Concerns Regarding the Relationship between Electronic Health Records and Malpractice Claims

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Conflict of Interest: None Declared

We read with interest the article by Quinn MA, et al., which demonstrates a decrease in the rate of medical malpractice claims after adoption of an electronic health records system (EHR).(1) The authors’ hypotheses have been developed in a series of four publications, published between 2007 and 2012.(1-4) In a 2007 study, the authors found several static and dynamic factors to be significant covariates to EHR adoption rates.(3) In the 2008 survey, an apparently significant difference in numbers of paid malpractice claims among EHR adopters and non-adopters (and favorable to EHR adoption) disappeared when logistic regression for covariates was applied.(4)

The current study, dichotomizing malpractice claims rates of individual physicians before and after EHR adoption, controls for static covariates by design. But this design does not control for known dynamic covariates, including several identified covariates that were not tested in the authors’ prior studies.(5) The causation of the reported serial differences in malpractice claims rates before and after EHR adoption is thus questionable. For example, a late career EHR adopter may also be decreasing the number of patient encounters, increasing time spent in patient communication, and intensifying risk management activities. This physician may experience a decline in the rate of malpractice claims due to factors contemporaneous to but completely independent of EHR adoption.

The current study also does not account for the larger secular downward trend in malpractice claims for the period under study. A respected national accounting company has reported data indicating that the malpractice paid claims rate nationwide declined by 25 to 30% in the period from 1995 to 2007.(6) Not to account for this trend or for the known dynamic covariates in the time-dependent analysis applied to the study data makes the current study difficult to interpret. It is also of note that none of the actual data on claims rates is included in this report. The only specific data are raw claims counts in the Table, which have no time period for duration of exposure.

As we struggle to determine the value of EHRs and whether their adoption aggravates or improves the rates of medical malpractice claims, we need transparent and statistically accurate studies which provide readers with reliable information.

6. KPMG LLP, Trends in physician liability claims frequency, September 15, 2010