

Bickmore





October 22, 2014

Mr. Eduardo Enz
California Commission of Health and Safety and Workers' Compensation
1515 Clay Street, 17th Floor
Oakland, California 94612

RE: Examination of California Public Sector Self-Insurance Worker's Compensation Program

Dear Mr. Enz:

We are pleased to provide the California Commission of Health and Safety and Workers' Compensation (CHSWC) with the report on public entity self-insurance in California. As documented in previous annual reports prepared by CHSWC, the public sector (including local and state governments and the university systems), comprises a significant portion the workers' compensation market.

This report would not have been possible without the support of the Department of Industrial Relation and the Office of Self Insurance Plans. Nor would the study results have been as extensive without the participation of the public entity survey participants who submitted detailed data and information. I also want to express my appreciation to the Bickmore consultants who were an integral part of conducting the analysis and developing the findings and recommendations.

We appreciate this opportunity to be part of the process to learn more about public sector self-insurance, both for individual entities and joint powers agencies. We hope this report is a meaningful step forward.

We welcome your further input and questions. I can be reached at 916.244.1161 or via email at mpriven@bickmore.net.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark Priven".

Mark Priven, FCAS, MAAA
Director, Regulatory & Actuarial Consulting

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Executive Summary

On September 18, 2012, Governor Brown signed Senate Bill 863 which, among other provisions, added Labor Code Section 3702.4 requiring the Commission on Health and Safety and Workers' Commission (CHSWC) to conduct a study to examine the public self-insured program and provide recommendations to improve the addressing of costs for administration, workers' compensation benefit expenditures, solvency, and performance of self-insured workers' compensation program and provisions in the event an insolvency occurs for a public self-insured entity.

California law requires that every employer, with few exceptions such as the State of California, secure payment of its workers' compensation responsibilities by purchasing traditional insurance from a licensed and admitted California insurance company or by obtaining a certificate of consent to self-insure from the Director of the Department of Industrial Relations.

The workers' compensation market is comprised of approximately 66% employers who purchase traditional insurance, 4% the California State government, and the remaining 30% self-insured.

Recent municipal bankruptcies have drawn attention to public entity employers and the adequacy of the resources they possess to meet their workers' compensation obligations. It is unclear what the impact to employees and taxpayers would be in the event that large or multiple public entities become unable to provide for their workers' compensation liabilities.

The purpose of this study is to identify variances in the performance of public employers' self-insured workers' compensation and to recommend areas for improvement. In addition, the study is to provide information that facilitates benchmarking public self-insured workers' compensation programs.

Findings

A. Benefits Expenditures

1. **Region:** We found a self-insurer's region has a significant impact on the claims costs. Self-insurers in southern California have experienced higher claim frequency, higher average claim size, and higher overall cost per \$100 of payroll. Over the past several years this disparity between southern California and the rest of the State has increased. In addition, claims of southern California self-insurers tend to stay open longer in comparison to those in the rest of the State.
2. **Type:** The type of agency has a major impact on the loss rates, claims severity, and claims frequencies. Municipalities tend to have the highest costs, whereas educational entities (schools, colleges, and universities) have the lowest. Over the past several years

the cost of municipal claims has risen at a faster pace than that of counties or educational entities. This is primarily due to increases in the average claim cost. Also, claims of education self-insurers tend to close faster in comparison to those of counties and cities.

3. **JAs Versus Individual Self-Insurers:** In general, JAs have experienced lower costs per \$100 of payroll than individual self-insurers. However, JA costs have been increasing at a faster rate than those of individual self-insurers over the past several years.
4. **Claim Administrator:** We found almost no difference in loss rates between self-insurers that utilize a TPA versus those that self-administer. Those that self-administer tend to have a higher claim frequency; however, this is offset by a lower average claim size. In addition, loss rates have been increasing at a slower pace for those that self-administer than for those that utilize a TPA.
5. **Benchmarking:** The results in this section can be helpful in benchmarking. Understanding the impact of self-insurer characteristics on claims results should help entities to determine who to benchmark against and what adjustments to make if the comparison group has different characteristics.
6. **Distribution of Claims by Type:** We found the distribution of temporary disability (TD) and permanent disability (PD) claims to be similar between the public self-insurers who responded to our survey and the insured experience as reported by the WCIRB. Differences in our results are probably due to the fact that the self-insurance findings are based on a snapshot, whereas WCIRB data is developed to ultimate.
7. **Impact of Claimant Age:** We found that claimant age is significantly correlated with claims costs. On average, the cost per claim increases with the age of the injured worker. This is true of small as well as larger claims, and one of the key drivers is that PD is more likely to be involved in injuries involving older claimants.

B. Claims Administration

1. **Region.** As with claims costs, we found the region of the claims administrator had a measurable impact on performance audit review (PAR) results. Out-of-state administrators tended to have the worst PAR results, followed by the Los Angeles area and then the rest of the State. This pattern was also consistent regarding the number of penalties per audited claim, in which out of state administrators had the most, the Los Angeles area had the second most, and the rest of California had the least.
2. **Type.** The type of adjuster also had a measurable impact on PAR results, but the effect was smaller than that of region. In general, insurers tended to have the worst PAR results, and public agencies that self-administer their claims had the best. Third party claims administrators and private self-insurers that self-administer their claims were in

the middle. The same pattern held true for the number of penalties per claim, in which insurers had the highest and public agencies that self-administered had the fewest.

3. **Public Self-Insurer that Self-Administer - JPAs Versus Individuals.** We found no significant differences between the PAR results of JPAs versus individuals among public self-insurers that self-administer their claims. On a statewide basis, the JPA results are more favorable than those of individuals. However, this is likely because none of the JPAs are inside the Los Angeles area, whereas 11 of the 20 individuals are inside the area. Comparing the results of only those entities that are outside of Southern California shows the JPA and individual results to be quite similar.
4. **Bill Review (BR).** There is little public information available to employers and JPAs to evaluate the effectiveness of their BR programs. Our analysis of BR found the following.
 - a. **Savings.** Bill review saved the survey respondents about two thirds of medical expenses, primarily due to reductions to the OMFS. The percentage reduction due to BR varied by type of service. Inpatient and outpatient hospital services experienced the greatest percentage savings.
 - b. **Costs.** The average cost of BR per bill was relatively consistent among the survey respondents after hospital bills were excluded. BR costs as a percentage of medical payments were relatively consistent between 2008/09 and 2011/12. The percentage increased in 2012/13, but this may be because that year is still immature in relation to the prior years.
5. **Utilization Review (UR).** There is little public information available to employers and JPAs to evaluate the effectiveness of their UR programs. The State does not collect UR savings or the cost of UR through OSIP or through the WCIS. Our findings are based on a relatively small database of five self-insured public entities that provided us with UR data. The variability of UR results by entity and the relatively small sample size in this study means that one needs to be cautious about drawing conclusions from our results. A more robust collection of UR and medical data would greatly enhance our ability to provide benchmarking data as well as determine differences by region or type of entity.
 - a. **The Reviewer.** The percentage of reviews referred to registered nurses (RNs) and medical doctors (MDs) varied by entity, anywhere from 31% to 67%. This percentage also varied greatly by type of service. The services that are most likely to be referred to an RN or MD are durable medical equipment (DME) (60%) and surgical services (90%).
 - b. **UR Outcomes.** Within our sample we found that of the services referred to elevated UR, 25.6% were rejected by a medical doctor and 9.0% resulted in modified treatment. These percentages are higher than the CWCI has reported based on their industry-wide database.

- c. **Costs.** We found that between 2008/09 and 2012/13, UR costs have ranged between 6.1% and 7.8% of paid medical costs, with no obvious trend upwards or downwards. If we restrict our analysis to only indemnity claims, then UR costs have ranged between 6.4% and 9.0% of medical costs during the years 2008/09 and 2012/13.

C. Solvency

1. There is inconsistency in the manner in which public sector self-insurance activities are accounted for and reported.
2. It is difficult to compare actuarial information to the entity's financial statements.
3. Very little financial and actuarial information is provided to OSIP on self-insurance activities.
4. Without clearer and standardized financial reporting, the public employees and regulators such as OSIP are unable to evaluate the solvency of self-insured programs. Individual public self-insurers commonly comingle multiple lines of coverage in one fund or account for their activities in the general fund. JPAs maintain separate fund accounting.

Many public entity self-insurers obtain an actuarial estimate of the liability for unpaid losses despite the fact there is no regulatory requirement to do so. The standard for actuarial studies was developed by the Governmental Accounting Standards Board in the early 1990s (referred to as GASB 10). For the actuarial reports we reviewed, it was difficult to compare the independent actuarial estimates to the financial statements. This is often due to the actuary using claim data valued as of a date that does not coincide with the entity's fiscal year end. As a result, the actuary's estimates of unpaid liability will include projections of payments and case reserves for the period from the valuation date to the fiscal year end, but the financial statements will reflect actual activity through that date.

Recommendations

A. Benefit Expenditures

1. **Investigate Disparities by Region.** The analysis of insurance company data by the California Workers' Compensation Insurance Rating Bureau (WCIRB) has pointed to disparities between claim frequencies and costs between different regions of the State. Our analysis confirms that these disparities also exist for public self-insurers. Since one of the goals of the workers' compensation system is to have equal treatment of and benefits for injured workers, we believe it is worth exploring the root causes of this disparity.

2. **Further Study Regarding Medical and Indemnity Costs.** Medical and indemnity costs were combined together for the portion of this analysis that investigated differences in claims costs, claim frequencies, payment patterns, and claim closing rates by employer characteristic. However, these costs are split out on the OSIP annual report and it would be possible to evaluate them separately, given the current information that is available. For example, this would help to shed light on the differences in costs we found by region.
3. **Make Benchmarking Data Publicly Available.** This study shows it would be quite possible to release statewide information for the purposes of benchmarking. Several years ago the California Institute for Public Risk Analysis (CIPRA) produced annual benchmarking reports based on OSIP data. These CIPRA reports evaluated claims frequency, average claim size, and loss rates. This current analysis extends the CIPRA reports in several ways: losses are developed to 60 months to adjust for differences in case reserve adequacy; trends over time are calculated; claims closing rates are evaluated; and the impact of employer characteristics were also analyzed. The State may want to consider reviving the CIPRA-type reports with the additional methods utilized in this report.
4. **Further Study Regarding Impact of Claimant Age.** The high correlation between claimant age and claims costs suggests this could be a fruitful area of further study, particularly if it leads to risk control solutions tailored to employee age.
5. **Changes to the OSIP Annual Self-Insurance Report.** The OSIP reports are foundational to the findings in this study. However, they have had little modification over time and we believe it would be useful to reevaluate what data is collected. Data storage and computing power is quite inexpensive in comparison to when this report was first designed, and so it is possible OSIP could collect more data without creating difficulties for self-insurers. The following are potential modifications to the OSIP report that could increase their utility over time.
 - a. **Add Allocated Loss Adjustment Expense (ALAE).** The OSIP report currently only collects medical and indemnity payments. Over the past several years ALAE costs have been increasing more quickly than losses and medical cost containment expenses have been moved from medical to ALAE. As a result, ALAE is now a much bigger portion of total costs than it used to be. We estimate it probably accounts for as much cost as temporary or permanent disability.
 - b. **Split Temporary and Permanent Disability Costs.** These two types of benefits behave very differently in terms of average claim size and payout pattern. In addition, recent reforms have impacted these benefits quite differently. Therefore, we feel it would be beneficial to explore breaking them out.

- c. **Split Out More Years.** The OSIP report currently requires claims experience from the past five years to be broken by year, and reserves for all prior years are lumped together. Given that the payout pattern for workers' compensation has become more and more extended, this leaves an increasing portion of total liabilities lumped together in a way that is difficult to analyze. For example, public agencies reported about \$7.4 billion in case reserves on the OSIP annual report as of June 30, 2013. Of that \$7.4 billion, over \$4.0 billion was bucketed together because they are associated with claims that are over five years old.
- d. **Report Self-Insured Retention (SIR).** The SIR functions much like a deductible in that it represents the maximum cost associated with an individual occurrence retained by a self-insurer. Self-insurers include their SIR on the OSIP annual report, but the SIR is not included in the publicly available file that summarizes public self-insurance data by member. Including the SIR in the public file would greatly assist in benchmarking efforts among public self-insurers.
- e. **Accident Year Versus Report Year.** The OSIP annual report requires claims to be organized by year in which the claim is reported. This is useful in tracking case reserve adequacy because it facilitates tracking the experience of a fixed set of claims over time. However, tracking claims by report year makes it difficult to estimate total liabilities because it does not account for unreported claims associated with injuries which have already occurred. This has become a bigger issue over the past few years as statewide statistics from the WCIRB suggest the reporting of indemnity claims has become increasingly extended. We believe OSIP should consider requiring claims and losses to be reported on an accident year basis in order to facilitate the estimation of total liabilities and evaluate whether or not a significant portion of claims are reported late.
- f. **Include Geography Code.** The findings of this report suggest that geographical region plays an important role in claims costs, thus it is an important part of benchmarking. However, it is difficult to assign region based on the OSIP data made publicly available for two reasons. First, there is no way to identify which JPAs are confined to a specific region and which operate on a statewide basis. Second, one must extract the zip code from self-insurers and assign that to a region. There are many ways of defining regions and so different reports may draw different conclusions. OSIP may want to consider assigning a region to each self-insurer in order to standardize the process and facilitate comparisons.
- g. **Identify Primary Versus Excess JPAs.** Some JPAs are considered "primary," meaning they cover claims from the first dollar of cost; other JPAs provide

excess coverage, meaning they cover costs above a specific retention. By definition primary and excess JPAs have very different claims characteristics. Primary JPAs will tend to have a larger volume of smaller claims, and excess JPAs will have a smaller volume of claims but those claims tend to be large. As a result, it is very important to distinguish primary from excess JPAs when comparing claims costs, and it would be very helpful if OSIP were to include a primary versus excess JPA identifier in the information made public.

6. **Collection of Detailed Data.** Claimant age is an example of a key factor impacting claims costs, and this is driven by more than just higher wages associated with older employees. Examples such as this show that while summarized data such as what is available from OSIP or an actuarial report is useful, those sources are not sufficient if the goal is to understand key cost drivers and facilitate more effective risk control. Sources of detailed claims information, such as claims listings or the WCIS, are necessary to better understand the dynamics affecting injuries and claims costs. Making this information more readily available or portions of it public would facilitate greater understanding of the dynamics of public entity self-insurance.

B. Claims Administration

We believe this is one of the first studies to utilize the Performance Audit Reviews (PAR Audit) reports to evaluate systematic differences in claims handling practices.

1. **Investigate Disparities in PAR Results by Region.** We feel the systematic differences in claims handling practices by region warrant further investigation and perhaps changes in claims oversight. In particular, we are concerned about the less favorable scores of out-of-state adjusters.
2. **Reevaluate Items Included in Performance Audits.** The performance audits provide a good check, primarily regarding the timeliness and accuracy of indemnity payments. While indemnity benefits are extremely important, they make up only a little over 30% of projected ultimate loss and ALAE costs. We recommend the DWC consider other factors in their audits in order to give a broader sense of an administrator's performance.
3. **Revise Data Format of PAR Reports.** While the PAR reports are publicly available, they are in an electronic file format that makes analysis difficult. For this project our team had to manually type in the data from two years of reports in order to perform this analysis. It would be very helpful if the State maintained the PAR data in a format that facilitates data analysis.

4. Industry information regarding UR costs and savings would be helpful to employers and JPAs in evaluating their own UR programs. The following are examples of the kinds of information that public self-insurers could find helpful.
 - a. **Industry UR Savings by Category.** The State could collect and make public UR savings by categories such as type of medical cost. In addition, breaking down who does the review (examiner, registered nurse, or medical doctor) would be helpful in determining if a UR program is in line with industry norms.
 - b. **Utilization Review Cost.** The cost of UR by review or by claim for different types of medical costs. This would allow public employers to compare their cost of utilization review to industry averages.
 - c. **Transactional Data.** Collecting transactional level data or claims listing at successive intervals would facilitate comparing UR and medical costs at similar stages of maturity. This is critical in evaluating UR trends over time.

C. Solvency

OSIP should consider developing guidelines, rules, or regulations to require actuarial reports be obtained by all public entity self-insurers, and that the actuarial reports include specific items and disclosures.

We recommend that actuarial requirements include the following elements.

1. Actuarial reports should separately state the self-insured workers' compensation liabilities for unpaid loss and loss adjustment expenses.
2. Actuarial reports should be performed by an actuary with experience performing actuarial estimates involving California workers' compensation. The actuary must be an Associate or Fellow of the Casualty Actuarial Society or a Member of the American Academy of Actuaries.
3. The actuary's estimate of ultimate loss must reflect potential loss development (IBNR).
4. Estimates of unallocated loss adjustment expenses (ULAE) should include the ultimate estimated cost to adjust claims arising during the program (even if those claims are reported after the end of the program year) and be actuarially determined.
5. Projections at the expected confidence level should be point estimates and not ranges.
6. The actuarial report should present unpaid loss and loss adjustment expenses both on an undiscounted and net present value basis and the assumed interest rate should be disclosed in the report.

7. Estimates of the liabilities for unpaid loss and loss adjustment expenses should be presented on a gross, ceded, and net basis.
8. The actuarial report should document significant changes in the exposure or composition of a JPA over time.
9. Actuarial reports must conform to actuarial standards as detailed in the Actuarial Standards of Practice, including but not limited to #9 (Documentation & Disclosure); #13 (Trending in P/C Ratemaking), and #29 (Expenses in P/C Ratemaking).

OSIP should also consider developing standardized prescribed financial reports to be submitted by all individual public entities and JPAs that self-insure for workers' compensation. The format for these reports could be developed jointly with the State Controller's Office, which currently requires annual filing of financial transaction reports. Such reports could allow OSIP to monitor the financial condition and activities of self-insurance programs in a consistent manner and provide reports to the public on the condition of public entity self-insurance. Newly prescribed reports could include forms that collect the following information.

Assets	Detail of all assets in the workers' compensation fund including: cash and investments, receivables, amounts due from other funds, amounts due from excess insurers, assessments receivable, and other assets.
Claim Liability	Detail on the liability for unpaid loss and allocated loss adjustment expenses, and unallocated loss adjustment expense liability. Liabilities should be presented gross of ceded losses and on an undiscounted basis, with adjustments for amounts recoverable from excess insurance and net present value.
Other Liabilities	Detail on the liability for unpaid loss and allocated loss adjustment expenses, unallocated loss adjustment expense liability, dividends payable, unearned revenue, amounts due to other funds, assessments payable to other agencies, and other accrued expenses payable
Net Position	Detail of net position including unrestricted, designated, and restricted amounts. A statement that indicates the amount of risk margin maintained in net position using a confidence level measure.
Revenues and Expenses	Detail of all revenues, including contributions from members of JPAs or other departments, assessments, investment income, other income.
Expenses	Detail of all expenses, including claim expense, excess insurance, claims adjusting, cost containment expenses, risk control, broker fees, transfers to other funds, dividends, and all other professional and administrative costs.
Claims Development	Schedule reconciling the claim liability and showing: Beginning liability for unpaid loss and loss adjustment expenses + ultimate loss estimate for claims of the current fiscal year +/- changes in the ultimate loss estimate for claims of all prior years - payments on claims incurred during the current fiscal year - payments on claims incurred during all prior years = Ending liability for unpaid loss and loss adjustment expenses

Actuarial Schedule	A schedule that reconciles the actuarial estimates of unpaid loss to those reported in the prescribed reports and audited financial statements.
Other Disclosures	A schedule that displays the unpaid loss and loss adjustment expenses, and net position at different discount rates, but at a minimum using 0% and the selected discount rate for financial statement purposes. Such a disclosure would show the risk and variability at various discount factors.

Most of the reporting listed above would be applicable to both individual self-insurers and JPAs. OSIP may also want to consider requiring public entity self-insurers to report their self-insured workers' compensation activities in a separate fund and not comingled with any other activities. JPAs that offer other lines of coverage often prepare combining statements of net position, and statement of changes in net position as supplemental information in the audited financial statements. These supplemental statements would show each line of coverage separately.

D. General Recommendation for Future Data Collection and Analysis

Pursuant to Labor Code Section 3702, public entities are required to submit a "self-insurer's annual report" in a form prescribed by the Director of DIR. SB863, passed in 2013, added an additional provision:

"Public self-insured employers shall provide detailed information as the director determines necessary to evaluate the costs of administration, workers compensation benefit expenditures and solvency and performance of the public self-insured employer workers' compensation programs, on a schedule established by the director. The director shall grant deferrals to the public self-insured employers that are not yet capable of accurately reporting the information required, giving priority to bringing larger programs into compliance with the more detailed reporting." (Labor Code 3702.2).

Based upon the recommendations in the report and input from key stakeholders in the public sector, we recommend that DIR move forward with the consolidation and improvement in public sector workers compensation data collection. Technology and the continual evolution of public sector self-insurance best practices will enable the Director of DIR to move quickly in identifying the necessary data and processes for collection. This will provide access to public policymakers, regulators, and members of the public of more accurate and meaningful information about the costs and benefits of self-insurance and workers compensation.

I. Scope and Objectives of this Study

This study reports on specific issues related to the self-insurance of workers' compensation exposures among California public entities. These issues include public sector self-insurers' benefit expenditures, claims administration performance, claims administration costs, and solvency. Bickmore was awarded the contract to conduct this study based on response to the Department of Industrial Relations (DIR) Request for Proposal (RFP) DIR/CHSWC RFP #13-002 entitled "Assessment of Policy Options for Examination of the Public Sector Self-Insured Program in California's Workers' Compensation" ("Public Sector Study").

The objective and scope of the study as outlined in the RFP includes the following.

To conduct an examination of California public self-insured employers that would:

- *Identify variances in performance of public employers' self-insurance workers' compensation programs to target areas for improvements in relevant areas, including costs of administration, timeliness of benefit payments, benefit expenditures, and prospective ability to pay compensation when due; and*
- *Establish benchmarks against which the performance of a public employer's program can be usefully compared to other public employers and to identify outliers, using public available information to the extent feasible and identify where possible impacts of different administrative practices upon the various performance parameters.*

II. Background

This report is a response to an element of California's Senate Bill 863, signed into law on September 18, 2012. This element updated Section 3702.4 of the Labor Code to read as follows:

- (a) *The Commission on Health and Safety and Workers' Compensation shall conduct an examination of the public self-insured program and publish, on its Internet Website, a preliminary draft report and recommendations for improvement of the program no later than October 1, 2013, and a final report no later than December 31, 2013. The recommendations shall address costs of administration, workers' compensation benefit expenditures, and solvency and performance of public self-insured workers' compensation programs, as well as provisions in the event of insolvencies.*

The Commission on Health and Safety and Workers' Compensation (CHSWC) is a joint labor-management body that monitors California's system and recommends changes to improve its operations. CHSWC has overseen this analysis, including facilitating data collection and other aspects of the analysis.

A. Obtaining Workers' Compensation in California

California law requires employers (other than the State) to have workers' compensation insurance. There are two ways an employer can meet this requirement.

- 1. Traditional Insurance.** Employers can purchase a workers' compensation policy from a commercial insurer licensed to write policies in California. Roughly **67%** of injuries are covered by traditionally insured employers.¹
- 2. Self-Insurance.** As an alternative to purchasing a commercial policy, qualified employers can provide their own coverage for workers' compensation liabilities or join with other employers to self-insure as a group. About **29%** of workers' compensation claims are covered by self-insured employers.¹

The State its various agencies are not required by the DIR to secure payment of compensation by either of the two methods described above and is therefore a "permissibly uninsured" employer. About **4%** of occupational injury claims are covered by the State as a permissibly uninsured employer.¹

¹ California Health and Safety and Workers' Compensation Annual Report, December 2013. Based on average claim counts for 2010-2012.

B. Traditional Versus Self-Insurance

Up until the mid-1970s, all but the largest California public entities obtained coverage for workers' compensation exclusively through the State Compensation Insurance Fund (SCIF), the designated insurer for all public entities. At the time, public entities were not permitted to purchase coverage from commercial insurers. As workers' compensation costs escalated over time, many public entities left SCIF in favor of lower-cost self-insurance. Commercial insurance became another option in the 1980s.

By self-insuring, an employer takes on the direct responsibility for making sure claims are handled, either by employing one or more qualified claims examiners or contracting with a professional third party claims administration firm for the services. All self-insured employers must report results and be subject to the regulations of the DIR.

The California Self-Insurers' Security Fund (SISF) is a non-profit organization responsible for managing the shared liabilities of workers' compensation claims arising from private self-insured employers that become insolvent. SISF provides a backstop for private sector self-insurers who default on their workers' compensation obligations. All private self-insurers must participate in SISF, and this may entail purchasing security (such as surety bonds or letters of credit), making payments into the SISF Alternative Security Program (ASP), or both. There is no single fund that provides a backstop for the self-insured workers' compensation obligations of public sector self-insurers.

Self-insurers may purchase excess insurance in order to protect against the cost of large claims and stabilize its costs.

1. Advantages of Self-Insurance

A few of the more important advantages for public agencies to self-insure workers' compensation are as follows.

- 1. Cost Savings.** Self-Insurance eliminates the overhead and profit loads that insurance companies charge. In addition, cash outflow is stretched for self-insureds, matching the long claim payment tail. This is in contrast to up-front premium payments typically required of insured employers. Both of these factors produce savings in the long run for the self-insured employer.
- 2. Claims Adjusting.** A self-insured employer has more control over the handling of workers' compensation claims than a commercially-insured employer whose claims are typically under the auspices of the carrier's examiners. This means a self-insured employer has more input over whether or not to accept, deny, or challenge claims. It should be noted that some employers who participate in large deductible programs may have similar control over their claims handling process.

- 3. Loss Control.** Self-insurance provides a direct incentive to prevent injuries and mitigate the costs of those that do occur. When an employer pays for its own loss costs, there is a direct relationship between the bottom line and effective risk control. Thus, self-insured employers direct vested interest in the outcome of claims motivates their managers to promote safe work practices.
- 4. Cost Stability:** The workers' compensation market in California has experienced dramatic changes in premium rates at different times during the past 30 years. While some of these swings are driven by changes to claims costs, other factors such as competition and reinsurance have also played a role. Self-insurance offers the opportunity to have a more stable cost structure over time.

2. Disadvantages of Self-Insurance

Not all employers are suited for self-insurance. Below are some of the disadvantages of self-insurance.

- 1. Administrative Burden.** Self-insured employers are responsible for certain services normally provided by an insurance carrier. These services include claims adjusting, safety engineering, and regulatory filings. Like anything else in business, if these services are not performed expertly and funded adequately poor results can occur and the cost will fall on the employer's shoulders.
- 2. Contracting Difficulties.** It is commonplace in business for one party to a contract to ask for minimum levels of insurance from the other party to the contract. These types of requirements apply to construction contracts, maintenance agreements, leases, and other situations. It is customary to ask for evidence of workers' compensation insurance. A self-insured employer does not have insurance and therefore must convince the other party to the contract that it is nonetheless a responsible contracting party. This situation requires more time to resolve and may result in the loss of business opportunities for the self-insured employer.
- 3. Volatility.** When a self-insured employer retains losses (as opposed to paying for them upfront in the form of an insurance premium) it assumes the risk those losses will be more than it budgeted. An unprecedented or unplanned run of claims can create financial strain for the self-insured employer, negatively impact earnings, impair banking relationships, and even push an entity toward bankruptcy. The self-insured employer must carefully plan for such contingencies to avoid financial disruptions.

C. Oversight of Self-Insureds by Department of Industrial Relations, Office of Self Insurance

1. Required Reporting to Office of Self Insurance Plans

California has the largest self-insurance community in the country. In 2012 self-insurance covered over 2.1 million private sector employees and 1.8 million public agency employees.² The Office of Self Insurance Plans (OSIP), a program within the DIR, oversees and regulates self-insured employers.

Application. Employers wishing to self-insure must be qualified through an OSIP application process. Private sector employers must also meet certain financial requirements demonstrating fiscal strength and the ability to pay future liabilities.

Once OSIP grants permission to self-insure there are on-going requirements an employer must meet in order to retain their self-insurance certification. Public sector self-insureds have very few requirements compared to private sector self-insureds.

Benefit Delivery Requirements. Claims must be adjusted in California. New self-insurers must use licensed third party administrators (TPAs) for the first three years, and all self-insurers are subject to periodic audits by OSIP for claims reserving practices.

Reporting. Self-insurers must submit an annual self-insurance report to OSIP. This report contains aggregate claims and benefit information that drives the State's calculation of the employer's self-insurance fees. Private employers are also required to submit an actuarial study and an audited financial statement.

Fees. Both private and public sector self-insurers receive an assessment fee authorized by the Labor Code to fund the regulatory costs of workers' compensation. Private sector self-insurers receive an additional invoice from SISF.

D. Public Sector Self-Insurance

As cited in Section A of this Chapter, self-insured employers account for about 30% of the statewide claims reported in the three-year period from 2010-2012. Self-insured employers are either (1) individually self-insured; or (2) joined with other employers in a self-insured group. In the private sector, these groups are called self-insurance groups (SIGs). In the public sector, these groups are Joint Powers Authorities (JPAs). Appendix B provides a complete list of JPAs and individual self-insured employers maintained by OSIP.

² California Health and Safety and Workers' Compensation Annual Report, December 2013, pages 45 and 47.

1. Individually Self-Insured

As of June 30, 2013, there were 368 individual self-insured public entities. Most individually self-insured public entities and JPAs retain (that is, pay for) losses up to a certain amount, otherwise known as their self-insured retention (SIR). Above that amount, an insurance policy is purchased from an excess insurance carrier that, in return for a premium, pays for workers' compensation claims that exceed the employer's self-insured retention. There is no requirement that individual self-insureds buy excess insurance coverage. There are a few very large California employers that do not purchase excess insurance. Two of those are Los Angeles Unified School District and the City and County of San Francisco.³

2. Joint Powers Authorities for Self-Insurance

Beginning in the 1970s, governmental agencies began joining together as JPAs to pool resources and provide workers' compensation coverage to their members. Although they are a self-insurance vehicle, JPAs provide services similar to those provided by insurance companies. The difference is the JPA participants are also the "owners" of the JPA, which is a separate public entity. Each "owner" is jointly and severally liable for claims liabilities and other obligations of the JPA. This means a claimant may pursue an obligation against any one JPA member as if all members were jointly liable, and it is the defendants' responsibility to sort out their respective proportions of liability. As of June 30, 2013, there were 81 JPAs self-insured for workers' compensation in California. Those 81 JPAs have close to 3,000 employer participants.⁴

Participants in a JPA seek all of the previously listed advantages of self-insurance, plus the following.

- **Improved Cost Stability.** By combining with other employers in a single program, the volume of claims in the financial model used for projecting future costs is larger and the predictability of outcome is improved.
- **Less Reliance on Insurance.** Commercial insurance to cover truly large losses is needed by most individual self-insureds. In a JPA, the attachment point of the insurance can be raised to a higher level because the combined financial resources of the participating entities are able to absorb more fluctuation. In the long run, this will reduce costs even more.
- **Economies of Scale.** In a JPA purchasing claims management, risk control, excess insurance, and other products and services is less costly per unit than an individual member would pay on its own. This is due to the bulk purchasing power of the group.

³ Annual self-insurer reports submitted to Office of Self Insurance Plans (FY 2013).

⁴ Department of Industrial Relations, Office of Self Insurance Plans' website, <http://www.dir.ca.gov>.

- **Collegial Management.** JPA participants work in a governance structure to manage outcomes. With common interests, the self-insured public entity representatives on the JPA board tend to understand and resolve problems more easily than could be negotiated with an insurer. Thus, they tend to tailor the premium-charging mechanism, claims and risk control service offerings, and other program aspects to the unique needs of the participating entities.

Unlike private SIGs which are required to secure excess coverage at SIRs no greater than \$500,000 (CCR § 15478), JPAs have no such requirement. However, all but two of the JPAs reported having excess insurance policies in place for 2012/13. The two that did not were *PTSC-MTA Risk Management Authority* and *County Sanitation District of Los Angeles County*.

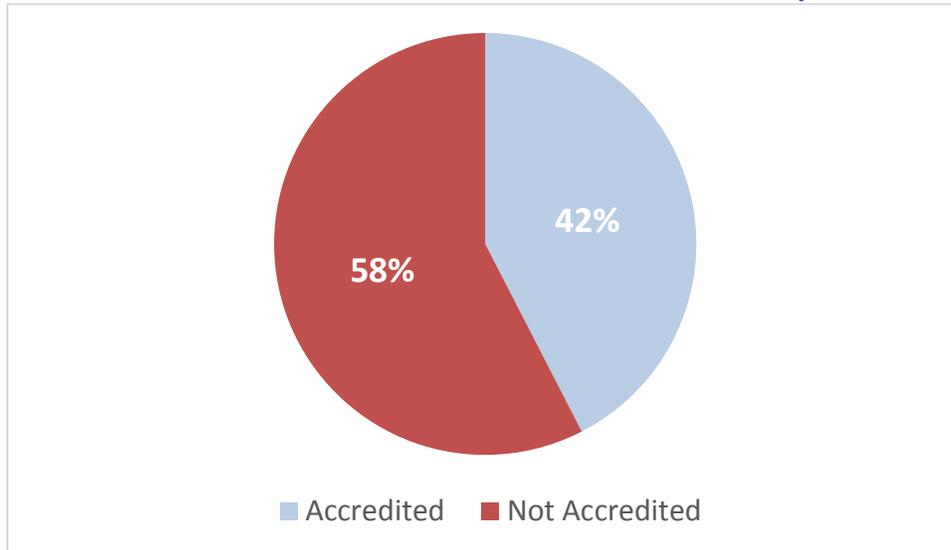
E. CAPJA Accreditation Program

The California Association of Joint Powers Authorities (CAJPA) is a statewide association for public sector risk-sharing pools. CAJPA provides continuing education, legislative advocacy, and active involvement in regulatory matters on behalf of its JPA members. In 1984, CAJPA developed a voluntary Accreditation Program for its members to promote best practices in JPA management and reduce the potential for any JPA failures.

CAJPA's Accreditation Program maintains a continually evolving set of very extensive professional standards for risk management pools (refer to Appendix C). Accreditation consultants engaged by CAJPA examine a pool's governing documents, management structure and practices, loss control, claims practices, funding, and statutory compliance. After review of the consultants' findings, a committee of peers issues a report and designates an accreditation status.

There are currently 57 JPAs Accredited with Excellence and four JPAs with Full Accreditation.

Chart II-1
Accredited Versus Not Accredited Measured in Payroll



F. Demographics

Based on annual reports filed with OSIP for fiscal year ending June 30, 2013, (and excluding the State as an employer), 30% of public employers that self-insure for workers' compensation do so in a JPA. The five largest JPAs based on 2012/13 payroll are listed in Table II-1.

Table II-1
Largest JPAs by 2012/13 Payroll⁵

JPA	Total Payroll	Percent of Total JPA Payroll
CSAC EIA (counties, municipalities, other various public entities)	\$2.74 billion	8.8%
Alpha Fund (hospitals)	\$1.47 billion	4.7%
San Diego Schools Risk Management JPA (schools)	\$1.42 billion	4.6%
Self-Insured Schools of California (schools)	\$1.29 billion	4.2%
Alliance of Schools for Cooperative Insurance Programs (schools)	\$1.26 billion	4.1%

The other 70% of California's public self-insured employers do so as individual self-insureds, although some secure excess coverage through JPAs. The five largest individual public self-insurers by payroll are listed in the following table.

⁵ 2012/13 payroll from the June 30, 2013, annual self-insurance reports submitted to California's Department of Industrial Relations, Office of Self Insurance Plans.

Table II-2
Largest Public Individual Self-Insurers by 2012/13 Payroll⁶

JPA	Total Payroll	Percent of Total Individual Payroll
University of California Regents	\$11.7 billion	16.4%
County of Los Angeles	\$7.31 billion	10.3%
Los Angeles Unified School District	\$3.68 billion	5.2%
City of Los Angeles	\$2.90 billion	4.1%
City and County of San Francisco	\$2.38 billion	3.4%

G. Excess Insurers

With very few exceptions, self-Insured public entities purchase excess insurance above their retention levels. There are seven excess insurance providers that each had a market share of at least 5% for the five-year period of 2008/09 through 2012/13.⁷ Those providers and their market share based on payroll are as follows.

Table II-3
Excess Insurance Providers

Excess Insurance Provider	Market Share ⁸
Safety National	17%
CSAC Excess Insurance Authority	14%
National Union Insurance Co.	13%
California State Compensation Insurance Fund (SCIF)	10%
Zurich Insurance Group	9%
Protected Insurance Program for Schools and Community Colleges	8%
Star Insurance Company	5%

It is worth noting that the second biggest excess insurer, CSAC EIA, is also a JPA. Also, SCIF is one of the biggest excess insurers by virtue of insuring a few very large entities (County of Los

⁶ 2012/13 payroll from June 30, 2013, annual self-insurance reports submitted to California's Department of Industrial Relations, Office of Self Insurance Plans.

⁷ Based on payroll and excess policy information provided on the annual self-insurer reports submitted to the Office of Self Insurance Plans, 2008/09 – 2012/13.

