



Balancing Risk and Defensibility
In the Healthcare Setting

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We Are Pendulum!

Pendulum is a full service risk management company providing loss control, training, and consulting services to healthcare providers of all types. Our network of highly skilled risk control consultants is available to provide liability risk assessments, on-site consultation, and development of quality and specialty programs within multiple healthcare settings. Our risk management products include software applications, web-based tools, and training materials.

Pendulum is an independently-owned company offering a unique third party approach balancing risk and defensibility strategies in healthcare.

Thank you in advance for taking the time to review our service offerings described in this information packet. We look forward to working with you to balance your risk and defensibility. We are Pendulum—Agents of Balance.

Sincerely,

Ric Henry

Ric Henry, ACHCA Fellow
President, Pendulum, LLC
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On Location Services: Professional Liability Risk Assessments

Pendulum can assess liability risk in the following health care operations:

- Skilled Nursing Facilities
- Assisted Living Facilities
- Independent Living Facilities
- Home Health Agencies
- Hospitals
- HUD Housing
- Health Care Corporate Offices
- Physician Practices including Bariatric Practices
- Alzheimer Facilities and Dementia Special Care Units
- Developmentally Disabled, Mental Retardation, and Mental Health Facilities
- Adult Day Care Agencies

Contact Pendulum

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Pendulum, LLC leads the health care industry in conducting on-site professional liability risk assessments. From customized on-site visit to written report, the Pendulum risk assessment is an effective risk assessment tool utilized by insurance underwriters, agents, and brokers to make proactive and informed decisions regarding professional liability insurance coverage and market placement. The on-site risk assessment report also assists the insured provider with risk reduction strategies to minimize risk and improve defensibility.

Pendulum is unique among risk management consulting firms. Our focus not only includes risk management assessments but on-site consultation and development of quality and specialty programs. Pendulum's exclusive Risk and Defensibility Matrix allows identification of risk of professional liability exposures and strength of defensibility should a claim be filed

During a full one-day assessment, our consultant evaluates clinical and operational processes and the environment for risk of liability exposures. Time allotments and areas of specific focus during the assessment can be customized to meet specific client needs.

Our consultant team consists of highly skilled clinicians and nursing home administrators located in all regions of the nation. Each consultant possesses extensive knowledge of risk management practices within multiple health care settings.

After the on-site visit, a written report of the assessment findings, including recommendations to enhance risk management practices, is sent to the client within 30 to 45 days of the order. Rush orders are available, with reports completed within seven to 10 days from point of order. Carrier clients can track our work with their insured facilities, including facility contact information, assessment dates, consultant assigned, and assessment results, via a secure Web site from any Internet access point.

Our wide network of clients—and active professional visibility—keep us well connected with industry changes and insights. Pendulum is pleased to enjoy preferred vendor status with Beazley USA, CNA HealthPro, Global Loss Prevention (formerly AIG), CRC-Pro (London), Markel Shand, ArgoPro, James River, One Beacon, ASI Healthcare (Provider Alliance), Max Managers Healthcare, IronHealth, and various risk retention groups, brokers, and agents. As a nationally recognized risk management consulting firm, Pendulum is your full-service risk management provider of choice.

On Location Services: Disaster Preparedness Assessments

The Disaster Preparedness Assessment (DPA) is a first-of-its-kind evaluation process designed to provide a comprehensive analysis of a facility's disaster preparedness programs and emergency contingencies. This detailed assessment is conducted by well-seasoned professionals who have extensive experience and certifications in fire protection, life-safety code enforcement, emergency medical services, and homeland security.

The DPA is a multi-discipline process that utilizes document review, inventory analysis, human resources assessment and a physical plant survey to provide a comprehensive evaluation of a facility's state of readiness as well as compliance with recommended practices pertaining to disaster planning and recovery programs.

While most facilities focus on immediate and common threats like fire and severe weather, many operations fail to prepare for potential perils such as bioterrorism, hazardous material spill, pandemic threat, workplace violence, nuclear power accident, etc. and do not utilize a standard emergency management model to appropriately respond to these crisis and disaster situations. The DPA will evaluate a facility's ability to respond to "All Hazards" and its utilization of nationally recognized programs like the Incident Command System (ICS) as promoted in the National Incident Management System (NIMS).

The DPA is an extremely detail-oriented process that will give facility administration, corporate management, insurance officials, and underwriters a realistic impression of how capable an operation is in preparing for, responding to, and recovering from critical incidents that may result in serious losses.

Pendulum, LLC, a recognized leader in professional liability risk management, joined forces with Fire and Life-Safety, Inc., Sorensen, Wilder & Associates and A.J. Chianca & Associates to form the Emergency Management Alliance, or "EM Alliance." The EM Alliance DPA is a revolutionary assessment protocol that gives decision-makers an unbiased and objective evaluation of a property's vulnerabilities and strengths. In addition, the DPA protocol provides detailed recommendations to help a facility develop reliable programs in step with proposed Centers for Medicare and Medicaid Services (CMS) guidelines and recommended practices like those promoted by The Joint Commission (JC), the Federal Emergency Management Agency (FEMA) and the United States Department of Homeland Security.

