

	<b>Reporting/Investigating Legal Actions and Potential Legal Actions</b>	<b>Corporate Policy &amp; Procedures Manual</b>
		<b>Policy No.</b> III-5 <b>Date Approved</b> January 6, 2016
<b>Approved by:</b>  Vice President and Chief Financial Officer	<b>Date Effective</b> February 5, 2016	<b>Next Review</b> 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.**

**Event Occurrence**

Covenant Health staff, physicians, students, volunteers or any other persons acting on behalf of Covenant Health who witness an incident and/or was most directly involved notifies his/her immediate supervisor and provides details of incident, and reports incidents within the incident reporting system.

Definition

**High Risk Incident**

*Level of risk is considered high based on severity of harm, monetary amount and/or media interest.*

Unit/Dept. Manager or Designate assesses level of risk to organization and determines if any High Risk Incident indicators are present

If Staff Member is unable to contact a supervisor the incident must be reported to Covenant Health Risk Management department, who will assess level of risk to organization and necessity of follow up investigation

Unit Manager or designate completes supervisory review, closes incident report and conducts any necessary follow up investigation for the Quality Assurance Committee and provides a copy to Legal and Risk Management

If no

If yes

Patient Relations Coordinator may identify a High Risk Incident indicator/Potential Claim

**Edmonton Acute**

**Seniors Health**

**Rural Health Services**

If **High Risk Incident Indicators** are present, Unit/Dept. Manager or Designate immediately notifies

1. Senior Operating Officer (or Executive-On-Call)
2. Executive Administrator
3. Risk Management department

If **High Risk Incident Indicators** are present, Unit/Dept. Manager or Designate immediately notifies:

1. Sr. Director, Operations (or Executive-On-Call)
2. Sr. Operating Officer, Seniors
3. Risk Management department

If **High Risk Incident Indicators** are present, Unit/Dept. Manager or Designate immediately notifies:

1. Sr. Director, Operations (or Executive-On-Call)
2. Sr. Operating Officer, Rural
3. Risk Management department

**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.