



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

**HSCEP OP:** 75.15, **Management of Claims Relating to Public Areas of HSCEP Facilities/Property (excluding clinics)**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure is to establish procedures for managing and resolving claims including, but not limited to, compensation resulting from incidents incurred on TTUHSCEP property.

**REVIEW:** This (HSCEP OP) will be reviewed on March 1 of each odd numbered year (ONLY) by the Director of Safety Services, Texas Tech Police Department, Office of General Counsel, TTUS Office of Risk Management, and the Managing Director of Physical Plant & Support Services, with recommendations for revisions submitted to the Chief Operating Officer by March 15.

### **POLICY/PROCEDURE:**

1. **Background.** This policy sets forth the procedures and responsibility for addressing and/or responding to claims arising from incidents on TTUHSCEP facilities/property. This policy does not conflict with claims arising from incidents occurring in HSCEP Clinical areas or health care related claims. For claims relating to clinics, refer to SOM Ambulatory Clinic Policy and Procedure, Occurrence Reporting, Policy 8.02, which can be accessed at:

<http://www.TTUHSCEP.edu/som/clinic/policies/ACPpolicy8.02.pdf>  
<http://www.TTUHSCEP.edu/som/clinic/forms/ACForm8.02.A.pdf>

### 2. **Responsibilities:**

A. **TTUHSCEP Safety Services Office:** Investigation and documentation of all incidents/injuries occurring in non-clinical areas will be in accordance with HSCEP OP 75.14, Non-Employee Accident/Incident Procedures & Reporting. The responsibility for obtaining and the repository for maintaining materials and documentation relating to the investigation of incidents involving visitors, patients, students and contractors occurring on HSCEP property/facilities resides with the HSCEP Safety Services Office. The Safety Services representative shall notify appropriate departments, offices, etc., and obtain any necessary information.

B. **Texas Tech Police Department:** Response and documentation of all incidents/injuries will be in accordance with established procedures. Reports, statements and documentation will be forwarded to Safety Services as soon as practicable.

C. **Office of General Counsel:** If a claim has been made by an attorney or other third party on behalf of the claimant, the Office of General Counsel will communicate with the attorney or designated representative, if any, of the claimant. With reference hereto, communication with any representative of the claimant will be solely by the Office of General Counsel.

D. **Claims Review Committee:** The Claims Review Committee is an ad hoc committee. The Committee shall be chaired by the Director of Safety Services. The Committee will typically consist of individuals or officers with direct knowledge, institutional interest in, or

having institutional responsibility for, review of such incidents. The Committee shall review and evaluate all documentation and evaluate the merits of the claim, any HSCEP liability/responsibility, public relations concerns and formulate a recommended course of action for executive management. The Committee's written findings and recommendations will be forwarded to the EVPFA within ten (10) business days of completing its review.

**3. Procedures:**

- A. Procedures for handling claims arising from an incident/injury on or in HSCEP facilities (excluding clinics) are outlined in Attachment A, "Claims Procedure". All claims made against HSCEP and other relevant documentation shall immediately be forwarded to HSCEP Safety Services and the Office of General Counsel. All claims should be made in writing.
- B. The HSCEP Safety Office will respond to the claimant within one week of receipt of a claim. Should a third party, including an attorney, represent the claimant, the office of General Counsel will respond to the claimant as soon as practicable.
- C. The Chairperson of the Claims Review Committee will establish a date and agenda for the committee to meet. This meeting may include a member of the Office of General Counsel if the claimant has an attorney, or if facts of the case suggest a need for such participation.
- D. The Claims Review Committee will meet in closed session to review the claim, documentation and evidence relating to the claim. Persons with knowledge regarding the incident may be consulted for clarification/explanation of circumstances surrounding the incident.
- E. The Claims Review Committee will prepare and submit to the EVPFA confidential, written advisory recommendations including, but not limited to, the following:
  - 1. Whether a basis exists upon which to assert such a claim;
  - 2. Whether responsibility for the claim by a certain department can be identified; or
  - 3. Whether TTUHSCEP should negotiate the claim and under what context or terms and conditions.
- F. The Claims Review Committee will submit its advisory recommendations to the EVPFA, whose decision shall be final.
- G. The claimant will receive written notification of the claim disposition as directed by the EVPFA. The ad hoc Claims Review Committee will be released on submission of its recommendation to the EVPFA.
- H. The TTU System Offices of General Counsel and Risk Management, respectively, are available to advise on matters related to the claims process and will participate to the extent necessary to ensure that the claim resolution settlement is final, releasing the HSCEP from all liabilities arising from the incident.