



Pendulum Risk Management Services for Berkshire Hathaway Specialty Insureds

Pendulum is proud to work with Berkshire Hathaway Specialty Insurance as one of their risk management vendors offering services to their insureds. Pendulum's proven risk management services are implemented by a network of risk control consultants who are experts in their fields.

ON-LOCATION and COMPREHENSIVE DESK-BASED SERVICES

The following services are offered both on location and through a desk-based option, offering insureds options to fit their comfort level. All services include a written report with the risk control consultant's findings and recommendations for overall enhancement.

PROFESSIONAL LIABILITY RISK ASSESSMENT

Whether an on-location visit or desk-based assessment is provided, the Pendulum risk assessment is an effective tool in assisting the insured provider with strategies to minimize professional liability risk and improve defensibility.

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

INFECTION PREVENTION AND CONTROL ASSESSMENT

Pendulum's Infection Prevention and Control Assessment takes an in-depth look at a facility's infection control program. Assessment areas include general guidelines relating to the infection control program, role of the infection preventionist and infection control committee, surveillance, antibiotic stewardship, and more. The risk control consultant will also discuss types of infection specifically seen in the long term care environment.

CUSTOMER SERVICE ASSESSMENT

Customer service has become an important facet of long term care as facilities deal with the risk of litigation, regulatory surveys, and the Centers for Medicare & Medicaid Services (CMS) Five-star Quality Rating System. The Customer Service Assessment is a one-day on-site or multi-day virtual evaluation of the facility's customer service program performed by a seasoned, customer service-focused risk management specialist.

OIG COMPLIANCE ASSESSMENT

The Office of Inspector General (OIG) Compliance Program Assessment is a one-day on-location or multi-day interview assessment with a focus on the structure of the organization's compliance program, communication and reporting systems and processes, internal audit, assessment, and monitoring processes as well as the compliance training program. This assists organizations in strengthening their OIG compliance.

ON-LOCATION SERVICES

HIPAA/HITECH COMPLIANCE

Pendulum offers organizations a Privacy and Security Compliance and Risk Assessment that serves to evaluate an organization's compliance with HIPAA/HITECH privacy and security



standards and assess the overall security, integrity, and associated processes to ensure the proper management of protected health information. Each professional compliance assessment includes real-time consulting services during an assessment process as well as a detailed report with current recommended best practices. Because Pendulum specializes in risk management, we also evaluate and share information on mitigating risk and enhancing defensibility specific to electronic and physical PHI.

EMERGENCY OPERATIONS PLAN ASSESSMENT

The Emergency Operations Plan Assessment is a comprehensive evaluation process designed to provide a detailed analysis of a facility's disaster preparedness programs and emergency contingencies. Well-seasoned professionals who have extensive experience and certifications in fire protection, life safety code enforcement, emergency preparedness, and Homeland Security conduct this detailed assessment. A written report with assessment findings is provided after the service.

SECURITY VULNERABILITY ASSESSMENT

A comprehensive Security Vulnerability Assessment is performed by a qualified healthcare security professional. After the assessment, the facility is provided with a detailed analysis of findings. The consultant works with the facility's management team to enhance existing security practices and establish best practices. Services are customized to meet the needs of each facility, and a written report is provided.

LIFE SAFETY ASSESSMENT

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

MOCK OSHA AUDITS

Mock OSHA Audits are performed by certified and experienced healthcare safety professionals. Taking the same approach as an OSHA compliance officer, the consultant provides a comprehensive review of a facility's safety management program. Findings are detailed in a report, much like that of a true OSHA audit.

CYBER VULNERABILITY ASSESSMENT

While technology enhances lives and businesses, it poses significant risks to data and business security. Our borderless network in which servers, storage, desktops, printers, phones, and security systems—and even lighting, HVAC systems, and coffeemakers—are all interconnected introduces increased risk of business interruption, network breaches, service outages, and loss of valuable confidential data. Additionally, a business may be subject to federally mandated industry security regulations. To address these risks, Pendulum has partnered with Ardham Technologies to offer a network vulnerability analysis and penetration testing. Ardham Technologies' networking security engineers combine top-tier network assessment methodology, custom coding, and in-depth testing tools with years of security, testing, and remediation experience. Ardham filters out the noise, identifies real-world threats, and provides recommendations for protecting valuable data and businesses.



