



# Incident Reporting

Office of Risk Management & Safety  
The Texas A&M University System



# Purpose of Incident Reporting

- Document sequence of events that led to consequence
- Never to assign blame or assess liability



# What Should be Reported?

- All incidents that cause
  - Injury
  - Illness
  - Lost time
  - Property damage
  - Environmental damage



# Who Should Prepare the Report?

- Supervisor of the affected employee
- Building/Department Administrator
- Conference Facilitator
- Safety committee representative for area
- Safety officer
- Affected employee(s)



# When should the incident report be filed?

Immediately after the incident occurred

- Memories are fresh
- Evidence is in place
- Immediate corrective actions can be initiated to protect others



# Four Focus on the Five W's

- Who was affected by the incident
- What are the facts
- When did it occur
- Where did the incident occur
  
- Do not try to answer the Why!



# Report the Facts

- Look at the situation
- Record general information
- Collect evidence
- List witnesses



# When a Report becomes an Investigation

Continue the focus on finding *fact*, *not fault*

- Investigate the facts
- Review the facts to find the cause
- Recommend corrective measures
- Document findings and actions
- Follow-up



# Investigate the Facts

## Collect Applicable Evidence

- Photographs of location, equipment, conditions, etc.
- Samples of chemicals
- Broken parts or pieces



# Document Findings and Actions

Incident investigation reports usually contain

- General information
- Description of injury or illness
- Description of the incident
- Analysis
- Corrective actions
- Dates for completion and follow-up



# Reporting

According to the subsequent remedial measure rule, documented recommendations for corrective actions are not admissible as evidence in a court of law. Therefore, appropriate corrective actions can be documented and implemented without fear that they will be perceived as an admission of a previously unsafe condition.



# Reporting and Investigating

- Do not assign blame, assess liability, or offer opinions in any written documentation
- Forward report to university/agency administration



# Follow-Up

Ensure that recommended corrective actions

- Have been implemented properly
- Are effective in eliminating or reducing future incidents
- Do not create an unforeseen hazard



# Conclusion

When an organization reacts swiftly and positively to incidents, its action reaffirms its commitment to the safety and well-being of its employees.



# Tort Settlements in Lieu of Litigation



# Tort Claims Act Liability

A governmental unit in the state is liable for:

- (1) property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within his scope of employment if:
  - (A) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and



## Tort Claims Act (cont.)

(B) the employee would be personally liable to the claimant according to Texas law; and

(2) personal injury and death so caused by a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.



# Tort Claims Act Liability

- (a) Liability of the state government under this chapter is limited to money damages in a maximum amount of \$250,000 for each person and \$500,000 for each single occurrence for bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property.



# Tort Settlement SAP

- TAMU Currently has a Standard Administrative Procedure titled “Tort Settlements in Lieu of Litigation”
- A System-wide policy will be submitted this summer.



# Tort Settlement SAP

- Settlements must come from Local Funds
- Component must be liable under Statute
- Requires approval by component Chief Financial Officer and System General Counsel
- Limited to \$2,500 in personnel injury or \$1,000 in property damage per claim



# Campus Health Care and Counseling Facilities



# Campus Health Care Facilities

- Health Care providers do not have the same indemnification and limit on liability as other employees.
- System purchases a Medical Malpractice Policy which covers those individuals named under the policy.



