



## **Policy Regarding Member's Participation in Closed Session Discussion Regarding a Claim From That Member's Entity**

On occasion, a representative or representatives of a member may ask to attend a closed session to speak about the member's claim that is being reviewed by the Medical Malpractice (MM) Committee. Additionally, a member of the MM Committee may have their entity's claim up for review before the MM Committee for settlement authority or for a coverage determination. This policy explains to what extent participation in the closed session discussion is afforded to these persons.

### **Settlement Authority and Reimbursement Authority:**

- **Representatives(s) of a Member Who Ask to Speak in Closed Session/Attend Closed Session:** When their matter is called, they will be allowed to provide information at the beginning of the closed session discussion regarding their claim. Once done with their presentation, there will be an opportunity for the MM Committee members to ask questions. When the MM Committee is done asking questions, the representatives shall leave, so that the MM Committee can continue their discussion with staff and make a determination.
- **MM Committee Member with a Claim That is Being Reviewed by the MM Committee:** If the claim discussion will not be controversial, as determined by the Chair of the MM Committee, then the member will be allowed to participate in the discussion regarding the claim and remain in the room during the voting process. The member will vote to abstain when their name is called. If the claim discussion is controversial or potentially controversial, as determined by the Chair, then the MM Committee member will be asked to speak about the claim, if they so choose, at the outset of the claim presentation. Once done with their presentation, there will be an opportunity for the MM Committee members to ask questions. When the MM Committee is done asking questions, the Committee member shall then leave, so that PRISM staff can discuss the matter with the Committee. The MM Committee member that has left may return to participate in other closed session matters after the voting on their entity's claim is complete.

**Coverage Matters:** If a claim is being discussed with the MM Committee so that the Committee can make a coverage determination, representatives of the member entity, including the MM Committee member from that entity, will be allowed to provide information regarding the coverage issue at the beginning of the closed session discussion on their claim. Once done with their presentation, there will be an opportunity for the Committee members to ask questions. When the Committee is done asking questions, the MM Committee member from that entity, and any other persons attending on behalf of the entity, shall leave so that PRISM staff and PRISM's coverage counsel can discuss the matter with the Committee. The MM Committee member from that entity may return to participate in other closed session matters after the voting on their entity's claim is complete.