With this being my last Presidents Message, I want to impress upon all of you the need for your continued support and participation in this wonderful organization. Our membership is down, but our spirits are up. Some of you are experiencing layoffs within your organization, others are about to. MIPRIMA will survive these very difficult economic times. We need to be visible to our public entity administration. We need to find ways to be more efficient. We need to be articulate, demonstrate our competence and personal integrity, and be willing to take on additional tasks for our entities. We also need to expand our network of peeps. Networking is how we develop professional relationships with our other public entity members, our Business Affiliates and Corporate Sponsors; people that speak the risk management language. It’s also how we develop long lasting friendships. We also need to continue to grow through professional development. This is why MIPRIMA is here.

To get you motivated for our next professional development program, we have put together a panel of consultants that I think will enlighten you, get you to think, and give you a wealth of knowledge. The entire morning session will be dedicated to the Health Care Reform Act. There is so much information within this voluminous piece of legislation we felt an hour would not even touch the surface. Examples: Early Reinsurance Retirement Program (ERRP), implementation dates, age 26 dependents, language requirements, pre-existing condition prohibitions, voluntary long-term care, patient protections, preventive care services, state exchanges, no lifetime maximums, the list goes on. Bring your questions. We hope you can plan to attend. A registration form is in this edition of the newsletter.

I also want to thank the MIPRIMA board of directors and committee chairs and members for doing such a phenomenal job this past year; you people are great.

Before I forget, the website is nearing completion. We are currently building the website with loads of information. I hope you will be pleased with our efforts once it is up and running.

MIPRIMA is here to promote risk management, and to help you be more effective in your job. I hope to see you all very soon at our fall conference at St. John’s in Plymouth.

Stephen L. Cooperrider
MIPRIMA President
Website Development Committee Report
Christine M. Underwood, Website Committee Chair

The new MIPRIMA website is now under construction! It will provide a variety of helpful online services to MIPRIMA’s membership, allowing visitors to easily and quickly navigate the site to find desired information, including:

- An online membership directory, with information updatable by individual members.
- An online membership registration and/or renewal function (check-only payment indication).
- An online meeting registration function (check-only payment indication).
- Meeting schedules, upcoming events, newsletters, agendas, minutes, general information on MIPRIMA bylaws, scholarships and achievement awards, board and committee contact information, and links to informational and educational resources and affiliated organizations and sponsors.

Be sure to attend the MIPRIMA Fall Conference on November 4 at The Inn at St. John’s in Plymouth for launch details!
 Michigan Public Risk Management Association
2010 Fall Educational Program
Thursday, November 4, 2010
St. Johns Golf & Conference Center • 44045 Five Mile Road • Plymouth, Michigan 48170 • (734) 414-0600

8:00 – 9:00 REGISTRATION & CONTINENTAL BREAKFAST
1:00 – 2:15 The Michigan Medical Marihuana Act: Developing the Common Law in our Courts

9:00 – 9:10 Opening remarks
Steve Cooperrider, MIPRIMA President

9:10 – Noon The Health Care Reform Act and what you need to know now (Panel Discussion)
Mark A. Manquen, CPA, MST – Cornerstone Group
Keith Friede – Gallagher Public Entity & Scholastic Group
Gregory J. Surmont, RHU and Elaine Coffman – McGraw Wentworth

9:10 – 9:50 Context (the Big Bucket)

9:50 to 10:30 Near Term Changes

10:30 to 10:40 BREAK

10:40 to 11:20 Long-Term … What is Coming? (Likely to differ from what is known today)

11:20 to Noon Questions (please E-mail your questions to jthomson@meadowbrook.com by October 22 so that our panel will have an answer for you)

Noon – 1:00 LUNCH

Networks: 401-451-7144
The summer conference was kicked off after the Chapter President, Stephen Cooperrider, made his opening remarks, talked about chapter business and announced that Shirley Prieskorn of Wayne County had won the 2010 Membership Achievement Award for her Return to Work (RTW) program (more about that below).

