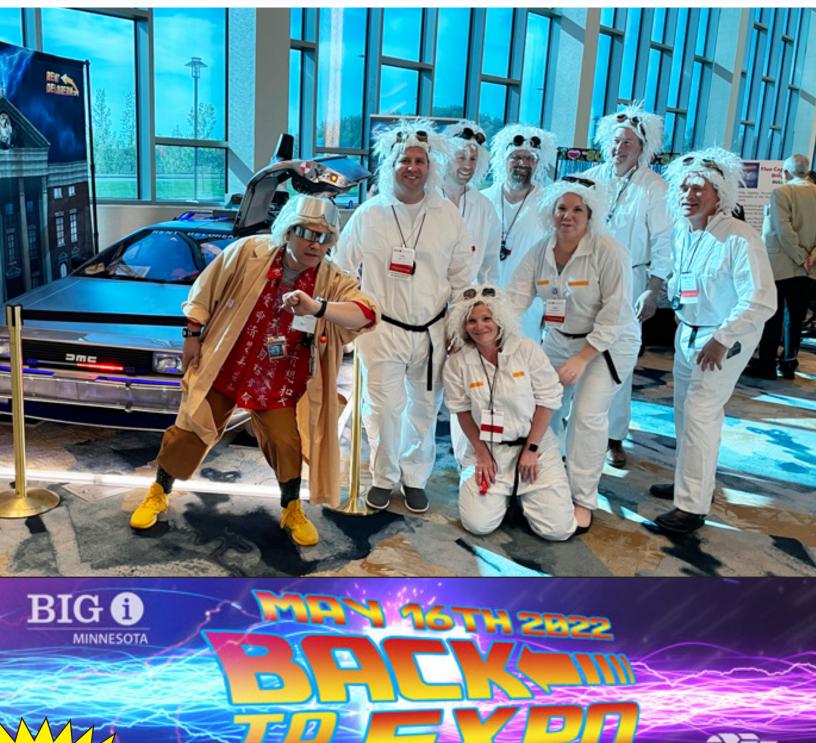
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Keith B. Knapp Director of Communications 763.235.6478 kknapp@bigimn.org

Bernie Neff Insurance Agent Advisor 651.757.7533 <u>neffbj@aol.com</u>

Amy Rau Director of Education & Events 763.235.6471 <u>arau@bigimn.org</u>

Robyn Rowen, J.D. Legislative/Regulatory Counsel and Lobbyist legislative@bigimn.org

Alina Saleem

Education and Member Service Professional 763.235.6474 <u>asaleem@bigimn.org</u>

Summer 2022

The Minnesota News

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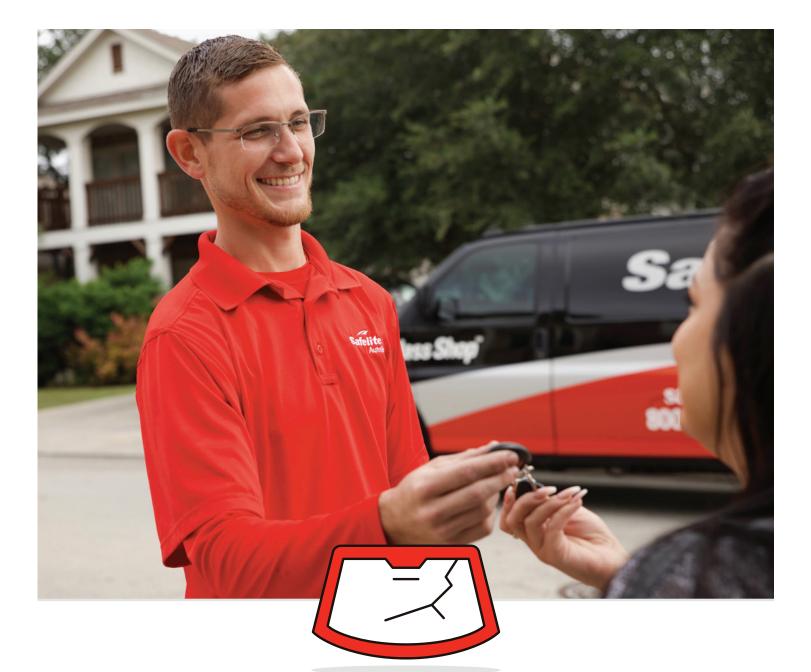
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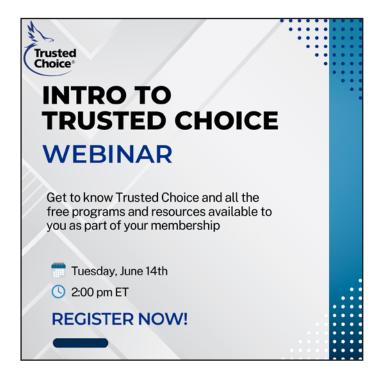
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President's Message

New BIG i MN President - Mr. Shawn Flavin



Shawn is a veteran of the US Air Force, and studied at the College of the Air Force. Shawn is currently the President of the Little Falls Exchange Club, a founder and sitting board member of Shoot for the Troops which has raised in excess of \$150,000 for Minnesota veterans and active duty service men and women. Shawn also serves on the Board of Directors for BIG i MN. Previously Shawn had served on the Board of Directors for Great River Arts and West Bend Mutual Agency Advisory Board. Shawn holds his CIC designation.







