

# INTRODUCTIONS AND OVERVIEW



# WELCOME



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# AGENDA

- Module 1: Emerging trends, risks and updates
- Module 2: To BOP or not to BOP - that is the question!
- Module 3: Industry focus - building expertise and industry specialization

# AGENDA

- Module 4: Strategies to leverage your most important assets to improve client outcomes
- Module 5: What's business is personal, what's personal is business - identifying and addressing personal risks that can put a business at risk
- Module 6: Manuscripted Forms: Taking a Deep Dive into Excess Liability, D&O and Cyber



# EMERGING TRENDS, RISKS AND UPDATES





for what is thought right or  
to be best in any relation or  
point of view.

## **Climate Change:**

significant change in the  
weather patterns over pe  
human activities have al  
for what is thought right  
relation



## Hurricane Ian battered these middle-class beach communities. Repair costs finished them off.

The costs of rebuilding after Hurricane Ian have pushed many working-class residents to leave their old waterfront communities. Wealthy buyers have swept in.



In the waterfront cities of Fort Myers Beach and Cape Coral, even homeowners with flood insurance ...

## Hurricane Ian battered these middle-class beach communities. Repair costs finished them off.

The costs of rebuilding after Hurricane Ian have pushed many working-class residents to leave their old waterfront communities. Wealthy buyers have swept in.



... are finding they often cannot afford the costs of rebuilding their houses to modern building codes, as federal rules demand.



## Hurricane Ian battered these middle-class beach communities. Repair costs finished them off.

The costs of rebuilding after Hurricane Ian have pushed many working-class residents to leave their old waterfront communities. Wealthy buyers have swept in.



Instead, many ended up selling their properties as vacant land.

# Unraveling the Impact of Climate Change on Workers' Compensation

16 Jul, 2023 • Claire Muselman



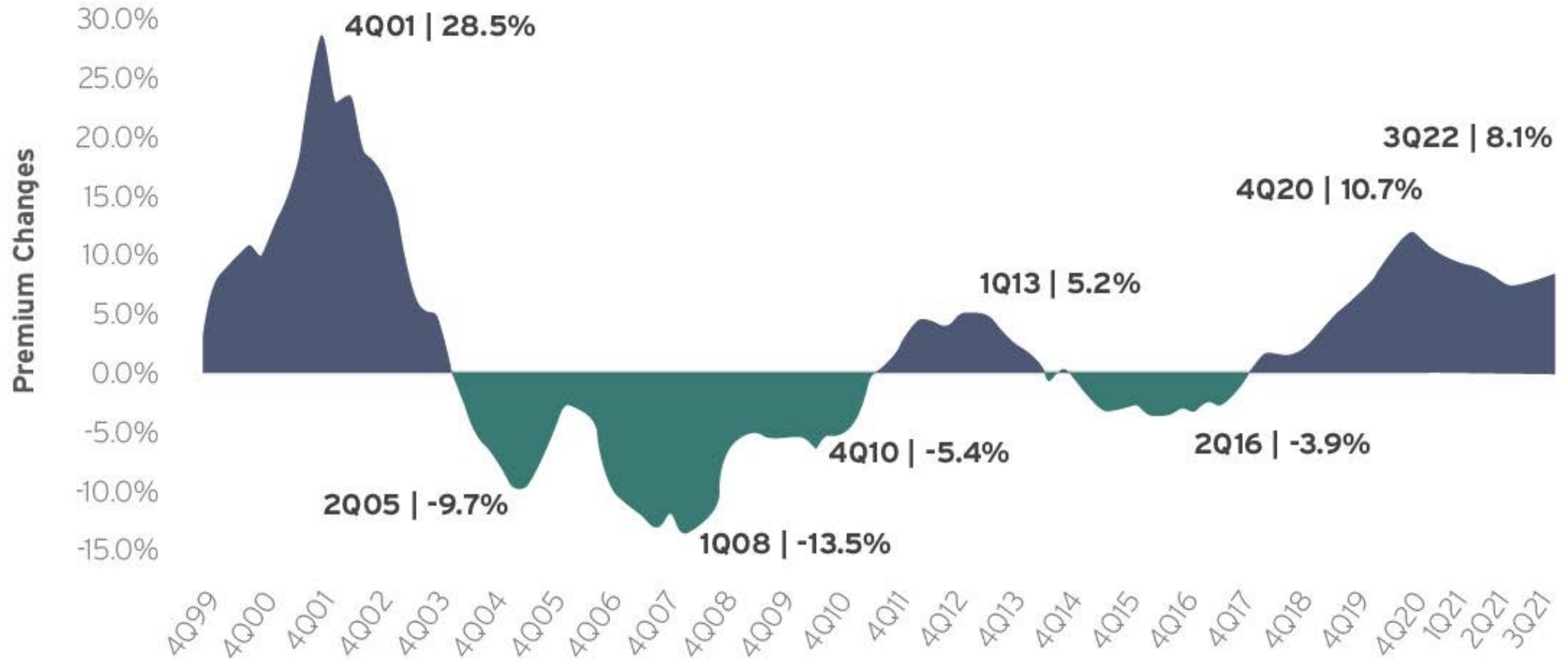
As climate change continues to reshape the working landscape, what are the loss control techniques employers can implement to mitigate these new risks?







