

USA Swimming
2009 Risk Management Seminar
June 12 – 14, 2009
Oklahoma City, Oklahoma
Seminar Report – John Ertter

Overview

The annual USA Swimming Risk Management Conference was held over the weekend of June 12 – 14, 2009 in Oklahoma City. The seminar was conducted by USA Swimming national staff members Carol Burch, Mary Ilich and Cathy Durance, USA Swimming and United States Sports Insurance Company (USSIC) President Carol Zaleski and Risk Management Services, Inc. staff members Sandi Blumit and John Peterson.

The seminar touched on a broad range of subjects including LSC, member club and individual insurance, automobile, worker's compensation and D&O insurance. The seminar focused heavily on risk avoidance, safety and incident reporting.

Representatives from 19 LSCs were in attendance. Individuals in attendance ranged from General Chairs, Safety Officers, Operations Vice Chairs, LSC Treasurers and LSC Permanent Office Staff Members.

The following notes are from my personal notes taken at the seminar. I found these items either particularly important or particularly applicable to PVS operations based on how PVS conducts business and swim meets. The notes below are in no particular order but basically are presented here in the same order as the material was presented at the seminar. In addition to these notes, I have scanned and included a number of documents that were handed out and discussed at the seminar.

If more information is desired on any particular topic please do not hesitate to contact me.

1. At a swim meet, an official can and should prevent a swimmer from doing a racing start from blocks, if in the official's opinion; the athlete does not appear to be properly trained in performing a racing start from the blocks. The swimmer should be instructed to start from the deck.
2. Based on studies done by USSIC, Chase Starts do not appear to represent an increased risk to athletes. As such, from an insurance or risk management perspective, there is no problem with employing Chase Starts at swim meets.
3. As a general rule, an LSC or club should avoid renting any pool in which unhealthy air quality is a serious problem. Additionally, if a competition is held in a pool with poor air quality that could pose health issues, an incident report should be filed even if no injuries were reported during the meet. An extensive discussion was conducted on this subject regarding PVS's experiences with PGS&LC. It became apparent that other LSCs have experienced similar issues with pools. Most of these problems were alleviated by limiting the number of athletes and spectators in the facility at any point in time. Failing to satisfactorily solve the problem, the other LSC's based on advice from USA

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Swimming Risk Management staff ceased renting or using these facilities for meets. PVS may want to try addressing the PGS&LC problem by limiting the number of entries allowed in meets at that facility. Limiting the number of entries will reduce the number of athletes and spectators in the facility and probably significantly reduce or eliminate the air quality problem. The decision to stop a meet in progress due to poor air quality should be made by the Meet Committee and not just the Referee.

4. If a paid photographer is taking pictures at a swim meet, an announcement must be in the meet announcement, informing athletes and parents that a paid photographer will be present. This does not apply to unpaid photographers like press photographer.
5. The issue of providing health insurance for permanent office employees and coaches was discussed. While USA Swimming would very much like to make this type of insurance available, the cost is currently prohibitive.
6. It is extremely important that incident reports be completed and sent to headquarters on any incident that does or might result in a claim. Without an incident report, there is no insurance coverage and the club or LSC is on their own to deal with liability and legal actions. Incident reports should be filed even if no apparent injury occurs. An incident report should be filed on anything that may potentially result in a claim including poor air quality at a swim meet. Make sure that the incident report form is the current form as displayed on the USAS website. Many LSCs file incident reports using outdated forms.
7. A good track for Swimposiums is to run a coaches certification clinic.
8. Most pool contract expressively place all liability for any incidents or injuries on the renter of the facility. Make sure to modify pool contracts to include the following language with respect to liability: "except those claims arising out of the negligence on the part of the pool staff". Most pool operators will allow this language to be added to contracts but it will only be added if the renter asks for it.
9. When renting buses for Zones or other trips make sure to obtain a certificate of insurance from the bus company. The company should have liability insurance of at least \$5 million.
10. USA Swimming continues to caution clubs and LSCs about classifying paid staff properly. Part time coaches should all be classified as employees, not independent contractors. The penalties and back taxes for social security and unemployment taxes that will be imposed by the IRS for misclassifications are severe. Club Directors and members of a Board of Directors could be personally liable for these penalties and taxes.

