

RIA **EXPERT** EVALUATORS **TRUMP TPAs**

Ken Larsen, CR, WLS, CMP





Many restoration professionals fear the restoration industry is on the cusp of an industry-wide implosion.

PROBLEMS:

1. Preferred vendor programs implemented by insurance companies impose enormous demands upon service providers to deliver an increased level of service and product while accepting a dramatically reduced revenue. This places competitive pressure upon the service providers delivering high quality and service for a fair and customary price to match the prices of lesser quality and service providers. Furthermore, program participants are rarely encouraged to reveal their contractual conflict of interest to the insured upon entering a contractual relationship with the property owner. This is non-sustainable.

2. Third Party Administrators (TPAs) and network service providers have been retained by insurance carriers so as to play a form of "middle-man" between the service provider and the insured/ insurance carrier in the settlement of an insurance claim. The service provider's obedience to the program and their representative's unreasonable, substandard and even ridiculous demands are typically rewarded rather than competence and excellence.¹ This is a disservice to all parties involved. Furthermore, the service provider is required to pay a hefty referral fee for the opportunity to participate in the program. Many quality service providers are choosing to aggressively and strategically opt off all program work as the terms of participation do not support a viable business model.

3. Software programs mandated by insurance companies, TPAs and service provider networks are

frequently engineered to control service provider activities and prices rather than reflect the needs of the structural repairs and the service provider performing the work. Drying documentation software programs grossly misrepresent and ignore the restoration industry accepted standard of care to be followed.²

Estimating programs are rarely permitted by the claims representatives to be used as they are designed to be used.³ Efforts to stagnate prices, thereby producing a fixed rate, have harmed all materially interested parties involved in an insurance claim.

4. Post restoration renegotiation practices are commonplace, even though the processes and prices are clearly and indisputably agreed upon prior to execution. Outside auditors who have little to no experience or qualifications are used to render their unqualified opinion on a fair price for the work performed many months after the work is completed. The auditors earn their questionable unregulated existence to negotiate and participate in the settlement of insurance claims through their mission to strong-arm the reduction of the insurance carrier's financial exposure. This is both unfair and aggravating to both the insured and the service provider who agreed to provide the service.⁴

5. Trends toward commoditization have positioned the structural restoration service provider in a place where insurance companies assume all service providers and structural repairs to be equal. This could not be further from the truth. As insurance companies may have distinctly different insurance policies, coverages and services — each with their own associated costs, there is an even greater [and more obvious] difference among those who offer structural repair services to an incalculable number of structural repair needs.⁵ Unlike an insurance claim that can conclusively adhere to the letter and language of the insurance policy, competent restoration practices require abstract, creative and skilled solutions produced by a qualified expert. To the understandable disappointment of the insurance carrier, structural restoration simply cannot — and should not be commoditized.

¹ Even with compelling evidence in support of the service provider's recommendations and processes (and sometimes those of independent onsite adjusters), program representatives often impose threatening and unreasonable demands to comply with their stipulations under threat of financial harm, delayed payments, elimination from the program, etc.

² Equipment formulas mentioned within the industry standard have clear statements as to their purpose and use. The vast majority of these drying documentation programs do not reflect their competent use and results in an incompetent deployment of tools results.

³ Overhead & profit is rarely permitted to be added to each line item as is explained by the industry's most common estimating program. Freedom and support to change prices to reflect the service provider's own rates is flagged and usually rejected. Accurate representations of work performed on a project is discouraged to expedite claims processing.

⁴ When projects exceed as little as \$50,000.00, a claim is usually submitted to a remote third-party auditor. These are individuals who have never set foot on the project or typically even restored a property, extend themselves as qualified to render an opinion of what was required on the project in question. Under threat of a delay in payment — financial harm to the contractor, their "recommendations" are then considered by the insurer / service provider to carry sufficient authority to motivate the service provider to accept a reduction in charges.

6. Misrepresented information from industry standards and guidelines persist within popular educational certificate programs. While the industry standards carefully frame their messages to the readers, exam writers and educators have a long history of carelessly misrepresenting the information found within it — particularly as it relates to competent and effective equipment deployment. (Larsen, 2014, pp. 307–339, 383–389) As a result, the insurance claim community embraces any compromised processes that can reduce their financial exposure, while the conscientious service provider feebly insists upon workmanship that reflects competence in accord with the accepted standard of care to be followed. The result is ... each of the disappointing issues mentioned in bullets 1 to 5 above.

In such light, the property and casualty (P&C) insurance claims handling industry is in a sorry state indeed. We must repair this industry if we are to survive — and we must do it soon!

To survive this onslaught of unfair business practices, the service provider was often forced to find a creative means to reflect their work in a fashion that will produce the revenue necessary to keep their doors open while providing quantifiable value to those involved. Conscientious service providers face the difficult decision between accurately reflecting the exact services performed and/or the prices necessary to deliver them — or misrepresent the services and associated prices so as to ensure their business sustainability. This is a serious decision indeed, **since one of the choices can potentially result in criminal charges.**

How did find ourselves in this precarious situation?

ADMIT WHAT HAS BECOME UNMANAGEABLE

The first step in gaining control of troublesome situations is to admit honestly and fearlessly what is actually causing your problems.

Over the course of the restoration industry's evolution, we restorers must admit some restoration firms were unethical and scam artists. Indeed, they gave the entire restoration industry a black eye-inspiring insurers to view all service providers with skepticism and distrust.⁶ Naturally, insurance representatives began to question the processes and prices of all service providers to determine

if their reported services were reflective of what was necessary, reasonable and customary. How did the service providers respond?

In the spirit of appearing to be reasonable and someone with whom the insurance carrier would prefer to work, the service provider would frequently forfeit perfectly justifiable charges. Service providers regularly agreed to forfeit the customary overhead and profit (O&P) charges that were to be appropriately added to each line item in their invoice. (See footnote 3.) They also agreed to forfeit base service charges. They agreed to forfeit travel and mobilization charges. They agreed to forfeit justifiable equipment rental charges through rental caps. They agreed to provide management, supervisory and documentation services at no charge. Such discounts frequently resulted in total charges reduced by as much as 30 to 50 percent!

You would think that the insurance representatives would be ecstatic to work with such a charitable service provider! Not at all!

Such commonplace practices caused the insurance representative to hang up the phone with the service provider shaking their head saying, "I KNEW that service provider included pricing fluff in their invoices! That service provider tried to pull a fast one on us since they were so willing to reduce their invoice with hardly more than a whimper. The rumor must be true: The service provider's invoices are NOT to be trusted!"

And so began the slippery slope of post restoration re-negotiations and preferred vendor programs. Eventually, the insurers realized they don't even need to employ a licensed insurance claim representative to conduct the time consuming task of bullying the service provider into price concessions. Unlicensed third-party claims management services emerged promising to provide the insurer with a reduced invoice; and they would get the service provider to pay for the privilege of having their perfectly justifiable charges reduced.

Thus emerged the TPA and service provider network program.

While it is possible for an insurance claimant to hold an insurer to a fair settlement, it is not so easy for a service provider to receive this result when they agree to the

⁵ The automotive repair industry and the window replacement industry have been successfully commoditized. An automotive part and a window have a predictable cost and labor associated with their replacement. However, structural repairs are not so predictable as construction details, historical building components and assemblies, interior design and housekeeping practices, outdoor weather influences on interior repairs, occupant risks and needs and many other factors play a part in how the service provider must approach the repairs. When a service provider approaches each job as if they were the same, unnecessary or substandard processes will be executed.

⁶ See C&R magazine dated Nov./Dec. 2016 (and Jan./Feb. 2017 with photos) had an article titled: "Restorer – Insurer Communication: Build Bridges, Not Walls. (Pg 17–21)



False

“The distrust was earned — and we (service providers) did it to ourselves. It's time to change this unsustainable state of the industry.”

terms of a preferred vendor or TPA program. Those who participate in these programs do NOT “sell their rights away” to the programs — they BUY the right to have their rightful profits reduced.

