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| Name of Policy: Claims management committee Policy Number: 3364-10-04 Approving Officer: President Responsible Agent: Office of Legal Affairs Scope: University of Toledo and other entities or individuals insured by the university of Toledo Medical Assurance Company | |  Effective date: April 26, 2024 Original effective date: July 1, 2008 | |
| Keywords: | | | |
| | New policy | X | Minor/technical revision of existing policy |
| | Major revision of existing policy | | Reaffirmation of existing policy |

(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 and other entities or individuals insured by the university of Toledo medical assurance company (“UTMAC”) 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.
- (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 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: expense reserves will be established administratively by risk management in consult with defense counsel.
- (5) Monitor the indemnity and expense reserves as the claim develops and amend as appropriate.
- (6) Coordinate claims between UT and university of Toledo physicians, llc ("UTP") as needed and 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.).
- (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:

UTMAC president – chair

UTMAC treasurer – vice-chair

UToledo associate vice president and chief assurance officer;

UTMC chief executive officer
 UTMC chief medical officer
 UTP chief physician executive;
 UTP chief administrative and financial officer; and
 Clinical risk manager and legal nurse specialist*

* Non-voting member

Defense counsel and an attorney from UT'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.

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| <p>Approved by:</p> <p>/s/</p> <hr/> <p>Gregory Postel, MD President</p> <p>Date: April 26, 2024</p> <p>Review/revision completed by:</p> <ul style="list-style-type: none"> • Office of Legal Affairs - HSC • Senior Leadership Team | <p>Policies superseded by this policy:</p> <ul style="list-style-type: none"> • 01-088 Claims Management Committee former Health Science Campus policy effective 8/1/2005 <p>Original effective date: July 1, 2008</p> <p>Review/revision date: April 1, 2010 August 9, 2011 September 19, 2013 May 13, 2016 January 23, 2020 April 26, 2024</p> |
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| | Next review date: <i>April 26, 2027</i> |
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