description** – description of the incident as it is entered into the What Happened field when submitting an incident report.
- Full Name** – last, first name of the injured/involved participant or the property owner (NOTE: if both an injured/involved and property owner are entered the name of the injured/involved will show up)
- Status** – the incident will be marked either closed, closed WC, or pending claim by the Risk Management office.

GUIDE TO REVIEWING THE LOSS RUN OF INCIDENT REPORTS