

CSCE GUIDELINE

April, 2008

QUALIFICATIONS OF INDEPENDENT CHIROPRACTIC EVALUATORS

BACKGROUND INFORMATION

Independent chiropractic evaluations are required for auto insurance accident benefit claims, tort claims, malpractice claims, Worker's Safety and Insurance Board claims, Canada Pension Plan claims, and licensing board issues. The purpose of this guideline is intended to protect the quality of independent chiropractic examinations and essentially the public.

Currently, there is no legislative standard in Canada addressing the issue of qualifications for individuals performing independent chiropractic evaluations. Since the elimination of the Designated Assessment Centers (DACs) in Ontario, there has been no legislative standard relating to Assessor competence or qualifications of independent evaluators. Previously, within the no fault system, involving the use of DACs, in Ontario, there were standards and assessment guidelines that related to the issue of assessments. Concerns have arisen within the chiropractic profession with respect to the quality of the performance of independent assessments.

In Ontario, for example there is legislation enacted pursuant to the Insurance Act relating to "unfair and deceptive acts and practice" which is part of the insurance regulations relating to statutory accident benefits and which stipulates that an insurer is required to use an assessor that they know or ought to have known is reasonably qualified by training or experience.

Present case law may protect an examiner against potential tort claims, if the independent examination is performed in good faith. The common law standard requires the independent evaluator to be impartial; the assessment to be comprehensive; and for the assessor to perform the scope of the assessment within the limits of his or her qualifications.

QUALIFICATION STANDARD

The qualifications of an independent evaluator depend on the assessor's level of education, training and experience. Within the chiropractic profession in Canada there are five specialty Colleges acknowledged by the Canadian Federation of Regulatory Bodies and the Canadian Chiropractic Association: Clinical Sciences, Sports Sciences, Rehabilitation Sciences, Radiology, and Orthopedics. In order to be certified as a member of a specialty college and designated as a specialist, a practitioner is required to undergo an additional two to three years of educational training in the specialty.

There are many continuing education courses that are offered related to assessments; e.g., in clinical sciences, accident reconstruction, independent chiropractic evaluations, rehabilitation, radiology, functional capacity evaluations. It is important for an independent assessor to be current in his or her education, and have experience in the specialty area of independent assessments.

“An independent assessor should:”

- Maintain professional malpractice insurance.
- Be a member in good standing and hold a certificate of registration within his or her respective chiropractic regulatory board.
- Have the necessary education, training, and experience to offer an opinion regarding the issue in dispute, and specifically taking into consideration the unique characteristics and circumstances of the person being assessed.
- Be experienced in conducting single assessor assessments and multidisciplinary assessments with a consensus-building process.
- Be able to formulate an opinion based exclusively on documentation information when necessary or appropriate.
- Be fully conversant with relevant sections of the statutory accident benefits or their respective regulatory requirements concerning insurance benefits or similar regulations.
- Be cognizant of case law and relevant arbitration decisions.
- Be experienced in generating impartial, concise, appropriate and relevant assessment decisions and subsequent reports.
- Should have a demonstrated ability to articulate assessment outcomes and rationale in plain language.

RECOMMENDATIONS

It is recommended that an independent chiropractic evaluator should have a minimum of five years of current, balanced, relevant clinical experience. As a chiropractic specialist performing assessments, a minimum of three years' experience is required.

It is incumbent upon the independent chiropractic evaluator to determine if they are reasonably qualified based on education, training, or experience, to provide an opinion on the issue in dispute or for the purpose of the independent examination.

Catastrophic assessments, malpractice assessments, pediatric assessments and traumatic brain injury assessments are very specialized in nature. The assessor should ascertain that s/he is suitably qualified before agreeing to accept a case. Overestimating one's capacity and ability is imprudent and may be interpreted as performing an assessment in bad faith.