



## ~ Our Mission ~

*"A professional organization dedicated to the ongoing education of the claims community. Providing an arena for member interaction and the sharing of resources."*

**Next Regular Meeting: May 15, 2020**

Renaissance Hotel, Seattle  
— See page 2 for other events



## Claims Conversation

with **Roger Howson**, Claims Dispute Resolution, PSAA Newsletter Editor & Education Chair, TCAA Past President

Please indulge me as I reprint a column that I wrote seven years ago... long before the "MeToo" movement became a hashtag meme. There's been some isolated behavior within our community of claims professionals that triggered this unpleasant memory, and I want to reinforce the message that we are ALL entitled to a safe, supportive work (and home) environment. Furthermore, in support of your claims cohorts who might be victimized by workplace or domestic abuse or harassment, (to coin a phrase) "If you SEE something, SAY something!!"

I'm spending all night New Year's Eve alone in my youngest daughter's shabby apartment sleeping on a couch that's seen too many dorm rooms while she and five of her girlfriends are off celebrating.

Earlier in the evening I watch quietly while two police officers take down statements and contact information from each of the young ladies (every one of them is just 20 years old) while they make themselves even more beautiful in tiny black dresses two sizes too small and several inches too short. Those two officers patiently work through their law enforcement duties amidst the frantic flurry of party preparation with hair being brushed, sprayed, and curled, faces being painted, plucked, and blushed, and zippers running up and down while outfits are tried and discarded. One young lady even asks one of the police to please help zip her up, but he declines for unspecified "departmental regulations".

After they've collected all of the necessary information and written their report, the police tell me they've done all they can for now. They ask the girls which party they're attending and where exactly it's being held before reminding them that they're all under age, and that none of them better

plan on driving that night. The girls are warned (nicely) that a squad car might cruise by the party later tonight.

When they're all ready to go (only an hour after they were scheduled to arrive where they're going) each one of them thanks me, hugs me goodnight, and promises they'll have a good, but careful time. The sudden silence of their absence is a stark contrast to the earlier excitement, so I settle in to read E. L. Doctorow's *The March* to while away my first New Year's Eve in 28 years that my wife Barbara and I are apart. In five more hours we'll share a telephone kiss to bring in a much better 2012.

The apartment's flimsy front door rattles whenever the entry door to the building opens. Occasionally, for no apparent reason, the apartment door even blows completely open. My feeble repairs are a mockery to competent carpentry, but my only available tools are a small commemorative stone with my daughter's

*(Continued on page 3)*

## News Around the Web

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## The Moment of Truth

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Please advise us when your email address is going to change! Thank you!



**2019-20  
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## PSAA Upcoming Events

**February 21, 2020**  
**PSAA Bowling Tournament**  
ACME Bowling & Billiards  
More info available soon!



**March 20, 2020**  
**PSAA Mini Symposium**  
More info available soon!

**April 2020 - NO PSAA meeting**

**May 15, 2020**  
**PSAA Luncheon Meeting**  
Past Presidents & Vendor Partner Appreciation  
11:30am to 1:30pm  
Renaissance Hotel ~ Seattle

**June 19, 2020**  
**PSAA Golf Tournament** Northshore Golf Course



## PSAA 2019-20 Committee Liaisons

**Holiday Party:** Deanna Boras, Chair  
dboras@frontieradjusters.com

**Bowling:** Keely Abbas, Co-Chair  
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**Symposium:** Joel Mattes, Chair  
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**Golf:** Lizzy Adkins, Chair  
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**Website:** Barb Tyler, Liaison  
npassist@msn.com

**Social Media:** Jason Runyon, Chair  
jason.runyon@norcross.com

**Legal Update Presenter:**  
Aaron Young, Brown Bonn & Friedman, LLP

### Additional Meeting Information

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

- 11:30 a.m. Registration
- 11:45 a.m. Buffet
- 12:00 p.m. Meeting Called to Order
- 1:30 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to PSAA) ready, or provide your online payment receipt. We appreciate your cooperation and assistance.

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## Claims Conversation... *(Continued from front page)*

name written in calligraphy, a few bent finish nails, and broken, splintered wood from the door jamb. In its current condition the door serves no useful security purpose, but that doesn't mean I want it flapping wide open all night.

My daughter and her friends won't be returning to the apartment until I've repaired the front door and more thoroughly secured the premises. Since everything is closed on New Year's Day they'll be sleeping elsewhere for another couple nights. And I'll be sacking out on this lumpy leather couch a while longer.