Full review and utilization of recommendations provided by the DPA can help a facility implement plans and programs that may potentially save lives, avert costly business interruption, avoid litigation, and maintain continuity of operations before, during, and after a crisis or disaster situation.

EM Alliance

*A Partnership for Disaster
Planning and Recovery*

- Pendulum, LLC
- Fire and Life-Safety, Inc.
- Sorensen, Wilder & Associates
- A.J. Chianca & Associates
- Advance Catastrophe Technologies (ACT)

Visit our Web site
www.EMAllianceUSA.com

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On Location Services: Other On-site Services

Life Safety Assessment (LSA)

During a full one-day assessment, our consultant evaluates all elements of the facility's fire and life safety program. The service includes interviews with leadership staff, a detailed evaluation of all elements of the physical plant, review of written emergency procedures, and interviews with select staff members to help assess proficiency pertaining to emergency response procedures. After the visit, a written report of assessment findings, including recommendations to enhance risk management practices, is developed.

Security Vulnerability Assessment (SVA)

A comprehensive SVA is performed by a qualified health care security professional. After the assessment, the facility is provided with a detailed analysis of the findings. The consultant then works with the facility's management team to effect improvements. Every health care facility that is visited is unique, and services are customized to meet the needs of each facility on an individual basis.

Customer Service Assessment (CSA)

Customer service has become an important facet of long term care as facilities deal with the risk of litigation, quality indicator surveys, and the Five-Star Quality Rating System from the Centers for Medicare and Medicaid Services (CMS). The CSA is a one-day on-site evaluation of the facility's customer service program performed by a seasoned, customer service-focused risk management specialist. The assessment includes a follow-up report with recommendations for program enhancement.

Compliance Preparedness Assessment (CPA)

Experienced risk management professionals may conduct a scheduled or surprise Mock Survey, per request. Use of Omnibus Reconciliation Act (OBRA) structure and time frames provide for a comprehensive on-site mock survey. Daily conference with staff allows facility managers to implement positive changes during the Mock Survey process. Other related compliance services include a one-day focused compliance survey, Plan of Correction (POC) Training, Survey Management Training, POC Consulting, POC Validation Visits, Seminars, and Informal Dispute Resolution (IDR).

Focused On-site Consulting Services

Risk management consulting services may be customized to meet the needs of the organization. Examples include conducting a corporate risk readiness assessment, assisting with the development of a facility-based risk management program, staff training, development of specific high-risk policies and procedures, or focus on specific claims or clinical risk issues.

Clinical Services Consulting (Clinical Mentoring Day)

During the visit, our consultant is "assigned" to a specific clinical services staff member—Director of Nursing, Assistant Director of Nursing, Nurse Supervisor, etc. The consultant spends the day with the staff member observing organizational skills, work flow handling, problem-solving, meeting management, and general job functioning. Throughout the day, the consultant provides "Mentoring Inserts," comments and advice on task-handling and job management. These "Inserts" are documented in a brief report, along with recommendations, that is sent to the client within 10 days of the visit.

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Risk Management Services: Off-site Consulting

Desk Based Audit Services

Professional Liability Desk Audit (PLDA)

The PLDA includes a review of specific facility documents, including policies and procedures, regulatory survey data, loss runs, staff resumes and training, and orientation records. A written analysis of risk potential and possible defensibility is provided along with recommendations for risk reduction strategies and strengthened defensibility.

Disaster Plan Desk Audit (DPDA)

The DPDA is a desk-based review of the facility disaster plan conducted by our life safety specialist. Our consultant reviews the disaster plan and provides recommendations to ensure the plan reflects current emergency management practices. FEMA, Homeland Security, and CMS have provided numerous guidelines for disaster planning in the health care setting, but many facilities operate with outdated plans. We provide specific recommendations to update or reengineer the plan and offer resources to assist the facility in incorporating the recommendations.

Risk Control Consulting

Risk Control Consulting Services

Customized services to meet client needs priced in four- to eight-hour blocks. Examples include review of resident records post-event or claim, assistance with policy and procedure development, and adverse event consultation.

AssistLine™ (*Pendulum Hotline*)

Subscribing clients can call or email Pendulum's staff of skilled clinicians to ask questions and get resource information pertaining to risk reduction and mitigation of potential losses. AssistLine™ provides an off-site resource center for guidance on adverse event management and addressing risk concerns—as well as references to operational and clinical policy and procedures, regulatory issues, forms, and tracking tools. A written protocol is provided to all clients describing how to access the toll-free number and email and the expected response time.