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11. The following items should always be addressed for a facility in which a swim meet is to occur:
 - a. Know how emergency personnel will access the facility in case of an incident
 - b. Develop an emergency plan to deal with different types of incidents like serious injury, fire, poor air quality, loss of power, flooding, overcrowding etc.
 - c. Record **ALL** incidents
 - d. Make sure all coaches are properly certified
 - e. Designate an official to act as the safety officer for the meet.
 - f. Think “safety first” for the kids.

12. Club Directors should make sure that coaches devote at least 15 minutes each week talking with their swimmers about a safety issue.

13. If club directors, coaches PVS officials or members of any of the LSC or club Boards of Directors have any questions about facility safety, they can contact Allan Meier, USAS Safety Education Committee Chair at allan.meier214@gmail.com.

14. All club directors, coaches, PVS officials should read the monthly safety tip published on the USAS website.

15. Cell phones and recording devices should be banned from pool decks and locker rooms.

16. A masseuse providing services at a swim meet either for a specific club or for the meet participants in general, must either be a certified coach or provide proof of having his/her own liability insurance. They absolutely may not be allowed to work on a pool deck without having a USAS background check completed.

Conversations of interest with other attendees:

1. I had an opportunity to talk extensively with Angella Woodard, a member of the South Texas permanent office regarding a number of common interests. The South Texas LSC has around 6,000 athletes. Their registration fee is \$65 of which the LSC keeps \$20. Entry fees for their meets run from \$9 to \$11 for individual events and twice that for relay, deck and time trial entries. These number are significantly higher the what PVS charges. When I asked her, why so much, she explained that due to a lack of many competing pools, the pool operators basically charge a very high price. She gave an example of an San Antonio municipal pool that charges \$285 per lane hour for swim meets. Their entry fees are extremely high in order to pay for the pool rentals and avoid unaffordable losses on their meets.

2. I had conversations with Tom Hasz, Treasurer-USA Swimming regarding their decision to move their investment accounts away from Dain Rauscher. Tom told me that the

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decision was based on competitive bids and that they simply selected the investment manager based on who charged the lowest management fees. The selection was not based on measures of fund performance or other criteria.

Respectfully Submitted

John F. Ertter

2009 Risk Management Workshop - Participant List
Oklahoma City, OK

LSC	NAME	LSC POSITION	EMAIL ADDRESS
Colorado	Laurie Bossert	Safety Chair	bosboys@aol.com
Florida	Helen Kelly	Executive Director	flsoffice2@aol.com
Gulf	Chris Day	Membership Chair	ccd@msn.com
	Tom Hasz	Treasurer	thasz1@gmail.com
Hawaii	Malcolm Cooper	LSC Secretary	malcolmy@msn.com
Illinois	Jennifer Ridge	Safety Coordinator	ryoung1064@yahoo.com
	Pam Lowenthal	Administrative Director	ilswimoffice@sbcglobal.net
Iowa	Elaine Sortor	LSC Permanent Office	isiswim@aol.com
Louisiana	Robby Fritscher	Senior Vice Chair	rfritscher@myfrancos.com
Midwestern	Brian Jensen	Admin Vice Chair	hgs@kdsi.net
Minnesota	Natalie Kuramoto	Nomination Committee Chair	futbol2swim3@hotmail.com
	Jim Hanton	Admin Vice Chair	jandchanton@comcast.net
New Jersey	Marlene Curtis	Berkeley Aquatic Club	marlene-bac@juno.com
Niagara	Barbara Paradis	Safety Chair	bjpswim@aol.com
Ohio	John Pristash	Safety Chair	jpristash@bex.net
Oklahoma	Paul Thompson	General Chair	auggie1@sbcglobal.net
Pacific Northwest	Colleen Buchanan	Administrative Assistant	office@pns.org
Potomac Valley	John Ertter	Executive Director	jfertter@cox.net
South Texas	Angella Woodard	Executive Secretary	admin@stswim.org
Southern California	Mary Jo Swalley	Executive Director	scsmj@earthlink.net
Virginia	Mary Turner	General Chair	myturner@jetbroadband.com
Wyoming	Cindy Hafner	Safety Chair	chafner@wwcc.wy.edu
NHQ Staff	Carol Burch	Member Services Director	cburch@usaswimming.org
	Mary Illich	Member Services Project Manager	millich@usaswimming.org
	Cathy Durance	Member Services Coordinator	cdurance@usaswimming.org
Risk Management Services	Sandi Blumit		sblumit@theriskpeople.com
	John Peterson		jpeterson@theriskpeople.com
USSIC	Carol Zaleski	President	czaleski@att.net
Safety Education Cmte	Allan Meier	Chair	allan.meier@wosc.edu

