



## Coverage Appeal Process

Governance Section: Governance

Revision Date: 4/22/2021

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### Purpose

To provide guidance to the Executive Committee when a Member or the Executive Director seeks to appeal a coverage decision.

### Authority

1. Interlocal Agreement, Section 3a (Do all things necessary and proper for the establishment of self-insurance programs for property and liability risks.)
2. Bylaws, Article XII, Section 52 (Appeal to Executive Committee.)
3. WAC 200-100-050.3 (All joint self-insurance programs shall have a written Member coverage appeal procedure that contains, at a minimum, procedures for a Member filing an appeal with the joint self-insurance program, including the time limit for filing, a time limit for response, and a provision for an additional level of review).

### Policy Statement

1. This Policy is intended to supplement Section 52 of the Bylaws for the purpose of clarification and guidance consistent with the Interlocal Agreement, Bylaws, and WAC sections referenced in the preceding section and is limited to procedure at the Executive Committee (EC) appeals hearing.
2. The appeals hearing is done in public session. At the appeals hearing:
  - a. The President shall provide an overview of the facts leading up to the hearing.
  - b. Any EC Member employed by the Member taking the appeal shall recuse themselves from the proceedings as an EC Member.
  - c. The appellant shall first present facts and argument followed by the appellee, who is allowed, but not required, to present facts and argument. The appellant and appellee are each entitled to one rebuttal to point out disagreements with the other party's presentation or argument. The President may allow more discussion by the parties at their discretion and may set time limits for each phase of the proceedings.
  - d. Each party may be assisted by coverage counsel at their discretion, but counsel so retained will not attend the appeal hearing unless authorized by the President and, if authorized to attend, coverage counsel may only participate in response to a question by an EC Member or General Counsel.
  - e. The Executive Committee may adjourn into Executive Session if appropriate, but any final decision will be made in open public meeting.
  - f. The General Counsel will be asked to memorialize the EC's coverage appeal decision.
3. In Executive Session
  - a. Only EC Members, and not including a Member recused pursuant to paragraph 2b and their representatives, and General Counsel will participate, but the EC may invite other individuals if it determines such would assist in the EC's decision.
  - b. The President will lead the discussion in Executive Session.
  - c. The EC should consider in its discussion the plain meaning of the Coverage Document language and the Board's intent in approving the Coverage Document. However, the EC may consider any legal outcome that is in WSTIP's best interest irrespective of the Coverage Document.
  - d. The General Counsel will be available as the EC's legal advisor to assist as needed and to assist the EC in preparation of the written determination on appeal.

### Amendment

The Executive Committee may amend this Policy.

### Policy History & Repealer

This is a new policy as of 2019. Repealer is not applicable.

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Passed by the Executive Committee on April 22, 2021.

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Danette Brannin, President

Attest:

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*Scott Deutsch*

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Approved as to form:

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*Richard L. Hughes*

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Richard L. Hughes, General Counsel