

CASE STUDY

Malpractice at a Surgical Facility

Forensic examination of Electronic Medical Records

Client

Malpractice Victim

Service

Digital Forensics, Discovery Consulting

The Situation

Our client was the plaintiff in a case seeking to prove that a surgical facility was not following proper medical protocol and performing surgeries without the proper pre-surgery health assessment. Allegations were made that the facility was falsifying medical records by overwriting the pre-surgery assessment digital signatures with the post-surgery medical record signature. In effect, this data replacement was erasing the evidence of the malpractice.

The Challenge: Find the Over Written Data

To prove the facility was improperly performing surgeries without pre-surgery assessments, the client needed to show the pre-surgery data was in fact being erased and covered up by the post-surgery digital signature. The facility used an Electronic Medical Record (EMR) system to maintain these records in-house and claimed the software did not have an audit

log that would record all data even if over written. Without

this information, our client would be unable to substantiate their claim.



The Solution

By examining the EMR system, our examiners were able to identify that the software utilized a database that stored all medical records and digital signatures that were entered in. Further inspection by our examiners found that the database software had a feature that recorded each transaction as it occurred, originally designed to be utilized for disaster recovery purposes. This feature meant that the pre-surgery digital signatures that appeared to have been completely erased and replaced would actually be present in the log files associated with the days of surgery in question.

Our experts advised the client to request database backups for the day after each of the surgeries in question. The time and date of each signature were not listed but an understanding by our examiners of the systems showed that the order in which the entries were saved would indicate whether or not a pre-surgery health assessment was conducted.

The Outcome

Often times, EMR records contain substantially more information than is visible via the patient's file. In this case, our experts were able to uncover and retrieve the necessary hidden data proving the malpractice by the surgical facility and prepare it in a manner suitable for a court of law. Upon receipt of request for the database backups, the facility immediately agreed to settle with the plaintiff.

Key Success



Uncovered surgical facility's attempt to falsify medical records and secured a settlement for our client.