USAS STAFF

Example of the Data We Collect from the Report of Occurrence Forms for Statistical Purposes

Name	Date/Accident	Date Rec'd	Age	Sex	LSC	Where Occurred	When Occurred	Nature/Injury	Med Attn	How Occurred	AccidTyp	MembType	Club
	2/15/09	2/16/09		F	IL	LOCKER ROOM	MEET/COMP	LEG/FOOT	N	PLAYING IN SHOWER AREA	6	ATHLETE	WSO
	2/14/09	3/2/09		F	AR	LOCKER ROOM	MEET/WARMDOWN	LEG/FOOT	Y	EXITING LOCKER ROOM AN	4	ATHLETE	HAWG
	3/6/09	3/16/09		F	OH	IN WATER	MEET/COMP	HAND/ARM	N	SCRAPED FINGER ON WALL	5	ATHLETE	BGSC
	3/1/09	3/16/09		F	IN	ON BLOCKS	MEET/COMP	HAND/ARM	N	ABRASION TO LEFT WRIST	6	ATHLETE	NOB
	3/14/09	3/30/09		M	NJ	LOCKER ROOM	MEET/COMP	INTERNAL	Y	C/O SHARP STOMACH PAIN	5	RNA	GBCY
	2/28/09	3/9/09		M	MI	IN WATER	MEET/COMP	HAND/ARM	N	SLAMMED HAND INTO FINIS	5	ATHLETE	GROSS
	3/1/09	3/1/09		F	NI	IN WATER	MEET/COMP	LEG/FOOT	N	SLICED LITTLE TOE, POSSI	5	ATHLETE	SYCH
	2/7/09	2/17/09		M	PC	DECK	MEET/COMP	HEAD/NECK	N	HIT BY POLE THAT WAS HC	5	GUEST	UN
	3/7/09	4/6/09		M	ME	DECK	MEET/WARMUP	TORSO	N	SLIPPED ON DECK, FELL TO	6	RNA	HSC
	3/1/09	3/16/09		F	IN	OTHER	MEET/COMP	LEG/FOOT	N	KICKED THE DOOR ENTERI	6	ATHLETE	SSC
	3/1/09	3/16/09		F	IN	IN WATER	MEET/WARMUP	HAND/ARM	N	DOING FLIPTURN AND SCR	6	ATHLETE	GCAT
	2/22/09	2/23/09		M	MI	DECK	MEET/COMP	KNEES	N	RUNNING TO CHEER FOR T	5	ATHLETE	EGRA
	2/21/09	3/2/09		F	AM	IN WATER	MEET/COMP	HAND/ARM	N	CUT ON FINGER MAYBE FR	5	ATHLETE	JETS
	1/11/09	1/12/09		F	IL	STAIRS	MEET/COMP	OTHER	Y	FELL AND HIT TAILBONE ON	4	ATHLETE	KNAC
	3/8/09	3/10/09		F	CA	DECK	MEET/COMP	LEG/FOOT	N	WALKING AND STEPPED ON	5	ATHLETE	RST
	3/14/09	3/16/09		M	ST	DECK	MEET/COMP	HAND/ARM	N	FRIEND PUSHED CHAIR AS	6	ATHLETE	NTRO
	3/15/09	3/15/09		M	CT	HALLWAY	OTHER	HAND/ARM	N	VENDOR CUT FINGER WITH	5	GUEST	UN
	1/16/09	2/4/09		F	LE	IN WATER	PRAC/WATER	ENMT	N	PLAYING SHARKS/MINNOW	5	ATHLETE	SSSC
	3/1/09	3/2/09		F	AZ	OUTSIDE VENUE	MEET/COMP	LEG/FOOT	Y	WALKING ACROSS CANAL T	5	GUEST	UN
