

Informed Consent Comes to California

BOARD OF CHIROPRACTIC EXAMINERS' MANDATE EFFECTIVE OCT. 7.

Editorial Staff

The California Board of Chiropractic Examiners (BCE) has added [informed consent](#) to the requirements licensed doctors of chiropractic must fulfill to practice in the state. The new regulation, which went into effect Oct. 7, according to the board, requires licensees to "obtain patient consent prior to providing any treatment that could pose a risk of harm to the patient."

"The BCE has been working diligently to improve the standards of care in the chiropractic profession in California," said Dr. Fred Lerner, BCE chair. "The BCE's primary mission is consumer protection, and these new regulations are part of the Board's ongoing effort to ensure patient safety. Informed consent is considered a standard of care in the chiropractic profession and this regulation reinforces that standard. The informed consent process ensures that the patient's right to self-determination regarding health care is paramount."

The informed-consent requirement, which has been added to the California Code of Regulations, Title 16, Division 4, Article 2 (Section 319.1), stipulates the following: "(a) A licensed doctor of chiropractic shall verbally and in writing inform each patient of the material risks of proposed care. 'Material' shall be defined as a procedure inherently involving known risk of serious bodily harm. The chiropractor shall obtain the patient's written informed consent prior to initiating clinical care. The signed written consent shall become part of the patient's record. (b) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action."

While California is not the first state to require health care professionals to provide informed consent to patients, it appears to be one of only a handful of states with chiropractic-specific informed-consent requirements stipulated by the state examining board. It is unknown how California DCs will react to the new requirement - or what specific procedures or treatments will need to be addressed in the informed-consent document DCs provide patients.

Connecticut law, for example, requires all health care providers to obtain informed consent prior to initiating treatment; however, [last year](#), the Connecticut Board of Chiropractic Examiners ruled that stroke-specific informed consent was unnecessary. A 2009 agreement between the Connecticut Chiropractic Association and the "Victims of Chiropractic Abuse" mandated the ruling, with the VOCA agreeing to end its anti-chiropractic ad campaign in Connecticut in exchange for the ruling from the board.

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