


<p>Name of Policy: <u>Claims management committee</u></p> <p>Policy Number: 3364-10-04</p> <p>Approving Officer: President</p> <p>Responsible Agent: Office of Legal Affairs</p> <p>Scope: All University of Toledo Campuses</p>	 <p>Revised date:</p> <p>Original Effective date: July 1, 2008</p>								
<table border="0"> <tr> <td><input type="checkbox"/></td> <td>New policy proposal</td> <td><input checked="" type="checkbox"/></td> <td>Minor/technical revision of existing policy</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Major revision of existing policy</td> <td><input type="checkbox"/></td> <td>Reaffirmation of existing policy</td> </tr> </table>		<input type="checkbox"/>	New policy proposal	<input checked="" type="checkbox"/>	Minor/technical revision of existing policy	<input type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy
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(A) Policy statement

The University of Toledo (“UT”) will create and maintain a Claims Management Committee (“Committee”), as part of its litigation management process, that will evaluate medical professional liability claims made against UT, ~~the University of Toledo Physicians, LLP (“UTP”), or and~~ other entities or individuals insured by the University of Toledo Medical Assurance Company (“UTMAC”)~~university insurance program~~ to determine approximate economic severity, set and adjust as necessary indemnity reserves, assist with defense and litigation strategy, and do other things necessary for management of medical malpractice litigation.

(B) Purpose of policy

The Committee is established to assist UT and UTMAC in the litigation management process.

(C) Committee functions

- (1) Review findings from the Standard of Care Committee for claims where damages are alleged by patients or their legal representatives against the insureds of UTMAC~~the university insurance company~~.
- (2) Determine legal defensibility and formulate defense strategy based on strength of internal and external review, quality of documentation, damage assessment, risk exposure of institution and physicians and discovery issues to date.
- (3) Determine the pragmatic course for disposition and make recommendations for settlement to ~~the Defense Counsel~~Executive Vice President for Clinical Affairs~~Defense Counsel~~.
- (4) Establish by majority vote, in consult with defense counsel, an indemnity reserve for each claim and divide the reserve according to the percentage of responsibility allocated to each co-defendant as determined by the Standard of Care Committee. Note: eExpense reserves will be established administratively by Risk Management in consult with defense counsel.

- ~~(4)~~(5) Monitor the indemnity and expense reserves as the claim develops and amend as appropriate.
- ~~(5)~~(6) Coordinate claims between UT and UTP as needed and ~~ensure no~~ensure no conflicts and a presence of attorney-client privilege.
- (7) Do other things necessary for management of litigation. Manage and execute defense strategies as deemed necessary by majority vote of the committee (i.e. retain experts, etc.
- ~~(6)~~(8) The University of Toledo President shall annually name the Committee Chair who will be responsible for the conduct of Claims Committee meetings.

(D) Committee membership

Members of the claims management committee will be:

- ~~o UTMAC Executive VP for Clinical Affairs (Chair);~~President – Chair
 - ~~o UTMAC Treasurer – Vice-Chair~~Dean, College of Medicine and Life Sciences
 - ~~o UToledo UTMAC Representative~~Associate Vice President and Chief Assurance Officer
 - Risk Management;
 - ~~—Hospital UTMC Finance Representative;~~
 - ~~o UTMC Chief Executive Officer~~
 - ~~o UTMC Chief Medical Officer~~
 - ~~o UTP Executive Administration Representative~~Chief Physician Executive Director;
 - ~~o UTP Chief Administrative & Financial Officer; and~~
 - ~~—Defense Counsel*;~~
 - ~~o Legal Nurse Specialist*;~~ and
 - ~~Chief Risk Officer Manager.~~
- * Non-voting members

Defense Counsel and an attorney from UToledo’s Office of Legal Affairs shall attend committee meetings and provide legal advice.

(E) Meetings

The Claims Management Committee will meet on a monthly basis or as often as necessary.

(F) Protected information

The Claims Management Committee supports legal counsel in anticipation or preparation of litigation, defense strategies, and resolution decisions. The activities of the Claims Management Committee, including any information, data, reports, or records are attorney–client privileged/work product, are peer review protected and are not subject to disclosure.

Approved by:

Policies Superseded by This Policy:
01-088 Claims Management Committee,
former Health Science Campus policy,
previous effective date: 8/1/05

<p>Gregory C. Postel, MD President</p> <hr/> <p>Date</p> <p><i>Review/Revision Completed by: Executive Director — UTP. Office of Legal Affairs – HSC; Risk Management; SLT</i></p>	<p>Review/Revision Date: 8/1/05 - New 7/1/08 – Revised/Initial effective date of this policy number 4/1/10 – Revised 8/9/11 – Revised 9/19/13 – Revised 5/13/16 — Revised 1/23/2020 – Revised</p> <p>Next review date:</p>
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