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Dan Riley <u>driley@bigimn.org</u>

April Goodin <u>agoodin@bigimn.org</u>

Vice Presidents and Chief Operations Officer Message

Thank You to our Big I Leadership

Each Spring surrounding the time of our annual EXPO, we change the leadership of our Big I MN board of directors. This Spring we send a huge **THANK YOU** to our first two-year term President, **Chad Ostermann** from M&M Insurance in Mapleton, MN. Because of the pandemic, Chad Ostermann's term was extended so that he and the rest of the board were there to assist us in extending deadlines for your CE requirements, working with the DOC and MN Legislature on educating them on business interruption so that the burden would not be placed on the industry, and explaining coverages to the DOC when riots were raging throughout the city of Minneapolis and surrounding suburbs. His two-year term was nothing but unusual as we could describe the last few years for everyone. We now move into a new President, **Shawn Flavin** from Christensen Group out of St. Cloud. Shawn's vision of spreading the good word about the insurance industry to younger folks will be one of his main initiatives and we look forward to helping him do so.

One other important **THANK YOU** goes out to **Robyn Rowen**, Big I MN Lobbyist. She has worked tirelessly as well with our board of directors and legislative committee to stop any legislation from going through that would harm our great industry and the insurance agents & carriers we support. Countless hours have been spent educating and informing our legislators on the possible effects of proposed bills.

Big I Expo - A Huge Success



We've recently come off our annual EXPO event here at the Big I MN and were so thankful to be able to mingle, network, and see each other in person. The Big I MN Power in Partner carriers and vendors were out in great force at the exhibit show and I hope that many of you had a chance to partake in the energy and enthusiasm surrounding our "Back to the Future" theme at the EXPO. Doc Brown and





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his DeLorean were a big hit! You may have noticed some University of MN and University of St. Thomas students networking and talking to our agency force about careers in the insurance industry. They also helped support their programs by promoting our Educational Foundation in the PXG booth. I hope you were able to stop by and make a donation to continue to support these and other colleges/universities throughout Minnesota. If not, here is a QR code to make that donation and support the initiative to help spread the word to college students about this great industry.



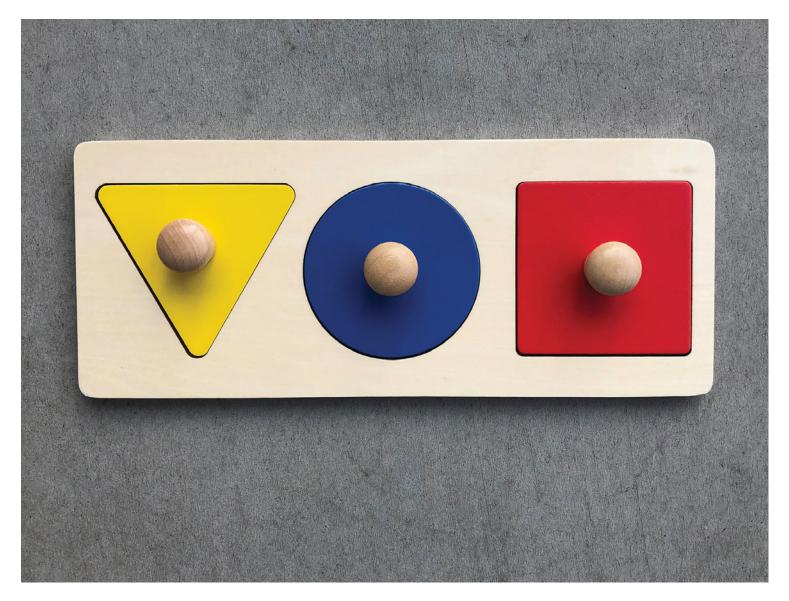
Introducing Catalyit

The Big I Minnesota is excited to bring to you a new member benefit. With all the choices that you have out there to utilize technology to help you run your agency in a more efficient manner, wouldn't you like some nonbias advice on how to do so? Or, if you've invested in some technology and haven't had the time to dive into the awesome tools available to you, it would be great to have someone walk you through these benefits. Maybe you want to re-evaluate your AMS or phone systems you have in place...well, Catalyit can help you do this. Their team of technology experts are here to help navigate through some of these tough decisions. They can evaluate what you currently have in place and



suggest changes or enhancements. You can log in and get quick "how-to" tutorials on how to best utilize the systems of your choice. We here at the Big I MN get the question often about recommendations of what to use for...you fill in the blank. There are currently at least 8 other states around the country that are also utilizing this tool to help grow their agencies and having success. If you haven't already, you will receive an email with your access to the FREE subscription. You will also have the option to upgrade for even more assistance to your technology needs at a discounted rate for being a member of the Big I Minnesota. We hope you find this a value add to your yearly dues investment.

Thank you for your continued support and letting us serve you here at the Big I Minnesota.



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Diamond Profile



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A.M. BEST RATING "A+" (Superior)

COMPANY WEBSITE www.northstarmutual.com

North Star Mutual

"A Personable Company – Keeping You on Course"

North Star Mutual is a Minnesota based regional insurance carrier specializing in Farm, Home, Auto and Small Business insurance.

The company, formed in 1920, writes approximately \$520 million in premium and insures over 360,000 policyholders across eight states. All business is written through a network of more than 2,000 independent agency partners located throughout the operating territory.

"North Star Mutual uses the Independent Agent exclusively in our distribution system," said Pete Hellie, President. "We highly value these partnerships with our agents. They play an important role in serving as the risk management consultant for



President Pete Hellie, CPCU, AINS

their customers and initial frontline underwriters for North Star."