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Risk Management Tools

Pendulum Risk Management Resource Manual and CD Tool Kit

Created specifically for skilled nursing facilities or assisted living facilities, these resource manuals include a number of products designed to help health care facilities with the implementation of risk reduction strategies. *Managing Risk in the Health Care Setting*, a CD-ROM and manual, is a unique compilation of years of research and comprises more than 100 worksheets, assessment tools, and samples relating to Operations, Risk Management, Regulations, Compliance, and Quality Assurance. The manual also includes Risk Management Recommendations and Clinical Policy and Procedure Guidelines and Resources. As part of the resource kit, there is access to the Pendulum Risk Management Resource Center and the Pendulum AssistLine™ hotline. Resource materials include a professional user's OSCAR 3 & 4 Data Report (for skilled nursing facilities); a DVD on fall reduction and prevention; a DVD on expectations management; the MED-PASS *Geriatric Medication Handbook*; *Sorry Works! Disclosure, Apology, and Relationships Prevent Medical Malpractice Claims*; plus two MED-PASS SmartStaff in-service training programs.

Professional Users OSCAR 3 & 4 from CareScout

CareScout produces an extraordinary OSCAR 3 & 4 survey data report that is used by Pendulum consultants nationwide. This report provides facility staff with survey results and resident demographic information kept on file by CMS. The CareScout OSCAR report features trend line data for each 672 resident data field and also offers a survey rating that compares the facility's survey history against others in the CMS database

Online Learning through Upstairs Solutions

Online learning is accessed via a Web site built and maintained by our service partner, Upstairs Solutions. This program provides access to 22 titles (22 continuing education units [CEUs]) we have selected that are designed for Administrators and Directors of Nursing/Clinicians.

Pendulum Online Risk Management Resource Center

Through an annual subscription to the Pendulum Risk Management Resource Center, users may access numerous documents online to assist the facility Administrator or clinician in the management of risk in the health care setting. Examples of the types of information found on the Resource Center include assessment forms and checklists; aging-related risk language; arbitration/mediation agreements; clinical policies and procedures; regulatory guidelines (including a fully searchable copy of the OBRA regulations); survey management tools; Health Insurance Portability and Accountability Act (HIPAA), Occupational Safety and Health Administration (OSHA), and U.S. Food and Drug Administration (FDA) guidelines; and risk reduction recommendations. The Risk Management Resource Center is updated regularly to ensure users are viewing current information on issues and trends in the health care setting.

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Risk Management Tools

“Resources for Risk” Customized Online Resource Center

The “Resources for Risk” online resource center is an Pendulum product designed to provide a client with the ability to offer their clientele a branded, password-protected Web portal with extensive risk management resources. The resource center contains numerous risk management tools, forms, policies, procedures, checklists, and more. Many of the documents have been authored by Pendulum, but in addition, we have collected public domain documents from the Centers for Disease Control and Prevention (CDC), CMS, FEMA, Office of Inspector General (OIG), U.S. Government Accountability Office (GAO), and other governmental and public sites and included them in our lineup of resource materials. The unique aspect of the “Resource for Risk” resource center is that Pendulum builds a portal with a client’s logo, colors, and their own risk management resource documents to offer a powerful, password-protected risk management Web site that may also house the many risk management resources provided by Pendulum. The client enjoys a unique web address (URL) that can be marketed without any reference to Pendulum.

Web-based Incident Reporting/Event Management

Pendulum offers a Web-based Event Management System that records and tracks all notices of incidents/events. Because this system is browser-based, it offers an effective way to immediately capture information after an event has occurred. Security restrictions may be determined to gain or limit each user’s access to the system. The Event Management System has the capability to maintain all data relating to an event, including general information about the event, post-event assessment, event type details, and department manager/supervisor and risk manager follow-up. The system generates detailed reports to help maintain and manage the events, revealing opportunities to prevent potential losses and future claims. Reports may be customized to the user’s needs.

DVDs and Training Products

Pendulum offers clients training DVDs professionally produced by Pendulum partner firms. InService Monthly produces a wide range of training DVDs—as well as Senior Living University—including many of the hot topics within risk management, such as skin integrity, falls mitigation, and abuse prevention. Medcom in-service training DVDs for licensed nursing staff is eligible for continuing education credits and includes topics such as documentation, infections, and assessment. Other training products offered include the MED-PASS SmartStaff In-service Training Programs (a tool for staff development), the MED-PASS *Geriatric Medication Handbook*, *Sorry Works! Disclosure, Apology, and Relationships Prevent Medical Malpractice Claims*, and *Satisfied Customers Seldom Sue: A Guide to Exceptional Customer Service in Long-Term Care* (Book, CD-ROM), and clinical practice guidelines from the American Medical Directors Association (AMDA).

