

Pendulum, LLC Risk Management Programs for Berkshire Hathaway Specialty Insureds

Unique among risk management consulting firms, Pendulum offers risk management services through a third-party approach. The company's network of highly skilled risk control consultants is available to provide liability risk assessments, on-site consultations, and development of quality and specialty programs within multiple healthcare settings.

PROFESSIONAL LIABILITY RISK

CUSTOM RISK MANAGEMENT PROGRAMMING

Pendulum can create customized risk management programs, including custom assessments addressing an insured's areas of need, training, and policies and procedures. We can also create custom risk management kits with products and services geared toward specific risk areas.

ON-SITE RISK ASSESSMENT

From customized visit to written report, the Pendulum risk assessment is an effective tool utilized by insurance underwriters, agents, and brokers to make proactive and informed decisions regarding professional liability insurance coverage and market placement. The risk assessment report also assists the insured provider with strategies to minimize risk and improve defensibility.

During a full one-day assessment, the consultant evaluates clinical and operational processes and the environment for risk of liability exposures. Time allotments and focus during the assessment can be customized to meet specific client needs.

PROFESSIONAL LIABILITY DESK AUDIT

Pendulum's desk audit is a unique, comprehensive, and convenient service that allows for the review of a facility's liability risk and defensibility based on a phone interview between the facility representative and one of Pendulum's highly skilled risk control consultants. Specific facility documents, including policies and procedures, regulatory survey data, loss runs, staff résumés, and training and orientation records are reviewed. A written analysis of risk potential and defensibility is provided, along with recommendations in these areas.

FOCUSED ON-SITE CONSULTING SERVICES

Risk management consulting services may be customized to meet the needs of the organization, such as corporate risk readiness assessments, customer service assessments, assisting with the development of a facility-based risk management program, staff training, development of specific high-risk policies and procedures, and/or focus on specific claims or clinical risk issues.

ENTERPRISE RISK MANAGEMENT

One of Pendulum's newest risk management tools, Enterprise Risk Management (ERM) is a Web-based system that helps a facility develop a strategic risk management plan. ERM allows facility staff to assess the probability and impact of internal and external risk events in operational/clinical, environmental, legal/regulatory, human resources, technology, financial, and

P
E
N
D
U
L
U
M

strategic areas. Based on the facility's priorities, the system generates a comprehensive action plan with assigned tasks and time lines. Implementing the ERM program not only can reduce liability risks and the potential for financial loss—it can also enhance quality outcomes and reputation.

WEB-BASED INCIDENT REPORTING/EVENT MANAGEMENT

Pendulum offers a Web-based Incident Reporting/Event Management System that records and tracks all notices of incidents/events. Because this system is browser-based, it offers an effective way to capture information immediately after an event has occurred. Security restrictions may be implemented for each user's access to the system.

The Event Management System can maintain all data relating to an event, including general information about the event, post-event assessment, event-type details, and department manager/supervisor and risk manager follow-up. The system generates detailed reports to help track, trend, and manage events—a critical function in managing liability risk. Reports also may be customized to the user's needs.

ASSISTLINE™

Subscribing clients can call a toll-free number to ask the Pendulum staff of skilled clinicians questions and obtain resource information regarding risk reduction and mitigation of potential losses. AssistLine provides an off-site resource center for questions, references to operational and clinical policy/procedures, regulatory issues, forms, and tracking tools, as well as referral recommendations to insurance agents, carrier claims departments, and carrier legal counsel (when warranted).

ON-SITE RISK ASSESSMENT FOR HUD-FINANCED FACILITIES

Pendulum has solutions to assist facilities receiving HUD financing with meeting HUD risk management requirements. Pendulum's initial services include a One-Day On-site Risk Management Assessment conducted by one of our risk control consultants. The risk assessment includes a review of operational, clinical, and environmental processes that could lead to a liability exposure. The consultant's findings are reviewed during an exit interview at the end of the assessment. Recommendations to minimize liability risk and strengthen defensibility are also provided to the facility.

To assist facilities in continuing to meet HUD requirements, Pendulum offers an array of risk management services and products, including various types of on-site services (focused reviews, clinical mentoring, education programs, etc.), off-site consulting services, online learning services, software, training DVDs, and more.

