

## The Forensic Chiropractic Examiner

### DUTIES AND PROFESSIONAL OPPORTUNITIES, PART I

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The health care delivery system requires a focused awareness of injury and pathology evaluation, analysis of the data, concise, well-written reporting and the ability to testify on the forensic conclusions. Each year, more than 39 million people are hospitalized or receive emergency treatment for accidental injuries, and more than three million American workers sustain disabling injuries on the job. Many of these cases result in legal action claims, including: Social Security; veterans' disability; Family Medical Leave Act disability; personal disability; Americans with Disabilities Act; workers' compensation; fraud and criminal investigation; and personal injury litigation. These areas represent a substantial market for forensic chiropractic examiners who offer diagnostic, medical and psychological disability evaluation for work functional capacity; forensic chiropractic document management; forensic chiropractic peer or diagnostic review; forensic chiropractic review of diagnostic procedures; fraud or criminal investigation; developing anti-fraud programs; and related services. It also provides opportunity for forensic chiropractic experts to team with legal, special investigative units of the insurers; fraud divisions of state insurance commissioners; the Office of the Inspector General health care fraud investigators; and other representatives in providing forensic chiropractic expert testimony.

The basic premise is that forensic chiropractic examiners<sup>1</sup> are first and foremost teachers. The certified forensic examiner is the primary influence in instructing patients; special investigative units; public advocates; universities; and medical and legal organizations in the wide-ranging techniques that fall within the forensic chiropractic science category.

Forensic chiropractic is a science and methodology that deals with the relation and application of chiropractic and scientific facts to legal problems. It refers to the certified independent forensic chiropractic medical examiner (CIFCME) who performs an orderly analysis; investigation; inquiry; test; inspection; and examination in an attempt to obtain the facts and make an expert opinion. CIFCMEs do not "win" or "lose" cases. Forensic chiropractors seek only the truth; they conduct evaluations, examinations and inquiries, and report the true results of their findings in an unbiased and objective manner that a reasonable person could understand.

Forensic chiropractic methods and criteria must be objective and bench-marking results need to be repeatable. Forensic chiropractic examination protocols, algorithms, and techniques should be comprehensive, but not overly complicated. The methods and results must be understandable to the requesting agencies for the judicial process.

#### Forensic Chiropractic History

The National Board of Forensic Chiropractors (NBOFC), and the CIFCMEC were created to promote competency in the chiropractic professional's ability to perform excellent independent forensic exams; forensic chiropractic document management; forensic chiropractic peer or diagnostic review; forensic

chiropractic review of diagnostic procedures; evaluation for work functional capacities; impairment rating; scientific peer review of literature; standards of care analysis; investigation of suspicious medical claims; and to be state and federally recognized as forensic expert witnesses. The NBOFC's 120-hour, 10-module program is cosponsored through the postprofessional, graduate and continuing education program at Lincoln College, a division of the National University of Health Sciences, and is approved for continuing chiropractic education in 31 states.

The NBOFC and the CIFICMEC were registered on June 1, 1999 with the United States Patent and Trademark Office, registration number 2,250,653, for educational testing services, mainly for developing, constructing and administering tests and test programs for candidates as doctors in forensic medicine, and for candidates for certification in the relation and application of chiropractic facts to legal problems, in Class 42 (U.S. CLS. 100 and 101).

#### Examining Board and Criteria

The CIFICMEC is the examining and certifying body for examiners, scientists, and professionals involved in forensic chiropractic analysis and evaluation. It endorsed the guidelines for accreditation standard setting of health care organizations through the National Commission for Certifying Agencies (NCCA), the accreditation body for the National Organization for Competency Assurance (NOCA).

The CIFICME is an individual who completes the necessary coursework specializing in NBOFC chiropractic forensics from an NBOFC-co-sponsored department of education accredited institution, but also completes and signs its code of ethics and independently verifies the professional license requirements, and passes a rigorous certifying examination.

#### CIFICMEC Requirements:

A provider seeking to qualify as a CIFICME must satisfactorily complete a minimum of 120 postgraduate hours in prescribed educational areas and successfully pass the written forensic examination as outlined above. Each category and the recommended minimum number of hours are noted under the requirement section in the candidate's guide and on the NBOFC website ([www.forensic-examiners.org](http://www.forensic-examiners.org)). Credit for each category is obtained by completing the minimum number of hours and successful, passing a category examination on the subject matter presented in each session. Education may be obtained from any institution having status with an accredited agency recognized by the U.S. Department of Education or program acceptable to the CIFICMEC. Any postgraduate course being used to meet these requirements is subject to approval and must be verified in writing by the CIFICMEC.

