



Why have I been touched there?

Guild Insurance has seen a gradual increase in the number of allegations against chiropractors where the patient claims the chiropractor has behaved in a sexually inappropriate manner during treatment.

These claims may involve allegations regarding the way the chiropractor has touched them, or they may relate to what the chiropractor has said during the consultation. These are incredibly serious allegations that cause a great deal of stress for both the chiropractor and the patient.

Case example 1

The patient alleged that during treatment the chiropractor moved and undid items of the patient's clothing without the patient's consent, leaving the patient feeling exposed and uncomfortable.

Case example 2

The patient complained about what she perceived to be excessive and unnecessary physical contact during treatment which left her feeling uncomfortable. The patient stated she had been receiving chiropractic treatment for more than a decade and had never been treated in this manner.

How can these allegations be avoided?

Be mindful of patient clothing

If a patient's clothing needs to be moved or adjusted to allow better access to body parts needing to be treated, this needs to be done with the utmost consideration. Adjusting clothing can leave patients feeling exposed and vulnerable during treatment.

Tips regarding patients and their clothing:

- > Consider making patients aware prior to their appointment that they may need to wear a gown. This allows the patient to consider what clothing might be most suitable and comfortable to wear.
- > Be sure you explain to patients why you would like them to move or adjust their clothing, keeping in mind it may not be obvious to them.
- > Provide the patient with clean towels and/or gowns to keep covered the parts of their body not being treated. Please note, these must be of a sufficient size to protect the patient's modesty.

- > If moving or adjusting the patient's clothing during treatment, seek the patient's consent before this is done, and ensure you offer to re-position the clothing afterwards.
- > If clothing needs to be removed, be very clear about what you want patients to remove and what they should leave on. Simply asking them to undress is likely to cause confusion and apprehension.
- > If undressing, give patients privacy when undressing and dressing by either having a screen for them to go behind, or by leaving the room, even if they aren't removing much.

Gender is irrelevant

It's easy to think that allegations of inappropriate touching are predominately issues when treating patients of the opposite gender. However, this isn't the case. Regardless of your and the patient's gender, there is always a possibility for the patient to feel uncomfortable during treatment. The way you explain treatment to patients and seek their informed consent should not differ based on the patient's gender.



Informed consent

All chiropractors would be aware of their professional obligation to ensure a patient has given their informed consent prior to assessment and treatment beginning. For a patient to be able to give informed consent, they need to have had the assessment and treatment explained to them in a manner they understand. This means avoiding clinical language which may be confusing while providing the risks and benefits to what you are proposing and allowing time for the patient to ask questions.

As chiropractic is very hands-on, it's important to clearly explain to patients where they're going to be touched, and why. It may even require you to demonstrate on yourself exactly where you're referring to. Remember that in some cases you won't directly touch the patient where they feel pain or discomfort, so the treatment area may not be obvious to them. Keep in mind that even after treatment has commenced, patients can withdraw consent at any time if they don't feel comfortable.

Record keeping

Record keeping is a professional requirement which serves a number of purposes. Detailed and accurate clinical notes allow for continuity of patient care.

They also provide evidence of what took place during a consultation, and why.

If a patient alleges they have been touched inappropriately, the chiropractor's clinical record will be examined for evidence of what treatment was provided and the clinical justification for this. The clinical record should contain evidence of the patient consenting to the treatment. Without this information in the clinical record, it becomes very difficult for the chiropractor to defend their actions.

Don't make assumptions

As with any professional, chiropractors can become overly familiar with what they know and do every day. However, they must remember that patients won't have that level of familiarity when it comes to chiropractic. Regardless of how many times a chiropractor has treated a patient, they should never make assumptions about what the patient will understand about treatment, be comfortable with and be willing to consent to. Treatment always needs to be explained to patients, even if they've received that treatment before.

Consider the patient's demeanour

While it isn't expected that a chiropractor can be sure of what a patient is thinking and feeling just by their body language, we all have some ability to gauge when

a person is feeling uncomfortable with a situation. If you have a patient who appears to not be comfortable with the treatment being suggested or carried out, stop what you're doing and assess the situation. You may need to further explain the treatment so it's better understood. You may need to reposition clothing or gowns so the patient is more adequately covered. Or you may need to remind the patient that they don't have to consent to treatment being proposed and discuss other treatment options. It is also worth informing patients that they can bring a support person, such as a friend or relative, into the treatment room with them if that would make them feel more comfortable.

Talking while treating

Chiropractors are recognised as being very personable and friendly health professionals. This can be very beneficial in terms of building relationships with patients, but it can also have its downside. While having non-treatment related chats with a patient during treatment is acceptable, there will be occasions when the chatting should cease so further information about treatment can be discussed. It is far too easy to forget what has and hasn't been explained, and consented to, when continually chatting during treatment.

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Don't go it alone