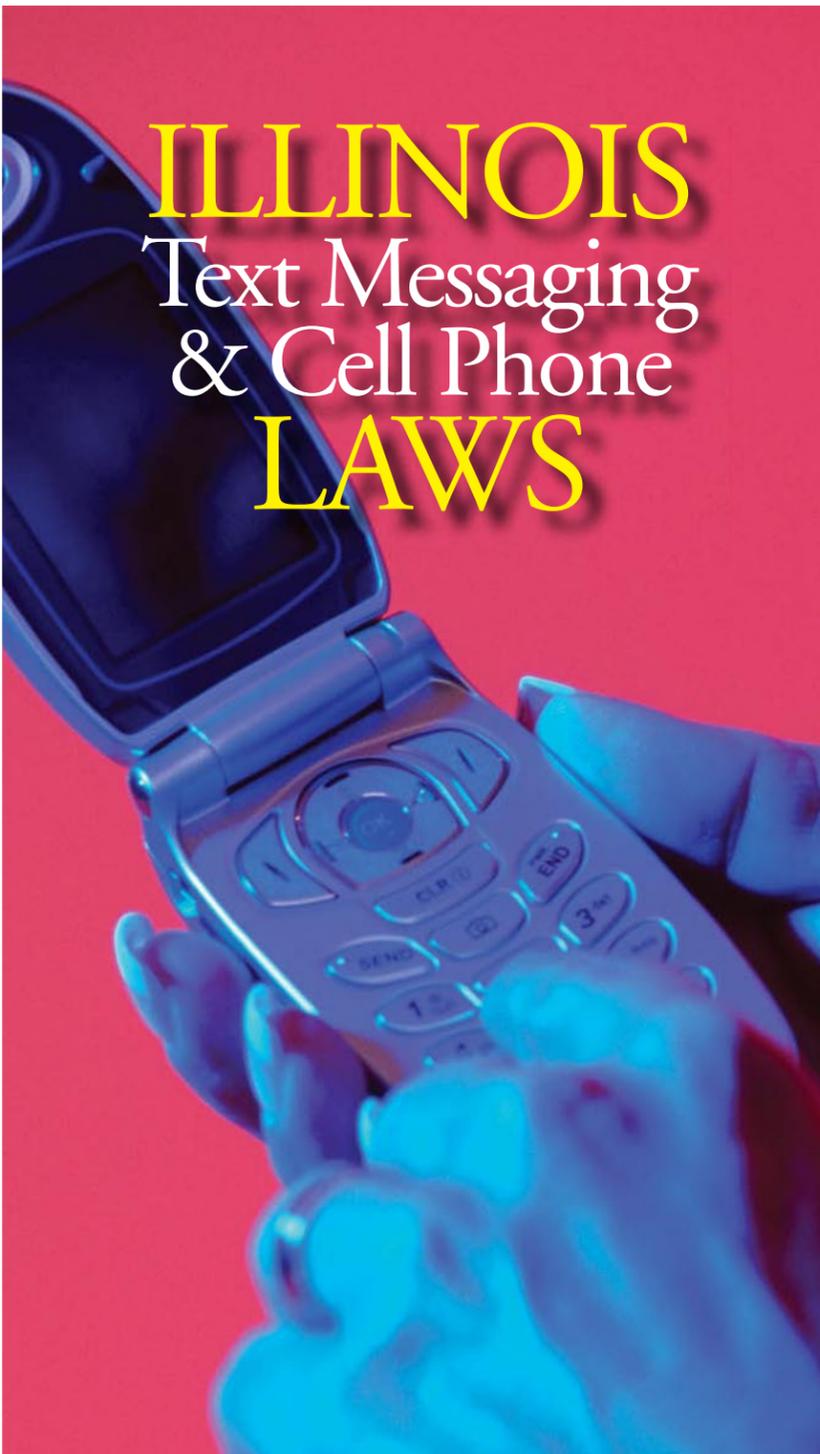


# ILLINOIS PUBLIC RISK FUND ISSUES

Risk & Safety Tips from the ILLINOIS PUBLIC RISK FUND

Vol. 10 No. 1 • Quarterly Issue • January 2011



Several new laws went into effect on January 1, 2010 concerning the use of cell phones when driving. Illinois joins 18 other states and the District of Columbia in banning all drivers from text messaging while driving.

