President’s Message

As my year as president comes to an end, it allows me to reflect on the highlights of the past year. In an effort to give back to our public entity members and assist them in these difficult budgetary times, we did not charge them registration fees for the spring and summer conferences (We are returning to the $25 fee for public entity members for the November conference.). As a result, we had an amazing turnout in March, but not as many members took advantage of the offer for the July conference. Speaking of the July conference, we had some very informative educational sessions and many enjoyed getting to know their fellow MIPRIMA members at our social functions. During the year, we also distributed $6,000 in MIPRIMA 9/11 scholarships and $8,000 in Don Althoff scholarships. This was also our first full year for our website.

As many of you know, we’re looking for the next chair of the Don Althoff Golf Outing committee. This person will be responsible for coordinating the annual June event. Stephen Cooperrider is stepping down as chair after serving as head of the golf outing since its inception in 2003. As a way to honor Don and his involvement with MIPRIMA and several educational programs, Stephen suggested to the board that a golf outing be established to raise money for student scholarships. All of the board members at the time jumped on the idea and the golf outing was born. Stephen has done an outstanding job spearheading this event and is the reason why it has been so successful year after year. Those of you who have attended can attest to Stephen’s hard work and dedication, which has resulted in $59,000 being raised for the scholarships. So we’re looking for someone who will have the same commitment and enthusiasm as Stephen. Committee members and MIPRIMA Past Presidents, Donna Cianciolo and Mark Carufel, who assist the chair at the outing, will continue in that capacity. If you’re interested in being chair, please contact me.

I also want to take this opportunity to thank Tammy Richison for serving as our newsletter chair for the past two years. Tammy has accepted a position in Springfield, IL, in order to be closer to her family. During her tenure as chair, Tammy has done an outstanding job coordinating articles and photographs, writing articles herself, and making sure the rest of us submit our articles on time! She has served enthusiastically and professionally. We wish Tammy well in her new endeavors. We’re very happy to welcome one of Tammy’s former colleagues, Cheri Gelnak, who will assume the position of newsletter chair for 2012.

I look forward to seeing everyone at St. John’s on November 3rd. We have some very timely topics on the agenda, so I hope you’ll join us!

Tom Wolff, MIPRIMA President
Happy Birthday **www.miprima.org**
Christine Underwood, Vice-President & Chairman Website Committee

It’s difficult to believe, but the [miprima.org](http://www.miprima.org) website is almost a year old. To celebrate, we’re going to be introducing some new features to make it even more helpful. We will soon launch a job opportunities module wherein MIPRIMA members can post information on job openings within their respective organizations. Information on how to use this new feature will soon be posted under the “Chapter News” section of the site’s home page.

Even though the site is almost a year old, there are still some MIPRIMA members who have not yet logged in to renew their memberships and/or update their member profiles. This is vitally important because:

1. It provides your current contact information for all communications from MIPRIMA about upcoming meetings, events and more.
2. It allows you to access the password-protected areas of the website, including the MIPRIMA membership directory.
3. Past members who remain at an inactive or expired status will soon need to be removed from the database.

So take five minutes to log in and update your member profile.  
1. Select the link on the home page under “Member Services” Review/Update Your Profile.”
2. Log in by entering the e-mail address you have on record with MIPRIMA and the temporary password that was e-mailed to you at the time the website was launched, or use the “Forgot password” function on the log in page.
3. Review and update your member information and complete any required fields that are blank. Please make sure your e-mail address is the one you currently use. **IMPORTANT:** On this page, you may change your user name to one you prefer, or you may continue to use your e-mail address. **VERY IMPORTANT:** If you logged in using the temporary password, you must change your password to keep your profile information private. Please change the password on your first log in.
4. When you’ve entered your information, click the “Preview” button at the bottom of the page and review it. Click “Make Changes” if any information isn’t correct, make the changes and click on “Preview” again. The click the “Continue” button at the bottom of the page to store your information, and that’s it – you’re done!
Michigan Public Risk Management Association
2011 Fall Educational Program
Thursday, November 3, 2011
St. Johns Golf & Conference Center • 44045 Five Mile Road • Plymouth, Michigan 48170 • (734) 414-0600

