

## The Case of the Unknown Consultation

by Academic Board of the American Academy of Spine Physicians.

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A 45-year-old female slipped on a wet floor in a store. She had the onset of low back pain later in the day, and during the next few days, experienced gradual onset of pain radiating down both legs. She sought help from a chiropractic physician recommended by a neighbor. She retained a personal injury lawyer and sued the store. The case was settled without depositions being taken. Her lawyer then recommended that she try to get some additional money by suing the chiropractic physician who treated her. Her lawyer advised that they could argue that she would have been "fine" if the chiropractic physician had not treated her.

The lawyer found a semi-retired chiropractor in another part of the country; he signed an affidavit stating the client would not have suffered the pain if she had not received chiropractic manipulative therapy (CMT). This "expert" witness said he was prepared to say that the woman was not a candidate for CMT.

In the discovery process prior to taking depositions, the woman's lawyer found out that she had seen a neurosurgeon during the course of her treatment with the chiropractic physician. The patient apparently had referred herself to the neurosurgeon. The neurosurgeon's records stated that he had examined the patient, reviewed her radiological studies and recommended that she continue her conservative therapy. Upon finding there was a neurosurgeon supportive of her chiropractic care - stating that the CMT should continue - the lawyer knew that he could not overcome the opinion of the neurosurgeon, and withdrew the lawsuit.

### The Point

Although the chiropractic physician and the neurosurgeon never met and did not know of one another, the neurosurgeon's support of chiropractic care for this patient ended up saving the chiropractor years of grief dealing with a frivolous lawsuit.

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