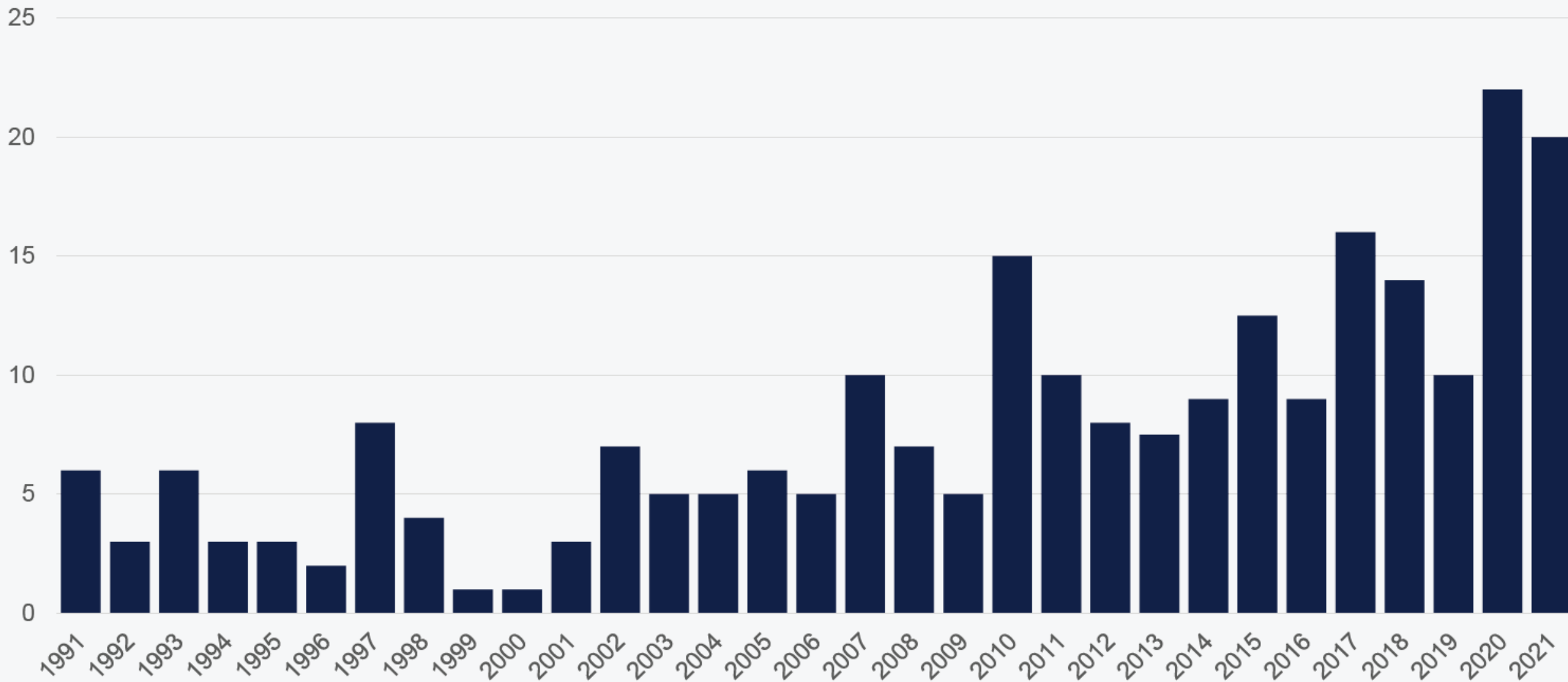
## Average Premium Changes, 1999-2022



Source: The Council of Insurance Agents & Brokers

## Volume of disasters in the US with > \$1 billion in damages since 1991 (adjusted for inflation)

Number of Disasters



Willis Towers Watson Forecast of Rate Changes By Line	
Property	
Challenged Occupancies	+25% to +40%
Non-challenged occupancies	+10% to +20%
Casualty	
General liability	3% to +5%
Umbrella (high hazard)	Flat to +15%
Excess	-5% to +5%
Workers compensation	-5% to +2%
Auto	+5% to +10%
Executive Risks	
Directors and officers public company (primary)	-10% to flat
Directors and officers private/not-for-profit (overall)	-15% to -10%
Errors and omissions (large law firms)	+5% to +10%
Employment practices liability (primary)	Flat to +10%
Fiduciary (financial institutions)	-15% to +20%
Cyber	
Cyber	Flat to +10%

Source: Willis 2023 Marketplace Realities (April 2023)



“The No. 1 cause of nuclear verdicts is plaintiffs' lawyers.”

“They are manipulating juries through psychology.”