The Illinois text messaging law states: "A person may not operate a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message." An electronic message is defined as: "Electronic message includes, but is not limited to electronic mail, a text message, an instant message, or a command or request to access an internet site."

Exceptions include emergencies, public safety officials, "a driver using an electronic device in hands-free or voice-activated mode," or while stopped because traffic is obstructed and the vehicle is in neutral or park.

Fines begin at \$75, with a maximum of \$1,000. Also, since texting while driving is considered a moving violation in Illinois, drivers who are caught in the act could have their license suspended. For drivers under the age of 21, the general rule is two moving violations within a two-year period will result in a suspended license. All motorists 21 years or older are allowed three moving violations in a single year before the Secretary of State can suspend a driver's license.

Drivers under the age of 19, however, have further restrictions as far as texting or making phone calls while driving. Illinois law states that, unless the driver is dialing 911 to report an emergency, drivers under the age of 19 cannot use their cell phones at all while operating a motor vehicle.

It should also be noted that school bus drivers are banned from using cell phones in the state of Illinois. Illinois also leaves cell phone policies in regards to talking on the phone up to the local governments. The City of Chicago requires a hands-free kit to be used in order to make calls.

The new laws have plenty of information to back them up. In 2009, distracted driving was involved in accidents that injured an estimated 448,000 and killed 5,474. Of those fatalities, 995, or 18% were directly related to cell phone use. Studies show that drivers who use cell phones are four times more likely to be involved in a personal injury crash than drivers who are not using their phones. Most accidents are a result of driver inattention or distraction. Cell phone use tops the list for that distraction.

In recent public opinion surveys, the National Safety Council (NSC) found that most drivers believe that using cell phones while driving is a dangerous act. An average of 1.6 million crashes a year can be linked to cell phone usage – resulting in hundreds of thousands of injuries and thousands of deaths.

For more information on Illinois texting, cell phone, or motor vehicle regulations, please visit: <http://www.drivinglaws.org/ill.php>

If you'd like to learn more about the NSC's mission to end distracted driving, visit [www.nsc.org/safety\\_road](http://www.nsc.org/safety_road).

#### No Cell Phones in School Zone Law

Another law that went into effect on January 1, 2010 is Senate Bill 72 or Public Act 096-0131 titled, "Vehicular Phone Use in School Zones." The new law states: "a person, regardless of age, may not use a wireless telephone at any time while operating a motor vehicle on a roadway in a school speed zone."

Senate Bill 71, which was signed into law on August 6, 2009, bans the use of a cell phone while driving through a highway construction zone.

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*Inside this issue...* **2** Stairway Accidents  
**3** Carbon Monoxide Poisoning **4** Changes in Subpoenae use

# 5 MINUTE SAFETY TALKS

## Getting a STEP-UP on Stairway Accidents

It's probably not a surprise to anyone that employee injury claims involving stairways at the workplace are one of the most common claims we receive on regular basis at IPRF Claims Administration. These types of accidents seem to have little to do with the seasonal elements. What maybe surprising is that stairway accidents often do not actually involve the employee physically falling down.

**There are three types of stairway accidents we seem to encounter more than any others which result in injury. These are as follows:**

- The 'missed step' where a lack of attention results in the employee believing they are placing their foot on a surface (stair landing, etc.) when in fact they have already moved beyond it (to the next lower level).
- The 'step up' where the employee is ascending stairs and does not lift one of their feet high enough to overcome the riser and stumbles forward striking their knee or lower leg.
- The 'foot position' where weight is placed on the foot when it is not properly positioned on a landing (uneven, turned or partial contact).

The initial reporting and investigation of stairway accidents to IPRF Claims, especially if the accident falls into one of these three classifications, is of great importance in our claims determination process. A properly investigated stairway accident can mitigate claim costs tremendously. It will also expedite in the determination process on behalf of the injured employee.

To understand why stairway accident investigation is so important, we need to know something about how the Illinois Workers Compensation Commission views stairways in relationship to an occupational hazard.

We all encounter stairs in our everyday life, whether at work, at home or anywhere we may be. Stairs present a hazard by definition, that is; they involve a process of going from one level to another. Stairs at work or stairs at home share essentially the same risks or hazards in using them. The Illinois Workers Compensation Commission recognizes that fact when determining if a stairway accident (injury) is compensable. Just because a stairway accident happens at work, does not mean it is a compensable claim. There must be an increased risk or hazard which relates to employment in using stairs, in the absence of a physical defect or other unsafe condition(s) present.

