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Physical therapy is used to treat individuals that are suffering with illness, disease, or injury. Physical therapists can improve mobility, strength, flexibility, coordination, endurance, and reduce the level of pain that the patient is experiencing. Physical therapists offer essential services to many types of patients in a wide variety of settings ("Physical therapy claims," 2006). These services are provided for patients with cardiopulmonary, integumentary, musculoskeletal, and neuromuscular diseases, disorders, and injuries. Physical therapists examine each individual and develop a plan using treatment techniques to promote the ability to move, reduce pain, restore function, and prevent disability (Bellamy).

The responsibility of a physical therapist is to fully evaluate the signs and symptoms of each of their patients. It is the duty of the physical therapist to become familiar with each patient, provide adequate equipment, and supervision. If the physical therapist is negligent and fails to adhere to these duties then an injury to the patient could occur. Improper techniques are the most common reasons for a malpractice report (“Physical Therapy and Rehabilitation Malpractice”). Dropping patients, leaving patients unattended on equipment, failure to supervise, using broken equipment, sexual assault, over-extending joints, and failing to inform patients of risks are all common examples of physical therapist malpractice. Physical therapists must emphasize quality improvement, risk management, infection control, and patient safety strategies within their business practice.

Physical therapists may encounter clinical, legal, financial, and operational challenges. A physical therapist can be held responsible for error, omission, or negligent acts that cause harm to the patient. In order for a negligence case against a physical therapist to be successful the plaintiff must prove that the physical therapist owed a duty, breached the standard of care, that the breach caused you harm, and that there was actual damages to the plaintiff.
The first case study I examined involved overly aggressive treatment. This case involved a female patient that was 42-years old as the plaintiff and the physical therapist as the defendant. She had a history of bilateral knee injuries and surgeries. The patient proceeded from her surgery with physical therapy. During the fifth session of physical therapy she claimed that there were severe physical and mental injuries that resulted from mobilization treatment. The patient had claimed that she asked the physical therapist to stop the treatment but the physical therapist refused and continued with the session. The defendant denied this occurrence and stated that he encourages his patients to treat aggressively but that no patient is forced to do any of the activities suggested. The plaintiff lacked witnesses that could testify against the physical therapist. The attorney of the plaintiff sought the reputation of the physical therapist as excellent and was one of the most respected physical therapists around.

The physical therapist stated that the patient had a companion attend every session with her because of her low pain tolerance. The defendant did however admit to completing the treatment, but was confident that the treatment would not cause her harm. The aides of the physical therapist stated that the treatment could have been more aggressive than the defendant had assumed.

The plaintiff had claimed that the subsequent ligament tear in her knee was a result from the physical therapy treatment. The patient’s pain had prevented her from working and from all physical leisure activities. The patient also suffered from depression. The depression made it difficult for her to train for a different job. The plaintiff’s demand included a large amount of money for a loss of earnings in the future years.
As a result the case went to settlement in the end. The total damages and future wages lost were around $1,000,000. If the case had went to trail it had an estimated cost of $800,000. In conclusion the case was settled at $400,000 and also $38,199 that went to legal expenses.

The physical therapist failed to notice the pain and stop treatment even though the patient complained of severe pain during the session. It is important that the physical therapist observes each patient’s response to the treatment and it is their duty to make any adjustments or changes that meet the patient’s needs. The physical therapist didn’t understand that the patient would be frightened if they didn’t adapt to the patient’s needs and eventually resulted in dissatisfaction of the patients. It is important to develop a risk management plan within the business practice. The physical therapist should consider the patient’s medical history while planning their treatment program. They should also observe each patient’s response to the program to insure the effectiveness of it. It is very important to consider the physical, emotional, and behavioral ability of the patient when developing a therapy program for the patient. Listening is a very key component to the success of treatment because they need to be able to make modifications to the program if the treatment is too painful or too easy for the individual. The physical therapist should also use an encouraging approach to help the patient progress through the program.

It is important to understand the risk management details involved in critical settings because if one does not perform his or her duties as a physical therapist then negligence becomes an issue and dissatisfied patients becomes a result. The actions of the physical therapist could result in harm to the practice and the physical therapists’ business. Total damages and loss of wages results from malpractice in physical therapy.

The second case study I examined involved improper performance using therapeutic exercise. The plaintiff was a nine year old child. The child had cerebral palsy and had surgery
for bilateral ankle contractures correction. The patient was referred to physical therapy after he had his casts taken off. He had a balance problem prior to his surgery and experienced pain and weakness on the right side of his body. The physical therapist was the defendant and had worked with the patient prior to surgery. The physical therapist was ordered to provide the patient with orthotics to help maintain the proper ankle position during therapy by the surgeon. The defendant had selected an exercise that was performed by the patient before. The exercise consisted of the patient sitting on a therapy ball that was supported against the wall behind him and had support chairs on each side of him. The patient was ordered to hold the ball with his left hand and throw beanbags with his right hand. The physical therapist remained by his side throughout the exercise. The patient lost strength and stability to the right and slipped. The defendant reached out to him and helped him to the floor. The plaintiff instantly said he was experiencing pain in the back of his right knee and was taken to the hospital immediately. The plaintiff was diagnosed with a non-displaced fracture of the right tibia and an over-the-knee cast was applied ("Case study: Improper," 2013). Eventually, the parents of the plaintiff sued the physical therapist for negligence.

As a result, experts agreed with the defendant’s application for orthotics and his exercise choice. However, experts did not agree with the physical therapists decision to stand on the left side of the patient because he knew that the patients’ right side was the weakest and would more likely lose balance to that side. Given the facts of the case and the very sympathetic presentation of the child, the decision was made to settle the claim ("Case study: Improper," 2013). The settlement resulted of $200,000 and additional legal expenses of $90,000.

The physical therapist overly assumed that the patient could safely perform the exercise because he performed it before surgery. The physical therapist did not take into account that the
new orthotics may alter his ability to maintain the balance he did before. It is important that the physical therapist assesses each patient’s condition at the start of each session before treating with any activity. It is extremely important that the physical therapist is able to recognize that an injury or change in emotional state prior to treatments may cause the patient to respond differently to an exercise they have performed in the past. Using additional assistants to support a patient during an exercise should be highly considered. The physical therapist should also examine how orthotics, braces, or splints could alter the patient’s ability to perform the exercise. Lastly, it is important to provide the support and supervision of a patient’s known disability or injury location.

It is important to understand the risk management details involved in this critical setting because if one does not perform his or her duties as a physical therapist then negligence becomes an issue and dissatisfied patients becomes a result. The actions of the physical therapist could result in harm to the practice and the physical therapists’ business. The act of negligence could result in harm to the patient and result in regret and could possibly alter one’s ability to continue to work in that field. Total damages and loss of wages results from malpractice in physical therapy.

I chose this particular issue because I want to become a physical therapist in the near future and because I was interested in examining the cases of this issue. Examining these cases also introduced me to the topic a little more. Before now I really hadn’t heard of any malpractice in physical therapy but it can easily and unknowingly happen fast. This assignment helped me understand the importance of the issue.

In conclusion, after examining these cases I gained a great amount of knowledge about malpractice in physical therapy. It is unreal for me to think that some of these instances can
happen within the practice. A physical therapist has many responsibilities and has to be thinking clearly every second of each session unless it may result in a law suit for negligence and eventually harm their business. In many cases the act of malpractice not only harms the patient physically but emotionally as well. Malpractice also impacts the physical therapists themselves emotionally and financially. This assignment showed the details involved with malpractice and implied the importance of understanding in critical settings.