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**THEORY TO FACT:**  
**MEDICAL RECORD ANALYSIS**

Plaintiff or defense, let our experience with and knowledge about the health care system work for you.

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**Tampering in the Medical Record: Can You Identify It?**

Medical professionals are trained not to mar, obliterate, or destroy medical records. Entries made in a medical record should be legible and information should reflect the patient's condition with supporting rationales for treatment. When errors occur in a medical record such as misspelled words, late entries, or information written in the wrong chart, a hospital policy should be in place to address how to correct the errors.

Patient information must be recorded in an accurate, timely, and consistent manner. In spite of documentation education, health care professionals often fail to document according to policies or standards of care (*Why Documentation Falls Short*). When reviewing medical records, there will be many instances of obliterations, illegibility, improper error corrections, and inconsistencies. In a medical malpractice case, an individual may have made suspicious entries or omitted patient information that appears self-serving, but are they relevant?

When necessary these kinds of entries can also be investigated from a management perspective. If standards for documentation are not being followed facility wide, fraudulent reimbursement practices should be suspected.

It is important to recognize the relevance of poor documentation. Tampering in the medical record can be very similar to poor error correction. Omitted information can also fall in the category of tampering if it is self-serving and demonstrates below standard of care documentation practices.

**Why Documentation Falls Short**

- **Short-staffing**
- **Not enough time**
- **High staff turn-over**
- **Staff is lax concerning proper error correction techniques**
- **Disorganization at stations**
- **Correct forms not readily available**



**Spoilation Issues**

- **An impaired provider**
- **Dysfunctional management**
- **Ulterior motives**

Certified Legal Nurse Consultant®'s (CLNC®'s) understand the nuances of poor documentation, can identify omissions, and interpret terminology related to various medical and nursing specialties.

**When Medical Record Discrepancies Rise to the Level of Spoilation**

When does poor documentation and improper error correction technique rise to the level of covering up patient information? One individual or more can conspire to keep information from being discovered (*Spoilation Issues*). Fortunately, most health care professionals practice good ethics and this is not common.

When questions of negligence arise, Certified Legal Nurse Consultants® can help attorneys discover what happened by critically

analyzing the medical record. Deliberate medical record changes and self-serving entries such as date changes, test results added later, and suspect assessment findings can be revealed by careful analysis and fact-finding techniques (*Tampering Detection*).

Masking, destruction, and self-serving entries usually point to culpability and support allegations. If needed, a forensic document examiner can examine handwriting, ink, paper, evidence of substitution, and document authenticity.

**Tampering Detection**

- **Keep a standard list of what is included in a chart. This will vary within medical specialties.**
- **Identify what records or information is missing.**
- **Distinguish between missing and omitted information.**
- **Compare usual patterns of documentation for different disciplines and individuals.**
- **Investigate suspicious entries for relevance to case issues. Is it poor documentation? Or is it self-serving?**
- **Have a Certified Legal Nurse Consultant® review and analyze the medical records for you.**



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