	3/13/09	3/16/09		F	GU	STAIRS	MEET/WARMUP	HAND/ARM	Y	SLIPPED ON STAIRS AND FI	4	ATHLETE	DADS
	1/7/09	1/9/09		F	ST	DECK	PRAC/WATER	LEG/FOOT	N	STEPPED ON TACK ON DEC	5	ATHLETE	NITRO
	2/1/09	2/2/09		F	SE	DECK	MEET/WARMUP	ENMT	N	BLOODY NOSE BUT DID NO	5	ATHLETE	BMAC
	3/1/09	3/16/09		M	IN	DECK	MEET/WARMUP	LEG/FOOT	N	SCRAPED TOE ON OUTSIDE	6	ATHLETE	LST
	1/22/09	1/27/09		F	FL	IN WATER	PRAC/WATER	LEG/FOOT	Y	HELPING PULL TARPS OVE	4	ATHLETE	BSS
	2/7/09	2/11/09		F	NT	IN WATER	MEET/COMP	LEG/FOOT	N	PULLED MUSCLE IN THIGH	5	ATHLETE	LAC
	2/14/09	2/16/09		F	IL	ON BLOCKS	MEET/COMP	KNEES	N	EXITING WATER AND CUT P	5	ATHLETE	GLENB
	1/25/09	1/30/09		F	IA	DECK	MEET/COMP	ENMT	Y	EXITING POOL, SLIPPED ST	4	ATHLETE	PVST
	2/10/09	2/17/09		M	IL	LOCKER ROOM	PRAC/WATER	TORSO	N	HURRYING TO LEAVE LOCK	4	ATHLETE	COHO
	1/11/09	2/3/09		M	AM	LOCKER ROOM	MEET/COMP	LEG/FOOT	N	RUNNING THRU SHOWER T	5	ATHLETE	MOON
	1/25/09	2/18/09		F	IL	IN WATER	MEET/COMP	HAND/ARM	N	SCRAPED FINGER ON POOL	6	ATHLETE	JETS
	3/1/09	3/9/09		M	MI	IN WATER	MEET/COMP	LEG/FOOT	N	SCRAPED TOE ON LANE 3	6	ATHLETE	GLT
	3/20/09	3/30/09		F	AD	DECK	MEET/COMP	OTHER	Y	WALKING QUICKLY, STOPP	5	RNA	WAVE
	1/31/09	2/9/09		M	NI	HALLWAY	MEET/COMP	KNEES	N	SLIPPED IN HALLWAY AND	5	ATHLETE	CAMIL
	2/16/09	3/9/09		M	AD	IN WATER	MEET/WARMUP	ENMT	Y	CAME OFF WALL, RAN INTO	3	ATHLETE	SCHE
	2/29/09	3/9/09		F	NM	OUTSIDE VENUE	MEET/COMP	HAND/ARM	N	FELL FORWARD ON PALMS	6	GUEST	UN
	1/4/09	1/14/09		M	MA	DECK	MEET/COMP	ENMT	N	SLIPPED ON DECK AND FEL	5	ATHLETE	GRA
	3/8/09	3/9/09		F	MR	IN WATER	MEET/WARMUP	OTHER	Y	HIT BY OTHER SW'MER DUI	4	ATHLETE	AG
	3/7/09	3/18/09		F	IN	DECK	MEET/COMP	LEG/FOOT	Y	SLIPPED NEAR BLOCKS WH	4	RNA	UN
	2/22/09	2/26/09		F	PC	IN WATER	MEET/WARMDOWN	HEAD/NECK	N	WARMING DOWN, DOING B	5	ATHLETE	EBAT
	2/22/09	2/23/09		M	OR	IN WATER	MEET/COMP	LEG/FOOT	N	DURING RACE, HIT ANKLE C	5	ATHLETE	HILLSB