8:00 – 9:00  REGISTRATION & CONTINENTAL BREAKFAST
9:00 – 9:15  Opening remarks
            Tom Wolff, MIPRIMA President
9:15 – 10:15  Common orthopedic injuries as a result of an on the job injury and their respective duration of treatment and disability.
             Mark Andrew Kwartowitz, D.O.
             Ronald S. Lederman, M.D.
2:00 – 3:00  Emergency Management Preparation
             Sandy Altschul, Wayne County Airport Authority
3:00  NETWORKING RECEPTION

MIPRIMA 2011
Fall Educational Program Registration
Please Return by October 21, 2011

Name________________________________
Title________________________________
Organization___________________________
Address______________________________
City__________________________________
State____ Zip_______ Tel_______________
Email Address:_________________________
Attending Lunch? Y / N ■ Attending Reception? Y / N (Please Circle your Response)
One Registration Form Per Attendee, please.

Registration Fee:
MIPRIMA Public Entity Member $25
Public Entity Non- Member $50
Non-Public Entity Member $75
Non-Member (Other than a public entity) $150

NOTE: You will be charged if you register but do not attend unless cancellation is received by October 28th.

Please enclose payment payable to MIPRIMA and return to:

Rick L. Hensley, ARM
MIPRIMA Secretary/Risk Manager
City of Battle Creek
PO Box 1717
Battle Creek, MI 49016-1717
Phone: 269-966-3407
Fax: 269-966-3644
Our Summer Conference was held at Crystal Mountain Resort, in Thompsonville, Michigan on July 21st and 22nd. The weather was wonderful and all who attended enjoyed the excellent presentations, a wonderful golf outing and spectacular socialization gatherings which were sponsored by MIPRIMA. Our conference began with opening comments from our Chapter President, Tom Wolff.

Our first session was **ADA & EEOC – How they interact with Workers’ Compensation.** Our guest speaker was Anne McClorey McLaughlin, Johnson, Rosati, LaBarge, Aseltyne & Field, PC.

Anne supplied our attendees with a very informative presentation and a handout on how the ADA and EEOC interact with Workers’ Compensation. She discussed the “who is qualified” and the “how” to handle those employees that fall under the applications.

Anne McClorey McLaughlin; 248-489-4100; amclaughlin@jrlaf.com

Pictured left are Judy Thompson-Torosian (L) and Anne McClorey McLaughlin.

Our second session was presented by Denise LeVasseur, LeVasseur & LeVasseur, who discussed **Workers’ Compensation Bureau Updates & What is New at the Bureau.**

Denise shared information on the new appointments of Steve Hilfinger, Director, Chief Regulatory Officer, and his goal is to create a “more practical and efficient regulatory system in this state:”

- The creation of MAHS, Michigan Administrative Hearing Systems with Michael Zimmer-Executive Director.
- Kevin Elsenheiner, Director of the Workers’ Compensation Agency.

Denise LeVasseur, dlevasseur@levasseurlaw.com

Pictured right are Denise LeVasseur (L) and Judy Thompson-Torosian.

Next, Gene King from Meadowbrook and Audrey Fourbush from Plunkett Cooney brought a very interesting presentation regarding **Social Networking.**

What is Social Media? A primary Internet based tool for sharing and discussing information among human beings. What are Social Networking Sites? They are virtual Communities on the Internet where people may go to find and “connect with others who have similar interests.”

How do we as employers handle this communication highway? What do we have in place to protect our employees and our company? As employers we must adopt a policy and enforce the application.

If you need assistance or have further questions, you can contact Audrey Fourbush at Plunkett Cooney.

Pictured left (L-R) are Gene King, Audrey Forbush and Judy Thompson-Torsian.

Carol Green, OTRL,CBBIST, CAPS, presented **Humor in the Workplace.**

A wonderful presentation that left us laughing, but thinking about how we actually can interact with our co-workers in the workplace. How can we use “humor” appropriately to enlighten our employees and ourselves so that we enjoy our daily interactions with each other?