Mandatory software for estimating, drying documentation and activity reporting are frequently engineered to restrict or limit a service provider's rightful revenue on an insurance claim. This is the result of the insurer's distrust of the service provider's skill and activities on a project.

Insurance companies and service providers fight for the same dollar. Whatever money is awarded to the service provider is subtracted from the insurance company's annual profit line. A failure to recognize this simple and obvious truth is a demonstration of denial. As difficult as it may be, we must accept the fact that the insurer and service provider relationship is adversarial by necessity.

The distrust was earned — and we (service providers) did it to ourselves in most cases. It's time to change this unsustainable state of the industry.

THE SOLUTION

Many service providers would argue they were not part of the problem that caused the distrust. They fiercely argued in defense of a necessary, fair and customary service for the property owner. They can take comfort in knowing they are one of the “good guys.” They DO exist! However, we must admit that many within the restoration industry fell into a lesser category and made a practice of consistently reducing their charges thus perpetuating the perception that the typical restoration professional is not to be trusted. How do we change this perception?

TPAs attempt to control the service provider through remotely administrated strong-arm practices. Their

business models assume that all service providers — even their pre-screened participants — are among the group who artificially inflated or misrepresented the truth in how the property was restored. By necessity, those who were ethical in their service reports were “taught” to produce an inflated or inaccurate report so that the TPA could earn their existence through an expedient and successful reduction in the invoice. There may be an obvious legal issue in such a program where reports are artificially inflated with the anticipation that the revenue will be reduced in order for the claim to be settled. In the spirit of honestly facing the obvious, it is difficult to explain how such inaccurate reports reflect the insurance claim truthfully when programs such as these insist upon concessions to what is standard of care, necessary, usual and customary. Rather than cultivate a healthy foundation of trust, insurance program work and TPA service providers are agents who foster and subsequently feed upon this distrust.

Therefore, if we wish to correct the problems mentioned earlier, insurance program work, TPAs, scandalous software programs must be extinguished and we must renew a healthy focus upon competent restoration practices.

WHO IS THE EXPERT?

Projects managed by restoration staff employees face an obvious conflict. The more profit the service providers generate, the more the company (and the project manager) benefits — and the less profit the insurance company enjoys. This is a problem.

Attempts by a claims representative or TPA to remotely manage a structural repair project competently cannot be done. Experienced service providers know that objective is impossible. Furthermore, there are ethical issues when an unqualified and incapable individual dictates a service provider's processes and prices. Legal issues are raised when an unlicensed (therefore unqualified) individual settles an insurance claim on behalf of an insurer.

Those who try to convince others they are an “expert” in a subject as a result of attending a single course are usually mocked. An authentic expert is frequently identified as a result of others declaring them to be such — whether they like it or not.

To truly validate a structural restoration effort, a qualified on-site expert is required — and if it were to be truly objective, the expert would be neither an employee of the service provider nor its competitor. The expert would represent the structure being repaired.

As our industry's premier association of restoration experts, perhaps the **RIA is the best entity to recognize**



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and register those who are qualified to be an independent third party evaluator; the RIA Registered Third Party Evaluator (RTPE).**

Does a qualified person serving in this role sound impossible or unnecessary?

Future articles will explore the value and qualifications of such an independent expert and a suggested business that can return some trust and fair practice to the restoration industry. See you next month. [RIA](#)



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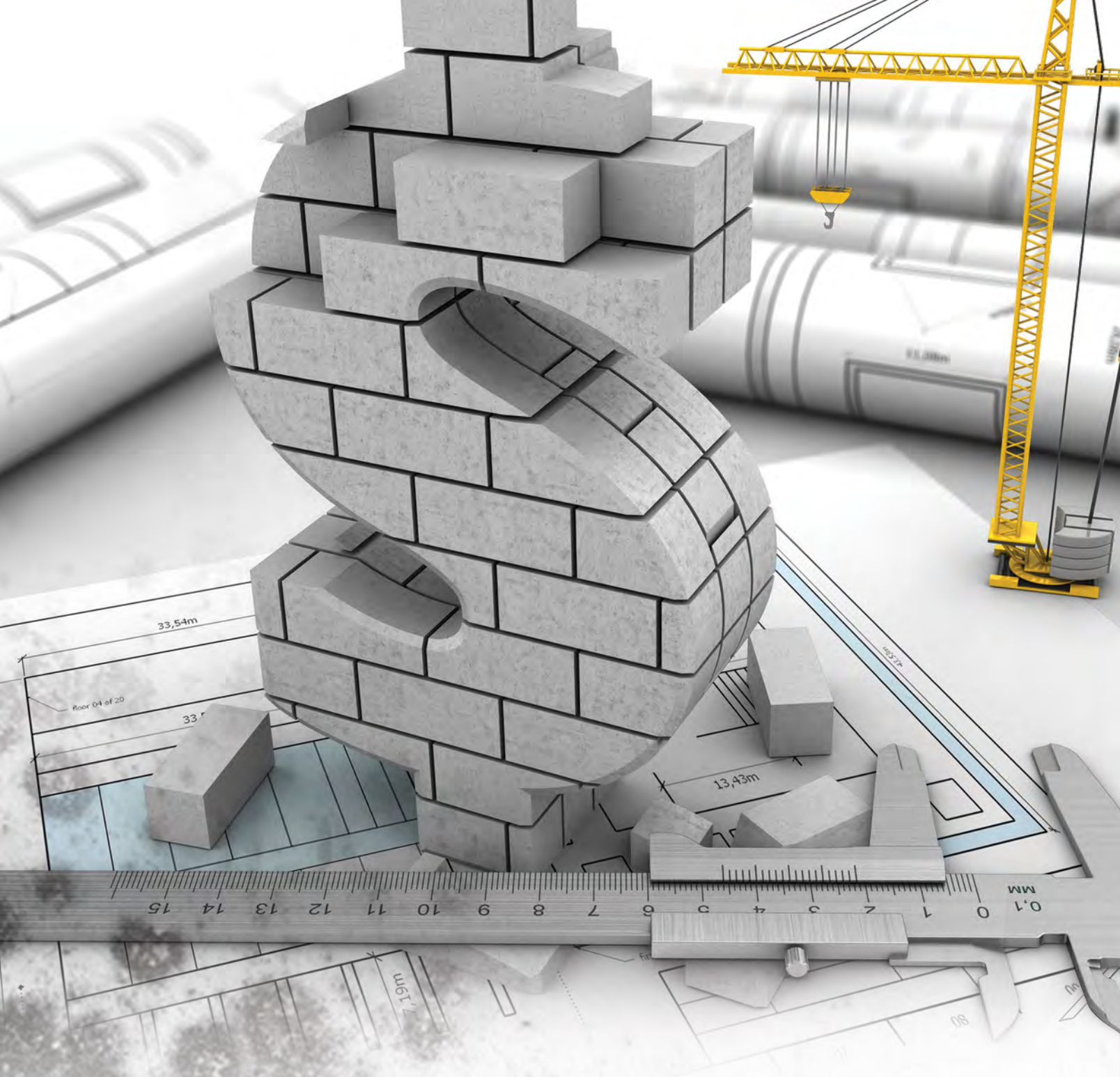


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REGISTERED THIRD PARTY EVALUATORS & **RIA'S CERTIFIED MOLD PROFESSIONAL (CMP)**

By Ken Larsen, CR, WLS, CMP, CSDS



This second in a five-part series of articles explores the participation of a qualified third-party expert in the execution of a competently executed structural restoration. This article explores the considerable value of RIA's CMP designation carried by such an expert.

Editor's Note: Ken Larsen's article served as the white paper for his CMP Capstone Project, which is the final requirement of the CMP certification program before a candidate is issued their credentials. The print version has been edited from the pre-publication submission.

