

## **Decision of the Chiropractic Board of Australia**

Performance and Professional Standards Panel

Jurisdiction: Victoria

**Date of hearing:** 1 May 2012

**Date of decision:** 3 May 2012

### **Classification of Notification:**

Clinical Care – Inadequate or inappropriate treatment, missed, incorrect or delayed diagnosis

Communication – Failure to communicate openly, honestly, and effectively

### **Allegations**

The patient presented to the chiropractor with multiple neurological symptoms. The chiropractor manipulated her spine after a minimal examination and took no patient history. After the third treatment on consecutive days, the patient rang the chiropractor twice, reporting pain, numbness and tingling. The patient was concerned that the chiropractor's advice to rest, apply ice and try short walks was not appropriate. She sought other treatment and underwent surgery the same day.

It was alleged that the chiropractor's assessment and management of the patient's post-treatment complications were inadequate and/or inappropriate.

### **Finding**

The Panel found that the practitioner did not perform an adequate neurological examination at any stage during his consultation with the patient and made an incorrect diagnosis.

It also found there were discrepancies between the evidence of the practitioner and the patient, and concluded that there were obvious deficiencies in the communication between them. The Panel found the practitioner's communication with the patient did not meet the standards set out in the Board's Code of Conduct. The Panel found that the practitioner continued with the same treatment plan without modification, despite the fact that his own notes indicated the patient's condition was deteriorating; did not seek appropriate informed consent for the treatment; and did not make a file note indicating that verbal consent had been given. The Panel also found that the practitioner's notes were incomplete, as they did not include relevant history or information that the patient had previously refused surgery for her condition.

The Panel found that the practitioner engaged in unsatisfactory professional performance and did not meet the standards outlined in the Code of conduct for chiropractors.

### **Determination**

The Panel decided to impose a condition on the registration of the practitioner requiring him to complete further education and training to address areas covered in the Code of Conduct. The training was to be carried out within six months with a progress review period of 12 months.