

5 Common Malpractice Claims Optometrists Face

Knowing the most common claims facing optometrists is the first step to reducing your risk of a stressful and costly malpractice lawsuit. [AOAExcel](#) asked their malpractice insurance partner, Lockton Affinity, to identify some of the most common types of claims optometrists encounter:

1. **Failure to Diagnose**—The most common claim facing optometrists involves a failure to correctly diagnose a disease, including misdiagnosis and lack of diagnosis. Many other types of malpractice claims will begin from a failure to diagnose claim.
2. **Failure to Dilate the Pupil**—A large percentage of claims describe a failure to dilate the pupil. Optometrists who choose not to dilate the pupil during an examination may be at increased risk of a lawsuit, because a lack of pupil dilation can increase the chance of missing pathology or making an incorrect diagnosis. On rare occasions, dilation itself may cause a liability claim related to slip-and-fall accidents that occur in the office or on the premises. The risk for these claims can be reduced by warning patients of dilation side effects and providing mydriatic sunglasses.
3. **Improper Patient Termination or Referral**—Malpractice claims have been made when delayed treatment results in a poor outcome. It's important to remember that an optometrist has a legal responsibility for a patient until treatment concludes or the patient is referred to another practitioner for care.
4. **Neglecting Informed Consent**—Claims in which an injury results from care often focus on whether informed consent was obtained and documented as required. Like all healthcare professionals, optometrists must obtain informed consent before tests, procedures and treatments. Failing to document informed consent exposes you to malpractice claims.
5. **Poor Recordkeeping**—A large number of claims involve allegations of poor recordkeeping. A lack of documentation can not only lead to missed diagnoses, incomplete referrals, missed follow-ups, and missing informed consent documentation, it can also hurt your case defending against these and other malpractice claims. Fortunately, most recordkeeping problems are entirely preventable with the proper procedures.

The right precautions can go a long way in minimizing your chance of a serious malpractice claim. [AOAExcel](#) partners with Lockton Affinity to provide AOA members with malpractice insurance designed for doctors of optometry—flexible, competitively priced coverage guaranteed to expand with your state's scope of practice. Visit aoa.org/liabilityinsurance to receive an instant quote and a complimentary review of your current policy.