Few deny that the property restoration industry has progressively become more difficult, due to a catastrophically diminished trust between insurers and service providers. Today, the intensity of this lack of trust has produced a market whereby administrators of preferred vendor programs, service provider networks and third-party administrations (TPAs) privately negotiate stipulations with insurance carriers that are blatantly substandard, along with the promise to impose rules upon service providers who participate in their programs that are patently unfair. The result, too often, is a property owner who does not receive a competently executed restoration effort and/or a shortfall in a fully justifiable insurance settlement. The service provider must choose between the risk of participating in an incompetently executed restoration effort, or prudently performing the project competently while forfeiting justifiable and necessary revenue.

The solution may be found through the regular involvement of an entity that can build trust between the insurer and service provider through the evaluation and guidance of an independent expert in the competent delivery of structural restoration that is in accord with the industry's accepted standard of care to be followed; *a RIA Registered Third Party Evaluator (RTPE)***. The RTPE would represent the needs of the structure — not the financial interests of the service provider or insurer.

Who would qualify to be this RTPE? It should be someone formally trained at the highest level in restoration practices, a truly seasoned professional with a significant portion of their careers, spent in the development of skills and knowledge pertaining to the restoration and/or repairing of structures and contents. This would indeed contrast with many who claim to possess authoritative understandings on projects upon which they have never set foot, and trades in which they have never actually executed in commerce.

A CMP CAN BE AN IICRC S500-2015 "IEP"

The RIA's Certified Mold Professional is one of the industry's premier credentials with a "focus on general inspection

*procedures for contaminants indoors (chemical, biological, particulates, fire residues, etc.). The course emphasizes the interrelatedness of building systems and the predominance of situations where indoor environmental quality is impacted by multiple problems or contaminants. Candidates will be able to identify what is impacting the interior of a building and which general cleaning approaches would be appropriate for improving the indoor environment."*¹

The ANSI/IICRC Standards S500 (drying) and S520 (mold) speak repeatedly of the use of an "Indoor Environmental Professional" (IEP) whenever the project includes environmentally sensitive contaminants.

These ANSI/IICRC standards define an IEP as: "*an individual with the education, training and experience to perform an assessment of the microbial ecology of structure, systems and contents at a job site, create a sampling strategy, sample the indoor environment and submit to an appropriate laboratory, interpret laboratory data and determine Category of water or Condition 1, 2, and 3 for the purpose of establishing a scope of work and verifying the return to a normal microbial ecology (e.g., Condition 1).*" (S500-2015, 2015, p. 16)

What "education, training and experience" qualify an individual to possess the title of an "IEP"?

There are many sources of education with an intense focus upon subject(s) described in the IICRC's definition for IEP. Those who try to convince others they are an "expert" in a subject as a result of attending a single course are usually mocked. An authentic expert is frequently identified as a result of others declaring them to be such — whether they like it or not.

RIA offers one such advanced IEP formal education and training titled Certified Mold Professional (CMP), wherein the student undergoes an intensive program with a focus on such skills.² Currently, a CMP must be able to prove a minimum of five (5) years of verifiable work experience related to the restoration industry and/or three (3) years of verifiable supervisory experience. Therefore, prerequisites for attending the CMP course can include a Mold Remediation Technician course, like the IICRC Applied Microbial Remediation Technician (AMRT), and/or the ACAC microbial technician/supervisor courses.

¹ CMP Course Overview. <http://www.restorationindustry.org/?page=CertifiedMoldPro>

The process of acquiring the CMP credential includes several prerequisite courses that can be from multiple education providers providing a broad scope of perspective on the subject of indoor environmental evaluations and repairs.

Those who have successfully acquired their CMP may choose to identify themselves as an “IEP” as described within the ANSI/IICRC industry standards, if they so desired. The CMP credential lends particular significant value when seeking a qualified RTPe who functions as an IEP on a structural restoration project.

Activities of an IEP include:

- **10.6.7 Preliminary Determination:** The “preliminary determination” is the determination of the Category of water. If the preliminary determination is that the water is Category 1, then the restorer can proceed without contamination controls (e.g., erecting containment barriers, initial cleaning establishing pressure differentials). With regard to Category 2 or 3 water intrusions, remediation should occur prior to restorative drying, and restorers shall use contamination controls and appropriate worker protection. Where necessary, an indoor environmental professional (IEP) should be used to assess the levels of contamination.” (S500-2015, 2015, p. 39)

subsequent data is interpreted by the IEP. Then, the IEP, or other qualified individual, may develop a remediation plan.” (S500-2015, 2015, p. 15)

- **“Post-remediation verification:** an inspection and assessment performed by an IEP after a remediation project, which can include visual inspection, odor detection, analytical testing or environmental sampling methodologies to verify that the structure, system or contents have been returned to a Category 1 or uncontaminated level.” (S500-2015, 2015, p. 17)

An entire section of the ANSI/IICRC S500-2015 (Section 12) is dedicated to the activities and purpose of an IEP on water damage losses. They have been spoken of in the Standards for more than a decade — but now they are being more heavily emphasized as a component to a competently executed restoration project. This is particularly important when we consider a significant change in the categorization of water (categorization is roughly defined as the degree of contamination in the water).

CATEGORY: “SPECIAL SITUATION” HAS CHANGED

The prior S500s standard defined a “fourth category” of water and called it a “special situation.” It was roughly defined as a water intrusion that involved “a regulated or

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- **“Assessment:** a process performed by an indoor environmental professional (IEP) that includes the evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the origin, identity, location and extent of contamination. If necessary, a sampling plan is developed, and samples are collected and sent to a qualified laboratory for analysis. The

hazardous material” (S500-2006, 2006, p. 14). The 2015 edition of the S500 has changed the name of this category along with a new description: **Regulated, Hazardous Materials and Mold.**

This change is significant, since the presence of visible mold on a water-damaged structure is surprisingly common. Frequently, an IEP will be necessary to assist in the preliminary determination, assessment

² CMP Body of Knowledge. http://www.restorationindustry.org/resource/resmgr/CMP_Body_of_Knowledg.pdf



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and post-remediation verification. As stated repeatedly throughout the S500-2015, restoration professionals should remediate mold contamination prior to drying.

This important emphasis within the industry standards will effectively change the way a conscientious service provider competently approaches their drying projects. A CMP who exercises a position of an IEP can effectively guide a service provider in engineering an effective and justifiable remediation and drying strategy.

RTPEs WITH A CMP CREDENTIAL AND THE TPA

Entities who have negotiated program stipulations with the insurance carriers (TPAs) carry the fiduciary responsibility to represent the interests of the entity they claim to serve: the insurance carrier. This is their customer — not the service provider or property owner. Furthermore, these TPA entities are frequently grossly unqualified to speak to the scoping or procedural needs of the restoration project on any level! They are far from recognized as “expert” among their industry peers, and are repeatedly informed of this fact by those who are indeed “reasonably prudent members of the trade who are recognized in the industry as qualified and competent” (S500-2015, 2015, p. “Important Definitions”). These facts should alarm all who are involved in an insurance claim.

Any homeowner who suffers damages from a covered peril according to the terms of their insurance policy can file an insurance claim and is entitled to have the expenses related to their property being competently restored. To establish the scope of work and requirements of a competent

restoration protocol, an RTPE could be retained by the property owner to define the needs of the project. If the insurance company and the TPA were indeed interested in serving their common customer (the property owner), they too would welcome the qualified evaluation of an RTPE who possesses a CMP credential.

Service providers who participate in claim referral programs regularly encounter disputes from unqualified program enforcers. A qualified RTPE can provide an unbiased description of the structural repair needs and a competent execution. The insured can then include the expense of the RTPE in their proof of loss declaration. This can also be of value to the service provider as they submit their justifiable charges for the services produced with the protocol compiled with the RTPE’s inspection and report.

The TPA can then stick to what they do best: assemble documents in preparation for the licensed adjuster’s review and expedient file closure.

An RTPE who has accumulated adequate education and experience along with the prerequisites leading to their attaining a CMP credential can be a valuable indoor environmental professional (IEP) in determining the usual, customary and justifiable services required to competently restore a structure. The first advanced credential acquired by those seeking to be an RTPE could be the Certified Mold Professional (CMP). The next credential they would be wise to seek is their Water Loss Specialist (WLS).

