

Approved by:

Reporting/Investigating Legal Actions and Potential Legal Actions

Vice President and Chief Financial Officer

Corporate	Policy &	Procedures
Manual		

Policy No. III-5

Date Approved

January 6, 2016

Date Effective

February 5, 2016

Next Review

February 2019

Purpose

This document provides guidance for ensuring timely and appropriate reporting and investigation of legal actions and potential legal actions that result from unanticipated injury or harm to patients and non patients, or incidents that may result in harm to the assets or reputation of Covenant Health.

Policy Statement

Covenant Health shall investigate and report to its liability insurer and external legal counsel any occurrences that have resulted in unanticipated injury or harm to individuals, or incidents that may result in harm to the assets or reputation of Covenant Health.

Applicability

This policy applies to all Covenant Health staff, members of the medical staff, students, volunteers and any other persons acting on behalf of Covenant Health.

Responsibility

Covenant Health's administrative and medical leaders will demonstrate commitment to the process for reporting and investigating potential medical and non-medical legal claims and litigation, and will support the ongoing requirements of Covenant Health's insurer and its legal counsel in handling these matters.

Covenant Health staff and physicians, students, agents, volunteers and any other persons acting on behalf of Covenant Health are responsible for ensuring that Covenant Health's Risk Management department is apprised of all incidents so they may be reported to Covenant Health's liability insurer and legal counsel in a timely and appropriate manner. The process for reporting incidents and the definition for "High Risk Incident" are included on the attached appendix (Appendix A – Algorithm for Reporting and Investigating Potential Legal Actions).

Principles

Reporting *Potential Claims*:

Covenant Health shall ensure that all incidences which may result in a claim or litigation against a Covenant Health facility, or harm to the assets or reputation of Covenant Health, are reported in writing to its liability insurer (PHAA Liability and Property Insurance Plan) and its legal counsel.

Information from investigations is considered privileged information. This includes statements by staff, physicians, students, volunteers and any other persons acting on behalf of Covenant Health regarding events, personal notes, event reports and documentation regarding the investigation of the event.

Reporting Active Legal Claims

Covenant Health is committed to notifying its insurer upon receipt of legal documents for claims against its facilities or employees.

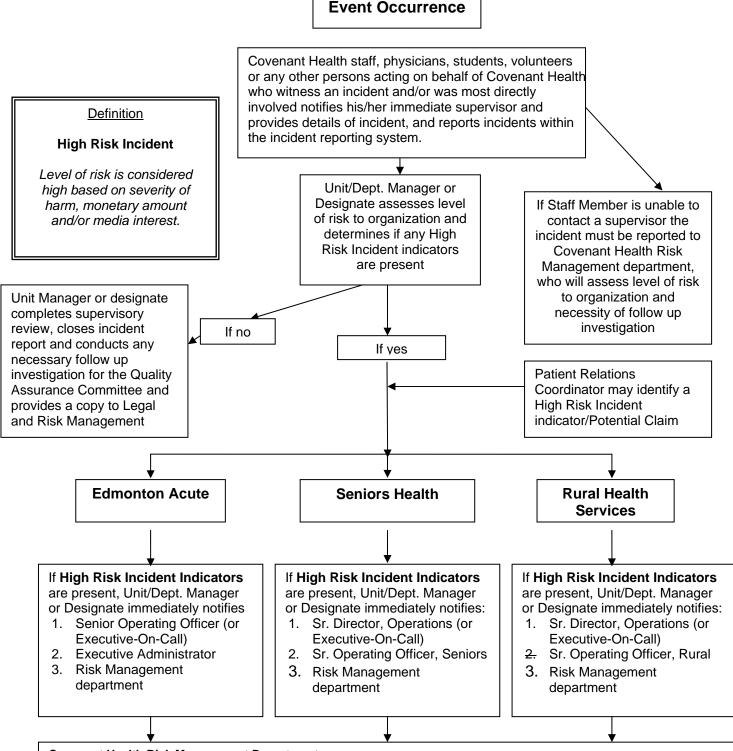
The most common document is a **statement of claim** which is a court document initiating litigation by a patient or other person against Covenant Health, its employees, physicians and other defendants. An action may also be initiated by way of an **originating application** or by a **notice of appeal, reference or other procedure or method specifically authorized or permitted by an enactment.**

All notices of litigation have short time periods within which to respond. Upon being served with a statement of claim, an originating application or by any other initiating document, a response must normally be provided within **twenty days** from the date the document was served. To ensure that Covenant Health can respond within the required timeframes, immediate notice must be provided to the liability insurer and external counsel upon receipt of the document. All such documents are to be provided to the Covenant Health Risk Management department (telephone 780-342-8135, fax 780-342-8093) upon receipt.

Other court-related documents that should be reported to the Covenant Health Risk Management Department upon receipt are; Subpoenas, Notices to Attend, Notices of Motion, Court Orders, Warrants and local police or RCMP Production Orders.

Revisions October 12, 2010

APPENDIX A Algorithm for Reporting & Investigating Potential Legal Actions.



Covenant Health Risk Management Department:

- Initiates appropriate notifications to PHAA Liability and Property Insurance Plan and Plan's Legal Counsel and requests Unit/Dept. Manager or Designate to conduct initial investigation of incident for assessment and formal reporting of Potential Claim;
- Collects privileged documentation and provides information to the insurer and its legal counsel and acts as liaison between the site and the insurer and legal counsel until the matter is concluded.
- Notifies Chief Communications Officer, Vice President and Chief Medical Officer, other appropriate senior executive members and AHS Executive/Lead, where appropriate.