

**Dry Creek Rancheria  
Band of Pomo Indians**

Government Code

**TITLE 8. RISK MANAGEMENT,  
HEALTH, AND SAFETY ORDINANCE**

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**CHAPTER 1. DEFINITIONS**

**SECTION 1. Definitions**

The following definitions shall apply to this Ordinance:

(A) “Chairperson” shall mean the Chairperson of the Board of Directors for Dry Creek Rancheria Band of Pomo Indians.

(B) “Department” shall mean any department which is established by the Tribe to perform governmental services.

(C) “Issuance of Citation” shall mean the delivery of a written citation by the Safety and Risk Manager to a Program Manager alleging a violation of this Ordinance.

(D) “Program Manager” shall mean any Program Manager of a department of the Tribe.

(E) “Rancheria” means the recognized territorial boundaries of the Dry Creek Rancheria.

(F) “Risk Management Department” means the Risk Management Department as established by the Tribe.

(G) “Risk Management, Safety and Health Ordinance” shall mean this Ordinance, including amendments and replacements. This Ordinance shall also mean United States Public Health Services 2005 Food Code, and Title 8 of the California Occupational Safety and Health Regulations, and the 2001 California Fire Code, all of which shall be enforced by the Risk Management-Department unless Tribal laws conflict or specifically provides otherwise, wherein Tribal law should be applied.

(H) “Safety and Risk Manager” means the Tribe or a designated representative by the Tribe for the Risk Management Department.

(I) “Tribal Administrator” means any governing body of the Tribe responsible for the management of tribal services.

(J) “Tribal Court” means the Tribal Court of the Tribe.

(K) “Tribal Jurisdiction” means all Indian Country as defined in 18 United States Code Section 1151 whether within or without the Rancheria which is subject to the jurisdiction of the Tribe.

(L) "Tribal Entity" means all departments and any person, business, or other legal entity which engages in the delivery of governmental services in the name of or on behalf of the Tribe.

(M) "Tribal lands" shall mean all Rancheria lands and any other lands where the Tribe has ownership or an interest in lands.

(N) "Tribe" shall mean the Dry Creek Rancheria Band of Pomo Indians or "DCR."

(O) "Violation" shall mean a violation of any part of this Ordinance.

## **CHAPTER 2. INTRODUCTION**

### **SECTION 1. Introduction**

The Risk Management Department ("RMD") of the Dry Creek Rancheria Band of Pomo Indians is an integrated, comprehensive, proactive program designed to oversee all aspects of risk identification, risk evaluation, and coordination of corrective action implementation. The Board of Directors approves of the development of RMD and has delegated risk management functions and the authority to enforce all associated regulations for all Tribal entities to RMD in all locations where Tribal jurisdiction exists. It is the responsibility of all staff to work together continuously to promote safe work practices.

The program provides for the coordination of collecting internal and external data on potential risks to the Tribe. RMD reports the analysis and investigation findings of all actual and potential risks to the Board of Directors, to the Program Managers, to the Tribal Administration and to the respective departments, programs and committees. The reporting mechanism is such that key members of the organization review all communication in a timely manner. The process establishes and monitors methods to avoid, to eliminate or to reduce risks for liability issues. The process incorporates the resources of the internal organization, insurance claims and compliance management, legal counsel, corporate authorities, external agencies, and databases.

## **CHAPTER 3. GOALS AND OBJECTIVES**

### **SECTION 1. Goals and Objectives**

The risk management process is part of the Tribe's goal for providing the best possible experience for guests and a safe work place for personnel. Because factors that may present potential liability problems may be present in any component of Tribal business, the objectives and goals include: documenting risk in an organized, coordinated, and clear manner by identifying risk factors and avoid, eliminate, or minimize the occurrence of situations that may lead to injuries and liability claims to all Tribal entities, visitors and personnel; to promote and support development of practices aimed at minimizing the adverse effects of loss; and to reduce, modify,

eliminate, and control conditions that may cause loss.

Additionally, the RMD identifies risk and adverse events through occurrence reporting and other data sources. They assess incidents, adverse events and trends through the risk management analysis, recommend and monitor corrective actions designed to reduce risks to staff and guests, and identifies contributing factors in an event and conducts a root cause analysis.

All risk management activities will be clearly tracked and will show trending data, accountability, program evaluation, and measures that demonstrate compliance with regulatory standards. This ordinance also establishes the level of authority and responsibility for a decision-making processes and interaction through Tribal wide communication coordinated by the Safety and Risk Manager.

## **CHAPTER 4. CONFIDENTIALITY**

### **SECTION 1. Confidentiality**

Any and all documents and records that are part of the internal RMD as well as the proceedings, reports, and records of RMD shall be confidential and considered proprietary to the Tribe. Such documents should not be subject to subpoena or discovery or introduced into evidence in any judicial or administrative proceeding except for proceedings by the department responsible for disciplinary and/or review action of any professional.

