

**Chiropractic management of lower back sprain  
(08HDC02247, 25 February 2009)**

*Chiropractor ~ Chiropractic clinic ~ Lower back sprain ~ Pettibon Ligament Muscle Stimulator ~ Standard of Care ~ Information ~ Rights 4(1), 4(2), 6(1)*

A 46-year-old man, with a history of back pain from various injuries and arthritis in his spine, complained about the care provided by a chiropractor.

The man sprained his lower back whilst lawn mowing and sought treatment from the chiropractor. The chiropractor proposed a treatment regime that involved treating both injury and pre-injury symptoms. He also provided information that led the man to believe that the chiropractor could alleviate his back pain. The man returned to see the chiropractor every two to four days and attended a total of eight visits over 18 days. The treatment sessions were very brief and the man experienced little relief. At the final appointment, the chiropractor used a Pettibon Tendon Ligament Muscle Stimulator machine to treat the man's spine. The man queried the validity of this and decided against returning to the chiropractor.

It was held that the chiropractor did not provide the man with adequate information about his condition and treatment options, and breached Right 6(1). Furthermore, he failed to assess the man's cervical risks by omitting to document an adequate case history before examining his entire spine. There are recommended protocols for such examinations in order to minimise the risk of accidents during the clinical examination. The omission in this regard was a severe departure from accepted practice. The chiropractor's clinical care was inappropriate and breached Rights 4(1) and 4(2).

The chiropractor's documentation of care was poor. It did not include salient information regarding presenting symptoms, and lacked detail to enable formulation of an appropriate treatment plan. He also failed to store the man's clinical records appropriately. His standard of record-keeping breached Right 4(2) and was a severe departure from expected standards.

As the chiropractor's employer, the Clinic failed to take reasonably practicable steps to prevent him from breaching Rights 4 and 6, and therefore is vicariously liable for his actions.

This case highlights the importance of limiting investigations and assessments to what is medically necessary, in other words, not over-servicing the patient. It is important to provide adequate information on all treatment options offered, including providing clear explanation about any equipment used, to prevent any misunderstanding between the practitioner and the patient.

The chiropractor was referred to the Director of Proceedings. The Director decided not to issue proceedings.