The first session of the conference was about Violence in the Workplace. The session’s speaker Marshall Johnson of Marsh Risk Consulting provided a very engaging talk about prevention, intervention and recovery of a workplace violence incident. Some of the take-aways of his session include:

- The leading cause of death for women as reported in the Bureau of Labor and Statistics is homicide;
- There are always warning signs an individual may give that indicate a propensity for violence; training your supervisors on the subject can be an effective deterrent; and
- Three things you can do if you are confronted by an active shooter:
  1. Hide out in a safe, secure location
  2. Get out
  3. Take action to overcome the shooter to mitigate the threat.

Speaker two, S. Randall Field and corporate sponsor from Johnson, Rosati, LaBarge, Aseltyne & Field, P.C. talked about Theft in the Workplace. Some of the characteristics or signs of employees who steal can be similar to those reported in the first session. Be on the lookout for employees who may have suffered from relationship problems, gambling or have a history of substance abuse. Other indicators may be someone who has experienced a long history of family illness with medical bills rising, or, even those seemingly over-dedicated employees, who never take vacations, are really not, they just don’t take leave, so they don’t risk getting caught cooking the books. Having dual responsibilities for reconciling books or dual authorization can help mitigate the temptations. Remember that the Employee Dishonesty insurance is available and has notification provisions that should be followed.

Congratulations to Shirley Prieskorn and Carol Scott! Lunch at the conference rewarded not only our appetites but both of these members. The chapter announced that Carol Scott from Lansing Board of Water and Light won the drawing for the complimentary membership for National PRIMA for 2011. The national membership has a $350 dollar value and includes the monthly magazine Public Risk and other benefits.

Shirley Prieskorn shared with the group during lunch how she saved potentially millions of dollars with the implementation of a RTW program that included public safety officers. Currently the RTW program is funded out of the same budget as workers’ compensation. They’ve set up an employee pool where all are classified during their term of light duty as a specific employee department and are all paid the same wage. They are utilized throughout the county as needed for various light duty work. This has been implemented for a few years now and has proven to be very successful. The Membership Achievement Award was brought about so individual members can help others benefit from their experiences – just as your networking in MIPRIMA benefits us.

If you or someone you know has an achievement that has saved time or money or got you through a particularly tough situation – please let us hear about it!

Leslie Samuelson of Careworks, distributed another resource to attendees during the lunch session to help risk practitioners stay informed on managing disability in the workplace – see: http://WorkabilityIM.org.

The afternoon session, given by Paul Pedersen of Pedersen, Keenan, King, Wachsbreg & Andrezejak, P.C., and was dedicated to Michigan Supreme Court case law update.
• Case 1, Paul covered case law on the “serious impairment of body function” threshold for Non-economic tort under no-fault MCL 500.3135, contested in McCormick v. Larry Carrier and Allied Automotive Insurance Group which could result in an increase in filings involving no-fault cases;
• Case 2 was another no-fault case involving the one year back rule where this case over ruled another Supreme Court case. – stay tuned as there are dissenting opinions in Regents of U of M v. Titan Insurance.
• Case 3 deals with City sidewalk 2 inch rule in Barbara Robinson v. City of Lansing. The court ruled that the two-inch rule of MCL691.1402a(2) does not apply to sidewalks adjacent to state highways; only adjacent to county highways.
• Case 4 was Mohamed Mawri v. City of Dearborn and deals with the 120 day notice provision where the court deemed the notice of the defective sidewalk was not appropriate in that it should have stated “in the area of 5034 Middlesex” in lieu of stating the address of 5026 Middlesex.
• Other cases involved whether teachers had standing to sue a school board; zoning and land use in Putnam Ts.; and another zoning case with Kasson Ts. involving the “no very serious consequences” rule. Consult Paul Pedersen or your attorney for further details.

The first day concluded with golf and the President’s reception dinner where a good time was had by all.

