

Can You Pass the Smell Test?

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The issue concerning when actions and conduct do not meet the "smell test" can be summed up much like [late Supreme Court Justice Potter Stewart](#) did when asked to define pornography. His answer was: "I can't define it, but I know it when I see it."

From the moment we are able to communicate with the world, we have an innate appreciation of what is inherently right and wrong. Unfortunately, it does not take too long for that understanding to be skewed by our interaction with other human beings and stimuli. It starts at the television set, moves on to the computer and computer games and becomes entrenched once we are foisted upon the educational system. It seems that in many instances, simple things like the use of appropriate language and being polite fly out the window as soon we start interacting extensively with others.

Relationships and communication between people become even more of an ordeal when one enters into a profession. Unlike occupations that may allow for solitude and the ability to act without interaction and communication, most professions, including the chiropractic profession of course, require the ability or, at a minimum, the necessity of being able to rationally, reasonably and politely communicate with patients.

Patients are an interesting flock of individuals made up of all kinds of different characteristics, quirks and habits. Some have chronic problems. Some have acute problems. Each one requires care. When in your office, they are patients - not friends, not family, not customers or anything else. And that puts the doctor and the patient in an interesting venue indeed. A chiropractor cannot become a party to a patient's economic, social or litigious environment, any more than they can become sexually involved with the patient. It is an inappropriate relationship that allows for an abuse of the doctor-patient relationship whether in the office or involving third parties such as insurance carriers.

The fact that a patient seeks health care is not an excuse to provide care if none is warranted. While at the time of the "visit," it may seem reasonable to provide the care, and whether there is billing for such treatment or no billing, imagine having to review your patient's file some two years hence and in hindsight indicate the necessity and therefore the validity of providing that treatment. If it were not justified when provided, it will seem even more inappropriate when looked at by third parties many years later.

I have seen, heard and defended chiropractors who have dealt with patients who desired treatment, begged for treatment, prayed for treatment and were grateful for the treatment once received. But in hindsight, the 160 treatments given without a reassessment; the 10 treatments of a patient over six weeks with a cost into the many thousands of dollars; the patient who sought out five doctors before finding one who would justify their complaint; or the doctor who had sex with the patient because the patient was lonely and wanted the comfort just don't satisfy the definition of what a reasonable chiropractor would do in the circumstances. In other words, the justification for the treatment, action, etc., does not satisfy the professional standards, notwithstanding what the patient may have wanted. Whatever the reason, it just doesn't pass the smell test.