Uniquely located in the small farming community of Cottonwood, North Star prides itself on its rural values and personable service. The company is the top Farm writer in Minnesota, working in partnership with township mutuals across the state. North Star has been a recognized leader in the agricultural insurance market and has had a historic emphasis on insuring farm and rural properties in the Upper Midwest.

The company passed two major milestones recently – \$500 million in written premium and \$1 billion in assets. "We want to thank our agents for continued trust and support of North Star Mutual," said Hellie, "we are very blessed to be in this strong financial position. I also must mention our staff and their dedication. I am very proud of our team and their continued resilience." North Star has resumed working on-site at their corporate office and plans to continue to hold in-person agents meetings and advisory councils to stay current on issues important to agents.

North Star is proud of its financial stability and strong commitment to serving agents and policyholders. The company is rated A+ Superior by A.M. Best and in 2021, was selected as a Wards Top 50 Property/Casualty Insurance Company for the 17th consecutive year. North Star looks forward to working closely with its agency partners and the Minnesota Big I in the years to come.

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Aaron Boyd Named as CEO for Midwest Family Group

On Monday, May 2nd, the board of directors at the Des Moines, IA based Midwest Family Group named **Aaron Boyd** President and Chief Executive Officer. The promotion, effective also on May 2nd, is the result of a leadership succession strategy that has been in motion since he was named Chief Operating Officer in 2015. Mr. Boyd has worked for Midwest Family Mutual (MFM) in a variety of roles since 1999. He first served as the company's Accounting Supervisor before opening up the state of Illinois, the company's 7th state at the time, in 2004. In 2007, he led an effort to migrate MFM's policy, claims, and billing administration systems to a web-based platform. Starting in 2007, he oversaw MFM's R&D and Marketing teams before being named Chief Operating Officer in 2015. In 2020, Mr. Boyd was promoted to President.

Aaron Boyd's promotion to CEO comes as his father **Ronald Boyd** steps down after leading MFM for the past 22 years. Ronald Boyd was hired in 1991 by William Laidlaw to oversee MFM's operations and to transition the company into commercial lines. He was chiefly responsible for developing the company's commercial products in the 1990's and executing on a strategy of state expansion beyond its Minnesota and Wisconsin footprint. He was named CEO in 2000. During his MFM tenure, Ronald Boyd has led an expansion effort that resulted in growing MFM from \$9M of revenue spread across 2 states in 1991 to \$232M of written premium spread across 21 states by the end of 2021. Ronald Boyd will remain with the company through the remainder of 2022 in the role of Chief Investment Officer and will continue to serve as Vice Chairman of the board of directors.



MFM

Aaron Boyd holds the designations of Chartered Property Casualty Underwriter (CPCU) and Certified Insurance Counselor (CIC). He earned his Bachelor of Finance at the University of Iowa's Tippie School of Business in 1999 and his Masters of Business Administration (MBA) from the University of Minnesota's Carlson School of Management in 2014. He and his wife Jody Boyd reside in Rockford, MN with their youngest daughter Samantha. Their oldest daughter Sydney is a freshman at the University of Minnesota. They plan to relocate to Des Moines, IA upon Samantha's graduation from high school.

About Midwest Family Group

Midwest Family Group is a super-regional insurance carrier comprised of Midwest Family Mutual (MFM) and its wholly owned subsidiary Midwest Family Advantage (MFA). MFM is wholly owned by its policyholders and along with MFA writes \$232M of direct written premium across 23 states. Midwest Family Group sells a wide array of personal and commercial lines exclusively through the Independent Agency distribution channel. Midwest Family Group is rated A (Excellent) by AM Best.



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Distinguished Service Award

Distinguished Service Award

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President's Award



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Big I MN EXPO Recap



New Big I MN President

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This has become an all too familiar story.

An agency owner reached out several ago and asked me to meet with him and the owner of an agency in his town he was looking to purchase. They had talking for several years. They had handshake agreement that someday he buy the agency when the time is right. conversations were consistent over time, had never turned into any action. The agency owner was now in his early 80s, the time didn't seem right just yet. Until

Some serious health issues caused conversation between the two owners



to change from someday into a reality. I was introduced to the selling agency owner and together with the buyer we went through what to expect in the valuation process. He was charming, funny and full of stories. It was obvious that the last thing he wanted to talk about was his career in insurance coming to an end. Instead, he preferred to reminisce about his favorite clients, brag about his amazing staff and tell me the story of how he started in this incredible industry of ours. Our 30-minute call tripled in length, but I didn't mind at all. I loved getting to know him and honestly, I loved listening to his stories.

As our call came to an end, we agreed that the completing the valuation was the next logical step. The seller expressed concern about letting his staff know he was contemplating selling, so he asked that I mail him the proposal and confidentiality agreement and send the data sheets that were required for the valuation in an email that does not mention the purpose. He planned on confiding in his office manager as she would need to help him completed the information. The proposal was sent, agreement was signed, and the data sheets were emailed. We were on our way.

Two weeks later first thing Monday morning I received a call from the buyer. I answered with a chipper Good Morning and was met with an unexpected somber voice. He fumbled his words and struggled to share the news that the seller's health had taken a turn for the worse, he was hospitalized a few days ago and passed away the previous evening. Then there was silence.

