



The Complexities of Managing Aggression and Violence in Healthcare Session 4

May 18, 2022

A business of Marsh McLennan



Welcome and speaker introductions

Welcome

The Complexities of Managing Aggression and Violence in Healthcare

Session 1 — Violence in Healthcare: Defining the Threat, and Preparing for and Managing Aggression and Violence

Chad Barnes, Marsh Advisory and Tyler Kerns, St. Alphonsus Health System

Session 2 — Healthcare Security and the Role of Police and Security Response Forces

Chad Barnes and Jonathan Frost, Marsh Advisory and Tyler Kerns, St. Alphonsus Health System

Session 3 — Care for the Caregiver

Linda Jones, MHA, CPCU, Regional Healthcare Leader, Marsh,
Hala Helm, Managing Director, Strategic Healthcare Risk Advisor, Marsh

Special guest presenters:

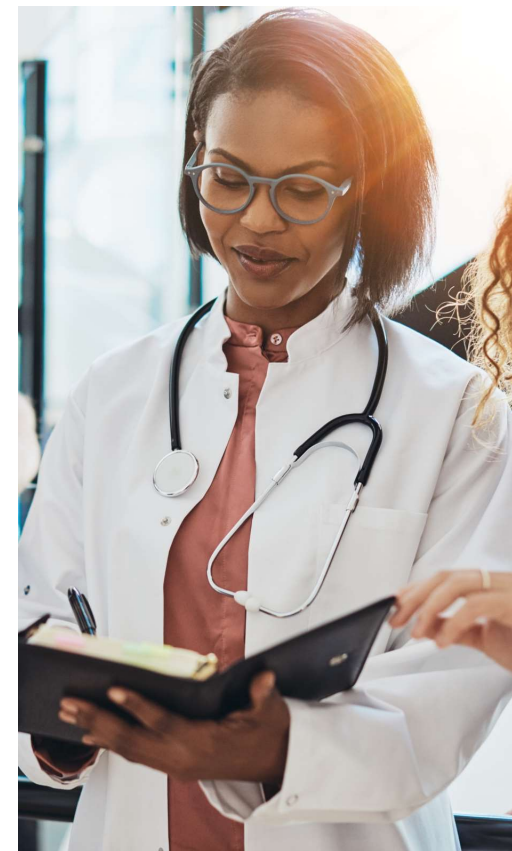
Karen Stein, Director, Clinical Loss Control, Trinity Health

W. Alan Barker, Vice President, General Counsel, Baylor Scott & White Health

Lisa Havens, Interim Chief Legal Officer, Deputy General Counsel and Chief Risk Officer, Baylor Scott & White Health

Beth Lown MD, Associate Professor of Medicine, Harvard Medical School Chief Medical Officer, The Schwartz Center for Compassionate Healthcare

Session 4 — Risk Financing Considerations and Transfer of Risk



Speaker Introductions

Industry leaders in healthcare security and violence prevention and response



Gisele Norris DrPH
Managing Director,
HealthCare Practice
Leader
Marsh



Linda Jones
Managing Director,
Regional Healthcare
Practice Leader
Marsh



Hala Helm Managing
Director, Strategic
Healthcare Risk
Advisor Marsh



Tarique Nageer
Managing Director
Terrorism Placement
Advisory Leader,
Property Practice



Kyle Rolf, CPCU, AU-M
Underwriter, Deadly
Weapons Protection &
Safeguard
Beazley Group

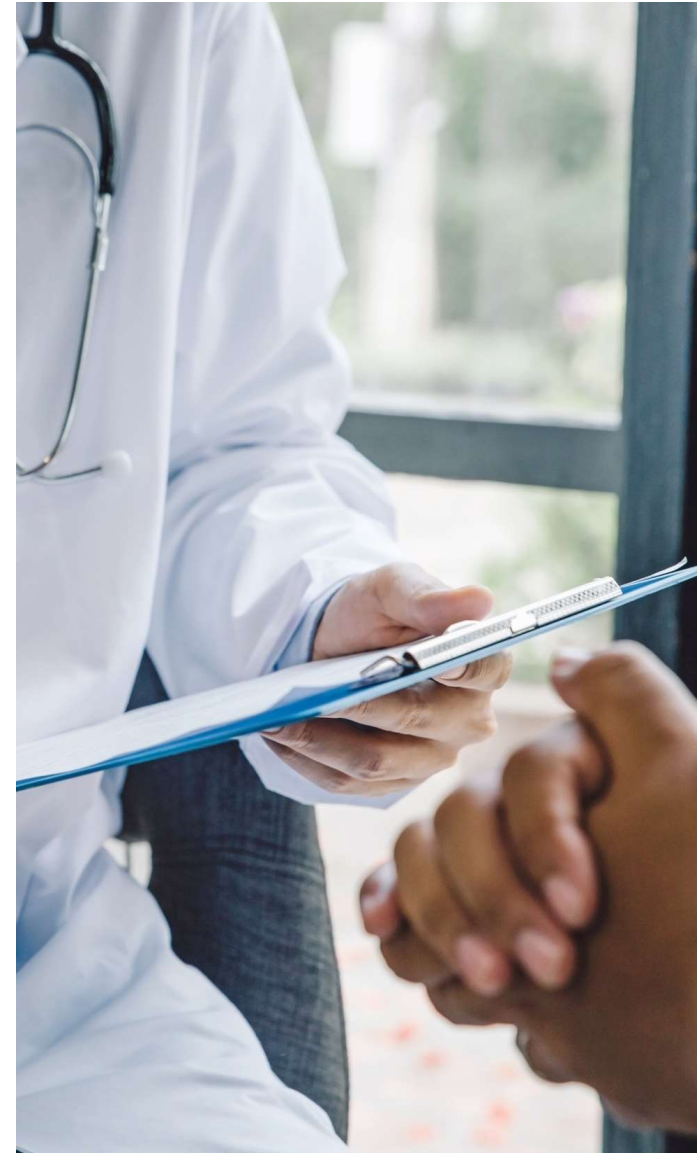
Enterprise Risk Management Considerations and Transfer of Risk