Robert Tyson



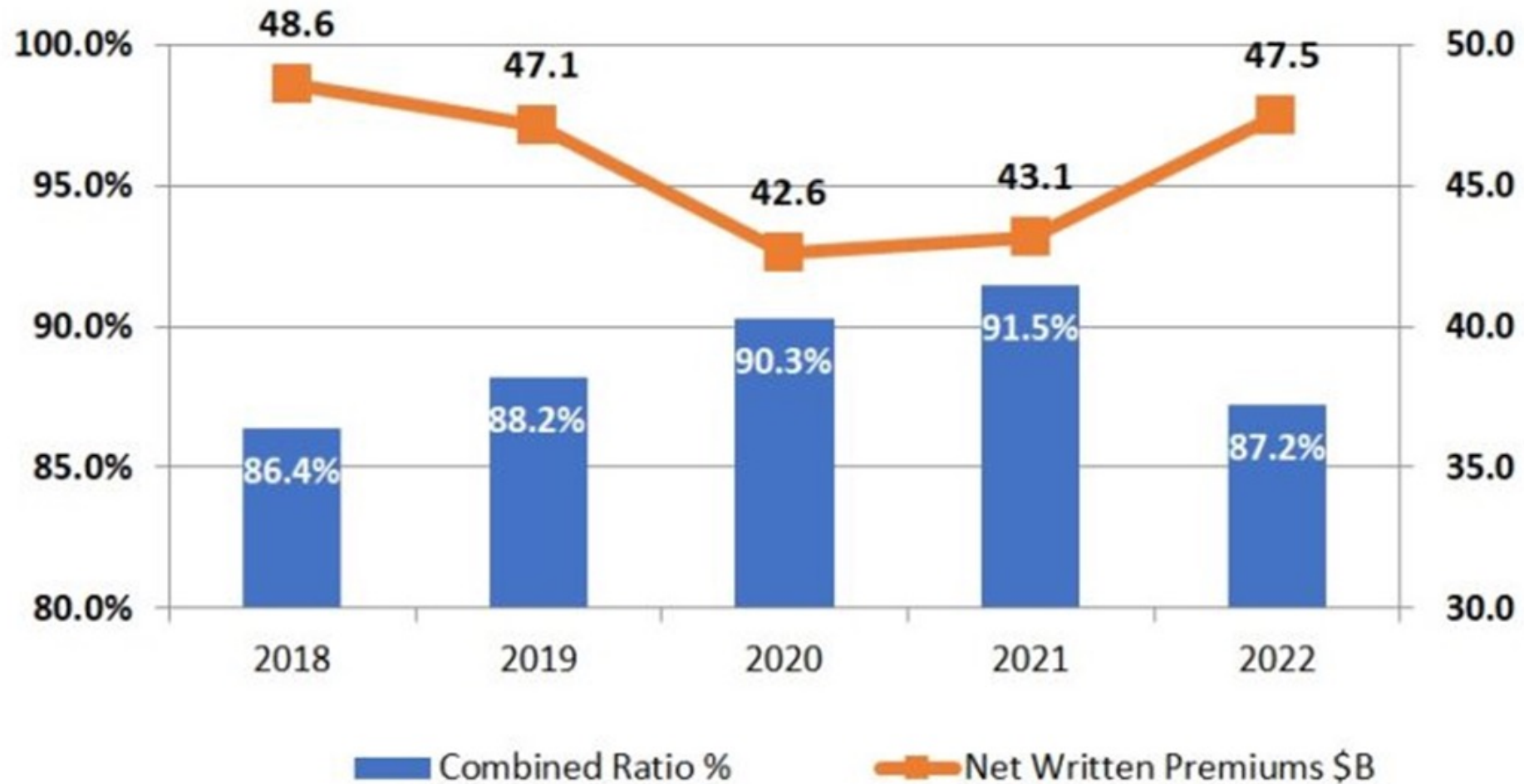


They've changed the way they try lawsuits, and the defense industry has not changed the way we try lawsuits.

