LNP 163

Legal Nurse Consultants: Tips for How to Analyze Medical Records

What are the 4 most common medical record analysis barriers you will encounter as a legal nurse consultant? This is Pat Iyer with Iyer's Insights. Attorneys count on your detail-oriented ability to analyze medical records.

Disorganized medical records

The records come into your possession in no order. Does this sound familiar? They were scanned and saved to a disk before they were organized, which requires you to sift through them to rearrange pages. You may receive multiple copies of the same record. Or the paper copies are disorganized, requiring you to separate them into sections and rearrange the order.

Worse yet, the person who copied them used the double-sided feature, but did not copy them in sections. You encounter a page of physician's orders on the back of a lab record, for example.

It is inefficient and counterproductive to start medical record analysis with jumbled records. To make sense of the records, you will most likely need to impose some system on the disorganized records - rearranging them, reshuffling them, relabeling them, and possibly even recopying pages.

Missing records

Suppose you get a much smaller amount of records than you expected. This could happen if the attorney's office asked for an abstract (a subsection of the medical record) instead of the full certified copy. In many situations, to evaluate the case, you will need a full certified copy. This is particularly true when you are screening a medical record for a possible medical malpractice claim, evaluating a case as an expert witness, or summarizing the complex care a patient needed.

Another reason for missing records is failure to copy or provide all the relevant sections of the medical record, even when a full certified copy is requested.

For most attorneys, the medical record is just a stack of paper or an electronic file. The attorney relies on your knowledge of what should be in the record to recognize what is missing. Be clear and detailed about what is missing. I find attorneys prefer to receive the list in writing, so they can work with the provider to get the missing documentation.

Illegible handwriting complicates medical record analysis

The medical record is typically a combination of handwritten and computer-generated records. The handwriting and signatures may be indecipherable to everyone, including the person who created the records.

It may be necessary to get a transcription from the person who created the record. Some states have statutes that require providers to give a transcription at no charge. Your knowledge of medical terminology should help you decipher some of the difficult to read handwriting. If you can't determine whose signature you are looking at, in most states the provider is obligated to provide names of employees who charted in the medical record.

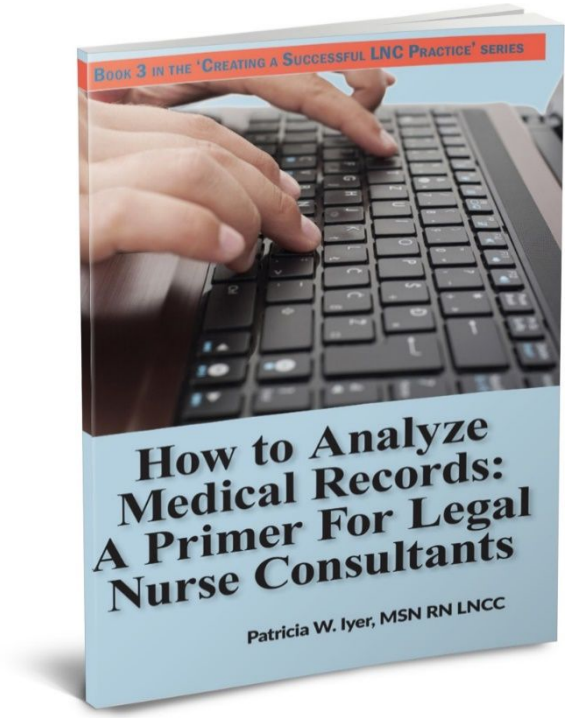
Suspicious charting

Another medical record analysis challenge occurs when there are entries that do not make sense, are inconsistent with other information in the chart, or may have been added after the fact or changed.

Using the detail-oriented part of your skill set, you may find it helpful to construct a chronology or timeline to identify the discrepancies. Inform your attorney client about the issue so he or she may consider the legal implications of a possible altered medical record.

Medical record analysis can be challenging enough without the barriers I have described in this podcast. Communicate with the attorney when you run into these issues, so you can get the best records for your analysis.

Before I continue with the show, I want to draw your attention to a resource that relates to our topic.