Linda Jones & Hala Helm
Marsh

Risk Management Considerations

Enterprise Risk Management

- Lawsuits
- Workers' compensation claims
- Reputational risks
- Employee morale
- Recruitment and retention
- Business interruption
- Property damage
- Licensing actions



Risk Management Considerations

Enterprise Risk Management

Lawsuits – allegations of failure:

- Of security staff to respond appropriately
- To perform comprehensive background checks
- To respond to complaints or threats
- To provide adequate training or take adequate safety measures

Workers' Compensation

- Batch Claims?
- Rate increase?



Risk Management Considerations

Enterprise Risk Management

Reputational risks

- Public perception may be negative or sympathetic

Employee morale

- Issues likely even with an optimal employer response

Recruitment and retention

- Employees may choose other organizations, or even other industries

Risk Management Considerations

Enterprise Risk Management

Business interruption

- Aftermath of a violent incident is disruptive
- Internal investigations
- Staff out on leave
- Sequestration/clean-up of facilities

Licensing actions

- OSHA
- TJC
- State Health Departments



Risk Management Considerations

Clinical/Operational Risk Management

Methods to identify potential violence or aggression

- Flag or “Red Banner” in EHR
- Weapons screening
- Violence risk assessment tools

https://wwwn.cdc.gov/WPVHC/Nurses/Course/Slide/Unit6_8

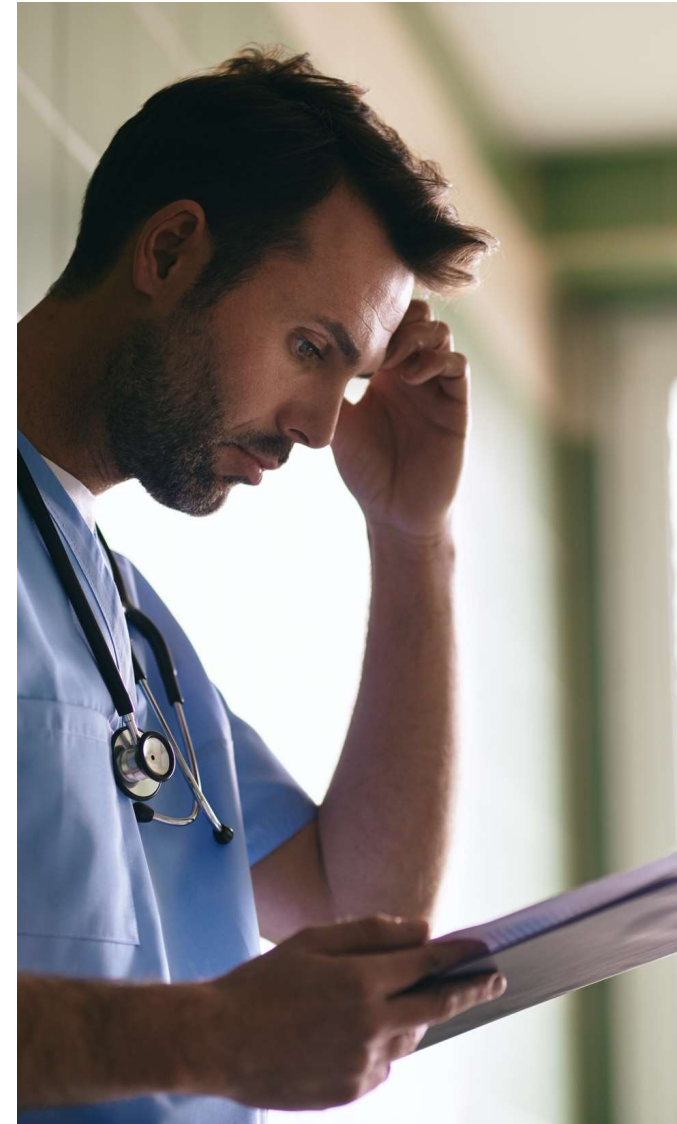
Risk Management Considerations

Clinical/Operational Risk Management

Patient Dismissal

- Cannot ban patients from the ED due to EMTALA
- Can dismiss patient from physician practice
- Can refuse to schedule elective/non-emergent procedures for banned patients
- Can get a restraining order (excluding ED)
- Can ban disruptive visitors/families