So, they're just killing us."



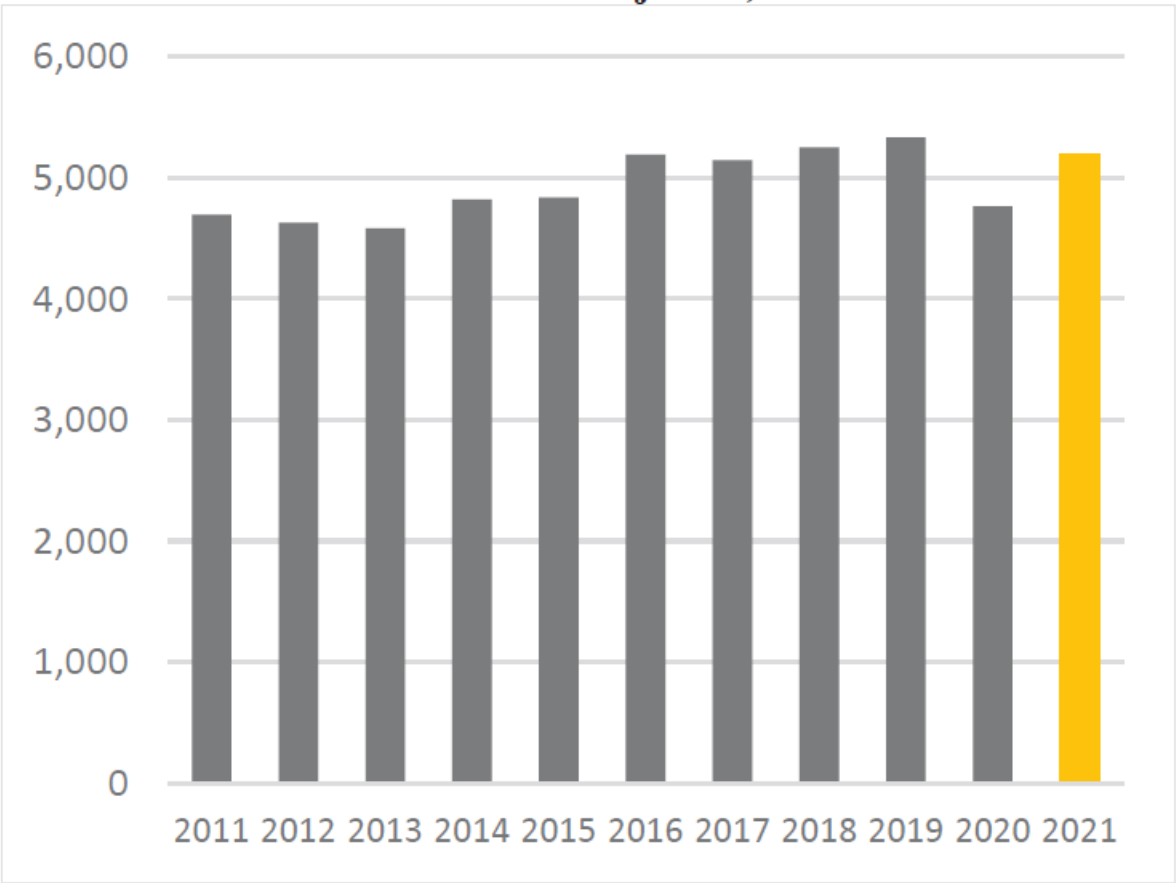
## Workers' Compensation Underwriting Performance