I am waiting for the young man who kicked in the front door to come back. Besides lacking carpentry tools, I am also without weaponry of any kind. The young man is thirty years younger, two inches taller, and twenty-five pounds heavier; and I am looking forward to pounding the snot out of him.

He's my daughter's ex-boyfriend. He doesn't understand that "no" means "no", and "goodbye" means "go away". He also doesn't understand that putting your hands on another person is felony assault, and that putting your hands on my daughter is suicide. (The police were very clear in explaining to me that felony assault also applies to me putting my hands on the ex-boyfriend.)

New Year's Eve is the very first time my wife and I find out that there's been a problem with the ex-boyfriend. My daughter's roommate and several of her friends call us because my daughter is too embarrassed and scared to tell us what's going on. The problem is that my daughter thinks that domestic violence is something that doesn't happen to girls or women from good families, and it certainly can't be domestic violence if the perpetrator is (usually) a decent human being from an upstanding family. The reason it took her friends so long to contact us is that they hold those same misconceptions about what abuse and abusers are supposed to look like.

I've known all of these young women since they were in Grade School, and they've all known this young man since he was a few years ahead of them in Grade School. To me these twenty year old women are still the little girls I've known for 15 years. And, to them, he's still the boy they grew up with. Even now after all he's done, none of them (except my daughter) are afraid of him.

The day after New Year's I am back at the apartment with my own tools repairing the door, door jamb, and lock set. I buttress the entry, fix the lock on the sliding glass door leading to the balcony (if you

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could call something this small a balcony), and give my daughter and her roommate a pepper spray to attach to their key chain.

The roommate is unconcerned. She acknowledges that the ex-boyfriend hit and kicked my daughter, pulled her hair, and even held a pillow over her face, but the roommate assures me that he would never DARE try anything like that with HER because they've been friends for too long. All of the young women from the New Year's Eve are afraid FOR my daughter, but they have no fear OF the ex-boyfriend. In fact, I'm not convinced that my daughter's even afraid of her Ex; so much as she's embarrassed by the stigma of being thought of as a "victim" of domestic abuse. No one in OUR family is a "victim" of anything.

I think they call that cognitive dissonance.

Speaking of cognitive dissonance, the ex-boyfriend DOES show up back at the apartment while I'm there. He's being escorted by my daughter's roommate's boyfriend (are you following this?) because the roommate's boyfriend is long-time friends with the ex-boyfriend, and he's concerned for his friend's safety because of what I might do. The roommate's boyfriend says he's there to make sure that I "don't go off" on my daughter's Ex.

A lot more happens, but that's a whole other story. ❖

### January Winners!

Adjuster Drawing:

**Mike Adams, Mutual of Enumclaw**

Vendor Drawing:

**Colby Hutchinson**



**Blue Bucket Drawing... No Winner ☹️**

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### Duvall Named CAIF Deputy

The Coalition is pleased to welcome A.D. DuVall as our new Deputy Executive Director.

A.D. will oversee the business side of the Coalition's operations in this newly created position at our national headquarters in Washington, D.C.

The Coalition has rapidly grown to more than 200 member organizations — insurers ... consumer groups ... government ... law enforcement ... and other partners.

A.D. brings a robust management background to the Coalition's rapidly expanding programs. In this important new position, A.D. will help further our role as a national hub of the anti-fraud community..

She will be a key staff liaison with Coalition members — ensuring they're regularly informed about Coalition news and program updates. She also will be a major point of contact for answering questions from Coalition members, and other partners within the anti-fraud community.

Playing a lead role in producing the Coalition's leading-edge research studies and reports, such as insurer use of anti-fraud technology, will form another key part of her work at the Coalition.

Managing the Coalition's biannual member meetings and helping produce key publications such as Fraud News Weekly ... Fraud News Daily ... and the Journal of Insurance Fraud in America also fall under A.D.'s expansive staff purview.

A.D. also will manage Coalition finances and numerous other programs.

A native of Washington D.C., she has promoted entrepreneurship and other important causes throughout her career. Please welcome A.D. to the Coalition and anti-fraud community. ❖

### WA Senate Advances Data Privacy Rules

Reprinted from [www.insurancejournal.com](http://www.insurancejournal.com)

The Washington Senate has passed a data privacy measure that would give consumers the right to manage how information held by private companies is used.



