

## **Physical Therapy Claims Study Summary – A Summary of the PT Claims Study published by CNA\***

Physical Therapists may be as vulnerable to professional liability claims as other healthcare providers, and this potential liability creates clinical, legal and financial ramifications for therapists in all settings. CNA and its marketing and administrative partner, Healthcare Providers Service Organization, through utilization of CNA/HPSO-insured physical therapist claims data, recorded and published a study examining the key physical therapy liabilities and presented the profession with risk management strategies that can be incorporated into clinical practice.

The risk analysis section of the study was based on a database of 1,464 open and closed claims brought against CNA/HPSO-insured therapists between January 1, 1993 and March 31, 2006. For the purposes of this section of the study, 1,272 claims were eliminated because they were either incident only claims, did not result in an indemnity or expense payment or the PT was ultimately dismissed from the case, among other reasons. Of the 1,464 claims that were examined, a total of \$43,367,287 in indemnity and expenses has been paid for the closed claims, averaging a \$38,824 average claim cost.

Summary of key conclusions drawn from the study include:

- The overall frequency and severity of the claims increased of the years covered by the study.
- 37% of the cases were closed in favor of the PT with no indemnity payment.
- Average expense fees were \$13,561 per case.
- California, New York, Florida, Texas, Pennsylvania, Louisiana, Illinois and New Jersey combined had the highest overall frequency of claims, accounting for 61% of the claims used in the study.
- The most severe claims occurred in nursing homes, with an average paid indemnity of \$76,215.
- Physical therapy offices (non-hospital locations) accounted for 77% of the claim total, followed by patient home, nursing home and hospital.
- Trauma, including fractures was the number one primary injury in a claim (27%), followed by burns (18%) and delay in recovery (11%).
- 4% of the paid indemnity claims resulted in permanent total disability or death.
- The number one allegation was “failure to supervise treatment/procedure” (15%), followed by “injury during manipulation” (11%) and “improper technique” (11%).
- Among the claims with the highest severity, “failure to report the patients’ condition to a physician or other responsible licensed independent practitioner” were the allegations most commonly associated with the claim.



CNA stated that professional liability claims brought against therapists are notable. In part, they state, this is due to the varying scope of practice for physical therapists from state to state. It therefore, becomes more difficult to define consistent, specific standards for physical therapy practice. Expert Witnesses in physical therapy cases need to be cognizant of the state regulations, regional standard of care and clinically relevant scope of practice. Physical Therapists can utilize these findings in this study to increase their risk management efforts in the areas of high concern, which can help reduce the likelihood of patient injury and financial loss.

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