EHR RISKS THAT CONTRIBUTE TO MEDICAL PROFESSIONAL LIABILITY CLAIMS

We became aware of potential liability risks related to the use of EHRs shortly after their introduction, and we anticipated that EHRs would become a contributing factor to medical professional liability claims. A search of The Doctors Company’s closed claims database from 2007 to 2010 revealed only two EHR-related claims. As shown in FIGURE 1, the number of claims has increased continuously over the past 10 years.

The 97 EHR-related claims that closed from January 2007 through June 2014 were previously reported in “Analysis of EHR Contributing Factors in Medical Professional Liability Claims” (Study 1). An additional 66 EHR-related claims from July 2014 through December 2016 are now closed and are the subject of this report (Study 2).

In Study 1, EHR-related factors contributed to 0.9 percent of all claims that The Doctors Company closed from January 2007 through June 2014. System factors contributed to 42 percent of these EHR-related claims, and user factors contributed to 64 percent.

In Study 2, EHR-related factors contributed to 1.6 percent of all claims that The Doctors Company closed from July 2014 through December 2016. System factors were present in 33 of the 66 claims (50 percent), and user factors were present in 38 of the claims (58 percent). Eight claims contained either more than one user or system factor or both.

FIGURE 2 compares how system factors involving technology, design, and security issues contributed to the EHR-related claims in Studies 1 and 2.

Note that because a claim may contain more than one system or user factor—or both—the percentages may not add up to 100 percent.