

VOLUME 43  
SUMMER 2020

### WHAT'S NEW AT ASCIP?

#### •New Resources:

- ⇒ NEW Title IX Sexual Misconduct Regulation
- ⇒ Volunteer Best Practices
- ⇒ Cal/OSHA Reporting Requirements with COVID-19

#### •Welcome Members! Effective July 1, 2020

- ⇒ **Pomona USD**—Joining WC Program
- ⇒ **San Jacinto USD** — Joined P&L Program

#### •Welcome New Staff!

- ⇒ **Marina Acosta**—Claims Operations Manager
- ⇒ **Marco Guardi**—Managing Director of Risk Services
- ⇒ **Christopher Lundahl**—Claims Adjuster

Go to  
[www.ASCIP.org](http://www.ASCIP.org)  
for all this and more!



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# ASCIP Views

ALLIANCE OF SCHOOLS FOR COOPERATIVE INSURANCE PROGRAMS

## Property & Liability Coverage Changes for 2020-21

California has experienced a number of major events in recent years that have significantly changed the risk for schools and colleges to property and liability claims. Along with the cost of verdicts and settlements increasing beyond inflation for all types of liability claims, California has seen unprecedented financial losses arising from wildfires; the loss of Government Tort Claims protection for liability arising from the childhood sexual assault of students; and now in 2020, a once in a century pandemic. Commercial insurance has responded by reducing the amount and types of coverage it will provide as well as substantially increasing premiums. Fortunately, as a pool, with the ability to self-insure a large amount of members' risks, ASCIP is able to mitigate some, but not all, of the coverage and premium changes by the commercial insurance industry.

With respect to coverage, ASCIP looks to provide the broadest coverage possible to members. To achieve this, ASCIP is responding to industry and legal developments by modifying the Memorandum of Coverage (MOC). For 2020, there are coverage changes members should be familiar with. ASCIP is hosting webinars to discuss these changes and staff is available to answer questions.

#### Childhood Sexual Assault (CSA).

For CSA claims only, coverage is now provided on a "Claims-Made" basis. The essential difference with "Claims-Made" is that ASCIP will now provide

coverage for CSA claims and lawsuits which are made against the member during the coverage period. In addition, members need to report to ASCIP right away, the following items related to allegations of CSA regarding an employee or volunteer:

1. An arrest or criminal complaint;
2. An investigation by the member, or another governmental agency;
3. Disciplinary action;
4. Any matter reported, or should have been reported, to California Commission on Teacher Credentialing.

This change means that members need to increase training and response to allegations of sexual assault as well as their communication with ASCIP. We encourage members to participate in one the upcoming to webinars to learn more about this important change in coverage.

#### **P&L Coverage Webinars\*:**

<b>Thu</b>	<b>Jul 30</b>	<b>10:00 AM</b>
<b>Fri</b>	<b>Aug 28</b>	<b>10:00 AM</b>
<b>Tue</b>	<b>Sep 29</b>	<b>1:30 PM</b>

Click on date above or go to our website Calendar to Register.

<http://ascip.org/calendar/>

#### Communicable Disease.

ASCIP has also added wording to the Property & Liability MOC to clarify coverage regarding communicable disease. Historically, liability insurance

policies have not provided coverage for this (notwithstanding specific facts that would indicate causation of transmission). As California has wrestled with the COVID-19 pandemic, the insurance industry has uniformly added wording to reinforce they do not provide coverage for liability claims arising from communicable diseases. In addition, there is pending legislation at both the State and Federal levels to provide immunity from these claims and lawsuits. Although ASCIP cannot provide this coverage, the ASCIP Executive Committee did approve expanding the MOC to provide a limited defense cost reimbursement should claims arise.

#### Property Coverage.

The final change involves property coverage, with limits now being \$500 million, construction projects need to begin within two years of the loss and coverage has been broadened for improvements mandated by "Ordinance or Law" to provide up to \$1 million for other improvements to the undamaged property. Members must notify ASCIP of construction projects in order to receive the \$300,000 builders risk limits and to avoid coverage confusion. Higher limits of builder's risk are now made available for members' construction projects at ASCIP preferred pricing.

All members will receive the ASCIP Memorandum of Coverage (MOC) with their invoice.

## Telemedicine — A Sign of the Times

Bob Dylan wrote long ago "*The Times They Are A-Changin'*." While change is inevitable, it is often resisted. Telemedicine is an excellent example. Most of us have embraced the notion that the best medical care involves in-person doctor visits. The coronavirus pandemic required us to reconsider.