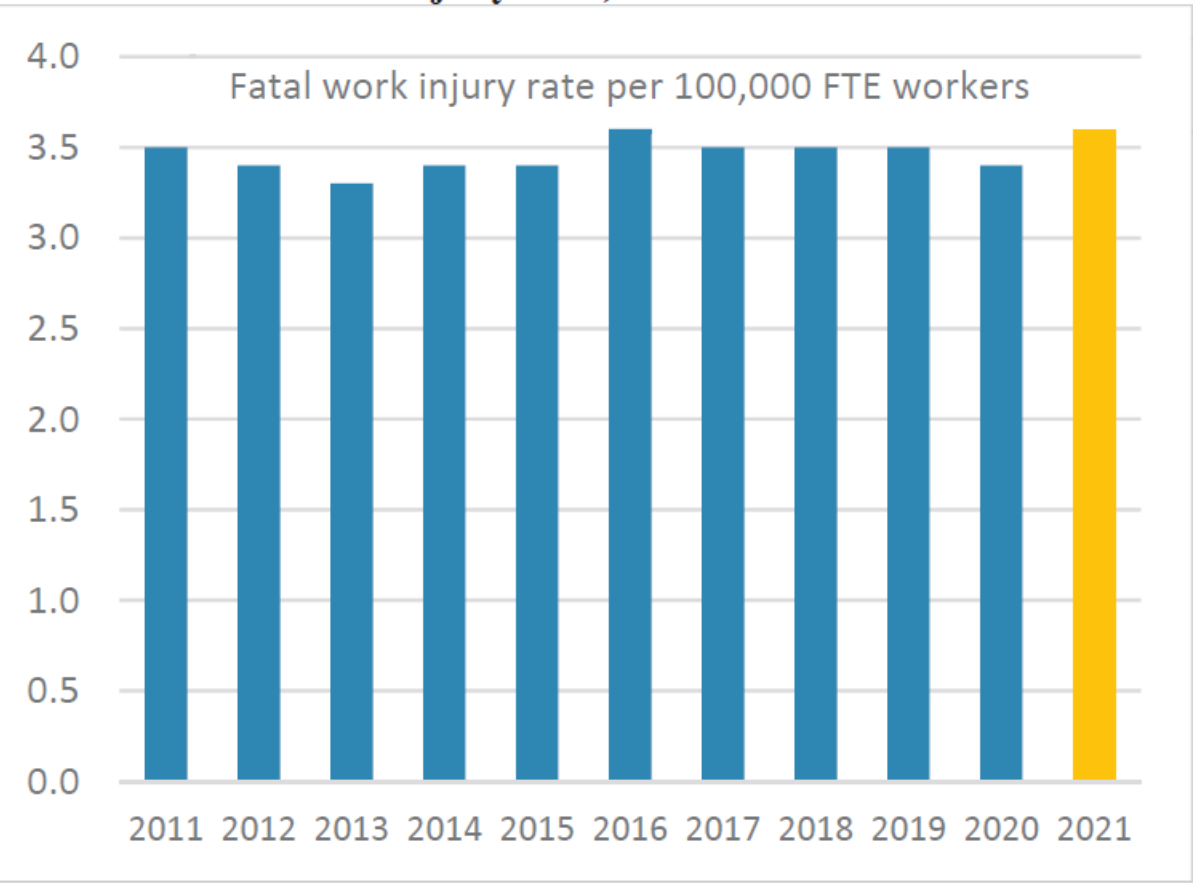
**Source:** S&P Global Market Intelligence. P/C Industry Aggregate



