

FCLB PowerPolls
Informed Consent Updated 3/11/2011

Question 1: Do your regulations rules or statutes mention informed consent?

Question 2: If no is your board planning on addressing informed consent in the near future?

Question 3: Is informed consent suggested or required?

Question 4: If your regulations do require informed consent do they dictate whether the consent is to be verbal or written?

Question 5: If informed consent is required does it apply to all aspects of chiropractic care or is it limited to select areas such as the use of unproven treatment procedures?

Question 6: If limited, please specify:

Bd	Q1	Q2	Q3	Q4	Q5	Q6	Updated
Alabama	No	No					2011
Alaska	No	No					2008
Arizona	No						2008
Arkansas	No	No	Suggested				2011
California	No	No					2007
Colorado							
Connecticut							
Delaware	No						2008
Dist of Columbia	No	No (part of standar d of care)					2007
Florida	Yes	No	Required	Written	Limited	Written informed consent is required only when it would involve a therapy that, by the prevailing standards of chiropractic medicine in the community, would amount to "experimentation on human subjects"	2011
Georgia	No	No					2007
Hawaii							

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Idaho	No	No					2011
Illinois							
Indiana	No		suggested				2007
Iowa	No	No	Iowa code address a provision for informed consent in section 147.137 applicable to medical and surgical procedures			The statute does not require informed consent; it provides a definition for interest parties.	2007
Kansas	Yes		Required	does not specify		Unprofessional conduct includes both (1) "assisting in the care or treatment of a patient without the consent of the patient, the attending physician or the patient's legal representatives" AND (2) "using experimental forms of therapy without proper informed consent."	2008
Kentucky	No	No					2011
Louisiana	No	No	Suggested				2011
Maine							
Maryland	No	No					2008

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Massachusetts	Yes		Required		All	Question #4 is poorly worded. In our state we require "written" documentation of Informed Consent but the consent process may be verbal or written.	2011
Michigan							
Minnesota	No	No	Suggested	does not specify			2008
Mississippi							
Missouri	Yes		Required	Written	All		2011
Montana	No	No	Suggested				2008
Nebraska	No	No	Suggested			Our regulation does not use the term informed consent. It is not that specific it states (9) Failure to assure that the patient possesses enough information to enable intelligent choices in regard to proposed chiropractic treatment; This is not informed consent but it gets to it in a round about way	2011
Nevada							
New Hampshire							

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New Jersey	Yes		Suggested	Written	Limited	13:44E-3.2 Recognized diagnostic tests; permissible billing (d) Notwithstanding any limitations set forthin (b)above, a chiropractic physician may perform the enumerated diagnostic test, after assuring that written informed consent has been obtained from the patient, but in no case shall the patient or third party payor be billed or charged for the test.	2008
New Mexico							
New York							
North Carolina			Required	Verbal	All	The board has mandated verbal consent and this be documented in the patient's record	2011
North Dakota							
Ohio	No	No					2011
Oklahoma	No	Yes		does not specify			2011
Oregon	Yes		Required	does not specify	All		2008
Pennsylvania	No						2011
Rhode Island	No	No	Suggested				2011
South Carolina	Yes		Required	Written		Limited to waiving of x-rays	2007
South Dakota	No	No					2011
Tennessee							
Texas	No	No					2008

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Utah	No	No					2011
Vermont							
Virginia							
Washington	No	No					2011
West Virginia	No	No					2007
Wisconsin	Yes		Required	does not specify	All		2008
Wyoming							
Puerto Rico							
Virgin Islands							
New South Wales							
Victoria							
Manitoba							
Quebec							
Saskatchewan							
British Columbia							
Nova Scotia	Yes		Required	Written	All		2008
Ontario							

Lasers In Chiropractic

The Board of Chiropractic Examiners (Board) conducted a random search of laws and regulations of other chiropractic regulatory agencies in the U.S., to see if their laws or regulations addressed the use of lasers. Specifically, the Board looked for safety regulations which specifically authorized or prohibited the use of lasers, outside of the general scope of practice.

Of the 25 chiropractic regulatory agencies reviewed, 7 states had adopted regulations regarding the use of lasers in chiropractic. Two other states had regulations prohibiting invasive procedures that specifically prohibited the use of lasers for cutting tissue. While the other states sampled did not include statutes or regulations that specifically addressed the use of lasers in chiropractic, many of them have discussed this trend in public meetings resulting in opinions or policies. Below is a table identifying the states included in the sampling and the results.

State	Statute or Reg. Re: Laser	Other
Alaska	Yes	
Maryland	Yes	
North Carolina	No	
New Jersey	Yes	Specifically prohibits lasers for cutting (invasive proc.)
Alabama	Yes	
Colorado	Yes	
Arkansas	No	
Mississippi	No	
Tennessee	No	
Georgia	Yes*	*Allows electrical therapeutic modalities (Laser not specifically mentioned).
South Carolina	No	
Kentucky	No	
Missouri	No	
New Mexico	No	
Louisiana	No	
South Dakota	Yes	Specifically prohibits lasers for cutting (invasive proc.)
Oklahoma	No	
Ohio	No	
Indiana	No	
Hawaii	No	
Hew Hampshire	No	
Oregon	No	
Florida	Yes	
Arizona	Yes	
New York	No	