



PERSPECTIVES

Challenges of Telemedicine & Digital Medical Records: Unique Problems Impacting Casualty Claims & Injury Assessment



Our perspectives feature the viewpoints of our subject matter experts on current topics and emerging trends.

INTRODUCTION

While telemedicine visits and digital health records have brought about significant improvements in healthcare accessibility and efficiency, they also present unique challenges in the context of casualty claims and injury assessment. Our practice has seen a significant uptick in telehealth visits within casualty claims. Many of these visits involve making significant judgement calls and decisions within the absence of a physical exam. In addition, some of the “visits” are phone conferences in which the health care provider does not visually see the injured party.

This article gives a detailed exploration of these challenges and calls for updating or creating new procedures, technologies, and legal approaches that promote more precise assessments of injuries.

Telemedicine Visit Challenges:

A. Quality of Examination:

- **Limited Physical Examination:** Telemedicine may not allow for a comprehensive physical examination, making it difficult to accurately assess the full extent of injuries.
- **Dependence on Patient’s Reporting:** Telemedicine relies heavily on patient self-reporting, which can lead to inaccuracies if the patient lacks medical knowledge, understates injuries, or if there is intentional exaggeration.

B. Technology Constraints:

- **Connection and Equipment Issues:** Poor internet connection or inadequate equipment can hinder the effectiveness of a telemedicine visit, affecting the quality of the injury assessment.

C. Security Concerns:

- **Privacy and Confidentiality:** Ensuring secure connections and maintaining patient confidentiality during virtual visits can be a complex task, potentially leading to legal issues in casualty claims.

D. Potential Bias and Fraud:

- **Questionable Objectivity:** The absence of a physical examination might lead to biased assessments, particularly if a medical provider is aligned with a specific party in a claim.
- **Fraudulent Claims:** Telemedicine could potentially facilitate fraudulent injury claims, as physical verification becomes more challenging.

Challenges to Digital Health Records:

A. Accuracy and Integrity:

- **Inconsistent Records:** Digital health records can vary across different medical systems and providers, leading to inconsistencies that make injury assessment more complex.
- **Data Integrity:** Ensuring the integrity of digital health records is crucial. Tampering or accidental alteration can misrepresent the nature and extent of injuries.

B. Privacy and Security:

- **Data Breaches:** The storage and transmission of digital health records can be vulnerable to hacking and unauthorized access, which can have legal ramifications in casualty claims.
- **Compliance with Regulations:** Navigating various privacy regulations like HIPAA in the United States can make handling digital records in the context of casualty claims complex.

C. Interoperability:

- **Lack of Standardization:** Different healthcare systems may use various formats and standards for digital records. This makes it challenging to compile and analyze data for injury assessment.
- **Integration Challenges:** Incorporating digital health records from various sources into a unified system for evaluation may present technical hurdles.

CONCLUSION

Telemedicine visits and digital health records have introduced both opportunities and challenges in the injury assessment of casualty claims. While they have streamlined many processes, the potential for quality concerns, technological constraints, security issues, and inconsistencies in records adds layers of complexity to the process. Adapting to these challenges requires careful consideration of these factors and possibly the development of new protocols, technologies, and legal frameworks to ensure accurate and fair injury assessments.

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