⁸ 2012/13 payroll from the June 30, 2013, annual self-insurance reports submitted to California's Department of Industrial Relations, Office of Self Insurance Plans.

Angeles, City of Los Angeles, and City of San Diego). Lastly, the composition of the excess insurance market may vary greatly over time.

III. Benefits Expenditures: Impact of Employer Characteristics

The purpose of this section is to discuss public self-insurers' expenditures related to medical and indemnity benefits. We evaluated the impact on the claims experience of four key characteristics: type of entity, region, JPA versus individual, and claims administrator. For each of these characteristics we evaluated loss rates, average claim size, claim frequency, claim closing rates, and the speed of claim payments.

A. Methodology

This section describes the methods we used to analyze claims costs. The following are the major steps of our analysis.

1. **Compile Data.** We compiled nine years of annual filings into one database, utilizing information valued as of June 30, 2005, through June 30, 2013. This allowed us to track the historical claim and loss development of self-insurers over time. Utilizing multiple filings also allowed us to collect payroll information over several years. This was crucial in analyzing claim frequency and loss rates.
2. **Entity Characteristics.** For each filing entity we identified the region, type, JPA versus individual, and claims administrator. These characteristics were identified as follows.
 - a. **Region.** We utilized three regions in our analysis: northern, central, and southern California. The region of each entity was identified based on the entity's zip code reported in the annual filing. We are aware there are several JPAs that have statewide membership, and these were excluded from our analysis. Similarly, individual self-insurers with statewide exposures, such as California State University (CSU) and the University of California (UC), were excluded from our analysis.
 - b. **Type of Entity.** We grouped entities into four different types: municipalities, counties, educational, and other. Entities categorized as "other" include an assortment of types such as vector control (mosquito abatement), water and sewer districts, housing authorities, and parks and recreation. Entities were categorized by their type based on the entity name. Municipalities include cities and towns. Educational entities include K-12 districts, elementary school districts, high school districts, and community colleges. As discussed in the previous section, CSU and UC were excluded from this analysis because they encompass exposures in all three regions. Some entities have multiple "types," such as the City and County of San Francisco. Agencies with multiple types were excluded from our analysis.
 - c. **JPA Versus Individual Self-Insurers.** Both JPAs and individual self-insurers submit annual filings with OSIP. We identified JPAs based on their names. If an entity

- switched between individual self-insurer to (or from) membership in a JPA during the experience period, then we excluded it from this portion of the analysis.
- d. **Claims Administrator.** The annual filing identifies the claims administrator and there is a code for those that are self-administered. Based on this code we divided those entities that are self-administered versus those that utilize a TPA. If an entity switched between self-administered to (or from) utilizing a TPA during the experience period, then we excluded it from this portion of the analysis.
3. **Historical Development Triangles.** By lining up the reported claims information by entity and evaluation date, we were able to establish triangles for claims reporting, claims closing, paid loss development, and incurred loss development. Medical and indemnity costs were combined.
 4. **Claims and Loss Development Factors.** Using the triangles in the prior step we established paid, incurred, and claim count development factors. We calculated three-year and five-year average factors.
 5. **Incurred Losses at 60 Months of Age.** Using the paid and incurred loss development factors from the prior step, we developed incurred losses at 60 months of age. One estimate was based on incurred losses valued as of June 30, 2013, multiplied by the three-year average incurred loss development factors. A second estimate was based on paid losses valued as of June 30, 2013, multiplied by the three-year average paid development factors. This was then adjusted by an incurred to paid ratio in order to estimate incurred losses. Our final estimate of incurred losses at 60 months was based on an average of the results of the incurred and paid development methods. Medical and indemnity losses were combined.
 6. **Reported Claims at 60 Months.** We multiplied reported claims counts as of June 30, 2013, times the reported claim count development factors established in Step #4 to estimate reported claims as of 60 months.
 7. **Loss Rate.** Incurred loss rate at 60 months (Step 5) divided by payroll in hundreds.
 8. **Loss Rate Trend.** Based on the exponential trend of the loss rates from the most recent five years (fiscal years ending 2009 through 2013).
 9. **Average Claim Size.** Incurred loss rate at 60 months (Step 5) divided by reported claims at 60 months (Step 6).
 10. **Average Claim Size Trend.** Based on the exponential trend of the average claim size from the most recent five years (fiscal years ending 2009 through 2013).

11. **Claim Frequency.** Reported claims at 60 months (Step 6) divided by payroll (in hundreds of thousands).
12. **Claim Frequency Trend.** Based on the exponential trend of claim frequency from the most recent five years (fiscal years ending 2009 through 2013).
13. **Average Payment Year.** This represents the average year after an injury is reported in which the payment is made. The percent of loss that is paid in each year of development is derived from three-year average paid loss development patterns (Step 4). Assuming payments happen mid-year; these percentages are then used to estimate the average year of payment. This only includes payments through 60 months. Payments for medical and indemnity benefits are combined.
14. **Percent of Claims Closed.** Closed divided by reported claims as of June 30, 2013 (fiscal years ending 2009 through 2013).
15. **Average Year of Claim Closure.** The percent of claims that close in each year of development is derived using reported and closed claims valued as of June 30, 2013. Assuming that claim closures happen mid-year, these percentages are then used to estimate the average year of closure. We assumed claims open as of 60 months will close on average in month 78.
16. **Average Case Reserve per Open Claim.** Case reserves divided by open claims as of June 30, 2013 (fiscal years ending 2009 through 2013).

Each time we tested one of the characteristics we controlled for the other three characteristics. For example, in testing the impact of region we controlled for differences in type of entity, JPA versus individual, and TPA versus self-administered. All losses and claim counts are developed to 60 months age of maturity using standard actuarial development methods.

The analysis in this section is based on the annual data filed by self-insurers with OSIP, which is described in the “data” section of this report. The following sections provide a more detailed analysis and discussion of our results.

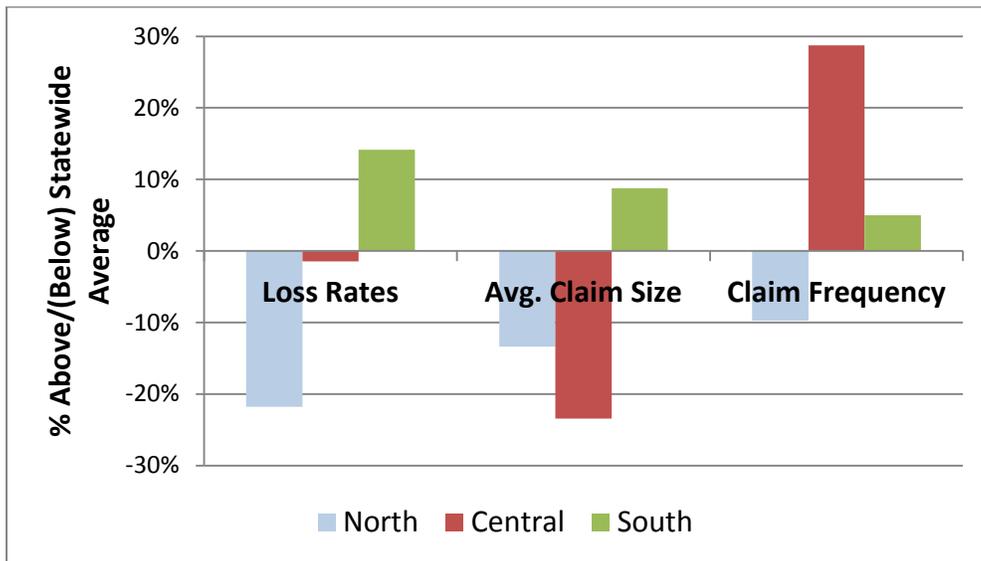
B. Results

1. Region

We found the self-insurer's region has a significant impact on claims costs and other key characteristics. After controlling for the other self-insurer characteristics, claims in the southern California region tend to cost more, have a slower payout, and close more slowly than those in the northern and central regions. The payroll in our study was divided into region as follows: 40% north, 9% central, and 51% south.

The following chart shows that loss rates tend to be lower in northern California, roughly average in central California, and higher in southern California. This pattern was consistent among municipalities, counties, and educational self-insurers. The lower rates in northern California are a result of lower claim frequency and lower average claim size. The higher rates in southern California are driven primarily by higher average claim size, with higher claim frequency also playing a role.

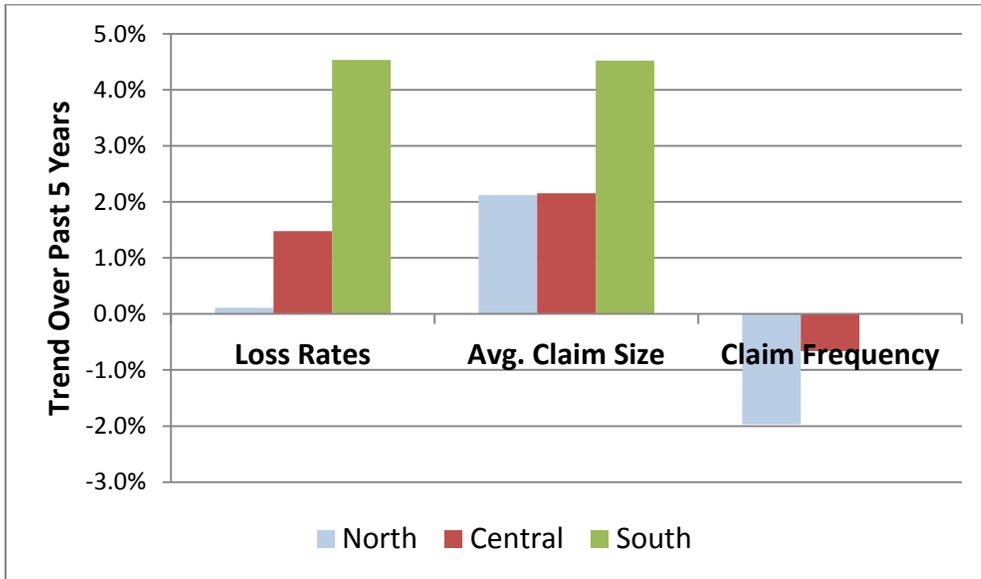
Chart III-1
Comparison of Loss Rates, Average Claim Size, and Claim Frequency by Region



Loss Rate = Incurred loss developed to age 60 months / Payroll

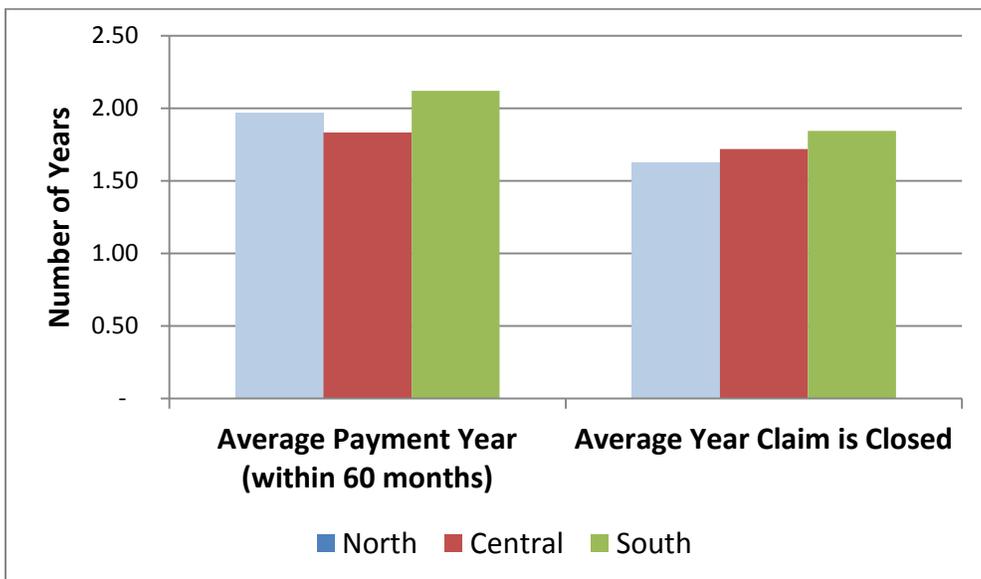
Not only are average rates in southern California higher than statewide averages, but the following chart shows that over the past five years the rates have trended upwards faster in the south than in the north and central regions.

Chart III-2
Comparison of Annualized Trends by Region



The following chart shows that claims in southern California tend to be paid and to close more slowly than those in the other regions.

Chart III-3
Comparison of Payout and Claim Closure by Region

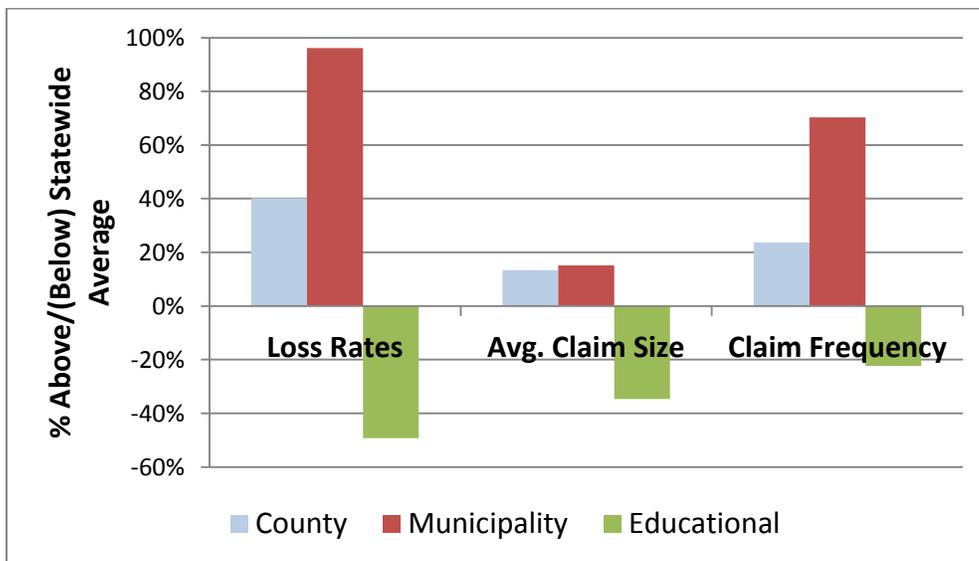


2. Type of Agency

Not surprisingly, the type of agency has a major impact on the loss rates, claims severity, and claims frequencies. The payroll in our study was divided into type as: 22% county, 19% municipality, and 59% educational.

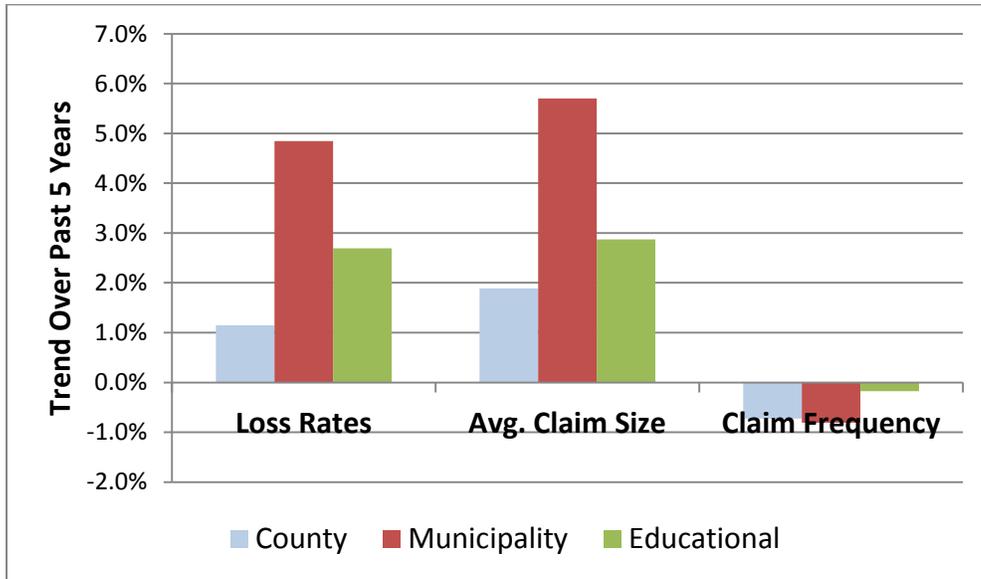
The following chart shows loss rates tend to be lower for educational agencies, driven by both lower frequency and lower average claim size. Municipalities have higher rates than counties, mostly due to higher claim frequencies.

Chart III-4
Comparison of Loss Rates, Average Claim Size, and Claim Frequency by Type of Self-Insurer



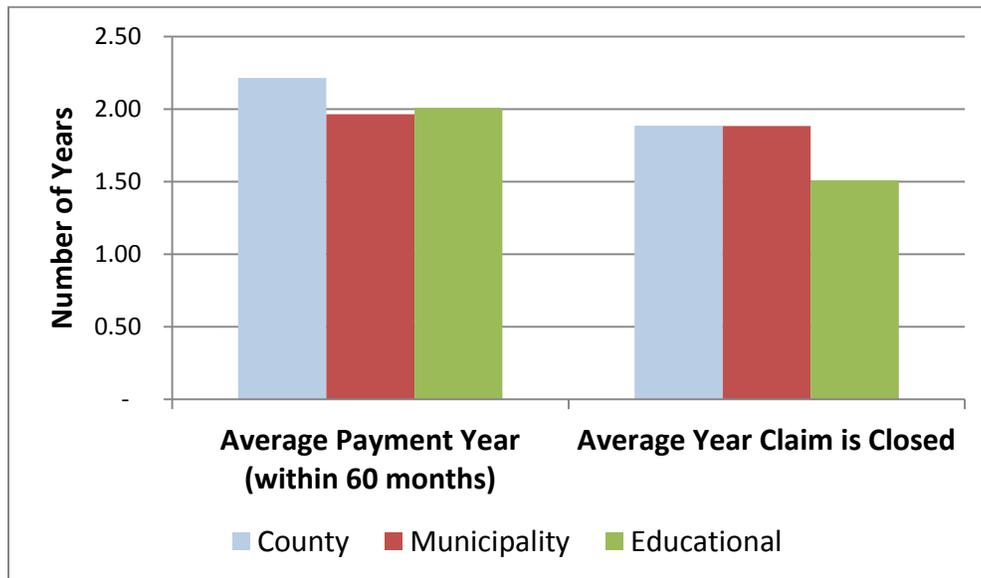
Not only are municipality average rates higher than those of other agencies, but the following chart shows that over the past five years the municipality loss rates have trended upwards faster than those of other types of agencies. This is driven by trends in the average claim size.

Chart III-5
Comparison of Annualized Trends by Type of Self-Insurer



The following chart shows that educational entities close claims more quickly than municipalities and counties do.

Chart III-6
Comparison of Payout and Claim Closure by Type of Self-Insurer



3. JPA Versus Individual Self-Insurers

Loss rates, claims severity, and claims frequencies do vary for entities in JPAs versus those individually self-insured, but the differences are not nearly as big as those by region or type of entity. The payroll in our study was divided as 35% entities in JPAs and 65% entities that are individually self-insured.

The following chart shows that loss rates tend to be lower for entities in JPAs, driven by both lower frequency and lower average claim size.

Chart III-7
Comparison of Loss Rates, Average Claim Size, and Claim Frequency for JPAs Versus Individuals

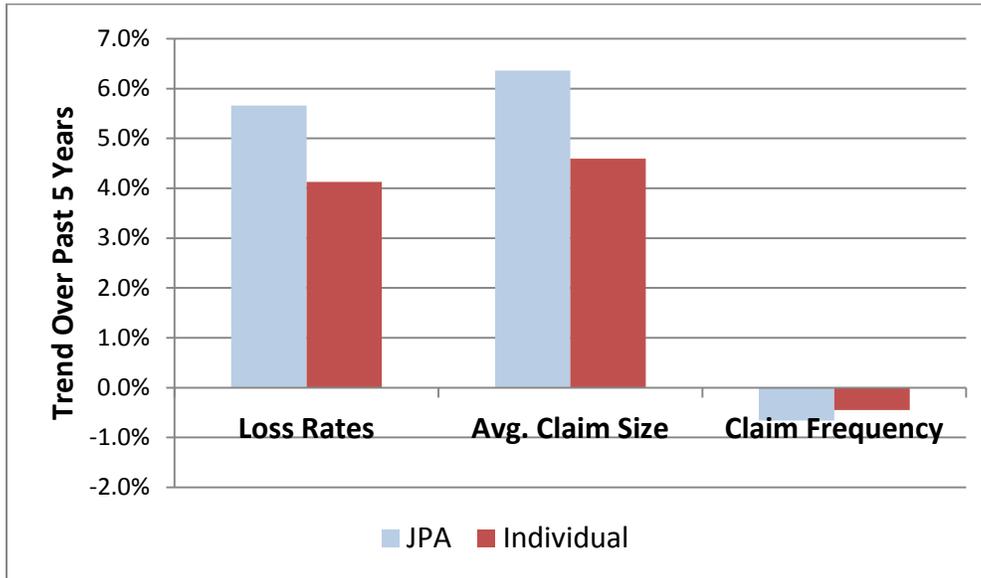


Given that larger insured employers tend to have lower experience modification factors than smaller insured employers, we expected individual self-insurers (who tend to be larger) to have lower loss rates than those who participate in JPAs. The following are possible reasons why JPA loss rates are lower than those of individuals.

1. **Urban/Rural.** Individual self-insurers are probably more likely to be in urban settings, and this could contribute to higher loss rates, particularly among law enforcement employees.
2. **JPA Services.** It is possible that key JPA services such as safety, ergonomic reviews, and return-to-work programs assist small and medium-size self-insurers to mitigate costs in a way not experienced by small and medium-size employers who are self-insured as individuals.

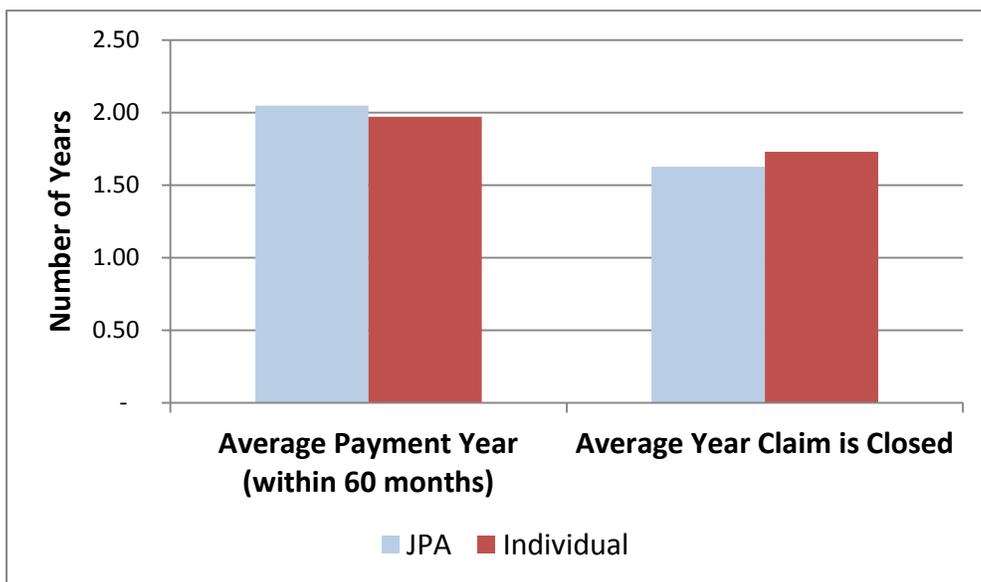
Over the past five years JPA loss rates increased at a faster pace than those of individual self-insurers. This is driven by trends in the average claim size.

Chart III-8
Comparison of Annualized Trends for JPAs Versus Individuals



The following chart shows that JPA claims tend to be paid slightly more slowly than those of individual self-insurers, and JPAs tend to close claims slightly more quickly than average.

Chart III-9
Comparison of Payout and Claim Closure for JPAs Versus Individuals

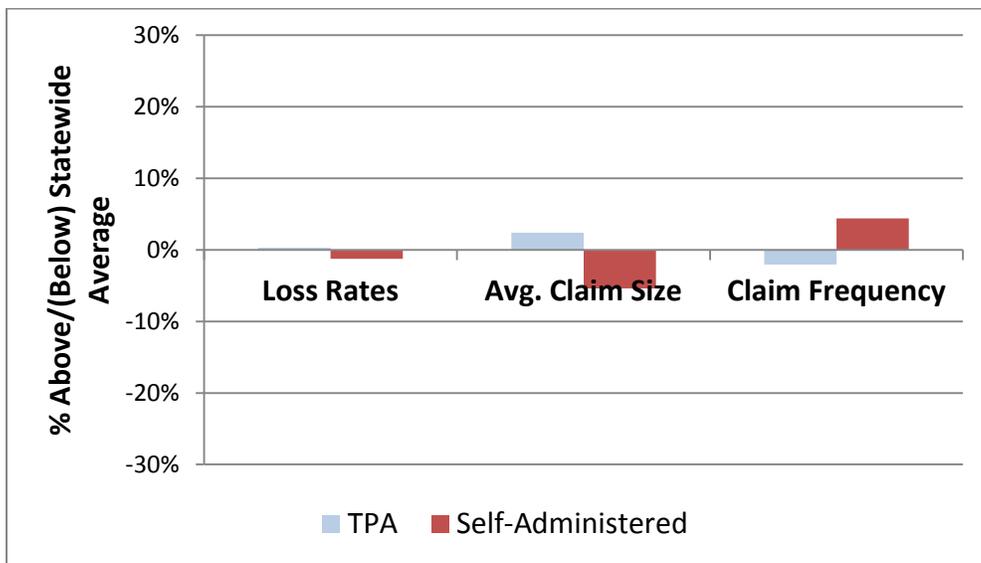


4. Claims Administrators

Loss rates, claims severity, and claims frequencies do vary for entities that use TPAs versus those that self-administer, but the differences are not nearly as big as those by region or type of entity. The payroll in our study was divided as 80% entities that use TPAs and 20% entities that self-administer.

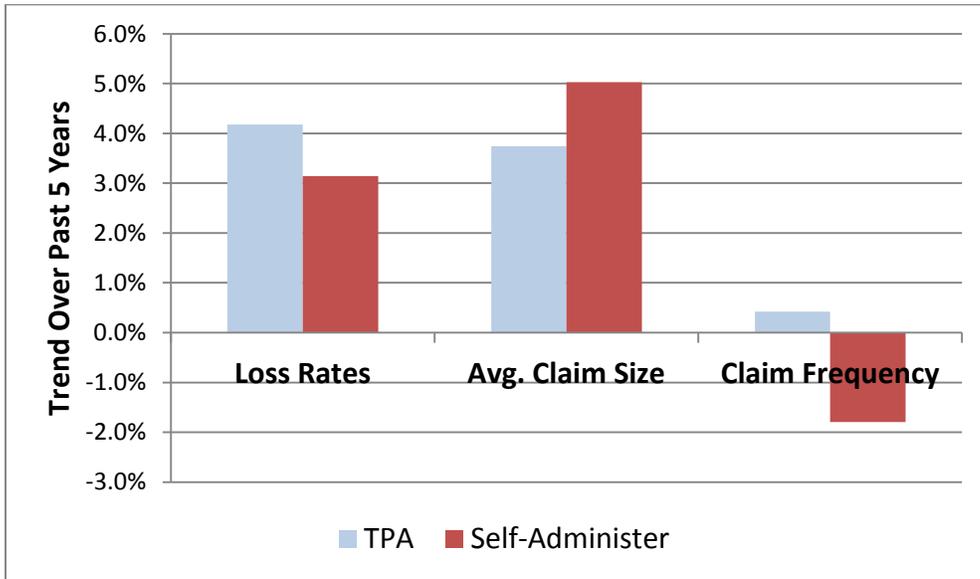
The following chart shows that loss rates are virtually identical for entities that utilize TPAs versus those that self-administer. Those that use TPAs tend to have slightly higher average claim size and slightly lower claim frequency, whereas the opposite is true of those that self-administer.

Chart III-10
Comparison of Loss Rates, Average Claim Size, and Claim Frequency
for TPAs Versus Self-Administered



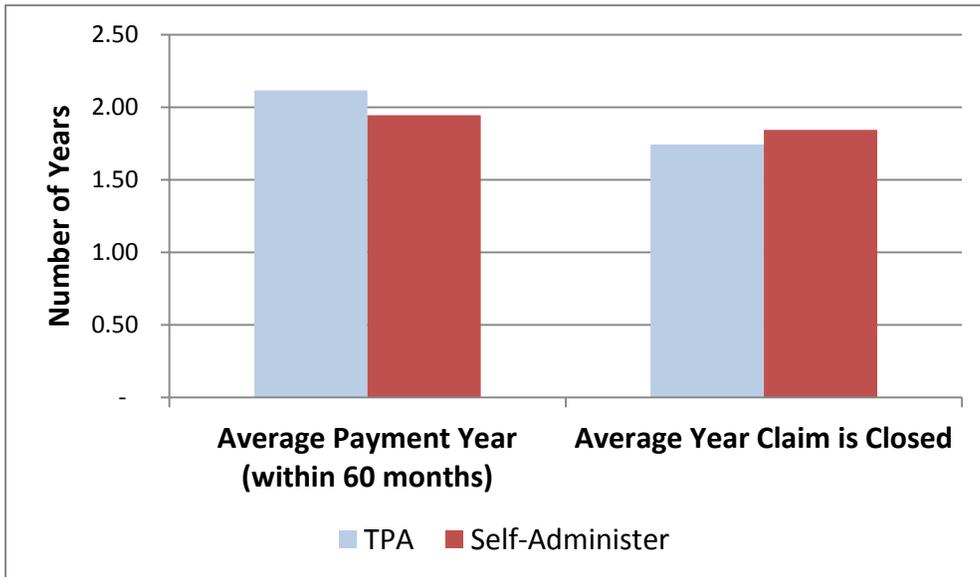
Over the past five years entities with TPAs have had loss rates increase at a slightly higher rate than those that self-administer. Those with TPAs have experienced lower increases in average claim size but higher frequency trends.

Chart III-11
Comparison of Annualized Trends for TPAs Versus Self-Administered



The following chart shows that entities with TPAs tend to pay claims more slowly than self-administered self-insurers, and they tend to close claims slightly more quickly than average.

Chart III-12
Comparison of Payout and Claim Closure for TPA Versus Self-Administered



C. Findings

The following summarizes our findings.

1. **Region:** We found a self-insurer's region has a significant impact on the claims costs. Self-insurers in southern California have experienced higher claim frequency, higher average claim size, and higher overall cost per \$100 of payroll. Over the past several years this disparity between southern California and the rest of the State has increased. In addition, claims of southern California self-insurers tend to stay open longer in comparison to those in the rest of the State.
2. **Type:** The type of agency has a major impact on the loss rates, claims severity, and claims frequencies. Municipalities tend to have the highest costs, whereas educational entities (schools, colleges, and universities) have the lowest. Over the past several years the cost of municipal claims has risen at a faster pace than that of counties or educational entities. This is primarily due to increases in the average claim size. Also, claims of education self-insurers tend to close faster in comparison to those of counties and cities.
3. **JPs Versus Individual Self-Insurers:** In general, JPs have experienced lower costs per \$100 of payroll than individual self-insurers. However, JP costs have been increasing at a faster rate than those of individual self-insurers over the past several years.
4. **Claim Administrator:** We found almost no difference in loss rates between self-insurers that utilize a TPA versus those that self-administer. Those that self-administer tend to have a higher claim frequency, but this is offset by a lower average claim size. In addition, loss rates have been increasing at a slower pace for those that self-administer than for those that utilize a TPA.
5. **Benchmarking:** The results in this section can be helpful in benchmarking. Understanding the impact of self-insurer characteristics on claims results should help entities to determine who to benchmark against and what adjustments to make if the comparison group has different characteristics.

D. Recommendations

We believe this is one of the first studies to compare the experience of California public self-insurers after taking into account key employer characteristics, as well as adjusting for loss and claim development. The following are recommendations based on our findings.

1. **Investigate Disparities by Region.** The analysis of insurance company data by the WCIRB has pointed to disparities between claim frequencies and costs between different regions

of the State and our analysis confirms these disparities also exist for public self-insurers. Since one of the goals of the workers' compensation system is to have equal treatment of and benefits for injured workers, we believe it is worth exploring the root causes of this disparity.

2. **Medical and Indemnity Costs.** This analysis combines medical and indemnity costs together. However, these costs are split out on the OSIP annual report and it would be possible to evaluate them separately, given the current information that is available. This would be helpful in gaining a better understanding of some of the variances that we found.
3. **Make Benchmarking Data Publicly Available.** This study shows it would be quite possible to release statewide information for the purposes of benchmarking. Several years ago the California Institute for Public Risk Analysis (CIPRA) produced annual benchmarking reports based on OSIP data. These CIPRA reports evaluated claims frequency, average claim size, and loss rates. This current analysis extends the CIPRA reports in several ways: losses are developed to 60 months to adjust for differences in case reserve adequacy; trends over time are calculated; claims closing rates are evaluated; and the impact of employer characteristics were also analyzed. The CWCI currently produces annual reports based on OSIP data and the WCIRB utilizes OSIP data for benchmarking in the ratemaking process. The State may want to consider reviving the CIPRA reports with the additional methods utilized in this report.
4. **Changes to the OSIP Annual Self-Insurance Report.** All self-insureds, JPAs, and SIGs are required to submit an annual report to OSIP (CCR §15250). The OSIP reports are foundational to the findings in this study. However, they have had little modification over time and we believe it would be useful to reevaluate what data is collected. Data storage and computing power is quite inexpensive in comparison to when this report was first designed, and so it is possible that OSIP could collect more data without creating difficulties for self-insurers. The following are potential modifications to the OSIP report that could increase their utility over time.
 - a. **Add Allocated Loss Adjustment Expense (ALAE).** The OSIP report currently only collects medical and indemnity payments. Over the past several years ALAE costs have been increasing more quickly than losses, and medical cost containment expenses have been moved from medical to ALAE. As a result, ALAE is now a much bigger portion of total costs than it used to be. We estimate it probably accounts for as much cost as temporary or permanent disability.
 - b. **Split Temporary and Permanent Disability Costs.** These two types of benefits behave very differently in terms of average claim size and payout pattern. In addition, recent reforms have impacted these benefits quite differently. Therefore, we feel it would be beneficial to explore breaking them out.

- c. **Split Out More Years.** The OSIP report currently requires claims experience from the past five years to be broken by year, and reserves for all prior years are lumped together. Given that the payout pattern for workers' compensation has become more and more extended, this leaves an increasing portion of total liabilities lumped together in a way that is difficult to analyze. For example, public agencies reported about \$7.4 billion in case reserves on the OSIP annual report as of June 30, 2013. Of that \$7.4 billion, over \$4.0 billion was bucketed together because they are associated with claims that are over five years old.
- d. **Report Self-Insured Retention.** Self-insurers include their SIR on the OSIP annual report, but the SIR is not included in the publicly-available file that summarizes public self-insurance data by member. Including the SIR in the public file would greatly assist in benchmarking efforts among public self-insurers.
- e. **Accident Year Versus Report Year.** The OSIP annual report requires claims to be organized by year in which the claim is reported. This is useful in tracking case reserve adequacy because it facilitates tracking the experience of a fixed set of claims over time. However, tracking claims by report year makes it difficult to estimate total liabilities because it does not account for unreported claims associated with injuries which have already occurred. This has become a bigger issue over the past few years, as statewide statistics from the WCIRB suggest the reporting of indemnity claims has become increasingly extended. We believe OSIP should consider requiring claims and losses to be reported on an accident year basis in order to facilitate the estimation of total liabilities and evaluate whether or not a significant portion of claims are reported late.
- f. **Include Geography Code.** The findings of this report suggest that geographical region plays an important role in claims costs, thus it is an important part of benchmarking. However, it is difficult to assign region based on the OSIP data made publicly available for two reasons. First, there is no way to identify which JPAs are confined to a specific region and which operate on a statewide basis. Second, one must extract the zip code from self-insurers and assign that to a region. There are many ways of defining regions and so different reports may draw different conclusions. OSIP may want to consider assigning a region to each self-insurer in order to standardize the process and facilitate comparisons.
- g. **Identify Primary Versus Excess JPAs.** Some JPAs are considered "primary," meaning they cover claims from the first dollar of cost. Other JPAs provide excess coverage, meaning they cover costs above a specific retention. By definition primary and excess JPAs have very different claims characteristics. Primary JPAs will tend to have a larger volume of smaller claims, and excess JPAs will have a smaller volume of claims but those claims tend to be large. As a result, it is very important to distinguish primary from excess JPAs when comparing claims costs,

and it would be very helpful if OSIP were to include a primary versus excess JPA identifier in the information that is made public.

E. Limitations

There are several limitations we have identified that are associated with using the OSIP data in our analysis. These include the following.