In addition to EMTALA considerations, be aware of abandonment of care issues, payor contract requirements, internal policies and protocols

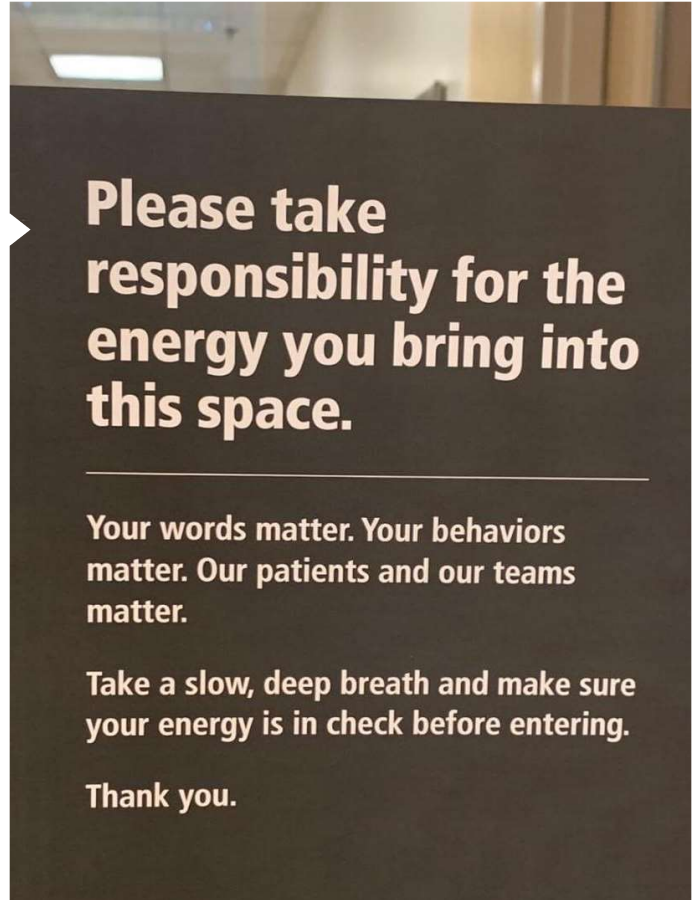


Risk Management Considerations

Clinical/Operational Risk Management

Tips for managing challenging patients

- Setting expectations
- Behavioral contracts
- Signage
- Empathy



**Please take
responsibility for the
energy you bring into
this space.**

Your words matter. Your behaviors matter. Our patients and our teams matter.

Take a slow, deep breath and make sure your energy is in check before entering.

Thank you.

Risk Management Considerations

Clinical/Operational Risk Management

Legal strategies and considerations

- Restraining orders
- Mental health holds
- Use of restraints, including chemical restraints
- Lethal force vs. less than lethal for security
- External law enforcement

Overview of Active Assailant Coverage

Tarique Nageer
Terrorism Placement Advisory Leader
Marsh

Dedicated Coverage for Active Assailant Events

- Market Capacity
- Variation in coverage structure/philosophy
- Policies typically cover:
 - Property damage, business interruption and extra expense
 - Legal liability
 - Non-physical Damage
 - Loss of access
 - Reimbursement for PR, crisis management, counseling

Underwriter, Deadly Weapons Protection & Safeguard

**Kyle Rolf
Beazley Group**



Beazley Deadly Weapons Protection

beazley





Disclosure: US

The descriptions contained in this broker communication are for preliminary informational purposes only. Coverages are underwritten by Beazley syndicates at Lloyd's and will vary depending on individual country law requirements and may be unavailable in some countries. Coverages are available in the US only on a surplus lines basis through licensed surplus lines brokers. The exact coverage afforded by the product(s) described in this communication is subject to and governed by the terms and conditions of each policy issued. The publication and delivery of the information contained herein is not intended as a solicitation for the purchase of insurance on any US risk. For more information, visit www.Beazley.com/usa





What is a mass shooting?

FBI Definition

- Actively engaged in killing or attempting to kill people in a populated area
- 3 or more fatalities

Gun Violence Archive / Media

- 4 or more shot and / or killed

Who commits these acts?

