



Issues

VOLUME 1 ISSUE 9

NEW PHONE SYSTEM INSTALLED

The IPRF is pleased to announce additional assistance for claim service we provide our members.

First, a new telephone system has been installed in our claim office, which allows our members, and outside contacts to reach us with greater ease and efficiency. You will have the ability to contact our claim office in Downers Grove by either 1) Dialing the party you wish to speak with on their direct line using area code 630, prefix 434 and the specific 4-digit extension number. 2) Dialing toll free 888-532-6981 and using our new automated attendant system that includes a company directory listing.

The system is designed to route calls with greater efficiency. At any time, you may access our operator by pressing "0" and she will assist you further. Our Loss Control Coordinator can also be accessed through these procedures.

We have also implemented a plan designed to assist our members in cases of extreme emergencies that occur after normal business hours. Please dial 888-593-4631. Please leave your name and telephone number including area code and the nature of your call. This should be used only in the case of a death or serious injury claim after normal business hours, holidays and evenings.

Analyst telephone number listings are mailed with your claim handling materials, available at our claims/loss

control seminars or by calling ext. 2130 and requesting a copy to be faxed or mailed to you.

We feel certain these additional services will be of benefit to our members as we continue to strive for excellence in member satisfaction.

BETTER EYE PROTECTION FOR FIREFIGHTERS

Recently, there have been questions raised about the IPRF Loss Prevention Departments' position on eye and face protection for firefighters, for other than fire fighting itself and while in contaminated atmospheres, (smoke, gases, etc.) where the SCBA mask must be worn. Notwithstanding the requirements of the NFPA, (National Fire Protection Association) -Standard NFPA 1971 and OSHA 29 CFR 1910.133, we have taken a position that affords the best protection for the eyes, nose, cheekbones, teeth and chin. In short, our main goal is to provide the best overall face/eye protection for each of your firefighters.

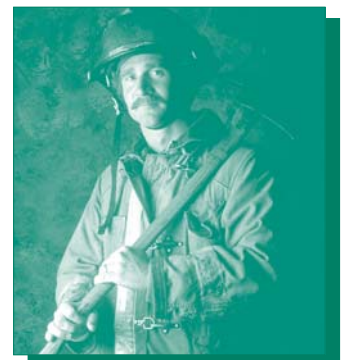
We recommend the installation and use of swing down face shields that are designed to fit the firefighter helmet being used. The shields should be long enough to protect the entire face when in the down position. All of the current helmet manufacturers offer the swing-down shield as an option during original purchase. Furthermore, your local fire equipment distributor can obtain replacement shields for your fire helmets if

they are the wrong one or if they have become damaged. Regular inspections of firefighters equipment by the shift officer can identify shields and other equipment that needs to be replaced.

We do not recommend the use of "Bourke Eyeshields" on any fire helmet. The old-style "Bourke Eyeshield" does little to protect the eyes and nothing to protect the face. If your fire department has these old style eyeshields, we recommend that they be removed in favor of a swing-down plexiglass face shield that is compatible with the helmet being used.

Several questions have also been forwarded to the loss prevention department regarding "NFPA Goggles". Although the goggles provide protection for the eyes above and beyond the protection afforded by the swing-down shield, they do not protect the nose, cheekbones, mouth or teeth. If "NFPA Goggles" are used, they should be used in conjunction with a swing-down face shield." These shields should be cleaned after use by using a detergent soap and water and following manufactures specifications.

*IPRF - Jody Warner and Don Klinger,
Loss Prevention Consultants*



ILLINOIS WORKERS' COMPENSATION THIRD-PARTY RECOVERY AND SUBROGATION

INTRODUCTION

The primary mission of workers' compensation case investigation and preparation by employer and claims personnel is fact-finding. In most instances, the facts determine the answers to the following critical workers' compensation issues that arise in every case:

1. Did an accidental injury or disablement from an occupational disease occur;
2. Is there workers' compensation liability for the injury or disabling condition;
3. Did the employee receive medical treatment and what medical expenses should be paid;
4. What is the medical diagnosis of the injury or condition; and
5. Did the employee lose any time from work and is temporary total disability (TTD) due.

SOURCES OF INFORMATION

- Accident Report – Form 45
- Employer Statement – Investigation – Accident Report
- Employee Statement – Written or Recorded
- Witness or Supervisor's Statement – Written or Recorded
- Police Reports

EXCLUSIVE REMEDY RULE

As a general rule, third-party liability does not lie against the employer, and its agents and insurers, or co-employees for unintentional injuries because of the "exclusive remedy rule" set forth in Section 5(a) of the Workers' Compensation Act.

