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## New York Doctor alters medical records

If I know that a doctor has altered his medical records, do I save it and spring it on him at the time of trial, or do I use it during his pretrial testimony? You want to know the answer? Come join me for a moment as I share with you some great information.

Hi, I'm Gerry Oginski. I'm a New York medical malpractice and personal injury attorney, practicing law here in the state of New York. Now, if I can show that the doctor altered his medical records, I have to come up with a strategy to decide where I want to spring it on him. Do I do it during his pretrial testimony, known as a deposition, or do I save it for the time of trial, and spring it on him there? The answer is, in all likelihood, I'm going to use it and spring it on him during his pretrial testimony.

Now, why would I ever want to do that? For two reasons. One, I want to be able to lock the doctor into his testimony, and then show him those altered records, and then see what he has to say. If I can show, during this pretrial testimony, which carries the same exact weight as if the doctor is testifying at trial, now I gained leverage during the course of settlement negotiations, and it will significantly improve my chances to try and settle this case. The defense will realize that, if in fact the doctor did alter his records, it's really indefensible, and trying to make an argument to the injury and explain away how and why the doctor altered his records is going to be an uphill battle and a real challenge for the defense attorney. It can give me significant leverage if I'm able to lock the doctor in.

My goal, once I determine that there are altered records, is to use the records that the doctor believes were given to us, and given to the patient, and are the altered set of records. Then, once the doctor goes ahead and admits and acknowledges that these are the only re-

records, he has no other records, he's the only one who makes these records, he's responsible for entering these records, now I'm going to take out the original records that are different than the ones that he altered, and I'm going to ask him to explain away why there are differences between those two records, for the same date, for the same event, for the same treatment period, and see what he has to say.

When I can show that during pretrial testimony, all of a sudden the dynamics of that case changed remarkably, almost like 180 degrees. Why do I share this great information with you? I share it with you just to give you a sense of what occurs if a doctor has, in fact, altered his records. Now, I will share something very important with you. In the course of my career, now more than 26 years in practice, I've only seen a doctor alter records less than five times, and there's an important reason for that. Doctors know that if they alter medical records, there is the possibility that they can lose their medical license, and the reality is that most doctors are not going to risk their career and change and alter a medical record, but it does happen from time-to-time.

I realize you're watching this video because you have questions or concerns about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a lawsuit, but you have questions that need to be answered, what I encourage you to do is, pick up the phone and call me. I can answer your legal questions. You know, this is something I do every single day, and I'd love to chat with you. You can reach me at 516-487-8207, or by e-mail at [Gerry@oginski-law.com](mailto:Gerry@oginski-law.com). That's it for today's video. I'm Gerry Oginski. Have a great day.