Pictured right are Carol Green (L) and Judy Thompson-Torsian.

Friday morning’s session was presented by the panel of experts of Richard Laffon, CIC, AIC, Territory Manager, Travelers; Michael Ryan, Property Manager, Chartis Insurance; Jacque Jones, Regional Sales Manager.
Rep., Midwest Employers Casualty discussed *State of the Market*.

This panel explained the dollar value that has been applied to the CAT losses that have affected our world. Were we prepared for this? Will we be able to insure and protect for future losses? How are these losses affecting insurance and how much will it cost in the future?

This was a very informative presentation that left us with a lot of questions regarding Insurance futures.

Our last presentation for the day was *How to prepare an RFP*. This was presented by MIPRIMA Member Risk Managers Rick Hensley, City of Battle Creek, Leigh Stepaniak, Wayne County Airport Authority, Fred Hill, City of Inkster.

Our speakers shared handouts on *How To Develop A Request For Proposal* and they walked us through the details of the “how and why.” They answered questions from the audience and have made themselves available to our members if their insight on this project is needed.

Please feel free to contact one of the panel speakers if you have any questions or need any assistance.

Pictured left are (L-R) Richard Laffoon, Michael Ryan, Jacque Jones and Judy Thompson-Torosian.

Pictured right (L-R) Rick Hensley, Leigh Stepaniak and Fred Hill.
Michigan Supreme Court

Discussion over reforming the method by which justices are selected is continuing, but there seems to be no consensus except to complain over how much money was spent on past campaigns. Three justices – two Republicans, Stephen Markman and Brian Zahra, and one Democrat, Marilyn Kelly – are up for reelection next year with terms that end on December 31, 2012. As we get closer to these campaigns next fall, this debate will probably reignite and specific legislative proposals are likely to be introduced. Until then, the conservative Republican majority appears to remain firmly in control.

Jury Reform

In 2005 the Michigan Supreme Court, under then Chief Justice Clifford Taylor, decided to implement certain reforms to the process of trial by jury. In 2008, 12 test courts were selected and testing conducted to see if these changes would work. Recently, these tests were concluded and the changes have been implemented across the board effective September 1, 2011. Jurors are now being allowed to take notes and, through the judge, ask questions. Most significantly, the jurors are being allowed to have preliminary discussions among themselves regarding the trial as it progresses. Historically, jurors were warned not to discuss the evidence until the trial was over and the judge instructed them. Many trial attorneys have expressed significant concerns regarding these new procedures, which seem to be somewhat discretionary. There will undoubtedly be much debate on the impact of these new rules as they are applied to future trials.

Auto No-Fault Reform

In June, the Michigan Supreme Court decided two no-fault auto cases involving the threshold. The court has flip-flopped on the threshold issue as control of the court has shifted from Republican to Democrat back to Republican. Many expected the court, after the most recent shift in control, to again shift the threshold standard. The court avoided the decision and stated that this issue should be decided by the legislature.

It appears that reform of the no-fault act is on the legislature’s agenda. Several bills have been introduced that open the door for discussion of the cost of Michigan’s unlimited lifetime medical benefits. Limits on benefits are being offered as a means of lowering insurance premiums. It has been reported that motorcycle riders are offering to support no-fault reform as a means to get away from being required to wear helmets. It is not currently clear what shape the no-fault reform will take, but with all this activity, some manner of reform is likely.

At the very least, marijuana as an allowable medical expense under no-fault will be clarified. Opponents of no-fault coverage for marijuana as medicine are riding the wave of recent court rulings and prosecutors’ proclamations to introduce legislation clarifying this.

Michigan Medical Marihuana Act

The MMMA is still a murky mess. A recent poll covered by Bill Ballenger’s Inside Michigan Politics reports that over 70% of those Michigan voters surveyed thought we should either “keep the law as is” or “continue the law, but revise.” The courts have held the law unconstitutional and the prosecutors are once again treating possession as a crime, but a significant number of citizens continue to support the concept. This sets the stage for public conflict, which usually ends up on the desk of the public risk manager.