of incident reports by LSC

	# Report of Occurrences filed in 2008
AD ADIRONDACK	10
AK ALASKA	3
AM ALLEGHENY MOUNTAIN	25
AR ARKANSAS	1
AZ ARIZONA	26
BD BORDER	1
CA SOUTHERN CALIFORNIA	52
CC CENTRAL CALIFORNIA	3
CO COLORADO	26
CT CONNECTICUT	15
FG FLORIDA GOLD COAST	7
FL FLORIDA	23
GA GEORGIA	23
GU GULF	39
HI HAWAII	1
IA IOWA	17
IE INLAND EMPIRE	6
IL ILLINOIS	74
IN INDIANA	45
KY KENTUCKY	4
LA LOUISIANA	2
LE LAKE ERIE	39
MA MIDDLE ATLANTIC	19
MD MARYLAND	27
ME MAINE	3
MI MICHIGAN	22
MN MINNESOTA	22
MR METROPOLITAN	17
MS MISSISSIPPI	8
MT MONTANA	2
MV MISSOURI VALLEY	17

MW MIDWESTERN	17
NC NORTH CAROLINA	23
ND NORTH DAKOTA	16
NE NEW ENGLAND	5
NI NIAGARA	25
NJ NEW JERSEY	7
NM NEW MEXICO	0
NT NORTH TEXAS	14
OH OHIO	23
OK OKLAHOMA	3
OR OREGON	22
OZ OZARK	17
PC PACIFIC	89
PN PACIFIC NORTHWEST	32
PV POTOMAC VALLEY	6
SC SOUTH CAROLINA	3
SD SOUTH DAKOTA	3
SE SOUTHEASTERN	16
SI SAN DIEGO IMPERIAL	7
SN SIERRA NEVADA	10
SR SNAKE RIVER	9
ST SOUTH TEXAS	30
UT UTAH	5
VA VIRGINIA	25
WI WISCONSIN	28
WT WEST TEXAS	0
WV WEST VIRGINIA	0
WY WYOMING	6

240,000 ATb. members

Information from Report of Occurrences

290,852 Athlete members in 2008
(257,180 year round athletes, 33,672 seasonal athletes)

28,447 Non-athlete members in 2008

1,008 Report of Occurrence forms submitted in 2008



893 or 89% of reports received were from athlete members



36 or 3% of reports received were non-athlete members



79 or 8% of reports were from guests or spectators

Where Accidents Occurred

38% were in water
28% were on deck
8% outside the venue
6% in locker room
80%

20% remainder reported on blocks, in hallway, in gym, on stairs, bleachers or "other" areas

When Accidents Occurred

48% at meets in competitions
25% at practices
14% during warm-ups
87%

13% remainder in warmdowns, dryland training or "other"

Breakdown by Age

23% ages 15-18
19% ages 11-12
19% ages 13-14
16% ages 9-10
12% ages 19 & over
11% ages 1-8

Where Injured

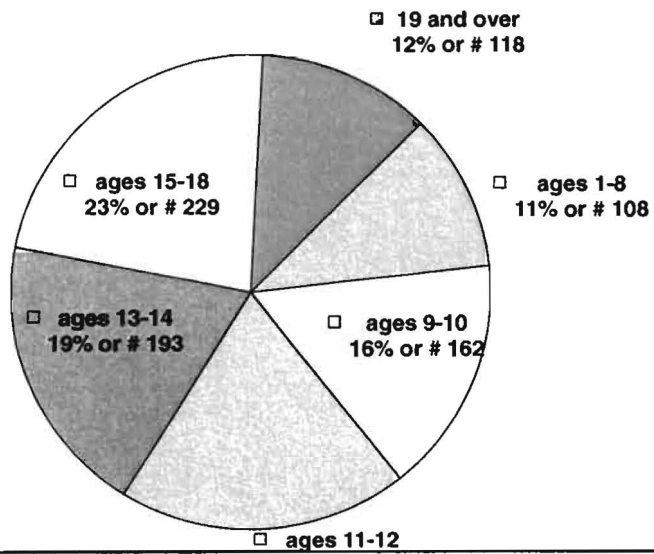
29% legs or feet
18% hands or arms
14% head or neck
61%

39% remainder reported to knees, torso, internal, shoulder, mouth or "other"

