February 2017 *A quarterly newsletter of the Diocese of Trenton Risk Management Program*

Diocese of Trenton Risk Management Quarterly

Parishes, Schools, Cemeteries & Catholic Institutions

Spring Edition

The New Health Reimbursement Account: What You Should Know

You may recall that in an earlier edition of *Risk Management Quarterly,* we introduced an exciting new employee benefit - the Health Reimbursement Account (HRA) Plan. To learn more about this valuable benefit, please read the FAQs below.

The HRA plan has no out of pocket expense for the employee until the deductible limit has been met. The HRA allows enrolled employees to receive up to $1,500 (with single coverage) and up to $3,000 (for family coverage) for health care expenses.

To help enrolled employees enjoy the full benefits of this plan, here are some anticipated **Frequently Asked Questions** and the answers for each. Your understanding of this benefit will help you keep your employees educated about one of the great benefits offered by the Diocese of Trenton.

Who will process an employee's request for reimbursement under HRA?

ConnectYourCare will manage the HRA account and will process employee claims. They have 24 hour/day, 7 day/ week, 365 day/year customer service available to assist an employee. They can be contacted by telephone: **877-292-4040**.

An employee should also contact them with any problems or questions about the benefit or reimbursement. (Recommendation: business managers and others responsible for HR in your location should keep this information handy for employee inquires and refrain from involving themselves in matters of employee healthcare claims.)

What paperwork is needed to request reimbursement from my HRA?

When an employee or provider submits a claim to Aetna for processing, the claim will be reviewed and an Explanation of Benefit (EOB) will be generated. The EOB is mailed (or sent electronically) to the employee and provider. Once the employee receives the EOB for themselves or a covered family member, they should wait for the invoice from the Health Care Provider to verify the services provided and the amount due from the employee.

What should the covered employee do when he/she receives an invoice (bill) from a provider's office?

When the bill is received, the employee should review it and compare it to the EOB provided by Aetna to ensure that all the services billed have been submitted by the provider to Aetna.

If the information matches and the employee is responsible for a payment, he/she should submit a reimbursement request with the provider's invoice and the EOB to ConnectYourCare and instruct them to make payment directly to the provider. Claims can be submitted through the mail, fax, email, online or from a mobile device.

continued on page 7

Keeping Playgrounds Safe

We all want the children in our care to enjoy their outdoor time during school recess or while on school/parish grounds after school hours. We want this "fresh-air" time to be both happy and safe for them. It's another way in which we can strive to protect God's children.

Although the National Safety Council reports that 200,000 children visit hospital emergency rooms yearly because of playground injuries, you can help keep your playground safe for our children by taking the simple precautions listed below.

Evaluation and Layout

Using this list, you may want to consider conducting a walk-through audit of your current playground facility, making note of any areas in need of improvement in order of priority. After your initial walkthrough, you may also want to consider scheduling regular maintenance reviews of the area.

Of course, in the unfortunate event that an accident occurs on your playground, you will want to review the circumstances of the accident and take any corrective and preventative action necessary. As always, keep a file and record any audits conducted, the corrective actions taken, and notes about the maintenance of the playground facility.

The safety of each piece of playground equipment as well as the layout of the entire area should be considered when evaluating a playground for safety.

The National Program for Playground Safety (**www.playgroundsafety.org**) suggests the following:

- Use only professionally designed and age-appropriate equipment.
- Ensure equipment is anchored firmly in the ground.
- Maintain at least nine feet of spacing between each piece.
- Avoid using bare metal for platforms, slides or steps. When exposed to direct sunlight, these surfaces may reach temperatures high enough to cause serious contact burn injuries.
- Inspect guardrails and spaces between ladder rungs. Any openings that can trap children should be less than 3.5" or more than 9" inches apart.
- Ensure that a fence or other secure barrier is in place around the perimeter of the playground, especially if the playground is located next to a parking lot or roadway.

Protective Surfacing

A study by the US Consumer Product Safety Commission indicated that 79% of public playground equipment-related injuries treated in US hospital emergency rooms resulted from falls from equipment. In order to protect children from severe injuries resulting from a fall, the proper installation and maintenance of protective surfacing under and around equipment is critical.