An easy way to understand this is to take the example of the employee who, for no reason other than their own accord, forgot there was one more step to negotiate and simply missed the step. Assuming no work environment distractions and nothing obstructing their view, could this just as easily have happened on any stairway? Could you make a reasonable inference that the person could have had the same accident (injury which resulted) if they had been descending the stairs in their home? If you readily could, there maybe reason for IPRF to closely review compensability issues relating to the claim.

**When reporting stairway accidents, here is what you can do to help us and your organization from the expense of processing claims where entitlement may not be present.**

- Immediately, upon notice, inspect the stairs where the employee fell. A digital photo of the stairs is invaluable. Look for hazards present and any physical evidence of the accident.
- Obtain a detailed explanation from the injured employee as soon as you are satisfied needed



medical attention has been rendered. Ask the injured employee to provide this detailed description in a written format and have him/her sign it.

- Determine what footwear the employee had on and if there were any distractions present. Also if the employee was holding anything at the time. Make note if the employee wears corrective lenses –confirm they were being used.
- Determine where the employee was going at the time and if the stairs involved would be used by employees only (as opposed to the general public having access to them).
- Identify and obtain written statements from all witnesses to the accident.

*At IPRF Claims Administration we are committed to providing workers compensation benefits to every injured worker where entitlement is present. Gathering all the facts, which often may only be obtainable immediately after an accident, is important in making a fair and objective determination of compensability. After all this is the uncompromising objective everyone shares here in servicing your workers compensation claims. Thank you!*

## Be Charitable but BE LEGAL!

A lawsuit was filed as a result of an injury that was incurred while collecting donations in the street. In researching the laws regarding roadblock solicitations, we learned that this is addressed in the Illinois Vehicle Code (625 ILCS 5/11-1006). Here are the main aspects of the code:

Solicitations must be expressly permitted by municipal ordinance

The soliciting agency shall:

- be registered with the Attorney General as a charitable organization
- be engaged in a Statewide fund raising activity
- be liable for injuries or damage

Soliciting persons must be at least 16 years of age

Soliciting persons shall wear a high visibility vest

Please keep this Code in mind for the safety of your citizens, both as solicitors and as donors. Please review it in its entirety before allowing solicitors on your streets & roads.



Are You Prepared for 'WINTER WEATHER' this Winter?

**Last winter was relatively mild with minimal snowfall. We may not be so fortunate this year. So lets review safe winter driving practices.**

- Scrape snow and ice off glass surfaces for increased visibility.
- Keep windshield washer container filled with solvent.
- Remove snow from headlights and taillights.
- Be certain all lights are in working order.
- Pump brakes only if vehicle doesn't have (ABS) Anti-lock Braking System.
- Keep fuel tank at least one quarter filled to prevent freezing in system.
- Use a fuel system anti-freeze to prevent fuel line freezing.
- Keep extra clothing in trunk for emergencies.
- Extend intervals between vehicles when pavement is covered with ice or snow.
- Be certain both heater and defroster are in proper working condition.
- Use extra caution when children are around. When they are bundled up, they may not be able to look carefully before crossing streets.

# Carbon Monoxide Poisoning

During the winter months, it is important to be aware of the potential danger of exposure to carbon monoxide. This is true at home, or in a municipal workplace setting such as the Village Hall, or public works garage. Carbon monoxide (CO) is a poisonous and odorless gas that cannot be seen or smelled and that can kill a person in minutes. It is produced by the incomplete burning of solid, liquid, and gaseous fuels. Carbon monoxide poisons the body when breathed in by displacing the oxygen in the blood and starving the vital organs such as the brain and heart of oxygen. This leads to asphyxiation.



**The initial symptoms of CO poisoning are similar to the flu (but without fever). They include:**

- Headache
- Fatigue
- Shortness of Breath
- Nausea
- Dizziness
- Confusion

**The following precautions can be taken in order to help prevent carbon monoxide poisoning both in and around the home and workplace:**

- Install a CO detector in your home or municipal building – for your home, in order to comply with the 2007 Carbon Monoxide Alarm Law, at least one CO detector must be installed within 15 feet of every room used for sleeping purposes.
- At the beginning of every heating season, have a trained professional check your heating system and also check chimney flues and vents for any blockages.
- Do not leave a car engine running in a garage area even if the garage door is open; fumes can build up quickly and contaminate the air in the garage, and living area of your home.
- Know the symptoms of carbon monoxide poisoning. If you suspect CO poisoning, get outside to fresh air immediately, and then call 911.