**Chart 1. Number of fatal work injuries, 2011-21**



**Chart 2. Fatal work injury rate, 2011-21**





According to Bureau of Labor Statistics

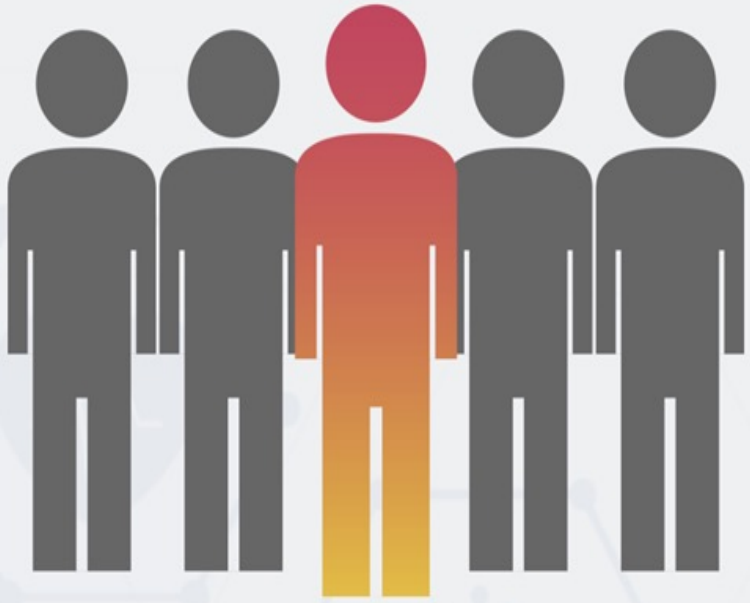
39%

of the U.S. workforce is expected to be older than  
55 in 2026

Injured employees aged 56 to 75+ have

**31%**

longer durations than those aged 18 to 55+



1 in 5

Americans suffer from a mental health condition that impacts their daily life at any given time<sup>2</sup>



50%

or more injured employees experience clinically-related depressive symptoms at some point, especially during the first month after the injury<sup>3</sup>



25%

Increase in the prevalence of anxiety and depression worldwide as a result of COVID-19 pandemic<sup>4</sup>







## How insurers are using artificial intelligence (AI)

<https://chat.openai.com/>



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How would you describe ChatGPT?



ChatGPT is an advanced conversational AI model developed by OpenAI. It is based on the powerful GPT-3.5 architecture, which enables it to understand and generate human-like text in response to user inputs. ChatGPT is designed to engage in conversations on a wide range of topics and can provide informative and contextually relevant responses.

Using deep learning techniques, ChatGPT has been trained on a massive dataset that includes diverse sources of text from the internet. This extensive training allows it to grasp complex language patterns and generate coherent and natural-sounding responses.

ChatGPT aims to simulate conversation with users and can carry out interactive discussions, answer questions, provide explanations, and offer suggestions. It can understand context, remember information from previous interactions within a session, and adapt its responses accordingly.



Regenerate response



# How ChatGPT can bolster the insurance industry



Alex Zukerman is Chief Strategy  
Officer at Sapiens



When trained to understand and automatically respond to common customer queries such as those that pertain to policy details, claims statuses, billing and more ...



... ChatGPT can provide instant answers in a multitude of languages.



This will yield greater customer satisfaction and free up insurance employees to handle more pressing issues ...



And will provide the capacity to digitize sales and distribution, meaning ChatGPT could also advise customers on the products and services that best suit them.

FR

explain the Experience Rating Plan for workers' compensation insurance



The Experience Rating Plan, also known as the Experience Modification Rating or Experience Modifier, is a method used in workers' compensation insurance to adjust premium rates based on the past claims experience of an employer. It is a way to reward employers with better safety records and encourage them to maintain safe workplaces.