## **CHAPTER 5. DATA RESOURCES**

### **SECTION 1. Data Resources**

The following data resources shall be relied on by RMD in the performance of its duties and responsibilities as set forth in this Ordinance.

- (A) Incident Report (risk identification report mechanism)
- (B) Hazardous Condition Report
- (C) Safety Committee Reports
- (D) Exposure Report
- (E) External review agencies and databases
- (F) Infection Control Reports
- (G) Administration referral

- (H) Staff request
- (I) Guest/Staff complaints
- (J) On-site, unannounced Safety and Health inspections
- (K) Other

**CHAPTER 6. COMPONENTS**

**SECTION 1. Components**

Identification of potential and actual risk in safety is the key objective within RMD. The incident report (quality/risk identification) process is designed to identify and evaluate trends, then report analysis of findings to assist in reducing the frequency of preventable adverse occurrences that may lead to liability claims. Risk Management is an effort to control costs of individual claims through prompt identification and follow-up of these adverse events. Assuring complete documentation for legal defense and early intervention with guests are keys to averting payments for frivolous claims and to control the cost of claims where the Tribe or Tribal entity may bear some legal responsibility.

**SECTION 2. Risk Management Department**

The Safety and Risk Manager has been delegated the responsibility to direct all activities of RMD. The Safety and Risk Manager will develop a program to comply with regulatory standards with input from the Tribal Administrator and the Board of Directors. This program will develop a collaborative approach in planning a program that will focus on the following listed elements:

- (A) Identification Process for Incident Reporting
- (B) Responsibilities/Roles of the staff members
- (C) Program Planning/Implementation
- (D) Identification of Resources to meet program needs
- (E) Management of Information
- (F) Communication: Reporting process notification to Board of Directors, Tribal Administrator, legal counsel, and appropriate departments.

**SECTION 3. Safety and Risk Manager’s Responsibilities**

The role of the Safety and Risk Manager is to collaborate with the Tribal leaders in the

development and implementation of services directed at controlling the risks of conducting business for the Dry Creek Rancheria Band of Pomo Indians by:

- (A) Providing the necessary leadership and direction to assure that ongoing monitoring and inspection processes are implemented, and to assure a safe environment for the staff and guests.
- (B) Actively participating in meetings and taking on the responsibilities to directly act when an identified issue has been delegated to bring forth resolution.
- (C) Evaluating the program’s effectiveness for compliance. To support RMD Staff with the coordination and resource planning to meet the programs identified needs.

**SECTION 4. Dry Creek Rancheria Staff Responsibilities**

The responsibility of all staff is to immediately report when an identified adverse occurrence, safety and/or issue is suspected. It is the responsibility of all staff to take a proactive role to ensure a safe environment within the structures of the Dry Creek Rancheria Band of Pomo Indians.

**CHAPTER 7. RISK MANAGEMENT INCIDENT PROCESSING MECHANISM**

In the event that a risk incident occurs, DCR staff is to report the incident immediately to the RMD who will then respond by the following procedures.

**SECTION 1. Immediate Response**

Following the report of a risk incident, RMD will immediately:

- (A) Verify that the guest/employee is receiving appropriate case management.
- (B) Review the documentation for completeness, contradictions, and clues to the cause of the incident.
- (C) Copy the incident report to prevent alterations or secure documents according to confidentiality standards.
- (D) Interview parties involved, and if a department is identified, notify the supervisor and ask for a written statement assessing the identified issue and any appropriate actions to be addressed immediately for resolution.
- (E) Involve necessary staff and management personnel when an issue regarding the care/treatment of a guest has been identified.
- (F) Provide claimant with the Tort Claims Materials and the Notice of Claim form.

(G) Preserve any equipment or other evidence.

(H) Notify, when appropriate, Tribal administration, Board of Directors, and the Dry Creek Gaming Commission if an emergent risk management issue has been identified.

## **SECTION 2. Further Investigation**

Following completion of the steps outlined in Section 1, the RMD is required to conduct a further investigation to gather all pertinent facts about the incident(s) for further assessment, recommendations, to identify actions necessary to provide a resolution or to prevent future occurrences, and assure the safe environment of the guests and staff. At a minimum the reports should include the following information:

(A) Scene — where, when, equipment involved, guests, and circumstances at the time.

(B) Parties — names and addresses of all those involved.

(C) Description — include quotes of described events.

(D) Damages — extent of injury, ambulance service, emergency room, and/or hospitalization, assess degree of responsibility.

## **SECTION 3. Loss Control and Loss Prevention**

Following RMD's further investigation, RMD, with the assistance of the appropriate staff and management personnel, shall continue to do the following in order to preserve the goals and objectives of the Department:

(A) Loss Control:

(1) Keep open communication with the guest or ensure open communication with the insurance company processing the claim.

(2) If appropriate, "write off" a portion of the bill.

