

Good News, Bad News for DCs in Connecticut

*BOARD RULES THAT STROKE-SPECIFIC INFORMED CONSENT IS UNNECESSARY;
VICTIMS OF CHIROPRACTIC ABUSE FILES SUIT.*

Peter W. Crownfield

The Connecticut Board of Chiropractic Examiners has issued its much-anticipated declaratory ruling regarding informed consent. According to the board, the state's chiropractors *do not* need to alter their current informed consent protocols by notifying patients that a cervical artery dissection or stroke may occur following a cervical adjustment. The board's ruling noted: "[T]here is simply not enough evidence to find that joint mobilization, manipulation or adjustment of the cervical spine causes strokes or cervical arterial dissections in patients or that patients are at risk for stroke when a chiropractor performs a joint mobilization, manipulation or adjustment of the cervical spine. ... [A] reasonable patient would not find a discussion regarding the risks of stroke 'material' when assessing what treatment, if any, to undergo."

The decision follows [four days of hearings in January and early February](#) featuring representatives of the Connecticut Chiropractic Association, the Connecticut Chiropractic Council, the ACA, the ICA, the Foundation for Chiropractic Progress and several chiropractic colleges; and representatives of the Chiropractic Stroke Awareness Group and the Victims of Chiropractic Abuse (VOCA). The hearings regarding informed consent came about following a June 2009 legal agreement between the CCA and the VOCA, with the latter agreeing to end its long-standing anti-chiropractic ad campaign - which included billboards, newspaper advertisements and even ads on public buses - in exchange for the declaratory ruling from the board.



Whether the board's decision means the Victims of Chiropractic Abuse will restart its negative ad campaign is unknown at this time, but the VOCA has followed through on lawsuit threats, filing civil suit in the State of Connecticut Superior Court. The suit, which names the Connecticut Chiropractic Association and the Connecticut Chiropractic Council as defendants, alleges the following:

"By failing, neglecting and refusing to inform patients of risks associated with high-velocity, low-amplitude neck adjustments, members of defendant organizations intentionally imply that the procedure is safe enough so that the benefits of the procedure, even when those benefits are uncertain, outweigh the risks. [This failure, neglect and refusal] constitutes part of a strategy and trade practice adopted by defendant chiropractic organizations and its members to maximize profits by performing high-velocity, low-amplitude neck adjustments which provide little or no benefit to patients but for which they charge patients and their insurance companies."

Among other allegations, the suit also contends that Connecticut DCs "routinely violate Connecticut General Statutes" by "[using] the title 'Doctor' without designating themselves as licensed practitioners of chiropractics [sic] in phone book advertising, phone book listing, appointments or business cards, patient handouts and/or on entrance signs; practice under a corporate name that fails to contain the name or names of the chiropractor or chiropractors who actually own the practice; and fail to exhibit the name of each licensed practitioner or practitioner of chiropractics [sic] at the entrance to the place of business or on the office door." The suit seeks monetary damages, punitive damages, attorney fees, and injunctions forbidding HVLA neck adjustments unless patients are informed of the risk of stroke prior to the adjustment and mandating that patients receive written instructions outlining stroke symptoms and actions to take if they think a stroke is in progress.

For background information on the anti-chiropractic ad campaign in Connecticut and specifics of the 2010 board hearings, read "[Fighting to Debunk the Chiropractic Stroke Myth](#)" in the March 12, 2010 issue.

JULY 2010

©2024 Dynamic Chiropractic™ All Rights Reserved