# MISSISSIPPI TORT CLAIMS BOARD (162-00)
# 5-YEAR STRATEGIC PLAN

## 1. Comprehensive Mission Statement for the Agency

It is the mission of the Mississippi Tort Claims Board to provide administrative and technical support for equitable settlement and payment of claims for injury or damage arising out of the torts of governmental entities and their employees while acting within the course and scope of their employment. This is done through:

- Management of the Tort Claims Fund
- Legal defense of litigated claims
- Establishment and maintenance of safety and loss control programs
- Oversight of liability coverage plans of all political subdivisions

## 2. Philosophy

The Mississippi Tort Claims Board is committed to providing administrative and technical claim support for all participating agencies as well as instruction and support for loss control programs in an effort to reduce the number of claims. This philosophy aims to not only keep costs at a minimum, but also to protect the public's safety from preventable torts.

## 3. Relevant Statewide Goals and Benchmarks

Statewide Goal: To protect the public's safety, including timely and appropriate responses to emergencies and disasters and to operate a fair and effective system of justice.

Relevant Benchmarks:

- Average emergency response time to natural and man-made disasters
- Highway fatalities per 100 million vehicle-miles of travel
- Average cost of processing a single case, by case type

## 4. Overview of the Agency 5-Year Strategic Plan

Since our creation by the 1993 Legislature, it has been the goal of the Mississippi Tort Claims Board to bring the assessment of the Tort Claims Fund to a level which is based on loss experience, such as an insurance policy premium, rather than a flat assessment rate. A minimum of three years was required to create a sufficient loss history on which to base an assessment plan based on loss experience, and following actuarial studies in each fiscal year, beginning in FY 1998 the assessments contain discounts and/or surcharges based on loss history. It remains a major priority to build on and improve the compilation of loss history, so that actuaries may determine experience modifications of State agencies and more accurately assess them according to their liability.

The in-house Loss Control Manager allows the Mississippi Tort Claims Board to provide personal attention to individual agencies and situations. We will continue to provide instruction and support for loss control programs, and provide educational opportunities, in an effort to reduce the number of claims.

Mississippi Code Section 11-46-19(1)(o) directs the Mississippi Tort Claims Board "to develop a comprehensive statewide list of attorneys who are qualified to represent the state and any employee thereof named as a defendant in a claim brought under this chapter against the state or such employee." A litigious society and the increase in the limitation of liability combine to produce an ever-increasing number of claims in litigation, and the need for defense attorneys who are proficient in tort claim litigation. We continue to develop this list and policies relevant to it, and are working to provide additional resources to these attorneys.

It is the continuing effort of this program to reduce the number of claims, average cost per claim, and average expense per claim.

Historically, the Mississippi Tort Claims Board has requested level funding. The Tort Claims Fund is assessed annually by an actuary not only to ensure proper funding levels but also to look at trending levels that could affect the Fund's future status. Although actual expenditures for claims and litigation have increased over the years, the overall funding of the program has proven to be stable. Therefore, the Mississippi Tort Claims Board will request level funding for the next five years unless there is a change in actuarial recommendations.

## 5. Agency's External/Internal Assessment

- There is a possibility the Mississippi Supreme Court could rule any part of the Tort Claims Act to be unconstitutional. This would necessitate an increase in the amount of the Mississippi Tort Claims Fund to cover all additional claims.

- The number of claims and the claim severity could exceed projected levels which could cause an increase in assessment amounts. This would also increase the loss ratio percentage.

- If State agencies do not participate in suggested loss control procedures, the number of claims may increase.

- Actuarial projections and recommendations could necessitate more funding for actual losses and future losses. Although the actuarial recommendations have been stable, year-to-year fluctuations may be substantial.

- There is a possibility the Mississippi Legislature could increase the limitation of liability. This would necessitate an increase in the amount of the Mississippi Tort Claims Fund to cover large settlements and judgements.

The Mississippi Tort Claims Board meets bi-monthly to provide oversight and direction to Tort Claims Staff in all functions related to the Tort Claims Fund including the management of claims, litigation cases, loss control programs, political subdivisions, and financial activity.

The Mississippi Tort Claims Board staff is directed by an Administrator who oversees the entire operation and serves as Risk Manager by reviewing the coverage plans of the political subdivisions of the State and makes recommendations of approval to the Board.

The Claims Manager reviews and evaluates all claims made against the State and State employees, and supervises all activity of the third party administrator. The Claims Manager settles claims within the authority granted by the Board and reports to the Administrator and Board on all claims over the level of authority granted. Board policy requires an audit of claim files every two years.

The Loss Control Manager implements a loss control program for each State agency and follows up on any pattern of claim incident occurring in an agency for corrective action. The Loss Control Manager also conducts and sponsors seminars and workshops for the agencies and their employees.

A Risk Management Information System ensures that all claims against the State are tracked by several different methods such as claimant name, State agency, amount of claim, etc. This tracking system enables the Board to determine the loss experience of each State agency and to base the amount of assessment on loss history rather than flat assessment. The loss ratio can be figured by agency and overall fund to determine the effectiveness of the program.

The system was expanded for political subdivisions, tracking insurance policies, issuing companies, liability limits, and certificate of coverage issue and expiration dates.

**6. Agency Goals, Objectives, Strategies and Measures by Performance for FY 2020 through FY 2024:**

PROGRAM – TORT CLAIMS

A. GOAL – to provide administrative and technical support for the equitable settlement of claims for injury or damage arising out of the torts of governmental entities and their employees while acting within the course and scope of their employment

A.1. OBJECTIVE – to administer the Tort Claims Fund through claims management (including legal defense of litigated claims), loss control programs, and oversight of liability coverage for political subdivisions to reduce the potential for liability.

*Outcome:* Hold average claim payment to 10% increase or less.
*Outcome:* Hold legal payments to 10% increase or less.
*Outcome:* Hold reserve amounts to 10% increase or less.

A.1.1. STRATEGY – Claims Management
*Output:* Number of claims processed
*Output:* Number of claims in litigation
*Efficiency:* Average claim payment
*Efficiency:* Average reserve for open claim

A.1.2. STRATEGY – Loss Control
*Output:* Conduct loss control services for State Agencies
*Efficiency:* Number of counties served

A.1.3. STRATEGY – Political Subdivision Liability Coverage
*Output:* Approval of coverage plans
*Efficiency:* Percentage of coverage plans in compliance