LIABILITY RISK CONTROL PROGRAM

Every healthcare facility has unique risk vulnerabilities and needs that must be met with a thoughtful approach. Pendulum's Liability Risk Control Program is a customizable solution that will help an at-risk facility identify its areas of vulnerability and manage and reduce the risk of liability events in these areas. The Program includes a risk assessment and other on-location services, monthly conference calls, participation in risk management meetings, and access to online resources, as well as the guidance and expertise of a dedicated Pendulum consultant. Through

P
E
N
D
U
L
U
M

the Liability Risk Control Program, a facility can reduce liability events, improve its defensibility against claims, and promote awareness of risk management techniques to staff and residents.

CLAIMS PROCESSING

Pendulum offers customized claims processing services for professional and general liability claims, assisting financial managers with quantifying losses and risk managers with identifying risk exposures. Some of the services Pendulum offers include bill review, payment and check-writing processes, bank reconciliations, MMSEA reporting, online training sessions, customization of reports, and more.

MEDICAL RECORD PROCUREMENT SERVICE

Pendulum's Medical Record Procurement Service saves time for legal teams by providing seasoned healthcare consultants to go to a facility and locate documents critical to a claim. Pendulum's consultants know from experience the usual—and unusual—places where facilities store their records. Using a client-provided list, the procurement team can collect and organize items including, but not limited to, medical records, incident reports, meeting documentation, physician orders, correspondence, and personnel records—freeing legal teams to focus on review and defense.

HUMAN RESOURCES RISK

CUSTOMER SERVICE ASSESSMENT

Customer service has become an important facet of long term care as facilities deal with the risk of litigation, quality indicator surveys, and the Centers for Medicare & Medicaid Services (CMS) Five-Star Quality Rating System. The Customer Service Assessment is a one-day, on-site evaluation of the facility's customer service program performed by a seasoned, customer service-focused risk management specialist. The assessment includes a follow-up report with recommendations for program enhancement.

TRAINING TOOLS AND MODULES

Pendulum offers tools and training products professionally produced by leaders in the healthcare industry, including: American Medical Directors Association, Extended Care Products, HCPro, InService Monthly, Medcom, MED-PASS, Ohio Health Care Association, and Senior Living University, Sorry Works! These guides, books, DVDs, and training programs have been carefully selected by Pendulum's clinical staff in order to help a facility manage high-risk areas and in-service training.

Pendulum's newest tools are the Information and Training Modules. These modules are designed to assist all levels of facility staff in managing high-risk topics. All modules contain sample policies and procedures and best practices pertaining to the high-risk topic. In-service training programs are also included. The modules provide information for either the skilled nursing or assisted living settings or a combination of both. All Pendulum Information and Training Modules include a CD containing the contents of the module, including the in-service training programs.

WEBINARS

Pendulum offers webinars in a variety of senior living topics that can be customized to meet the client's needs.

PRESENTATIONS AND WORKSHOPS

Pendulum presentations and workshops feature experienced speakers and instructors in the healthcare field. Our presenters are frequently engaged to speak to national, trade, state, and professional organizations.

We customize presentations and training to suit each client's specific needs, offering training on many topics related to risk management and specialty programs.

CYBER LIABILITY RISK

CYBER VULNERABILITY ASSESSMENT

While technology enhances lives and businesses, it poses significant risks to data and business security. Our borderless network in which servers, storage, desktops, printers, phones, and security systems—and even lighting, HVAC systems, and coffeemakers—are all interconnected introduces increased risk of business interruption, network breaches, service outages, and loss of valuable confidential data. Additionally, a business may be subject to federally mandated industry security regulations. To address these risks, Pendulum has partnered with Ardham Technologies to offer network vulnerability analysis and penetration testing. Ardham Technologies' networking security engineers combine top-tier network assessment methodology, custom coding, and in-depth testing tools with years of security, testing, and remediation experience. Ardham filters out the noise, identifies real-world threats, and provides recommendations for protecting valuable data and businesses.

COMPLIANCE RISK

MOCK SURVEY/QIS PREPAREDNESS ASSESSMENT

Is the facility's survey book ready? How should staff answer surveyors' questions? The Quality Indicator Survey (QIS) Preparedness Assessment is a one-day, on-site assessment that assists an organization in preparing for a QIS. Using Omnibus Reconciliation Act (OBRA) structure and time frames, Pendulum provides a comprehensive on-site mock survey spanning one or two days. A QIS professional conducts an assessment of the facility's awareness and understanding of the QIS process, Stage I process, Triggered Critical Elements, and Stage II process. Included is a review of policies and procedures, meal management, medication administration, employee files, QA&A processing, the survey book, health records, CMS forms 672 and 802, and CASPER data. A daily conference with staff allows managers to implement positive changes during the actual Mock Survey process, helping the facility prepare for its next survey.

