

## CLIENT RECORDS ARE SO IMPORTANT!

IPTI have been providing insurance cover for therapists over 38 years, during this time our insurers have consistently reminded us that the majority of malpractice claims against members could be nipped in the bud if the client records submitted by therapists in defence of claims were more complete and accurate.

IPTI can see the effects of a potential claim from the perspective of both the therapist and the insurer, good record keeping is of vital importance and can benefit everybody.

If the worst happens and a claim is made against a therapist, in relation to a treatment, all the relevant case documentation has to be produced and insurers regularly complain that the detail provided is often sketchy and incomplete. A complete detailed, documented, case history is vital for the therapist's protection whether it be to determine the level of claim or as protection against prosecution.

A therapist can prove that they have asked the client the appropriate questions regarding the client's state of health and medical conditions, by recording the questions and answers. The client should also sign and date the record to confirm that what has been recorded is correct.

If a client fails to disclose a condition and then undergoes a treatment that is contraindicated, then the client must bear some responsibility for any subsequent injury incurred.

Clients often use more than one therapist, to be sure that you are not blamed for the actions of another, make sure that the client's record is updated on each occasion you provide a treatment. It is not necessary to go through the whole medical history each time but you should ask the client to check and sign that there has been no change.

Records showing consultation notes, contraindications, treatment decisions, performance and results, together with client comments and reactions clearly recorded in chronological sequence will contribute towards establishing the therapist's care and competence.

This task is not easy, particularly when surrounded by the demands of a busy practice, however a good and complete set of records will go a long way to prevent a practitioner being blamed.

As an aside, please note that your IPTI insurance policy wording states that "during the period of insurance the Insured **shall give immediate notice in writing** of any claim.....

Failure to give immediate notice could prejudice acceptance of the claim by the insurers. Underwriters to whom we have spoken said that they actually prefer **“pre-notice”** of potential claims wherever possible – that is notice given by the insured therapist that a claim might be made. Full details are obviously not required at this stage, but an outline of the circumstances is very useful to insurers as it allows them to assess the actual claim, if one is made, for signs of exaggeration and validity.

If, as often happens, after emotions have cooled, no formal claim is made the therapist can be content that the insurers had been given the best opportunity to protect them.