

INSURANCE COMMITTEE  
September 20, 1989

Meeting called to order at 2:15 p.m. Committee members present: Chairman Mike Laux, Jack Geoghegan, Kevin Kelly, Suzanne Rague, Bob Merrick, Dan Gruender. Other attendees attached.

A review of the 1988 minutes included definition of "Claims Made" vs "Occurrence" policy, which had been changed to the former by the company. Minutes approved.

Discussion on new policy now on a calendar year, hence will expire Dec. 31, 1989. New bids were solicited for 1990, none received yet, due to reluctance to bid more than 60 days in advance, as well as pending claims against USMS and the "reserves" the insurance carrier set aside. One underwriter indicated the cost would be prohibitive on an annual basis. These reserves are usually twice what the company thinks each will cost. Claims are as follows:

Date	Reserve	Cause of action
June 13, 1986	\$150,000	death after one-lap swim
Mar. 13, 1987	100,000	eye lost during water polo game
Aug. 30, 1987	125,000	hit by boat during lake swim
Oct. 29, 1987	1,735	(paid) ran into diving board
May 26, 1988	1,000,000	stroke during practice

All the above are under the \$250 deductible policy. Currently in force is a \$10,000 deductible on our liability policy. Against that there is a \$20,000 reserve fund.

Concern was expressed that legal counsel is not getting information from the insurance company lawyers. It was stated that insurance defense people delay action and may not, perhaps, seek pertinent disclosures early enough to win, no "due diligence." It was moved, seconded and carried that: Our Legal Counsel seek names of defense counsels, data on their progress, copies of documents and all relevant facts on each claim, and that insurance lawyers update and advise on progress on same.

The Committee then discussed the waiver and release of liability as it appears in the code. The wording, which may have been appropriate when first adopted, should now be more specific. To be effective a waiver and release should state that the participant is 1) aware of his own physical condition and capabilities; 2) the inherent risks and dangers in the sport, and 3) assumes the risk of participating, being aware of 1) and 2).

The Committee therefor voted to recommend to the Legislation Committee to revise the current release and amend the rule book accordingly. It should be printed in 10 pt. type in either bold or red.

AS SOON AS POSSIBLE (1/1/90) but no later than

Discussion then proceeded as to whether this release and waiver could be incorporated in the athlete registration form. The waiver and release could then cover practices as well as competitions. The Committee voted to ask the Registration Committee to incorporate the form on the next set of printed registration forms which would take effect Oct. 1, 1990. It further voted that the waiver and release be used at all meets in addition, without alteration. John Peterson then stated that it would be important to register everyone so that liability insurance is in effect. There is a 30 day tryout period which runs 30 consecutive days from first practice. John states that at an approved meet the USMS Accident/Medical insurance is in effect.

The Committee voted to increase our reserve for deductible liability claims by another \$20,000, for a total of \$40,000.

The question of a lower insurance fee for a one-day registration was discussed. John Peterson indicated that it would probably not be approved by the Insurance Carrier.

John Peterson indicated that New Hampshire Insurance Co., a sister company of Lexington, had been given permission to bid on our liability policy. New Hampshire offers an occurrence policy. IF we switch to an occurrence policy we will need to carry a "tail" Policy to cover claims filed after the end of our claims-made policy period. The normal "tail" period is 60 days. We will need notice of any events that might lead to potential claims so that the Insurance Company can be advised. The new policy period will begin January 1, 1990 for one (1) calendar year. John indicated the cost will be about the same as this year (approximately \$1000,000 for liability and \$1 per swimmer for accident - \$28,000.)

Other Insurance - the committee reviewed personal property insurance and voted to self-insure in this regard. The committee suggested that good backup records for our registration be kept in several places.

Individual Medical Insurance offered as a part of membership was discussed. This would require a survey of membership showing age/sex/dependents/vocation and life style. John Peterson suggested that USMS investigate the company before endorsing the product, and also finding out the percentage that would be necessary for participation. A motion to appoint a sub-committee to review and prepare a report to be presented next year died for lack of a second. The Chairman volunteered to follow up on it.

Questions: If a state has requirements for officials that exceed USS/USMS standards and an accident occurs when the officials meet USS/USMS standards but not state standards, does USS/USMS coverage still exist? John stated that it does.

Q. Foreign swimmers competing in USMS meets if properly registered in home country (a FINA member) are covered. If not registered in home country must register with USMS to be covered.

Q. Problem with scheduling January meets because no proof of insurance for the new year. John stated that the company could give renewal certificates in advance to facilities and then notify them if coverage is revoked.

Q. Liability of Local Committee or liable party for the deductible. John stated he remembered a policy (which might be USS policy) that the liable party or LMSC could be required to pay \$2,000 of the deductible currently covered by USMS.

Meeting adjourned at 5:10 p.m.

Michael A. Laux, Chairman  
Recorders: Dore Schwab, Jane Moore

Nancy

UNITED STATES MASTERS SWIMMING CONVENTION  
SEPTEMBER 20-24, 1989  
PORTLAND, OREGON

COMMITTEE INSURANCE

CHAIRMAN MIKE LAUX RECORDER Dore Schwab and Jane Moore

VOTING MEMBERS PRESENT:

~~JACK GEOGHEGAN~~  
~~KEVIN KELLY~~  
SUZANNE RAGUE  
BOB MERRICK  
DAN GRUENDER

NON-VOTING MEMBERS. VOICE AT OPTION OF THE CHAIR.

BERT PETERSEN	NICK FAZZANO
<del>KEVIN KELLY</del>	GAIL SUMNER
DORE SCHWAB JR	JULIE PAGUE (Pacific)
<del>DAN GRUENDER</del>	<del>ELLEN SCHUPP</del> (Southeastern)
LUCY JOHNSON	BILL ZYF - Kentucky
DAVE GRAY	CRAIG CRIBARI - Southwestern
Nancy Ridout	Russ Lyman - Central
JACK BUCHANNAN	John Maguire - Florida
Dorothy Donnelly	Sandi Blumit - Financial Guardian
Judy Gillies	Jane Moore
Susie Leiper (San Diego/Imperial)	Andy Schrag
Peter Crumbie (Conn)	Connie Guist - Wisconsin
LYNN HAZLEWOOD (POTOMAC VALLEY)	Bill Struthers - New Jersey
Betsy Owens (Adirondack)	

Please attach a copy of the Minutes of your meeting to this form and return it as soon as possible to Nancy Ridout, USMS Secretary. It must be handed in before you leave the Convention.

All Committee actions require approval of the House of Delegates. Any such actions must be handed to Nancy Ridout prior to the House of Delegates meetings.