- Customers, clients, patients, and other 3rd parties
- Employees or supervisors
- Domestic partners or relatives of employees
- Typically males between the age of 18 and 25 who are often victims of bullying



Deadly Weapons Protection risk landscape

- Approximately 2 million American workers are victims of workplace violence each year¹
- Workplace violence is the second leading cause of work-site deaths in the US with approximately 700 workplace homicide victims per year.¹

Mass shooting statistics ²		
2019	2020	2021
<p>417 total incidents,</p> <p>35 mass shootings per month</p>	<p>611 total incidents,</p> <p>51 mass shootings per month</p>	<p>693 total incidents,</p> <p>58 mass shootings per month</p>

Gun violence statistics ²	
2020	2021
<p>total of 43,514 deaths, equating to 119 deaths each day</p>	<p>total of 44,863 deaths, equating to 123 deaths each day</p>

In 2021 on average there was one death from gun violence in the US every 12 minutes²

On average there were two mass shootings per day in the US during 2021²

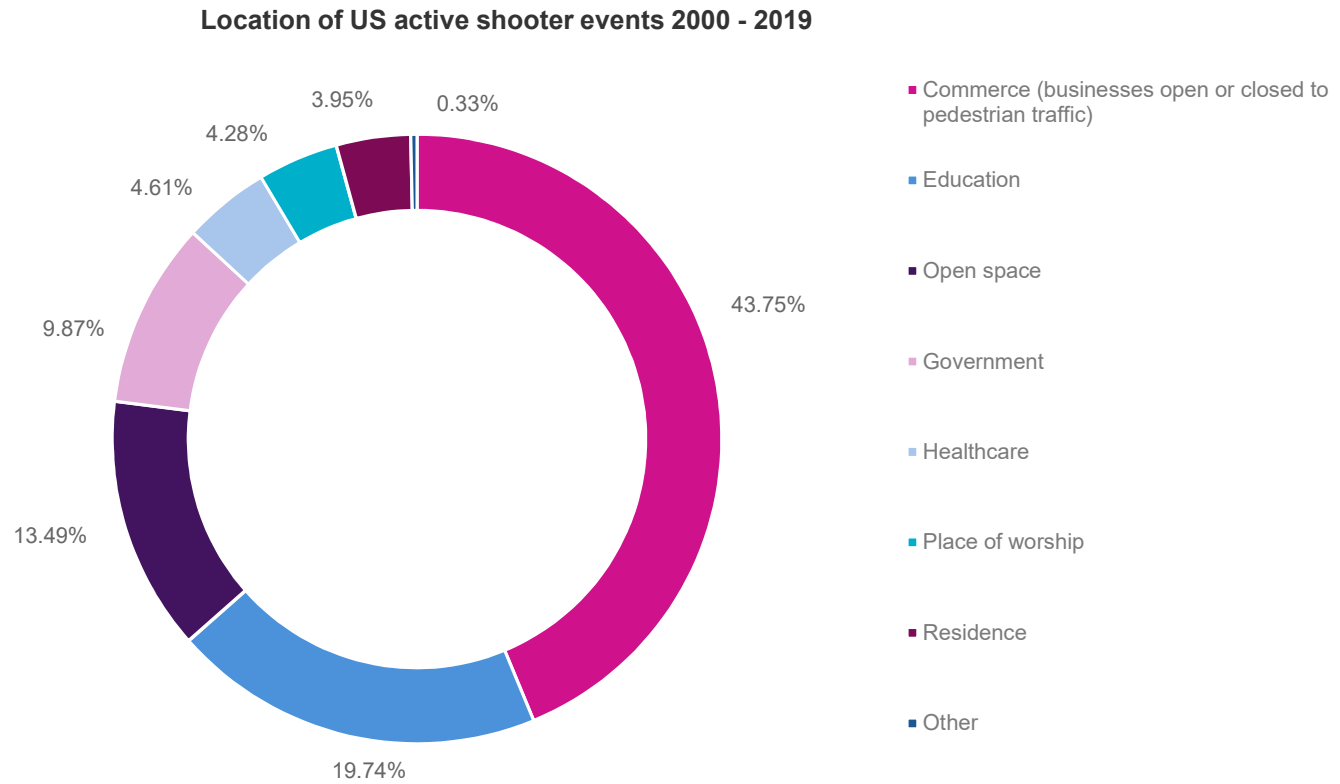
gunviolencearchive.org (GVA) uses a purely statistical threshold to define mass shooting based only on the numeric value of 4 or more shot or killed, not including the shooter. GVA does not parse the definition to remove any subcategory of shooting. To that end we don't exclude, set apart, caveat, or differentiate victims based upon the circumstances in which they were shot. GVA believes that equal importance is given to the counting of those injured as well as killed in a mass shooting incident.