The current requirements for certification through December 31, 2002:

Part I - Copyright Written Examination (Chiropractic Forensics) This examination can be taken after completing the 120-hour forensics program. The examination consists of an oral examination and a series of multiple-choice questions divided into 10 sections. The examination includes recall, interpretation and problem-solving type questions. The content areas of the examination include the following components:

- clinical competency
- impairment assessment

- functional capacity and disability assessment
- forensic chiropractic analysis and algorithm
- statistics
- psychosocial and behavioral assessment
- law and ethics
- disability systems
- criminal investigation
- federal expert witness requirement

Part II - Passing the *Independent Forensic Chiropractic Medical Examination with Impairment Rating and Disability Determination* oral boards.

Part III - Passing the CIFICMEC copyright forensic specific examination (all 10 parts).

*Note:* A candidate may sit for the forensic specific exam (Part I) and will be certified as a CIFICME after successfully completing three of the components listed above.

#### General Information

The examination is offered once each year at the completion of the National Board of Forensic Chiropractors' (NBOFC) 120-hour training program. There may be other examination dates as approved by the CIFICMEC.

#### Forensic Chiropractic Skill Sets

The CIFICME must have scientific, technical and specialized knowledge to assist the trier of fact to understand the evidence or to determine a fact. The chiropractic professional qualified by knowledge, skill, expertise, training and education, may testify thereto in the form of an opinion or otherwise:<sup>2,3</sup>

- possess all the necessary forensic skill sets and training in physical, behavioral, psychological, fraud investigation and occupational assessment;
- draw upon in-depth experience to perform credible evaluation;
- provide thorough, objective, written analysis regarding: diagnosis; causation; prognosis; maximal medical improvement (MMI); impairment; fraud investigation; work capacity; appropriateness of care; and care management;
- be qualified to testify as an expert witness;
- recognize the value of impartiality and thoroughness in case evaluation;
- strive to conduct timely, cost-effective evaluations;

- abide by the NBOFC and CIFCME guidelines of conduct and ethical practice;
- exhibit commitment to professional excellence and integrity;
- be effective in direct and cross-examination;
- be prepared for depositions and trials;
- write an excellent independent forensic chiropractic medical exam and narrative report; and
- avoid common errors in: impairment evaluations; functional capacity evaluations; forensic chiropractic document management; forensic chiropractic peer or diagnostic review; and forensic chiropractic review of diagnostic procedures.

### The Code of Ethics and Guidelines of Conduct for NBOFC and CIFCMEs

CIFCMEs shall:

1. Perform their duties in accordance with the law and shall observe the highest moral principles and standards of professional practice.
2. At all times act with integrity, truthfulness and honesty.
3. Observe diligence in the discharge of their professional responsibilities.
4. Exhibit competence at all times in the discharge of their professional responsibilities.
5. At no time divulge confidential information in an inappropriate or unlawful manner and shall exercise the care required to confidentiality, consistent with the applicable legal jurisdiction.
6. Not maliciously injure the reputation or professional practice of colleagues, employers, insurers, claimants, or other parties to investigation.
7. Display the requisite courage to make the right decision when faced with potential conflicts of interests.
8. Remain totally objective and use their ability so that justice is served by accurate determination of the facts involved.
9. Thoroughly examine and analyze the evidence in a case; conduct examinations established scientific principles, based on facts and sound medical knowledge; and render opinions which have a demonstrably reasonable basis and are within the examiner's adequate qualifications.
10. Not intentionally withhold or omit any findings or opinions discovered during a forensic examination that would cause the facts of the case to be misinterpreted or distorted.
11. Never misrepresent their credentials, education, training, experience, or Certified Forensic Chiropractic status.
12. Refrain from any conduct that would be adverse to the best interests and purpose of the

NBOFC.

13. Respect the rights of the examinee and other participants, and treat these individuals with dignity and respect
14. Be prepared to address conflict in a professional and constructive manner.
15. Never accept a fee for services, which is dependent upon writing a report favorable to the referral service. Only be objective and state the facts.

### *References*

1. Fitzgerald PB: *Introduction to Forensic Examination*. National Board of Forensic Chiropractors Publications, 2001.
2. *Expert Evidence: A Practitioner's Guide to Law Science, and the FJC Manual*, St. Paul, Minnesota, 2000. West Group
3. Federal Judicial Center 1994, *Reference Manual on Scientific Evidence*. 1995, Clark Boardman Callaghan, a division of Thomson Legal Publishing, Inc.

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