Sidewalks

House Bill 4589 and Senate Bill 201 continue to work through the system. These bills are intended to undo some of the problems created by the Michigan Supreme Court’s ruling regarding the “two inch rule” in the Robinson case. The court held that the “two inch rule” only applied to counties.

Senate Analysis was completed on August 16, 2011, and concluded, “The bill would result in indeterminate savings to local units of government related to future liability claims.”

This is legislation worth watching in the future.
Proposed Statutory Changes to Workers’ Compensation Act

Brian Fleming

Currently pending before the Michigan legislature are proposed changes to modify the WC act. These changes are being viewed by all interested parties as being favorable to employers. The following is a brief summary of the proposed changes.

90 Day Employer Controlled Medical Treatment. Current 10 day period is increased to 90 days.

No Attorney Fee to be paid by employer on unpaid medical expenses. Overturns Petersen, which had allowed a Magistrate to award a plaintiff attorney an employer paid 30% fee on unpaid medical.

Floating Interest Rate. Currently fixed 10% interest rate is changed to a floating rate, currently 2%.

Pathological Change Required. This change adopts Rakestraw and Fahr cases. Injury must create a medically distinguishable change in condition and alter pathology from any preexisting condition.

Psychiatric Reasonable Person Standard. Adopts Robertson that perception of work event must be accurate. This change will tighten the standard by making reaction to event subject to a reasonable person standard.

Degenerative Arthritis. Is a condition of the aging process and subject to a higher burden of proof (significant manner standard) for compensability?

100 Week Rule. No longer is the employer obligated to pay wage benefits after an employee performing light duty for less than 100 weeks is terminated for cause.

Wage Earning Capacity. Employee must rebut presumption of a reestablishment of wage earning capacity for post injury employment of 100 to 250 weeks; conclusive presumption of reestablishment of wage earning capacity for post injury employment greater than 250 weeks.

Scheduled/Specific Loss. Overrules Trammel case. The success of medical treatment (e.g., artificial joints) is to be considered when determining when scheduled/specific loss payments are owed.

Definition of Disability. This change adopts Sington/Stokes. Threshold for recovering wage loss is proof of a limitation of wage earning capacity, such that the worker is unable to perform all jobs paying maximum wages.

Death Cases Dependency. Clarification establishing dependency in death cases.

Professional Athlete. Jurisdiction for professional athlete, correct choice.

Partial Wage Earning Capacity. Adopts Lofton. If there is a limitation of wage earning capacity, wage benefits are owed in an amount calculated by taking AWW at the DOI and reducing that amount by the worker’s residual wage earning capacity (including consideration of jobs that pay less than the maximum wages, even if the worker is not performing those jobs).

Brian Fleming Defense Attorney, specializes in representing employers in Workers Compensation cases. For further discussion or commentary regarding the proposed WC changes contact Brian at 616-234-0814 or BFleming@BCPWQ.com.

Closing Thoughts

From Inspired to Lead by Christopher Novak

Leadership is not a top-down impulse but rather a bottom-up impact. The greatest leaders in history have not been dictators but rather directors – leadership maestros who used their gifts of vision, values and purpose to orchestrate actions that served a cause greater than themselves. Giving orders is not leadership. Giving hope is. Leaders who serve the interests of those they lead earn far more than the obedience of their followers, they earn their respect.

Are you an inspired leader? It is good to reflect on how well we are living up to our own leadership challenges. How well are you serving your team and your organization? When was the last time you asked the people you lead how well you are meeting their professional needs? When was the last time that you took a few minutes to sit with each of your team members and asked them what you can do better to help them be more effective or more satisfied in their work? Have you ever asked your colleagues how you can inspire them to excel? Go ahead, ask the questions and do not fear the answers.

Inspired leadership is not about weak and strong; it’s about right and wrong. It’s about doing things the right way, for the right reasons and using your position of power, trust and influence to serve. Serve as a facilitator to get things done. Serve as a mentor to grow your team members. Ultimately, the most inspired leaders serve as an example to others that the pinnacle of leadership is reached when you care more about others standing atop the summit than you do about your own view.
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