Based on the assessment findings, the QIS professional conducts a customized training session for leadership and designated staff. The QIS professional and facility leadership then complete a QIS Preparedness Action Plan to assist the organization in implementing the necessary steps for QIS readiness.

HIPAA/HITECH COMPLIANCE

Pendulum offers organizations a Privacy and Security Compliance and Risk Assessment that serves to evaluate an organization's compliance with HIPAA/HITECH privacy and security standards and assess the overall security, integrity, and associated processes to ensure the proper management of protected health information. Each professional compliance assessment

includes real-time consulting services during an assessment process as well as a detailed report with current recommended best practices. Because Pendulum specializes in risk management, we also evaluate and share information on mitigating risk and enhancing defensibility specific to electronic and physical PHI.

OFFICE OF INSPECTOR GENERAL (OIG) COMPLIANCE PROGRAM DESK AUDIT

Pendulum has developed a desk-based review to assist a facility or organization in determining and preparing for OIG compliance readiness. This service includes a preliminary conference call with key facility members to discuss compliance related processes that are in place. The assigned consultant then completes a review of documents. Findings are presented in a written report to the facility along with recommendations for enhancing the compliance program.

ENVIRONMENTAL RISK

MOCK OSHA AUDITS

Mock OSHA Audits are performed by certified and experienced healthcare safety professionals. Taking the same approach as an OSHA compliance officer, the consultant provides a comprehensive review of a facility's safety management program.

SECURITY VULNERABILITY ASSESSMENT (SVA)

A comprehensive Security Vulnerability Assessment is performed by a qualified healthcare security professional. After the assessment, the facility is provided with a detailed analysis of findings. The consultant works with the facility's management team to enhance existing security practices and establish best practices. Services are customized to meet the needs of each facility.

LIFE SAFETY ASSESSMENT

During a full one-day assessment, the consultant evaluates all elements of the facility's fire and life safety program to help assess proficiency pertaining to emergency response procedures. The service includes interviews with leadership and other staff members, a detailed evaluation of all elements of the physical plant, and review of written emergency procedures. After the visit, a written report of assessment findings, including recommendations to enhance risk management practices, is developed.

PATIENT SAFETY

ACTIVE SHOOTER PROGRAM

What will you do if an armed intruder makes his way into your building? Are you and your staff prepared?

The Pendulum Armed Intruder and Active Shooter Program is presented by the Pendulum Crisis Management Team. The Program reviews what you need to know and be prepared for in the event that a hostile act occurs within your building or on your property.

The Pendulum Crisis Management Team is composed of the members of EM Alliance, a partnership formed by leaders in risk management, fire and life safety, security administration, and disaster recovery to provide the tools and services needed for disaster planning, response, mitigation, and recovery.

DISASTER PREPAREDNESS ASSESSMENT

The Disaster Preparedness Assessment provides a comprehensive analysis of a facility's disaster preparedness programs, training and education, and emergency contingency systems. This multidisciplinary process utilizes document review, supply-level analysis, established practices and processes, response resources and emergency equipment, a human resources assessment, and a physical plant survey to provide a comprehensive evaluation of a facility's state of readiness as well as compliance with recommended practices pertaining to disaster planning and recovery programs.

DISASTER PLAN DESK AUDIT

Improve the facility disaster plan or emergency operations manual with this unique service that provides a thorough examination of the submitted plan or manual and an assessment on multiple levels of its overall presentation and defensibility. This detailed process is conducted by experienced emergency preparedness specialists who have extensive backgrounds in emergency planning, management, response, recovery, and code compliance. The specialist assesses the submitted disaster plan on 34 critical points of plan structure, including utilization of "All Hazards" planning and management, integration of an Incident Management System (Incident Command System), and more.

EM ALLIANCE EMERGENCY MANAGEMENT RESOURCE CENTER

The EM Alliance Resource Center brings disaster preparedness information to your fingertips. Providing a wealth of information on disaster and emergency management, the EM Alliance Resource Center gathers information provided by leaders in the risk management, fire and life safety, emergency medical services, and security administration fields.

HOSPITAL PANDEMIC PREPAREDNESS RISK ASSESSMENT

A Pendulum senior consultant reviews an organization's level of readiness and ability to manage this specific type of event. The process includes evaluation of the existing Emergency Operations Plan; evaluation of the infection control plan and the establishment of a written pandemic plan; evaluation of supporting policies and procedures; review of established relationships and communication plans with key local, state, and tribal health departments and emergency preparedness groups; and more.