

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 4-425

Risk Management



May 11, 2021

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 4-425
Risk Management

Index

<u>Text</u>	<u>Page</u>
SECTION 1: PURPOSE	2
SECTION 2: BACKGROUND AND INTENT	2
SECTION 3: DEFINITIONS	2
SECTION 4: DELEGATED AUTHORITY	3
SECTION 5: MEETINGS	4
SECTION 6: GENERAL INSURANCE PROVISIONS	4
SECTION 7: TRANSFER OF RISK	5
SECTION 8: SAFETY	6
SECTION 9: CLAIMS	7

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 4-425
Risk Management

SECTION 1: PURPOSE

To set forth polices that will provide for the prudent management of all dimensions of risk and that will protect the Redding Rancheria, to the maximum extent possible, against accidental financial losses due to injury to persons and/or damage to property.

SECTION 2: BACKGROUND AND INTENT

The Redding Rancheria endeavors to control loss, protect employees and the public, as well as protect the financial structure of Redding Rancheria's governmental system. The mitigation of such losses requires mutual respect, understanding and the commitment of all departments to assess and manage risk.

The goals of the overall risk management program are to: 1) identify areas of actual or potential risk; 2) reduce identified risks and prevent, as much as possible, injuries to patients, visitors and employees; and 3) to limit or prevent financial loss for the Tribe by transferring risk to other parties and/or insurers.

Financial loss can occur with the delivery of governmental, casino and healthcare services through liability and medical malpractice claims or lawsuits against the Tribe and/or its medical providers. The key element to the success of the Redding Rancheria's risk management program in preventing and reducing these kinds of claims and their associated financial losses is the participation of all departments, including all healthcare providers and employees in implementing effective risk management strategies. Each individual must be committed to reducing risk.

SECTION 3: DEFINITIONS

As used within this Chapter, the following terms shall mean:

- (a) Chief Executive Officer (CEO): The Chief Executive Officer of the Redding Rancheria or his/her authorized designee.
- (b) Health Center: The Redding Rancheria Tribal Health Center.
- (c) Department Head: The Director or Senior Director of a Redding Rancheria department or entity.
- (d) Exposures: Risk of financial losses or the amount of possible financial loss involved in any given situation.
- (e) Fully Insured: An insurance program in which insurance is purchased from a commercial insurance company to cover any exposures.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 4-425
Risk Management

- (f) Fully Self-Insured: An insurance program in which an entity chooses to pay directly for any losses, rather than purchasing insurance from an insurance company.
- (g) Governmental: Pertaining to the Redding Rancheria Tribal Government and its entities.
- (h) Healthcare: Pertaining to The Redding Rancheria Tribal Health Center and its medical providers.
- (i) Insurance: An arrangement by which a company protects one against financial loss or harm in return for payment of a premium.
- (j) Legal Department: The Redding Rancheria Tribal Government Legal Department.
- (k) Partially Self-Insured: An insurance program in which insurance is purchased from an insurance company to cover only a portion of a given exposure and the purchaser of the policy chooses to pay directly for any portion not covered by the insurance policy.
- (l) Program Administrator: The Chief Executive Officer of Redding Rancheria or his/her authorized designee.
- (m) Tribe: The Redding Rancheria Tribe.
- (n) Tribal Facilities: Any facility owned by, leased by, or held in trust for the benefit of the Redding Rancheria Tribe or its entities.

SECTION 4: DELEGATED AUTHORITY

The Chief Executive Officer (CEO) is hereby delegated all administrative authority to carry out the day-to-day operations of the risk management program, in accordance with this policy. Such authority shall include but not be limited to:

- (a) Implementing such operating procedures as are required to ensure effective day-to-day operations of the program.
- (b) Acting as the program administrator and delegating to other officers and employees the authority to act and sign on behalf of the CEO in order to carry out the program.
- (c) Establishing procedures that provide for the consistent application of the Risk Management Policy and ensure that all exposures are addressed.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 4-425
Risk Management

- (d) Appointing person(s) and/or committee(s) to oversee the Risk Management Program.
- (e) Determining the need for insurance in certain areas and to establish the type of insurance by which those areas will be protected (i.e. fully insured, partially self-insured, fully self-insured).
- (f) Conducting periodical reviews of Health Center records and Health Center record policies.
- (g) Providing education in risk management activities to all staff and affiliated persons.
- (h) Settling claims against the Tribe, when appropriate, for amounts not exceeding \$5,000.00.

SECTION 5: MEETINGS

Periodic meetings of the CEO and the committee(s) and/or person(s) responsible for risk management shall be held as necessary for effective and efficient operation of the risk management program.