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The measure, called the Washington Privacy Act, passed on a bipartisan 46-1 vote and now heads to the House for consideration.

It would require businesses or other entities that control or process the identifiable data of more than 100,000 people to allow consumers to find out what data is stored about them, correct errors or request deletion. It would also allow people the right to opt out of their data being used for the purposes of targeted advertising, and to opt out of the sale of their personal data. The measure would also set rules for facial recognition technology for companies.

The measure has been modeled on European rules and protections put in place in California. ❖

**Jury Awards \$265M to Farmer Claiming Drifting Herbicides Damaged His Orchard**

By Patricia Weiss

Reprinted from [www.insurancejournal.com](http://www.insurancejournal.com).

A Missouri jury's \$265 million award to peach grower Bill Bader in his lawsuit against herbicide providers Bayer and BASF has raised the stakes for the two companies as at least 140 similar cases head to U.S. courts later this year.

A jury in U.S. District Court in Cape Girardeau, Missouri, handed Bader, the state's largest peach farmer, \$15 million in actual and \$250 million in punitive damages. He sued the companies saying his 1,000-acre orchard was irreparably harmed by herbicide that they produce, which drifted onto its trees from nearby farms.

The three-week trial was the first case in the United States to rule on the use of dicamba-based herbicides alleged to have damaged tens of thousands of acres of U.S. cropland. The herbicide can become a vapor and drift for miles when used in certain weather, farmers have claimed.

Bayer said it was "disappointed with the jury's verdict," and plans to appeal. BASF also said it was "surprised and disappointed" by the decision and plans to appeal. Both companies said their dicamba-based herbicides are safe when used as directed.

Bayer faces separate multi-billion-dollar litigation over the Roundup weedkiller made by Monsanto, the U.S. firm it took over for \$63 billion in 2018. Monsanto made Roundup and dicamba, and Bayer is being sued over both products.

"We believe the evidence presented at trial demonstrated that Monsanto's products were not responsible for the losses," Bayer said.



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Bayer and BASF face other dicamba lawsuits that could begin late his year before the same judge in Missouri, said attorney Billy Randles, whose firm represented Bader and also represents dozens of others with similar claims.

“These are all the same” allegations, said Randles. “They claim negligent design, failure to warn and all allege a joint venture” between Bayer and BASF. The jury found the two equally liable for the damages.

Bader Farms, in southern Missouri near the Arkansas border, said it lost many trees when the herbicide containing dicamba was used on nearby soybean and cotton farms and drifted onto its property.

The farm said repeated dicamba exposure beginning in 2015 killed or weakened the fruit trees.

The U.S. Environmental Protection Agency imposed restrictions on the use of dicamba in November 2018 over concerns about potential damage to nearby crops.

“As long as dicamba is around, it’s not viable,” Randles said of the orchard. ❖

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**Annual Region VII Conference “We Have A Vision” at The Heathman Lodge in Vancouver, Washington on March 12–14, 2020**

The conference will include a day of education on Thursday, March 12, which will be open to all IAIP members and insurance industry professionals from the Vancouver and Portland areas.

There will also be a Welcome Party on Thursday evening that will feature exhibitors and vendors.

**Registration forms and information can be found at [www.pugetsoundadjusters.org/calendar](http://www.pugetsoundadjusters.org/calendar)**



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# Recreational Cannabis Impairs Driving Even When Driver Not High

Harvard Research  
 Reprinted from [www.insurancejournal.com](http://www.insurancejournal.com)

Recreational cannabis use affects driving ability even when drivers are not intoxicated by marijuana, according to a study from a Harvard Medical School hospital.

Published in the Drug and Alcohol Dependence journal, the study "Recreational Cannabis Use Impairs Driving Performance in the Absence of Acute Intoxication," finds that in addition to chronic, heavy, recreational cannabis use being associated with poorer driving performance in non-intoxicated individuals compared to non-users, the researchers linked earlier onset of marijuana use (under age 16) to worse performance.

The study was conducted by McLean Hospital's Mary Kathryn Dahlgren, PhD, Staci Gruber, PhD, and their team from McLean's Cognitive and Clinical Neuroimaging Core and the Marijuana Investigations for Neuroscientific Discovery (MIND) program. The study, conducted through driving simulation, concluded that chronic, heavy, recreational marijuana use was associated with worse driving performance in non-intoxicated drivers compared to non-using healthy control participants.