We will review this credential next month. [RIA](#)

REFERENCES

Larsen, K. (2014). *Leadership in Restorative Drying — Gold Edition (4th ed.)*. (Larsen, Ed.) Santa Rosa Beach, FL, USA: Dogear Publishing.

S500-2006. (2006). *ANSI / IICRC S500-2006 Standard and Reference Guide for Professional Water Damage Restoration*. IICRC.

S500-2015. (2015). *ANSI / IICRC S500-2015 Standard and Reference Guide for Professional Water Damage Restoration*. IICRC.



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REGISTERED THIRD
PARTY EVALUATORS &

RIA'S WATER LOSS SPECIALIST (WLS)

By Ken Larsen, CR, WLS, CMP, CSDS



This is the third piece in a five-part series of articles explores the participation of a qualified third-party expert in the execution of a competently executed structural restoration. This edition explores the considerable value of RIA's WLS designation carried by such an expert.

RTPE RECAP

Few deny that the property restoration industry has progressively become more difficult due to a catastrophically diminished trust between insurers and service providers. Today, the intensity of this lack of trust has produced a market whereby administrators of preferred vendor programs, service provider networks and third-party administrations (TPAs) privately negotiate stipulations with insurance carriers that are blatantly substandard and the promise to impose rules upon service providers who participate in their programs that are patently unfair. Too often, the result is a property owner who does not receive a competently executed restoration effort and/or a short-fall in a fully justifiable insurance settlement. The service provider must choose between the risk of participating in an incompetently executed restoration effort or prudently performing the project competently while forfeiting justifiable and necessary revenue.

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A WLS CAN BE AN IICRC S500-2015 "DRYING CONSULTANT"

Of all the perils encountered by the restoration service provider, water damage losses are by far the most

commonly debated by agencies retained by the insurance entity. There is a good reason why this is so.

The first three editions of the IICRC S500 Standard and Reference Guide for Professional Water Damage Restoration (1991, 1999 and 2006) included significant

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portions of information that were either disappointingly absent or incorrect. The latest S500 standard (2015) has corrected many of these issues while some persistently remain.

Additionally, the IICRC exam learning objectives were in large part derived from the non-ANSI, non-standard of care to be followed reference guide whereby the student would be declared “right or wrong” based upon these ideas that frequently conflicted with logic and science.

These exam elements became the foundation of many debates among instructors, students and, eventually, the insurance representatives. Program work emerged that imposed the ideas mentioned not in the ANSI standard, but rather in the non-standard guideline. This problem persists to this day — particularly with shameful drying software programs built upon the substandard ideas promulgated by the IICRC exams and leveraged by insurance repair “preferred vendor program” negotiators.

Fortunately, some within the industry took the care to study the industry standards and rejected many of the dubious ideas derived from the reference guide and taught within many exams. They researched beyond the standards and studied authoritative alternate material. They researched

and considered the legalities and regulations encountered on restorative drying projects. Finally, they exercised their well-researched understandings on real projects.

Who are these individuals who have become restorative drying authorities upon whom an inquirer can acquire an intelligent answer?

A RIA Water Loss Specialist (WLS) is an individual who has demonstrated they have taken the subject of structural restorative drying particularly seriously. Established in 1996 by a distinguished group of industry experts, the program producing WLS professionals was quickly recognized as the top credential that could be acquired by a restorative drying expert.

STEPPING STONES

Several IICRC credentials were accepted as building block prerequisites for a WLS applicant. It is important to note that the intention was not to necessarily validate the learning objectives taught within other courses, but rather to recognize what the general industry has been taught — right or wrong. This is an important foundation upon which to build a valuable water damage consultancy. Knowledge of common fallacies taught to the industry can be very beneficial to an expert's body of knowledge so as to effectively respond in redirecting the poorly informed.

Other prerequisites include "... a wide variety of vetted industry-related courses representing the four major Domains of Knowledge as part of its pre-requisite course requirements."

These prerequisite Domains of Knowledge are addressed with the following subjects necessary for WLS applicants:

- "Domain #1: Basic Skills in Water Damage Restoration
- Domain #2: Hands on Water Damage, Restoration & Drying Training
- Domain #3: Microbial Remediation
- Domain #4: Health & Safety Training
- Domain #5: Building Science
- Domain #6: Project Management & Commercial Loss Training"

Aside from the formal education acquired in a classroom, WLS applicants must be able to prove they have several years (currently five) of verifiable work experience related to the restoration industry and/or several years (currently three) of verifiable supervisory experience. As this credential becomes progressively more esteemed, the necessary field experience may one day be extended

to reflect a longer time frame. It is important to note the RIA declares work experience to include:

- restoration worker,
- project supervisor,
- estimator,
- consultant,
- inspector,
- restoration company manager,
- facility manager,
- restoration instructor.

Specifically absent from this list are individuals who "review service provider files." They do not fall under the category of "worker, supervisor, consultant, manager or estimator." They are merely "reviewers" [to assemble the documents necessary to complete the file; not to interpret or evaluate the scope or procedures performed], absent of any practical experience. Such individuals are unlikely to be qualified to fully understand the trade of structural restorative drying and the decisions required to competently engineer and execute an effective restoration and drying strategy. Therefore, they are logically determined to not possess the expertise necessary to qualify them to be a competent "evaluator."

The result is that the WLS applicant who attends the Prep Course is not taught a series of exam questions, but rather attends the event with the full knowledge that they are there to prove they already possess the knowledge necessary to carry the title of Water Loss Specialist. This is likely possible since *"The Water Loss Specialist (WLS) Advanced Certification Program is recognized by insurance companies, building owners and managers, as well as the public and governmental authorities as the premiere achievement of excellence."*²

RIA WLS SERVING AS AN IICRC S500-2015 "DRYING CONSULTANT" AND RTPE

The S500-2015 speaks specifically to the structural restorative drying service provider regarding the inclusion of a specialized expert in the execution of their work. Many of the comments made within this standard distinctly segregate the qualified from the unqualified in the performance of structural restorative drying. You are invited to seriously consider the message expressed in the carefully worded introduction to Section 12 of the S500-2015, particularly as it relates to those who attempt to review a qualified service provider's services.





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12 Specialized Experts

12.1 Introduction

“Restorers should be qualified by education, training and experience to appropriately execute the skills and expertise required to safely perform the restoration of structure and contents.”

Therefore, those who wish to contribute to or review the restorer’s processes should also be likewise qualified and their qualifications should be established prior to any dialogue with a critic or debater.

“Restorers, who respond to water damage claims should perform only those services they are qualified to perform. If there are situations that arise where there is a need to perform services beyond the expertise of the restorer, specialized experts, whether from within or outside the company, should be used. When the service of a specialized expert is needed, restorers should hire, or recommend in a timely manner that the client hire, the appropriate specialized expert.”

When this statement is seriously considered, how many restoration professionals can answer the following questions relevant to the restoration of the property?

- What data has been collected to compellingly determine the category of water?
- What data indicates where the water went?
- Were the meters used on the project in excellent working condition and used as directed within the owner’s manuals?

- What risks are documented to be present on the project, and how were they managed?
- Were the equipment formulas mentioned within the S500 deployed within the context clearly described? (NOTE: This is one of the industry’s primary failures. Some formulas are NOT a component of the accepted standard of care to be followed.)
- Since the S500 equipment formulas never claim to be a “drying plan,” did the service provider define and produce a competently engineered and defensible plan? (S500-2015, 2015, p. 57; Std. 13.5.7) (Larsen, 2014, pp. Page 404 - 423)
- What evidence proves the drying records are authentic and accurate?

A CMP/WLS (and/or CR) is likely to be more qualified to answer these questions than most other credentialed tradesman within the restoration industry.