**There are also precautions for employers to help safeguard employees against the dangers of CO poisoning. They are as follows:**

- Ensure that there is a fully functional and regularly checked ventilation system to prevent CO contamination in areas within the workplace such as public works garages.
- Ensure that all appropriate equipment is checked regularly and by a certified professional to ensure safe and proper functioning.
- Vehicular use should be carefully managed in garages adjacent to buildings. Additional ventilation can be used as a temporary measure when high levels of CO are expected for short periods of time.
- Never use gasoline-powered equipment indoors. “Adequate ventilation” is required when using gasoline-powered equipment. Because it can be difficult to determine how much ventilation is adequate, you should always use this kind of equipment outdoors.
- Make sure that employees are trained on the dangers, causes, effects and symptoms of carbon monoxide poisoning, and encourage them to report any violations, risks, or symptoms.

## The IPRF Helping Hands Matching Grant Program

*Better equipment and better training means fewer injuries.  
As part of IPRF's ongoing commitment to reducing risk and injury for our members, matching grants of up to 50% are available in 2011 to assist with the purchase of specific equipment and training detailed below.*

### Purchase of Stryker® Power-PRO™ or Stair-PRO®

Purchase the Power-PRO™ and/or Stair-PRO® as funds permit. This grant applies only to products with these accessories: Power-PRO™ - 3 stage IV patient R, head end storage pouch and Fowler (head end) O2 holder; Stair-PRO® - Foot rest option and removable head support. IPRF has negotiated a IPRF members-only discount for the purchase of any equipment not supported by this grant. Please reference your IPRF affiliation with Stryker to obtain this discount.\*



### Blue Card Incident Command Certification Program

This program is NIMS-compliant and is designed to manage NIMS Type 4 and 5 incidents, which represent more than 99% of a department's incident activity. Offered through Global Risk Innovations, it includes 50 hours of online training with text, simulations, video coaching, quizzes and more covering topics such as:

- Assume, Confirm & Position Command
- Communications
- Organization
- Review, Evaluation & Revision
- Situation Evaluation
- Deployment Management
- Strategy & Incident Action Planning
- Continue, Transfer & Terminate Command

To receive the full certification, valid for three years, students must pass a hands-on evaluation session, which tests their ability to perform the responsibilities of an initial On-Scene Officer, an Incident Commander, an Incident Management Team (IMT) Member and a Sector/Division/Group Supervisor/Safety Officer. This simulation-based training is followed by a written exam. Online program is \$295 per student; testing and sessions held in your area for an additional cost.\*

\*Reimbursement not to exceed the individual member IPRF grant. Additional terms and conditions may apply.

## OSHA 300 & 300A Logs available on iCE

The Illinois Public Risk Fund will have the 2010 OSHA logs available on line during the month of January. OSHA requires posting of these logs effective February 1, 2011. The logs can be run online thru the claims web portal on iCE. Instructions are available on line and support from IPRF Claims office can be found by contacting Paul Boecker, pboecker@ccmsi.com or 630-649-6053.

## Meet Glenn Macey, Unit Claims Supervisor

Glenn joined the IPRF Claims Team in January 2002 as a Senior Claims Specialist. Prior to coming on board, Glenn had almost two decades of claims technical management experience working for both insurance carriers and within corporate risk management departments.



Glenn's direct claim handling experience includes multi-state workers compensation, liability, inland marine, property, premises, auto and product liability claims management. His educational background includes a BA in Economics and an Associate in Risk Management designation from the Insurance Institute of America. In July of 2010 Glenn was promoted to unit claims supervisor (one of three on the IPRF Team) and supervises our dedicated subrogation examiner as well as workers compensation examiners. Providing the best quality claims service product to every IPRF Member is what gives Glenn the most satisfaction in his job as part of the IPRF Claims Administration Team.

Glenn is married (Dana) and has two boys (Stephan age 17 and Adam age 8). He enjoys performing volunteer work at Adam's elementary school as well as just spending time with his kids. Glenn also enjoys golfing and being involved in his son's sporting interests.

## AAA Rating... Illinois

**Public Risk Fund is proud to announce another consecutive year of a AAA financial strength rating.** The AAA rating that IPRF, the self-funded entity, has received is the result of overall quality of administration, including marketing, underwriting, claims management, and communications to constituents and total current assets, liabilities and expenses. The unsurpassed AAA financial stability rating is assigned from Columbus, Ohio based Demotech, Inc., was given to IPRF.