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Expectation Management DVDs

Pendulum offers an expectation management–related DVD to our clients. *Setting Realistic Expectations* from our partner Extended Care Products is available for assisted living facilities, and *A Time of Transition* from the Ohio Health Care Association is available for the skilled nursing setting.



Risk Management Tools

Risk Tracker™ 2.0 Software

Risk Tracker™ 2.0 is a software program designed to help health care organizations—including skilled nursing facilities, assisted living facilities, independent living facilities, and retirement communities—evaluate and track their risk exposure throughout the organization. Risk Tracker 2.0 allows for in-depth tracking and trending of quality and risk data using drop-down menus with previously configured high risk indicators. The program also offers the facility the opportunity to configure new indicators in order to track additional information as desired. Risk Tracker™ is sold as a stand-alone, client-side application.

ticler™ Software

ticler™ is an electronic tickler system that can help an organization stay current with time-sensitive information, such as Certificates of Insurance for vendors, Equipment Maintenance, Credentialing, and Employee Training and Licensing. It is intended to provide two primary functions; the first is to inform the user when tracked items are about to expire, and the second is to provide a historical record of the tracked items. The ticler assistant is an onscreen reminder that provides notification of documents approaching expiration.

Professional Liability Claim Processing Service

Pendulum offers claims processing services using a Web-based claims management software program that has been customized for general and professional liability claims. Insurance carriers, health care providers, third party administrators, and self-insured groups have found Pendulum to be their solution for effectively managing health care claims and litigation without incurring significant financial costs for software purchases, personnel resources, and system maintenance. Pendulum allows the claims adjuster, risk manager, or litigation manager to be more efficient in “adjusting or managing” his/her claim load and less focused on managing data.

Seminars and Workshops

Pendulum seminars and workshops feature experienced speakers and instructors in the health care field. Our presenters are frequently engaged to speak to national, trade, state, and professional organizations. Presentations are customized, and training is suited to each client’s specific needs, offering training on many topics related to risk management and specialty programs. Programs can include CEUs for nursing home administrators. Webinars can also be designed to meet the needs of producers and insureds.

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Services and Products Price List

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On Location Services	Unit Cost
Professional Liability Risk Assessment and Report (PLRA)	\$3,500.00
Disaster Preparedness Assessment and Report (DPA)	\$3,500.00
Life Safety Assessment (LSA)	\$3,500.00
Security Vulnerability Assessment (SVA)	\$3,500.00
Customer Service Assessment (CSA)	\$3,500.00
Compliance Preparedness Assessment and Report (CPA)	
Two Consultants/Two Days, 2567 report issued with recommendations.....	\$6,500.00
One Consultant/One Day, focused review of compliance issues.....	\$3,500.00
Focused Consulting Service	\$3,500.00
Clinical Services Consulting (Day with the Director).....	\$3,500.00
On-site Training Services (One on-site service day)	\$3,500.00
Risk Management Services	
Desk-based Audit Services	
Professional Liability Desk Audit.....	\$995.00
Disaster Plan Desk Audit	\$1,500.00
Risk Control Consulting Services	
(Eight-hour consulting block, minimum four-hour block at \$750)	\$1,500.00
AssistLine™ Hotline Service (cost per year).....	\$150.00
Risk Management Tools	
SNF or ALF versions of the Risk Management Resource Manual and CD Tool Kit	
per year, per facility.....	\$695.00
Online Learning Services (22 CEUs for Managers).....	\$250.00
Online Learning Services (22 CEUs for Clinicians)	\$250.00
Online Risk Management Resource Center (per year, per facility).....	\$250.00
Web-based Incident Reporting/Event Management (set-up base price, per facility)	\$750.00
Annual fee per facility (\$100.00 per month)	\$1,200.00
Training Products	
In-Service Training DVDs (various topics, 18 titles, for SNF)	Per title: \$125.00
.....	Per Set: \$1,895.00
In-Service Training DVDs (various topics, set of eight titles, for ALF)	\$495.00
Medcom In-service Training DVDs for Licensed Nursing Staff.....	\$119.00–345.00
MED-PASS SmartStaff In-Service Programs for Staff Development	
(manual and CD, 11 titles)	Per title: \$119.00
AMDA Clinical Practices Guidelines	\$35.00
<i>Sorry Works! Disclosure, Apology, & Relationships Prevent Medical Malpractice Claims</i> ..	\$25.00
<i>Satisfied Customers Seldom Sue: A Guide to Exceptional Customer Service in Long Term Care</i>	
(book and CD-ROM)	\$149.00
<i>Setting Realistic Expectations</i> DVD–ALF (Extended Care Products).....	\$65.00
<i>A Time of Transition</i> DVD–SNF (Ohio Health Care Association).....	\$35.00
Software Tools	
Risk Tracker™ Software (per facility)	\$495.00
ticler™ Software (per facility)	\$495.00