- The surfaces around and under play equipment should have a minimum depth of 12" of wood chips, mulch, sand or pea gravel.
- Wood mulch containing chromated copper arsenate (CCA) treated wood products should not be used; areas where the CCA content is unknown should be avoided.
- Playground equipment should never be located over concrete, asphalt or other hard surfaces.
- Grass and dirt are not considered protective surfacing – constant use, along with environmental factors, can reduce their shock-absorbing effectiveness.
- Protective surfacing should extend to at least 6' in all directions from play equipment.
- Swing sets: extend the protective surfacing to at least 6' beyond play structures and at least 2 times the height of the suspending bar in both directions.

Grounds Maintenance

- Regularly inspect the playground area for anything that might present a danger to children.
- Remove exposed tree roots, rocks or other obstacles that could cause tripping.
- Check for broken glass or sharp objects that may have been discarded.
- Inspect equipment for sharp edges and dangerous hardware, such as protruding bolts or open "S" hooks.
- Further safety information is also available from the Consumer Product Safety Commission's Playground Safety Handbook, which can be downloaded from our website:

  www.dotinsurance.org/playground

If you have any questions or concerns, please call Joe Cahill at the Diocese of Trenton Office of Risk Management, telephone: 609-403-7189.

In General

Always provide adequate supervision based upon age-related guidelines for minimum ratio of adult to students. At no time should there be less than two adults supervising on the playground while children are present.

Follow established protocols for medical treatment if required. Report any injury immediately to school senior management.

Notify parent/guardian and prepare an incident report. Provide a **Student Accident Claim Form** to the parent/guardian. Refer to **Student Accident Coverage** in the Diocese of Trenton Risk Management Insurance Program Manual which is available on the Diocese of Trenton Insurance website:

www.dotinsurance.org/manual ■

Diocese of Trenton Risk Management Quarterly 1-800-690-8709

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If you have any questions, comments or topic requests for future newsletters, please send an email to newsletter@dotinsurance.org

Are You Ready to be a Hero?

Save a Life with CPR & AEDs

Team Life recognizes two local heros who came to the aid of a player suffering from cardiac arrest. Quick action, proper training, and the right equipment helped save a life.

Left to Right: Charles Kroekel; Giancarlo Riotto; Matt Barlow, Athletic Trainer; James Schatzle; Sr. Dorothy Payne, School President

On September 8, 2016, Matt Barlow and Scott Alvarez were someone's hero. During a school sporting event at Trenton Catholic, an opposing team's teenage player collapsed. Without hesitation, an emergency plan was set in motion. Tapping into the training and tools provided by their school, Barlow and Alvarez identified the emergency and began Cardiopulmonary Resuscitation (CPR) with the aid of an automated external defibrillator (AED) to resuscitate the unresponsive player. Since sudden cardiac arrest is not a predictable emergency, it is crucial to have the proper training and tools in place so anyone can "ACT."

What is Sudden Cardiac Arrest?

According to the American Heart Association, sudden cardiac arrest (SCA) is an electrical malfunction in the heart that causes an irregular heartbeat (arrhythmia) and disrupts the flow of blood to the brain, lungs and other organs. SCA is a leading cause of death. Each year, more than 350,000 out-of-hospital cardiac arrests occur in the US. Almost 90% of people who suffer out-of-hospital cardiac arrest die.

CPR, especially if performed in the first few minutes of cardiac arrest, can double or triple a person's chance of survival. When defibrillation is provided within 5-7 minutes, the survival rate increases to 35% to 45%.

How Can You Prepare for Sudden Cardiac Arrest?

Having a proactive safety program in place is crucial to the Chain of Survival. Programs that can effectively implement these links can achieve a ventricular fibrillation cardiac arrest survival rate of almost 50%. A recent study of school-based AED programs found that the overall survival rate can be increased to over 70% and to nearly 90% among student-athletes resuscitated with an on-site AED.[1]

1 Author: Jonathan A. Drezner, MD, Department of Family Medicine University of Washington.

Chain of Survival in Five Simple Steps

- Cardiac arrest is immediately recognized and the emergency response system is activated
- Early cardiopulmonary resuscitation (CPR) is started with an emphasis on chest compressions
- Rapid defibrillation occurs
- Effective advanced life support is begun
- Integrated post-cardiac arrest care is provided

Without the proactive planning and training that takes place at Trenton Catholic, this story may not have had such a happy ending.

Team Life believes that **Anyone Can be a Hero!** Team Life is committed to increasing the survival rate from sudden cardiac arrest and other first aid emergencies by providing the best life saving training and equipment available.