Deaths in 2022, January 1st – May 11th



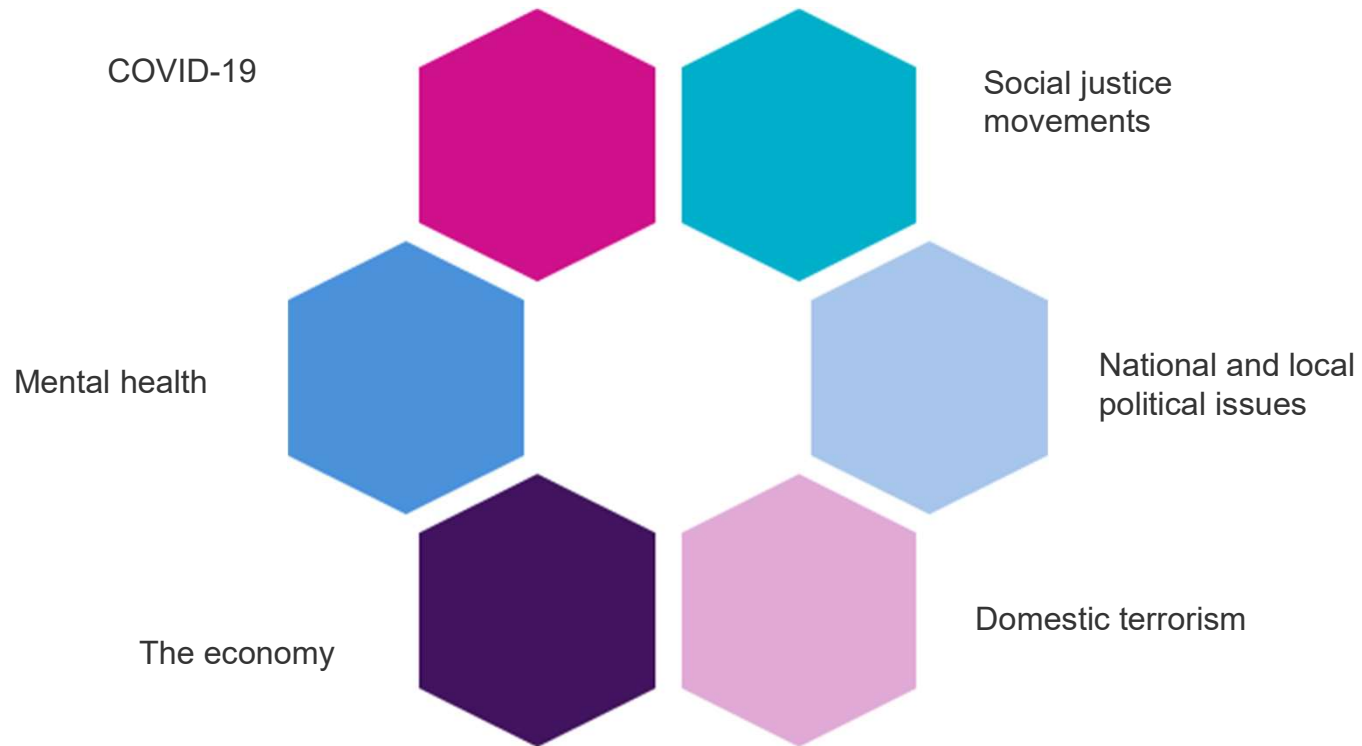
Deadly Weapons Protection risk landscape



Source: FBI



Ongoing sources of tension





Deadly Weapons Protection legal & regulatory landscape

- OSHA requirements
 - General Duty Clause Section 5(a)(1) - an employer is required to furnish a place of employment which is free from recognized hazards that are causing and likely to cause death or serious physical injury to its employees.
 - Active shooter is now a recognized hazard
- Employer liability
 - Liability is on the employer to train their employees to recognize the indicators of a potential active shooter and how to respond when they are faced with an actual active shooter situation
 - Civil lawsuits – negligence
 - Training to recognize potential shooters and respond
 - Training needs to be made available and safeguards put in place

Litigation in the news

- MGM \$800m settlement process begins
- Marysville-Philchuck shooting victims to receive \$18m settlement
- Washington girl gets \$1.2m settlement over school shooting

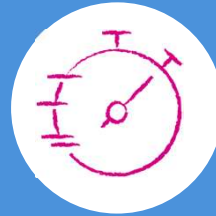
Source: OSHA

Coverage based on three pillars



Prevention

Total immunity from risk is impossible, but effective risk management can reduce it, while reinforcing commitment to the highest standards of safety.



Response

The nature and speed of the response is everything. If handled well, the response can limit the distress caused, as well as the risk of serious reputational and financial damage.



Insurance

Coverage to indemnify 3rd Party Liability, physical damage and business interruption losses.



Deadly Weapons Protection prevention services

Post underwriting review

- Remote review used to analyse and evaluate the security
- Risk analysis report / findings provided to client with recommendations

Action plan webinar

- Incident awareness / response
- Action planning
- Identifying key behaviours / profiles of assailants

Deadly Weapon Protection portal

- Case studies / thought leadership articles
- Planning and test exercises
- Access to all previous webinars
- Ask the expert feature

Deadly Weapons Protection response services

At the moment, our policy is triggered by either a threat, a circumstance or a DWP event – at which point the insured has access to crisis response. For the purposes of our product, a DWP event is one that is defined as any event involving an assailant where a weapon has been used or **brandished** at any of your locations

Circumstance shall mean a situation, action, event, behavior, or information received which indicates that a deadly weapon event is reasonably likely to occur.