I cannot even begin to tell you how much I dread this kind of call. My heart sank and you could tell his heart was breaking as well. We both were quiet for what seemed like forever. I broke the silence with a question, "Tell me what I can do to help?" He then shared his thoughts and plan to help the sellers widow navigate the next days, weeks and months. She is now faced

continued on page 23



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with taking care of the affairs for an agency she has never been a part of and had no idea where to begin.

When something like this happens, the focus goes from planning to "rescue". Worse than that, someone who is mourning the loss of the greatest love of their life is forced to make decisions that they have no experience handling. They are forced to think about details and logistics that are in many cases completely foreign.

We started discussing things like:

Who has the logins and ability to access the carrier portals? How do we ensure that we keep the appointments in place and take care of the customers? Who has the logins to the accounting system, bank accounts? Is there any life insurance? Does someone know how to run payroll? What do we tell the staff? Clients? Carriers? How do we reassure the staff?

It is completely overwhelming. The business that was a lifetime of work and the main source of income in their retirement is now in jeopardy.

The reality is for many agency owners the time will never be right and sadly they will put planning for the transition of their agency off until there is no time left.

This can happen to anyone at any age.

You do not have to exit your agency to have a plan.

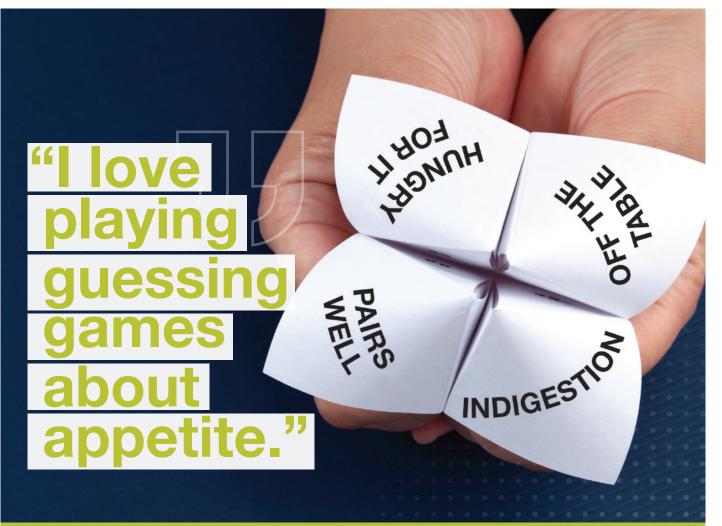
The time is always right to make a plan.

For more information about planning for your agency please visit <u>www.agency-focus.com</u> or contact Carey Wallace at <u>Carey@agency-focus.com</u>.



About the Author:

Over the past 14 years, Carey Wallace has worked with hundreds of agencies helping them understand their agency's value and turn that knowledge into an actionable plan for their agency's future. Carey is a Certified Exit Planning Advisor, CEPA and provides a variety of consulting services through the company she founded, Agency Focus, LLC.



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Chairman's Circle Profile



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Western National Insurance Group

PRESIDENT & CHIEF EXECUTIVE OFFICER Richard Long

COMPANY HEADQUARTERS Edina, MN

A.M. BEST RATING "A+" Superior

Western National Insurance, headquartered in Edina, is a group of five active property-and-casualty insurance companies (and one affiliate – Michigan Millers Mutual Insurance Company of Lansing, Mich.) providing personal and commercial coverage in 19 states, plus surety bonds in 41 states, across the Midwestern, Northwestern, and Southwestern U.S. Building quality relationships has been at the core of the company's operations since it was founded in 1901. From its roots as a direct-writing fire insurer for Minnesota's creameries and cheese factories, to its current role as an Independent-Agent-driven superregional insurer for individuals, families, and businesses, Western National has focused on providing exceptional service to its agency partners, policyholders, and local communities. The company is a proud supporter of the MIIAB.

"At Western National, we believe working exclusively with Independent Insurance Agents



provides our mutual policyholders provides our mutual policyholders provides the possible choice to Graneet their protection needs," said Rick Long, President and Chief Free Executive Officer. "The mix of free expertise and quality carrier options that only an Independent Agent recan provide makes us proud to Provide makes us proud to Provide makes us proud to Provide makes us provide makes us

call it our sole distribution system. We are honored to partner with Independent Agent associations, especially the MIIAB in our home state, now and in the years to come."

While Western National is focusing on the future, the Group is also taking time to celebrate its recent successes. In the past year, Western National surpassed \$700 million in policyholder surplus, was named a 2021 Top 175 Workplace in Minnesota, and received recognition once again as a Ward Top 50 Benchmark Group of top-performing U.S. property-and-casualty companies (its 16th time in the past 17 years). In addition to these accolades, a strong business plan and the continued hard work of employees and agency

Western National Insurance Group President & CEO, Richard Long

partners resulted in growth of the Group's assets to \$1.7 billion.

For 2022, Western National remains focused on increasing the ease-ofuse of its online systems, enhancing relationships with its agency partners, and achieving profitable premium growth. Combined with the company's ongoing commitment to individual-risk underwriting and to prompt-andfair claims service, these efforts have Western National on track to continue building on its successes throughout 2022 and beyond.



At Western National Insurance, nice is what's guided us for over 100 years. **And we're just getting started.**

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Cognitive Flexibility:

The Essential Skill Needed for Successful Sales Results

By Jill J. Johnson, MBA

Most people have no problem preparing for a routine sales pitch. They do their homework, find the right avenue into connecting with the prospect, and are ready to make the sale. But when you have been working for months on a complex sale or are pitching a piece of new business that will elevate your client base – and your commission – you have to up your game and polish your strategy.

