



Learnings from chiropractic claims.

Guild Insurance spends a significant amount of time analysing the chiropractic claims reported to us. This analysis helps us to understand what patients complain about, factors which might make some patients more likely to complain and what actions from practitioners make it challenging to defend these complaints. Following this analysis, Guild, in conjunction with the Australian Chiropractors Association, creates risk messages and learnings to share with and educate chiropractors, with the aim of reducing complaints.

The following details Guild's key learnings for the chiropractic profession based on this claims analysis.

Record keeping

All chiropractors would be aware of their requirement to keep detailed

clinical records. Yet, unfortunately, Guild's claims experience tells us that too many chiropractors aren't keeping these records to the detailed level required.

To better understand the level of detail required, it helps to consider the reasons, beyond the regulatory requirement, for detailed records. One commonly understood reason for keeping detailed records is the defence of a complaint. When there's been an allegation of harm or wrongdoing, the clinical records serve as evidence of what took place and why. Unfortunately, Guild's ability to defend against these allegations becomes quite challenging when there are vital details missing from the clinical record. And a repercussion from this is that the cost of managing and settling claims can increase.

The other key reason for keeping detailed records, which seems to be overlooked at times, is the role they play in providing quality treatment. Without the detailed history of the patient's presentation, assessment outcomes, treatment provided and the response to treatment, the chiropractor is relying on their memory as they provide further treatment at each consultation. Yet we know no one's memory is perfect and these gaps in the clinical record can lead to poor clinical decision making and inappropriate treatment.

All chiropractors should make themselves familiar with the record keeping resources available on the Ahpra website which can be found at www.ahpra.gov.au/resources/managing-health-records.

Informed consent

From a claims management perspective, informed consent is a bit like record keeping. Chiropractors know they need to do it, yet it's too often not done well enough to meet what's required.

To understand what's required for a patient to give their informed consent, practitioners should focus on the key word – informed. If a patient isn't informed, they can only give their consent, and this is not enough.

For a patient to be informed, there needs to be a conversation with the treating chiropractor. During this conversation the patient needs to be informed about their condition, treatment options, expected outcomes from treatment and the association risks. It is only with this information the patient can then give their informed consent to treatment.

It's not enough to have a patient sign an informed consent form. This form, if used, is there to support the conversation, it can't replace it.

Communication

Breakdowns in communication feature in almost all complaints from patients. Sometimes the patient will complain about how they were communicated with, while other times communication may not be mentioned in the complaint yet when the matter is investigated, it's found to have been a factor. Therefore, the importance of appropriate and professional communication can't be overlooked.

When communicating with patients, it's important to use language they'll likely understand, so avoid overly clinical

terms and acronyms. And don't rely on just verbal communication, tools such as diagrams and models can assist greatly.

When communicating with patients, be sure to keep the conversation professional and appropriate. While it's important to form a good working relationship with your patients, there also needs to be a professional boundary. Chiropractors must ensure that topics discussed, and language used, don't blur this boundary.

Professional conduct

Guild Insurance has seen an increasing trend in complaints from patients that focus less on the clinical outcome and more on how the patient viewed the professional behaviour of the practitioner. It's becoming very clear that patients have high expectations regarding how health professionals conduct themselves and are willing to complain about this conduct.

A new shared Code of Conduct (shared between 12 health professions) was released in 2022. Chiropractors need to be sure they're familiar with this Code of Conduct as it details what Ahpra, and the Chiropractic Board of Australia expect regarding professional behaviour. This can be found at www.ahpra.gov.au/resources/code-of-conduct/shared-code-of-conduct.

As mentioned earlier, maintaining professional boundaries is incredibly important. Chiropractors need to be sure their behaviour, as well as communication, maintains these boundaries. They shouldn't become too familiar or casual with their patients or take advantage of the power imbalance between a health professional and patient.

Clinical decision making

Chiropractors need to be sure their decisions regarding when and how to treat are always in the best interests of their patients.

No health professional can be the answer to every patient's needs. It's therefore vital to be sure you're only treating when it's appropriate to do so. When chiropractors see patients who should be treated by a different health professional, they need to refer that patient to someone more suitable, explaining the reasons for this to the patient. Chiropractors should also be sure they don't allow themselves to be convinced by the patient to treat when it's not appropriate.

Chiropractors need to ensure that any treatment or clinical advice they provide is within their scope of practice and something they've been suitably trained for. While all chiropractors will develop their skills over time, this development needs to happen while keeping in line with the chiropractic scope of practice.

1800 810 213
guildinsurance.com.au



Don't go it alone