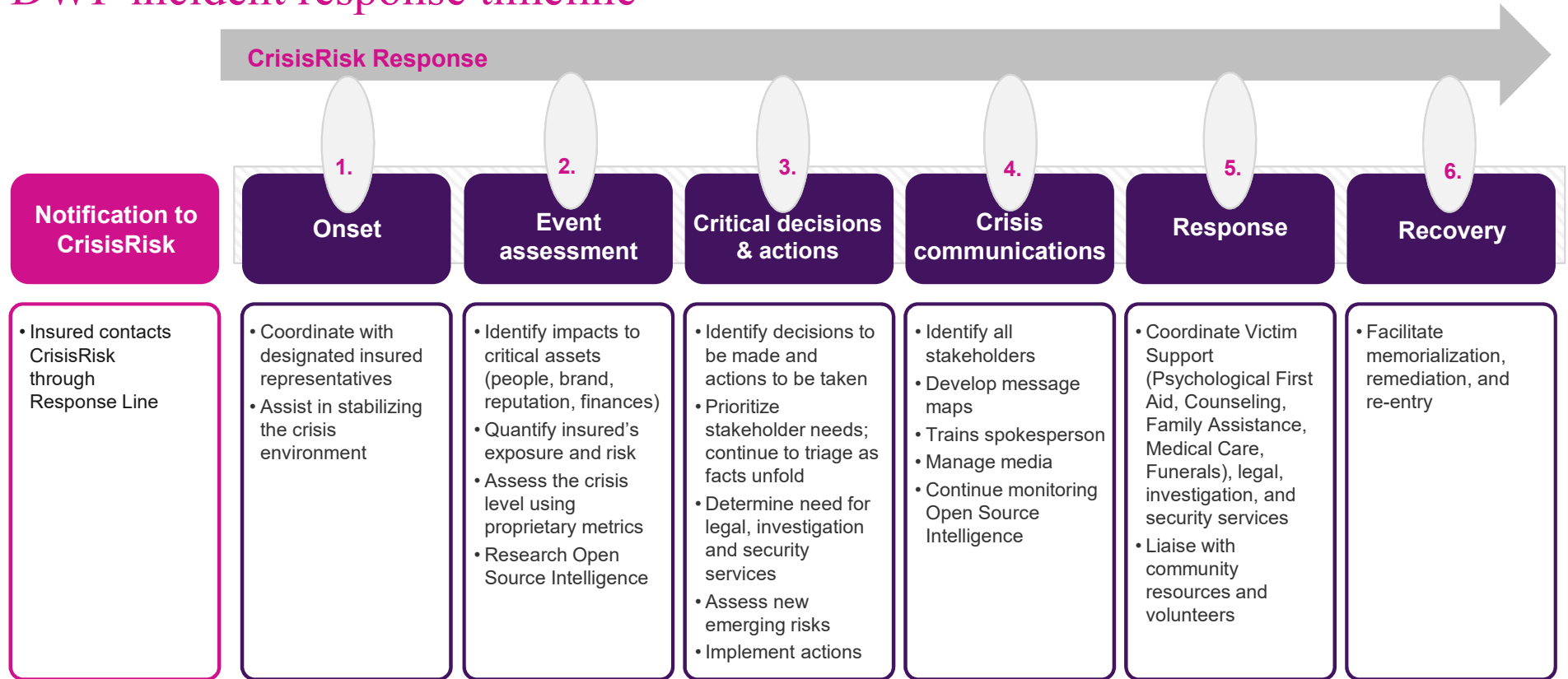
Response Services can include (but are not limited to):

- Crisis Management Services
- Public Relations
- Security Enhancement
- Counselling Services
- Legal Services
- Forensic Investigation
- Reputation / Brand Protection
- Media Management
- At our sole and entire discretion, we will consider other expense costs not listed above





DWP incident response timeline



*CrisisRisk Response actions listed herein are scenario and fact dependent and may or may not be indicated



Deadly Weapons Protection service provider

CrisisRisk Strategies, LLC

- National leader in crisis and consequence management, communications, PR, and social media risk
- Provides critical decision support to organizations of all sizes and sectors
- Substantial experience handling active assailant incidents on behalf of schools, transportation and healthcare providers, religious institutions and not for profit organizations
- Transform crisis into value





Deadly Weapons Protection coverage

What we offer

- **No** gang exclusion
- Primary coverage for liability when harm is caused by attacks using deadly weapons. This is in addition to business interruption and property damage costs.
- Cover for a wide variety of weapons. Including:
 - Any portable firearm (whether loaded or unloaded)
 - Explosive device
 - Knife
 - Syringe
 - Medical instrument
 - Corrosive substance
 - Any other handheld device or instrument which is used to deliberately cause death or bodily injury
 - Any road vehicle that is occupied and used by an assailant to deliberately cause death or bodily injury.
- Minimum premium of \$3,500
- Limits available: up to \$30m via Beazley led consortium