“While specialized experts are occasionally used on routine residential or commercial water restoration projects, they are more likely to be used in complex moisture intrusions involving sewage, catastrophic flooding, mud accumulation, asbestos, lead-based paint, visible mold growth, building safety or the need for specialty trades. Specialized experts include, but are not limited to:”

Yes, both residential and commercial projects can benefit from a qualified specialized expert – especially when the project is likely to undergo a rigorous third party review (TPA). These unqualified and frequently substandard TPA reviews have become a significant “risk” that must be managed by the property owner and service provider. The

list presented within the S500-2015 is long, (S500-2015, 2015, p. 45) but includes these particular skillsets carried by a WLS (and CMP):

- “safety and health (e.g., *Certified Safety Professional (CSP)*, *Certified Industrial Hygienist (CIH, CAIH)*, **indoor environmental professional (IEP)**, safety engineer);
- other experts (e.g., **drying consultants**, mold remediators, leak detection services, infrared thermographers).

Projects that can require additional information beyond the restorer’s ability can include, but are not limited to:

- extensive or complex structural damage;
- long-term moisture problems resulting in a musty, moldy or other abnormal odor in the absence of visible microbial growth;
- the need to document the presence of visible microbial growth;
- the need to document the presence of pre-existing damage;
- the need for thermal imaging and photo documentation;
- plumbing, electrical and roofing problems;
- complex sewage backflows;
- the presence of regulated or hazardous materials (e.g., asbestos, lead, fuel oil);
- complex drying situations;
- issues involving worker and occupant safety and health; or
- the need for project oversight (e.g., administration, supervision, management and auditing of project closure).

If a pre-restoration or pre-remediation assessment is needed, then an independent specialized expert who meets the description of indoor environmental professional (IEP) should be used. If microbial post-restoration or post-remediation verifications are needed, they should be conducted by an indoor environmental professional. Where elevated risk factors are present (see section 10.6.7), then an IEP should be retained by one of the materially interested parties.”

RTPES WITH A WLS (AND CMP) CREDENTIAL AND THE TPA

Entities who have negotiated program stipulations with the insurance carriers (TPAs) carry the fiduciary responsibility to represent the interests of the entity they claim to serve: the insurance carrier. This is their customer — not the service provider or property owner. Furthermore, these entities are frequently grossly unqualified to speak to the scoping or procedural needs of the restoration project on any level! These facts should alarm all who are involved in an insurance claim.

Any homeowner who suffers damages from a covered peril according to the terms of their insurance policy can file an insurance claim and is entitled to have the expenses related to their property being competently restored. To

establish the scope of work and needs of a competent restoration protocol, a RIA RTPE can be retained by the property owner to define the needs of the project. If the insurance company and the TPA were indeed interested in serving their common customer (the property owner), they too would welcome the qualified RTPE who possesses a WLS credential.

Service providers who participate in claim referral programs regularly encounter disputes from unqualified program enforcers. A qualified RTPE can provide an unbiased description of the structural repair needs and a competent execution. The insured can then include the expense of the RTPE in their proof of loss declaration. This can also be of value to the service provider as they submit their justifiable charges for the services as collaborated with the RTPE.

The TPA can then stick to what they do best: assemble documents in preparation for the licensed adjuster’s review and expedient file closure.

An RTPE who carries a WLS credential can be a qualified “drying consultant” as described in the S500-2015 in determining the usual, customary and justifiable services required to competently restore a structure. Following the CMP credential, the second advanced credential acquired by those seeking to be an RTPE should be the Water Loss Specialist (WLS). The next credential they should seek is their capstone credential, the Certified Restorer (CR) so as to complete their RTPE accreditation — a trifecta of expertise! We will review this credential in the next issue. [RIA](#)

BIBLIOGRAPHY

Larsen, K. (2014). *Leadership in Restorative Drying - Gold Edition (4th ed.)*. (Larsen, Ed.) Santa Rosa Beach, FL, USA: Dogear Publishing.

S500-2006. (2006). *ANSI / IICRC S500-2006 Standard and Reference Guide for Professional Water Damage Restoration*. IICRC.

S500-2015. (2015). *ANSI / IICRC S500-2015 Standard and Reference Guide for Professional Water Damage Restoration*. IICRC.



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REGISTERED THIRD
PARTY EVALUATORS &
**RIA'S CERTIFIED
RESTORER (CR)**

By Ken Larsen, CR, WLS, CMP, CSDS

This fourth in a five-part series of articles explores the participation of a qualified third party expert in the execution of a competently executed structural restoration. This edition explores the considerable value of RIA's CR designation carried by such an expert.

Few deny that the property restoration industry has progressively become more difficult due to a catastrophically diminished trust between insurers and service providers. Today, the intensity of this lack of trust has produced a market whereby administrators of preferred vendor programs, service provider networks and third party administrations (TPAs) privately negotiate stipulations with insurance carriers that are blatantly substandard, along with the promise to impose rules upon service providers who participate in their programs which are patently unfair. This results too often in a property owner not receiving a competently executed restoration effort and/or a shortfall in a fully justifiable insurance settlement. The service provider must choose between the risk of participating in an incompetently executed restoration effort, or prudently performing the project competently while forfeiting justifiable and necessary revenue.

The solution may be found through the regular involvement of an entity that can build trust between the insurer and service provider through the evaluation and guidance of an independent expert in the competent delivery of structural restoration that is in accord with the industry's accepted standard of care

“Those who try to convince others they are an “expert” in a subject as a result of attending a single course are usually mocked. An authentic expert is frequently identified as a result of others declaring them to be such — whether they like it or not.”

to be followed; a RIA Registered Third Party Evaluator (RTPE)**. The RTPE would represent the needs of the structure — not the financial interests of the service provider or insurer.

Who would qualify to be this RTPE? It should be someone formally trained at the highest level in restoration practices, a truly seasoned professional with a significant portion of their career spent in the development of skills and knowledge pertaining to the restoration and/or repairing of structures and contents. This would indeed contrast with many who claim to possess authoritative understandings on projects upon which they have never set foot, and trades in which they have never executed in commerce.

A CR CAN BE AN IICRC S500-2015 “SPECIALIZED EXPERT”

While not a mandatory sequence to be followed, a person seeking the title of “Specialized Expert” could establish their logical career development plan to be:



Certified Mold Professional (CMP) credential, so as to contribute to the experience and education necessary to be recognized as an Indoor Environmental Professional (IEP.) (S500-2015, 2015, p. 16)

This would be followed with the successful acquisition of their



Water Loss Specialist (WLS) credential, so as to be recognized as a “Drying Expert.” (S500-2015, 2015, pp. 45, 57)

Finally, as a capstone to their formal education ambitions, they would acquire their



Certified Restorer (CR) credential, so as to be recognized as a “Specialized Expert” on the subject of structural restoration. (S500-2015, 2015, pp. 45 - 47)

Established in 1971 by Marty King, no other credential in the restoration industry carries the weight and respect given to those who possess the CR credential. It is generally considered to be the capstone credential for those seeking to be recognized as the most qualified in their practices.

The Certified Restorer Body of Knowledge (CR-BOK) that has been produced and officially released should instill confidence in the skillset carried by a conscientious Certified Restorer. A CR has demonstrated their commitment to their trade at a level unparalleled in any

other credentialing program associated with the property restoration industry.

Along with the additional requirement of letters of recommendation, similar to the pre-requisites for the WLS credential, several years of verifiable experience is required by those submitting their CR application. Likewise, specifically absent from this list are individuals who “review service provider files.” They do not fall under the category of “worker, supervisor, consultant, manager or estimator.” They are merely “reviewers” absent of any practical experience. Such individuals are unlikely to be qualified to fully understand the trade of structural restorative drying and the decisions required to competently engineer and execute an effective restoration strategy.

Those who try to convince others they are an “expert” in a subject as a result of attending a single course are usually mocked. An authentic expert is frequently identified as a result of others declaring them to be such — whether they like it or not.

The IICRC S500-2015 speaks of the need for a qualified Specialized Expert, and this list was outlined in last month’s RTPe article related to the WLS expert. A CR will likely possess many of the qualifications carried by a WLS in addition to many more that can be used in producing a well-rounded understanding of a competently executed structural restoration.