The Sales Process is a Dance

Review all of the notes from your meetings and conversations with your prospect. What words do they use? How do they describe their problem or situation? What do you need to emphasize in the conversation? Then re-read your proposal and think about your key points from your prospect's point of view.

Once you are in the room, let your client lead the conversation. Be deeply and completely immersed in their words, their thinking, their jargon, and their nuances. Despite your level of advance preparation, you also need to be prepared for the deal to stall once again. Perhaps they are not quite ready for the close. Yet.

When you are selling, you need to think about it just as you would when dancing with a new partner; you need to adjust to their steps, balance yourself to their ability, and shift your speed to match theirs. Remember to finesse yourself the same way in your sales meeting—don't push!

All too often, at the beginning of a meeting, prospective clients ask you to tell them about yourself, your services and how you can help them. It is easy to fall into just responding to this type of questioning approach with your canned commentary that you would use when asked what you do at a networking event.

Yet, how can you really answer the questions in a way that matches the nuances of the client's needs? You must spin this around so you can ask questions. This should be done in a conversational manner and if you can, practice by doing some role playing with a trusted ally or colleague so you can get comfortable subtly steering a conversation to gain insight.

Use a Cognitively Flexibility Mindset

In complex sales situations, most people are technically and socially prepped for the meeting. Yet it is essential to be mentally prepped in one more critical way. Complex sales are a multi-dimensional chess game, with many, many plays available. So don't assume that this meeting is going to give you the whole deal as outlined in your original proposal.



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You must be mentally flexible enough to not be disappointed if the prospect takes your meeting with them in another direction. That way you will not get thrown if they do, or say, the unexpected. Sometimes prospects want something smaller or less expensive than they originally said or we think they need. They might now believe a different approach or fee level is better for their organization. Or perhaps they really desire more time with you to be sure they can afford the risk of recommending you to their boss or board of directors.

So ride the whitewater no matter where the river of sales takes you—and stay in the damn boat! The twists and turns of any sales sequence are often filled with moments of anticipation, exhilaration, relief, and disappointment. Don't worry if you get a bit wet, you just need to keep steering the boat toward your goal of getting to a yes.

By bringing a cognitively flexible mindset that anticipates the unexpected might occur, you will not get thrown out of the sales boat and you will be mentally agile enough to handle it. Most exceptional sales people have learned the hard way to expect the unexpected so they are listening deeply in these meetings. This is vital if there is a new person in the room who will also influence the decision. This approach to expecting the unexpected keeps you on your toes so that as the meeting moves along you are able to rally no matter where they take the discussion.

Recovering When You Are Blowing It

Sales are often blown because something weird happened in a meeting where the sales person was expecting it to go one way, and then it morphed into the unexpected by someone new to the process who had their own agenda. It feels like a blindsided moment but the truth is that injecting your own expectations (and hopes for the close) into the process results in missing cues and an inability to react to the actual situation at hand.

What you want does not matter to your client. By staying focused on their issues and actively listening to their concerns, you will be responsive and flexible. This is especially true because bringing more flexibility into your perspective means you may ask more probing questions. These questions might uncover the real issues they are trying to address that they were not comfortable sharing in an RFP or initial meeting or their actual decision criteria.

Take the insight you have about them and weave it into your conversation. Pay attention to their facial reactions, tone of voice, and level of attention. Matching the knowledge you gain about their pain points, real issues, and essential needs can take you from the brink of failure back into the game. Circle back to their decision criteria and build your case for how you fit.

Final Thoughts

Even if you only close a part of your deal or get invited to the next level of meetings, you have still gotten a "win." You can use the new insights you gained to adjust and modify your next approach. You will also often discover that sometimes it was the perceived "loss" on the first sale that completely established the base for the bigger and better sale in the future. Cognitive flexibility combined with active listening and effectively managing disappointment are the keys skills needed for successful complex selling.



ABOUT THE AUTHOR:

Jill J. Johnson, MBA, President and Founder of Johnson Consulting Services, is a management consultant, accomplished speaker, award-winning author, and Business Hall of Fame inductee. She helps clients make critical business decisions and develop plans for turnarounds or growth. Her consulting work has impacted over \$4 billion worth of decisions. She has a proven track record of dealing with complex business issues and getting results. For more information, visit www.jcs-usa.com



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LET'S GET IN TOUCH. Matt Lynch 952.646.6720 Matt_Lynch@RPSins.com

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Diamond Profile



FEATURED PARTNER Arlington/Roe

> PRESIDENT Jim Roe, CPCU

HEADQUARTERS Indianapolis, IN

WEBSITE www.ArlingtonRoe.com

Here's what we'd like our Minnesota partners to know about Arlington/Roe.

We have been singularly committed to supporting the insurance industry and the independent agency system since we were founded in 1964. We appreciate and value highly the Minnesota Independent Insurance Agents & Brokers Association and our Minnesota agency partners and associates.

Trust and relationships are the backbone of our business success, based on the Golden Rule and our culture and philosophy of "Doing the Right Thing" for our agents, our companies and each other.

We share independent agents' commitment to giving back to the communities where we live and work.We believe foundational and continuing education is essential to providing the right solutions as product lines and risks are diversified by an ever-changing environment.

Through teamwork, cross-team cooperation and consultative partnership with our agents and markets, we can help you provide the right solutions for your insurance customers.

Big I Minnesota recognizes Arlington/Roe as one of its Diamond Partners. Big I MN Diamond Partners are one of the highest level of sponsorship to our organization.