How to Analyze Medical Records

This book, "How to Analyze Medical Records: A Primer for Legal Nurse Consultants" the 3rd in the series ***Creating a Successful LNC Practice,*** covers the pros and cons of electronic medical records, including how they introduce risk into the documentation of patient care.

Use it to discover tips and techniques for organizing paper and electronic medical records, which are the backbone of our business.

You will gain an understanding of how to screen a medical malpractice case for merit and discover clues for detecting tampering with medical records.

Two final chapters focus on how to polish your work product to create your strongest professional appearance. You will gain critical insights on how to strengthen your ability to analyze medical records - to gain more clients and earn more money.

Order this book at http://Lnc.tips/creatingseries and use the code Listened for a 25% discount on the price. This is my number one best seller of all the 25 or so books I sell. Now let's return to the show.

Legal nurse consultants are often involved in medical records management. Here are some tips to make the job of organizing medical records go more smoothly.

1. Let the attorney know if you need a certified medical record or an abstract. A medical malpractice case involving a specific admission would be difficult to evaluate without a full certified copy of the medical records. You can

avoid the problems I discussed earlier by letting the attorney know in advance about the need for a full certified copy of medical records.

2. You might be involved in nursing home cases. Be aware that the production of the nursing home chart is regulated by the Federal Government. Under 42 CFR 483.10, the nursing home is required to produce a medical record within 2 working days of a request. "The resident or his or her legal representative has the right (1) upon an oral or written request, to access all records pertaining to himself or herself, including the clinical records, within 24 hours (excluding weekends and holidays); and (2) after receipt of his or her records for inspection, to purchase at a cost not to exceed the community standard, photocopies of the records or any portion of them upon request and two working days advance notice to the facility."

Your plaintiff attorney client may complain about difficulty getting nursing home records. If a nursing home is not responding to requests for records, let your client know about this statute.

3. Use a logical, consistent way to organize each medical record. You will save hours of looking for material if you do so. It is easier to work through the steps of medical records management when you consistently handle medical records the same way.

4. Don't accept a poor-quality copy of a medical record. A poor copy may be light, misfed into the copier so that only part of the page is visible, or missing pages. A copy that is double sided, with the pages jumbled and placed front to back in random order, will be almost impossible to follow and to organize. Ask the attorney or paralegal to request a better copy.

5. Don't put yellow or pink highlighting on the medical records you forward an expert. The expert may have to explain that highlighting in a deposition one day. The other side may assert that the highlighting assumes the expert cannot find the relevant material without hints from the attorney or legal nurse consultant.

6. Don't jumble medical records. Hospital and nursing home records should be organized chronologically within each section of the records. For example, the physician orders should start with the initial set written when the patient was admitted to the hospital, and end with the discharge order.

7. Use a magnifying strip, sheet or a copy enlarged on a copier to decipher small handwriting.

8. Ask the attorney if he or she has retained a set of medical records. Don't send an expert the only copy of the medical records. You or the attorney may need to refer to them while the expert has them.

9. Don't send medical records by a method by which they cannot be tracked if lost.

10. Don't send physician's office records without identifying the name of the physician on a cover sheet or without the records request letter. It may be difficult for the expert or consultant to determine the author of the records without this identification.

Be sure to get a copy of ***How to Analyze Medical Records***, one of the best-selling books in my *Creating a Successful Legal Nurse Consulting Practice Series*. Order it at http://Lnc.tips/creatingseries and get a 25% discount off the price with the code Listened in the coupon box.

I've got a phenomenal resource for you just waiting on LegalNurseBusiness.com. My online training and books are designed to help LNCs discover ways to strengthen their skills and businesses. Check them out at legalnursebusiness.com.

Many of us are lifelong learners who enjoy the chance to keep expanding our knowledge. Just like the book of the month clubs, LNCEU.com gives you two online trainings every month. We have a yearly payment plan that saves you over $50 compared to paying monthly, and each program is hugely discounted. Look at the options at LNCEU.com.

The LNCAcademy.com is the coaching program I offer to a select number of LNCs. You get my personal attention and mentorship so that you can excel and build a solid foundation for your LNC practice. Get all the details at LNCAcademy.com.