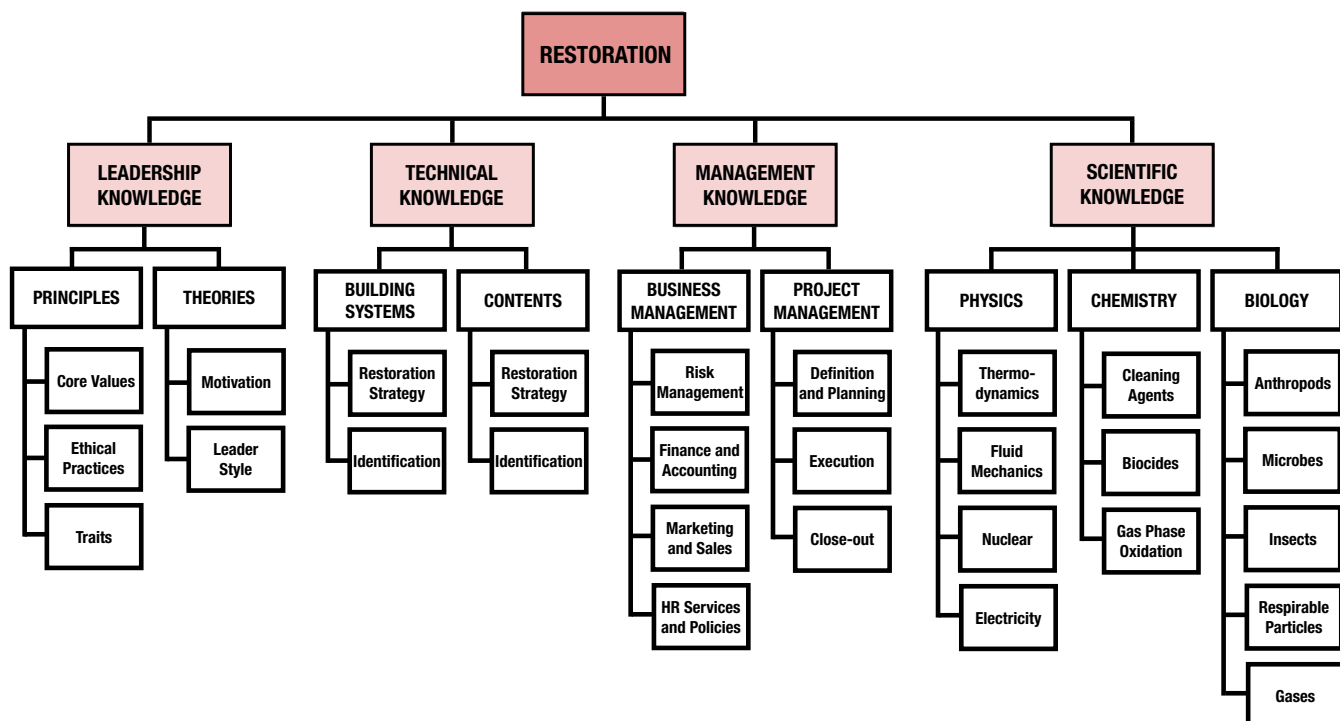
Consider Section 12 of the S500-2015 as it speaks to the subject of a CR’s skill set and their value as an RTPe:

“Restorers should be qualified by education, training and experience to appropriately execute the skills and expertise required to safely perform the restoration of structure and contents.” (S500-2015, 2015, p. 45)

No other formal education program explores the subject of “execut[ion], skills and expertise required to safely perform the restoration of structure and contents” to the level of a CR in addition to an effective and professional demonstration of communicating these restoration needs to others.

“When the service of a specialized expert is needed, restorers should hire, or recommend in a timely manner that the client hire, the appropriate specialized expert.” (S500-2015, 2015, p. 45)

Section 12 of the S500-2015 leaves the determination of when to make this recommendation to involve a Specialized Expert up to the service provider, and perhaps service providers should be exercising this standard procedure more frequently. After all, the standard uses the word “should” in describing when to use these experts. Remember the Important Definition within the IICRC standards: *“should: when the term should is used in this document, it means that the practice or procedure is a component of the accepted 'standard of care' to be followed,*





The “RIA Registered Third Party Evaluator (RTPE)” is a proposed idea under consideration by the RIA. This series of articles is drafted with the intention of determining market interest and sentiment. You are strongly encouraged to provide feedback on this subject — both positive and negative — through email at ken@drystandard.org, or the editor of this magazine, mcarrozzo@restorationindustry.org. We look forward to hearing from you.

while not mandatory by regulatory requirements” (S500-2015, 2015, p. 9; “Important Definitions”) We should not hesitate to follow standard restoration practices that reflect competence.

While the S500-2015 is clear that a specialized expert is not necessarily required on every restoration project, they are clearly appropriate whenever an entity is reasonably expected to challenge the service provider’s processes. The regular involvement of TPAs who relentlessly and arrogantly debate competent restoration practices have introduced a particular need in defense of the restoration project’s needs.

The RTPE does not defend a service provider or property owner. Representation of either of these entities would likely require an attorney or adjuster’s license. Rather, the needs of the property require representation and a qualified RTPE introduces this important entity into the conversational mix.

Section 12 of the S500-2015 describes some elements of a CR’s formal education that further qualify them to be called a “Specialized Expert:”

- “*engineering (e.g., building science, electrical, HVAC mechanical systems, soils or landscape, construction, materials, structural);*
- *specialty trades (e.g., plumbing, electrical, roofing, masonry, carpentry, waterproofing, landscape grading, glazing, floor installation);*
- *hazardous materials abatement or remediation (e.g., asbestos, lead, fuel oil);”*

To be clear, a CR is not awarded an engineering degree or licenses for many of the subjects listed above, however their studies have definitely included a review of most

of these subjects. A CR has a general understanding of how these building sciences integrate into the design of a competently engineered restoration plan. In contrast, these subjects are unlikely to even be on the radar of the one possessing a certificate of attending a 3 day introductory course. Qualifications and formal training of any individual recognized as “expert” absolutely matters.

S500-2015; 12.3 WORKING WITH A SPECIALIZED EXPERT

While it is too lengthy to include in this article, it is worthwhile reading the language expressed within Section 12.3 of the S500-2015. It describes the complicated dynamics that arise when an expert is retained on a project involving several materially interested parties.

The three bullet points included within Section 12.3 are of particular interest as they describe the necessity of confidentiality related to the project. This subject deserves some careful re-consideration as we explore the dialogues between TPAs and service providers. Are service providers actually permitted to communicate with the TPA about their customer’s property, or is this in fact a tortious breach of confidentiality? Is the subject of confidentiality indicated in writing?

The subject of reliance is the second bullet worth reviewing from this section of the standard. The minimal education carried by most TPA representatives make the service provider’s willingness to accept their demands a dubious decision. Adhering to their demands “*might not absolve the restorer of legal risk or other responsibilities.*” (S500-2015, 2015, p. 47) In today’s litigious marketplace, it is nothing short of critical to identify and work with Specialized Experts who truly qualify to carry such a title, and TPAs rarely — if ever — qualify as such.

The third subject of overlap is also relevant. When the service provider's experience and opinion conflict with the Specialized Expert's, the service provider should decide *"whether to continue the inspection and not perform the restoration, or to transfer responsibility for further inspection and assessment to a specialized expert."* (S500-2015, 2015, p. 47) This language is particularly relevant as it relates to the demands from a minimally educated TPA representative who place themselves into a position of expert. This is a subject worthy of discussion with an attorney.

RTPEs WITH A CR (AND WLS / CMP) CREDENTIAL AND THE TPA

Entities who have negotiated program stipulations with the insurance carriers (TPAs) carry the fiduciary responsibility to represent the interests of the entity they claim to serve; the insurance carrier. This is their customer — not the service provider or property owner. Furthermore, these entities are frequently grossly unqualified to speak to the scoping or procedural needs of the restoration project on any level! These facts should alarm all who are involved in an insurance claim.