The second day’s sessions were devoted to issues surrounding managing workers’ compensation claims. The first was a panel including Connie Jo See from Meadowbrook Insurance Group speaking to managing disability and alternatives; Kimberly Warner of Brown Rehab on vocational rehabilitation and Harold Scott, RN from ReviewWorks providing his perspective from patient care on individuals with long term injuries. Also on the panel was City of Troy/MIPRIMA President, Stephen Cooperrider and Wayne County’s Shirley Prieskorn;

Denice LeVasseur of LeVasseur & LeVasseur, P.C. concluded the conference with workers’ compensation case law update including the impact of U.S. v. Stricker.

MIPRIMA would like to thank all of the speakers, sponsors and attendees that helped to make this summer conference a great success. MIPRIMA welcomes all of you to provide your input on specific topics of interest for our next conference. Please contact Judy Thomson-Torosian or any of the Program Committee members.
On August 26, 2010, the control of the Michigan Supreme Court shifted from Republicans to Democrats. In the morning of that day, Republican Justice Elizabeth Weaver, age 69, announced her retirement. Within hours, Governor Jennifer Granholm announced Justice Weaver’s successor, Court of Appeals Judge Alton T. Davis, a 63 year old Democrat from Grayling. By evening of that day, the news was reporting that Justice Weaver had struck a deal with Governor Granholm. Justice Weaver had been considering retirement for some time and in 2005, had announced her plans to retire. That would have given Governor Granholm the unrestricted ability to appoint Justice Weaver’s successor. Many analysts believed that Justice Weaver’s 2005 announcement was a “game of chicken” to force revisions to the existing system which would have allowed the Governor to replace a Republican Supreme Court Justice with a Democratic one. However, Weaver’s challenge to change the system was met with a deafening silence and she ultimately reconsidered her plans to retire and remained on the bench for an additional five years.

This time, it appears that rather than starting out with a public announcement, Justice Weaver approached the Governor. Ultimately, the two struck a deal. Justice Weaver would retire if the Governor agreed to appoint a northern Michigan Judge as Weaver’s replacement. Justice Weaver is from Glen Arbor, Michigan near the Traverse City area and has long advocated a district method of electing Justices to the Michigan Supreme Court so that each region of the state had representation.

Within hours of Justice Weaver’s announcement, on August 26, 2010, the Governor held a noon press conference and announced the appointment of Court of Appeals Judge Alton T. Davis, a 63 year old Democrat from Grayling, as Weaver’s successor on the Supreme Court. The result of this deal was to create a new 4-3 Democratic majority on the Supreme Court.

The pendulum of control of the Court had begun to swing toward the Democrats with the election of Justice Diane Hathaway. After Hathaway’s election, the Court was split, three Democrats to three Republicans, with Justice Weaver acting as the swing vote. Lately, Justice Weaver has been swinging more and more towards the Democrats position. Justice Robert Young said about Weaver has been swinging more and more towards the Democrats position. Justice Robert Young said about Weaver’s challenge to change the system was met with a deafening silence and she ultimately reconsidered her plans to retire and remained on the bench for an additional five years.

The Michigan Court of Appeals published a decision, McLean vs Phenix, regarding the interpretation of the “medical care or treatment” exception to governmental immunity. The Court stated, “The issue in the case as whether the ‘medical care or treatment’ exception to governmental immunity, MCL 691.1407(4), encompasses mental health care or treatment or whether it is limited to care or treatment for physical illness or disease.”

While a reading of the statute seems to show it was meant to apply to “medical care or treatment”, since it does not talk about mental health treatment. Nevertheless, the Court confidently stated: “If the language of the statute is clear and unambiguous, the Court must presume that the Legislature intended the meaning clearly expressed and enforce it as written;
further judicial construction is neither permitted nor required.”

The Court, to the surprise of many, then went on to hold “that the trial court properly concluded that the ‘medical care or treatment’ exception to governmental immunity includes care and treatment for mental illness or disease.”