## AVERAGE & MAXIMUM WEEKLY Disability Benefits

The maximum TTD benefit can be no more than 133-1/3% of the statewide average weekly wage on the date of the injury or last exposure.

	STATE AVERAGE WEEKLY WAGE	MAXIMUM TTD BENEFIT
Jan. 15, 2009 to July 14, 2009	\$923.56	\$1,231.41
July 15, 2009 to Jan. 14, 2010	\$932.25	\$1,243.00
Jan. 15, 2010 to July 14, 2010	\$932.25	\$1,243.00
July 15, 2010 to Jan. 14, 2011	\$932.25	\$1,243.00

*Incredibly, for the second time in state history, there is no increase in rates because the State's Average Weekly Wage actually decreased, therefore the rates in effect from July 15, 2010 to January 14, 2011 will remain the same.*

## How Can We Better Serve You?

**The IPRF is dedicated to its members and is always working toward higher levels of service. We need your input on:**

- Safety Concerns
- Claims Information
- Timeliness of Claims Processing
- Helpfulness & Courtesy of our Claims Team
- Loss Control
- Topics to be addressed in this newsletter

Please contact Paul Boecker III at pboecker@ccmsi.com or 630-649-6053.



## Changes in the use of Subpoenae in Workers' Compensation Cases

By Jim Gallen, Partner

A recent decision by the Appellate Court of Illinois will force a change in the use of subpoenae in Workers Compensation cases. Holtkamp Trucking Co. vs. David J. Fletcher, M.D., L.L.C., d/b/a Safeworks Illinois arose out of a subpoena which, accompanied by a \$20 witness fee, was mailed by the employer to Dr. Fletcher instructing him to copy and mail his records on the employee to the employer's attorney. Dr. Fletcher's attorney asserted that the only obligation under the Act was for Dr. Fletcher to appear at the hearing of the workers' compensation case and permit inspection of the records by the arbitrator.

The Appellate Court held that the Commission has no power to confiscate the medical provider's property by commanding it to mail records to a party's attorney.

The Court identified two ways in which a party can compel the production of medical records. One is by use of a subpoena issued by the Workers' Compensation Commission. This will compel the provider to appear at the time of the hearing and permit inspection of its records. It does not compel the possessor of the records to permit them to be copied.

The other method is under section 735 ILCS 5/8-2001 (c) which provides that:

Every health care practitioner shall, upon the request of any patient who has been treated by the health care practitioner, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit... (them) to examine and copy the patient's records.

In the wake of this case, parties should expect increasing noncompliance with subpoenae, both by refusal to send the records and by demanding a payment higher than the \$20 witness fee. In anticipation of this we recommend that parties not rely on subpoenae to obtain records and attempt to obtain HIPAA authorizations signed by the employee so that records can be obtained under section 5/8-2001 (c).

## 6th Annual Grant Program from The Illinois Public Risk Fund



We want you to get your share. If you are like most members of IPRF, the grant money that was provided in the past five years by IPRF has offered great relief to ease the burden of your safety related purchases. Response deadline from eligible members is March 15, 2011 and grant funds will be available by May 3, 2011.

### Stretching Your IPRF Grant Dollars – Vendors Offer Discounts

Paying for your Safety Program has not only gotten easier, but now you can get more bank for your buck. For added value, IPRF has partnered with several vendors who are offering discounts up to 35% on their products.

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DARLEY  
ILLINOIS FIRE STORE  
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IMS ALLIANCE  
A.E.C. FIRE & SAFETY  
SUPER SAT VENTURES  
UNITED RADIO COMMUNICATIONS  
ACS FIREHOUSE SOFTWARE  
MATRX MEDICAL  
AIR ONE EQUIPMENT  
MASIMO

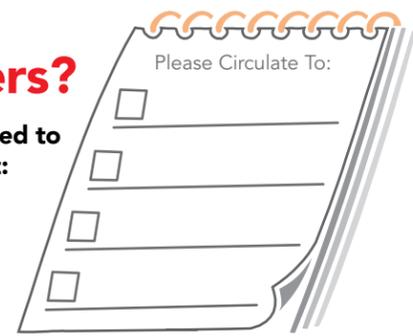
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### IPRF Issues

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