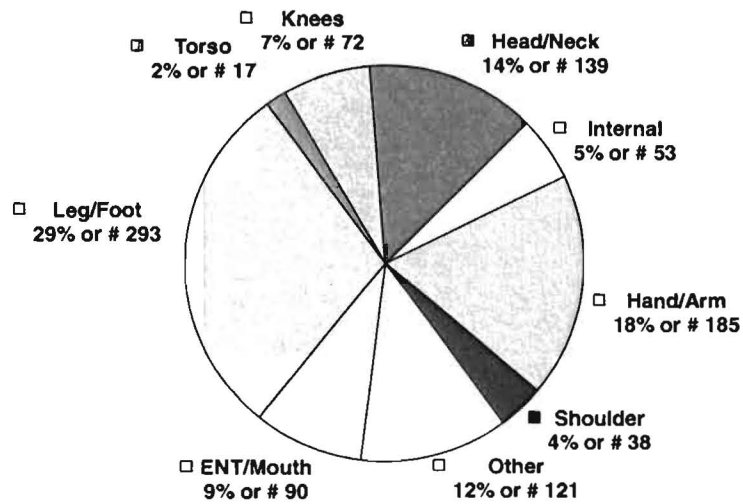
2008 Year End Accident Summary

Based on 1,008 Incidents Reported
through December 31, 2008

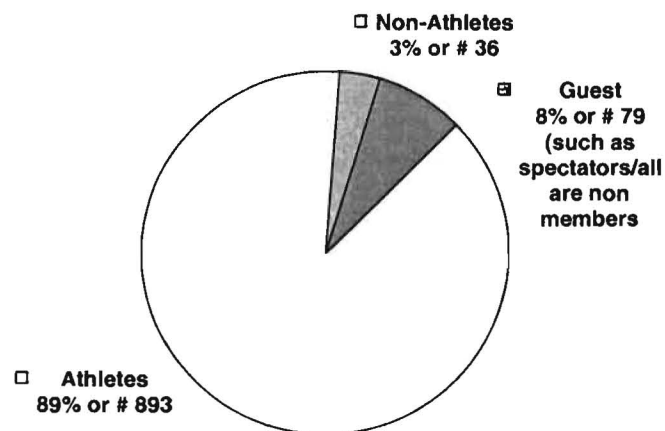
Age Breakdown



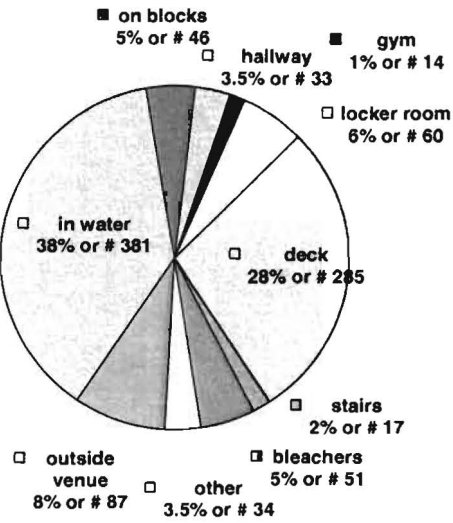
Nature of Injury



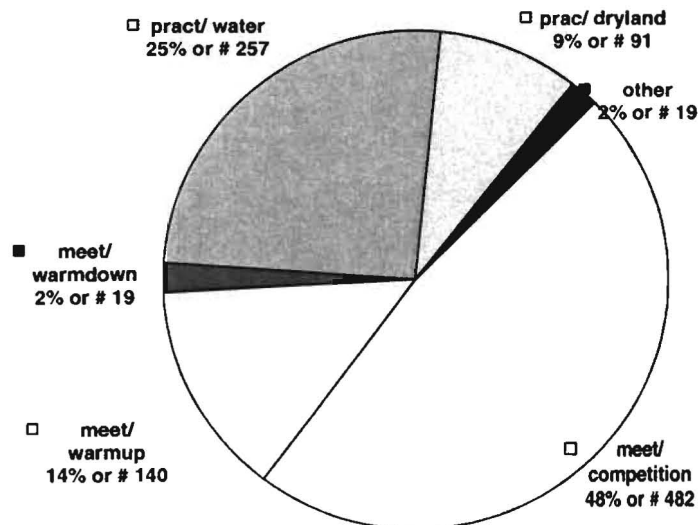
Who was Injured



Where Accident Occurred



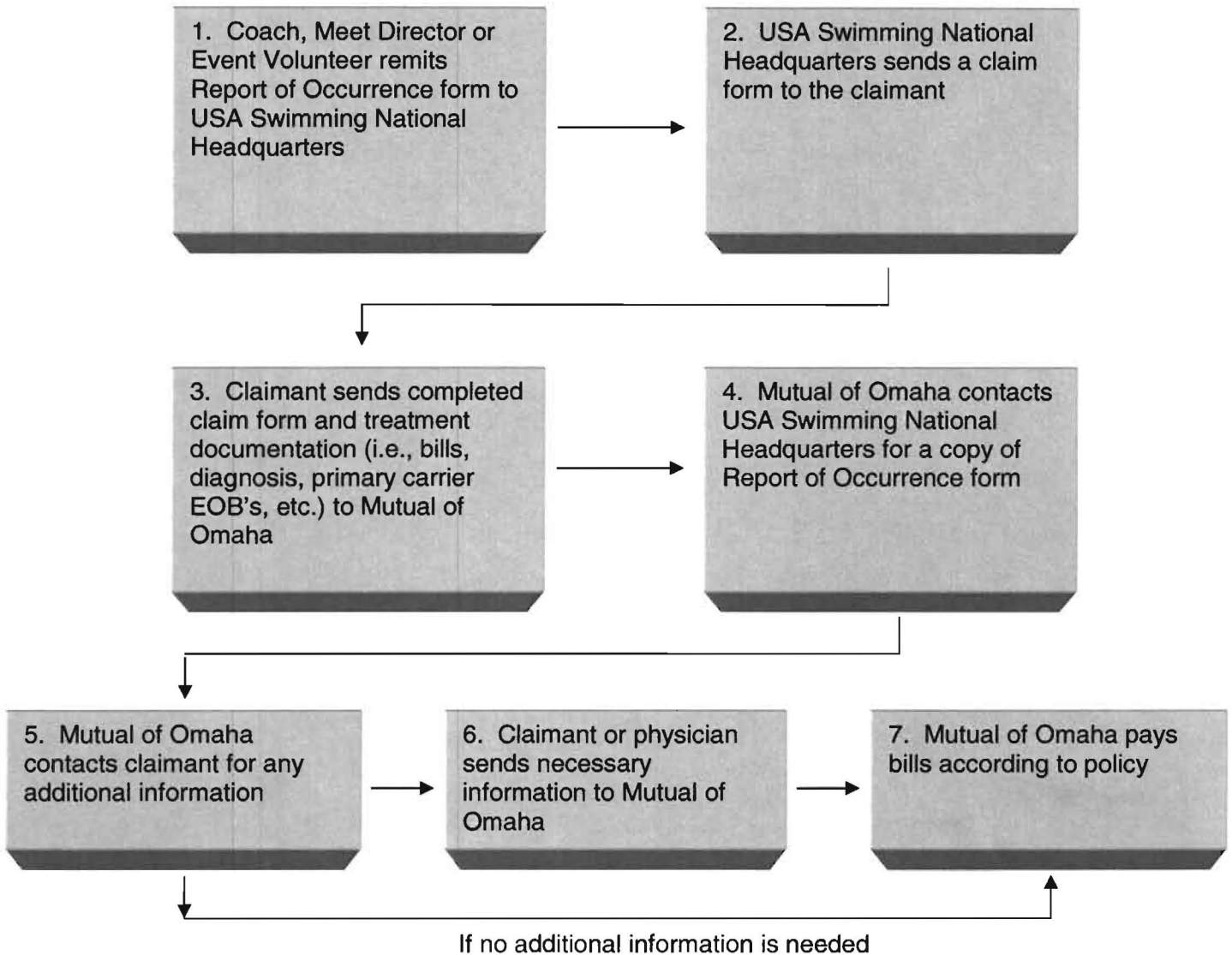
When Accidents Occurred



Claim Procedure Chart



USA Swimming



1. Coach, Meet Director or Event Volunteer completes a Report of Occurrence form and remits it to USA Swimming National Headquarters.

2. USA Swimming National Headquarters sends a claim form to the claimant.

3. Claimant sends completed claim form to Mutual of Omaha-Special Risk Services, Claims Dept. Any and all bills for the injury must first be submitted to any group hospital/medical and/or HMO coverage for which the claimant is eligible. Copies of Explanation of Benefits (paid or denied) documents from the claimant's other insurance (group hospital/medical and/or HMO coverage) must accompany all bills and the claim form.

4. Mutual of Omaha contacts USA Swimming National Headquarters for a copy of the Report of Occurrence form.

5. Mutual of Omaha reviews the claim form and if necessary contacts the claimant or treating physician for additional information. If no additional information is needed, proceed to step #7.

6. Claimant or physician sends requested information to Mutual of Omaha.

7. Mutual of Omaha pays bills according to policy conditions, provisions and benefits.