1. **Unaudited.** The OSIP data is not audited, thus there is no guarantee regarding its accuracy. We performed some basic reasonability checks of the data, but that is no substitute for auditing the data.
2. **Definition of Payroll.** For workers' compensation underwriting and rating purposes, payroll has a very specific definition. There are defined ways to handle overtime, bonuses, and volunteers. It is quite possible different entities do not report payroll to OSIP on a consistent basis. This would impact the loss rates and frequencies calculated in our analysis.
3. **Definition of a Claim.** It is possible that agencies are inconsistent in how they report minor incidents, such as events requiring no medical treatment or only first aid. Some agencies may report these incidents as workers' compensation claims, while other agencies may not. Agencies may also be inconsistent regarding the definition of an "indemnity" claim. This would impact the claim frequencies, average claim sizes, and closing rates in our analysis.
4. **Self-Insured Retention (SIR).** Entities that self-insure may retain different levels of risk. For example, some may retain only the first \$250,000 of each self-insured claim, while others may retain the first \$1,000,000 (or more). The SIR impacts the loss rates, average claim sizes, and even payout patterns of self-insured entities. While the SIR is reported to OSIP in the annual filing, it is not included in OSIP's excel summary of self-insured information. As a result we were not able to adjust for differences in SIR.
5. **Treatment of 4850 Benefits.** In accordance with labor code 4850, certain safety personnel receive lost wage benefits above and beyond the typical workers' compensation temporary disability benefits received by other injured employees. It is possible that agencies are inconsistent regarding whether or not they include 4850 benefits in their annual reports to OSIP.
6. **Loss Development after 60 Months.** Each annual filing contains summarized information on open and closed claims broken out for the most recent five years. For all older years the information for open claims is summarized together. As a result, we were only able to create claims and loss development triangles up to 60 months of age. This means loss rates and average claim sizes were developed to 60 months of age but

not to their ultimate values. As a result, this analysis does not reflect differences in loss development or claim closure patterns that occur after age 60 months.

7. **Loss Only.** The claims cost information reported to OSIP only includes medical and indemnity costs. This means our analysis excludes the following types of expenses: 1) Allocated Loss Adjustment Expense (ALAE, mostly legal and medical cost containment expenses); 2) Unallocated Loss Adjustment Expense (ULAE, mostly claims administration fees); and 3) other program costs (such as risk management, pool administration, safety, brokerage, etc.). As a result the OSIP data provides an important but limited picture of self-insured workers' compensation costs.
8. **Report Year.** The claim year in the annual filings is meant to be based on the date a claim is reported. This is quite different from data used in most actuarial reports and ratemaking agencies (such as the WCIRB), which typically utilize claims information summarized by accident or policy year. As a result, it is difficult to compare results based on OSIP data to those in most actuarial studies. In addition, it is possible that agencies are inconsistent in how they report claims to OSIP, with some using report year and others using accident year. We developed claim triangles to track the number of claims reported for a given year over time. It appears that there is little movement over time in the number of claims reported to OSIP for a given year. This gives us some comfort that most agencies are utilizing report year as opposed to accident year.
9. **Departments.** Key workers' compensation exposures for many agencies include police, fire, and public works. However, the treatment of these exposures is not always consistent. For example some municipalities may include police, fire, and public works departments in their workers' compensation program. On the other hand, other municipalities may have some or all of these services provided by third parties and the outsourced exposures are not part of these municipalities' self-insured workers' compensation program. As a result, one needs to be very careful in comparing the experience of one municipality to another, since they may treat any number of services differently. This also means that in this study the type of entity identified as "municipality" is not homogeneous.

IV. Benefits Expenditures: Permanent Disability and Claimant Age

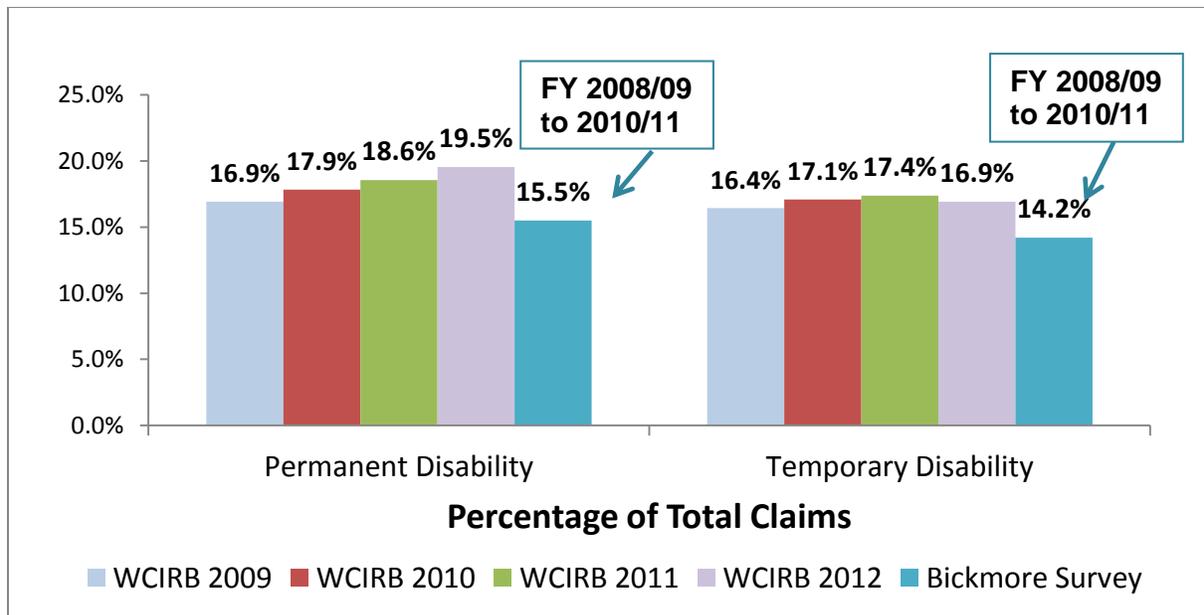
A. Permanent Disability

In addition to analyzing the general cost of benefits in the previous section, we performed additional analysis on permanent disability (PD) claims. We did this extra analysis for two major reasons. First, the great majority of total costs are associated with PD claims. In our database, over 83% of total incurred costs for the years 2008/09 through 2010/11 were associated with PD claims. Second, PD claims were one of the primary focuses of SB 863. Therefore, any differences regarding PD claims between California self-insurers and other employers are particularly important.

Our findings regarding PD claims are based on claims listings provided by 12 survey respondents that separately identified PD, temporary disability (TD), other indemnity, and medical benefits. More information regarding the surveys is available in Section VIII of this report.

In general, we found our data had a smaller percentage of PD and TD claims than industry data reported by the WCIRB. It should be noted the WCIRB estimates are “at ultimate,” whereas our findings are based on reported claims. For that reason we restricted this comparison to more mature years. In addition, the WCIRB has a much larger database than we worked with in this study. The WCIRB database is composed of experience of insured employers, whereas ours is from a sampling of public self-insurers.

Chart IV-1
Distribution of Claims by Type of Claim



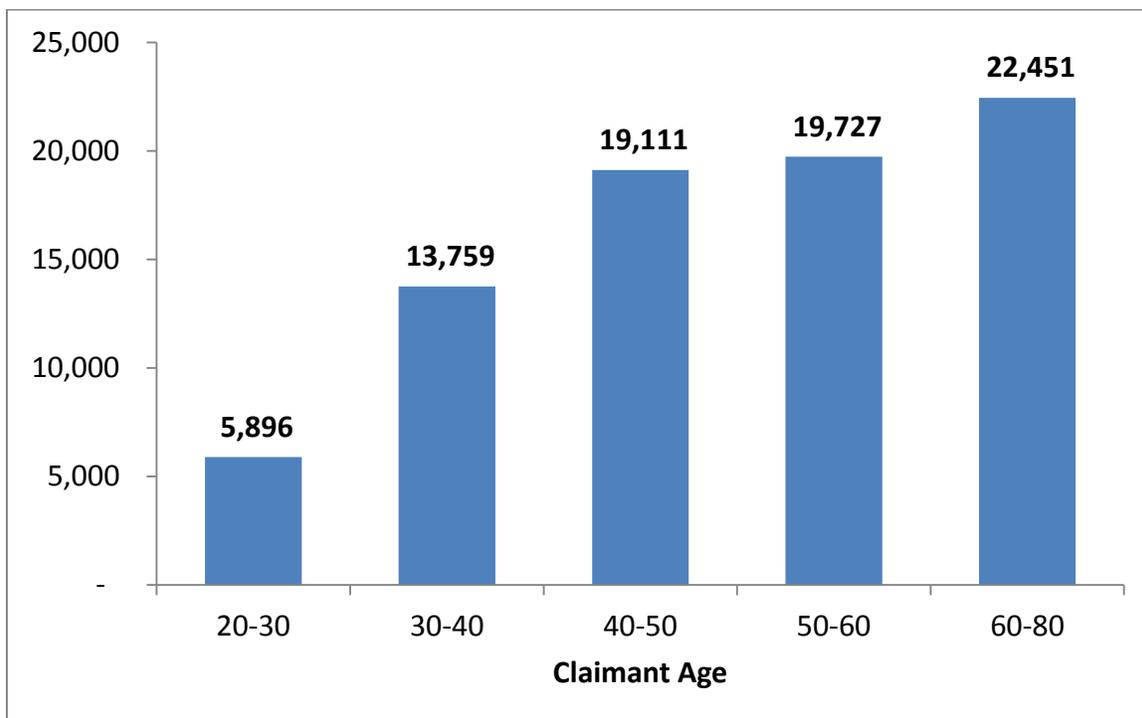
* WCIRB Results from Actuarial Committee Agenda 3/19/14, Page IV-A-7 (WCIRB 2012 results are preliminary, based on PY 2011)

B. Claimant Age

Several drivers of workers' compensation claims have been well documented. For example, we have already explored the impact that geographical region within California has on workers' compensation costs (Section III). In addition, the California Workers' Compensation Institute (CWCI) has identified several factors affecting claims costs, including litigation and pharmacy utilization. The following is a discussion of the impact of the age of the injured worker in affecting the average claim size. We found age has a major impact on the average claim size, mostly related to permanent disability.

The following chart shows claimant age has a major impact on average claim size.

Chart IV-2
Average Incurred Loss and ALAE by Claimant Age Category
(Accident Years 2008/09-2010/11 Valued as of 12/31/13)



The findings in the preceding chart are similar to but even more pronounced than those found by the NCCI in their study of the impact of age on workers' compensation costs.⁹ The NCCI found that "In terms of loss costs per worker, the major difference among age groups occurs between the 25 to 34 and the 35 to 44 age groups. All groups of workers age 35 to 64 appear to have similar costs per worker."¹⁰ Our age categories are somewhat different than those of the

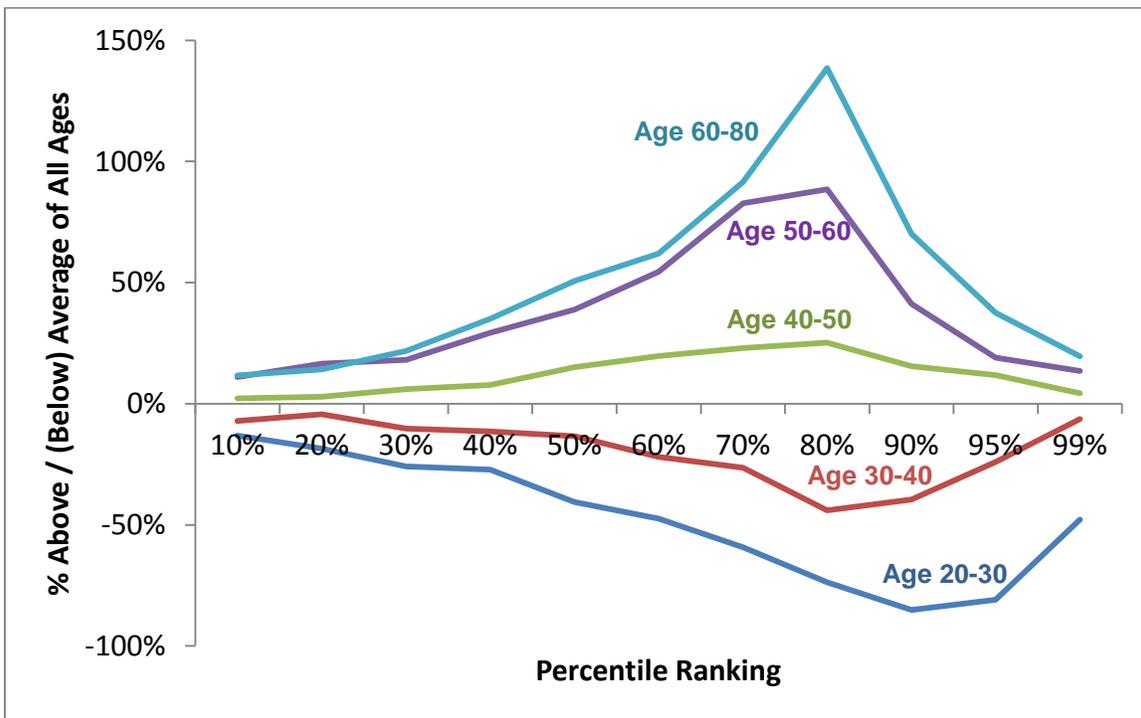
⁹ NCCI Research Brief, "Workers' Compensation and the Aging Workforce, December 2011.

¹⁰ NCCI Research Brief, "Workers' Compensation and the Aging Workforce, December 2011, Page 1.

NCCI, but we also found that the highest increase in claim size was associated with claimants aged 40 and below.

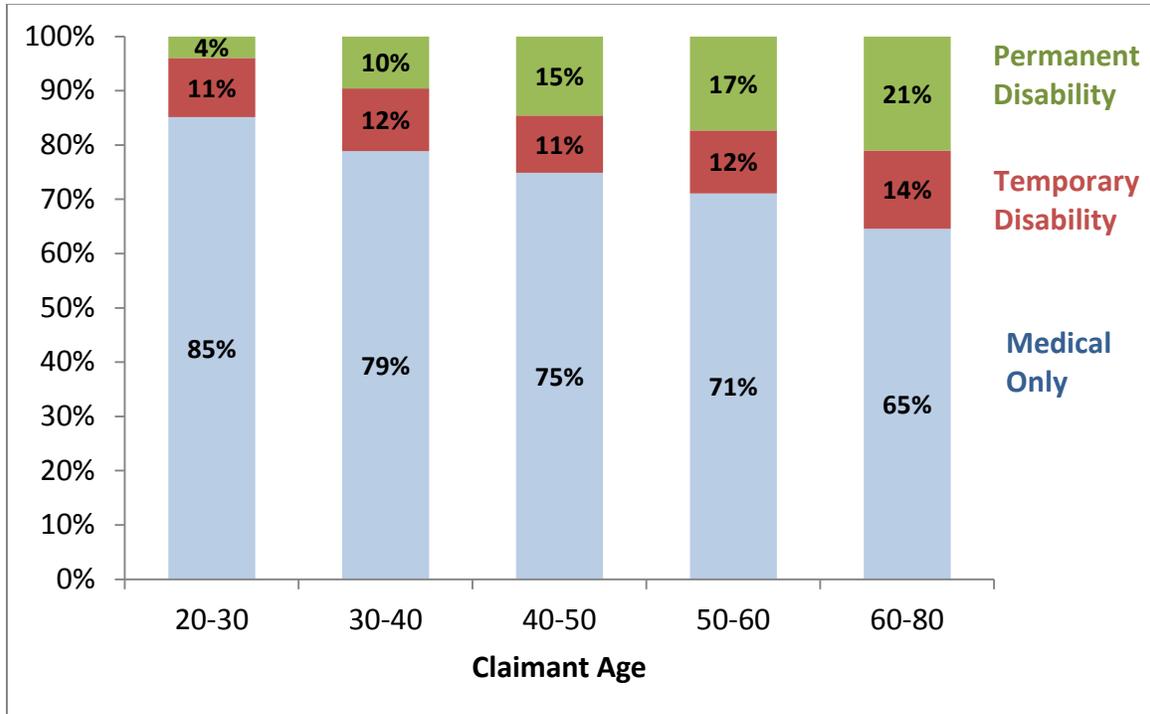
There are two major drivers affecting the results in the preceding chart. First, claims of almost all sizes appear to be influenced by claimant age. When we rank claims by percentile within each age category, we find that at almost all percentiles the claim size increases with age. The following chart shows the relationship between the claim sizes for each age group. This shows that small claims tend to cost more as age increases. Similarly, mid-size and large claims are also increase with the age of the claimant. The fact that claimant age impacts even small claims, which tend to involve only medical costs and not lost wage benefits, shows that differences in wages are not the only factor affecting higher claim sizes for older claimants.

Chart IV-3
Average Incurred Loss and ALAE by Claimant Age Category
(Accident Years 2008/09-2010/11 Valued as of 12/31/13)



The second important factor impacting increase in claim size by age is the percentage of total claims involving permanent disability increases with age. Given that claims involving PD tend to be much expensive than TD and Medical Only claims, this increase has a material impact on average claim sizes. The following chart shows the claims by injury type and age grouping.

Chart IV-4
Distribution of Claim Counts by Type of Claim and Age Group
(Accident Years 2008/09-2010/11 Valued as of 12/31/13)



The prior chart shows that a filed claim is more than five times more likely to involve PD for a worker aged 60-80 than for a worker aged 20-30. This has a profound impact on average claim size by age.

The results in this section relate only to average claim size and not to claim frequency. We do not have exposure information by claimant age, thus were not able to investigate the impact of claimant age on claim frequency. In the NCCI's study of the impact of age on workers' compensation costs they found age had very little impact on workers' compensation claims frequency. "The long-standing tenet that younger workers have much higher injury rates is no longer true. Therefore, differences in loss costs by age in recent years primarily reflect differences in severities since differences in frequency by age have virtually disappeared."¹¹

There are likely many factors that impact the average claim size by age. For example, older workers most likely have a higher average weekly wage than younger workers, thus increasing their lost time benefits. In addition, the mix of job type and injury type probably varies by age. We were not able to pursue these questions further given the limited data in our survey, but we feel that this could be a very fruitful area of further research which could help in the areas of safety, claims management, and claim reserving.

¹¹ NCCI Research Brief, "Workers' Compensation and the Aging Workforce, December 2011, Page 1.

C. Findings

1. **Distribution of Claims by Type.** We found the distribution of TD and PD claims to be similar between the public self-insurers who responded to our survey and the insured experience as reported by the WCIRB. Differences in our results are probably due to the fact that the self-insurance findings are based on a snapshot, whereas WCIRB data is developed to ultimate.
2. **Impact of Claimant Age.** We found claimant age is significantly correlated with claims costs. On average, the cost per claim increases with the age of the injured worker. This is true of small as well as larger claims, and one of the key drivers is that PD is more likely to be involved in injuries involving older claimants.

D. Recommendations

1. **Data Collection.** Claimant age is an example of a key factor impacting claims costs. Examples such as this show that while summarized data such as what is available from OSIP or an actuarial report is useful, those sources are not sufficient if the goal is to understand key cost drivers and facilitate more effective risk control. Sources of detailed claims information, such as claims listings or the WCIS, are necessary to better understand the dynamics affecting injuries and claims costs.
2. **Impact of Claimant Age.** The high correlation between claimant age and claims costs suggests that this could be a fruitful area of further study, particularly if it leads to risk control solutions that are tailored to employee age.

V. Claims Administration: Performance Audit Review

The purpose of this section of the report is to discuss claims administrative performance as measured in the DIR DWC Performance Audit Review (PAR) reports. We evaluated the impact of claims administrator characteristics on overall performance audit scores, as well as on specific performance audit measurements. The three self-insurer characteristics we tested were region, type of claims administrator, and public self-insurer JPA versus individual. The results are based on PAR reports from the years 2010 through 2012.

A. Methodology

We utilized audit results based on the following characteristics: region, type of claims administrator, and JPA versus individual public self-insurer. The following is a brief description of how we identified each of these in the annual audits.

1. **Region.** The “location” (or city) of each entity audited is identified in the audit report. Specifically, we identified each location as either being outside of California, inside the Los Angeles area, or in California but not in the Los Angeles area. The Los Angeles area is defined as Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. We did not further subdivide the regions outside of Los Angeles due to concerns that there would be insufficient volume of data to draw credible conclusions.
2. **Type of Claims Administrator.** We compared results for each of the types of claims administrators identified in the audit. This includes insurers, third party claims administrators (TPA), insurer/TPAs, public self-insurers that self-administer claims, and private self-insurers that self-administer claims.
3. **JPA Versus Individual Self-Insurers.** The audits further identify whether those public self-insurers that self-administer claims are JPAs or individuals. We compared results on this basis as well.

The following table summarizes the number of entities and files subject to review.

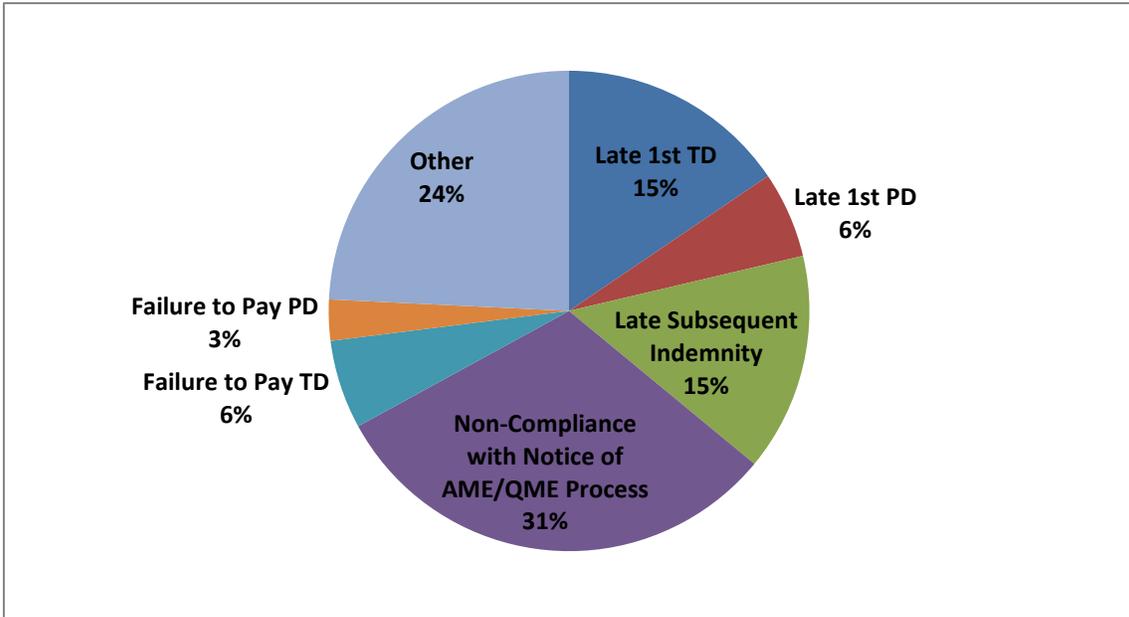
Table V-1
Overview of Entities in DWC PAR Audits 2010-2012

	Number of Entities	Number of Files Audited	Average Number of Files per Entity
Grand Total	176	9,995	57
Region			
California, excluding Los Angeles Area	95	5,122	54
Los Angeles Area	66	3,901	59
Nationwide Excluding California	15	972	65
Type of Administrator			
Insurer	31	1,843	59
Insurer/TPA	12	942	79
TPA	83	4,977	60
Private Self-Insurer	20	780	39
Public Self-Insurer	30	1,453	48
Type of Public Self-Insurer			
JPA	10	467	47
Individual	20	986	49

B. Penalties

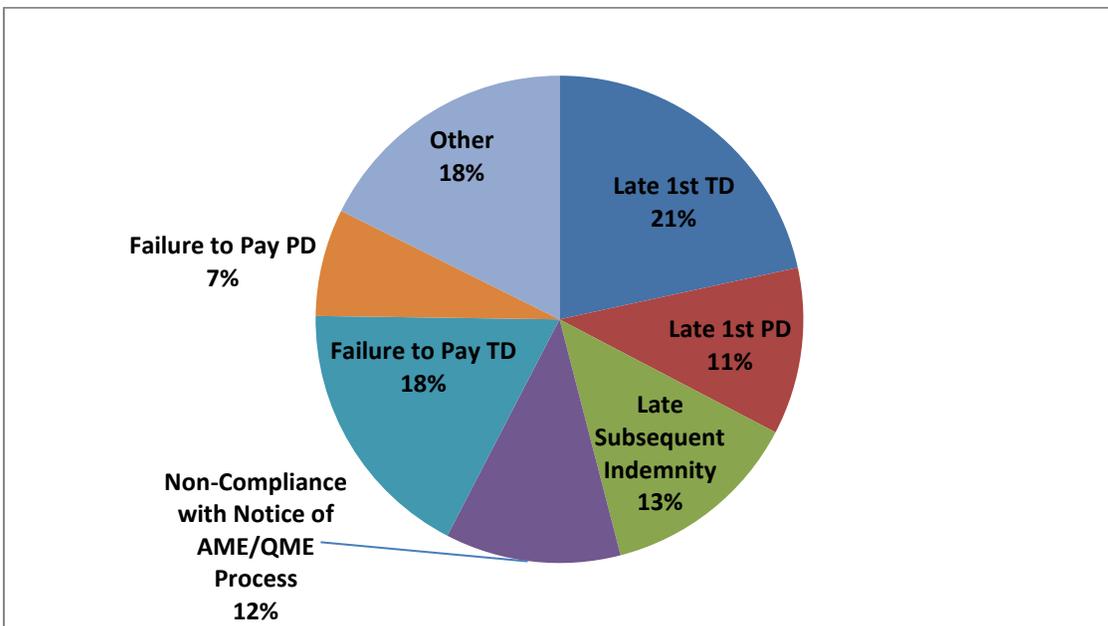
For each entity characteristic we are interested in both the overall PAR score, as well as the specific audit penalties identified in the report. The three years of reports we evaluated included a total of 13,770 audit penalties. The following graph identifies the overall distribution of the number of audit penalties.

Chart V-1
Distribution of Number of Audit Penalties



The reports cited a total of \$4.35 million in audit penalties, of which \$1.15 million was assessed. The following graph identifies the overall distribution of the cited audit penalty dollars.

Chart V-2
Distribution of Audit Penalty Dollars

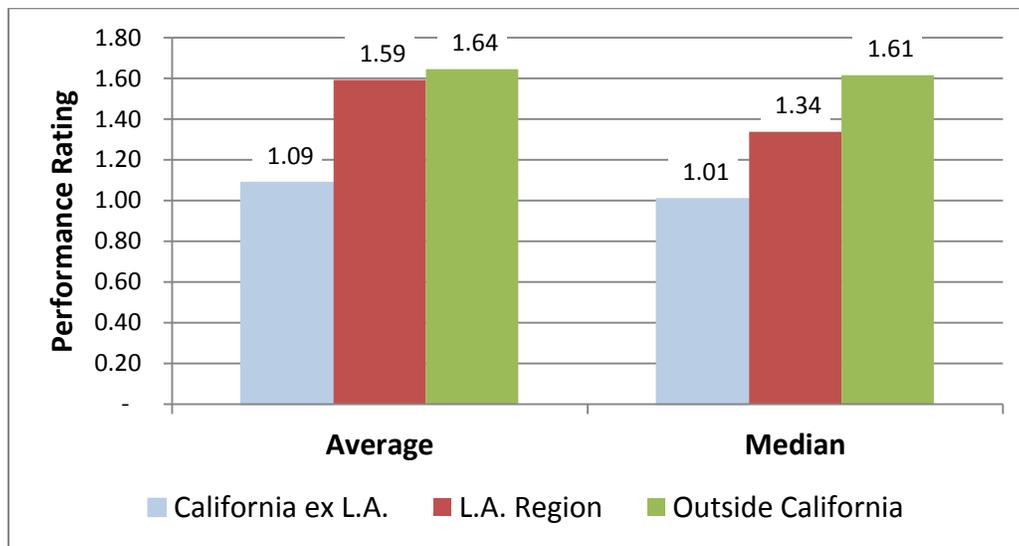


1. By Region

We found the claims administrator's region has a significant impact on PAR audit results. In this analysis the administrators are divided into region based on the location identified in the PAR audit reports. The regions were as follows: Los Angeles Area (defined as Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties), California excluding the Los Angeles area, and nationwide excluding California. The administrators outside California had the highest performance ratings (a low score indicates better results) and the highest number of audit penalties per claim. Next highest in performance ratings was the Los Angeles area, and California excluding Los Angeles had the lowest.

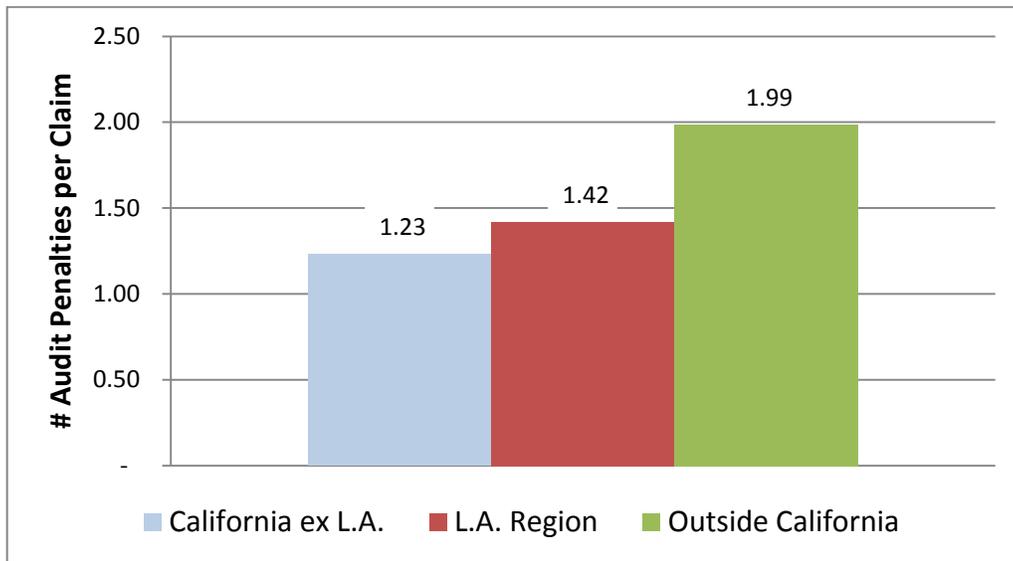
The following chart shows the average and median performance ratings by region for 2010-2012. Again, a low performance rating represents a better result. We are presenting median scores in addition to the averages because the average can be skewed by single large ratings. For example, one administrator in the Los Angeles area had a performance rating of over 14.76. This score has a significant impact on the average score for the Los Angeles area but does not significantly impact the median. The median is simply the middle score, meaning that half of the audit scores are higher than the median and half are lower for that particular region.

Chart V-3
Comparison of Performance Ratings by Region



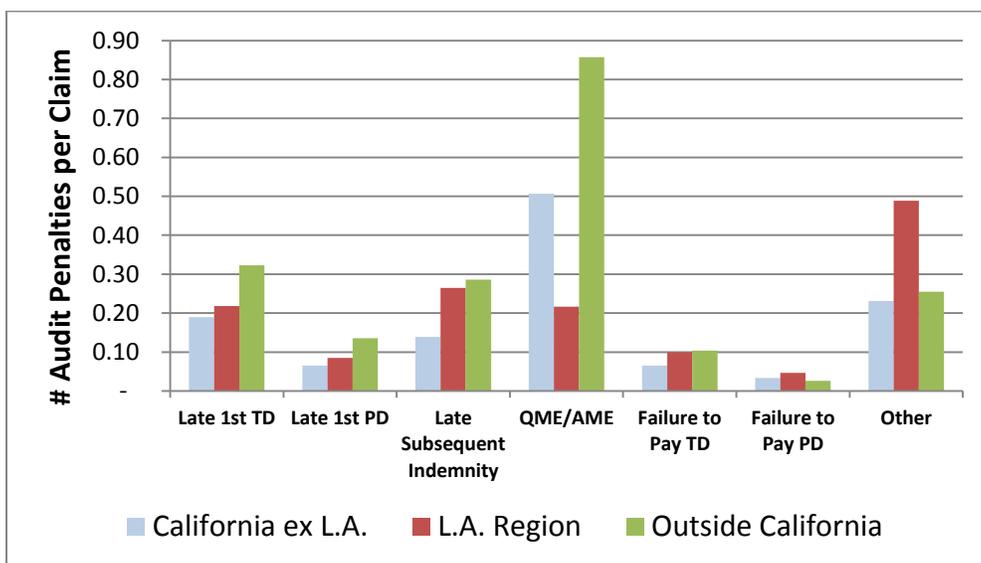
Given that the performance rating is partially based on the frequency of open indemnity claim as well as the average claim size, it is not surprising that the performance rating is higher in the Los Angeles area than in the rest of the State. It is generally recognized that claims in the Los Angeles area are more likely to be litigated, more difficult to close, and generally higher in cost on average. However, the number of audit penalties per audited claim shows a similar pattern to the performance ratings.

Chart V-4
Average Number of Audit Penalties per Audited Claim by Region



In general, the pattern of audit penalties by region is consistent for almost all types of penalties. The California excluding the Los Angeles area has the lowest number of audit penalties per claim, and the areas outside of California have the highest. The biggest exception to this is “failure to comply with requirements to provide notice of the QME/AME process” (“QME/AME”), in which the Los Angeles area has a much lower number of audit penalties per claim than the other two regions. This is depicted in the following graph.

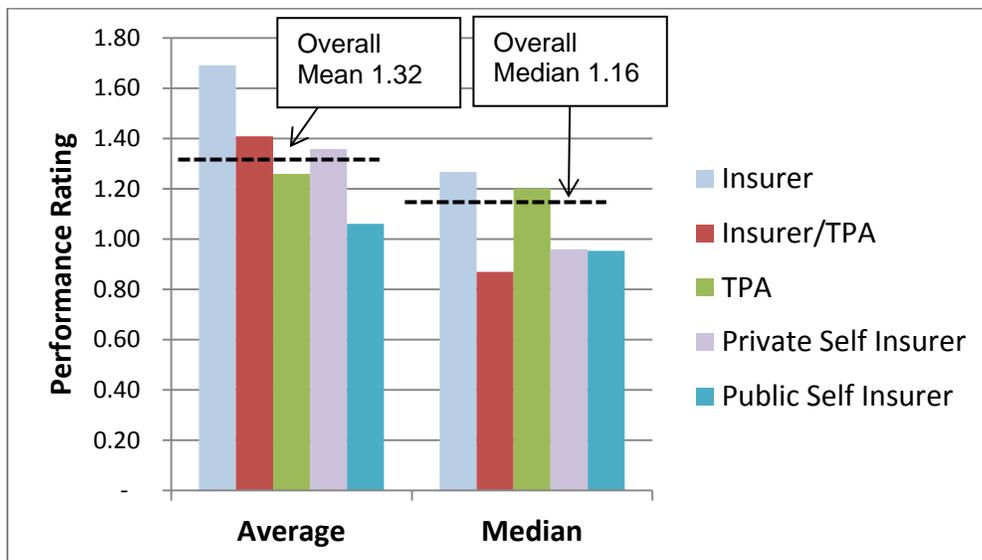
Chart V-5
Average Number of Audit Penalties per Audited Claim by Type of Penalty and Region



2. By Type of Claims Administration

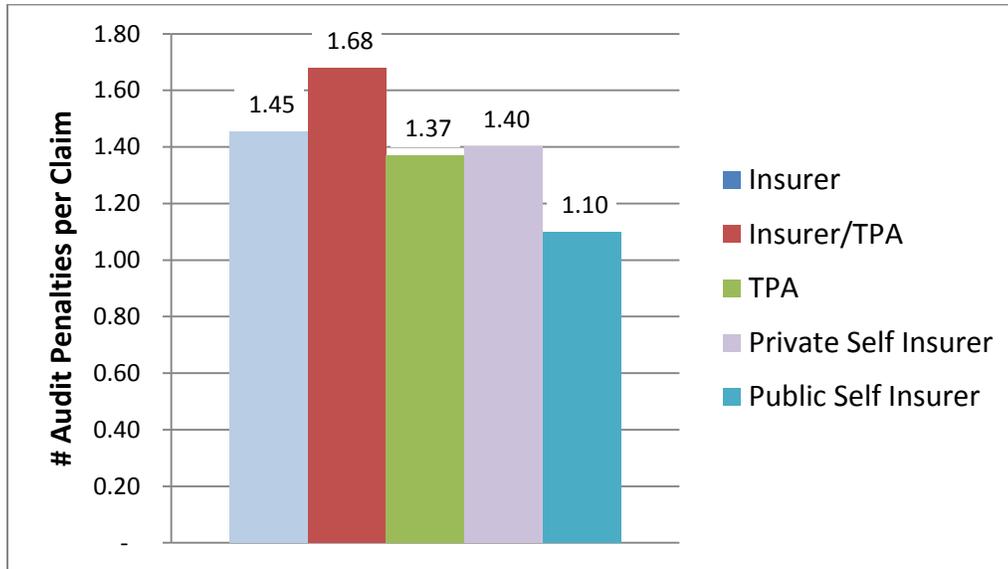
The type of claims administrator also has an impact on the PAR audit results, though it is a smaller impact than region. As with the regions, we have calculated average and median performance ratings by type of claims administrator for 2010-2012. The results are mixed; for most types of claims administrators one measurement (either the mean or median) is lower than average while the other is higher than average. Only the self-insured public agencies (or JPAs) that self-administer their claims have scores that are better than average using both measurements. For insurers, both measurements are higher than average.

