Do Patients Sue Chiropractors? Understanding Chiropractic Malpractice

You may never expect to face a chiropractic malpractice lawsuit, but one claim can have serious consequences for your practice and career. Discover why patients sue, the most common risk factors, and how documentation, communication, and informed consent can help protect your practice.

Key concepts

- Chiropractors can and do get sued by patients
- 8 tips for managing malpractice risk as a chiropractor
- Strong chiropractic malpractice insurance is essential

Could your chiropractic practice afford to pay over $14M to settle a lawsuit? In 2019, that is how much a Florida jury awarded a man who alleged his chiropractor performed unneeded procedures that damaged his spinal nerves and worsened his existing lower back condition.
Naysayers may note that verdicts in the patient's favor are rare, but patient verdicts do happen — and they can be costly.

Do chiropractors face malpractice risk?
For years, ChiroPreferred has closely monitored industry trends, laws, and risk factors impacting chiropractic practices. The takeaway is clear: yes, chiropractors can get sued.

Chiropractic care is widely considered one of the safest health-related professions when it comes to malpractice risk. As a chiropractor, you don't prescribe medication or perform surgery, and you tend to rely on limited diagnostic testing compared to many medical specialties. In addition, chiropractors typically aren't managing life-threatening conditions.

Even so, chiropractic malpractice lawsuits can and do happen — even if the practitioner followed the standard of care. That's why purchasing chiropractic malpractice insurance (also known as chiropractic liability insurance or professional liability insurance) is crucial. In most states, carrying malpractice

insurance is now required. Learn more about choosing the right malpractice coverage in this article.

Why do patients sue chiropractors for malpractice?
Chiropractors are most commonly sued for two reasons:

1. An alleged failure to recognize or refer a condition that requires urgent medical attention
2. An alleged injury related to treatment

While these claims can be difficult to prove, an adverse outcome that leads to a malpractice claim can be financially devastating. If a patient's claim is successful and you don't have adequate chiropractic liability insurance, your practice — and potentially your personal assets — may be at risk.

Can a patient sue me if I've done nothing wrong?
Even when you provide appropriate treatment and follow the accepted standard of care, you can still face a chiropractic malpractice lawsuit. Patients may pursue legal action if they experience an unexpected outcome, misunderstand a treatment's risks or benefits, or believe their concerns were not adequately addressed.

While meeting the standard of care is an important defense, thorough documentation, informed consent, and clear patient communication remain essential to reducing risk and substantiating your care decisions.

It's also essential to have trusted malpractice insurance for chiropractors from a carrier with a verified track record.

8 tips for managing chiropractic malpractice risk
Hopefully, you will never be sued for negligent acts by a patient. Still, it's smart to back up everything you say or do regarding a patient's treatment with proper documentation.

1. **Prioritize informed consent:** Discuss the risks, benefits, and alternatives of treatment, and document the conversation thoroughly. Ensure that information is conveyed in a manner the patient

understands. Allow the patient to ask questions and engage in the discussion.
2. **Maintain clear, detailed documentation:** Accurate records can support clinical decisions and provide critical evidence if a claim arises. Assess your documentation practices with this helpful documentation checklist.
3. **Communicate effectively with patients:** Listen to concerns, set realistic expectations, and ensure patients understand their diagnosis and treatment plan.
4. **Perform thorough evaluations:** Obtain a complete patient history and conduct appropriate examinations before initiating treatment. Repeat your assessment of the patient before each treatment encounter.
5. **Recognize red flags and refer when necessary:** Know your scope of practice and refer patients to specialists when symptoms warrant additional evaluation.
6. **Follow up on patient concerns and outcomes:** Address complications, unexpected results, or complaints promptly and professionally.
7. **Stay current with clinical standards:** Participate in continuing education and keep up with evolving best practices and guidelines.
8. **Maintain appropriate malpractice coverage:** Insurance can provide valuable legal and financial protection in the event of a malpractice lawsuit.

Strong communication, documentation, and risk management practices can help reduce exposure and better position you to defend your care if a lawsuit occurs.

Do chiropractors need malpractice insurance?

As we've established, chiropractors do get sued, which is why having the right malpractice insurance solution matters.

That's where ChiroPreferred comes in. For more than 40 years, ChiroPreferred has helped protect chiropractors with coverage and claims expertise built specifically for the profession. Backed by industry leader MedPro Group — a Berkshire Hathaway company — we close 80% of claims without payment and win 90% of trials.

Protect your chiropractic career with ChiroPreferred. Start a free quote today.

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