



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

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

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

REVIEW: This HSC OP will be reviewed on March 1 of each odd numbered year (ONY) by the Director of Safety Services, Texas Tech Police Department, Texas Tech University System (TTUS) Office of General Counsel, and the TTUS Office of Risk Management, with recommendations for revisions forwarded to the Vice President for Facilities and Safety Services (VPFSS) by March 15.
Note: Director of Safety Services will facilitate and consolidate review comments from CBOOs at Regional campuses.

POLICY/PROCEDURE:

1. **Background.** This policy sets forth the procedures and responsibility for addressing and/or responding to claims arising from incidents on TTUHSC facilities / property. This policy does not conflict with claims arising from incidents occurring in TTUHSC clinical areas or health care related claims. For claims relating to clinics, refer to School of Medicine Ambulatory Clinic Policy and Procedure, Occurrence Reporting, Policy 8.02 and Form 8.02A, which can be accessed at <https://hscweb.ttuhsu.edu/provost/documents/policies/ACPpolicy8.02.pdf> and <https://hscweb.ttuhsu.edu/provost/documents/policies/ACForm8.02.A.pdf>.
2. **Responsibilities:**
 - A. **Safety Services/Regional Safety Offices:** Investigation and documentation of all incidents / injuries occurring in non-clinical areas will be in accordance with HSC OP 75.14, Non-Employee Incident / Injury 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 TTUHSC property / facilities resides with the respective local or regional Safety Services Office. The Safety Services representative shall notify appropriate departments, offices, etc., and obtain any necessary information.
 - B. **Texas Tech Police Department (TTPD):** Response and documentation of all incidents / injuries reported to TTPD will be in accordance with established procedures. Reports, statements and documentation may be forwarded to Safety Services when requested.
 - C. **TTUS Office of General Counsel:** If a claim has been made by an attorney or other third party on behalf of the claimant, the TTUS 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 TTUS Office of General Counsel.
 - D. **Claims Review Committee:** The Claims Review Committee (Committee) is an ad hoc committee. The Committee shall be chaired by the Director of Safety Services, or CBOOs at a Regional Campus, comprised of specific and related members. The Committee will typically consist of at least 5 members that are appointed by the Director of Safety Services, including 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 TTUHSC 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 VPFSS within ten (10) business days of completing its review.

- E. **Regions:** Regional campuses will comply with the responsibilities and procedures set forth herein, promptly reporting all claims and submitting relevant documents to the Director of Safety Services. All documentation regarding an incident, claims, if any, and resulting investigation shall be retained locally with a copy sent to TTUHSC Safety Services.

3. Procedures:

- A. Procedures for handling claims arising from an incident / injury on or in TTUHSC facilities (excluding clinics) are outlined in Attachment A, "Claims Procedure". All claims made against the TTUHSC and other relevant documentation shall immediately be forwarded to Lubbock TTUHSC, Safety Services and the TTUS Office of General Counsel. All claims should be made in writing.
- B. The respective Safety Services 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 TTUS Office of General Counsel will respond to the claimant as soon as practicable.
- C. The Chairperson of the Committee will establish a date and agenda for the committee to meet. This meeting may include a member of the TTUS Office of General Counsel if the claimant has an attorney, or if facts of the case suggest a need for such participation.
- D. The 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 Committee will prepare and submit to the VPFSS 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 TTUHSC should negotiate the claim and under what context or term / conditions.
- F. Upon review of the Committee's advisory recommendations, the VPFSS's decision shall be final.
- G. The claimant will receive written notification of the claim disposition as directed by the VPFSS. The ad hoc Claims Review Committee will be released on submission of its recommendation to the VPFSS.
- H. The Texas Tech University 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 TTUHSC from all liabilities arising from the incident. If Risk Management's assistance is desired, submission of an incident report in the Risk Management Information System (RMIS) is required. Access to the RMIS via the Risk Management Portal can be found at <https://live.origamirisk.com/Origami/IncidentEntry/Welcome>.