EXPOSURE DRAFT  
07.17.2023

**NAIC MODEL BULLETIN:**

**USE OF ALGORITHMS, PREDICTIVE MODELS,  
AND ARTIFICIAL INTELLIGENCE SYSTEMS BY INSURERS**

TO: All Insurers Licensed to Do Business In (*Insert Name of Jurisdiction*) (“Insurers”)

FROM: [Department/Commissioner]

DATE: [Insert]

RE: The Use of Artificial Intelligence Systems in Insurance



# NLRB decision reinstates Obama-era independent contractor standard



(Art  
621. "Employee" mean  
(a) Any officer of a corp  
(b) Any individual who,  
termining the employer-e  
) (1) Any individ

June 22, 2023

# **NLRB Returns to Pre-2019 Independent Contractor Standard Making It Easier for Workers To Be Considered Employees**

Jennifer Hinds, Harry Johnson, III, John Ring

Morgan Lewis

(Art  
621. "Employee" mean  
(a) Any officer of a corp  
(b) Any individual who,  
termining the employer-e  
) (1) Any individ

OR

Independent  
Contractor

The factors that will be used to determine whether a worker is an independent contractor or an employee will be:

The extent of control by the employer

Whether or not the worker is engaged in a distinct operation or business

Whether the employer or worker supplies the instruments, tools and place of work

The length of time for which the worker is employed



Whether the work is usually done under the direction of the employer or by a specialist without supervision

The skill required in the occupation

The method of payment

Whether the work is part of the regular business of the employer

Whether services provided  
are a part of the  
employer's business or  
independent of the  
business

The belief of the parties  
when forming the  
relationship



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**Original Investigation** | Substance Use and Addiction

# Changes in Prescribed Opioid Dosages Among Patients Receiving Medical Cannabis for Chronic Pain, New York State, 2017-2019

Trang Nguyen, MD, DrPH, MPH; Yunshu Li, MS; Danielle Greene, DrPH, MPH, MCHES; Sharon Stancliff, MD; Nicole Quackenbush, PharmD

July 18, 2023

## **OSHA Announces National Emphasis Program Focusing on Warehousing and Distribution Center Operations**

Wayne Pinkstone, John Surma

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

+ Follow

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**Ogletree  
Deakins**

Employers & Lawyers. Working Together

July 18, 2023

# OSHA Expands Electronic Injury/Illness Data Reporting and Recordkeeping Requirements

Daniel Birnbaum, James Curtis, Craig Simonsen, Matthew Sloan, Adam Young

Seyfarth Shaw LLP

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# New Workplace Poster Requirements for Employers

**USA** | July 12 2023

The Pregnant Workers Fairness Act (PWFA).

The Providing Urgent Maternal Protections (PUMP)  
for Nursing Mothers Act.

# Schlichter Exclusive: Does a New Wave of Fiduciary Litigation Loom?

**BY NEVIN E. ADAMS, JD AND JOHN SULLIVAN | JUNE 11, 2023**

# Avoiding the Storm of Excessive Fee Litigation: How Fiduciaries of ERISA Health Plans Can Get Ahead of the Weather

[Blog](#) DW HR Blog

**Dickinson Wright**

**USA** | July 10 2023

# CEO VIEWPOINT: IT'S NO LONGER ENOUGH TO JUST INSURE



Peter Miller, CPCU, President and  
CEO of The Institutes

“We are approaching a tipping point where the ‘insurance’ sector brand will be reinvented as ‘risk management and insurance.’



# CEO VIEWPOINT: IT'S NO LONGER ENOUGH TO JUST INSURE



Peter Miller, CPCU, President and  
CEO of The Institutes

“Today’s agents and brokers are uniquely positioned to help customers manage risk more effectively through predict and prevent.”

# CEO VIEWPOINT: IT'S NO LONGER ENOUGH TO JUST INSURE



Peter Miller, CPCU, President and  
CEO of The Institutes

“To do this well, though, insurance agents and brokers must educate themselves on the latest tech-based opportunities, elevate their knowledge and skills, and connect with the right resources to make them successful.”

# Dialogue

