



## Malpractice Leads to Patient's Death: *Electronic Medical Record analysis uncovers records tampering*

### The Situation

Our client, an attorney specializing in medical malpractice, hired ArcherHall for our experience analyzing electronic medical records (EMR) and presenting accurate timelines of patient care.

The attorney was dealing with a case involving a physician who was accused of medical malpractice after their patient's condition worsened significantly under their follow-up care. The attorney requested a copy of the patient's electronic medical record from the physician, who presented him with paper documents. The attorney noticed inconsistencies in the dates of the records, and suspected fabrication or tampering had occurred. ArcherHall conducted EMR analysis to find out the truth.



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We are a leading provider of computer forensics and e-discovery services for businesses and law firms nationwide. We don't take chances with your data when litigation is a possibility, and proper handling is critical.

### The Challenge

It was important to establish what the physician knew and when he knew it, as well as finding out whether the patient's records had been tampered with, in order to establish whether medical malpractice had occurred. After examining the paper records, our analysts decided they needed to obtain data directly from the EMR system. Further inconsistencies in the EMR audit trail meant it was necessary to gain access to the EMR's raw data, directly from the provider. Adding further complication, the physician had switched from an onpremise EMR to an external provider.

### The Solution

ArcherHall initially gained access to the EMR system, and performed in-person screen captures of the patient's records. This provided a clear view of what the physician would have seen while reviewing the documents, to be used as evidence by the attorney. Our examiners then examined the audit trail to see who had edited the records, and when the edits were made. They noticed a lack of consistency between the audit trail notes and the EMR documents, and requested access to the raw EMR data from the external provider. Each paper record was then meticulously linked to the electronic audit trail to produce a complete timeline of edits to each portion of the EMR.

### The Outcome

ArcherHall were able to prove that the physician did not use their account to edit the EMR data at the time they referenced during disposition. The defendant had also made false claims concerning the dates on which they drafted a particular document. In actuality, the patient's electronic chart notes had not been reopened or finalized until after the plaintiff's attorney requested them from the physician, several years after the appointment. The evidence provided by our team led to a quick and favorable settlement for the plaintiff.

### Key Success

Linked EMR analysis, audit trails, and paper documents to prove medical malpractice.