Each day Team Life empowers people to "ACT" in the event of an emergency where every minute counts.

Left to Right: Giancarlo Riotto. Athletic Director; Scott Alvarez, Assistant Coach; James Schatzle, Owner and President of Team Life

Saving a Life at Donovan Catholic

On January 4, 2017, once again a life was saved by quick-acting professionals using a shock from an automated external defibrillator (AED) to revive an athlete.

During a wresting match at Donovan Catholic High School, a Donovan Catholic athlete became unresponsive while scoring a pin. Six people sprang into action, including Donovan Catholic Head Coach Steven Glawson and two off-duty EMT's who happened to be in the bleachers. They used the AED on the premises to revive the athlete.

Coach Glawson told nj.com, "If it wasn't for the advanced technology that lowered the costs of an AED to about $1,500, this may have had a different outcome. The quicker the defibrillation, the higher the rate of success. If we had to wait 20 minutes for one to arrive, he'd be dead."

According to the news service nj.com, it was at least the third time in a year that a New Jersey athlete was revived with an AED.

This story illustrates the importance AEDs play in saving lives. Make sure your AED is properly maintained and that your staff know how to use it.

For more information, see the nj.com article: **http://s.nj.com/CBWKqzL**

Clean those Sidewalks!

And maintain other areas too!

It's Your Responsibility

It is a common misconception that non-profit organizations such as churches and parish schools are not responsible for the upkeep of the sidewalks which surround the church and/or school property. Even though your organization may be considered a non-profit organization and possibly exempt from liability for injuries occurring on the sidewalk abutting the property, you still have an obligation to keep the sidewalks adjacent to your property well-maintained and free from ice and snow.

This obligation includes parking lots and other areas travelled by parish members and the general public. Do not rely on the assumption that the church or parish school may be considered a non-profit to avoid this responsibility. **It is not the municipality's responsibility to clear and maintain sidewalks. It is the responsibility of your parish or school.** This responsibility goes beyond clearing ice and snow, but includes ensuring the sidewalks are free from tripping hazards at all times, regardless of the season.

Personnel who clear snow and ice should extend their efforts beyond the church/ school walkways and steps and continue clearing all sidewalks surround the property. Sidewalk and parking lot maintenance inspections should occur on a regular basis. Keep a record of the date of inspection, the findings, and any repairs that were made.

What About Charitable Immunity?

But what about other areas of church property? Although "charitable immunity" may cover a religious institution or school, it is not absolute. In short, "charitable immunity" means that non-profit organizations are not liable for negligently causing injury to beneficiaries of the organization. However, your organization may be still liable to certain individuals for injuries which occur as a result of poor maintenance.

For example: A person attends a funeral service at St. Mary's Cemetery and is injured when a graveside bench upon which he was sitting collapses. Absent a finding of gross negligence for the cemetery's failure to maintain the bench, the cemetery may be protected from certain aspects of liability for the person's injuries under the charitable immunity law. This is because the injured person was a beneficiary of the organization – he was receiving a service from the cemetery when he was injured.

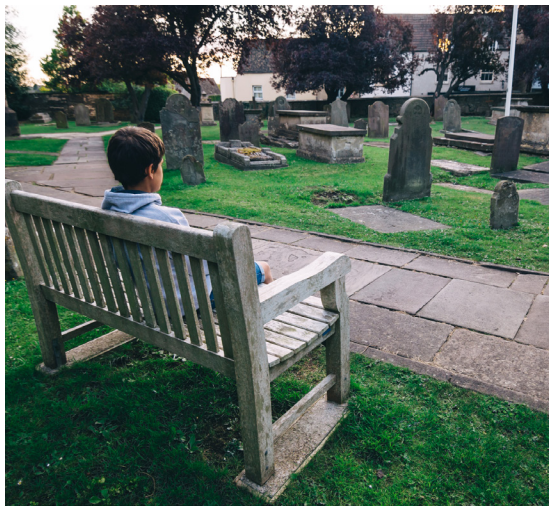
However, should a person walking through the cemetery sit on the bench to rest and is injured when the bench collapses, the cemetery is not protected by charitable immunity as that person was not receiving a service from the cemetery when he was injured.

Of course, none of us would like anyone to be injured on our property, regardless of the purpose for their presence.