Chart V-6
Comparison of Performance Ratings by Type of Claims Administrator



Public self-insurers that self-administer claims also stand out regarding having a low number of audit penalties per audited claim.

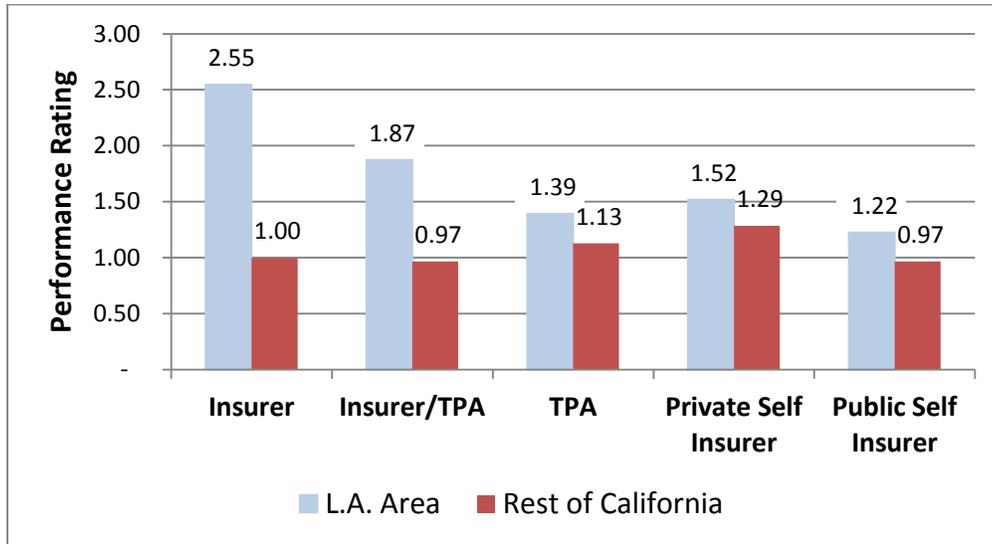
Chart V-7
Average Number of Audit Penalties per Audited Claim by Type of Claims Administrator



One concern is that differences in region by type of claims administrator may distort the results. For example, if one type of claims administrator is primarily outside of California or in the Los Angeles area, then this may cause its average results to look bad. In order to account for this we have calculated the results by type of claims administrator within each region. Due to the low volume of audited claims administrators outside of California we are only showing results within California.

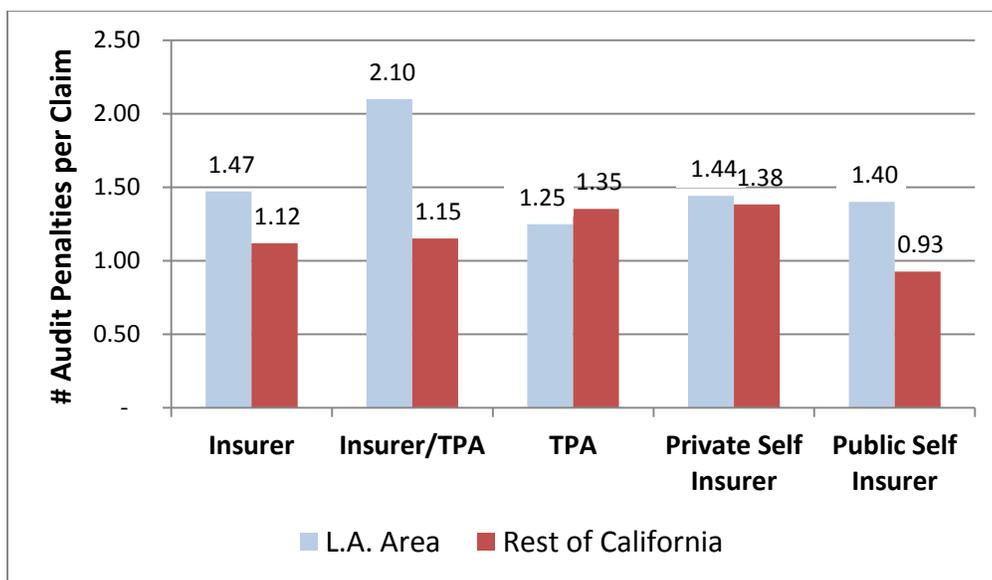
The following graph shows that the impact of region is consistent for all of the types of claims administrators. For each of the types of claims administrators, the PAR scores are higher (meaning worse) in the Los Angeles area than in the rest of the State.

Chart V-8
Comparison of Average Performance Ratings by Type of Claims Administrator and Region



Similar to the performance ratings, the average number of audit penalties per audited claim is consistently higher in the Los Angeles area than in other areas of California for almost all types of claims administrators. Only TPAs have fewer audit penalties per claim in the Los Angeles area in comparison to the rest of the State.

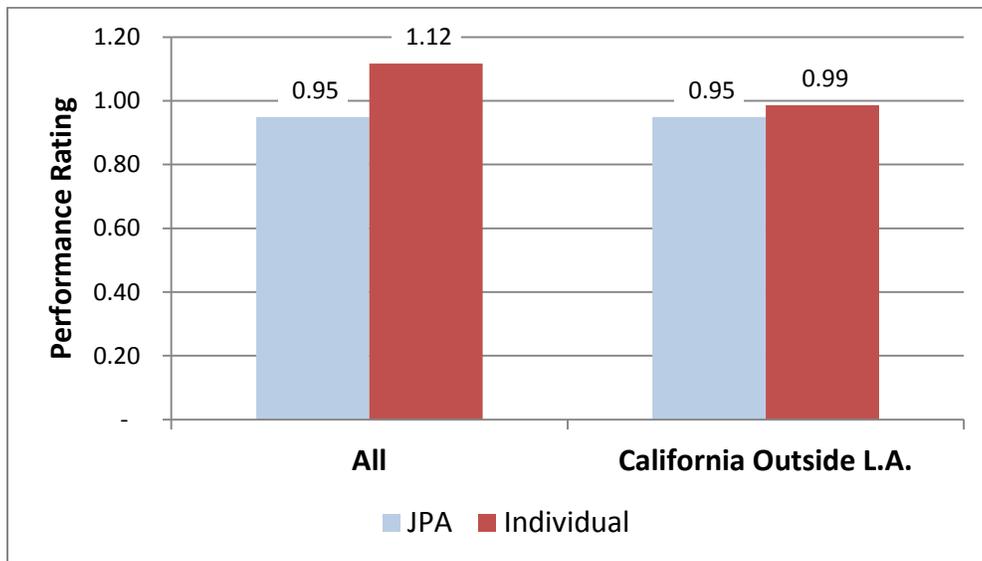
Chart V-9
Average Number of Audit Penalties per Audited Claim by Type of Claims Administrator and Region



3. Type of Public Self-Insurer (Self-Administered for Claims): JPA Versus Individual

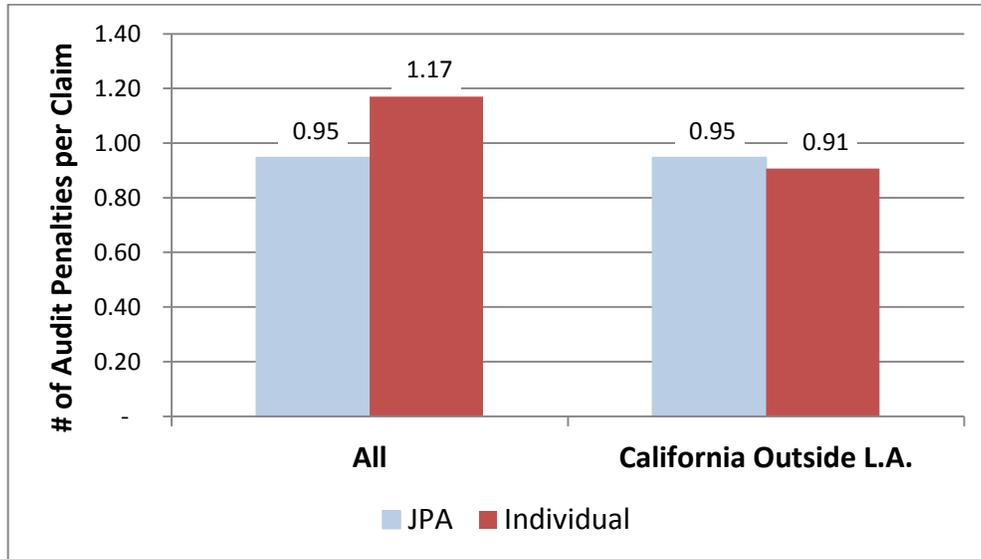
We found that for public self-insurers that self-administer their claims, the PAR results of individuals and JPAs are very similar. At first it may appear the results of individuals are inferior to that of JPAs, because individuals have a higher average performance rating. However, we believe this is primarily due to differences in geography. All of the JPAs in the PAR audit reports are outside of the Los Angeles area, whereas only nine of the 20 individual self-insurers are outside of Los Angeles. When we compare the experience of JPAs and individual self-insurers outside of the Los Angeles area, their results are quite similar.

Chart V-10
Comparison of Average Performance Ratings: JPA Versus Individual Public Self-Insurer



The number of audit penalties per audited claim shows a similar pattern to the performance ratings. What appear to be worse scores for individual self-insurers are driven by the fact that some of those individuals are in the Los Angeles area. When the Los Angeles individual self-insurers are excluded, the JPA and individual experience is quite close.

Chart V-11
Average Number of Audit Penalties per Audited Claim
JPA Versus Individual Public Self-Insurer



C. Findings

As discussed earlier, the three self-insurer characteristics we tested were region, type of claims administrator, and public self-insurer JPA versus individual. The following summarizes our conclusions.

1. **Region.** As with claims costs, we found the region of the claims administrator had a measurable impact on PAR results. Out-of-state administrators tended to have the worst PAR results, followed by the Los Angeles area, and then the rest of the State. This pattern was also consistent regarding the number of penalties per audited claim, in which out-of-state administrators had the most, the Los Angeles area had the second most, and the rest of California had the least.
2. **Type.** The type of adjuster also had a measurable impact on PAR results, but the effect was smaller than that of region. In general, insurers tended to have the worst PAR results, and public agencies that self-administer their claims had the best. Third party claims administrators and private self-insurers that self-administer their claims were in the middle. The same pattern held true for the number of penalties per claim, in which insurers had the highest and public agencies that self-administered had the fewest.
3. **Public Self-Insurer that Self-Administer - JPAs Versus Individuals.** Among public self-insurers that self-administer their claims, we found no significant differences between the PAR results of JPAs versus individuals. On a statewide basis, the JPA results are more

favorable than those of individuals. However, this is likely because none of the JPAs are inside the Los Angeles area, whereas 11 of the 20 individuals are inside the area. Comparing the results of only those entities that are outside of Southern California shows the JPA and individual results to be quite similar.

4. Recommendations

We believe this is one of the first studies to utilize the PAR Audit reports to evaluate systematic differences in claims handling practices.

1. **Investigate Disparities by Region.** We feel the systemic differences in claims handling practices by region warrant further investigation and perhaps changes in claims oversight. In particular, we are concerned about the less favorable scores of out-of-state adjusters.
2. **Items Included in Performance Audits.** The performance audits provide a good check primarily regarding the timeliness and accuracy of indemnity payments. While indemnity benefits are extremely important, they make up only a little over 30% of projected ultimate loss and ALAE costs. We recommend the DWC consider other factors in their audits in order to give a broader sense of an administrator's performance.
3. **Data Format of PAR Reports.** While the PAR reports are publicly available, they are in an electronic file format that makes analysis difficult. For this project our team had to manually type in the data from two years of reports in order to perform this analysis. It would be very helpful if the State maintained the PAR data in a format that facilitates data analysis.

5. Limitations

There are several limitations we have identified that are associated with using the DWC data in our analysis. These include the following.

1. **Sample Size.** This study summarizes the audit results for 176 entities. As we break down these entities into categories (such as region and type of claims administrator) the number of entities in each category can become small. In addition, the number of claim files that are audited typically represents only a fraction of the total claims handled by that entity. These factors mitigate the strength of the conclusions of our analysis of PAR audit reports.
2. **Items That Are Audited.** The PAR audits only evaluate a portion of the activities associated with handling workers' compensation claims. The performance rating reflects closing out indemnity benefits, the speed of indemnity payments, and proper notifications. The performance rating does not reflect other critical elements such as the

handling of medical benefits and case reserve accuracy. Therefore the PAR audit results are not the same as overall claims handling performance.

3. **Reliance on Work of DWC.** We have relied entirely on the DWC PAR Audit reports in our analysis. Our results are only accurate to the extent that the DWC PAR Audit reports are also accurate.

VI. Claims Administration: Cost Containment

This section contains our analysis of medical cost containment (MCC) programs by public self-insurers.

A. Methodology

Our analysis of MCC was based on responses to our survey of 40 randomly selected individual self-insurers and JPAs. There is more information regarding these surveys in Section VIII of this report.

The survey included two sets of MCC information.

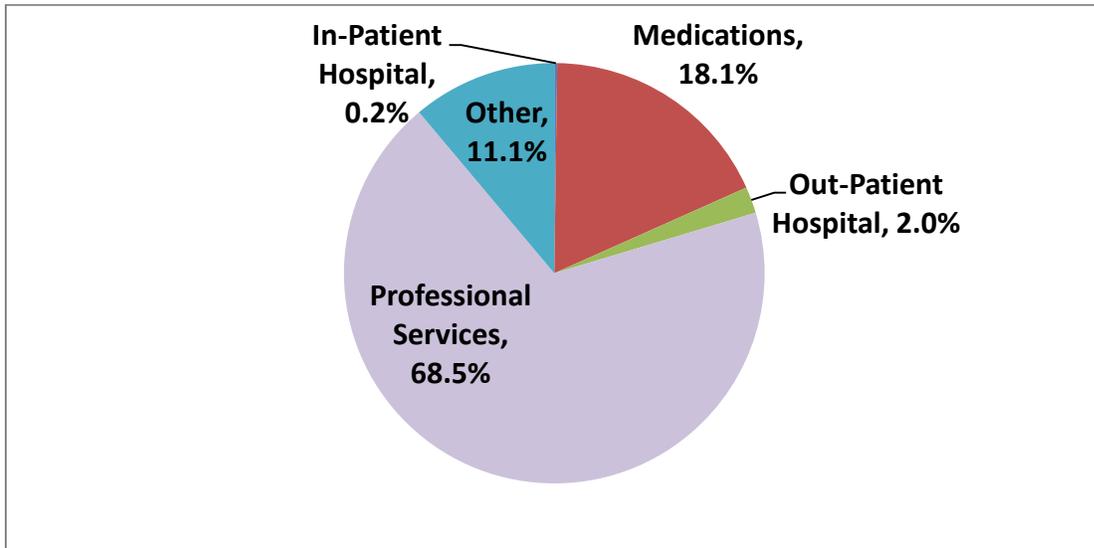
1. **Fiscal Year 2012/13 Payments.** The survey included a form regarding both medical bill review (BR) and utilization review (UR) payments during fiscal year 2012/13. The information included a breakdown of the types of medical expenses subject to MCC, as well as who performed UR. The time period 2012/13 was before independent medical review (IMR) became widespread, and so the data can serve as a benchmark against which to compare the post-IMR environment. Five of the eighteen survey participants sent us BR and UR payments data for fiscal year 2012/13.
2. **Payments by Claim as of December 31, 2013.** Eight of the eighteen participants provided claims listings that separately identified BR, UR, and Nurse Case Management (NCM) payments by claim. The claims had dates of injury subsequent to June 30, 2007, and were valued as of December 31, 2013.

Our analysis and recommendations are based on these survey responses, as well as our general knowledge of medical cost containment. We feel this section of the report is valuable in showing the types of information and analysis that could be done if the State were to collect MCC data. However, because our analysis is based on very limited data, it is important to recognize it is unlikely that our results are representative of all public self-insurers.

B. Bill Review Services and Costs

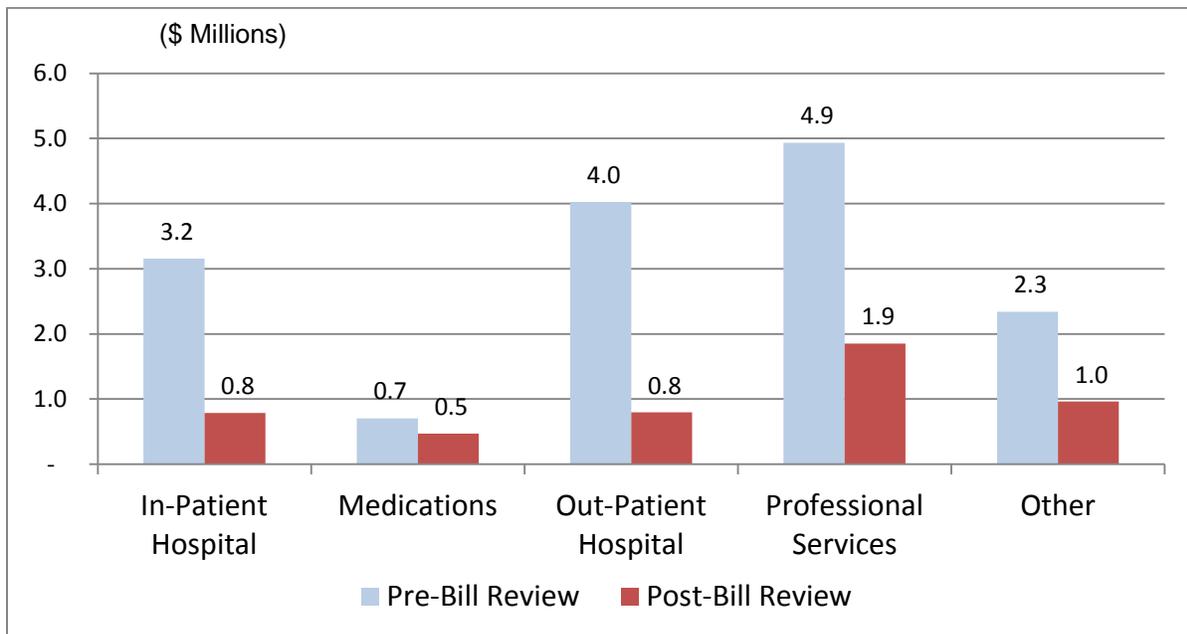
The total medical bills reviewed from our survey participants was a little over \$35 million, all based on procedures reviewed during 2012/13. The following chart shows that most of the bills reviewed were related to professional services. The second biggest category of bills reviewed was medications.

Chart VI-1
Distribution of Bills Reviewed



Although in-patient and out-patient medical care make up a small percentage of total bills that are reviewed, the following chart shows that they make up a sizable percentage of initial invoice dollars that are reviewed.

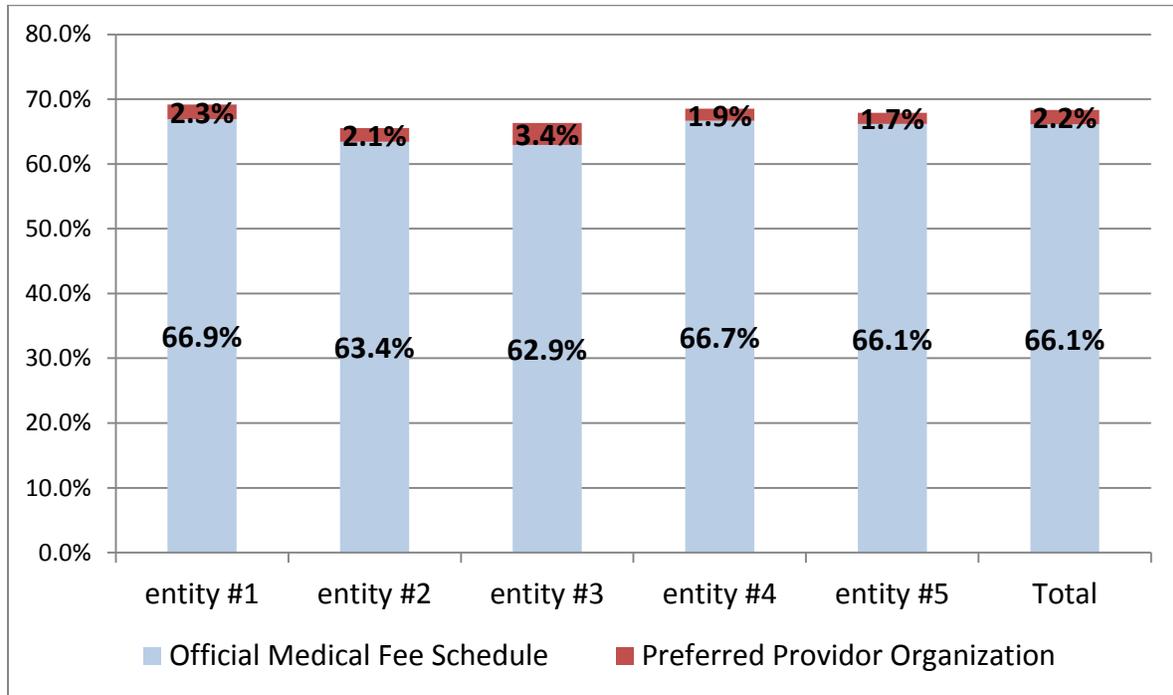
Chart VI-2
Distribution of Dollars Before and After Bill Reviewed



*Excludes two of the five respondents because they mapped their services into different categories than the others.

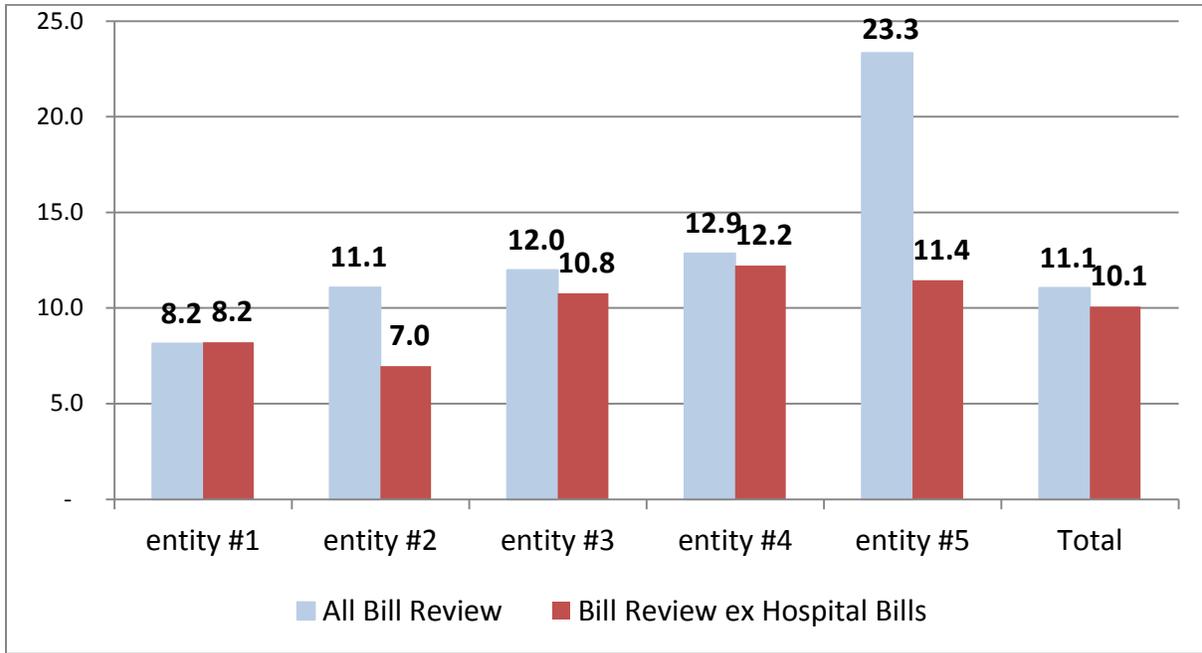
In general, bill review saved the survey respondents about two-thirds of medical expenses. This was primarily due to reductions to the Official Medical Fee Schedule (OMFS); Preferred Provider Organization (PPO) discounts had only a modest effect. The following chart shows that the savings are relatively consistent among the respondents.

Chart VI-3
Bill Review Savings



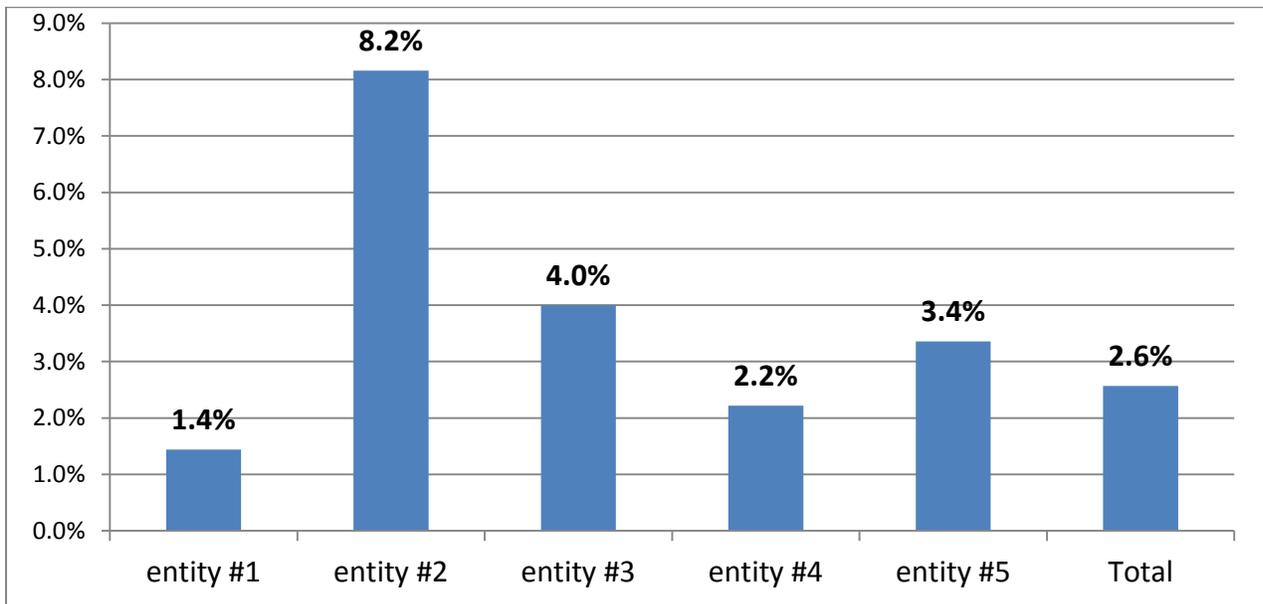
Bill review is often charged on a per-line basis. While we do not have bill review data by line, the following chart shows bill review costs per bill. Inpatient and outpatient hospital bills cost significantly more than the other types of bills to review. Since they were skewing the results by entity, we have shown the average bill review cost per bill both including and excluding inpatient and out-patient hospital bills.

Chart VI-4
Average Cost of Bill Review per Bill



Bill review is relatively inexpensive in relation to the savings it generates. The following chart shows the cost of bill review as a percentage of savings generated by bill review.

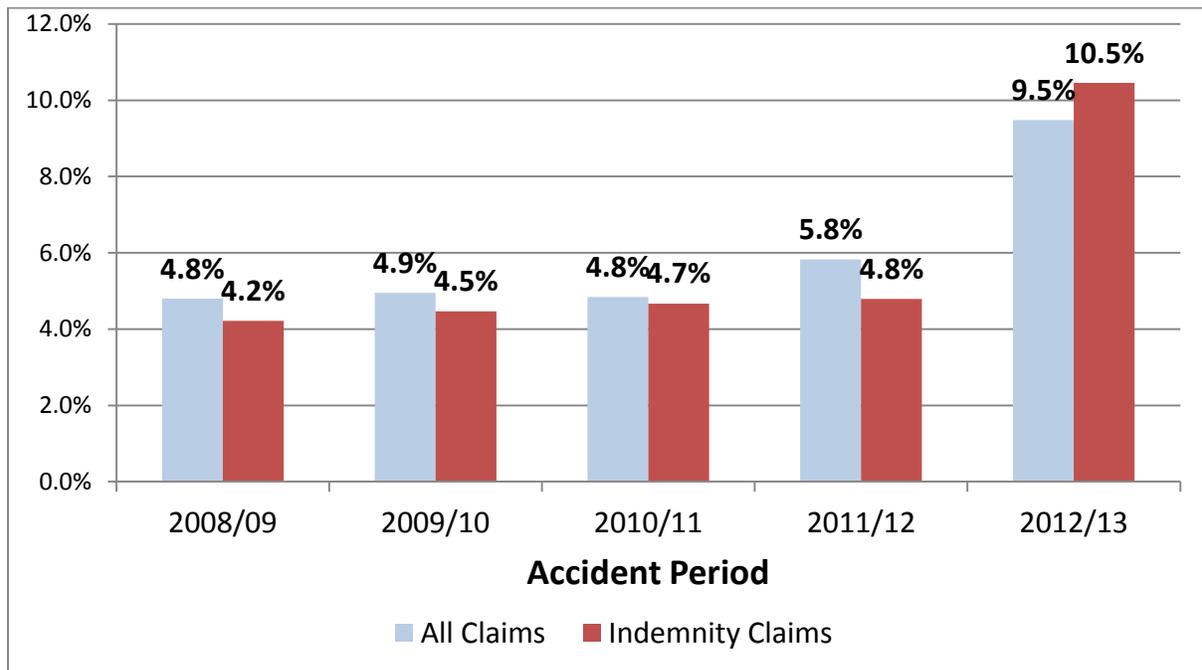
Chart VI-5
Bill Review Cost as a Percentage of Savings



C. Bill Review Cost as a Percentage of Medical Costs

The following chart shows that BR costs have been 4% to 11% of medical costs over the past several years. It is important to note the costs in the following chart are all valued as of December 31, 2013, and so each of the years is at a different stage of maturity. It is likely that the higher percentage of BR in 2012/13 simply reflects that BR costs are higher at early stages of a claim, and the ultimate BR costs as a percentage of medical costs will go down as that year matures. Collecting transactional-level data or claims listing at successive intervals would facilitate comparing BR and medical costs at similar stages of maturity. This would help to answer the question of whether BR costs as a percent of medical have recently gone up or whether the results of more recent years are distorted because they are immature.

Chart VI-6
Bill Review Costs as a Percentage of Medical Payments by Year



Given the cost of BR per bill varied among the survey respondents, it should be no surprise we also found that BR payments as a percentage of medical payments varied by entity.

Based on the limited data available to us, it is clear that bill review is key in reducing medical costs. However, there is little public information available to employers and JPAs to evaluate the effectiveness of the bill review program. The State does not collect bill review savings or the cost of bill review through OSIP.

We found the following:

1. Bill review saved the survey respondents about two-thirds of medical expenses, primarily due to reductions to the OMFS;
2. The percentage reduction due to BR varied by type of service. Inpatient and outpatient hospital services experienced the greatest percentage savings;
3. The average cost of BR per bill was relatively consistent among the survey respondents after hospital bills were excluded; and
4. BR costs as a percentage of medical payments were relatively consistent between 2008/09 and 2011/12. The percentage increased in 2012/13, but this may be because that year is still immature in relation to the prior years.

D. Recommendations

We feel the following industry information would be helpful to employers and JPAs in evaluating their own bill review programs.

1. **Industry Bill Review Savings Information.** Ideally a medical transactional database could show discounts to the OMFS and compare that to bill review discounts. For example, CWCI is able to identify billed versus paid amounts in its database. If configured correctly, a medical transactional database of public self-insurers provides similar information to its data providers. In addition, collecting transactional-level data or claims listing at successive intervals would facilitate comparing BR and medical costs at similar stages of maturity. This is critical in evaluating BR trends over time.

The variability of BR results by entity and the relatively small sample size in this study means that one needs to be cautious about drawing conclusions from our results. A more robust collection of BR and medical data would greatly enhance our ability to provide benchmarking data as well as determine differences by region or type of entity.

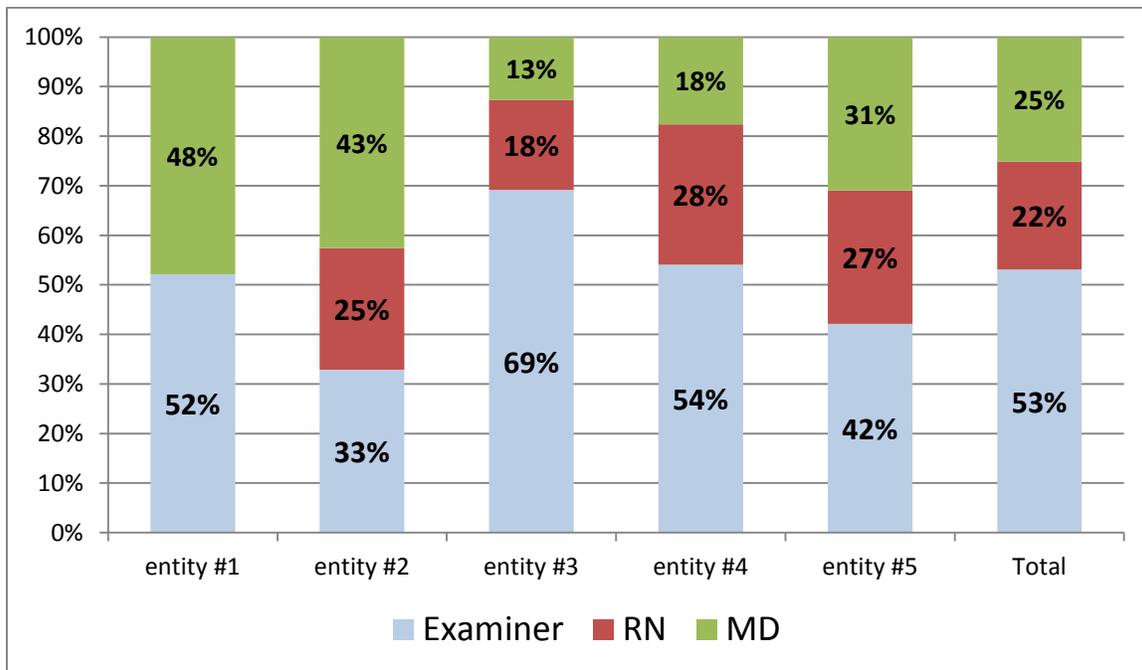
2. **Industry Bill Review Savings by Category.** In the absence of showing OMFS discounts on transactional data, the State could collect and make public bill review savings by categories such as type of medical cost. The savings should be broken down between the OMFS and PPO discounts.
3. **Bill Review Cost.** The cost of bill review could be reported by line or by claim for different types of medical costs. This would allow public employers to compare their cost of bill review to industry averages.

E. Utilization Review (UR)

Utilization Review is the second major component of medical cost containment. The purpose of UR is to ensure the medical treatment is necessary, as defined by the medical treatment guidelines. According to the DIR “the UR process is governed by Labor Code section 4610 and regulations written by the CA Division of Workers' Compensation (DWC), which lay out timeframes and other rules for conducting UR. The rules, contained in Title 8, California Code of Regulations, sections 9792.6 et seq, also require UR plans to be filed with the DWC administrative director.”¹²

The following chart shows that among the four survey respondents who provided fiscal year 2012/13 medical cost containment payment data, there is variation regarding who performs UR. UR was referred to registered nurses (RN) and medical doctors (MD) anywhere from 31% to 67% of the time. On average 25% of UR referrals were elevated to MDs. The CWCI also found that 25% of UR referrals were elevated to MDs in their database.¹³ It should be noted the CWCI study evaluated significantly more medical transactions, was not restricted to public self-insurers, and looked at the time period January 2011 through June 2012, which is prior to the period evaluated in this analysis.

Chart VI-7
Distribution of Reviews: Examiner, Registered Nurses, and Medical Doctors

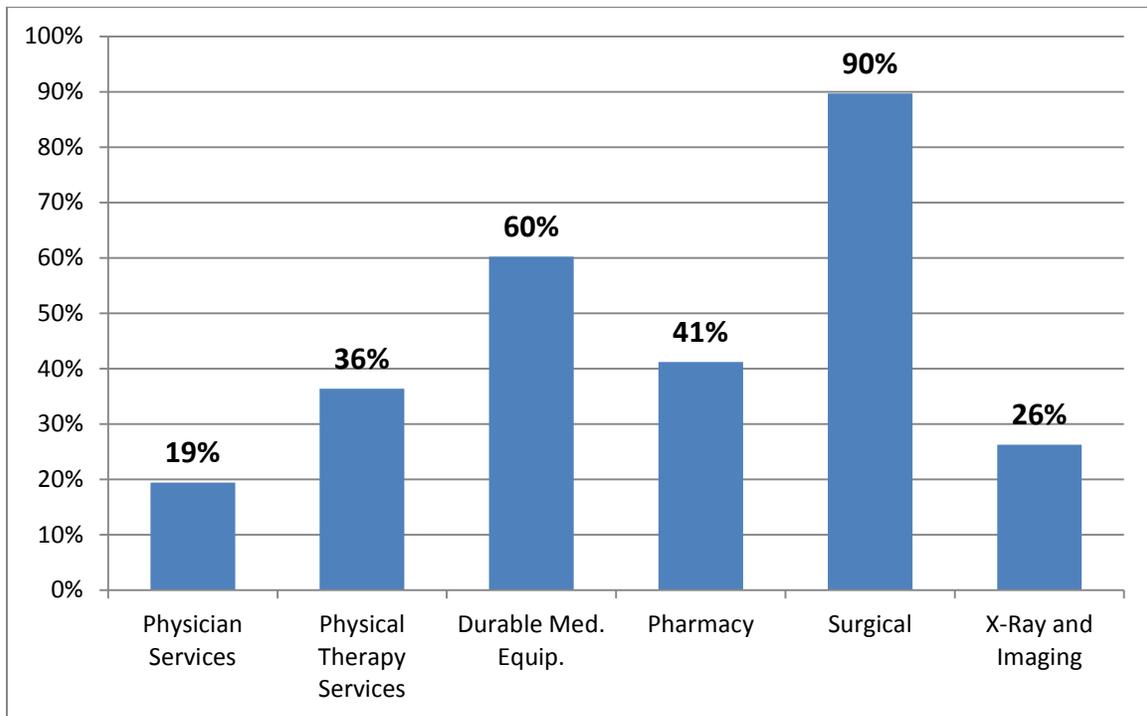


¹² DIR website, July 15, 2014.