Other findings of the study:

- Cannabis users had more accidents, drove at



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higher speeds, and drove through more red lights than non-users

- Earlier onset of marijuana use (regular use prior to age 16) was associated with poorer driving performance

The researchers said the findings may be “reflective of increased impulsivity in those who initiate substance use during adolescence” and recommend further research to explore this association.

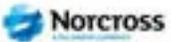
Recreational cannabis use has expanded across the United States in the last several decades along with public concern about the substance's impact on activities that present safety issues. While several studies have examined the direct effect of cannabis intoxication on driving, the authors said no other studies until theirs have examined the effects on driving in heavy marijuana users who are not high.

Senior author Gruber, along with Dahlgren, used a customized driving simulator to assess the potential impact of cannabis use on driving performance. At the time of study, marijuana users had not used for at least 12 hours and were not intoxicated.

Overall, heavy marijuana users demonstrated poorer driving performance as compared to non-users. For example, in the simulated driving exercise, marijuana users hit more pedestrians, exceeded the speed limit more often, made fewer stops at red lights, and made more center line crossings.

Gruber, who is among the world's experts, said the idea that differences can be detected in sober cannabis users may be surprising to the public.

“People who use cannabis don't necessarily assume that they may drive differently, even when they're not high,” she said. “We're not suggesting that everyone who uses cannabis will demonstrate impaired driving, but it's interesting that in a sample of non-intoxicated participants, there are still differences in those who use cannabis relative to those who don't.”



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When researchers divided the marijuana users into groups based on when they started using cannabis, they found that significant driving impairment was detected and completely localized to those who began using marijuana regularly before age 16.

"It didn't surprise us that performance differences on the driving simulator were primarily seen in the early onset group," Dahlgren said. "Research has consistently shown that early substance use, including the use of cannabis, is associated with poorer cognitive performance."

She added, "What was interesting was when we examined impulsivity in our analyses, most of the differences we saw between cannabis users and healthy controls went away, suggesting that impulsivity may play a role in performance differences."

States where marijuana has been legalized have seen growing public concern that more individuals will drive while intoxicated. But since performance issues can occur even in people who aren't high, Gruber believes the public needs to rethink the ways it understands impairment.

"There's been a lot of interest in how we can more readily and accurately identify cannabis intoxication at the roadside, but the truth of the matter is that it is critical to assess impairment, regardless of the source or cause," she said. "It's important to be mindful that whether someone is acutely intoxicated, or a heavy recreational cannabis user who's not intoxicated, there may be an impact on driving, but certainly not everyone demonstrates impairment simply as a function of exposure to cannabis. This is especially important to keep in mind given increasing numbers of medical cannabis patients who differ from recreational users with regard to product choice and goal of use." ❖

*This study was jointly sponsored by the MIND research program; the McLean Hospital Rossano Mind, Brain, and Behavior Pre-Doctoral Fellowship; and the National Institute on Drug Abuse.*

— Source: Harvard Medical School



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## Is This The Next Big Emerging Property Claims Threat?

By Adam Malik  
 Reprinted from [www.canadianunderwriter.ca](http://www.canadianunderwriter.ca)

Polyfluoroalkyl (PFAS) materials are everywhere – and they could be the next big threat to property claims exposure, warned one expert.

Lori Festarini, vice president of environmental services at Stantec, spoke about the risks around PFAS at the recent Ontario Insurance Adjusters Association's Claims Conference in Toronto. This material is found in many everyday items such as non-stick cookware, cleaning products, adhesives, water-resistant jackets, fast food wrappers and more. While versatile, heavy amounts can contaminate potable water.

It also just so happens to be used in firefighting foam called AFFF, or aqueous film forming foam. When fire crews respond to the scene of a fire and water isn't enough to suppress the flames, they combine this substance with water. By doing so, however, the risk increases that these firefighting efforts could lead to tainting an area's drinking water. PFAS is often called the 'forever chemical' because it doesn't break down naturally in the environment.

Festarini's talk focused on the challenges claims professionals face when assessing the damage caused by putting out a fire. "I think that firefighting foam is probably one of the sources of PFAS that will affect the property space more than any of the other ones," she said.

These chemicals are nothing new, having been around since the 1950s. But it's only now emerging in Canada through firefighting foam. It's common in the U.S. and Australia.