In order to provide the best chance for your parish to avoid liability for injuries to any person visiting your property, routine maintenance inspections should be done. It is important to keep a log or record of the inspections made.

The Bottom Line

Rather than risk having someone injured on your property from a hazard which could have been eliminated, take some time and look around to ensure your property and sidewalks are well-maintained and in good working order. Help keep our school children, congregants and others in our communities safe. ■



Parishes and Copyright Law

Copyright law poses a potential financial risk for parishes when images, music and scripts are illegally published or performed. In order to avoid penalties, and to assure the appropriate degree of respect for the work of others, it is critical to be aware of how parishes can avoid infringement and legally use copyrighted works.

What is Copyright?

Copyright refers to the legal ownership an artist or author has over any original work that he or she produces. It automatically goes into effect the moment an image or piece of music is created in fixed form. Only the copyright owner may give permission for the work to be copied, displayed or performed publicly. Typically, a copyright owner will request attribution and a small fee.

Copyrighted Images

The term "images" applies to clipart, photographs, graphic art, maps, posters, cartoons, architectural drawings, fine art and other graphical works. All are protected by copyright law. Sometimes images are made available for "royalty-free" use. As such, these images may be used without the need to pay royalties for each use, or the images may be used for a defined time period.

A common example is the Microsoft Clipart collection, for which the End-User License Agreement allows royalty-free use of the collection for non-commercial purposes. There are also many reputable websites offering royalty-free "stock" images for a nominal fee of $10 to $15 per image.

Copyrighted Music

Under copyright law, "music" is a work that contains a fixed series of musical or spoken sounds. Before using a piece of liturgical music or printing the words contained therein, parishes should obtain permission from the creator or publisher of the piece. Music licensing grants the rights to use copyrighted music recordings within films, television programs, commercials, video games and other visual mediums.

To license a piece of music for a project, rights need to be secured from two separate entities. The record company controls the master rights (the actual recording of the music). The music publisher controls the composition (the written song) and negotiates on behalf of the writers for the synchronization rights.

Licenses must be secured from both parties. Be as specific as possible about the use and indicate internet use (including all social media) or duplication of DVD or tape.

Some sources include:

ASCAP

http://www.ascap.com/ace

BMI

http://bmi.com/search

SESAC

http://www.sesac.com/Home.aspx

Sometimes a single musical composition is the collaborative effort of several authors, such as a composer, lyricist and instrumentalist, in which case each may hold a copyright. If this is the case, permission is required from each copyright holder.

Publishers such as OCP, GIA and J.S. Paluch have obtained the individual copyright holders' permission for their collections of musical works and can provide parishes with a single license to use these collections. Parishes generally pay a one-time or annual fee for these licenses.

Performances

Performances of plays and scripts are also protected by copyright law. If your parish or school intends to publicly perform a play or other copyrighted work, please confirm that your organization is authorized to do so by the publisher or copyright holder.

Fair Use

Fair Use, or the use of a portion of a copyrighted work without the copyright holder's consent, involves a difficult distinction that is not easily defined and is therefore best avoided. If you would like to learn more about Fair Use, consult the U.S. Copyright Office's website at:

www.copyright.gov/fls/fl102.html

When Does a Copyright Expire?

For works created after January 1, 1978, the copyright lasts until the death of the artist plus another 70 years. Anonymous works have a 95-year lifespan from the date of publication or a 120-year lifespan from the moment of creation. For works published before 1978, consult the publisher for details. Once the copyright expires, the work enters the public domain and may be used without permission (most works published before 1923 are now available).

How Do I Obtain Permission?

Assuming the work is not in the public domain, you should contact the copyright owner or publisher and request permission to reproduce the work. If you do not know who holds the copyright, you can search the records of the Copyright Office on their website at **www.copyright.gov/records/** .

When you request permission or a license, be as specific as possible about your intended use. You will want to confirm whether the license is a one-time deal or perpetual; if it is not perpetual, you will have to ask again if you want to make additional copies once the licensed quantity or time period has been exceeded.

Potential Penalties

Illegally copied work, also known as copyright infringement, exposes parishes to lawsuits. The copyright holder may claim actual or statutory damages of up to $100,000, plus any attorney fees.