DESK-BASED SERVICES

INTERACTIVE VIRTUAL CONSULTING

Pendulum's interactive virtual consulting service allows a facility to connect with a risk control consultant to discuss a process, procedure, or topic of concern to provide an outside view on the subject matter and risk management strategies to minimize liability risk and strengthen defensibility should a claim occur. Includes an initial call to discuss the topic and two additional virtual meetings for the risk control consultant to provide a brief overview or presentation on the topic, with participant discussion to follow.

PROFESSIONAL LIABILITY DESK AUDIT

Pendulum's desk audit is a unique, comprehensive, and convenient service that allows for the review of a facility's liability risk and defensibility based on a phone interview between the facility representative and one of Pendulum's risk control consultants. Specific facility documents including policies and procedures, regulatory survey data, and training and orientation records are reviewed. A written analysis of risk potential and defensibility is provided, along with recommendations in these areas.

FALLS FOCUSED DESK AUDIT

Pendulum's falls focused desk audit reviews a facility's fall management program in detail. This audit is conducted by risk control consultants who specialize in this high-risk area. After reviewing documents provided by the facility, a phone interview is conducted with a facility representative to further discuss the program. Recommendations are made in a written report to the facility. Responses are reviewed, and follow-up is provided, allowing a full circle of feedback from start to finish. The falls focused desk audit is available for skilled nursing and assisted living facilities.

SKIN FOCUSED DESK AUDIT

Pendulum's skin focused desk audit reviews a facility's skin and wound management program in detail. This audit is conducted by risk control consultants who specialize in this high-risk area. After reviewing documents provided by the facility, a phone interview is conducted with a facility representative to further discuss the program. Recommendations are made in a written report to the facility. Responses are reviewed, and follow-up is provided, allowing a full circle of feedback from start to finish. The skin focused desk audit is available for skilled nursing and assisted living facilities.

OIG COMPLIANCE PROGRAM DESK AUDIT

Pendulum has developed a desk-based review to assist a facility or organization in determining and preparing for OIG compliance readiness. This service includes a preliminary conference call with key facility members to discuss compliance-related processes that are in place. The assigned consultant then completes a review of specific documents. Findings are presented in a written report to the facility along with recommendations for enhancing the compliance program.

EMERGENCY OPERATIONS PLAN DESK AUDIT

Improve the facility emergency operations plan with this unique service that provides a thorough examination of the submitted plan and an assessment on multiple levels of its overall presentation. This detailed process is conducted by experienced emergency preparedness specialists, who have extensive backgrounds in emergency planning, management, response, recovery, and code compliance. Upon completion of the review, the facility will be provided with



a comprehensive report that cites the plan's strengths, vulnerabilities, and areas in need of improvement. Recommendations are provided for each item determined to be deficient or in need of improvement.

OTHER SERVICES

WEBINARS

Pendulum offers webinars in a variety of senior living topics that can be customized to meet the insured's needs.

About Pendulum

For more than 20 years, Pendulum has been the destination clinical risk management company for insurance carriers and healthcare entities throughout the country. Pendulum offers a wide variety risk control services to fulfill its mission to "help our clients reduce professional liability exposure by balancing risk and defensibility." The services provided by Pendulum and/or its subcontractors in no way indicate acceptance of any responsibility for actions or inactions by the facility that result in the potential for loss or an actual loss. Our recommendations are not intended to be legal advice. Instead, they are a matter of opinion by Pendulum staff and/or associates based on risk management strategies we have identified through national claims and litigation activities. Recommendations are presented to help an organization enhance its operational and clinical processes, prevent loss, and support defense efforts in the event of liability allegations.