

CONNECTING THE DOTS WHAT AND WHY

Since 1992 I have served as a State of California Qualified Medical Evaluator (QME) in the California Workers Compensation scheme. In my capacity as a QME, I have performed well over 2,500 medical legal face to face examinations of injured workers and written over 5000 medical legal reports. The primary role of a QME is to resolve disputes involving causation of injury, disability status, treatment recommendations, assessment of reasonableness and necessity of treatment provided, determine any degree of permanent disability / impairment of an injured worker and make an assessment of apportionment of any disability to factors other than the work injury.

Along the way, I have observed the best and the worst of all the various players. Injured workers who malingers, employers who cheat, treating doctors (chiropractic and medical) who at best are sloppy, and at worst appear to be incompetent (at least when it comes to managing a work injury case). At the same time, I have observed the adverse effects of real injuries on injured workers, the efforts of very good doctors, and the compliance of fair and just employers.

Several years ago I was asked to serve as an expert in a different type of case. A malpractice case involving a doctor of chiropractic. Since that time, I have seen quite a few malpractice cases sent my way, for which I have served as an expert chiropractic witness.

One of the earliest things I learned in regards to malpractice claims is that most of the time, the circumstances of the claim and allegation of malpractice could have at best been avoided, and at worst could have been totally mitigated. Usually such avoidance and mitigation comes down to a doctor of chiropractic applying certain basic principles:

1. Applying all that we were each taught in chiropractic school and through continuing education.
2. Understanding what the chiropractic standard of care is.
3. Not taking anything for granted.
4. Not diluting or over simplifying our responsibilities as a chiropractor.
5. Not allowing the perceptions of others to define us as chiropractors.
6. Keeping excellent records.

In order to share the value of my experience with my chiropractic peers I have started a newsletter format titled **“Connecting The Dots”**.

Just as in medical forensic medicine when an autopsy is performed to determine cause of death, so too can an “autopsy” of a case of malpractice involving a doctor of chiropractic be performed to determine what caused the allegation to occur. I also hope that the legal community will gain some insight into the nuts and bolts of a chiropractic experts perceptions of these cases.

My goal is that each doctor of chiropractic who reads one of these case autopsies will learn how to apply practical lessons in their own practice, in order to mitigate the risk of bringing an allegation of malpractice against them. Periodically, I will review a malpractice case involving a chiropractic physician and patient. After discussing the allegations made and the facts of the case, I will offer my opinions as to what lessons can be learned from each case. I also hope that the legal community will gain some insight into the nuts and bolts of a chiropractic experts perceptions of these cases.

I hope you enjoy!

Richard K. Skala DC, QME
Certified Industrial Disability Evaluator
Certified AMA Impairment Rater
Fellow Academy of Forensic Industrial Chiropractic Consultants
Certified Disability Analyst
Fellow American Board of Disability Analysts
Certified in Neuro Electrodiagnostics
Board Eligible Chiropractic Neurologist