



## Liability Trends Computerized Patient Documentation Risk and Malpractice Insurance

### Trends:

- Birth injury cases represent the most frequent and costly of all practice areas.
- Overall jury verdicts in 1999 were up 76% from 1996.
- Childbirth negligence – the highest plaintiff recovery rates for all practice areas.
- Childbirth negligence – largest awards for any type of malpractice case
- Malpractice awards averaging \$2,000,000/case.
- In California – represents largest category and largest share of indemnity (44.8% or \$51.6 million).

<b>Malpractice Awards by Case Type</b> <i>by The Jury Verdict Research, 1999</i>	
<b>Practice Area</b>	<b>Median Award</b>
Childbirth negligence	\$2,000,000
Medication errors	\$656,844
Diagnosis errors	\$625,000
Non-surgical treatment errors	\$400,000
Surgical negligence	\$300,000
Doctor/patient relations	\$230,000

### Computerized Documentation:

Malpractice Insurers are looking at computer-based documentation systems as a way for care providers to reduce risk. Recently, a handful of Insurers have gone so far as to offer premium discounts to providers who use specific software. The premise is computerized documentation is more complete. Computerized documentation helps the physician practice good medicine and have a more complete record. In court the provider has two items going for or against his/her case: reliance on expert witnesses to address quality of medical care issues and the medical record. With good documentation the responsibility resides on the plaintiff to prove negligence. In cases where poor documentation is evident the responsibility reverts to the provider to prove quality of care provided.

**The malpractice insurance industry's interest in computer-based documentation is gaining momentum. To date court cases that would support these contentions are too few to quantify because computerized documentation of a patient chart is too new in relation to how long typical suits take to conclude. More time is needed to conclusively prove a positive correlation. Statistical evidence supporting this may take several years to validate but clearly the implication is that computer-based patient documentation does reduce overall risk in litigation.**