Exceptions:

1. Intention Torts – Assault, Battery, etc.
2. Non-Compensable Claims: See *Meebrey v. Marshall Field & Co.*, 139 Ill.2d 455, 564 N.E.2d 1222 (1990).
3. Illegally Employed Minors.
4. Dual Personality or Capacity Doctrine.

- Medical Records and Reports
- Wage Statement
- Application for Adjustment of Claim
- Personnel File
- Group Health Insurance Claims
- Industrial Commission and Circuit Court Data Bases
- Index System
- Activity Check; Surveillance, Data Bases
- Other Employers

1. Negligence
2. Product Liability
3. Medical Malpractice
4. Intentional Tort
5. Statutory
 - a. Dram Shop Act (235 ILCS, 5/1-1, et. seq.)
 - b. Motor Vehicle Liability (635 ILCS 5/1-100, et. seq.)
 - c. Public Utilities Act (220 ILCS 5/5-201, et. seq.)
 - d. Illinois Domestic Animals Running at Large Act (510 ILCS 55/1, et. seq.)
 - e. Animal Control Act (510 ILCS 5/16, et. seq.)



PRACTICAL CONSIDERATIONS

- Early investigation is critical because the sooner a third-party liability situation is identified, the sooner the appropriate parties can be given notice of the Illinois Public Risk Fund's intention to seek reimbursement or enforce its workers' compensation lien. Although notice of the IPRF's (and the member-employer's) statutory workers' compensation lien and reimbursement rights (subrogation) is not legally required, third-party defendants and their insurers should be quickly identified and given written notice to avoid "losing out" in the event of a quick or "drop check" settlement by an insurer.
- Watch-out for the 2-year statute of limitations.
- Just because the workers' compensa-

tion claim is denied does not mean that the potential third-party case can be ignored. The statutory right of reimbursement or workers' compensation lien applies not only to workers' compensation benefits paid, but also those to be paid.

- Look for possible contract liability, construction contracts, supply contracts, and intergovernmental agreements.
- Other public entities may be shielded by governmental tort immunity.

William N. Krucks
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606
Telephone 312/360-6504
Fax 312/360-6572
Email Bkrucks@freebornpeters.com
338118v2/1174-1

IPRF LOSS CONTROL PERSONNEL CHANGES

Charles "Chuck" Hacht has resigned as IPRF loss control consultant for central Illinois to pursue other professional opportunities.

This area will now be covered by Thomas (Tom) R. Faivre (pronounced – "favor") who is based in Springfield. Tom brings 5 years of loss prevention experience with a municipality to the overall effort. Tom is a graduate of Illinois State's Occupational Safety Program and currently holds the Association Safety Professional (ASP) designation.

Questions regarding this change of personnel or loss prevention service should be directed to the IPRF Loss Control Coordinator, directly at 1-800-532-5981, ext. 3633.

FIREFIGHTERS NEED TO BUCKLE UP – NOW!

Note: This editorial column is adapted from a letter to the editor by FIRE CHIEF'S publisher, Janet Wilmoth, that appeared in the May 15 edition of The Chicago Tribune.

It was with a great deal of sadness that we learned that another firefighter died in the line of duty. Even more so, when we found out that this death could have been prevented by simply strapping on a seat belt.

However, as I waited for a taxi on State Street the day before the Chicago firefighter's funeral, a northbound fire truck slowly drove by. As I looked at the firefighter in the jump seat, behind the driver, I noticed he had no seatbelt and was leaning forward on the edge of his seat in the half-open cab, facing south.

I have had the opportunity to sit in on numerous NFPA Apparatus Committee meetings that develop the standards from which emergency vehicles are designed and developed. These committees are made up of members of the fire industry, the fire service and other professionals who volunteer their time and pay their own expenses to assist in developing standards – albeit voluntary standards – in order to provide safer apparatus, equipment and levels of certification for fire and emergency personnel across the United States. These meetings are painstakingly detailed in their efforts to create a safer environment for emergency personnel and the citizens that they serve and protect.



In discussing seatbelts on fire trucks, the question was raised that perhaps a vehicle's engine could be designed not to start unless the seatbelts were buckled, but the comment resounded: "The 'machos' will find a way around that!" At least firefighters (in Chicago) have stopped riding on the tailboards.