Group health had previously begun to dispel the myth

about in-person medical care, utilizing telemedicine for patient convenience. With the pandemic, urgent care providers, employers and injured workers had to embrace telemedicine for workers' compensation in ways that would have been unthinkable just six months ago. Concentra and Kaiser Permanente On the Job (KPOJ) are two prominent frontline medical providers for many ASCIP workers' compensation

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## Telemedicine – A Sign of the Times (cont. from p. 1)

### Staff Training For COVID-19

ASCIP provides CDC compliant short training videos to keep member employees safe. Training resources are in English and Spanish. Topics include: Handwashing, Social Distancing, How to Wear a Cloth Face Mask, and more. All the COVID-19 related topics are listed together on our website under <http://ascip.org/training/online-training/>. If you are not using this invaluable online tool, contact our training team today.

[Training\\_info@ascip.org](mailto:Training_info@ascip.org)



#### QUOTE OF THE DAY—

“When everything seems to be going against you, remember that the airplane takes off against the wind, not with it.” — Henry Ford

members, both of which have been slowly implementing telemedicine over the last several years. With infrastructure and experience, both were able to quickly adjust to meet the needs of injured workers and employers when the COVID-19 crisis began.

KPOJ’s telemedicine was less than 5% of its care provided in 2019. This has increased to 40% so far in 2020, with some months reaching as high as 90%. Concentra has seen a 500% increase in occupational telemedicine in recent months, allowing ten times the typical visit volume on peak days.

Prior to the pandemic many members’ clinics did not offer telemedicine. Today, the telemedicine trend isn’t isolated to just KPOJ and Concentra. Most clinics provide some form of telemedicine.

So what does this mean for injured workers? Any one who is uncertain or fearful about going into a medical facility during the pandemic can receive care while sheltering in place. Renee McGuire, Risk Management Technician for Anaheim Elementary

School District states “I am thankful that our frontline clinics provide telemedicine. It has been a monumental service during the pandemic crisis allowing our injured employees continued access to medical care and treatment. Telemedicine offers several advantages including reduced wait times, less lost time from work, and increased access to care.”



Not only does telemedicine benefit the injured, there are advantages for employers as well, including: Return to work issues are addressed quickly; reduces delays in care allowing claims to move towards a quicker conclusion, and overall, claims costs tend to be lower.

“The Times They Are A-Changin’”, whether it be telecommuting, distance learning, video conferencing, leveraging technology or telemedicine. We are learning new, effective ways that are much different from what was the norm less than six months ago and we have proven that we can adapt and embrace these changes. Telemedicine is just one of these changes offering a convenient and effective alternative to the traditional model of medical care.

## How COVID-19 Has Affected Health Coverage

Recent legislation and IRS rule modifications have led to several important changes to health benefit coverage and administration.

First, group health plans are required to cover the cost of COVID-19 diagnostic testing without cost-sharing such as deductibles, copayments, or coinsurance. Most health plans have also offered to waive the patient share of cost for COVID-19 treatment, but districts should confirm with their individual carriers

before sharing coverage changes.

Second, Flexible Spending Account reimbursable expenses and deadlines have changed. Over-the-counter medications no longer require prescriptions, and menstrual care products are now qualifying medical expenses. In addition, employees can make mid-year changes to participation and salary reductions, plus grace periods to spend 2019 amounts are extended.

Third, some deferred compensation

plans offer penalty-free withdrawals or plan loans if the participant has been adversely affected by COVID-19. Note that distributions are still subject to income tax, and loans must be repaid with interest.

Fourth, several COBRA administration due dates were extended. The period falling inside the “Outbreak Period” will now be disregarded when calculating the deadline for the election of COBRA coverage and for payments.

## Organizational Changes at ASCIP

ASCIP is pleased to announce some organizational changes: Reshan Cooray is assuming the role of Senior Director of Property and Casualty Programs. Reshan will be reporting to the Chief Executive Officer providing leadership and direction for ASCIP’s Property & Casualty programs and coverages.

Along with this, Marco Guardi is joining ASCIP as the Managing Director of Risk Services. Marco will lead and direct ASCIP’s risk management, loss control, and training services including design and delivery, partner selection and management of staff. Marco comes to ASCIP from Arthur J. Gal-

lagher where he was an Area Vice President for Loss Control and a Regional Risk Control Leader. He provided risk management consulting for a variety of public entities including, K-12s and community colleges. He has a Masters’ Degree in Public Administration and a Bachelor of Science in Environmental and Occupational Health. He also holds an Associate in Risk Management (ARM) and Construction Risk & Insurance Specialist (CRIS) designations.

ASCIP is also pleased to add Marina Acosta to our P&L Claims team. Marina is our Claims Operations Manager, and will be responsible for

developing and implementing performance measurement tools for the claims department, panel counsel, and other vendors.

Marina comes to ASCIP from DaVita Healthcare where she was the Claims & Insurance Director. She received her Bachelor of Science in Finance and holds ARM, Workers’ Compensation Claims Professional (WCCP) and RIMS certifications.

Welcome Marco and Marina! Both are excellent additions to ASCIP, bringing skills and experiences that are valuable in supporting the needs of our members.