¹³ CWCI “Medical Dispute Resolution: Utilization Review and Independent Medical Review In the California Workers’ Compensation System,” January 2014, page 6.

The percent of 2012/13 reviews referred to RNs and MDs varied significantly depending on the type of medical service being reviewed. The following chart shows that RNs and MDs are heavily used to perform UR on surgical services, but they are used relatively infrequently to review physician services.

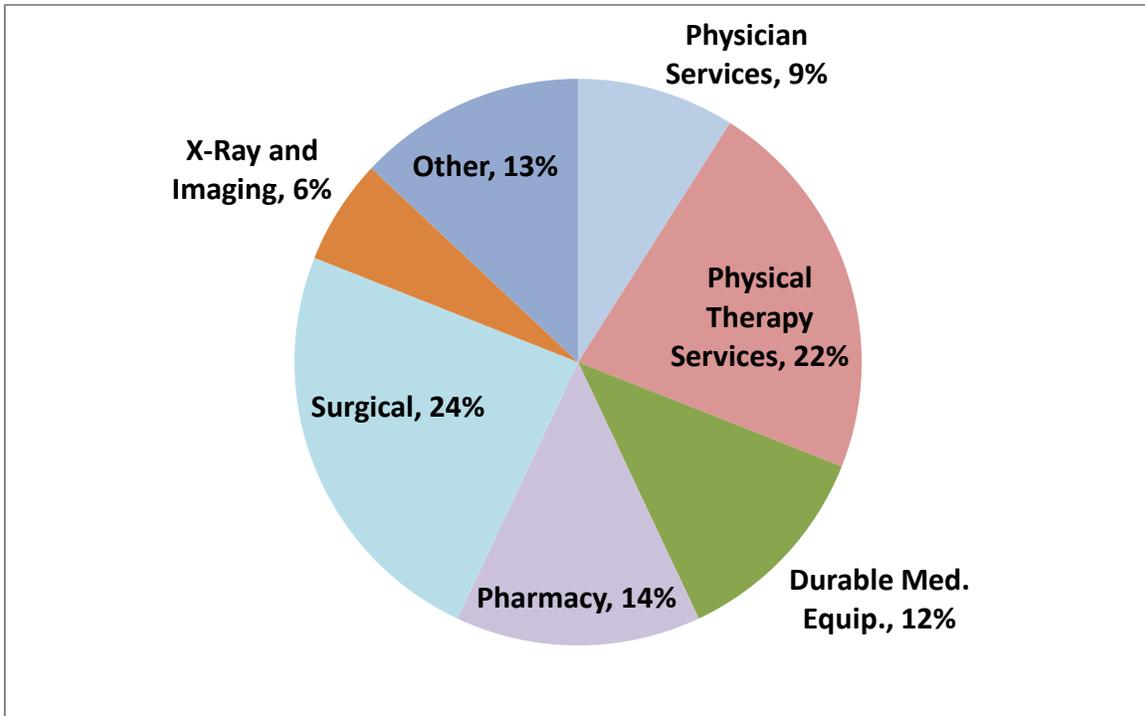
Chart VI-8
Percent of Reviews Elevated to Registered Nurses or Medical Doctors
(by Type of Medical Service)



The following chart shows that physician and physical therapy services were the most common medical services subject to 2012/2013 UR involving RNs or MDs. This represents a significantly different distribution of UR events than what was reported by the California Workers' Compensation Institute (CWCI), which found that about 43% of elevated UR events in their database are related to pharmacy.¹⁴

¹⁴ CWCI "Medical Dispute Resolution: Utilization Review and Independent Medical Review In the California Workers' Compensation System", January 2014, page 6.

Chart VI-9
Distribution of Medical Services with Registered Nurses or Medical Doctors Utilization Review



We also investigated the number of reviews that result in approvals versus denials. Among the respondents, over 99% of the treatments that were not elevated to an RN or MD were approved by examiners. Examiners cannot deny treatment, so an examiner who thinks treatment should be denied will typically refer the issue to an RN or MD. Similarly, an RN cannot deny treatment, so an RN who thinks treatment should be denied will typically refer the issue to an MD. The following table shows the results of UR decisions that are forwarded to either an RN or MD.

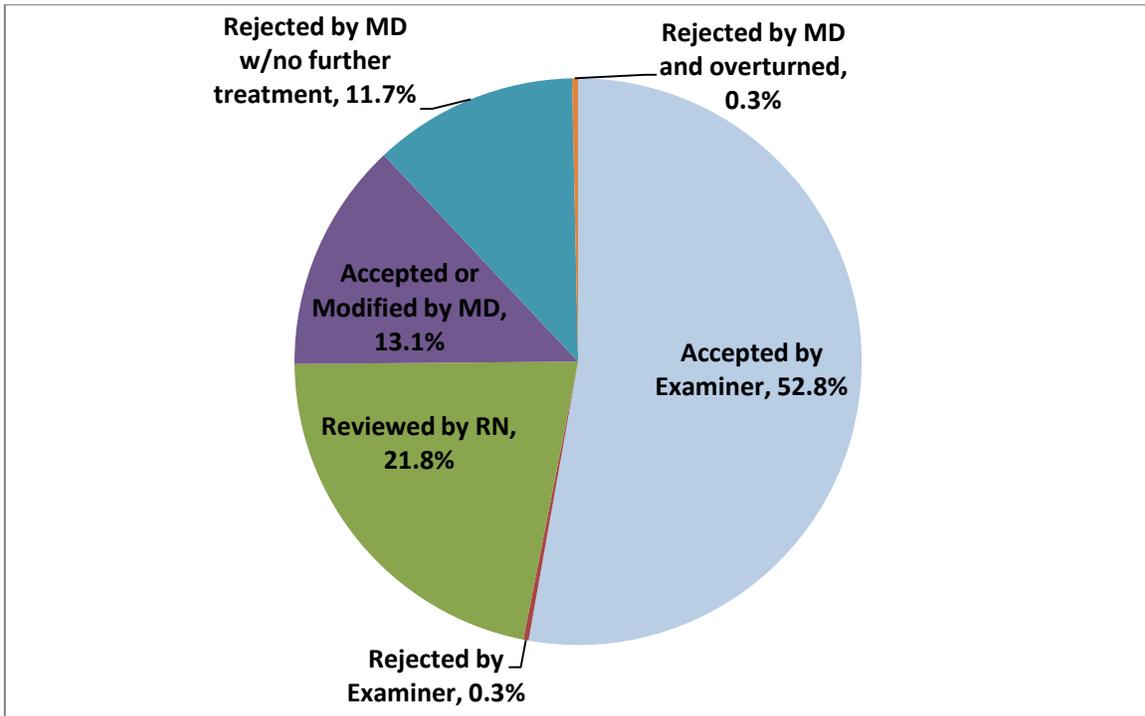
Table VI-1
Elevated UR Outcomes

Outcome	Current Study	CWCI Study*
Approved	65.4%	76.6%
Modified	9.0%	6.6%
Rejected	25.6%	16.9%

*CWCI "Medical Dispute Resolution: Utilization Review and Independent Medical Review in the California Workers' Compensation System," January 2014, page 6.

The following chart shows the distribution of all reviewed results for the agencies that provided UR data.

Chart VI-10
Distribution of UR Results by Type of Reviewer



The preceding chart shows a very small percentage (0.3%) of total UR decisions result in denials that are protested and overturned.

As with BR, eight of the eighteen survey respondents provided us with claims listings that included UR and total medical expense by claim for injuries occurring on or after July 1, 2009. In addition, Nurse Case Management (NCM) costs were separately identified. We found that NCM costs are significant in relation to UR. The following charts show NCM and UR costs as a percentage of total medical costs by year. Chart VI-10 applies to all claims, whereas Chart VI-11 applies only to indemnity claims.

Chart VI-11
Paid Nurse Case Management & UR/Paid Medical Costs by Year (All Claims)

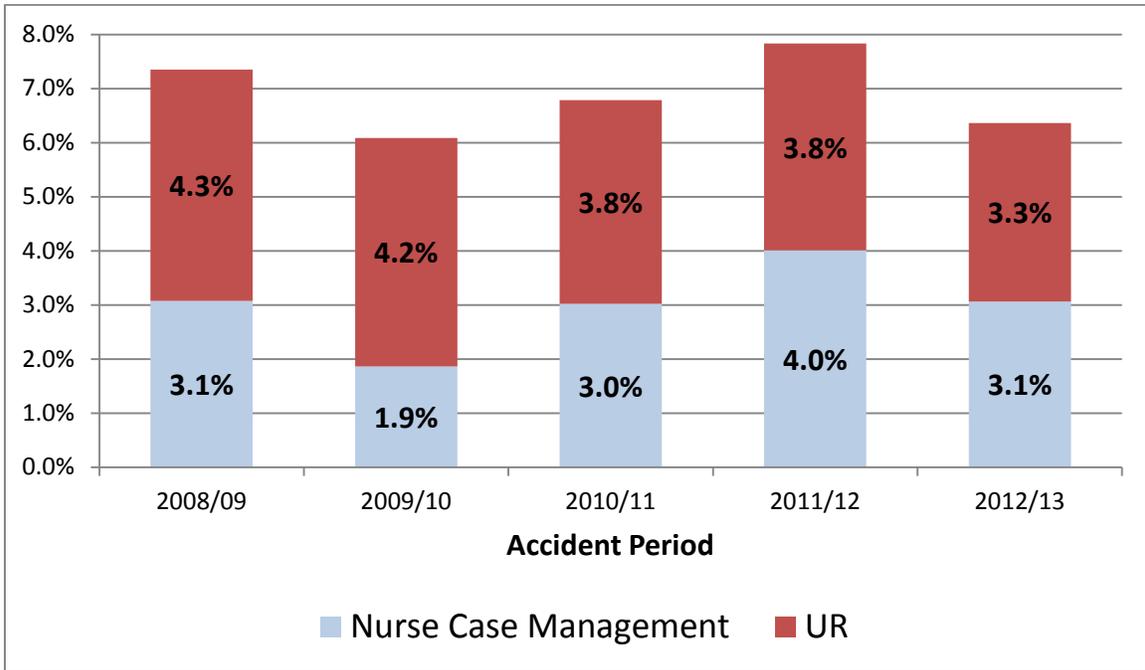
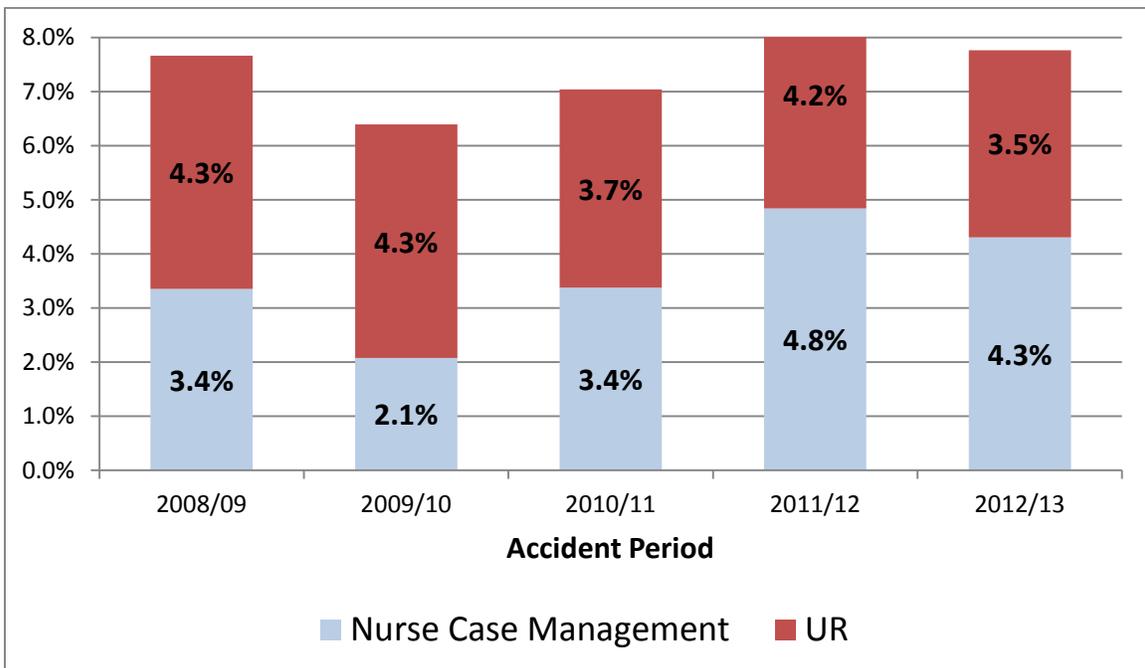


Chart VI-12
Paid Nurse Case Management UR/Paid Medical Costs by Year (Indemnity Claims)



F. Utilization Review Findings

Similar to bill review, there is little public information available to employers and JPAs to evaluate the effectiveness of their UR program. The State does not collect UR savings or the cost of UR through OSIP or through the WCIS. Our findings are based on five self-insured public entities that provided us with UR data.

1. **The Reviewer.** The percentage of reviews forwarded to RNs or MDs varied by entity, anywhere from 31% to 67%. This percentage also varied greatly by type of service. The services most likely to be referred to an RN or MD are DME (60%) and surgical services (90%).
2. **UR Outcomes.** Within our sample we found that of the services referred to an RN or MD, 25.6% were rejected by a medical doctor and 9.0% resulted in modified treatment.
3. **Costs.** We found that between 2008/09 and 2012/13, UR costs have ranged between 6.1% and 7.8% of paid medical costs, with no obvious trend upwards or downwards. If we restrict our analysis to only indemnity claims, then UR costs have ranged between 6.4% and 9.0% of medical costs during the years 2008/09 and 2012/13.

G. Recommendations

We feel the following industry information would be helpful to employers and JPAs in evaluating their own UR programs.

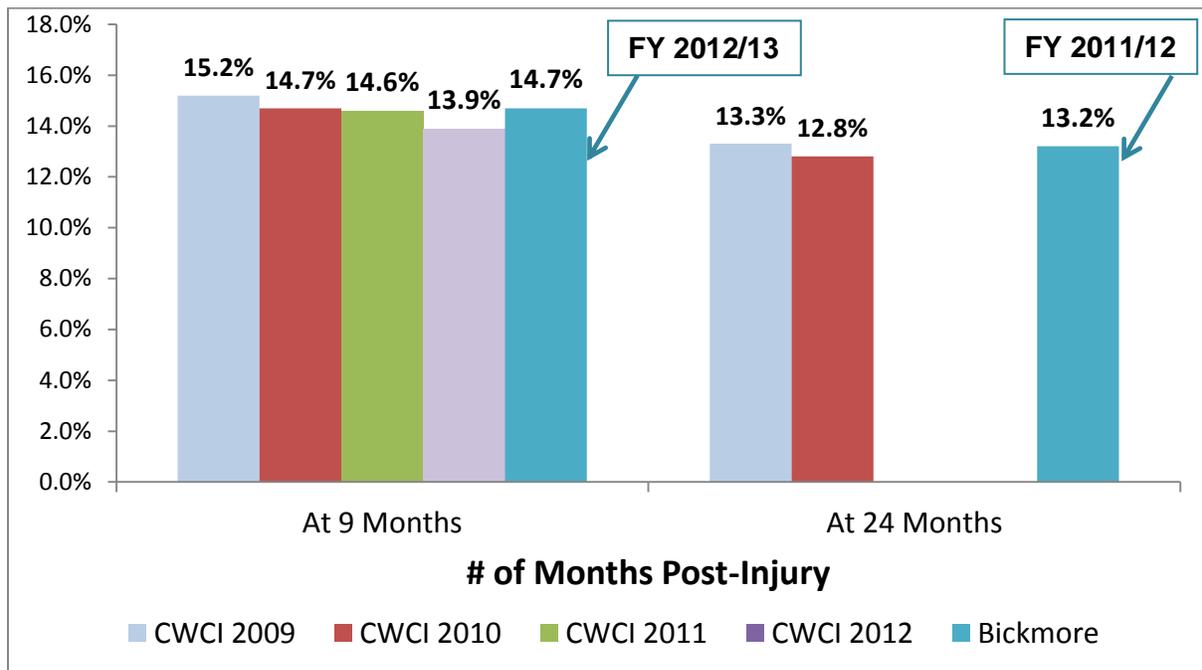
1. **Industry UR Savings by Category.** The State could collect and make public UR savings by categories such as type of medical cost. In addition, breaking down who does the review (examiner, registered nurse, or medical doctor) would be helpful in determining if a UR program is in line with industry norms.
2. **UR Cost.** The cost of UR by review or by claim for different types of medical costs. This would allow public employers to compare their cost of bill review to industry averages.
3. **Transactional Data.** Collecting transactional-level data or claims listing at successive intervals would facilitate comparing UR and medical costs at similar stages of maturity. This is critical in evaluating UR trends over time.

The variability of UR results by entity and the relatively small sample size in this study means that one needs to be cautious about drawing conclusions from our results. A more robust collection of UR and medical data would greatly enhance our ability to provide benchmarking data, as well as determine differences by region or type of entity.

H. Medical Cost Containment Benchmarking

In its work for the WCIRB, the CWCI provides specific information regarding MCC that can be compared to the results in this study. These include MCC costs as a percentage of medical payments and the average MCC cost per claim. The following table compares the MCC/medical costs for all claims. In general, our results are very consistent with those of the CWCI.

Chart VI-13
Benchmarking MCC/Medical Costs (All Claims)

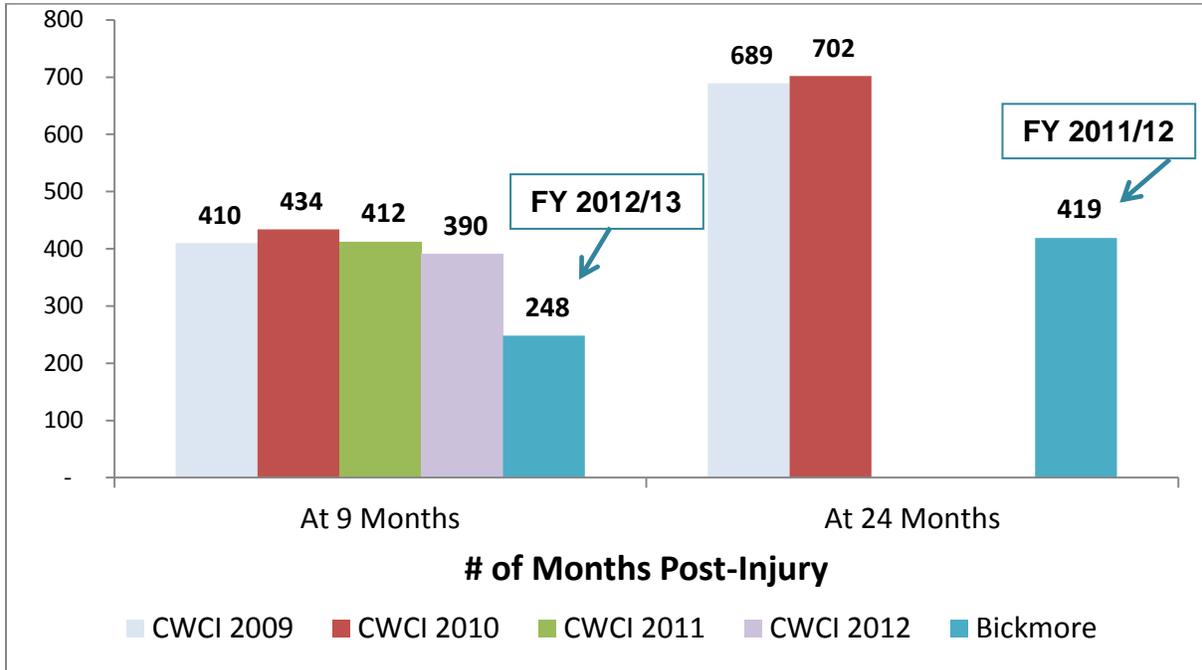


* CWCI Results from "Medical Utilization & Cost Analysis July 2014 Report"

It should be noted since this analysis is based on a claims listing valued as of December 31, 2013, rather than a transactional database, we were not able to exactly identify MCC or medical payments at 9 and 24 months. Rather, we identified claims that were between 7.5 and 11.5 months old as of December 31, 2013, and averaged their results in order to approximate results at nine months after the date of injury. Similarly, we utilized claims that were 18-30 months old to estimate results at 24 months.

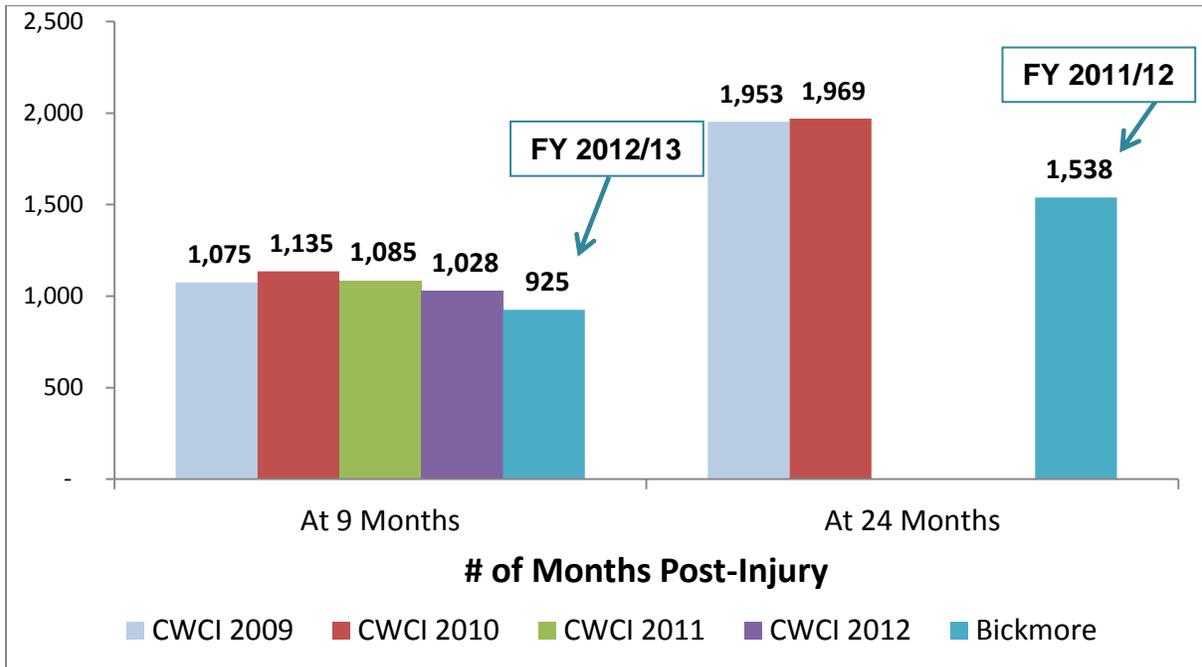
Using a similar method, we also compared the average MCC cost per claim between our study and the CWCI. The first chart (Chart VI-14) shows a wide discrepancy in the average cost per claim for all claims combined. However, this discrepancy appears to be driven partially by medical only claims. When we restrict the comparison to indemnity claims (Chart VI-15), our results are a little closer to those of the CWCI.

Chart VI-14
Benchmarking MCC/Claim (All Claims)



* CWCI Results from "Medical Utilization & Cost Analysis June 2013 Report

Chart VI-15
Benchmarking MCC/Claim (Indemnity Claims)



* CWCI Results from "Medical Utilization & Cost Analysis June 2014 Report.

VII. Solvency

A. History of Public Entity Defaults

Since the beginning of public sector self-insurance, a span of over 50 years, no individual public entity or JPA has defaulted on the payment of workers' compensation benefits. There have been a number of bankruptcy filings (Chapter 9) by individual public entities. However, none of these entities has defaulted on their workers' compensation benefit payments.

No self-insurance JPA has ever filed for bankruptcy protection. JPAs are considered special districts under the Government Code and could file under Chapter 9. However, for the nearly 40 years of their existence, no JPA bankruptcy has occurred. Members of a JPA, like private self-insured group members (SIGs), are liable for each other's obligations within the JPA under the joint and several indemnity agreements specified in the Labor Code and required by the DIR. Consequently, if a member entity of the JPA were to go into bankruptcy, the other members of the JPA would be jointly and severally liable for the continued benefit payments to the bankrupt member's employees. The JPA could then seek recovery against the bankrupt member as an unsecured creditor.

The experience of the past is not necessarily an indication of the future exposure of defaults by public sector self-insurers. The recent recession and continuing financial distress of the public sector has raised concerns about the financial viability of certain public entities, their ability to meet their financial obligations, and the treatment of self-insured obligations in a Chapter 9 bankruptcy proceeding.

Based upon research conducted by Bickmore in 2013, it was concluded the greatest exposure of non-payment of benefits to injured workers is with individually self-insured municipalities and special districts.¹⁵ This was based upon the following assumptions.

- Individual municipalities and special districts can file for bankruptcy under Chapter 9 of U.S. bankruptcy code and may be able to discharge their workers' compensation liabilities or have the payments impaired or delayed in bankruptcy proceedings. Other states have determined that injured workers of private sector self-insureds are unsecured creditors. In addition, municipalities and special districts are generally organized as municipal corporations or special purpose corporations that can be dissolved.
- Under the California Constitution, counties are subdivisions of the State. Consequently, it is highly unlikely the State would allow a county to dissolve or default on its workers' compensation obligations to injured workers. Even in the most recent Chapter 9 bankruptcy proceeding of a county (Orange County in 1993), the County continued

¹⁵ See Appendix C, study of Self-Insurance Solvency

making payments to its injured workers with the approval of the bankruptcy court. Also, the DIR and OSIP had no reason to revoke the County's certificate of consent to self-insure since benefit payments continued and the County's only resource for coverage would have been through the State Compensation Insurance Fund at a significantly higher cost.

- School districts (K-12) are closely intertwined with the State due to financial support from the State general revenues. Financially troubled districts historically have been placed in semi-receivership with close monitoring and control by the State Department of Education. If an individually self-insured school district were unable to make payments to its injured workers, there is a strong likelihood that the State would step in and provide financial support.

There has been no evidence that any of the 89 public sector JPAs is financially troubled. Most JPAs operate like assessable mutual cooperatives or insurance reciprocals. Assessments are levied and collected from the members when needed. Non-payment of assessments is generally pursued aggressively by the JPAs. No serious non-payment of assessments has threatened the solvency of a JPA, and it is highly unlikely that the members of a JPA would let it fall into bankruptcy.

JPAs provide greater security for the employees of their member agencies because: (1) protection through the Labor Code joint and several liability requirement; (2) the more predictable, stable revenue sources available to the public sector entities compared to private companies; (3) the past proven history of assessment collectability; and (4) the greater financial stability of a group of entities as opposed to an individual entity.

B. Oversight and Regulation of Public Self-Insurer Solvency

As discussed earlier in this report, advantages of self-insurance for public entities include maintaining control over the structure and design of a self-insurance program that meets the unique and specific needs of public entities. Self-insurance also allows the public entity to have control over the financing of the self-insurance program and avoid expending funds that are lost to the insurance carriers (e.g. profits, overhead, taxes, and fees). This financial control allows the entity to dedicate the financial resources to activities that protect and benefit the entity and its employees. Along with maintaining financial control over the self-insurance program comes the obligation of the self-insurer to ensure sufficient funding is available to meet the accrued and ongoing self-insurance obligations.

We noted that OSIP collects primarily claims-related data on its Public Entity Self-Insurer's Annual Report, and unlike the reporting requirements of private self-insurers, OSIP does not collect actuarial reports or financial statements.¹⁶ In order to review the solvency of a self-

¹⁶ Private individual self-insured and SIGs are required to submit annual actuarial reports to OSIP (CCR Section 15481).

insurer it would be necessary to gather information on the assets, liabilities, revenues, expenses, and net position of only the entity's workers' compensation program. In addition, basic information on the make-up of the assets, the basis for establishing the liability, and the policies surrounding funding targets would be needed. Any such reporting to OSIP would need to be provided in a consistent and standardized format to allow for ease of examination and comparison across the public entity self-insurance population.

JPAs are required to submit annual reports of financial transactions to the State Controller's Office, Division of Local Government Fiscal Affairs (Government Code Section 53891). These reports are not tailored for self-insured JPAs. Consequently, they have limited use by regulators or the public and are not compiled or disseminated. JPAs must also file financial audits with the county auditor of the county in which their home office is located (Government Code 6505C).

In this section we examine whether variances exist in how individual self-insurers and JPAs measure their workers' compensation obligations, account for their self-insurance activity, and report on those activities. We also gathered information on the net position, (also known as net assets or equity) of the self-insurance programs.

Specifically, we sought to understand the following.

- Is the liability for unpaid losses actuarially determined?
- Is there consistency in the reporting of the liability for unpaid loss and loss adjustment expenses?
- Is the liability for unpaid losses and loss adjustment expenses (loss and LAE) recorded on the entity's financial statements?
- Are the financial activities of an entity's self-insured workers' compensation program reported separately?
- Are assets dedicated to fund the workers' compensation liabilities and are they sufficient to satisfy the ultimate liability for loss and LAE?
- How are deficits in the funding of self-insured programs are handled?

C. Methodology

In order to identify these variances, our survey posed questions on the actuarial and financial activities of both individual and JPA self-insurance programs. We also gathered documents from survey respondents that included audited financial statements, actuarial reports, budgets, and information on any deficits in the entity's workers' compensation program. We received this

information without audit and did not review the methodologies or assumptions used, or the reasonableness of any conclusions. The Data section of this report (Section VIII) contains more details regarding the surveys.

D. Survey Results

Not all of the eighteen survey respondents answered the financial questions in the survey, and three entities did not answer any of the financial questions.

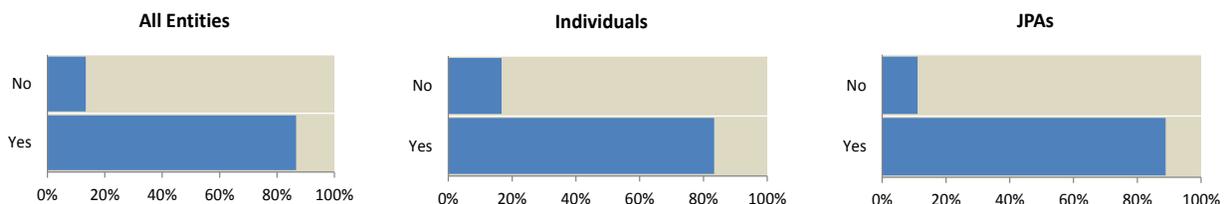
1. Estimating the Liability for Unpaid Loss

Given the long duration of workers' compensation claims, the uncertainty in the ultimate cost of claims, and the fact that claims can be reported long after the initial occurrence, establishing a liability for the unpaid claim obligation is difficult. The expertise of actuaries with experience in property and casualty insurance is generally needed to provide an estimate of the unpaid workers' compensation obligations accrued by an individual self-insured entity or JPA. Actuaries take into consideration the program structure, risk retention levels, membership, and the claims history to produce estimates of the liability for unpaid losses. Actuaries also consider inflation and the impact of relevant laws and regulations when producing their estimates.

In our survey of self-insurers and JPAs we asked about the use of actuaries to estimate the self-insured workers' compensation liabilities, the components of the liability, the use of discounting, and the basis of presentation of the liability in the entity's financial statements.

We obtained actuarial reports from 30% of the survey sample. We make no opinion of the methods or assumptions used or the reasonableness of the actuarial estimates in the reports. We used the reports to compare the estimates of unpaid loss to the financial statements and to supplement the survey responses wherever possible. The following are the results of our survey.

a. Are the unpaid workers' compensation claim liabilities on your Entity's statement of net position actuarially determined? (15 responses)



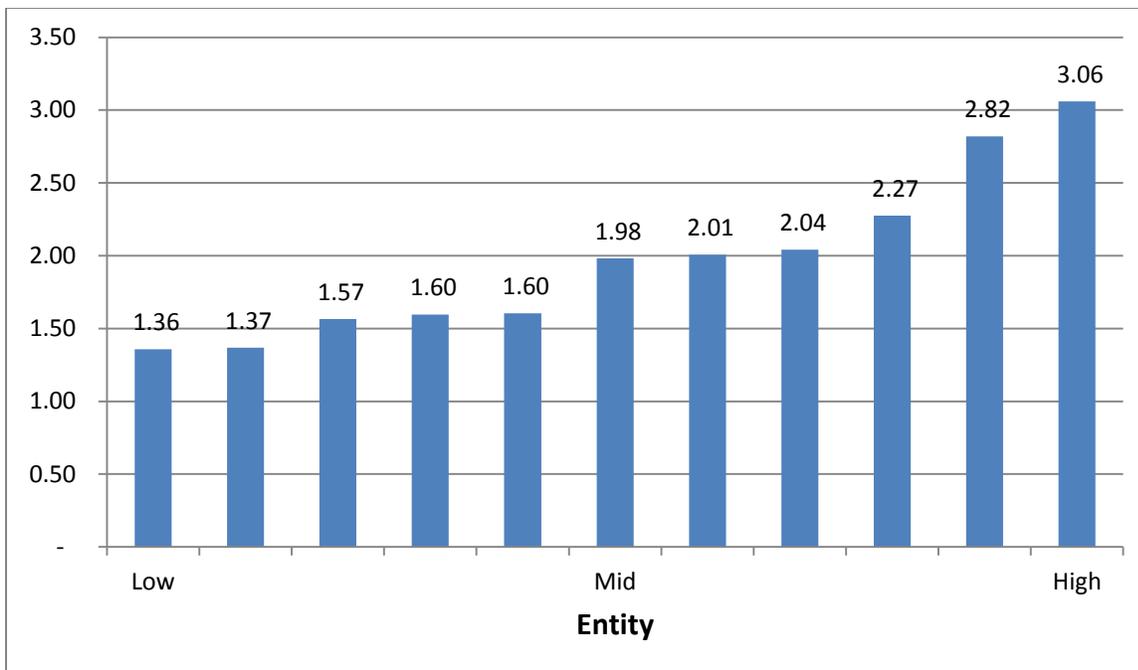
As shown above, nearly all entities who responded to our survey indicated that actuarial analyses are used to determine the liability for unpaid loss and loss adjustment expenses (loss and LAE). There were two entities, and individual self-insurer and a JPA, that did not obtain

actuarial analyses; however, it appears these entities were not actively self-insured for workers' compensation coverage, but they had been self-insured in the past. All but one responder indicated that the actuarial evaluations are performed annually.

In order to investigate the impact of having an actuarial study, we recorded the ratio of total loss and ALAE liabilities to case reserves based on the actuarial studies submitted to us in the survey (see Section VIII for more details regarding the actuarial studies). Total loss and ALAE liabilities are typically estimated by actuaries, whereas case reserves are established by claims administrators. The total loss and ALAE liabilities include IBNR which contains provisions for case reserve inadequacy associated with open claims, liabilities associated with closed claims that may reopen, and future costs associated with injuries that have occurred but have not yet been reported.

We found significant variation between survey respondents regarding the ratio of total loss and ALAE liabilities/case reserves. For example, for one entity the total loss and ALAE liabilities were 136% of the case reserves, whereas for another it was 306%. The following chart shows the ratio of loss and ALAE liabilities to case reserves for the various entities that provided actuarial studies.

Chart VII-1
Incurred by Not Reported (IBNR) as Percent of Case Reserves

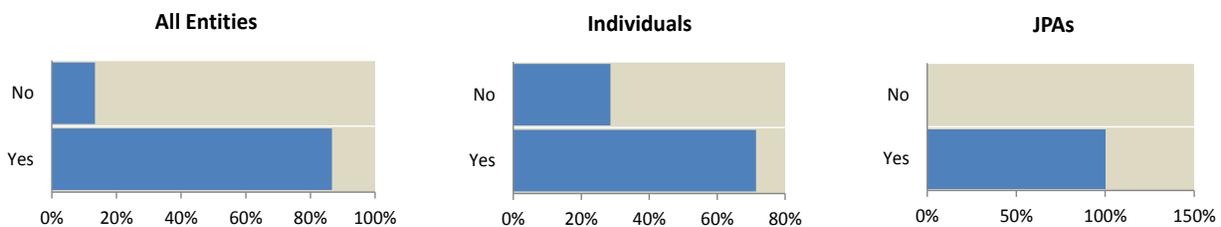


There are many reasons why some entities may need relatively more IBNR than others. For example, an entity with less adequate case reserves will require more IBNR. Also, increasing the

SIR will typically increase IBNR relative to case reserves, since larger claims often take longer to develop. In addition, the experience of more recent fiscal periods typically require more IBNR than older years, so entities that have expanded over the past few years (such as a JPA taking on new members) will usually have a relatively high ratio of IBNR to case reserve.