Minnesota Associates



Anne Duncan Marketing

Cindy Larson

Brokeraae Workers Comp



Holli Lynch Commercial Binding



Liability

Tina Revolinski Alec Immordino Brokeraae Professional Workers Comp

Executive Team



President/CE0

Andy Roe & Chief Operating Officer

J. Patrick Roe

Executive Vice President Senior Vice President Marketing & Sales

President and CEO Jim Roe said "We are an independent third-generation, family-owned wholesaler . . . and we intend to continue that way. Our business success has been built and anchored on trust. We continue to deliver new solutions for emerging risks and look forward to growing our relationships with existing and new agency partners in Minnesota.

"One of our core strengths is the 200+ markets we represent. Our people all have areas of specialization whether they work in aviation, workers compensation or anything in between."

Our Growth in Numbers

We value quantity but quality is our benchmark 2010 \$112 million in premium 2021 \$250 million in premium 200+ Committed associates 200+ Select markets 11 Core States: IA, IL, IN, KY, OH, MI, MN, MO, NE, TN, & WI 50 State licenses

Arlington/Roe continues to grow. The company's headquarters in Indianapolis are relocating just across the street in late 2022. Details are coming.





Vice President &

General Counsel



John Immordino Senior Vice President Professional Liability

Rohin Snider Vice President Healthcare & Human Services



In 2021, Arlington/Roe donated \$27,000 to various philanthropic campaigns, \$14,775 of which went to our annual campaign with United Way. The company also created monthly videos to highlight philanthropic awareness months. Associates also sent virtual Valentine cards to children at St. Jude Hospital, attended a poverty simulation with United Way, participated in the adopta-family campaign, volunteered in their local communities, and raised funds and participated in the Walk to End Alzheimer's in Indianapolis.

Let Arlington/Roe help you find the right solutions. 800-878-9891

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Independent agent Seth Zaremba has set his agency apart and up for continued growth by blending art and science. Using data sharing and artificial intelligence, he and his team create seamless customer journeys, from acquisition to renewal.

He values Progressive for its thought leadership, advanced technology, and consumer insights. Because, when it comes to strategy and innovation, "Progressive is playing chess while other carriers are playing checkers."

AgentsofProgressive.com

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PROGRESSIVE

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You're a broker that thinks like a builder. That's why you work with The Builders Group, Minnesota's leading work comp fund for the construction industry. TBG was founded by contractors, for contractors. TBG is owned and run by its members, who are construction industry pros. By doing business with integrity, TBG provides a variety of safety training services that help keep your workers safe. When independent agents like you trust TBG for work comp — clients trust you.



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Swiss Re From the eMailbag:

Employee Benefit Plans



Due to the dramatic changes in health insurance coverage for small businesses from enactment of the Affordable Care Act (ACA), employers are looking for alternatives to traditional health insurance programs in an effort to save money. Employers have consistently tried to provide for their employees and there are di

consistently tried to provide for their employees and there are different methods of providing employee benefit plans.

The most common form of employee benefit plans have been traditional health insurance, which are fully insured programs offered by many health insurance companies such as Blue Cross Blue Shield, UnitedHealth, Humana, Kaiser, etc. These programs offer a wide range of health insurance coverages that cover the broadest spectrum of illnesses and treatments, and are generally in compliance with the ACA. However, these often come at a significant cost to the employer. As a result, many employers are looking for alternatives to those fully insured programs in order to save costs, and many alternative programs either have been developed or are seeing a resurgence. Self-insured programs, level-funded programs, multiple employer trusts (METs) and multiple employer welfare arrangements (MEWAs) are all part of this landscape.

Swiss Re Corporate Solutions has received questions about whether or not our errors and omissions policy would respond to claims when agents work with employers who decide to place their health coverage with these alternative programs. Before we get to the answer, let's look at these terms:

- Fully Insured: An insurance plan that passes all of the risks associated with health care to insurance companies who receive a premium and pay covered claims for insured employees.
- Self-insured: An insurance plan where the employer essentially acts as the insurance company. In most instances, it is backed up by individual and/or aggregate stop-loss or excess insurance above a certain dollar amount. Any claims that exceed the "self-insured" amount are covered by the stop-loss or excess insurance. Many of these plans are administered by third party administrators (TPAs) who are paid by the employers to provide the administrative services to cover the premiums and claims. The TPA may be the insurance company who is providing the stop-loss or excess coverage. The employer can collect premium from their employees but at a much lower cost. These plans might be extremely risky for small employers, because they may not have the funds available to cover the costs of everyday or catastrophic health claims.
- Level Funding: This is a hybrid between fully insured and self-insured where the level or steady fee each month is
 determined by the TPA. Individual stop-loss will apply when an individual covered employee reaches a specified
 amount. Aggregate stop-loss applies when the claims for the entire pool of covered employees reaches a
 specified amount.
- Multiple Employer Trust (MET) and Multiple Employer Welfare Association (MEWA): These plans were developed due to an IRS code that allowed a minimum number of employers to pool their resources to provide health coverage for their employees outside of traditional health insurance plans. They limit the amount any single employer can contribute and allow all participating employers to share equally in the benefits. For purposes of the plan, all employees of all member employers are treated the same. Both METs and MEWAs are complicated and must follow very strict rules for their formation, funding and payment of benefits. METs and MEWAs that are qualified employee benefit plans are subject not only to ERISA under federal law, but are also subject to state regulation. Many are backed up by stop-loss insurance, but some are not.