In Canada, Festarini pointed to the fire at the Rideau Valley Marketplace, a flea market near Smith Falls, Ont., in 2016. Toxins from the firefighting foam have shown up in the water wells of homes



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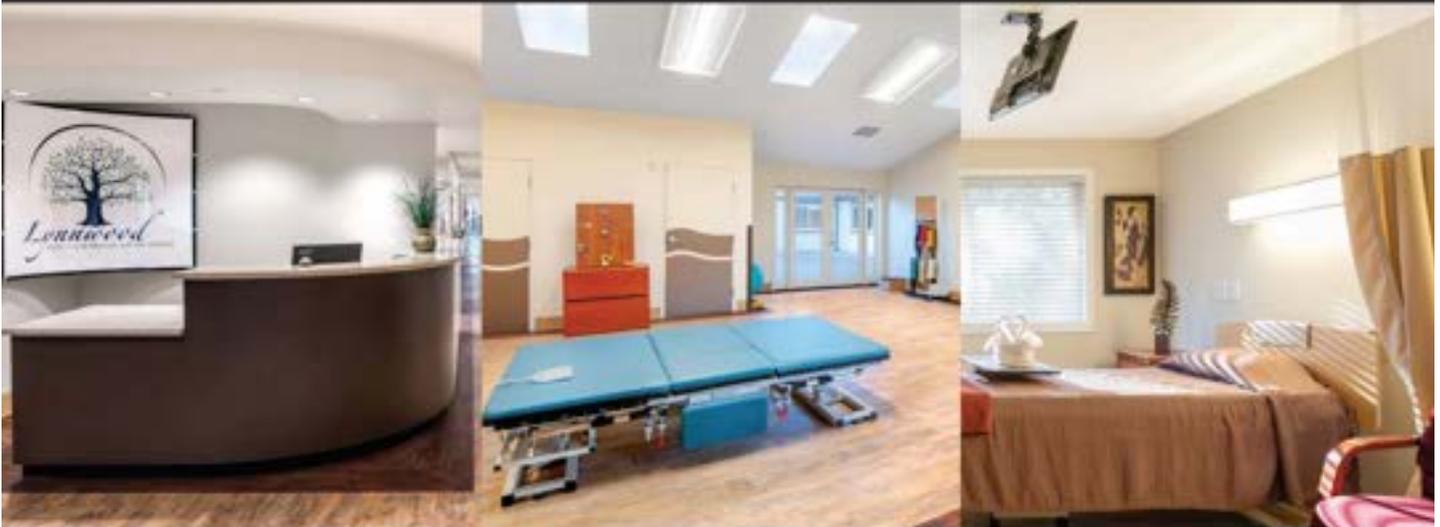
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half a kilometre away, according to the CBC. More than two years after the fire, they're still dealing with the fallout.

When arriving on a fire scene where AFFF was used, experts need to grab a sample for analysis. That's because when the soil, surface water and groundwater are tested, it can be determined what amount of PFAS came from firefighting. In the case of contamination, it can be shown how much came from the foam versus other sources.

Because the substances can come from other sources, it's important to always "be cognizant, depending on what type of loss you're dealing with, that you have your consultant check the surrounding area," Festarini said. "The firefighting foam being used has its own footprint. So you may be finding some PFAS, but it could be totally unrelated to what happened on your site."

So, for example, take note if you're not near an airport, military base or research centre – all of which generally have high levels of PFAS due to the nature of their operations – "because all of these are potential sources that may make you think your loss is bigger than it really is," Festarini said.

Experts should take certain precautions when taking PFAS samples from a site, such as making sure they haven't just eaten a hamburger from a fast food restaurant, or to make sure that they are not doing their work in a water-resistant jacket like Gore-Tex. Because PFAS is used in these kinds of common materials, it could influence the samples being taken. "You need to make sure you're cognizant of those compounding sources and how to avoid them," Festarini said, adding that engaging with a knowledgeable professional is a must. "There has to be proper characterization at the site so that you can manage the site correctly." ❖



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<b>Mar 20</b>	PSAA Mini Symposium
<b>May 15</b>	PSAA Past Presidents & Vendor Appreciation Luncheon, Renaissance
<b>June 19</b>	PSAA Zombie Golf Tournament, Northshore
<b>Note:</b>	No meeting or event scheduled in the month of April



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## Claims: Beyond the 'Moment of Truth'

By Stephen Applebaum  
 Reprinted from [www.insurancethoughtleadership.com](http://www.insurancethoughtleadership.com)

I have proudly worked in the North American insurance claims and information technology industry for over 30 years and have witnessed significant, albeit gradual, improvements in process and service. More recently, almost overnight, the switch of information gathering and distribution from analog to digital has transformed claims.