The ratio of total loss and ALAE liabilities to case reserves is important because in the absence of an actuarial study, case reserves are often used as a proxy for total liabilities. So for example, one might be tempted to think an organization with larger case reserves has greater total liabilities than one with smaller case reserves. However, since we have found significant differences between entities regarding their ratio of total liabilities/to case reserves, we feel that is very misleading to rely solely on case reserves to measure an entity's total liability or even to rank the liability exposures between different entities.

**b. Does the unpaid claim liability include unallocated loss adjustment expenses?
 (15 responses)**

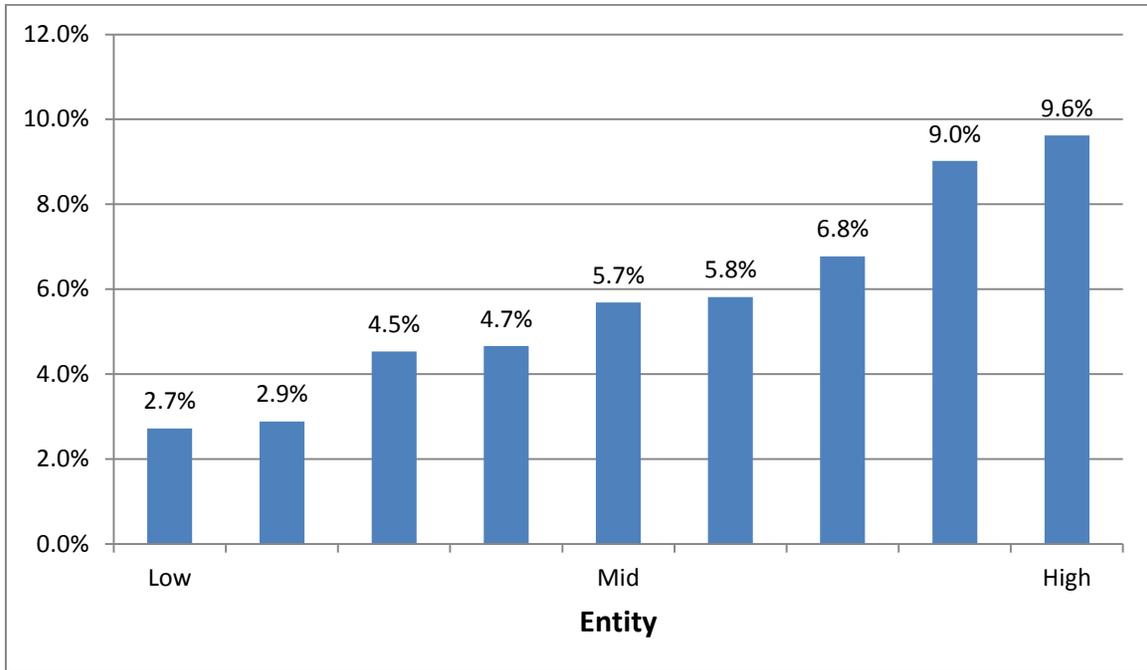


ULAE is a liability that captures the future cost to administer the claims that have been reported to the entity and claims that have not yet been reported to the entity. A liability for ULAE is required to be recorded on the financial statements of both individual self-insurers and JPAs since it represents a future cost to be paid on claims that have already occurred.

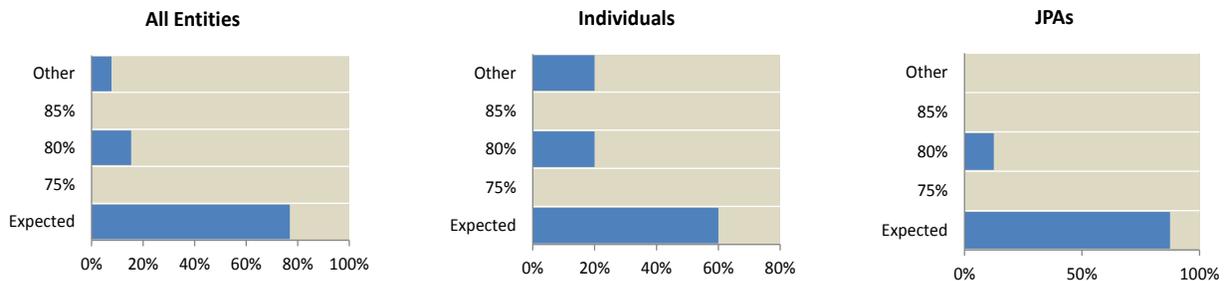
Based upon the responses, there is inconsistency among the individual self-insurer respondents with regard to recording a liability for ULAE. A reason for not recording the ULAE liability could be the arrangement with the entity's third party claims administrator is such that a one-time payment is made to the claims administrator for claims handling over the life of the claim, and therefore no future payments would be made. In this arrangement; however, there could be future costs in the event the TPA fails to perform its claims handling obligations (e.g. failure of the TPA) or in the event the self-insurer wishes to change TPA arrangements.

In order to further investigate the impact of ULAE liabilities, we tabulated the results of the actuarial studies submitted in response to our survey (see Section VIII for more details on the actuarial reports). We found that nine of the eleven submitted actuarial studies did include a liability for claims handling expense. While the average ratio of claims handling expense to loss and ALAE was 5.7%, this ratio varied significantly by entity.

Chart VII-2
Distribution of Claims Handling Expense/Loss and ALAE Liabilities

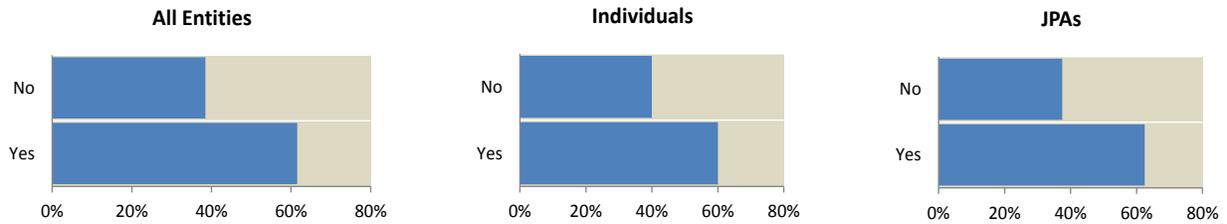


c. What confidence level was used to establish the unpaid liability on your Entity's statement of net position? (13 responses)

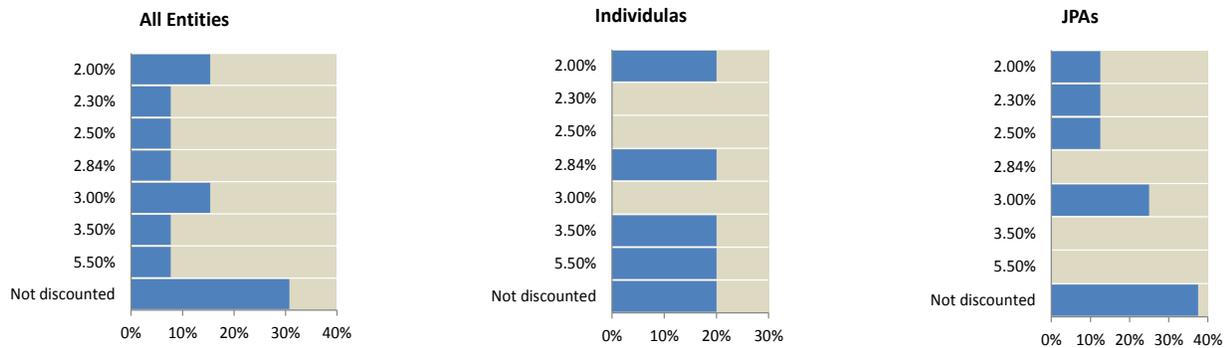


Most of the entities surveyed recorded the claim liability at the expected confidence level, with few stating the liabilities at higher levels. Since actuarial reports were not submitted for the two entities that reported liabilities at the 80% confidence level, we not able to verify their survey responses. The expected confidence level is the valuation required by GASB 10. GASB 10 provides authoritative guidance for accounting and financial reporting pools and entities other that pools that retain risk of loss.

d. Is the unpaid claim liability discounted to net present value? (13 responses)

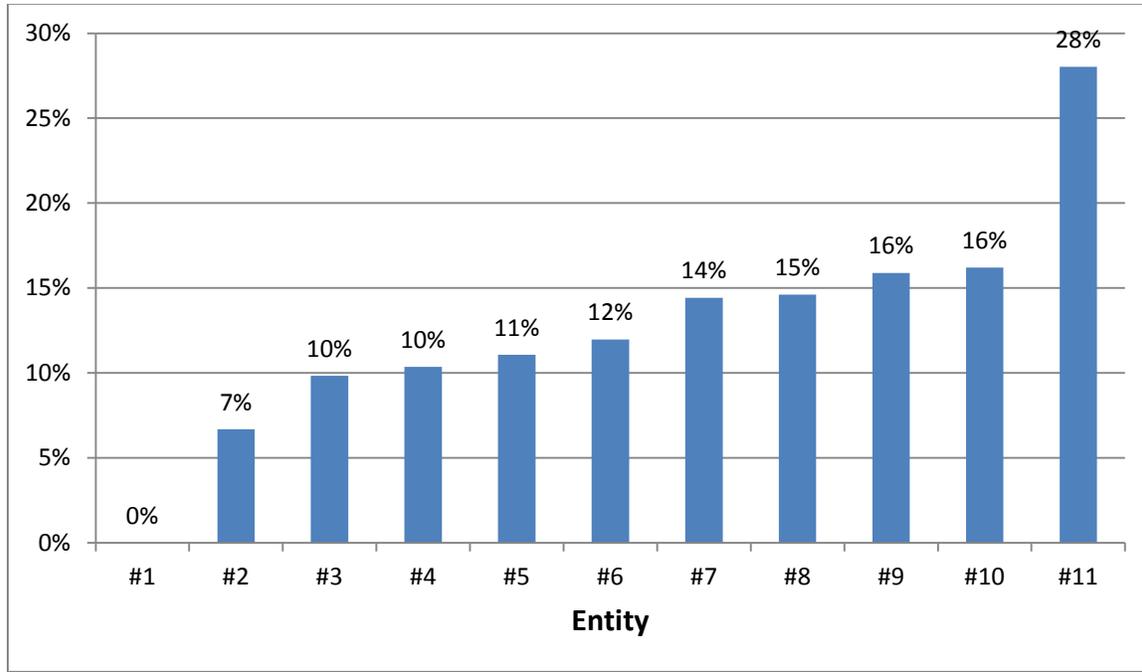


e. What was the assumed interest rate used to discount the liabilities? (13 responses)



Not surprisingly, the differences in annual discount rates used also led to differences in the overall discount of the liabilities to reflect net present value. In order to investigate this we reviewed the actuarial studies submitted in response to our survey. Of the studies provided to us, discounting to reflect net present value lowered the liability estimates by about 16%. In other words, on average the net present value liabilities were 16% lower than the undiscounted liabilities. However, the results varied significantly by entity, with reductions for net present value ranging from 0% (i.e. the entity did not discount at all) to 28%. The following chart shows the percentage reduction in loss and loss adjustment liabilities due to the impact of net present value.

Chart VII-3
Distribution of Discount of Loss & LAE Liabilities for Net Present Value



If the unpaid claim liability is discounted, an adjustment is made to reduce the overall liability to offset for the effect of anticipated future investment income earned on the assets set aside to fund the claim obligations. GASB 10 neither requires nor prohibits discounting of claim liabilities; however, the interest rate selected to calculate the net present value adjustment can have a significant impact on the amount of the offset for discounting. The interest rate should be consistent with how the assets are held (e.g. cash versus investments) and the duration of the outstanding liabilities. In addition, discounting may not be appropriate for a self-insurance program that does not have sufficient assets to cover the ultimate liabilities. In these cases, discounting should be limited to the earning potential of the available assets, or not discounted at all.

Collection of information on discounting from all public entity self-insurers could be used to identify outliers and trigger explanation or additional reporting.

2. Accounting for Self-Insurance Activities

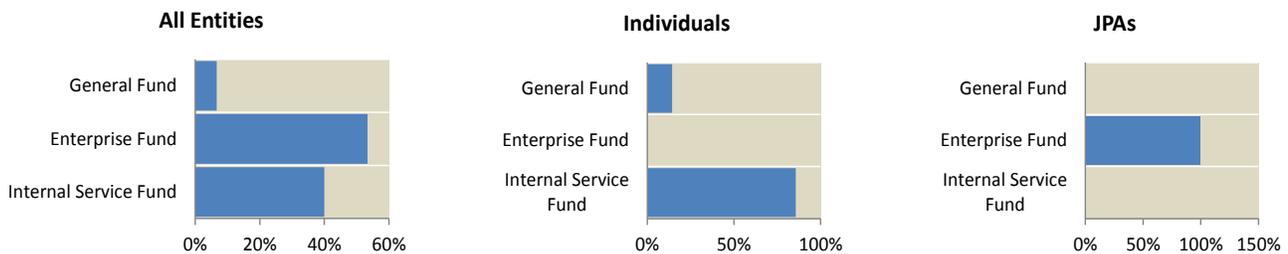
The manner in which a public entity accounts for its self-insured workers' compensation activities determines the ease with which the activities, results, and financial position can be viewed and verified. Governmental entities account for their operations using fund accounting. The accounts of a governmental entity are organized on the basis of funds, each of which is

considered a separate accounting entity. The operations of each fund is accounted for by providing a separate set of self-balancing accounts that comprise its assets, liabilities, net position, revenues, and expenses.

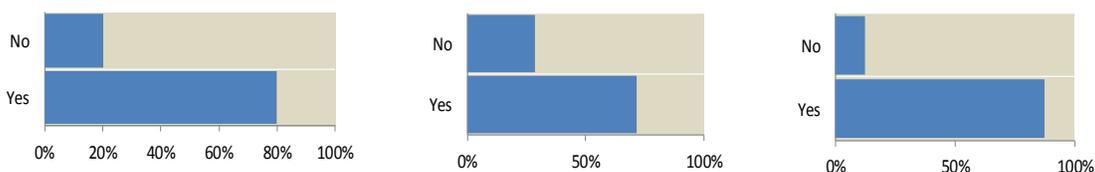
The activities of a JPA are accounted for in enterprise funds. These funds are used to account for operations financed and operated in a manner similar to private business enterprises, where the intent is that the costs of providing services to the members on a continued basis be financed or recovered primarily through fees and premiums.

Public sector individual self-insurers can account for their self-insurance activities in either the general fund or an internal service fund. Internal service funds are generally preferred since it allows for the cost associated with the self-insurance program to be charged to other departments. Using internal service funds is also beneficial in that it allows for separate funds to be established for each program (e.g. separate funds for workers' compensation and general liability). It is difficult to present the accounts of a self-insurance operation using a general fund since the activities are combined with all other general operating activities of the entity. The following charts show that most individual entities surveyed use an internal service fund and maintain a separate fund for their self-insured workers' compensation program. All JPAs use enterprise funds, although one of the respondents combined other lines of coverage offered by the JPA on its financial statements. Results to the question below indicate that 70% of individual self-insureds restrict use of the funds only to workers' compensation-related expenditures. The other 30% allow the funds to be used for other purposes.

f. In which type of fund is the workers' compensation financial activity budgeted and accounted for? (13 responses)

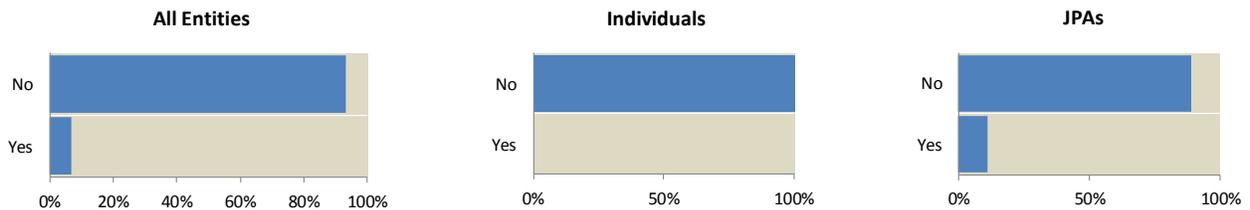


g. Is this fund dedicated to workers' compensation activity only? (13 responses)



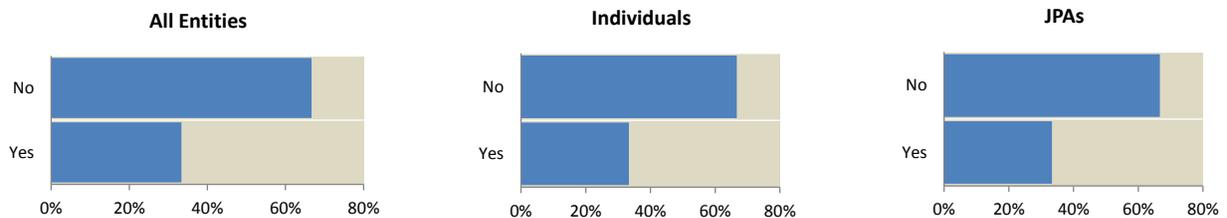
3. Self-Insurance Funds

h. Have monies allocated for workers' compensation been transferred or loaned to other funds or purposes in the last five years?



The one entity that had transferred funds from the workers' compensation program indicated the transfer was temporary and the amount was ultimately repaid.

i. Has the workers' compensation program experienced a deficit in the past ten years?



As shown in the survey responses, both individual self-insurers and JPAs have experienced deficits in their self-insured workers' compensation programs. Respondents indicated various methods have been used to cure deficits; including raising rates charged to departments for individual self-insurers and assessments levied to members of JPAs. In the survey we asked for the net position (also known as net assets or equity) in the entity's self-insured workers' compensation program. Tables VII-1 and VII-2 show these amounts.

Table VII-1
Net Position by Entity – Individual Self-Insured

Entity	Net Position
Individual #1	(77,298,000)
Individual #2	4,333,000
Individual #3	(10,504,000)
Individual #4	1,102,239
Individual #5	39,800,000

Table VII-2
Net Position by Entity – JPA

Entity	Net Position
JPA #1	7,738,033
JPA #2	17,527,465
JPA #3	7,204,039
JPA #4	11,119,019
JPA #5	11,512,922
JPA #6	28,465,821
JPA #7	11,150,600
JPA #8	17,843,447

We feel actuarial studies can play an important role in helping the State understand public agency self-insured liabilities and also in assisting those self-insurers to benchmark key assumptions and findings in their actuarial study.

1. **Understanding the Risk.** If the State is interested in tracking and understanding the statewide exposure of public agency self-insured workers' compensation, then collecting actuarial studies would be very useful. Given the high variability of the loss and ALAE liabilities to case reserves among the agencies that we reviewed, we feel it would be misleading for the State to rely solely on case reserves as a measure of exposure to workers' compensation liabilities.
2. **Benchmarking.** Most public self-insurers, including individuals and JPAs, do not have the information to benchmark how key findings and assumptions in their actuarial studies relate to those of their peers. The measurements in this report can serve as an initial step; however, the results should be interpreted with caution since they are based on only 11 actuarial studies. A more robust collection could provide public self-insurers with excellent guidance regarding how their discounting to reflect net present value, claims handling expense liabilities, and IBNR loads compare others.

C. Findings

The findings indicate: 1) there is inconsistency in the manner in which public sector self-insurance activities are accounted for and reported; 2) it is difficult to compare actuarial information to the entity's financial statements; and 3) very little financial and actuarial information is provided to OSIP on self-insurance activities; and 4) without clearer and standardized financial reporting, the public employees and regulators such as OSIP are unable

to evaluate the solvency of self-insured program. Without this information OSIP cannot monitor the financial condition of the self-insurer, particularly individual public self-insurers that commonly comingle multiple lines of coverage in one fund or account for their activities in the general fund.

Many public entity self-insurers obtain an actuarial estimate of the liability for unpaid losses despite the fact there is no regulatory requirement to do so.¹⁷ It was difficult to compare the independent actuarial estimates to the financial statements in the actuarial reports we reviewed. This is often due to the actuary using claim data that is valued as of a date that does not coincide with the entity's fiscal year end. As a result, the actuary's estimates of unpaid liability will include projections of payments and case reserves for the period from the valuation date to the fiscal year end, but the financial statements will reflect actual activity through that date.

D. Recommendations

OSIP should consider developing rules and regulations to require actuarial reports be obtained by all public entity self-insurers, and that the actuarial reports include specific items and disclosures.

The actuarial requirements could include the following elements.

1. Actuarial reports must separately state the self-insured workers' compensation liabilities for unpaid loss and loss adjustment expenses.
2. Actuarial reports must be performed by an actuary with experience performing actuarial estimates involving California workers' compensation. The actuary must be an Associate or Fellow of the Casualty Actuarial Society or a Member of the American Academy of Actuaries.
3. The actuary's estimate of ultimate loss must reflect potential loss development (IBNR).
4. Estimates of unallocated loss adjustment expenses (ULAE) should include the ultimate estimated cost to adjust claims arising during the program (even if those claims are reported after the end of the program year) and be actuarially determined.
5. Projections at the expected confidence level should be point estimates and not ranges.

¹⁷ The Education Code requires individual self-insured school districts and JPAs with school district members to submit actuarial reports of employee benefit programs (Education Code § 17566E and § 1602E). JPAs which provide employee benefits are required to submit financial audits to the California Department of Managed Health Care.

6. The actuarial report should present unpaid loss and loss adjustment expenses both on an undiscounted and net present value basis and the assumed interest rate should be disclosed in the report.
7. Estimates of the liabilities for unpaid loss and loss adjustment expenses should be presented on a gross, ceded, and net basis.
8. The actuarial report should document significant changes in the exposure or composition of a JPA over time.
9. Actuarial reports must conform to actuarial standards as detailed in the Actuarial Standards of Practice, including but not limited to #9 (Documentation & Disclosure); #13 (Trending in P/C Ratemaking), and #29 (Expenses in P/C Ratemaking).

A standardized prescribed financial report submitted by all individual public entities and JPAs would allow OSIP to monitor the financial condition and activities of self-insurance programs in a consistent manner. Reports to the public on the condition of public entity self-insurance could then be provided. The prescribed reports would collect the following information.

Assets	Detail of all assets in the workers' compensation fund including: cash and investments, receivables, amounts due from other funds, amounts due from excess insurers, assessments receivable, and other assets.
Claim Liability	Detail on the liability for unpaid loss and allocated loss adjustment expenses and unallocated loss adjustment expense liability. Liabilities should be presented gross of ceded losses and on an undiscounted basis, with adjustments for amounts recoverable from excess insurance and net present value.
Other Liabilities	Detail on the liability for unpaid loss and allocated loss adjustment expenses, unallocated loss adjustment expense liability, dividends payable, unearned revenue, amounts due to other funds, assessments payable to other agencies, and other accrued expenses payable.
Net Position	Detail of net position, including unrestricted, designated, and restricted amounts. A statement that indicates the amount of risk margin maintained in net position using a confidence level measure.
Revenues and Expenses	Detail of all revenues, including contributions from members of JPAs or other departments; assessments; investment income, and other income.
Expenses	Detail of all expenses, including claim expense, excess insurance, claims adjusting, cost containment expenses, risk control, broker fees, transfers to other funds, dividends, and all other professional and administrative costs.

Claims Development	Schedule reconciling the claim liability and showing: Beginning liability for unpaid loss and loss adjustment expenses + ultimate loss estimate for claims of the current fiscal year +/- changes in the ultimate loss estimate for claims of all prior years - payments on claims incurred during the current fiscal year - payments on claims incurred during all prior years = Ending liability for unpaid loss and loss adjustment expenses.
Actuarial Schedule	A schedule that reconciles the actuarial estimates of unpaid loss to those reported in the prescribed reports and audited financial statements.
Other Disclosures	A schedule that displays the unpaid loss and loss adjustment expenses, and net position at different discount rates, but at a minimum using 0% and the selected discount rate for financial statement purposes. Such a disclosure would show the risk and variability at various discount factors.

Most of the reporting listed above would be applicable to both individual self-insurers and JPAs. OSIP may consider requiring public entity self-insurers to report their self-insured workers' compensation activities in a separate fund, not comingled with any other activities. JPAs that offer other lines of coverage often prepare combining statements of net position, and statement of changes in net position as supplemental information in the audited financial statements. These supplemental statements show each line of coverage separately.

VIII. Data

The data used to support this analysis are based on a variety of sources, including annual filings to OSIP, DWC Performance Audit Reviews, and surveys developed and distributed by Bickmore. The following are descriptions of these various data sources.

A. Annual Filing to OSIP

Self-insurers are required to file specific information with OSIP on an annual basis. This information includes key information such as payroll and the number of reported and open claims, as well as medical and indemnity costs. Each year OSIP makes publicly available an Excel workbook containing much of the filed information in these annual filings. We compiled nine years of annual filings into one database, utilizing information valued as of June 30, 2005, through June 30, 2013. This allowed us to track the historical payroll, claim development, and loss development of self-insurers over time. Our analysis was based on annual payroll exceeding \$100 billion, with annual medical and indemnity costs of almost \$2 billion.

B. DWC Performance Audit Reviews

We compiled the results of annual audits conducted in 2010-2012 by the DWC Audit Unit. The results of these audits are described in "A Report to the California Legislature on Claims Handling Practices of Workers' Compensation Administrators," which is publicly available on the DIR website (<https://www.dir.ca.gov/dwc/audit.html>). We created a database of the results of the audits from each year so that we could analyze claims administration performance results.

The DWC report is pursuant to Labor Code section 129(e), which requires the Administrative Director of the DWC to submit an annual report summarizing the results of audits conducted by the DWC Audit Unit. The focus of the audit is the timeliness and accuracy of indemnity benefits paid to injured workers for an industrial injury, as well as compliance with notice provisions.

Each year the DWC conducts a series of Profile Audit Reviews (PAR audits) of claims administration units. These units may be associated with insurance companies, third party claims administrators, or self-insurers that self-administer their claims. Some of these self-insurers may be public, and some may be private companies. In addition, the public self-insurers may be JPAs or individual self-insurers. Most of the audited agencies are selected routinely, while others are target audits in response to an earlier audit failure.

Once it is determined an entity will be audited, the number of indemnity and denied claims subject to audit is based on the number of reported claims over the prior three years. The particular indemnity and denied claims audited are selected randomly.

Each audited agency receives a “performance rating” from the audit. A low rating indicates good performance, while a high rating indicates poor performance. This rating is based on the following (Pages 2-3 of 2012 PAR report).¹⁸

- “The percentages of randomly selected claims with unpaid indemnity and the amounts of unpaid indemnity in those claims.
- The percentages of randomly selected claims with late first temporary disability (TD) payments and/or failure to comply with the regulations for the provision of first notices of salary continuation in lieu of TD payment.
- The percentages of claims with late first payments of permanent disability and/or death benefits.
- The percentages of claims with late subsequent indemnity payments.
- The percentages of claims with violations involving failure to comply with the regulations for provision of notices to advise injured workers of: the process for selecting Agreed Medical Examiners and/or Qualified Medical Examiners; and/or the right to supplemental job displacement benefit (SJDB) for claims with dates of injury on or after January 1, 2004. The enforcement for provision of the SJDB notice was suspended as of January 1, 2012, when the statutory basis for the provision of the notice [Labor Code section 4658.5(c)] was repealed.”

Each audit subject’s performance rating is compared to the PAR performance standard. The PAR performance standard is based on the performance audits from the prior three years such that 80% of performance ratings from those three years are lower than the performance standard, and 20% are above it. A performance rating is considered to meet or exceed the performance standard if it is lower than the standard.

C. Bickmore Survey

Bickmore developed and distributed a survey in order to supplement existing available public data sources and to collect detailed information from a representative group of self-insured public entities and JPAs. Input on the survey design was obtained from public entity representatives experienced in the financial and claim matter pertaining to workers’ compensation. Input was also obtained from JPA managers.

Bickmore selected a random sample of 40 entities; 20 JPAs and 20 individual self-insureds to survey. The methodology generated a group of entities whose mix of type, region, size, type of

¹⁸ 2012 Audits - A Report to the California Legislature on Claims Handling Practices of Workers’ Compensation Administrations.

claims administrator (TPA vs. self-administered), and type of self-insurance (individual vs. group/JPA) was selected to match that of the State population of self-insurers.

The selection of survey participants considered the following.

1. Characteristics

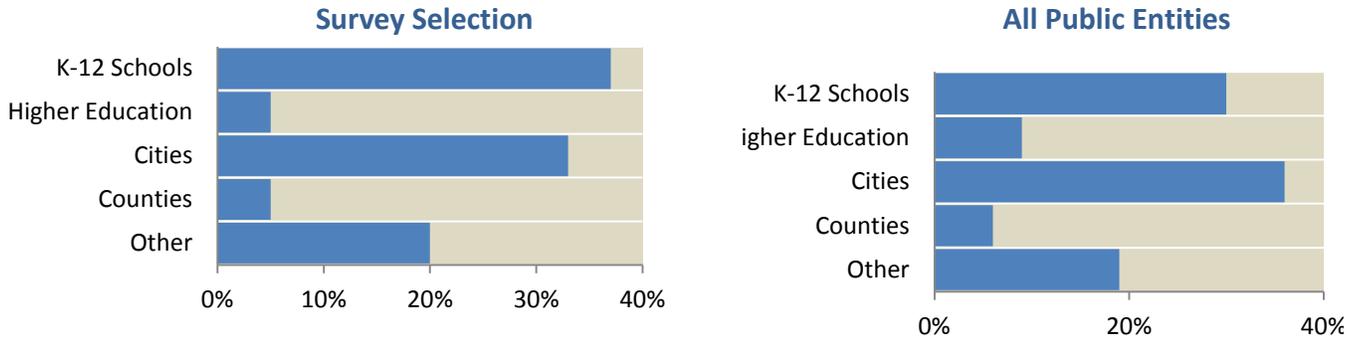
- a. Type of Entity: Education, City, County, and Other.¹⁹ This was based on the entity names and descriptions in the OSIP data.
- b. Region: Agencies were mapped into northern, central, and southern California.
- c. Size: We developed thresholds based on medical and indemnity payments made during 2012/13 in order to distinguish small, medium, and large self-insurers. These thresholds varied between accredited JPAs, non-accredited JPAs, and individual self-insurers.
- d. Claims Administrator: Separately identified self-administered entities versus those that utilize a third party claims administrator, based on the claims administrator identified in the OSIP data.
- e. JPA vs. Individual: Within the selected JPAs, the accredited JPAs versus those not accredited were identified separately. This determination was based on data from California Association of Joint Powers Authorities.
- f. Using OSIP annual reports valued as of June 30, 2013, we calculated the percentage of 2012/13 payments and the number of self-insured entities for each of the aforementioned key characteristics.

Using simulation, we randomly generated a group of 20 JPAs (10 accredited, 10 non-accredited) and 20 individual self-insurers most closely resembling the statewide mix of the previously described key characteristics.

The following charts show the mix of those key characteristics in our survey sample and in the State population of public self-insurers.

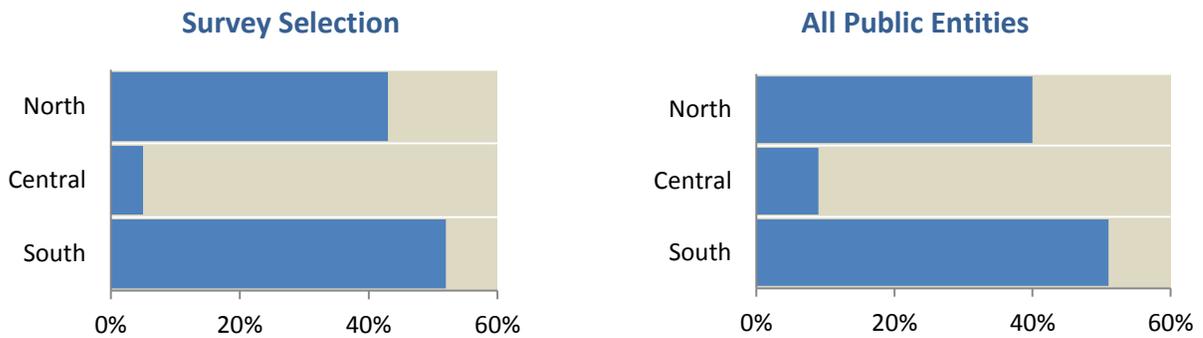
¹⁹ Special Districts, Housing Authorities, etc.

Survey Selection by Entity Type JPAs and Individual Public Entities



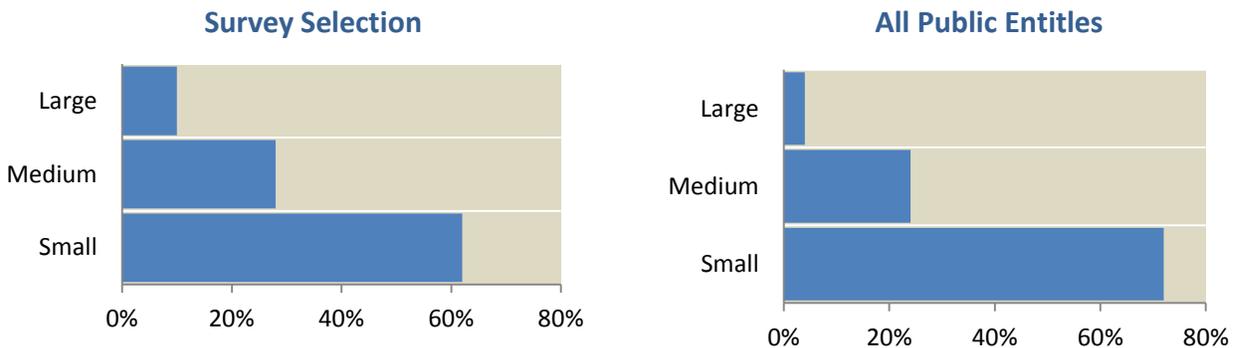
The chart below reflects the region allocation of the survey sample.

Survey Selection by Region JPAs and Individual Public Entities



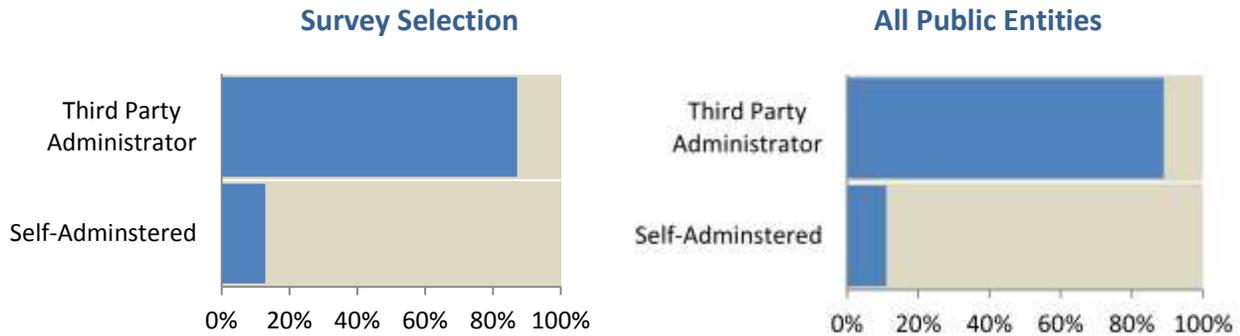
The chart below reflects the size allocation of the survey sample.

Survey Selection by Size JPAs and Individual Public Entities



Of the 40 entities selected for the survey sample, 13% self-administer their workers' compensation claims and 88% utilize the services of the third party administrator.

Survey Selection Self-Administered Versus Third Party Administrated JPAs and Individual Public Entities



Of the 40 entities receiving the survey request, 18 responded for a 45% response rate. Of those 18 surveys submitted, eight were submitted by individual self-insurers and ten by JPAs. Of the surveys submitted, approximately half were much more comprehensive in their responses.

The survey was distributed to the 40 self-insurers included questions regarding the following: (a) program management; (b) claims administration practices; and (c) funding of claims liabilities. Respondents were also asked to submit additional data to assist Bickmore in understanding how the entity funds their workers' compensation liabilities. Additional data requested included the most recent actuarial report, comprehensive annual financial or audit report, current budget, workers' compensation funding policies, deficit funding policies, funding reports to the governing body, and five years of loss data.

Our survey requested a copy of the most recent actuarial study for each entity. Eleven survey participants provided us with copies of their actuarial studies. These studies were performed by five different actuarial firms, and the total estimated loss and loss adjustment expense liabilities were over \$500 million with no risk margin or discount for net present value. The purpose of our review of the actuarial studies was to check for consistency regarding key elements in the actuarial studies, including discounting for net present value, claims administration reserves, and incurred but not reported (IBNR) liabilities. We did not perform a detailed analysis of the methods, other key assumptions, or the reasonability of the actuarial results.