Now, the question: Are placements of these types of employee benefits plans an included activity under the Swiss Re Corporate Solutions insurance agents' errors and omissions policy?

Swiss Re

Answer: Yes! The Swiss Re Corporate Solutions E&O policy does not exclude insurance placements with self-insured plans, level-funding products, METs or MEWAs. Should any claims be made against an agent for "Wrongful Acts" related to "Professional Services" as defined in the policy under these products, they would be subject to all terms and conditions of the policy. Provided, however, the agent is not involved in the planning or design of the program.

However (and you knew there was a "however"), due to the nature of these products, a potential exposure to the agency would be the insolvency of the underlying programs and claims for that would be subject to the insolvency exclusion. However (yes, there's ANOTHER "however"), the exceptions within the insolvency exclusion would also apply if:

- The entity with whom the coverage is placed is rated B+ or better by A.M. Best;
- The entity is a member of the state guaranty fund in its state of domicile, or;
- The coverage is placed with a county mutual or fraternal organization reinsured by carriers rated B+ or better by A.M. Best (see the policy for complete terms).

The key for the agency is to take appropriate E&O risk management steps to ensure that agency customers are aware of the risks involved with these products and fully document the information provided to customers. These include, but are not limited to:

- Choosing products that are with reputable carriers and third party administrators.
- Explaining the difference between fully funded, self-insured, level-funded, or any other non-traditional type of health care coverage.
- Explaining the effect of conditions and treatments with catastrophic costs and high-risk plan members.
- Explaining stop-loss insurance.

Whether or not any claim or potential claim is covered under our policy is dependent on the individual facts, circumstances and allegations made by a claimant in each claim situation. We cannot advise whether there will be coverage for a particular claim or potential claim until the claim or potential claim is presented to us. But if you follow these simple risk management steps, as the doctors say, "An ounce of prevention is worth a pound of cure."

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*Richard F. Lund, JD, is a Vice President and Senior Underwriter of Swiss Re Corporate Solutions, underwriting insurance agents errors and omissions coverage. He has also been an insurance agents E&O claims counsel and has written and presented numerous E&O risk management/loss control seminars, mock trials and articles nationwide since 1992.

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Identity Theft

Identity Theft is a fast-growing crime in America. Thieves have devised many ways to get possession of our social security numbers, credit card numbers, etc. Coupled with rather soft sentencing penalties (there is no weapon involved), the number of cases has exploded in recent years.

What can we do? For one thing, let's first look at our Homeowners coverage and see what we can expect there. There is also an Identity Theft endorsement that we can add to many of our Homeowners and Personal Packages. Finally, we will consider some risk management ideas that we can pass on to our clients, as well as use ourselves.

<u>The Homeowners</u>: while it will cover personal property anywhere in the world that is owned or used by the insured, the typical contract will restrict our coverage for financial matters in a couple of ways. Under "Property Not Covered", it excludes *j. credit cards, electronic funds transfer cards or access devices used solely for the deposit, withdrawal or transfer of funds...*" Later the policy gives us back \$500 - \$1,000 of coverage (companies and contracts vary here in. the amounts provided) for the theft or unauthorized use of a credit card and other similar cards. There are some restrictions, and the policy goes on to state that a series of acts in this area will be considered one loss (for example, the ID thief uses your credit card 15 times before its illegal use is discovered; this is considered one loss, and you have \$500 or more of coverage). The policy also excludes "Business Data" and some companies are now using an electronic data exclusion, similar to what we find in the Commercial Property forms.

The point is – our coverage is pretty restricted in the basic policy, so ISO (and most Personal Lines Carriers) have come up with the **"Identity Fraud Expense Coverage Endorsement, HO 04 55"**. They will cover an amount of <u>expense</u> coverage your client can use for attorney fees, mailing costs, telephone usage, even up to \$200 per day for lost time at work, to get their credit situation straightened out. The amount is usually \$15,000 and some carriers will offer more. This is something you really should bring to the attention of your clients at renewal or new policy time.

Some Risk Management Thoughts: there are many things we can do to protect ourselves.

- 1. Get a shredder and shred all financial and legal documents. Thieves think nothing of going through a person's garbage. According to experts, over 50% of identity thefts still happens with this method. Also, advise your clients to make sure their **mailboxes** are secure (thieves love to steal other people's mail, especially to get credit card applications, bills that have your financial numbers on them, etc.).
- 2. Advise your clients to get a credit report from *each of the three major credit reporting agencies* at least once each year. These are Equifax (<u>www.equifax.com</u>), Experian (<u>www.experian.com</u>) and TransUnion (<u>www.transunion,com</u>). Advise them to use passwords on their various financial accounts, including telephone accounts.
- 3. Secure information in the home. Often guests, playmates and service people are on the premises. This also includes the home computers which must be secured from viruses and spyware that are always looking. If you are using a high-speed internet connection like cable, DSL or T-1, which leaves your computer

Technically Speaking...Continued on page 39

WHY WALK WHEN YOU CAN SOAR?

Swiss Re Corporate Solutions policyholders: Don't miss out on the invaluable risk management resources available exclusively to you. Log in to www.iiaba.net/EOHappens to access claims statistics, prevention tools, insightful articles and more.