Mobile consumer technologies have been adopted rapidly, disrupting sales and distribution models and their supply chains. Instant gratification has become a natural expectation.

### Insurance Claims Process Evolution

In insurance, claims remains the "moment of truth." Claims represents the best single opportunity for an insurer to engage personally with its customer, satisfy the coverage promise and foster loyalty. But claims has begun to evolve. It has been a highly complex, labor-intensive, stubbornly long, expensive and customer-unfriendly process. But it is benefiting in a big way from new and exciting technologies, and investors are eager to place bets on a new generation of entrepreneurs who shun working for large corporations (at least until those companies acquire them for mind-boggling amounts).

The "Amazon effect" (immediate delivery of virtually anything from entertainment to information to merchandise to food through a simple, digital interface) drives consumer expectations even for insurance claims service, no matter the behind-the-scenes complexities involved. In the fiercely competitive personal lines market, traditional carriers are responding by transforming the claims process to make it more "Amazon-like." In the process, carriers are lowering claim costs, producing savings that can then be reinvested in lower, more competitive, insurance premiums.

The claims process is still complex. It involves many disparate technologies and services, and firms that range from very large corporations to smaller, more local providers. Integrating and streamlining all of the related interactions is not trivial. But new, low-cost computing capabilities and information management technologies are enabling the interoperability of this ecosystem, leading to an array of profound changes, including these 12.

### Claims in 2020 and Beyond

1) Control over first notice of loss (FNOL) will be contested as technology enables real-time accident notification. The change will allow for new influ-

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- ences in claim process response, resolution and the customer relationship
- )] Average cost of auto repair will rise further, exceeding \$3,600, as more late-model-year cars enter the car park loaded with costly accident avoidance and self-driving technology that requires post-accident scanning and recalibration. A \$5,000 average repair cost is already in sight. This trend will be reinforced by strong consumer preference for more expensive light trucks and SUV/UVs, now representing 70% of new sales, and, soon, more electric vehicles (EVs)
- )] As cost of repair climbs, so, too, will total loss frequency. It is now at 24% for some carriers, increasing claim costs and placing added stress on valuable claims-adjusting resources. Tech-enabled processing solutions will emerge to compress cycle times and ensure compliance, but deployment and integration will take time
- )] The collision repair industry and its traditional direct repair program (DRP) relationships with insurers will change in more fundamental ways as OEM repair network certification programs gain traction, with support and encouragement from trade groups, consumer safety, legal and regulatory advocates. This, in turn, will add upward pressure on average repair costs
- )] Growth in claims self-service, including auto

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- photo estimating, will outpace other methods of inspection. The change will upend staffing models and disrupt appraisal work forces as well as the traditional collision repair referral process
- )] A culture of speed and transparency will develop and attract new talent, filling an important gap
  - )] AI, including computer vision, machine learning, data analytics and automation, will begin to streamline and compress the insurance claims process, identify and deter fraud and remake related work forces and skill sets
  - )] Digital imagery and measurement from aerial to drone to ground-based will permanently alter the property claims estimation, settlement and repair process. The change will create new strategic partnerships between carriers and third-party providers and transform the property claims field and desk appraisal
  - )] On the journey toward touchless claims, carriers are realizing that they need to deliver empathy at scale. They will leverage intelligent platforms while recognizing and deploying emotional data – and achieving a proper balance between digital and human touch
  - )] CEO-led diversity and inclusion initiatives will become critical to attract talent in claims and boost organizational performance across the enterprise as well as increase competitiveness in the market
  - )] Emerging technologies getting greater attention and testing in claims use cases will include virtual and augmented reality (VR/AR) for staff training, field service and support
  - )] Success in the art of developing and managing effective strategic alliance and partnerships and collaborating with others, including competitors, will become table stakes for innovation

**Collaboration in Action**

Now, more than ever, cross-industry collaboration across the vast claim ecosystem is critical to delivering an efficient, high-quality, low-cost claims experience to policyholders. One excellent forum for such collaboration is Connected Claims USA Summit, taking place this year in Chicago on June 24-25. ❖

# PSAA Membership Application for 2019-2020



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