A review of the information submitted by the responding entities determined the following.

D. Survey Results

1. **Members in the JPA's Workers' Compensation Program During the 2012/2013 Program Year** - The range of members for the ten responding JPAs was between 12 and 395. The individual membership for all ten JPAs totaled 924.
2. **Volunteers Covered Under the Workers' Compensation Program** - Of the ten JPAs responding to this question, nine indicated they do cover volunteers pursuant to Labor Code 3363.5.
3. **Labor Code 4850 Coverage** - Only one JPA respondent indicated that coverage for Labor Code 4850 benefits was included in their workers' compensation program.
4. **Self-Insured Retention** - Of the responses received, the entities are retaining the first \$500,000 to \$1,000,000 of risk.
5. **Excess Providers** - Four responded as being a part of a pool: CSAC Excess Insurance Authority (CSAC- EIA) and the Local Agency Workers' Compensation Excess Joint Powers Authority (LAWCX). The other five purchase coverage from traditional insurance carriers. One did not respond.
6. **Self-Administered Versus Third Party Administration** - Six of the responding JPAs utilize a TPA, while just one administers claims in house. Six of the responding individual entities utilize a third party claims administrator, while two administer claims in house.
7. **Cost of TPA Contract** - We received responses from seven JPAs on the question of what was paid for TPA services in 2012/2013. The total cost for all seven was \$4,409,521, or \$629,932 on average. When we divided the cost of the TPA contract by the claims payment amount for each entity, the results ranged from 8.41% to 17.41%.

Four individual public entities responded to this question with a total cost of \$4,076,970 or \$1,019,242 on average. The results of dividing the cost of the TPA contract by the claims payment for each entity ranged from 5.75% to 12.67%.

8. **Cost of Claims Audit** - Four JPAs responded with the cost of their most recent claims audit for a total of \$33,300, or an average of \$8,325 per audit. Three individual entities responded with a total cost of \$57,868, or an average of \$19,289.
9. **Cost of Actuarial Study** - Eight JPAs responded with a total cost for their most recent actuarial study of \$51,702, or an average of \$6,463 per study. Four individual entities responded with a total cost of \$25,000, or an average of \$6,250 for their actuarial studies.

10. **Indemnity Claim Caseloads** – Seven JPAs provider the claim count for their indemnity claims for a total of 2,936, or an average of 98 per adjuster. Three individual entities provided a claim count for a total of 432 indemnity claims, or an average of 108 per adjuster.

11. **Cost Containment** – Respondents provided a detailed breakdown of their methods for handling various (16) cost containment functions. Chart VIII-1 shows the results broken down between in-house staff and outside vendors/TPAs.

Chart VIII-1
In-House Versus Vendor Cost Containment

	In-House Staff	TPA Staff	Vendor Selected by TPA	Vendor Selected by Entity	Not Applicable	Other
Medical or Nurse Care Management		23%	8%	62%		8%
Bill Review		38%	15%	38%		8%
Utilization Review		31%	15%	46%		8%
PPO Management		33%	17%	42%		8%
MPN Management		18%	9%	18%	45%	9%
Return to Work Coordination	36%	18%		18%	18%	9%
Fit-for-Duty Exams	9%			36%	36%	18%
Telephonic Reporting of Incidents/Injuries	8%	8%		25%	42%	17%
Telephonic Nurse Triage at Receipt of Incident/Injury Reporting				27%	64%	9%
Durable Medical Equipment			69%	23%		8%
Pharmacy Benefit Management			69%	15%	8%	8%
Legal	8%		31%	54%		8%
SCHIP/MMSEA Reporting	15%	23%	23%	31%		8%
SCHIP/MMSEA MSA Set-Aside Determinations		8%	46%	31%		15%
Lien Resolutions	15%	38%	23%	15%		8%
Independent Permanent Disability Rating	8%	15%	46%	15%		15%

12. Settlement Authority – The responses received all closely followed the settlement authority as outlined below.

TPA Claims Examiner	Up to \$25,000
Risk Manager	Up to \$50,000
In-House Claims Manager	Up to \$100,000
TPA Claims Manager	Up to \$100,000
Board or Council	Over \$100,000

E. Survey Respondents

We would like to thank the following for participating in the survey process.

County of Orange
City of Beverly Hills
County of Contra Costa
Central San Joaquin Valley Risk Management Authority
Fire Agencies Self Insurance System
California Housing Workers' Compensation Authority
San Joaquin County Schools Workers' Compensation Insurance Group
City of Huntington Beach
Upland Unified School District
Redwood Empire Schools Insurance Group
California Fair Services Authority
Special District Risk Management Authority
Santa Barbara County Schools' Self-Insurance Program for Employees
San Mateo County Schools Insurance Group
Central Region School Insurance Group
Simi Valley Unified School District
City of San Diego
County of El Dorado

List of Abbreviations

- ALAE** - Allocated Loss Adjustment Expense
- ASP** - California Self-Insurers' Security Fund Alternative Security Program
- CAJPA** - California Association of Joint Powers Authorities
- CHSWC** - California Commission of Health and Safety and Workers' Compensation
- CSAC-EIA** - California State Association of Counties Excess Insurance Authority
- CSU** - California State University
- CWCI** - California Workers' Compensation Institute
- DWC** - Division of Workers' Compensation
- DIR** - California Department of Industrial Relations
- DIR OSIP** - Department of Industrial Relations, Office of Self Insurance Plans
- IBNR** - Incurred But Not Reported
- JPA** - Joint Powers Authority
- LAE** - Loss Adjustment Expense
- MCC** - Medical Cost Containment
- NCM** - Nurse Case Management
- OSIP** - Office of Self Insurance Plans
- PAR** - Performance Audit Review
- PD** - Permanent Disability
- PIPS** - Protected Insurance Program for Schools and Community Colleges
- QME** - Qualified Medical Examiners/Agreed Medical Examiner
- SB 863** - California Senate Bill 863
- SCIF** - State Compensation Insurance Fund
- SIR** - Self Insured Retentions
- SISF** - California's Self-Insurers' Security Fund
- SJDB** - Supplemental Job Displacement Benefit
- TD** - Temporary Disability
- TPA** - Third Party Administrator
- UC** - University of California
- ULAE** - Unallocated Loss Adjustment Expense
- WCIRB** - California Workers' Compensation Insurance Rating Bureau

Appendix A

Office of Self Insurance Plans Annual Report

State Of California



OSIP

Office of Self Insurance Plans

Public Self Insurers ER Annual Report

For Year 2012/2013

September 27, 2013

1750 Creekside Oaks Drive, Ste 200
Sacramento CA 95833

State of California

Employer

General Information :

Certification Number
(Period) From-

Period Of Report
(Period) To

Full Year
06/30/2013

Master Certificate Holder :

FTIN

Name

Address1

1750 Creekside Oaks Drive, Ste 200

City- Sacramento

State

CA

Zip

95833

Type of Public Agency JPA

Subsidiaries :

1) Full Legal Name

State CA

Subsidiaries Affiliate Certificate Number

During the reporting period of this report, has there been any of the following with respect to the Master Certificate Holder or any subsidiary?

A merger or unification?

Changes in name or identity? Identity

Any addition to Self Insurance Program Insurance Program

If Yes, Explain :

Employment and wages paid in current calendar year :

Number Of Employees

Total Wages And Salaries Paid

Addressed Correspondence For Security Deposit and Financial Matters :

Name -		Position/Title -
Company Name -		Email Address -
Phone Number -		Fax Number -
Address-		
City -	State-	Zip -
Corporate Web Address -		

State of California

Record Storage :

Are Claim records stored at any location other than with the current administrator? (Yes)

Insurance Coverage :

Are any of your workers' compensation liabilities in California during the reporting period covered by a standard workers' compensation Insurance policy?

Are any of your workers' compensation liabilities in California during the reporting period covered by a specific excess workers' compensation Insurance policy?

Do you carry an aggregate (stop loss) workers' compensation insurance policy?

Name Of Company Officer-

Street Address-

Name Of Company-

City-

State -

Zip -

Phone Number -

Name Of Person Legally Responsible For This Electronic Signature :

(Date/Time Of Signature) -

State of California

Files Uploaded:

State of California
Certification

First Name	Middle Name	Last Name	Agency Name
Address 1		City	State Zip Code
Administrating Agency's Certificate Number		<input type="checkbox"/> Or Self Administered	
CERTIFICATION			
I declare under penalty of perjury that I have prepared or caused this report to be prepared and I have examined this liabilities report of this self insurer's worker's compensation liabilities. To the best of my knowledge and belief this report is true, correct and complete with respect to the worker's compensation liabilities incurred and paid. I further declare under the penalty of perjury that the estimates of future liability of worker's compensation claims made in this report reflect the administrator's best judgment as to the future liability of claims, using prevailing industry standards, and the signatory intends Self Insurance Plans to rely upon the representation.			
First Name	M.I.	Last	Agency Name
Address 1		City	State Zip Code
City	State	Zip Code	E-mail Address
Phone Number	FAX Number	Date	Signature (Type your Full Name)
Person legally responsible for this Electronic Signature			

Reporting Location No.:

All Cases on this Page are
For the Year _____
Or Earlier

Certificate Number:

NAME OF MASTER CERTIFICATE HOLDER:

v3.3>SelectBy-KIExtract-K

Name of Injured or Deceased (Last) (First Initial)	Date of Injury		Description of Injury	Paid to Date		Estimated Future Liability	
				Indemnity	Medical	Indemnity	Medical

Totals for Report Year

Claims:

APPENDIX B

List of Public Individual and Joint Powers Authority Self-Insurers

DRAFT

7527-062-01 KEENAN & ASSOCIATES, TORRANCE

Toan Nguyen
Chief Financial Officer
ABC UNIFIED SCHOOL DISTRICT
16700 Norwalk Blvd.
Cerritos,CA 90703

Phone: (562) 926-5566 ext 21212 Fax: (562) 802-3846

7804-011-46 SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., WALNUT CREEK

Ms. Janet M. Jackson
Human Resources Manager
ALAMEDA CONTRA COSTA TRANSIT DISTRICT
1600 Franklin Street
Oakland,CA 94612

Phone: (510) 891-7204 Fax: (510) 891-7229

7862-048-01 ATHENS ADMINISTRATORS, CONCORD

Greg Stephens
ALAMEDA COUNTY MEDICAL CENTER (ACMC)
15400 Foothill Blvd.
San Leandro,CA 94578

Phone: (510) 346-7537 Fax: (510) 346-7575

7536-197-04 JT2 INTEGRATED RESOURCES, MANTECA

Ms. Denise R. Jaramillo
Asst. Supt./Financial Services
ALHAMBRA UNIFIED SCHOOL DISTRICT
1515 West Mission Rd
Alhambra,CA 91803

Phone: (626) 943-6550 Fax: (626) 943-8040

7647-062-06 KEENAN & ASSOCIATES, SAN JOSE

Mr. James R. Koenig Jr.
Asst. Supt. of Business & Fiscal
ALISAL UNION SCHOOL DISTRICT
1205 E. Market St.
Salinas,CA 93905

Phone: (831) 753-5700 ext 2033 Fax: (831) 753-5552

7552-062-03 KEENAN & ASSOCIATES, RIVERSIDE

Ms. Tracy Horton
ALVORD UNIFIED SCHOOL DISTRICT
10365 Keller Ave
Riverside,CA 92505

Phone: (951) 509-5083 Fax: (951) 509-6028

7509-062-01 KEENAN & ASSOCIATES, TORRANCE

Ms. Dianne Poore
Assitant Superintendent of Business

ANAHEIM UNION HIGH SCHOOL DISTRICT
501 CRESCENT WAY
ANAHEIM,CA 92803-3520

Phone: (714) 999-3556 Fax: (715) 520-5741

7643-062-03 KEENAN & ASSOCIATES, RIVERSIDE

Diana Keelen
ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT
3041W. Ave K
Lancaster,CA 93536

Phone: (661) 722-6319 Fax: (661) 722-6320

7848-169-11 ALPHA FUND, ROSEVILLE

Ms. Wanda Franks
Benefits Manager
ANTELOPE VALLEY HEALTHCARE DISTRICT
1216 West Ave J, Ste 500
Lancaster,CA 93534

Phone: (661) 949-5171 Fax: (661) 951-4234

7572-155-05 SELF INSURED SCHOOLS OF CALIFORNIA (SISC), BAKERSFIELD

Mr. Gabriel C. Rodriguez
BAKERSFIELD CITY SCHOOL DISTRICT
P.O. Box 1847
Bakersfield,CA 93303

Phone: (661) 636-4710 Fax: (661) 636-4721

7876-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

Ms. Christine M. Holmes
Human Resources Analyst
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 Ellis St.
San Francisco,CA 94109

Phone: (415) 749-4938

7504-197-05 JT2 INTEGRATED RESOURCES, OAKLAND

Ms. Pamela Goo
Risk Manager
BERKELEY UNIFIED SCHOOL DISTRICT
2020 Bonar Street
Berkeley,CA 94702

Phone: (510) 644-6049 Fax: (510) 644-8881

7910-062-03 KEENAN & ASSOCIATES, RIVERSIDE

Scott A. Buxbaum

CAJON VALLEY UNION SCHOOL DISTRICT

P.O. Box 1007

El Cajon, CA 92022

Phone: (619) 588-3061 Fax: (619) 401-5954

7603-062-03 KEENAN & ASSOCIATES, RIVERSIDE

Nikki N. Washington

CALEXICO UNIFIED SCHOOL DISTRICT

901 Andrade Ave

Calexico, CA 92231

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7573-195-05 TRISTAR RISK MANAGEMENT, RANCHO CORDOVA

Patrick K. Gaffney

CAMPBELL UNION HIGH SCHOOL DISTRICT

3235 Union Ave

San Jose, CA 95124

Phone: (408) 371-0960 Fax: (408) 558-3037

7906-195-07 TRISTAR RISK MANAGEMENT, CONCORD

Mr. James Crawford

Deputy Superintendent

CAMPBELL UNION SCHOOL DISTRICT

155 N Third Street

Campbell, CA 95124

Phone: (408) 341-7214

7525-316-03 CORVEL ENTERPRISE COMP, INC., SAN DIEGO

Katie Nunan

Director III Pers/Ins/Risk Mgmt

CAPISTRANO UNIFIED SCHOOL DISTRICT

33122 Valle Rd

San Juan Capistrano, CA 92675

Phone: (949) 234-9389 Fax: (949) 487-0671

7895-062-03 KEENAN & ASSOCIATES, RIVERSIDE

Mr. Mark Evans

Director of Fiscal Services

CASTAIC UNION SCHOOL DISTRICT

28131 Livingston Ave

Valencia, CA 91355

Phone: (661) 257-4500 ext 1502

7865-316-05 CORVEL ENTERPRISE COMP, INC., FOLSOM

Ms. Katherine J. Casenave

CENTRAL CONTRA COSTA TRANSIT AUTHORITY

2477 Arnold Industrial Way

Concord, CA 94520

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7900-048-01 ATHENS ADMINISTRATORS, CONCORD

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CENTRAL COUNTY FIRE DEPARTMENT
1399 Rollins Rd
Burlingame,CA 94010

Phone: (650) 375-7408

7625-062-01 KEENAN & ASSOCIATES, TORRANCE

Mr. David El Fattal
Vice President of Business Services
CERRITOS COMMUNITY COLLEGE DISTRICT
11110 Alondra Blvd
Norwalk,CA 90650

Phone: (562) 860-2451 ext 2242 Fax: (562) 653-7818

7644-062-06 KEENAN & ASSOCIATES, SAN JOSE

Mr. Lorenzo Legaspi
Vice Chancellor of Business Services
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
7600 Dublin Blvd, 3rd Floor
Dublin,CA 94568

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7505-316-02 CORVEL ENTERPRISE COMP, INC., RANCHO CUCAMONGA

Ms. Lisa A. White
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CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT
211 W Fifth Street
Ontario,CA 91762

Phone: (909) 988-8511 ext 2665 Fax: (909) 467-5229

7564-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
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Chula Vista,CA 91910

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7626-062-01 KEENAN & ASSOCIATES, TORRANCE

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VP - Fin & Adm
CITRUS COMMUNITY COLLEGE DISTRICT
1000 W Foothill Blvd
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7100-239-01 INTERCARE HOLDINGS INSURANCE SERVICES, INC., ROCKLIN

7100-99-01 Self Administered

Peggy Sugarman

CITY AND COUNTY OF SAN FRANCISCO

One South Van Ness Ave, 4th Floor

San Francisco,CA 94103

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7205-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

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CITY OF ALAMEDA

2263 Santa Clara Ave, Room 280

Alameda,CA 94501

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7143-99-01 Self Administered

Diana J. Rich

CITY OF ANAHEIM

201 S. Anaheim Blvd., Ste 503

Anaheim,CA 92805

Phone: (714) 765-5113 Fax: (714) 765-5245

7187-092-60 ADMINSURE, INC., DIAMOND BAR

Hue C. Quach

Director of Admin. Services

CITY OF ARCADIA

240 W Huntington Drive

Arcadia,CA 91007

Phone: (626) 574-5425 Fax: (626) 445-4918

7222-146-02 ACCLAMATION INSURANCE MANAGEMENT SERVICES, FRESNO

Jena Covey

CITY OF BAKERSFIELD

1600 Truxtun Ave

Bakersfield,Ca 93301

Phone: (661) 326-3090 Fax: (661) 852-2030

7257-092-60 ADMINSURE, INC., DIAMOND BAR

Mr. Curtis K. Stephan

Risk Manager

CITY OF BELL

6330 Pine Ave

Bell,CA 90201

Phone: (323) 588-6239 Fax: (323) 771-9473

7272-269-02 INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

Kim Imboden

CITY OF BENICIA

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Benicia,CA 94510

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7149-269-02 INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

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7191-048-01 ATHENS ADMINISTRATORS, CONCORD

Mr. Karl Kirkman
CITY OF BEVERLY HILLS

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Phone: (310) 285-1073

7131-062-03 KEENAN & ASSOCIATES, RIVERSIDE

TERRIE STEVENS
CITY OF BREA

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7167-092-60 ADMINSURE, INC., DIAMOND BAR

Ms. Eddie Fenton
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CITY OF BUENA PARK

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Phone: (714) 562-3515 Fax: (714) 739-5012

7108-99-01 Self Administered

Ms. Tracy Y. Pierce
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CITY OF BURBANK

P.O. Box 6459
Burbank, CA 91510

Phone: (818) 238-5012 Fax: (818) 238-5019

7184-048-01 ATHENS ADMINISTRATORS, CONCORD

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CITY OF BURLINGAME

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Burlingame, CA 94010

Phone: (650) 558-7209 Fax: (650) 556-9297

7221-195-07 TRISTAR RISK MANAGEMENT, CONCORD

Ms. Jill Lopez
CITY OF CAMPBELL

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Phone: (408) 866-2123

7240-062-03 KEENAN & ASSOCIATES, RIVERSIDE

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CITY OF CARLSBAD
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7273-195-01 TRISTAR RISK MANAGEMENT, SIGNAL HILL

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7232-132-01 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, ROSEVILLE

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7173-132-10 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, UPLAND

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7121-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

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7239-146-02 ACCLAMATION INSURANCE MANAGEMENT SERVICES, FRESNO

Jamie Hughson
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CITY OF CLOVIS
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7152-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

Yvonne Guzman
CITY OF COLTON
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7153-99-01 Self Administered

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7120-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

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7156-011-22 SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., ENCINO

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7197-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

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7124-092-60 ADMINSURE, INC., DIAMOND BAR

Ms. Colleen O'Donoghue
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CITY OF COSTA MESA
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Costa Mesa,CA 92626

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7179-062-03 KEENAN & ASSOCIATES, RIVERSIDE

Ms. Marie Klymkiw
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7207-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

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7267-092-60 ADMINSURE, INC., DIAMOND BAR

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CITY OF CYPRESS
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7243-269-02 INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

Mr. Michael Wilson
CITY OF DALY CITY
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7300-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

Ms. Teresa McBroome
CITY OF DEL MAR
1050 Camino Del Mar
Del Mar,CA 92014

Phone: (858) 755-9354 Fax: (858) 755-5335

7125-092-60 ADMINSURE, INC., DIAMOND BAR

Ms. Maurina Lee
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CITY OF DOWNEY
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7293-132-10 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, UPLAND

James Fructuoso
CITY OF EL MONTE
11333 Valley Boulevard
El Monte,CA 91731

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7292-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

Mr. Jace C. Schwarm
CITY OF ENCINITAS
505 S. Vulcan Ave
Encinitas,CA 92024

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7208-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

Ms. Cheryl Lowry
Risk & Safety Coordinator
CITY OF ESCONDIDO
201 North Broadway
Escondido,CA 92025

Phone: (760) 839-4064 Fax: (760) 739-7052

7217-269-02 INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

Ms. Laura Marquez
CITY OF FAIRFIELD
1000 Webster Street
Fairfield,CA 94533

Phone: (707) 428-7397 Fax: (707) 428-7512

7175-197-04 JT2 INTEGRATED RESOURCES, MANTECA

Ms. Annette Henckel
Director of Human Resources
CITY OF FONTANA
8353 Sierra Ave
Fontana,CA 92335

Phone: (909) 350-7648

7145-092-60 ADMINSURE, INC., DIAMOND BAR

Ms. Jean Hirai
Personnel Manager
CITY OF FOUNTAIN VALLEY
10200 Slater Ave
Fountain Valley,CA 92708

Phone: (714) 593-4462 Fax: (714) 593-4546

7141-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

Steven Schwarz
CITY OF FREMONT
3300 Capitol Ave
Fremont,CA 94537

Phone: (510) 284-4052

7116-298-01 AMERICAN ALL-RISK LOSS ADMINISTRATORS, INC. (AARLA), FRESNO

Mr. Clark R. Connelly
Senior Risk Analyst
CITY OF FRESNO
2600 Fresno Street
Fresno,CA 93721

Phone: (559) 621-6903 Fax: (559) 264-4215

7270-092-60 ADMINSURE, INC., DIAMOND BAR

Ms. Pamela J. Mackie
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7223-092-60ADMINSURE, INC., DIAMOND BAR

Mr. John Clark
CITY OF GARDEN GROVE
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7198-092-60ADMINSURE, INC., DIAMOND BAR

Mr. Terrence Beaman
Chief Fiscal Officer
CITY OF GARDENA
1700 West 162nd Street
Gardena,CA 90247

Phone: (310) 217-9517 Fax: (310) 217-9694

7193-269-02INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

Ms. LeeAnn McPhillips
CITY OF GILROY
7351 Rosanna Street
Gilroy,CA 95020

Phone: (408) 846-0205 Fax: (408) 846-0200

7104-99-01 Self Administered

Ms. Cheryl Scott
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CITY OF GLENDALE
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Glendale,CA 91206

Phone: (818) 550-4404 Fax: (818) 243-8428

7915-146-02ACCLAMATION INSURANCE MANAGEMENT SERVICES, FRESNO

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CITY OF HANFORD
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7213-092-60ADMINSURE, INC., DIAMOND BAR

Mr. Dennis Hernandez
CITY OF HAWTHORNE
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7170-197-01 JT2 INTEGRATED RESOURCES, PLEASANTON

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7182-146-08 ACCLAMATION INSURANCE MANAGEMENT SERVICES, VALENCIA

Mr. Patricia Williams
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Huntington Beach, CA 92648

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7136-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

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825 Imperial Beach Blvd.
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7214-092-60 ADMINSURE, INC., DIAMOND BAR

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Irvine, CA 92606

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7137-316-02 CORVEL ENTERPRISE COMP, INC., RANCHO CUCAMONGA

Mr. Larry Costello
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7194-092-60 ADMINSURE, INC., DIAMOND BAR

Ms. Barbara Salvini
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CITY OF LAGUNA BEACH
505 Forest Ave
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7302-195-04 TRISTAR RISK MANAGEMENT, SAN DIEGO (CONVOY)

Corinne A. Russell
CITY OF LEMON GROVE
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7185-269-02 INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

Mr. BILL HENDERSON
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Phone: (925) 960-4172 Fax: (925) 960-4180

7203-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

Ms. Janet L. Hamilton
CITY OF LODI
221 W. Pine St.
Lodi, CA 95240

Phone: (209) 333-6800 Fax: (209) 333-6807

7216-161-01 WORKERS' COMPENSATION ADMINISTRATORS, LLC, SANTA MARIA

Ms. Beth Flamm-Overby
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CITY OF LOMPOC
100 Civic Center Plaza
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Phone: (805) 875-8209 Fax: (805) 875-8309

7106-99-01 Self Administered

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7241-195-07 TRISTAR RISK MANAGEMENT, CONCORD

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7103-146-08 ACCLAMATION INSURANCE MANAGEMENT SERVICES, VALENCIA

7103-195-11 TRISTAR RISK MANAGEMENT, ALHAMBRA

7103-305-01 ACME ADMINISTRATORS, INC., TEMECULA

7103-99-01 Self Administered

Mr. David Noltemeyer
CITY OF LOS ANGELES
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7215-195-09 TRISTAR RISK MANAGEMENT, FRESNO

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CITY OF MERCED
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7218-269-02 INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

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7204-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

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HR Director
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Phone: (408) 586-3086 Fax: (408) 586-3092

7195-132-06 YORK INSURANCE SERVICES GROUP, INC.-CALIFORNIA, STOCKTON

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CITY OF MODESTO
1010 Tenth Street
Modesto, CA 95354

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7135-092-60 ADMINSURE, INC., DIAMOND BAR

Mr. Donald Parker
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Montclair, CA 91763

Phone: (909) 625-9418 Fax: (909) 621-1584

7142-316-02 CORVEL ENTERPRISE COMP, INC., RANCHO CUCAMONGA

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7162-218-04 PEGASUS RISK MANAGEMENT, INC., MODESTO

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7294-092-60 ADMINSURE, INC., DIAMOND BAR

Ms. Kim Schmitz
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7261-269-02 INNOVATIVE CLAIM SOLUTIONS, SAN RAMON

Joni Evans
CITY OF MORGAN HILL
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7177-048-01 ATHENS ADMINISTRATORS, CONCORD

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CITY OF MOUNTAIN VIEW
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Phone: (650) 903-6060 Fax: (650) 963-3087

7283-223-20 NORTHERN CLAIMS MANAGEMENT, LLC, SANTA ROSA

LeAnna Massey
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7559-011-24 SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., CULVER CITY

7559-011-26 SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., SAN DIEGO

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5021-239-07 INTERCARE HOLDINGS INSURANCE SERVICES, INC., FRESNO

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APPENDIX C

Self-Insurers and Solvency in California

DRAFT



March 4, 2013

Mr. Martin Brady
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RE: Self-Insurers and Solvency in California

Dear Martin:

Attached is a report on self-insurance and solvency risks of private and public sector employers in California. The purpose of this report is to provide information to the stakeholders and regulators so informed decisions can be made on how best to insure the continuation of workers' compensation benefits to injured workers. The Commission on Health, Safety, and Workers' Compensation (CHSWC) has been directed by the California Legislature to conduct and issue a report on the topic of "solvency and performance of public self-insured workers' compensation programs" by October 2013 (Labor Code 3702.4).

This report was prepared by Bickmore on behalf of its clients and organizations that represent both private and public employers. The data contained in this report was obtained from public information sources, primarily the California Self-Insurers' Security Fund and the Department of Industrial Relations, Office of Self-Insurance Plans. We appreciate their continued cooperation and support of the self-insurance sector in California.

Sincerely,

A handwritten signature in blue ink that reads "Gregory L. Trout".

Gregory L. Trout
Chief Executive Officer

History of Self-Insurance

California has long maintained a system whereby private companies and public entities can self-insure their workers' compensation exposures. Legislation and regulations governing self-insurance first appeared in the 1950s. More stringent requirements were developed and have continued for private self-insurers versus public self-insureds. Private self-insureds are required to post financial security deposits with the state. The purpose of the security deposits is to provide financial resources for the continued payment of workers' compensation benefits to injured workers in the event the private employer becomes insolvent. Public entity self-insureds have never been required to post security deposits.

The first California public entities to become self-insured for workers' compensation were the County of Los Angeles, the City and County of San Francisco, and the City of San Diego. In the 1970s many more cities, counties, educational institutions, and special districts moved from the California State Compensation Insurance Fund (State Fund) to self-insurance. The State of California has also long been permissibly uninsured, although its claims are handled by the State Fund.

The public sector JPA movement began in the mid-1970s: first with the Schools Insurance Authority and the Self-Insured Schools of Kern County in 1974, closely followed by many municipal, county, and special district JPAs in the late 1970s.

Demographics of Self-Insurance in California (2012)

California has a very significant self-insurance sector, the largest in the United States in terms of number of employers and payroll covered.

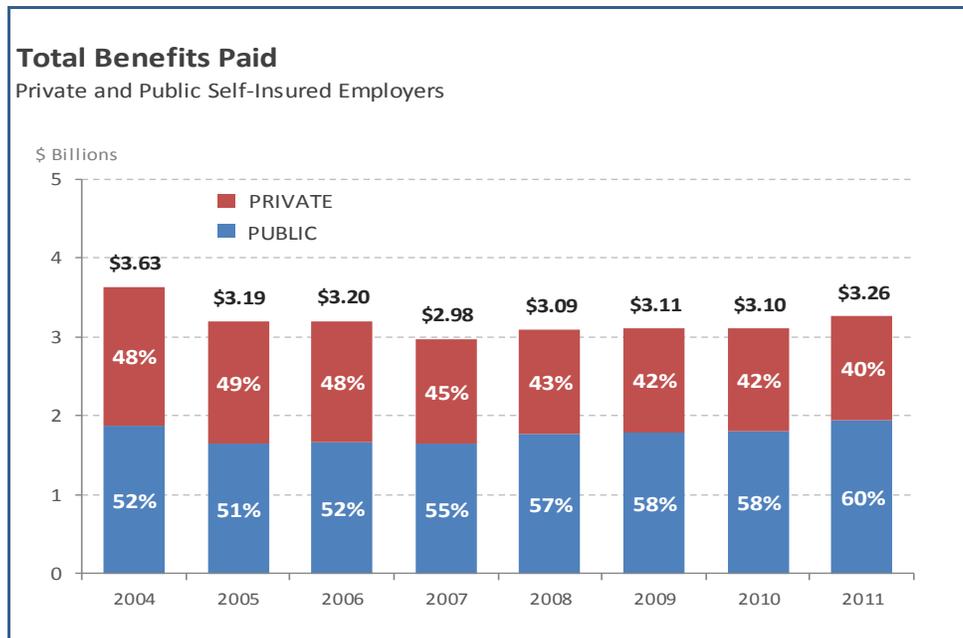
- Private Self-Insureds (active)
 - Individual self-insurers 447
 - Self-Insured Groups 22

- Public Self-insureds (active)
 - Individual self-insureds 365
 - JPAs 89

- State of California (permissibly uninsured)

Self-insureds now represent nearly 30% of the overall payroll of all employers in California. Of all self-insureds, the public sector represents 60% of all benefit payments (indemnity and medical) compared to 40% for the private sector (refer to Figure 1). In fiscal year 2010/11, public sector self-insureds paid \$1.95 billion in benefits. Private self-insureds paid \$1.31 billion.

Figure 1
Benefit Payments by Year
2004 - 2011



A more detailed breakdown between indemnity and medical benefit payments is shown in Appendices A and B.

Insolvencies and Defaults

Public Entity Employers

Since the beginning of public sector self-insurance, a span of over 50 years, no individual public entity or JPA has defaulted on the payment of workers’ compensation benefits. There have been a number of bankruptcy filings (Chapter 9) by individual public entities -- Orange County the most notable in the 1990s, and more recently the municipalities of Vallejo, Stockton, San Bernardino, and the Town of Mammoth Lakes. None of these entities has defaulted on their workers’ compensation benefit payments.

No self-insurance JPA has ever filed for bankruptcy protection. JPAs are considered special districts under the Government Code and could file under Chapter 9. However, for the nearly 40 years of their existence, no JPA bankruptcy has occurred. Members of a JPA, like private self-insured group members (SIGs), are liable for each other’s obligations within the JPA under the joint and several indemnity agreements specified in the Labor Code and required by the Department of Industrial Relations (DIR). Consequently, if a member entity of the JPA were to go into bankruptcy, the other members of the JPA would be jointly and severally liable for the continued benefit payments to the bankrupt member’s employees. The JPA could then seek recovery against the bankrupt member as an unsecured creditor.

Private Sector Employers

The experience of private sector self-insurers and self-insured groups (SIGs) is vastly different from that of the public sector, which has experienced no defaults. The first individual self-insurer to default was Signal Trucking in 1968, and since then there have been 75 defaults (see **Appendix C**). In 1984, California Cannery and Growers Cooperative (Cal Cannery) defaulted. This was the first time the security deposit posted by the self-insurer was insufficient to cover the defaulted employer's workers' compensation obligations. This default led to the formation of the California Self-Insurers Security Fund (SISF) as the guaranty fund for defaulted private individual and group self-insurers.

Although SIGs were allowed by legislation and regulation in 1993, the first private SIG did not form until 2002. There are currently 22 active and nine revoked SIGs. There has been one default (the Contractors Access Program in 2010). There is concern that others will follow.

Guaranty Funds Protecting Injured Workers

Workers' compensation benefits for employees of *insured* employers are protected by the California Insurance Guarantee Association (**CIGA**) which was created in 1973 as a private non-profit entity. Employees of private self-insurers and self-insured groups are protected by the California Self-Insurers' Security Fund (**SISF**). After the default of Cal Cannery, legislation was passed in 1984 (the Young-LaFollette Act) creating SISF as a non-profit mutual benefit corporation which then assumed the payment of workers' compensation benefits to injured workers of all private self-insurers that have defaulted since that date. SISF has continued to serve as the safety net for injured workers, as the security deposits required by DIR have generally been insufficient to pay all the necessary benefits and claims adjusting costs. On average, security deposits have been only about 55% of the ultimate projected costs.

A flow chart (**Appendix D**) shows the sources of recovery from the various types of employer workers' compensation coverage arrangements (insured, individual self-insured, JPA, and SIG). There is no "guaranty fund" or financial backstop for employees of public sector individual self-insurers or JPA member entities. However, to-date there has been no occasion for a public sector security fund to be seriously considered in light of past experience. Formation of an entity similar to SISF was considered by CAJPA in the 1990s, but no action was taken.

SB 863, the workers' compensation reform bill passed in 2012, requires the Commission on Health Safety and Workers' Compensation (CHSWC) conduct a study of "*the costs of administration, workers' compensation benefit expenditures, and solvency and performance of public self-insured workers' compensation programs, as well as provisions in the event of insolvencies*" (Labor Code Section 3702.4). The report is due by October 1, 2013.

Risk Exposure to Employees of Public Sector Employers

The experience of the past is not necessarily an indication of the future exposure of defaults by public sector self-insurers. The recent recession and continuing financial distress of the public sector has raised concerns about the financial viability of certain public entities, their ability to meet their financial obligations, and the treatment of self-insured obligations in a Chapter 9 bankruptcy proceeding.

The financial risk appears to be highest with cities and school districts. Counties may pose less risk since they are subdivisions of the State, and as such, the State may be the financial guarantor in the event of bankruptcy and default. A similar relationship to the State may also exist with K-12 school districts.

The greatest exposure to injured workers may be with municipalities and special districts that are self-insured outside of JPAs. There has been no evidence that any of the 89 public sector JPAs is financially troubled. Most JPAs operate like assessable mutual cooperatives or insurance reciprocals. Assessments are levied and collected from the members when needed. Non-payment of assessments is generally pursued aggressively by the JPAs. No serious non-payment of assessments has threatened the solvency of a JPA, and it is highly unlikely that the members of a JPA would let it fall into bankruptcy.

JPAs provide greater security for the employees of their member agencies because: (1) protection through the Labor Code joint and several liability requirement; (2) the more predictable, stable revenue sources available to the public sector entities compared to private companies; (3) the past proven history of assessment collectability; and (4) the greater financial stability of a group of entities as opposed to an individual entity.

Funding a Public Entity Security Fund

However, if the DIR and public sector self-insurers determine that a public entity security fund is necessary as a safety net for injured workers of public employers, one model to follow would be SISF. The public sector guaranty fund could be funded by assessments as needed following, or immediately preceding, a default. The statute creating SISF in 1984 stated that “..... *no member shall be assessed at one time in excess of 1.5 percent of the benefits paid by the member for claims incurred during the previous calendar year as a self-insurer, and total annual assessments in any calendar year shall not exceed 2 percent of the benefits paid for claims incurred during the previous calendar year.*” (Labor Code Section 3745). This remains in effect.

If a similar funding mechanism were enacted for the public sector, it would generate revenue for benefit payments in the current year as shown in Figure 2.

Figure 2
Potential Annual Revenue from Assessments on Public Sector Employers

	JPAs	PEs	Total
Benefits Paid (Ind & Med) in 2010-11 for Claims Occurred in 2010-11*	\$82,000,391	\$260,787,971	\$342,788,362
Assessment %	2%	2%	
Total Revenue Generated	\$1,640,008	\$5,215,759	\$6,855,767

* Source: Information published on DIR OSIP’s website for the Public Self-Insured Annual Report.