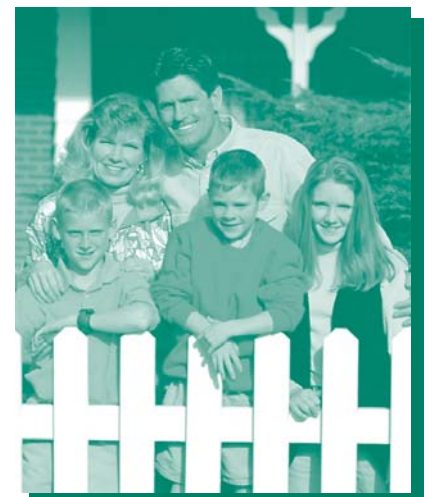
I am aware that fire departments can and will hold officers responsible for making sure their personnel are in complete gear, wearing proper equipment and belted into the vehicle before it leaves the station. However, after years of being involved with the fire service, I honestly don't think this is the responsibility of the city, the chief officers or even the lieutenants in charge. The safety of a firefighter or EMT (or officer for that matter) begins with the individual him - or herself.

I have seen fire trucks that have rolled over, and yet the firefighters walked away because they had seatbelts on. I have seen a fire truck where a breathing air tank wasn't secured in the cab and, in an accident, became a projectile through the windshield of the truck.

The NPPA standards can do only so much to ensure the safety of vehicles and equipment. The Chicago or any other fire department can write only so many rules and regulations. The fact is each person on the department is responsible for his or her own safety.

As parents, we strive to teach our kids that they must be responsible for their actions – or their lack of action. The International Association of Fire Fighters is committed to firefighter safety, but perhaps the obvious is the most forgotten, Bargaining for better medical benefits and fitness programs is honorable, but demanding that their members buckle the seat belt – on and off the job – would save more lives, and it's free. I've seen the adrenaline rush over and over within my family racing to calls but their own safety comes first and foremost. Sitting on a seatbelt can kill you.

Perhaps if each spouse, son and daughter would say, "We love you, Buckle up!" or if a co-worker would say, "Buckle it, buddy!" maybe we wouldn't lose these precious lives in such a useless manner. No more heartbreaking funerals because of carelessness.



ADDING ASPIRIN TO YOUR FIRST AID KIT MAY HELP SAVE YOUR LIFE



Simply adding aspirin to your first aid kit and discussing its use with your doctor may help stop you or someone you love from dying. Experts say the use of aspirin for heart attack first aid (as directed by a doctor) could save 10,000 lives each year. Read on for information on how to get a free refrigerator magnet with lifesaving tips.

Heart attack is the nation's leading killer, yet many sufferers deny their symptoms and do not take immediate action. Action taken within the first hours after a heart attack is critical to survival. The average sufferer gets to the hospital almost 5 hours after the onset of symptoms significantly increasing their chance of dying. Therefore, it is important to be educated about heart attack symptoms and know when and how to react.

When a heart attack is suspected, call 9-1-1 or your local emergency number for help, and chew or crush

and swallow a regular aspirin tablet as your doctor has directed.

REACT BEFORE IT'S TOO LATE

Don't make excuses for heart attack symptoms. Take fast action if you think that you or someone around you is having a heart attack. Never mistake heart attack symptoms as "indigestion" or feel that you are creating a false alarm acting fast can save lives.

The most common warning signs include:

- pain or heavy pressure in chest
- pain in shoulders, neck or arms
- lightheadedness
- fainting
- paleness
- sweating
- nausea
- shortness of breath

BE PREPARED

Know what to do if a heart attack happens to you or someone around you. Aspirin is not appropriate for everyone, so talk to your doctor now about whether aspirin is right for you during a heart attack. If it is, keep aspirin handy, and make sure it's not expired.

TAKE CHARGE

To educate Americans on heart attack prevention, The American College of Emergency Physicians has partnered with Bayer® Aspirin to provide Americans with a free *Heart Attack? React!* brochure and refrigerator magnet with lifesaving steps to take during a suspected heart attack. To receive your free brochure and magnet, please call 1-800-332-2253.

2000 LOSS CONTROL AND CLAIMS PROCEDURES SEMINAR SCHEDULE

For Information, Call 630/551-1668 or 888-532-6981

The Illinois Public Risk Fund has planned three Loss Control and Claims Procedures Seminars for the Fall. We encourage you to send both claims and loss control people as we have included separate sessions in the afternoon for each topic. If you have any questions, please call the Coordinator of Member Services at 630/551-1668 or our Loss Control Coordinator toll free at 1-888-532-6981 ext. 3633. THERE IS NO COST TO ATTEND THESE SEMINARS.

September 21 *Fairview Heights - Ramada Inn located at Highway 159 and Interstate 64.*

October 25 *Peoria - Pére Marquette Hotel*

November 2 *Crestwood - Rosewood West Restaurant located at the Northeast corner of Rte. 83 (131st St.) and Cicero Ave. (South suburb of Chicago)*



ILLINOIS PUBLIC RISK FUND

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