Any homeowner who suffers damages from a covered peril according to the terms of their insurance policy can file an insurance claim and is entitled to have the expenses related to their property being competently restored. To establish the scope of work and needs of a competent restoration protocol, a Registered Third Party Evaluator can be retained by the property owner to define the needs of the project. If the insurance company and the TPA were indeed interested in serving their common customer (the property owner), they too would welcome the qualified RTPE who possesses a CR credential.

Service providers who participate in claim referral programs regularly encounter disputes from unqualified program enforcers. A qualified RTPE can provide an unbiased description of the structural repair needs and a competent execution. The insured can then include the expense of the RTPE in their proof of loss declaration. This can also be of value to the service provider as they submit their justifiable charges for the services as collaborated with the RTPE.

The TPA can then stick to what they do best: assemble documents in preparation for the licensed adjuster's review and expedient file closure.

An RTPE who carries a CR credential can be a qualified "Specialized Expert" as described in the S500-2015 in determining the usual, customary and justifiable services required to competently restore a structure.

“The regular involvement of TPAs who relentlessly and arrogantly debate competent restoration practices have introduced a particular need in defense of the restoration project's needs.”

Following the CMP credential, and subsequently the WLS credential, the third advanced credential acquired by those seeking to be an RTPE should be the Certified Restorer (CR).

An individual possessing one or more of these credentials possesses the respect of those who understand the difficulty and commitment to achieve these titles. As industry leaders, they are well equipped to position themselves as one of the restoration industry's qualified and authoritative experts: the RIA's Registered Third Party Evaluator.

We will explore the potential new RIA designation of a Registered TPE in next month's issue. **RIA**

BIBLIOGRAPHY

Larsen, K. (2014). *Leadership in Restorative Drying – Gold Edition (4th ed.)*. (Larsen, Ed.) Santa Rosa Beach, FL, USA: Dogear Publishing.

S500-2006. (2006). *ANSI / IICRC S500-2006 Standard and Reference Guide for Professional Water Damage Restoration*. IICRC.

S500-2015. (2015). *ANSI / IICRC S500-2015 Standard and Reference Guide for Professional Water Damage Restoration*. IICRC.



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ANNOUNCING:

RIA'S REGISTERED THIRD PARTY EVALUATOR (RTPE)

By Ken Larsen, CR, WLS, CMP, CSDS

Can the world of insurance claims and structural restoration get any more unfair and difficult than it already is?

The answer is yes, and insurance companies appear to be pleased to bring you this new experience. Rather than deal directly with well-qualified restoration professionals who compellingly explain the processes executed in the repairs to the insured's property, they simply hand the file review process to an auditor or Repair Contractor Network generally referred to as a Third Party Administrator (TPA). Generally speaking, TPA representatives frequently fail to possess any significant field experience and possess education amounting to merely a basic introduction to the subject of restoration (IICRC, WRT and, possibly, ASD).¹

The rules imposed by these TPAs regularly shortfall insurance claims of the rightfully owed value for the work performed.² Those who agree to participate and abide by the rules imposed within these programs set legitimate precedent in diminishing the entire restoration industry's value and should seriously consider the broad implications of their ongoing participation. Program participants who cave to unfair demands are part of the industry's problem and are leading it to its demise.

How can the restoration industry lead a corrective action back to a position of fair insurance claim settlements?

The RIA's Mission is "We Make it Better" — even the insurance claim settlement process.

“Those who participate in these programs do NOT 'sell their rights away' to the programs — they BUY the right to have their rightful profits reduced.”

THIRD PARTIES

C&R magazine dated Nov/Dec 2016 (and Feb/Mar 2017 with photos) had an article titled “Restorer — Insurer Communication: Build Bridges, Not Walls,” (Pg 17-21) which described the original intent of the TPA and why they came into existence. The documentation quality and protocols required for the adjuster to close the insurance claims were slow and of unacceptable quality. TPAs emerged with the promise to expedite the claim settlement process with complete, high-quality documentation so that the adjuster could quickly review and close the claims.

Of course, their promise imposed performance and time demands on the contractor for which the insurance companies did not wish to compensate. TPAs responded with programs that would have the contractor pay the TPA for the referral as well as agree to some billing concessions.

The slippery slope was now greased.

Those who participate in these programs do NOT “sell their rights away” to the programs — they BUY the right to have their rightful profits reduced.

Restoration professionals had to produce revenue to make up for the demands for quality and service, and so began a trend of “creative” scoping and billing practices. It was obvious to all involved when contractors exercised such creativity. In fact, due to the frustration in finding a way to settle claims, insurance representatives themselves even participated in “financial juggling” of the reported scope of work so as to clear the review processes. Intentional efforts to develop trust between insurer and restorer through accurate and fair reporting were rarely even attempted, since nobody would reward them; neither the insurer nor contractor benefited from honest reporting of competent restoration.

At the hands of both the insurer and subsequently the TPA, obedience [to program rules] was rewarded before competence. In fact, those who were clearly the most attentive toward competent and skilled craftsmanship

¹<http://www.iicrc.org/education-certification/course-schedule/> Water Restoration Technician (WRT) course description: The Water Damage Restoration Technician course is designed to give restoration personnel who perform remediation work a better concept of water damage, its [sic] effects and techniques for drying of structures. This course will give residential and commercial maintenance personnel the background to understand the procedures necessary to deal with water losses, sewer backflows and contamination such as mold (three-day course; 19 hours, not including exam time, lunch and breaks).” Applied Structural Drying (ASD) course description: “(Prerequisite: IICRC Certification in WRT) The IICRC-approved Applied Structural Drying (ASD) course is designed to teach the effective, efficient and timely drying of water-damaged structures and contents, using comprehensive classroom and hands-on training, in order to facilitate appropriate decision-making within a restorative drying environment (three-day course; 21 hours, not including exam time, lunch and breaks).”

²Xactware describes the responsible inclusion of Overhead and Profit (O&P) on every line item within their Xactimate database. Several courts in several states have ruled that O&P is owed to insurance claimants who cash out — so why is it withheld from contractors who actually perform the work? Base Service Charges and minimum charges are also well explained, yet forfeited. Elements of an insurance claim are frequently declared to be “overhead” expenses when they are in fact clearly an expense to the job. Incompetent use of industry standard formulas are uncompromisingly demanded, resulting in a substandard or unjustified equipment deployment and compensation. Inaccurate representations of the services provided on insurance claims are not only frequent, but they are also demanded by those involved in the insurance claims settlement process. The implications of these and many other such examples are significant.

“ I will be pleased to tell YOU what the standard of care is for the industry. Do you have any questions that I may help you with? ”

were actually harshly penalized with legal threats and financial harm.

Unskilled TPAs presented themselves as “restoration experts” qualified to criticize and debate a service provider’s processes and charges. In fact, since most TPA representatives only possess a mere IICRC basic Water Restoration Technician (WRT) certificate, they are not even qualified to be a lead technician on a water extraction truck. They usually have no actual field experience and naively believe they understand the trade of structural restoration. A 5-year-old child who believes they can drive their family car competently because they have watched the NASCAR races on TV and observed their parents drive for the last three days is sure to experience a rude and likely harmful lesson if they try. So it is with the TPA representative who wishes to debate a qualified service provider’s restoration scope, processes and even prices.

When insurance companies mistakenly swallowed the TPAs self-declared claim to be “restoration experts,” they negotiated more TPA service provider demands with incompetent performance and unreasonable monetary compromises. The very fact that TPAs negotiate such absurd agreements with the insurance company demonstrates the fact that they do not possess an expertise of any sort in the restoration industry. In fact, it identifies what they really are: professional bullies. Many of today’s TPAs deliver a service whereby they obtain something, especially money, through force or threats.

There is a legal word to describe individuals exercising such actions, which may be of interest to the legal eagles reading this article. To skirt this issue, TPAs frequently delay file processing, thus imposing financial harm on the contractor, or submit “recommendations” that are substandard or reflect incompetence to the insurer. In the absence of a more authoritative third party than the

TPA, the insurer embraces the TPA recommendations and issues a shortfall in settlement funds.