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- 4. Social Security numbers should not be carried on your person. Also, only give it out to people who absolutely need it. Many times, if you ask why the SS number is needed, you will find out it really is not necessary.
- 5. Companies like LifeLock will offer help in case of an identity being stolen and used. LifeLock.com gets you to their website, or call 800-Lifelock. Cost is around \$100 per person per year.
- 6. Finally, a very good website for information on how to handle problems of a stolen ID is: <u>http://www.ftc.gov/bep/conline/pubs/credit/idtheft.htm#risk</u>





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Our goal is to provide one-stop solutions for our independent producers' local and nationwide insurance coverage needs.



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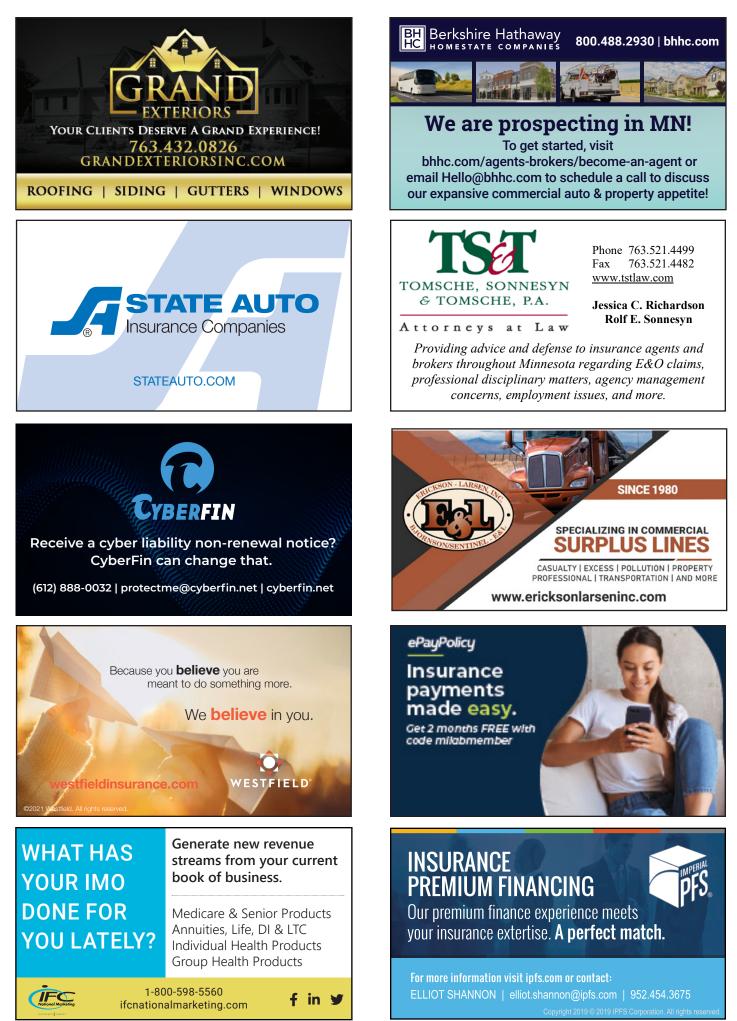
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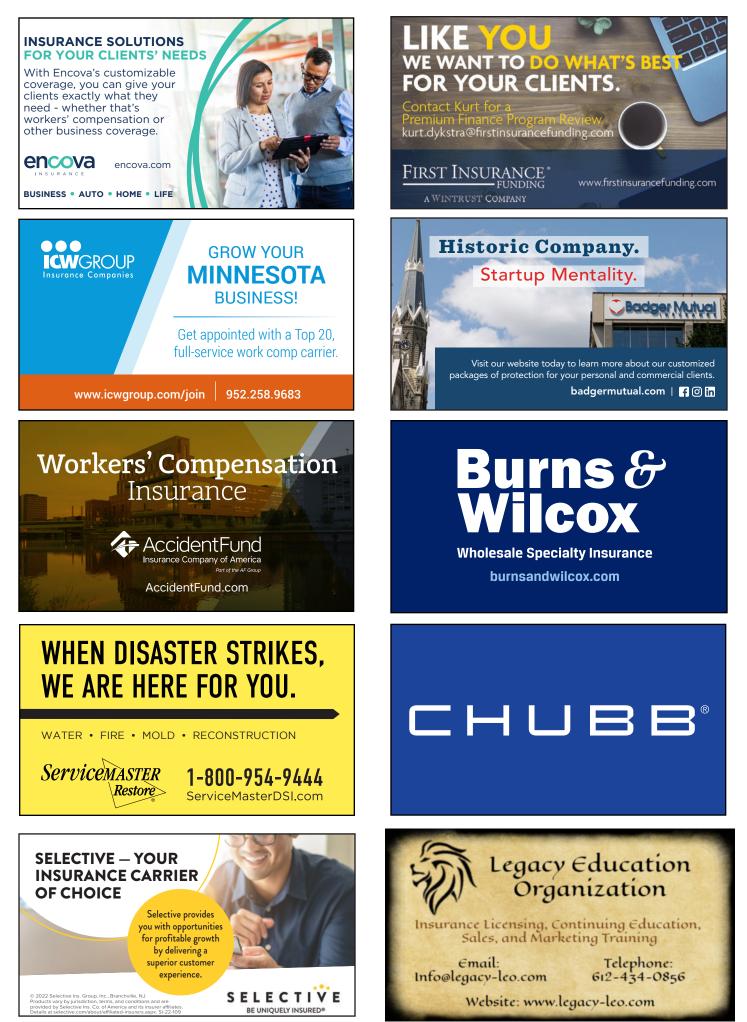
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