When in Doubt

If you have any questions or concerns about the use of copyrighted material, please do not hesitate to contact Brittany Wilson at **Brwils@dioceseoftrenton.org**, telephone: 609-403-7137. ■

Incident and Lawsuit Reporting

Helping Risk Management Help Your Parish or School

We hope your parish, school or organization will never have the experience of being named as a defendant in a lawsuit. Not only is defending a lawsuit time-consuming, but it can be emotionally exhausting and expensive, even if you are successful.

However, in our increasingly litigious society, even when we exercise great care, follow the rules, adhere to safety precautions, and otherwise make every effort to do the right thing, lawsuits happen. Employees, administrators, and volunteers who serve your church community can do everything correctly, treat people properly, and obey the law, and a lawsuit can still result.

Rarely will your church or school receive notice without advanced warning that it is being named as a defendant in a lawsuit, i.e., service of process. More often than not, some event will have occurred - a triggering event - which will or should immediately cause the business administrator to suspect that a lawsuit will follow.

This article describes the basic procedures for ensuring your organization will have the best chance possible to defend a lawsuit, or even prevent one altogether.

What to Do When an Incident Occurs

Within the context of a parish, an incident can take many forms. No matter what happens, it will most likely be of a nature in which the business administrator or other member of the management team will recognize immediately that the event could lead to legal action. Some common examples:

- A motor vehicle accident:
  - On parish or school property
  - In a parish/school vehicle either on or off premises
  - In a parish/school vehicle with children or youth as passengers
  - During a field trip in a vehicle driven by a volunteer or parish/school employee
- An injury as a result of a slip and fall on parish/school property or an abutting sidewalk
- An injury to an employee, a congregant, a volunteer or a visitor to the parish/school incurred while on parish property
- An altercation of any type between any individuals on school property or involving any individuals traveling at the request of the parish and during off site parish- or school-sponsored activities

NOTE: Alternative procedures should be followed for employee-related complaints such as harassment or a workers' compensation injury claim. Likewise, for complaints of abuse, the matter should be reported immediately by calling the abuse hotline at 888-296-2965 or via email at **abuseline@dioceseoftrenton.org**.

Recording the Details of the Incident

Should an incident occur, it is imperative that the business administrator or his/her designee immediately document the incident. **Immediately.** Why? Because as time passes, witnesses' memories will fade, details will become less clear, and witnesses may begin to question what they saw.

You can find an **Incident Report Form** in the **Religious Education Manual,** Appendix M. The form is there to guide you through describing the incident, but you should not feel confined to the spaces provided on the form. At the initial documentation stage, the more information the better. Others can sort out the irrelevant information at a later point in time.

Of vital importance is a description of the **Who, What, When, Where, Why and How** - as many details as possible. Make sure to include the following:

- Date of the incident
- Date of the report
- Time the incident occurred
- Names of those involved and the relationship of each to the parish/school
- Names of any witnesses
- A brief statement of what each witness claims to have seen
- A brief description of the incident, including the weather conditions when the incident occurred
- Pictures of the incident if relevant (An example of an incident where a photo would be particularly relevant: a picture of the location where a slip and fall on the steps of the church or the sidewalk out front occurred, as a photo will show the condition of the surface where the incident occurred.)

Make Notification

Either after you have completed the **Incident Report Form** or simultaneously, you should make two notifications. First, contact the diocesan Risk Management office by calling or emailing Joseph Cahill, or by contacting Joseph Bianchi in the Department of Administrative Services. Second, contact PMA Management Corp. Contact information for all can be found on page eight of this newsletter.

Continue to Document and Keep Records Safe

Once your notifications are made and the **Incident Report Form** is complete, keep a file of the incident. Be sure to include the **Incident Report Form** and notes on any additional and pertinent information that comes to your attention. Dates may become relevant, so ensure you keep a chronology of related events.

For example: A visitor to the school (a student's grandparent) claims to have fallen in the hallway on the way to the office on 1/03/17. You create an incident report in the afternoon. On 1/4/17, you see in a newspaper photo that the injured visitor won a limbo contest at a local party the night before. On 1/05/17, you later learn that the visitor had been released from the hospital on 1/02/17 after reportedly being treated for vertigo.

Ultimately, this information may not be relevant, but it is better to include it in the incident file and let the defense attorney decide its relevancy should the need arise.

continued on page 7

Health Reimbursement Account

continued from page 1

When the deductible is fully satisfied, the employee is subject to out-of-pocket expense at the co-insurance rate of 10% of the medical provider's cost. As an example: A $200 doctor visit will cost the employee $20. A $1,000 Emergency Room Visit will cost the employee $100. When the total maximum out-of-pocket expense has been reached ($1,500 single, $3,000 family in addition to the deductible amounts) no additional costs are incurred.