Traditional Insurance Options

<ul style="list-style-type: none"><input type="checkbox"/> General Liability<input type="checkbox"/> May not respond unless the insured is deemed liable<input type="checkbox"/> Ambiguity regarding personal attacks against customers or other third parties<input type="checkbox"/> Excludes employees<input type="checkbox"/> Excludes damage to property of subsequent business interruption<input type="checkbox"/> High SIR<input type="checkbox"/> Occurrence = Accident	<ul style="list-style-type: none"><input type="checkbox"/> Terrorism<input type="checkbox"/> Terrorism defined as Political, Religious or Ideological act<input type="checkbox"/> Physical damage trigger required<input type="checkbox"/> Third party cover purchased as separate add-on<input type="checkbox"/> No crisis management
<ul style="list-style-type: none"><input type="checkbox"/> Workers Compensation<input type="checkbox"/> Varies by state<input type="checkbox"/> Excludes property damage<input type="checkbox"/> Excludes injuries to any third party	<ul style="list-style-type: none"><input type="checkbox"/> TRIPRA<input type="checkbox"/> USD 5m Trigger threshold for property and casualty combined<input type="checkbox"/> “Certified” acts of terrorism only
<ul style="list-style-type: none"><input type="checkbox"/> Workplace Violence<input type="checkbox"/> Excludes property damage	<ul style="list-style-type: none"><input type="checkbox"/> Property All Risks<input type="checkbox"/> Requires physical damage trigger<input type="checkbox"/> If sublimits are offered for various services they are often extremely restrictive

Beazley Deadly Weapons Protection (DWP) gap analysis



	Commercial general liability	Workers compensation	Terrorism	Beazley DWP
What is the policy designed to cover?	Provides protection for businesses against claims from third parties for accidents caused by the insured's business operations.	Workers compensation policies provide no-fault coverage to employees for medical bills and lost wages as a result of injuries sustained in the course of their employment.	Covers financial costs to a company for property damage to their assets as a result of an act of terrorism.	Beazley DWP has been specifically designed to help insureds minimize the risk of a deadly weapons attack and respond effectively if an attack occurs. It contains specialist services to help insureds create safer environments and crisis management services to help an insured respond.
What is the policy trigger?	Triggered by a legal liability to pay for bodily injury or property damage caused by the insured's business operations.	Injury or illness sustained by an employee in the course of their employment.	Physical damage to insured property by a defined act of terrorism.	The policy is triggered when a weapon is brandished or on occurrence of a deadly weapon event. Crisis response services can also be access by insureds in any circumstance they feel indicates a deadly weapon event is likely to occur helping them prevent violence.
So will it provide indemnity in the event of a deadly weapon event?	Recent high profile claims have highlighted the reluctance of some CGL insurers to provide coverage for deadly weapon events. Many policies are silent on cover. Moreover, if there is cover it may only be triggered on the presentation of a third party claim for which the insured is liable and is often subject to a high SIR.	Intentional acts, acts committed by non-employees and acts "outside the normal scope of employment" are often excluded meaning there may not be cover for a deadly weapon event. In addition coverage is only afforded to regular employees, excluding contractors, customers, visitors and others who may seek to claim compensation.	The act of violence must meet the definition of a terrorist act, that is to say it is for a political, ideological or religious in motive and would therefore likely exclude attacks for which there is no terrorist motive. As a property focused policy its primary purpose is to provide an indemnity triggered by physical damage to property.	Yes, Beazley DWP offers affirmative coverage for deadly weapon events. Alongside liability coverage it also provides cover for counseling services, property damage, business interruption, circumstance, additional security, medical and funeral expenses, memorialisation, accidental death, extra expense and all responder expenses.
Are there other policy exclusions which may apply?	Owing to deteriorating claims environment some CGL carriers are now explicitly excluding violent acts including assault and battery with a deadly weapon or limiting cover to a much lower sublimit.	The policy only pays for medical expenses and does not cover property damage.	Even if a third party property damage and injury extension is purchased it may still require physical damage to occur to be triggered.	While employees can still benefit from medical expenses cover, counselling services and other coverages the policy only provides liability cover against third party lawsuits.
In the event of a crisis, who does the policyholder call?	The policy will respond on presentation of a claim for damages and will not typically include services to help you reduce the risk of an attack and create a safer environment, or respond if an attack does occur.			All DWP policyholders have access to a suite of risk management services to help create safer environments as well as to highly experienced firms to assist with response services in the event of a crisis.

For additional information contact your underwriter or visit www.beazley.com/DeadlyWeaponsProtection.





Deadly Weapons Protection

Who can we help?

We are able to assist the range of organizations and establishments at risk, including:

- Educational institutions
- Entertainment organizations
- Healthcare providers
- Religious institutions
- Not-for-profit entities
- Retail organizations
- Public entities
- Hospitality
- Property managers
- Conferences, parades, and other events



Deadly Weapons Protection

- Minimum information need to quote
 - Insured name
 - Industry type
 - Location exposure / schedule of values
 - Staff count
 - Policy limit required
 - Details of any prior DWP events over the last 5 years
- If industry is education, we also require
 - Student numbers
 - Staff numbers

Deadly Weapon Events & Circumstances: Case Studies

Healthcare



©CrisisRisk Strategies, LLC. All rights reserved. 2022

December 2020 Version 0.1

DWP Event: Hospital

Event: Man walks into ambulance bay at hospital saying that his wife needs help. He indicates that she has a knife, has threatened him, and is a danger to herself. She is sitting in the car, on the public street, just bordering the hospital property, within view of the emergency room. The hospital calls the police, as that is standard protocol for any potential patient who is off property. The hospital does not employ anyone who can assist in patient retrieval. Police arrive to assist and are confronted by a violent, armed woman. After repeated warnings and attempts to deescalate, the woman charges the police while screaming “Let’s do this !!” The police use deadly force to terminate the risk. Mental health advocates were critical of both hospital and police response. There was community outrage.