# Campus Health Care Facilities

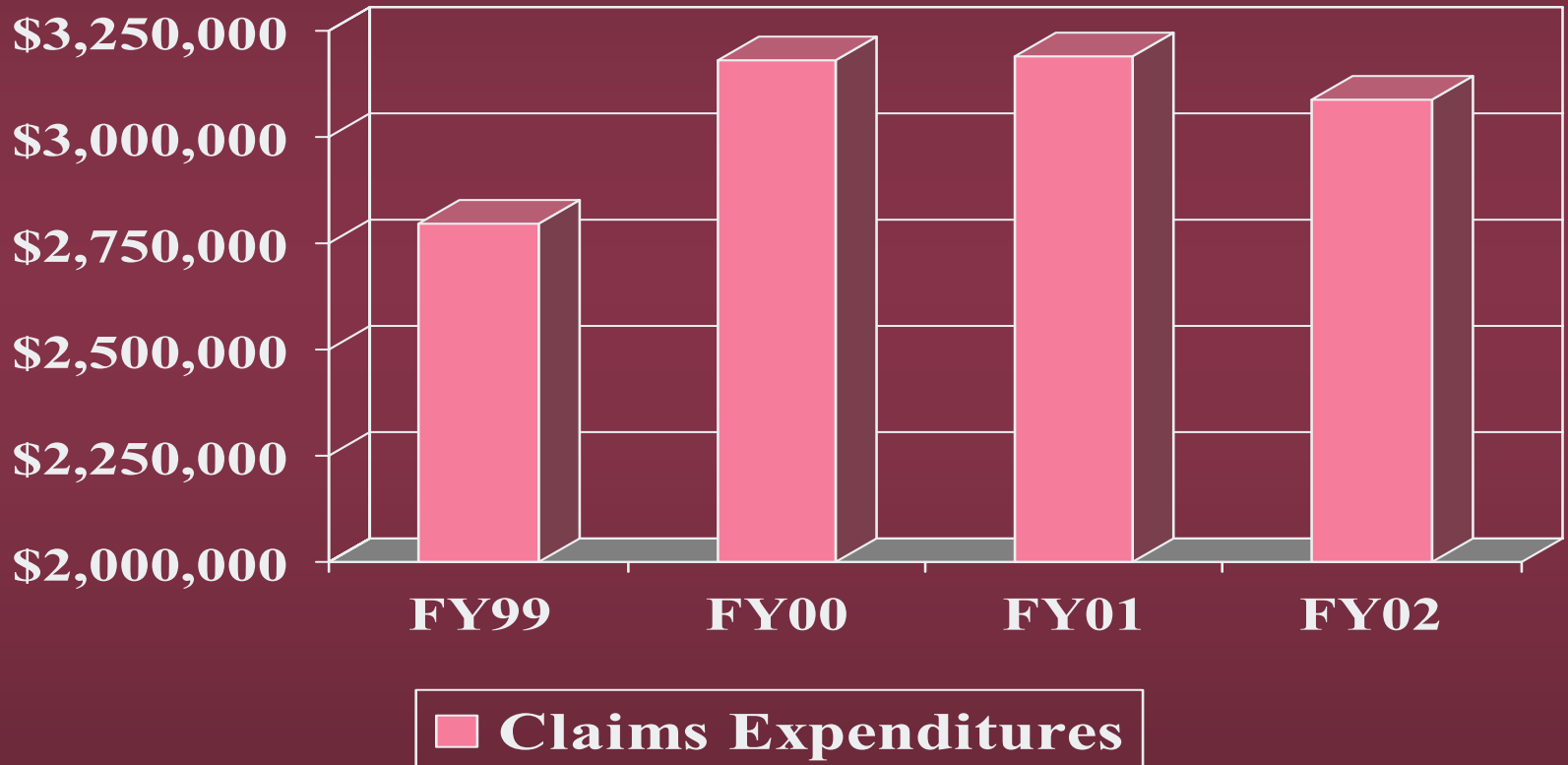
- Current Medical Malpractice Insurance rates have increased interest in obtaining insurance through professional associations.
- These association policies should be reviewed by the System Office of Risk Management if employees are going to be reimbursed for the cost.



# Workers Compensation Report Card



# WCI History





# Injury Trends

- Most injuries over the last 3 quarters of FY03 affect the upper extremities
- Greatest cost is experienced through injuries affecting the lower back



# What Can We Do?

- Upper Extremities
  - Repetitive motion injuries
    - Institute ergonomic interventions
    - Rely on resources from ORMS to identify problematic areas and identify solutions



# What Can We Do?

- Lower Back
  - Lifting injuries
    - Implement lifting aids where feasible, reinforce proper lifting procedures
    - Participate in ORMS low back program



# Legislative Outcomes



# Legislative Outcomes

## HB 2485 ANNUAL RISK ASSESSMENT REPORT

The risk assessment must: (1) evaluate the probability of occurrence and the likely effect of financial, managerial, and compliance risks and of risks related to the use of information technology; and (2) rank risks according to the probability of occurrence and likely effect of the risks evaluated. (3) The state agency shall submit the written risk assessment to the state auditor in the form and at the time prescribed by the state auditor.



# Legislative Outcomes

- Regional Workers Compensation Health Care Network Pilot Project
  - Must be implemented in 2004
  - In accordance with network standards
  - Healthcare provider can be selected by competitive bid through the System



# Legislative Outcomes

- Regional Networks will add value through:
  - Standards for care
  - Report Cards on Healthcare Providers
  - An increase in quality of care at a decrease in overall cost through contracting regional providers
  - Additional incentives to employees who receive indemnity payments



# Legislative Outcomes

HB 329, signed by Governor Perry on June 11, 2003.

Regulates mold assessors and remediators  
Instructs Board of Health to establish minimum performance standards and work practices for conducting a mold assessment or mold remediation in Texas.



# Legislative Outcomes

- HB 329
  - “The board may develop and establish mold safety standards for license holders if appropriate scientific information exists regarding the effect of mold.”
  - Specifically exempts managing agent or employee of an owner or tenant from licensure (unless the mold contamination affects a total surface area of 25 contiguous square feet or more)
  - Requirements very similar to asbestos legislation



# Legislative Outcomes

- SB 693
  - Relating to flame effects and pyrotechnics before an assembly
  - Use of flame effects must comply with NFPA 160 and NFPA 1126
  - Building must have operational sprinkler system or firewatch personnel
  - Announcement to assembly must be made identifying location and use of exits
  - Pyrotechnics or flame effect operator must be on site



# Fire Safety



# Fire Safety

- According to the State Fire Marshal's Office, the A&M System has taken a positive role in correcting deficiencies and implementing a fire safety culture.
- West Texas A&M and Texas A&M-  
Texarkana are on schedule for a late fall full campus inspection.



# Fire Safety

- Recent reinspections of residence halls revealed
  - Improvements in fire safety measures
  - Management structures in place to enforce rules
  - “Very pleased” with fire safety commitment
  - Stressed importance of maintaining the momentum



# Fire Safety

The priorities for the coming year are

- UT System campus inspections
- Independent university campus inspections
- Push for fire safety education for off-campus residents through Dean of Students



# Crane and Hoist Inspections

- Purpose of Program
  - Cost savings to component
  - Opportunity to verify integrity of equipment
- Component Costs
  - Inspection service
  - Needed repairs
- Other
  - Training operators