THE RIA REGISTERED THIRD PARTY EVALUATOR

As we reflect on the emergence of insurance-company-preferred vendor programs and the TPA, we can see that their product and process has devolved into one whereby the insurer counts on the TPA to perform more than merely an administrative role (i.e. “pre-adjuster review paperwork and documentation assembly”). Rather, TPAs now regularly fiercely debate matters of scope, processes and prices, and even debate the “accepted standard of care to be followed.”

They are simply in way over their head.

We can fix this. The RIA can fix this!

In reality, a TPA only possesses the authority to enforce the terms of their participation agreement with the service provider. Their IICRC WRT and/or possibly an ASD certificate does not even come close to providing the qualifications necessary to suggest recommendations or debate a qualified contractor. When a (WRT/ASD) TPA representative debates any scoping, procedural or standard of care issues on the restoration performed on a property, the restorer should immediately inform the debater, “You are not qualified to question my processes.”

Of course, they will protest this statement, declaring they possess a couple IICRC credentials. This is when the service provider should quote from the “Important Definitions” found at the beginning of every ANSI IICRC Standard, where it states at the bottom of the page:

“The IICRC S500 consensus body standard committee interprets the ‘standard of care’ to be: practices that are common to reasonably prudent members of the trade who are recognized in the industry as qualified and competent.”

The service provider would then follow up with this statement: “I am the reasonably prudent member of the trade who is recognized in the industry as qualified and competent — NOT you, the TPA, or even the S500. I will be pleased to tell YOU what the standard of care is for the industry. Do you have any questions that I may help you with?”

Yes, that is certainly a hard-ball reply, but it is appropriate. Simply halt the discussion before they embarrass themselves, degrade the entire industry’s expertise with incompetent demands and shortfall the insurance claim.

³Negotiating a claims settlement in any fashion may be as it implies representation for one of the entities named in the insurance policy. This may require a law license or adjuster’s license.



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Ethical contractors seriously consider the potential conflict of interest when the TPA (or insurer) becomes their customer when their business model promises to serve the property owner. In some cases, communicating with the TPA may actually show a disregard to the property owner’s right to confidentiality. The TPA may attempt to argue from several different angles from this point forward since the TPA may have promised the insurer to do the arguing on their behalf.³

Isn’t it time the restorer had a truly qualified third party of their own to objectively represent the needs of the structure? This could potentially be of interest to all involved.

Indeed, it can be very difficult to locate a truly qualified expert restoration professional who is not swayed by a competitive bias or prejudice. Those who have acquired the RIA advanced designations, CMP, WLS and CR, are formally trained in producing qualified and objective reviews of restoration work. The RIA’s advanced curriculum includes this particular element of producing a formal report suitable for presentation in a court of law contrasts with all other education programs available to the restoration industry. A review from an RIA advanced certificant should be a welcomed contributor among those who were authentically interested in resolving restoration disputes.

SECURING A RIA REGISTERED THIRD PARTY EVALUATOR

How does the RTPE get paid for their time and expertise? We will leave that business model to organically emerge as the market permits. However, it is important to note that an RTPE does not perform actions that require a law license nor an adjuster’s license. They represent only the needs of the structure and reflect practices in accordance

with the standard of care to be followed. They are recognized by their peers as truly experts on such matters.

The RTPE can be retained at the start of the project when the original Agreement is being signed between the property owner and the service provider. This element of the Agreement could stipulate the homeowner agrees to the following*:

****Note: This is for general information purposes, and is not intended to be legal advice. This sample should be reviewed by an attorney prior to use and is not recommended for use by RIA or C&R magazine.***

“In the interest of consumer protection and the desire to have a non-conflicted, third party evaluation of the necessary and competent repairs performed on my property, the customer directs [service provider company name] to contact and retain an independent and qualified (Registered) third party expert to document the decontamination, drying and/or repair processes employed on my property. A copy of the expert’s qualifications will be provided to the property owner upon request. It is expressly declared that the property owner wishes the (Registered) third party expert to be retained by neither the insurer nor their representatives or those with whom they collaborate as this might present a conflict of interest in serving the needs of the property. The property owner hereby declares that any consultant sent to the property indicated in this agreement must disclose in writing any preexisting contractual relationship with the insurer, third party administration, network service provider or contractor(s) involved in this insurance claim, and may be declined access to the property due to this conflict of interest. The property owner authorizes and directs the service provider to communicate with this (Registered) third party expert on their behalf in establishing a competent and thorough restoration process. As this consultant’s fees are an expense to my insurance claim, the

*(Registered) third party expert's fees and invoice(s) are to be given directly to the customer for inclusion in a Proof of Loss that I may submit to the insurance company for the purpose of indemnification. I wish / do not wish (circle one) to be included in the communications between the consultant and service provider as it pertains to the restoration processes. I direct the insurance company to communicate questions and concerns related to the technical needs of this insurance claim through a qualified insurance adjuster only with the Service Provider's Project Manager who may collaborate with the (Registered) third party expert and include the property owner in any dialogue and / or communications that may transpire in the claim settlement process. I expressly direct all involved in our insurance claim settlement to maintain strict confidentiality pertaining to this insurance claim and are not to communicate in any fashion with third party administrators, network administrators, outside consultants, the public or any non-licensed individual (where mandated) seeking to assist in the settlement of this insurance claim. As an important element of the property's historical documentation, the property owner will be given a *.pdf copy of the final formal technical report produced by the (Registered) third party expert that may printed for the property owner's use and records."*

Upon agreement with the property owner, such a directive can be of enormous value — especially as it relates to the drying documentation processes. As many restoration professionals know, drying documentation software programs fail to reflect use of the S500's equipment formulas in a fashion even close to resembling the way they are instructed to be used. Furthermore, some of these formulas are not even a component of the accepted standard of care to be followed,⁴ yet are mandated as "required" and strictly enforced by insurers and TPAs. There is positively no claim that these formulas dry anything!

“Obedience to program rules is not an assurance of contractor competence nor fair insurance claim settlement.”

A competent drying documentation service would reflect a competent deployment of tools in accord with the industry standards and would be able to withstand any debater who would attempt to enforce their misunderstandings. A qualified RTPE is just such an individual for that kind of job.

Yes, perhaps it is time to include the use of a RIA RTPE on many of the restoration projects secured by restoration professionals. Even NON-RIA members could benefit from the use of RIA RTPEs, as it would level the restoration playing field and resolve many of the distrust issues present among all parties of an insurance claim.

CALLING ALL CMP, WLS AND CR

You are the industry's finest restoration professionals and have demonstrated your leadership in restoration competency. You are invited to apply to be a RIA Registered Third Party Evaluator and participate in bringing competence back into the insurance claim settlement discussions.

Obedience to program rules is not an assurance of contractor competence nor fair insurance claim settlement.

There are many benefits enjoyed by those identified as an RTPE, including an authoritative source of information in resolving typically minor disputes. Regular RIA Convention features are likely to become an annual event as the state of the industry is reviewed and explored. A pathway to expert witness work can develop with an ongoing RTPE practice. You hold out a beacon, shining light upon a career pathway to those who wish to take this industry as seriously as you have.

The RIA RTPE is the latest great thing that the RIA brings to its membership — and we invite all who wish to be identified as one who actually delivers on the RIA promise to “Make it Better... We Promise.” [RIA](#)



Ken Larsen, CR, WLS, CMP, CSDS, has been in the restoration industry since 1978. He holds RIA, ACAC and IICRC advanced designations. His career includes 18 years as an independent property restoration contractor; consultant to restorative drying during catastrophes and large loss drying coordination, expert witness, director of education for North America's largest disaster restoration contracting organizations and author of *Leadership in Restorative Drying*.

⁴IICRC S500 Initial Dehumidifier “Recommendations” are not a component of the accepted standard of care to be followed since they are merely a recommendation. They are found only in the non-ANSI guideline; not the ANSI Standard. There is no claim that these equipment formulas dry anything — but rather have the intention of being a starting point in guiding the restorer in managing the anticipated spike humidity encountered at the beginning of the drying process.