However, analysis by Bickmore indicates this total assessment amount would be inadequate to cover the potential cash flow needs from the default of a large municipality, or a number of medium size entities.

Public Sector Defaults -- Options for Consideration

We have identified four basic options for policy makers and stakeholders to consider.

- 1. Maintain the status quo.** No public sector defaults have occurred in over half a century, so there does not appear to be a need for any change in the system.
- 2. Require security deposits.** This could be a similar system to that imposed on the private sector. The cost to the public sector would be minimal, but a large amount of financial assets would be restricted since most public entities would post cash and securities, not letters of credit or surety bonds. The cost of state regulation would be high, similar to that of the cost of regulating the private sector.

Many JPAs and individual self-insured entities obtain frequent actuarial estimates of unpaid liabilities and pre-fund those liabilities. The accreditation program of the California Association of Joint Powers Authorities (CAJPA) requires that JPAs receive actuarial estimates and that they be funded with a conservative contingency margin. Many JPAs in California are accredited. Such JPAs and individual self-insureds that identify and fund their liabilities could be exempted from a security deposit requirement, or at a minimum, be allowed to discount their liabilities. Another alternative would be to require security deposits on entities with low credit ratings.

- 3. Require that a public entity security fund be created.** Public entities could create a non-profit association similar to SISF and CIGA, or a statewide JPA to insure the payment of benefits to any public entity self-insured or JPA that defaults. The cost of this mechanism could range from minimal to substantial, depending on the mechanism created, the funding requirements, and the number of defaults that might occur in the future.

- 4. Require more regulatory oversight.** The DIR, the Department of Finance, and the State Controller's Office of Local Government Fiscal Affairs could assume a more active role in monitoring the financial solvency and default risk posed by public entity self-insureds. This would most likely have a very high regulatory cost and compliance cost. How public entities budget and fund their workers' compensation liabilities varies widely from entity to entity. There is currently no requirement that public entities fund their workers' compensation liabilities or keep reserve funds in separate, discreet internal service or trust funds.

Future Action

If the State of California and other stakeholders are concerned about the exposure of financial failure and default of public sector self-insureds, then the study required by SB 863 should be monitored closely and input provided by public sector organizations such as:

- CAJPA;
- PARMA;
- League of California Cities;
- California State Association of Counties;
- California Association of Schools Boards Association;
- California Association of School Business Officials;
- California Special District Association; and
- Association of California Water Agencies.

The study should include a detailed analysis of the potential risk by types of public entities and their respective legal status under the Federal bankruptcy law. The relationship of public entities to the State of California as a potential financial guarantor should also be closely examined.

Total Benefits Paid - - Indemnity and Medical

Private and Public Self-Insured Employers

YEAR	PRIVATE TOTAL (%)	PUBLIC TOTAL (%)	TOTAL PAID
A	B	C	D=B+C
04 03/04	1,743,905,454 (48)	1,883,869,272 (52)	3,627,774,726
05 04/05	1,549,850,220 (49)	1,642,577,096 (51)	3,192,427,316
06 05/06	1,537,081,925 (48)	1,666,271,661 (52)	3,203,353,586
07 06/07	1,327,545,263 (45)	1,647,674,361 (55)	2,975,219,624
08 07/08	1,326,292,117 (43)	1,765,756,685 (57)	3,092,048,802
09 08/09	1,312,027,763 (42)	1,795,913,616 (58)	3,107,941,379
10 09/10	1,290,461,205 (42)	1,812,467,501 (58)	3,102,928,706
11 10/11	1,308,905,714 (40)	1,951,024,734 (60)	3,259,930,448
<i>Total</i>	11,396,069,661 (45)	14,165,554,926 (55)	25,561,624,587
<i>Average</i>	1,424,508,708 (45)	1,770,694,366 (55)	3,195,203,073

NOTES

- 1.) Data from Statewide Totals provided by DIR/OSIP
- 2.) Total Benefits paid during year (includes all case expenditures)
- 3.) Private benefits reported on calendar year, public reported on fiscal.
- 4.) Does not include the State of California.

Public Self-Insured Employers
Total Benefits Paid -- Indemnity and Medical

YEAR	INDEMNITY PAID (%)	MEDICAL PAID (%)	TOTAL PAID
A	B	C	D=B+C
2003 / 04	951,376,796 (51)	932,492,476 (49)	1,883,869,272
2004 / 05	864,997,452 (53)	777,579,644 (47)	1,642,577,096
2005 / 06	897,383,709 (54)	768,887,952 (46)	1,666,271,661
2006 / 07	868,646,105 (53)	779,028,256 (47)	1,647,674,361
2007 / 08	878,439,826 (50)	887,316,859 (50)	1,765,756,685
2008 / 09	846,463,847 (47)	949,449,769 (53)	1,795,913,616
2009 / 10	833,513,351 (46)	978,954,150 (54)	1,812,467,501
2010 / 11	907,485,883 (47)	1,043,538,851 (53)	1,951,024,734
<i>Total</i>	7,048,306,969 (50)	7,117,247,957 (50)	14,165,554,926
<i>Average</i>	881,038,371 (50)	889,655,995 (50)	1,770,694,366

Private Self-Insured Employers
Total Benefits Paid -- Indemnity and Medical

YEAR	INDEMNITY PAID (%)	MEDICAL PAID (%)	TOTAL PAID
A	B	C	D=B+C
2004	941,048,533 (54)	802,856,921 (46)	1,743,905,454
2005	860,931,930 (56)	688,918,290 (44)	1,549,850,220
2006	736,255,915 (48)	800,826,010 (52)	1,537,081,925
2007	651,495,095 (49)	676,050,168 (51)	1,327,545,263
2008	593,142,897 (45)	733,149,220 (55)	1,326,292,117
2009	550,287,340 (42)	761,740,423 (58)	1,312,027,763
2010	529,956,700 (41)	760,504,505 (59)	1,290,461,205
2011	550,233,459 (42)	758,672,255 (58)	1,308,905,714
<i>Total</i>	5,413,351,869 (48)	5,982,717,792 (52)	11,396,069,661
<i>Average</i>	676,668,984 (48)	747,839,724 (52)	1,424,508,708

NOTES

- 1.) Data from Statewide Totals provided by DIR/OSIP
- 2.) Total Benefits paid during year (includes all case expenditures)
- 3.) Private benefits reported on calendar year, public reported on fiscal.
- 4.) Does not include the State of California.

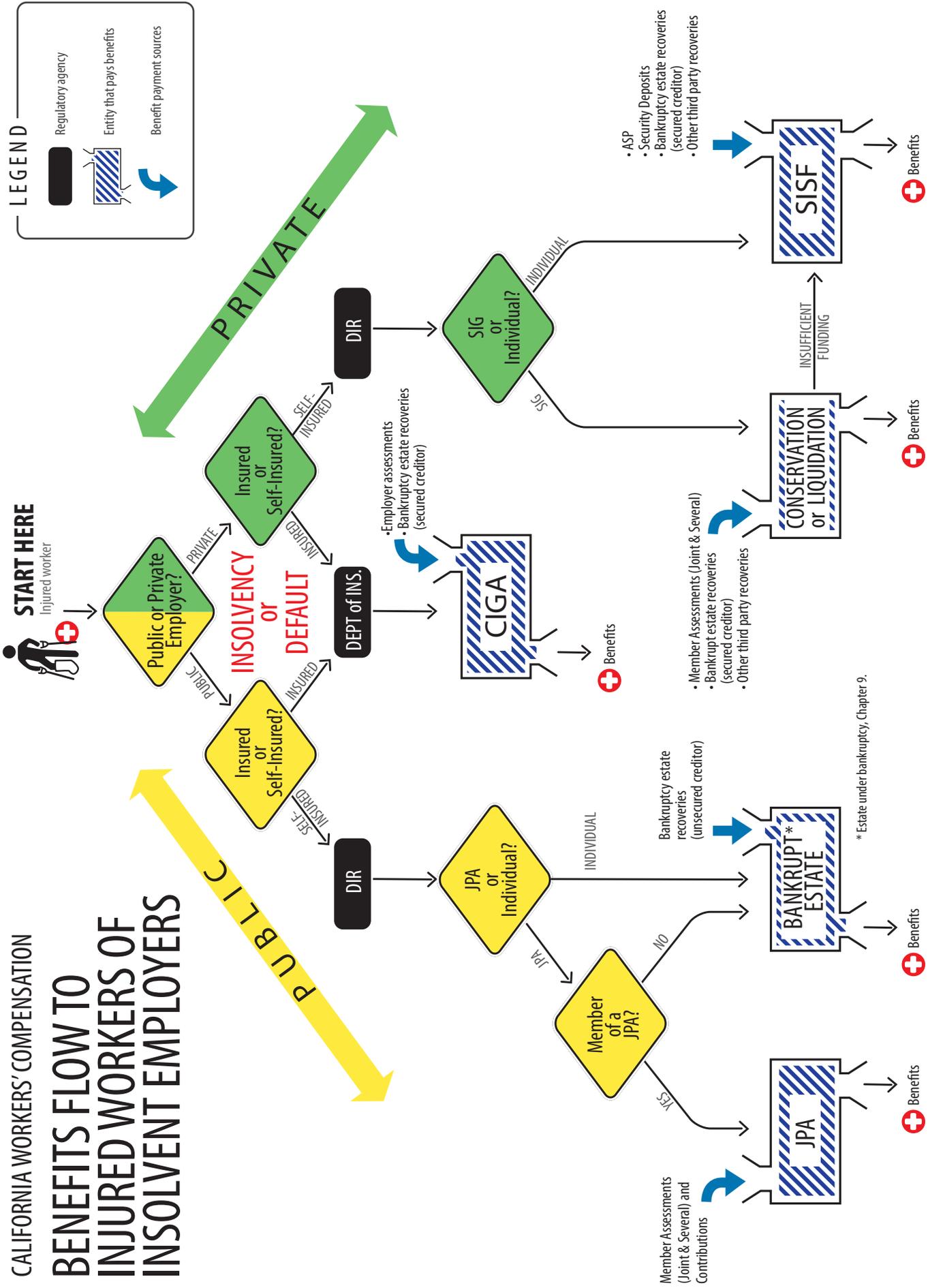
Private Self-Insured Defaults As of December 31, 2012

Estate	Year
Signal Trucking	1968
Certified Alloy Products, Inc.	1983
California Canners and Growers	1984
IML Freight Inc.	1985
Leeway Motor Freight, Inc.	1985
Delta Lines	1986
Monolith Portland Cement	1986
Powerine Oil Company	1986
Kaiser Steel Corporation	1987
Knudsen Corporation	1987
United Foam Corporation	1988
Strolee of California	1988
Cook Brothers Equipment Co.	1989
Davis Walker Corporation	1989
Smith Transportation	1989
Foster's West	1989
James Allen & Sons	1990
Pie Nationwide Inc.	1990
Transcon Lines	1990
Wilson Food Corporation	1990
Yellow Cab of Los Angeles	1990
Richards Rack	1990
Lone Star Industries	1991
R.B. Furniture	1991
Stanford Applied Engineering	1991
United Concrete Pipe Company	1991
Interpace Corporation	1992
Thrifty Oil Company	1992
Intermark, Inc.	1992
Anderson School Equipment	1993
Purity Stores	1993
Gust K. Newberg	1994
Ingleside Lodge Hospital	1994
Los Medanos Health Care Corp.	1994
Los Angeles Soap Company	1995

Source: California Self-Insurers Security Fund, 2013

Estate	Year
Bryant Universal Roofing	1996
Standard Brands Paint Co.	1996
The Pullman Company	1996
Montgomery Ward & Co.	1987
Stueve Bros. Farms	1997
California Stevedore and Ballast	1999
Garrett Freightlines/Anr	1999
Western Union/New Valley Corp.	1999
Applied Magnetics Corporation	2000
Rice Growers Association	2000
Western Medical Enterprises	2000
Homebase, Inc.	2001
San Francisco French Bread Co.	2001
Parkview Community Hospital	2002
Santa Clarita Health Care	2002
Eel River Sawmills, Inc.	2002
Bethlehem Steel Corporation	2003
Dillingham Construction	2003
Fleming Companies, Inc.	2003
Waterman Industries, Inc.	2004
Oakwood Homes/Golden West Homes	2004
Moore Dry Dock	2005
Barth & Dreyfuss of California	2005
West Point Stevens	2006
Rexhall Industries	2006
Lorber Industries, Inc.	2006
Amcast Industrial Corporation	2006
National RV	2007
ASARCO	2007
Mervyn's	2008
Circuit City	2009
Fairchild	2009
Fleetwood	2009
Triple A Machine	2010
Contractors Access Program of California	2010
Interlake Material Handling	2011
Mid Valley Plastering	2011
Mainstay Business Solutions	2011
T and R Painting and Drywall	2011
Administrative Concepts Corp.	2012
Grossman's Inc.	2012

CALIFORNIA WORKERS' COMPENSATION BENEFITS FLOW TO INJURED WORKERS OF INSOLVENT EMPLOYERS



APPENDIX D

CAJPA Accreditation Standards

DRAFT



California Association of Joint Powers Authorities (CAJPA)

ACCREDITATION STANDARDS

As of July 1, 2013

These standards replace all previous versions.

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ACCREDITATION STANDARDS

The California Association of Joint Powers Authorities (CAJPA) Accreditation Program was developed to establish standards by which risk sharing California JPAs can measure their ability to provide efficient services to their member agencies.

The stated purposes of the CAJPA Accreditation Program are:

- To assist managers of JPAs in achieving standards of quality for essential elements of JPA management.
- To assure public officials, governing board members and the public that JPAs are operating with professionalism and meet industry standards of excellence.
- To address the concerns of state regulators and legislators that JPAs are well managed, financially secure, and effectively self-regulated.

To meet these purposes the CAJPA Board of Directors has adopted standards by which JPAs are evaluated. The standards are reviewed and updated annually.



I. GOVERNING DOCUMENTS & ADMINISTRATIVE CONTRACTS

OBJECTIVE

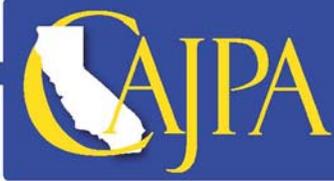
To determine that the governing documents and contracts with major service providers contain all essential provisions.

STANDARDS

- A. The JPA maintains in its records a signed original of the joint exercise of powers agreement or other acceptable documentation from each member agency. (Mandatory)

- B. The agreement shall contain all of the provisions required in the enabling legislation in Section 6500 et. seq. of the Government Code.
 - 1. Section 6503 - requires that the purpose or power to be exercised and the method by which the purpose will be accomplished or the manner in which the power is to be exercised is to be stated in the agreement. (Mandatory)
 - 2. In accordance with provisions of §6505.5 or §6505.6 the agreement must designate a treasurer and an auditor. (Mandatory)
 - 3. Section 6511 - requires that the agreement provide for the disposition, division or distribution of any property acquired as the result of the joint exercise of powers. (Mandatory)
 - 4. Section 6512 or 6512.2- requires that the agreement provide that any surplus money on hand after the completion of its purpose shall be returned in proportion to the contributions made or, in the alternative, in proportion to contributions made and claims or losses paid. (Mandatory)

- C. The following are described in the appropriate governing document (agreement, bylaws, resolutions, master plan documents, memorandums of coverages, memorandums of understandings, adopted board policies or other similar documents):
 - 1. Eligibility criteria; (Mandatory)
 - 2. Procedure for electing officers; (Mandatory)
 - 3. Terms of office; (Mandatory)
 - 4. Record retention policy; (Excellence only)
 - 5. Power and duties of Board; (Mandatory)
 - 6. Indemnification for liability; (Excellence only)
 - 7. Provisions for dissolution of pool; (Mandatory)
 - 8. Provisions for financial audit; (Mandatory)



9. Provisions for actuarial study; (Excellence only)
 10. Provisions for claims audits; (Excellence only)
 11. Provisions for assessments and distributions; (Mandatory)
 12. Provision for withdrawal from a program or JPA as a whole; (Mandatory)
 13. Provision for termination (such as the right to cancel for non-payment of premiums, underwriting problems, or the failure to adequately control risks); (Mandatory)
 14. Provision for an annual meeting of the board; (Mandatory)
 15. Provision for the resolution of coverage and claims disputes with its Members; (Excellence only)
 16. Provision for obligations of members. (Mandatory)
- D.
1. The JPA is in substantial compliance with its governing documents. (Mandatory)
 2. The JPA Governing Board has reviewed the prior Accreditation Report for findings and recommendations. (Excellence)
- E. The JPA has written contracts with firms or individuals that provide program administration services, insurance brokerage services, claims administration services, or have access to JPA funds. Such contracts shall include: (Mandatory)
1. Scope of services of the contractor;
 2. Indemnification and insurance requirements;
 3. Compensation;
 4. Term of Agreement;
 5. Contract cancellation provisions;
 6. Ownership of records;
 7. Duty to disclose conflicts of interest including but not limited to other sources of income; and
 8. Language addressing how and by whom fines and penalties are to be paid. (Applies to workers' compensation third party claims administrators only).
- F. The JPA has certificates of insurance on file evidencing coverage required in contracts under E., above. (Mandatory)
- G. If the JPA offers employee benefit programs to its member agencies, a written plan description must be provided to the covered employees. (Mandatory)
- H. The JPA keeps minutes of all meetings of its governing body and major committees. (Mandatory)



II. GOVERNMENT RULES

OBJECTIVE

To determine that the JPA complies with the various reporting requirements and other mandates imposed by the State of California and its regulatory agencies.

STANDARDS

- A. The JPA has filed a notice of its joint exercise of powers agreement and any amendments or membership changes with the Secretary of State identifying (GC 6503.5): (Mandatory)
 - 1. The name of each member;
 - 2. The effective date;
 - 3. The purpose or power to be exercised; and
 - 4. A description of the amendment, if any.
- B. The JPA has made the necessary Public Agency Roster filing with the Secretary of State and county clerks in the counties in which the JPA has offices. (GC 53051) (Mandatory)
- C. The JPA has adopted a Conflict of Interest Code, and formally reconsiders it prior to October 1st of all even numbered years, and oversees any required filings of the Statements of Economic Interest with the Fair Political Practices Commission or the designated filing agent. (GC 87306.5) (Mandatory)
- D. If the JPA is subject to Education Code 17566(e) or 81602(e), it procures triennial actuarial studies on its employee benefit programs. (Mandatory)
- E. The JPA's governing body approves its annual budget. (GC 6508) (Mandatory)
- F. The JPA has filed the "Special Districts Financial Transactions Report" with the State Controller/Division of Local Government Fiscal Affairs Special District Unit. (GC 53891) (Mandatory)
- G. The JPA has filed its Audited Financial Statement with each member and with the county auditor of the county where the home office of the JPA is located within 12 months of the end of each fiscal year. (GC 6505(c)) (Mandatory)
- H. JPA and/or member has a valid certificate(s) of consent to self-insure Workers' Compensation (Labor 3700) and files any changes in claims administrators (8 Cal. Code Regulations § 15402) and the necessary annual reports with the Department



of Industrial Relations on or before October 1st of each year. (Labor 3702.2)
(Mandatory)

- I. The JPA properly posts meeting notices and conducts its meetings in accordance with the Brown Act. (GC 54954.2, GC 54953.2 and 42 U.S.C. Sec. 12132)
(Mandatory)
- J. JPA's that self-insure medical benefits plans annually file a copy of their audit with a declaration to the Department of Managed HealthCare as required for exemption from Knox-Keene requirements. (Code of Civil Procedure 2015.5) (Excellence only)
- K. JPA has implemented a process to ensure those mandated to comply with ethics training (GC 53235.2) have met the requirements.



III. INSURANCE AND COVERAGES

OBJECTIVE

To determine that the JPA properly identifies and handles its own exposures to loss, secures any insurance required by its governing documents and/or any other legal requirement, monitors the adequacy of coverages it provides to its members and maintains permanent policy files.

STANDARDS

A. JPA Internal Operations

1. The JPA maintains an official bond as required by state law (GC 6505.1 and 6505.5). The JPA requires fidelity coverage for person or persons that are entrusted with any property of the JPA. (Mandatory)
2. The JPA insures or self-insures for the following exposures as appropriate: (Mandatory)
 - a. Public Officials Errors and Omissions;
 - b. Employee Fidelity; (insurance only, self-insurance not allowed)
 - c. Commercial General Liability;
 - d. Workers' Compensation;
 - e. Fiduciary Liability;
 - f. Auto Liability; and
 - g. Property.
3. For the risk retained by the pool the JPA provides a coverage document that includes or references: (Mandatory)
 - a. Declaration page
 - b. Definitions
 - c. Insuring agreement
 - d. Conditions
 - e. Exclusions

B. Programs for Member Agencies

1. The JPA evaluates its insurers, excess insurers, and reinsurers and risk pools for quality, stability, and financial solvency. (Mandatory)



- C. The JPA keeps all memoranda of coverages and insurance policies permanently on file. (Mandatory)

- D. The JPA maintains and distributes coverage agreements and insurance policies as appropriate. (Mandatory)



IV. ACCOUNTING & FINANCE

OBJECTIVE

To determine that the JPA complies with all applicable accounting standards and has adopted an investment policy.

STANDARDS

- A. The JPA materially adheres to all applicable GAAP, GASB, and other accounting standards. (Mandatory)
- B. The JPA issues to its members periodic financial reports at least annually or more frequently if required by its governing documents. (Mandatory)
- C. Independent Financial Audits
 - 1. The JPA has undergone annual independent financial audits conducted by a Certified Public Accountant in accordance with generally accepted auditing standards, a report of which has been made available to all members as required by its governing documents. (Mandatory)
 - 2. If the JPA has received an opinion other than an unqualified opinion on the audit of its financial statements, the JPA governing board has satisfactorily addressed any such qualifications of opinion, audit exceptions or negative statements. (Mandatory)
 - 3. The independent auditor's report shall include a review of internal controls at least every three years. (Excellence only)
 - 4. If a management letter or report on internal controls has been issued, the JPA governing board has addressed any recommendations. (Mandatory)
- D.
 - 1. The JPA has assets sufficient to pay all unpaid claims liabilities and maintains a reasonable contingency margin. The determination of whether there is a reasonable margin for contingencies will include consideration of investment income, excess of loss insurance, aggregate stop loss insurance, assessability, size of program, volatility of risk, tolerance of membership, disclosure to board and any other relevant factors. (Excellence only)
 - 2. If the JPA does not currently have sufficient assets to pay unpaid claims liabilities, it has a reasonable financial plan in effect which will generate sufficient revenues to pay all unpaid claims liabilities and to establish a contingency margin. (Mandatory)



For both D (1) and (2) above, unpaid claims include:

- a. Case reserves for reported claims;
 - b. Incurred but unreported claims;
 - c. Expected loss development; and
 - d. Allocated and unallocated loss adjusting expenses.
3. JPAs with a self-funded medical benefits plan must fund at a level sufficient to cover expected claims, including the run-out, plus a reasonable contingency for adverse experience. Absent any acceptable evidence to the contrary, the contingency for adverse experience shall be set at an amount equal to or greater than the expected run-out of claims. (Mandatory)
4. JPAs with self-funded benefit plans other than medical must fund such programs at a level sufficient to cover the expected claims and the projected run-out. (Mandatory)
- E. The JPA's current contribution levels for each self-funded program is in concert with Section E above. (Mandatory)
- F. The JPA has adopted a targeted equity policy and considers it when evaluating funding and dividends. (Mandatory)
- G. Any JPA with a non-risk sharing program(s) must clearly indicate in the governing documents the financial and operational structure of such program(s). (Mandatory)

To be considered as a W.C. non-risk sharing program, it must not be operating under a master workers' compensation certificate filed with Self-Insurance Plans.

In lieu of the funding standards contained in Section E above, a non-risk sharing program must:

1. Calculate and communicate the individual member net assets balances and liabilities to the members annually.
 2. Be sufficiently assessable to ensure that the program's cash flow needs are met.
 3. Demonstrate that it has adequate cash on hand to meet future claims costs.
- H. The JPA maintains a suitable management information system that includes premium computation methods and/or allocation formulas. (Excellence only).



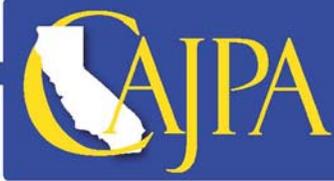
V. INVESTMENT OF FUNDS

OBJECTIVE

To assure that policies and procedures are in effect to protect and preserve the JPA's financial assets.

STANDARDS

- A. The JPA has a written investment policy that contains:
 - 1. A statement of objectives as required by Government Code § 53646; (Mandatory)
 - 2. Description of permitted investments, which must be in conformity with California Government Code § 53601 and reasonable under "prudent investment rule"; (Mandatory)
 - 3. The written investment policy is reviewed annually by the governing body or an investment committee pursuant to California Government Code § 53646(a) (Mandatory)
- B. The JPA invests its funds in conformity with Government Code § 53601. (GC § 6509.5). (Mandatory)
- C. The JPA provides evidence that the governing body or an investment committee periodically considers diversification of risk as to type of investment and individual institution. (Excellence only)
- D. The JPA has in place internal controls that include:
 - 1. Separation of functions (buying and selling of securities is separate from accounting and reporting of transactions) if the size of the staff can accommodate this separation. (Mandatory)
 - 2. Separate verification of all transactions; and (Mandatory)
 - 3. Written documentation of procedures. (Mandatory)
- E. If the Treasurer has the authority to reinvest, sell and exchange securities:
 - 1. The JPA makes such delegation of authority annually. (Government Code §53607) (Mandatory)
 - 2. The Treasurer renders a monthly report of investment transactions to the governing board. (Government Code §53607) (Mandatory)



The following requirements (F, G, H, & I) only apply to JPAs that manage their own investments, with or without the use of investment consultants.

- F. The JPA provides evidence that the Treasurer or Chief Financial Officer has submitted a quarterly report in a timely manner to the governing board containing the investment information required by California Government Code § 53646 (b) (1), a description of compliance with the statement of investment policy (Government Code § 53646 (b) (2)), and a statement of ability to meet expenditure requirements over the next six months (Government Code § 53646 (b) (3)). (Mandatory)
- G. The quarterly investment report filed with the governing body shall also contain:
1. Types of investments (Mandatory)
 2. Issuing institution (Mandatory)
 3. Dates of purchase and maturity (Mandatory)
 4. Par and dollar amount invested on all securities (Mandatory)
 5. Investments and monies held by the JPA (Mandatory)
 6. Current market value, including source (Mandatory)
 7. Coupon rate (Excellence only)
 8. Effective yield rate (Excellence only)
 9. Portfolio total rate of return (Excellence only)
 10. Cash and security transactions (Excellence only)
 11. Percentage of portfolio by issuer or security type. (Excellence only)
- H. JPAs that own investment securities shall have an independent custodian who shall not be from the same department of the financial institution or broker/dealer from whom the JPA buys or sells the security, or the investment advisor. (Mandatory)
1. There shall be a written contract between the JPA and the custodian that includes: (Mandatory)
 - a. Scope of services
 - b. Compensation
 - c. Termination
 2. Monthly reports shall be sent directly from the custodian to a specific person at the JPA. (Excellence only)
 3. Custodial statements shall be reconciled with an in-house or investment advisor's report. (Mandatory)
 4. The third-party custodian shall maintain adequate fidelity coverage. (Excellence only)



- I. For JPAs that engage in services of a professional investment advisor, the following safeguards are in place:
 1. There is a written contract between the advisor and the JPA that includes: (Mandatory)
 - a. Scope of services
 - b. Compensation
 - c. Duty to disclose conflicts of interest
 - d. Termination
 - e. Disclosure to the JPA of any investigation by a regulatory body for investment-related regulatory violations.
 2. The JPA has a process to ensure the investment advisor has disclosed any conflict of interests. (Mandatory) (This may be satisfied by a provision in the contract as addressed in H(1) above, or FPPC form 700, or review of Form ADV Parts 1 and 2.)
 3. All securities are purchased in the name of the JPA. (Mandatory)
 4. The advisor sends monthly reports to the JPA containing information described in Section D above; and (Mandatory)
 5. The advisor reports at least quarterly an evaluation including the total rate of return and a comparison of the pool's total rate of return to reasonable benchmarks (i.e., U.S. Treasury securities, an index comprised of Treasuries, or LAIF). (Excellence only)
 6. The investment advisor carries Investment Advisor Professional Liability Insurance with a per claim/aggregate limit of at least \$1,000,000. (Mandatory)
- J. JPAs that place their investments in or through County or State investment pools, or in FDIC insured contracts will issue quarterly reports to the governing body, chief financial officer, and auditor in accordance with Government Code § 53646 (e). (Mandatory)



VI. FUNDING AND ACTUARIAL STANDARDS

OBJECTIVE

To determine that the JPA has completed actuarial studies or independent evaluations on each of its self-funded programs. There may be instances in which the provisions of this section may be waived because such studies may not be considered necessary (such as for property or vehicle physical damage programs).

STANDARDS

- A. The JPA has had a property or casualty (including W.C.) actuarial study(ies). Such study was conducted by a Member of the American Academy of Actuaries, and addressed all of the relevant items in Sections IV. E and IV. F. Such study(ies) shall be conducted within the last three years (Mandatory) or annually. (Excellence only)
- B. If loss reserves requirements were computed on a discounted (present value) basis, the payout pattern and projected rate of return were reasonable. (Mandatory)
- C. If the JPA has a self-funded medical benefits plan, it must conduct an independent rate study and fund level evaluation, including consideration of a reasonable contingency margin for adverse experience. Such study shall be conducted annually (Excellence only) or within the last 36 months (Mandatory).
- D. If the JPA has other miscellaneous self-funded programs (such as dental, vision, long-term disability or life), it must conduct independent rate studies and fund level evaluations within the last 36 months (Mandatory) or bi-annually (Excellence only).



VII. RISK CONTROL

OBJECTIVE

To determine that the JPA actively promotes risk control principles and practices to its members and that necessary budgetary appropriations for such services are made. An excess JPA may meet this requirement by requiring its member agencies to be responsible for having their own risk control program.

STANDARDS

- A. JPAs are active in promoting risk control principles among their member agencies. This shall include the following: (Compliance with two or more is required for Excellence.)
 - 1. Promoting a risk transfer policy that addresses additional insureds, minimum insurance limits, and proof of suitable insurance coverage;
 - 2. Establishing risk control standards for the significant exposures of its member agencies;
 - 3. Prioritizing the use of its risk control resources, based on such factors as:
 - a. Loss ratios;
 - b. Frequency rates; and
 - c. Severity rates.
 - 4. Offering risk control assistance to its member agencies including:
 - a. Conducting or facilitating risk control inspections;
 - b. Investigating large losses;
 - c. Conducting risk control training for its member agencies; and/or
 - d. Providing wellness and/or employee assistance program.
 - 5. Providing or facilitating the procurement of appraisal services, in order to maintain accurate records of its members' property components and values.
- B. The JPA's budget provides for the above. (Excellence only)
- C. The JPA maintains a suitable management information system that includes: (Excellence only).
 - 1. Relevant information about the type and quantity of exposures being assumed.
 - 2. Relevant information about the type, number and cause of accidents result in claims against its member agencies.



VIII. CLAIMS MANAGEMENT

OBJECTIVE

Measure the nature, scope, and quality of the claims management services provided by JPA and its contractors.

STANDARDS

- A. The JPA has established a claims management system. Excess JPAs must have a process to monitor primary claims handled by, or for, its member agencies. (Mandatory)
- B. The JPA has established a litigation management system. (Excellence only)
- C. The JPA has conducted a claims audit on each significant self-funded program, within the last 2 years. Significant self-funded programs shall include W.C., liability, and medical malpractice. (Excellence only)

The audit should be conducted by a qualified claims auditor, independent of the JPA, the claims administrator and the insurers and should determine whether or not:

- 1. Claims are handled in a timely and organized manner;
 - 2. The claims administrator adequately communicates with the JPA, its members, and the claimants;
 - 3. Case reserving practices are reasonable;
 - 4. Loss experience reports accurately reflect the case reserves and the payments. As an alternative, this determination may be made during the financial audits required in Section IV. C of these Accreditation Standards;
 - 5. The JPA is receiving quality claims services. General evidence of this may be indicated from the following:
 - a. Staffing levels are adequate in relation to caseloads;
 - b. Adjusters identify claims with subrogation potential;
 - c. Excess insurers are notified of claims with excess potential;
 - d. Litigated claims are adequately managed;
 - e. Coverage is verified; and
 - f. Adequate investigations are performed.
- D. The JPA has addressed all major recommendations and significant findings included in the audit report. (Excellence only)
 - E. The JPA maintains a management information system that includes relevant information about the type, number and cost of claims being reported and adjusted. (Excellence only)



- F. If the JPA provides employee benefit plans for its members, it must have an appeals process for handling claims and/or coverage related disputes (Mandatory)
- G. The JPA has a written policy addressing settlement authority. (Excellence only)



IX. UNDERWRITING

OBJECTIVE

To determine that the JPA has a clear process for developing and monitoring its underwriting policies and processes. This evaluation will be reviewed with all accreditation beginning July 1, 2012 and each JPA will have the opportunity to go through a review of this standard to allow JPA to formalize and adopt relevant policies and practices. Subject to CAJPA Board approval this standard will only be required for all JPA's seeking accreditation beginning July 1, 2015.

A. Underwriting Objectives - This applies to rating individual members and overall program management.

1. The JPA has established a written underwriting policy. This policy should include the following:

- a. Definition of the underwriting function / mission
- b. Address suitability or fit of members
- c. As applicable considers:
 - i. Claims
 - ii. Exposures
 - iii. Actuarial results
- d. Defines relevant period or value of data (ex: last five years; or capped at \$150,000).

2. There is an objective contribution allocation formula

- a. It identifies the components in writing as part of the policy
- b. The policy identifies guidelines for credits or debits, if any

3. There is an approval process for new members by the JPA Board or they delegate this approval.

4. The underwriting policy is formally reviewed periodically or at least once every three years. This review should consider:

- a. Is the process adequately measuring the risks?
- b. Is the process adequately allocating costs?

5. Underwriting considers the target net assets (Excellence only)



X. OPERATIONS AND ADMINISTRATIVE MANAGEMENT

OBJECTIVE

To determine that the JPA (A) has a process for developing and implementing a strategic plan setting forth its goals and objectives for the future, (B) regularly and effectively communicates with its members (C) actively involves its governing board members and staff in education and training programs offered by relevant professional associations and (D) maintains procedures and policies relating to information systems.

STANDARDS

- A. The JPA conducts an effective strategic planning process and implements and periodically reviews a strategic plan or plans to guide its future efforts. This should include an analysis of the environmental trends and the organizational strengths, weaknesses, opportunities and threats. Such a process may also include the following: (Excellence only)
 - 1. A survey of member expectations and related perceptions;
 - 2. A mission statement, with supporting goals, objectives and tasks.
 - 3. Consideration of the target equity policy.
- B. The JPA regularly communicates with its member entities. Such communication may include: (Excellence only)
 - 1. Annual reports, newsletters, or similar media;
 - 2. Notice of major policy issues;
 - 3. Periodic workshops, seminars, or similar educational activities;
 - 4. Surveys of its member agencies, its service providers, and staff.
 - 5. JPA website for communication with members.
- C. The JPA governing board and staff are actively involved in education and training programs. Such involvement may be indicated by the following. (Excellence only)
 - 1. Participation in one or more of the following organizations:
 - a. CAJPA (California Association of Joint Powers Authorities)
 - b. PARMA (Public Agency Risk Managers Association)
 - c. PRIMA (Public Risk Management Association)



- d. CPCU Society (Chartered Property and Casualty Underwriters)
 - e. RIMS (Risk and Insurance Management Society)
 - f. CASBO (California Association of School Business Officials)
 - g. COSIPA (Council of Self-Insured Public Agencies)
 - h. CSIA (California Self-Insurers Association)
 - i. PASMA (Public Agency Safety Management Association)
 - j. AGRiP (Association of Governmental Risk Insurance Pools)
 - k. IEA (Insurance Educational Association)
 - l. ASSE (American Society of Safety Engineers)
 - m. SCIC (Society of Certified Insurance Counselors)
2. Top management has attended at least two professional conferences or seminars in the preceding 12 months.
 3. The governing body members participate in pool management and risk management training.
 4. There is formal training of all key personnel (as needed).
 5. The JPA's budget provides for the above participation and training.
- D. The JPA has developed and implemented processes and procedures relating to protection of electronic data, including:
1. A suitable security and back-up system for all stored data. (Mandatory)
 2. A written policy with respect to:
 - a. Disaster recovery (Excellence only)
 - b. Data backup retention and recovery (Excellence only)
 - c. Physical and electronic data security (Excellence only)
 - d. Electronic data retention (Excellence only)
 - e. Protection of electronic data as required by Health Insurance Portability and Accountability Act of 1996 (HIPAA), as applicable. (Excellence only)

APPENDIX E

Project Team Members

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Project Team Members

Bickmore

Gregory L. Trout

Mark Priven

Jim Elledge

Angela Bernard

Michael Kaddatz

Jo Ann Wood

Paul Cross

Sandra Spiess

Municipal Resource Group

Jack Dilles

Tom Sinclair

RMVet, Inc.

T. Sherman Lewis

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