



THE PROFESSION

## Quickie Seminar Adjustments Have No Place in Chiropractic

James Lehman, DC, MBA, DIANM

Recently, I observed chiropractors treating each other in the vendor area at the annual meeting of a chiropractic association. "Quickie" chiropractic adjustments and other hands-on procedures were administered without appropriate history taking, physical examination, diagnosis or informed consent. Ironically, the vendor next to the chiropractic tables was NCMIC. I wondered what the NCMIC representative was thinking while observing this unprofessional and risky behavior.

Have you ever been approached by a colleague seeking an adjustment at a chiropractic seminar? If yes, did you comply with the request? I suspect it would be the rare chiropractor who has not adjusted a colleague outside of their clinical facility. I certainly have done so in the past.

But here's the key question: Do you realize that when you accept the invitation to treat a colleague outside of your clinical facility, you lower the quality of your care and expose yourself to a malpractice suit?

What Does Your State Say?

Although I was a full-time faculty member of the College of Chiropractic at the University of Bridgeport, I was offered a part-time position in 2010 to serve as the director of the Health Sciences Postgraduate Education Department. I was charged with many additional responsibilities, but most importantly, I was expected to create evidence-based postgraduate education programs and mitigate risks.

This administrative experience has heightened my awareness of potential liability issues regarding the administration of spinal manipulation and hands-on treatments offered by chiropractors at seminars. As a chiropractor practicing in New Mexico, I was happy to help a colleague when asked to give an

adjustment. Today, I would not be willing to provide chiropractic treatments outside of the clinical environment.

Why, you ask? According to the New Mexico Chiropractic Practice Act:

- "Chiropractic physicians are required to perform appropriate diagnostic procedures reasonably necessary to clinically correlate a physical examination to a diagnostic impression<sup>1</sup> ...
- "'Chiropractic record' means all information maintained by a chiropractic physician relating to the past, present or future physical or mental health of a patient, and for the provision of health care to a patient. This information includes, but is not limited to, the chiropractic physician's notes, reports summaries, and x-rays and laboratory and other diagnostic test results. A patient's complete chiropractic record includes information generated and maintained by the chiropractic physician, as well as information provided to chiropractic physician by the patient, by any other physician who has consulted with or treated the patient, and other information acquired by the chiropractic physician about the patient in connection with the provision of health care to the patient."<sup>2</sup>

The New Mexico Chiropractic Practice Act states that chiropractic physicians are required to perform an appropriate evaluation of the patient in order to make a diagnosis prior to treatment. The act also implies that the chiropractic physician will maintain a chiropractic record while providing health care to a patient.

So, during a 15-20-minute break between continuing-education classes, do you believe New Mexican chiropractic physicians are providing high-quality care in accordance with the state's Chiropractic Practice Act when they provide chiropractic adjustments to their friends and colleagues on vendor tables in the exhibitor area or in the hallway?

*Note:* While I am pointing out this common phenomenon using New Mexico law, I believe it occurs throughout the United States at most chiropractic seminars.

But What's the Problem?

You may wonder, *What's the problem?* Here's the problem: Once you accept the request to provide a chiropractic adjustment, you have created a doctor-patient relationship. However, providing chiropractic adjustments in hotels and motels outside of your clinical facility does not include appropriate evaluation and management procedures necessary to comply with your state's practice act or provide quality patient care.

These "quickie adjustments" provided as a professional courtesy do not alleviate your professional responsibility to provide appropriate examination, diagnosis and maintenance of a chiropractic record for your patient - the other chiropractor.

Risking the "What If..."

Of course, chiropractors believe chiropractic adjustments are safe and salubrious for everyone. But keep in mind these chiropractic interventions carry increased risk when performed without an examination that leads to a diagnosis. In spite of the colleague requesting the chiropractic adjustment, did you perform an informed-consent process before the therapeutic procedure? Yes, you assume the chiropractor implied consent with the request for treatment but what if the treatment outcome is disastrous?

What if that acute neck pain and headache is the result of a vertebral artery dissection and not a neuromusculoskeletal condition, and your "quickie" spinal adjustment is followed by a permanent neurological disability or death? Do you think the impaired chiropractor or the grieving family may hire an attorney to sue you for malpractice?

If you are sued for malpractice, will you have a defense? I doubt it because you accepted a patient, but did not perform an appropriate examination that ruled-in / ruled-out diagnoses before providing a treatment. Nor did you provide an informed-consent process or maintain any type of chiropractic record. How could you provide quality care and create a chiropractic record in the hotel? I suggest you will lose the malpractice lawsuit.

### Help the Right Way

Chiropractors are dedicated to alleviating the incidence, degree and consequences of human physical pain. We all understand that when a colleague seeks a chiropractic adjustment, we want to help. My suggestion is that we take their request seriously and invite them to make an appointment at your office for quality, legal chiropractic services that mitigate risk to the patient and the provider. It is time to discontinue "quickie" seminar adjustments.

### References

1. New Mexico Administrative Code: Occupational and Professional Licensing, Chiropractic Practitioners, Practice Procedures. Title 16, Chapter 4, Part 18.  
<http://164.64.110.134/parts/title16/16.004.0018.html>
2. NMAC: Occupational and Professional Licensing, Chiropractic Practitioners, Management of Medical Records. Title 16, Chapter 4, Part 14.  
<http://164.64.110.134/parts/title16/16.004.0014.pdf>

FEBRUARY 2019