The following crisis response services were provided to the insured:

- Investigation
- Strategizing with hospital legal counsel regarding theories of liability
- Psychological first aid for hospital employees who witnessed shootings
- Crisis communications support: message mapping for all stakeholders and media management

Insurer indemnified costs related to the immediate crisis response which included:

- Psychological counselors
- Crisis management
- Crisis communications
- Legal services
- Investigation services

The benefits that flowed to the insured included:

- Mitigation of community concern
- Preservation of evidence for future litigation
- Emotional support for employees
- Brand and reputation managed

DWP Event: Hospital

Event: Two people involved in altercation. One is brought into ER. Sudden commotion and disruption in the ER. The individual involved in previous altercation returned to the ER, with others, to “finish off” his target. Staff was traumatized, as were other patients and family members witnessing the attack. Law enforcement, media involvement.

The following crisis response services were provided to the insured:

- Investigation
- Psychological first aid for hospital employees
- Victim Family Support
- Crisis communications support: message mapping for all stakeholders
- Security recommendations
- Media management

Insurer indemnified costs related to the immediate crisis response which included:

- Psychological first aid
- Crisis management
- Crisis communications
- Investigation services

The benefits that flowed to the insured included:

- Brand and reputation support for insured
- Preservation of evidence for future litigation
- Emotional support for employees

Circumstance:

Hundreds of bullets, with varying calibers, and 15 discharged casings, found scattered throughout third floor of hospital parking garage, including by the elevator employees and visitors use to access the main lobby to the hospital. Police also found an unoccupied running car, a car with a baby inside unattended, and boxes that held the rounds neatly placed in the garbage. Crisis management firm contacted to assist with threat level determination, investigation, and communications.

Circumstance

Hospital

The insured received the following services:

- A crisis management consultation
- Crisis communications support and message mapping for stakeholder groups, including staff who were afraid

The benefit the insured received was

- Emotional support for employees
- Assistance with investigation
- Threat assessment of the subject
- Security recommendations



Circumstance: Security guard finds a notebook left on a bench in the employee lounge area. He opens the book to find name of owner. He is disturbed by some of the writings he sees and takes the journal to the HR Director. She reviews it and is likewise troubled:

“Sometimes I feel like killing people. I see myself doing sick things to them. I don’t even wish to write them down because people might think I’m sick.”

Crisis management firm contacted to assist with threat assessment, investigation, security and communications.

Circumstance

Health Center

The insured received the following services:

- Crisis management consultation
- Retention of Forensic Psychologist to assess whether employee posed a risk to the workplace.

The benefit the insured received was

- Assistance with investigation
- Threat assessment of the subject
- Security recommendations
- HR recommendations
- Counselling/EAP referral for employee



Closing



Thank you!

We enjoyed our time with you today. Please complete the brief survey immediately following the webinar.

Presenters:

Gisele Norris – Marsh

- gisele.norris@marsh.com

Hala Helm – Marsh

- hala.helm@marsh.com

Linda Jones – Marsh

- linda.jones@marsh.com

Tarique Nageer – Marsh

- Tarique.I.Nageer@marsh.com

Kyle Rolf – Beazley Group

- Kyle.Rolf@beazley.com





This document and any recommendations, analysis, or advice provided by Marsh (collectively, the "Marsh Analysis") are intended solely for the entity identified as the recipient herein ("you"). This document contains proprietary, confidential information of Marsh and may not be shared with any third party, including other insurance producers, without Marsh's prior written consent. Any statements concerning actuarial, tax, accounting, or legal matters are based solely on our experience as insurance brokers and risk consultants and are not to be relied upon as actuarial, accounting, tax, or legal advice, for which you should consult your own professional advisors. Any modeling, analytics, or projections are subject to inherent uncertainty, and the Marsh Analysis could be materially affected if any underlying assumptions, conditions, information, or factors are inaccurate or incomplete or should change. The information contained herein is based on sources we believe reliable, but we make no representation or warranty as to its accuracy. Except as may be set forth in an agreement between you and Marsh, Marsh shall have no obligation to update the Marsh Analysis and shall have no liability to you or any other party with regard to the Marsh Analysis or to any services provided by a third party to you or Marsh. Marsh makes no representation or warranty concerning the application of policy wordings or the financial condition or solvency of insurers or reinsurers. Marsh makes no assurances regarding the availability, cost, or terms of insurance coverage.

A business of Marsh McLennan