(3) Develop a risk management case file, with complete, secure documentation.

(4) Assure that components of services/care are implemented for compliance of regulations. Ensure that communication with legal counsel, RMD, and the insurance company is ongoing regarding claims management.

(B) Loss Prevention:

(1) Enter incident report into database for trend analysis.

(2) Identify priorities to reduce risks and develop measures to prevent or minimize reoccurrences.

(3) Risk management analysis/evaluation, of effective changes and compliance to be adhered to within the Tribal mandates.

(4) Identification of trends/patterns for program development, to improve process, services, and outcomes.

(5) Providing ongoing orientation to the staff.

## **SECTION 4. Evaluation of Defensibility Prior to Settlement or Litigation**

In order to prepare for future litigation or settlement of risk incidents, the RMD will do the following which may enhance, mitigate, exculpate, or clarify the perceived degree of exposure of the matter involved:

(A) RMD will coordinate the dissemination of the Dry Creek Gaming Commission Tort Claims Procedure and all appropriate forms for processing the information required by the Insurance Carrier representing the department, entity, and/or agency.

(B) A complete record system will be developed and contained within a confidential and secure area.

(C) The Safety and Risk Manager will inform the Tribal Administrator on an ongoing basis of all activities, identify resources to fulfill the required time frames, and quote costs to prepare the information requested for potential litigation.

## **CHAPTER 8. COMMUNICATION PROCESS**

### **SECTION 1. Communication Process**

To facilitate coordination of communication regarding risk management issues, the RMD will provide monthly reviews of incidents and injuries to guests, review of complaints, and activities to the administration of each Tribal division. The Safety and Risk Manager will provide quarterly reports to the Board of Directors.

## **CHAPTER 9. RISK MANAGEMENT AND PERFORMANCE IMPROVEMENT**

### **SECTION 1. Performance Improvement**

The Department will strive to improve performance by:

(A) Identifying problems through continuous monitoring of critical indicators of the

quality and appropriateness of care.

(B) Assessing performance improvement data through peer review and quarterly reports.

(C) Monitor effectiveness of corrective actions while focusing on system processes/outcomes.

## **SECTION 2. Safety Inspections**

Through the performance improvement process, identified problems and needs of staff and programs can be resolved with implementation, interventions, and evaluation in accordance with the following procedures. The risk management and performance improvement functions have accessibility to all necessary and relevant staff data. Assuring the safe and effective use of equipment depends on the professional responsible for purchasing equipment, checking prior to use, operating equipment properly, assuring correct settings, reporting problems to the appropriate maintenance personnel and documented maintenance. Regularly scheduled Safety and Health Inspections will be conducted on a quarterly basis. These inspections will be conducted using the standards set forth by the US Department of Labors OSHA Standards and the US Public Health Services Food Code.

## **CHAPTER 10. VIOLATIONS**

### **SECTION 1. Administrative Remedy**

When a violation is found by RMD, a citation will be issued to the Department or Program Manager wherein the violation is found. The citation will allow 14 days for the Manager to have the violation corrected or to submit a written "Corrective Plan of Action" with a timeline which includes the date of completion. If the violation is not corrected and no written plan of action is submitted to RMD within a reasonable period of time, it is the responsibility of RMD to levy a fine to the Department or Program Manager in the amount of \$500.00 with an additional \$500.00 for each day that the violation remains unresolved.

### **SECTION 2. Right to Appeal**

The Department or Program Manager shall have the right to appeal the decision of the RMD to the Board of Directors within five (5) working days. The decision of the Board of Directors shall be final.

### **SECTION 3. Enforcement**

The provisions of this Ordinance are enforceable in the Tribal Court.

## **SECTION 4. Application**

This Ordinance applies to all Tribal entities as defined in Chapter 1, Section 1(M).

## **CHAPTER 11. RISK MANAGEMENT AND ENGINEERING CONTROLS**

### **SECTION 1. Administrative and Engineering Controls**

The risk management aspects of the safety program will focus on the use of administrative controls and engineering controls to ensure that a safe environment is provided to our guests and staff.

## **CHAPTER 12. RISK MANAGEMENT AND EDUCATION**

### **SECTION 1. Risk Management and Education**

Accountability and corrective measures for incidents most often involve educational functions. Once the exposure to loss has been identified and priorities set or new policies developed, RMD may request that an effective educational program for staff training be implemented. RMD will coordinate, plan, and implement educational programs to minimize the risk of harm to staff and guests and others through the general orientation handbook.

## **CHAPTER 13. SAFETY AND HEALTH**

### **SECTION 1. Quarterly Inspections**

The Risk Management Department is responsible for performing safety and health inspections at least quarterly each year to ensure that guest and employees are provided safe and healthy environments in which to perform their activities.

### **SECTION 2. Violations**

Any violations found by inspectors will be subject to the standards set forth in Chapter 10, Section 1 of this ordinance.