The Michigan Association of Community Mental Health Boards filed an Amicus Curiae Brief with the Court of Appeals. Public Risk Managers responsible for mental health activities will need to watch this matter as the appeal progresses.

Two Inch Rule:
As we’re all now aware from the excellent article by H. William (Bill) Reising and Rhonda Stowers in the last issue of the Michigan PRIMA Newsletter, the two inch rule has been interpreted by the Michigan Supreme Court as only applying to counties. This represents a problem for cities and others who have been relying on the two inch rule in the past.

Someone’s lobbyist has been busy and there are now bills introduced in the House and Senate dealing with the sidewalk issue. House Bill – HB 6433 and Senate Bill – SB 1475 can be viewed at www.legislature.mi.gov/

The current bills appear to need some work and it seems too early to predict what the ultimate language will be. Public Risk Managers need to watch these bills.

Nomination and Election of MIPRIMA Officers and Trustees for 2011

Each Public Entity Member shall have the right to vote for the nomination and election of MIPRIMA Officers and Trustees at the Fall Conference scheduled for Thursday, November 4, 2010 at the St. John Conference Center in Plymouth, MI.

The slate for nominations is as follows:

President: Tom Wolff, Michigan Municipal League
Past President: Stephen Cooperrider, City of Troy
Vice President: Christine Underwood, City of Birmingham
Secretary: Rick Hensley, City of Battle Creek
Treasurer: Phil Van Dyke, County of Kent
Trustee: Paul Van Damme, City of Roseville
Trustee: Fred Hill, City of Inkster
Trustee: Lisa Anderson, Flint Community Schools

Lisa R. Anderson is our newest addition for nomination to the MIPRIMA Board of Directors as a Trustee. Lisa has been with the Flint Community Schools for 30 years. She as served as the Risk and Benefits Manager for the past 10 years and has direct oversight of the benefits (health, dental, life, disability, tax sheltered annuities, and in addition the workers’ compensation, unemployment, property and liability insurance and programs. Previously Lisa worked in various positions including the district’s Staff Assistant, Human Resources/Legal Affairs and the Administrative Assistant to the Board of Education. Lisa has an MSA with a concentration in Human Resources and a BSA with a concentration in Public Administration from Central Michigan University. We welcome Lisa and feel her experience will be an asset to this organization.
2010 Corporate Sponsors

Insurance Companies or Agencies
- **Accident Fund** is a full service Workers Compensation carrier. Mike Wood (517) 342-4200.
- **IBEX Insurance Agency** is an all lines independent insurance agency. Keith Potter (248) 538-0470.

Attorney Firms
- **Cummings, McClory, Davis & Acho, P.C.** mission is simple - we must help our clients be successful and improve their bottom line to assist our clients to achieve their business objectives with the least amount of legal risk. Joseph T. Seward, (734) 261-2400.
- **Johnson, Rosati, LaBarge, Aseltyne & Field, P.C.** is a full service law firm. Chris Johnson (248) 489-4100.
- **Lacey & Jones, LLP.** The firm’s practice is divided into three practice groups: 1) Workers’ Compensation Litigation, Appeals and Legal Research; 2) Civil Litigation; and 3) Employment Law, Commercial, Litigation and Labor Law. Dawn Drobnich (248) 283-0740.
- **Pedersen, Keenan, King, Washberg & Andrzejak, P.C.** is a full service law firm. Diverse defense of personal injury, property, and contract cases. Paul Pedersen (248) 363-6400.
- **Plunkett & Cooney, P.C.** is Michigan’s leading litigation defense and trial practice law firm. William Reising (810) 342-7001.

Claims, Investigative and Financial Service Companies
- **CorVel**, providing network solutions, case management and bill review. Lisa Deehan (517) 381-1531.
- **Global Options**, experts from law enforcement, government, military and business provide high-end risk mitigation services. Joe Bielecki and Allen Lux (248) 569-6980.
- **The ASU Group** service line includes adjusting, case management, third party administration and medical bill review. Doug Ripley (800) 968-3767.