Meetings shall consist of a reporting, review and analysis of the following:

- (a) All injury and/or property damage incidents
- (b) Any litigation involving the Tribe and/or its personnel
- (c) Any incidents reported by employees, patients, healthcare professionals and the public concerning the Redding Rancheria Tribal Health Center (Health Center)
- (d) All deaths, trauma or adverse outcomes involving the Health Center
- (e) Any patient complaints regarding the Health Center

SECTION 6: GENERAL INSURANCE PROVISIONS

- (a) Determination of Insurance Needs

The CEO shall base the determination of need for insurance on sufficient reliable and relevant information provided by consultants, Department Heads and other competent sources. Such information shall include the availability and cost of insurance, the magnitude of risk and the financial ability of the Tribe to implement full or partial self-insurance.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 4-425
Risk Management

(b) Recommendation and Approval

Any committee or appointed person with responsibility for risk management shall make written recommendations to the CEO as to the procurement of insurance. The CEO shall make the final decision about the procurement of insurance or implementation of self-insurance.

(c) Placement

All insurance shall be purchased by the Tribe in accordance with this policy or as otherwise approved by the CEO. No insurance will be purchased directly by any department. Upon approval by the CEO, the appointed person will coordinate placement of the insurance and shall report on the placement of such coverage.

(d) Method of Procurement

Insurance will be procured from agents and companies according to the Redding Rancheria Fiscal Management Policies.

SECTION 7: TRANSFER OF RISK

(a) General Policy

Contracts for procurement of goods and services; leases, rental agreements, licenses, easements, and permits governing the use of real property; lease and rental agreements governing the use of personal property; intergovernmental agreements; and other agreements to which the Tribe is a party shall be in writing and shall be executed in accordance with the Redding Rancheria Governmental Management Policies. All agreements shall include appropriate provisions to, if feasible, transfer the risk of loss to other parties. The Legal Department will review all agreements to determine compliance with this section.

(b) Contracts for Improvements or Other Services

Contracts for public improvement projects, contracts for services that will be provided at Tribal facilities and other contracts that could pose an appreciable risk to persons or property shall require the contractor to provide appropriate liability insurance, property insurance and worker's compensation coverage. This provision will generally not apply to sales contracts for goods unless the goods are inherently dangerous or the sales contract involves vendor activities at the Tribe's projects and/or facilities. Coverage required by this section may be waived pursuant to Section 7d.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 4-425
Risk Management

(c) Use of Tribal Facilities

Except as provided in this section, no person shall use Tribal facilities for any purpose other than the transaction of Tribal business unless authorized to do so by the CEO or designee.

At the CEO's discretion, the Tribe may require that insurance be provided by the user to protect the Tribe from liability. The CEO may also require that the user provide property insurance coverage for the facility. In the event such insurance is required, proof of coverage acceptable to the Tribe must be presented prior to facility use.

(d) Waiver of Requirements for Transfer of Risk

The CEO may waive requirements for the Transfer of Risk, as necessary, for execution of agreements covered by this section. In making the decision to waive these requirements the CEO will consider the need for the proposed agreement, the benefit to the Tribe provided by the transaction, the availability of insurance, the financial impact of requiring the insurance, the magnitude of risk involved in the transaction, the relative bargaining power of the parties to the agreement, legal restrictions on indemnification and other relevant factors.

SECTION 8: SAFETY

(a) Employee Responsibility

It is the responsibility of each employee to follow the safety rules contained within Redding Rancheria's policies. Further, it is the responsibility of Supervisors and Department Heads to ensure that employees under their control are abiding by those safety rules.

(b) Illness and Injury Prevention Program

In addition to the general safety rules, the Redding Rancheria has implemented an Illness and Injury Prevention Program. A complete copy of this program is available for review in the Human Resources Department. It is the responsibility of Department Heads to ensure that their departments are operating in compliance with this program.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 4-425
Risk Management

SECTION 9: CLAIMS

(a) Responsibility for Processing

The Legal Department shall be responsible for receiving and processing, as appropriate, claims against the Redding Rancheria or any of its entities and meeting any statutory timelines that may apply.

(b) Reporting Third Party Loss Claims

Every Employee or Volunteer who receives notice of a claim alleging that a loss was suffered by a claimant for which the Tribe may be responsible shall request that the claimant file a written claim with the Redding Rancheria Legal Department on the appropriate form.

(c) Settlement of Claims

The CEO shall have the authority to settle, if appropriate, any claim for an amount that does not exceed \$5,000. Settlement of larger claims must be authorized by the Tribal Council.

SECTION 10: RISK MANAGEMENT ASSESSMENTS

Independent risk management assessments shall be conducted at reasonable intervals by professionals knowledgeable in such matters.

Legislative History

Originally Adopted by Tribal Council Resolution #014-03-06-12,
dated March 6, 2012.

Amended by Tribal Council Resolution #026-05-11-21,
dated May 11, 2021.