For additional information on how to submit a claim, please see the HRA reimbursement flyer located on the diocesan benefits website:

www.mydioceseoftrenton.com

To login to the system, please note: the Company Code Login is **DOTcenter**

How will prescription expenses be paid?

Prescriptions are processed and paid using the HRA Debit Card at the pharmacy until the deductible is satisfied. The prescription cost is the Aetna negotiated price. Prescription costs are applied against the deductible.

When the deductible is fully satisfied, the employee is subject to out-of-pocket expense at the co-insurance rate of 30% of the prescription cost capped at a maximum of $100/prescription.

As an example: An $80 prescription will cost the employee $24. A $900 prescription will cost the employee $100. Discounts are also available for 90 day mail order prescriptions. When the maximum out-of-pocket expense has been reached there are no additional costs to the employee.

Once the HRA has reimbursed the employee for the single or family deductible, the account balance is exhausted and there is no additional reimbursement available under the HRA plan.

The HRA debit card cannot be used to pay for prescriptions at the pharmacy after satisfying the deductible. Any cost incurred after the deductible, up to the maximum out-of-pocket limit, is the responsibility of the employee (30% of the cost of the prescription up to the $100 maximum).

Note: The HRA debit card is limited for use at a pharmacy to pay for prescriptions only. It cannot be used at an ATM machine or as a credit card to pay a doctor or hospital.

How can an employee know when his/her deductible has been satisfied?

Aetna will track the deductible. Each EOB will reflect the year-to-date amount that has been credited toward the single and family deductible. This amount can also be found on the Aetna Navigator online tool. All employees are strongly encouraged to login to the Aetna Navigator page and set up the subscriber profile for each covered member. After a profile is set up, each covered member will be able to view their benefits, claims, payments and deductible and out of pocket maximum balances.

All Enrolled Members of the Diocese of Trenton Health Care Plans HRA, HSA and POS will benefit from setting up their profile in Aetna Navigator to manage deductibles and health care expenses. ■

Incident & Lawsuit Reporting

continued from page 6

What to Do if Notice of Suit is Received

If your organization is served with legal process, you may experience a wave of panic as a million questions and concerns enter your mind. Please know, however, that you are not alone and the diocese has experienced professionals on hand to assist.

Make Notification

You should immediately notify the diocesan Risk Management department as explained earlier, AND provide a copy of the legal papers you were served to Joseph Cahill or Joseph Bianchi. Assuming the Pastor has not been notified of the lawsuit, ensure he is brought up to date.

Gather and Preserve Records

This is where that **Incident Report Form** and your file will come in very handy. A copy of that file, in its entirety, should be sent to the Office of Risk Management at the Chancery.

In addition, any potential evidence or records pertaining to the subject matter of the lawsuit need to be preserved. That means that any parish/school employee or volunteer that has any document, file, email, voice mail, text or electronic file/document related to the complaint should be told specifically not to delete or otherwise destroy the evidence but are obligated to keep it safe and accessible.

Obtaining Legal Assistance

The diocese will select legal representation for your organization and notify you of the same.

Unfortunately, incidents such as those described above and lawsuits are simply a cost associated with the operations of any organization – even non-profit ones. But documentation and knowing what to do when one of these situations arises will ensure you are doing everything you can to help your parish/school prepare for and deal with anticipated or actual litigation. ■

First Aid Kit Tip
Check Expiration Dates

Every parish and school should have first aid kits on hand in the event of emergency. The kits are not helpful, however, if the contents have expired. Designate someone at your facility to be responsible for the maintenance of the first aid kids, and make sure they check them on a regular basis to replace expired ointments, medication and batteries.

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Certificates of Insurance
For our online form, go to: **http://dotinsurance.org/forms/certs**

Claim Reporting
PMA Management Corp.
PMA Corporate Processing Center
Tel: 800-482-9826; Fax: 856-727-3186

Auto Insurance Cards
Porter & Curtis, LLC
Tel: 484-445-7174
Email: trenton@aeti-inc.com

For our online form, go to: **http://dotinsurance.org/forms/auto-forms**

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