



Ohio Administrative Code

Rule 3364-10-04 Claims management committee.

Effective: [March 23, 2020](#)

(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 claims made against UT, the university of Toledo physicians, limited liability partnership ("UTP"), or other entities or individuals insured by the university insurance program to determine approximate economic severity, set reserves, assist with defense and litigation strategy, and do other things necessary for management of litigation.

(B) Purpose of policy

The committee is established to assist UT 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 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 executive vice president for clinical affairs.

(4) Establish, 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. Expense reserves will be established administratively by risk



management in consult with defense counsel. Monitor the reserves as the claim develops and amend as appropriate.

(5) Coordinate claims between UT and UTP as needed and ensure no conflicts and a presence of attorney-client privilege.

(6) Do other things necessary for management of litigation.

(D) Committee membership

Members of the claims management committee will be:

(1) Executive vice president for clinical affairs (chair);

(2) Hospital finance representative;

(3) UTP executive director;

(4) UTP chief financial officer;

(5) Defense counsel*; and

(6) Risk manager.

* Non-voting members

(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



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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.