

REMARKS OF MICHAEL MCCORMICK IN SUPPORT OF SENATE BILL 90

PUBLIC HEALTH COMMITTEE HEARING

FEBRUARY 6, 2009

Good morning Senator Harris, Representative Ritter and distinguished members of the Public Health Committee. My name is Michael McCormick and I am here today to testify in support of Senate Bill 90. On July 16, 2006, my wife Kim died of a stroke as a result of a chiropractic neck adjustment. She was 32 years old. Our three children, Sean, Kyle and Abigail, were between the ages of seven months and five years old when their mother died. I am here on behalf of myself, Kim and our children to urge you to pass legislation requiring chiropractors to obtain written informed consent for cervical spine manipulations. Such a law will help to ensure that patients are properly advised of the risks associated with this type of procedure, including the risks of chiropractic stroke and death.

While I would like to share with you all of the details of what happened to Kim, I cannot do so at this time because there is a lawsuit pending against the chiropractor who adjusted her neck. What I can say is that Kim was suffering from headaches in the summer of 2006. She had recently decided to leave work after the birth of our third child to care for the kids full time, which, as you can imagine, is a stressful job. Kim discussed her headaches with a chiropractor and the chiropractor recommended cervical spine manipulation. I was with Kim as the chiropractor explained to her the benefits of the procedure and how it could help with her headaches. Not once did the chiropractor mention that the procedure carried with it a risk of stroke or possibly death. I can assure you that had my wife known there was even a remote possibility that she could die from the procedure, leaving her children without a mother, she would never have taken that risk.

I was also with Kim on the evening of July 15, 2006 when she began to suffer the effects of what I now understand was a chiropractic stroke. It was shortly after the adjustment and she was in a chair with her head resting on a table and a cold compress on her neck. She told me she felt nauseas and that she was going to be sick. I helped her walk to the bathroom, but all she could do was dry heave. Within minutes she was unconscious, and that is the last time I spoke with my wife. She was rushed to a major medical center and by six o'clock the following morning, I was told that my wife was legally brain dead due to the lack of oxygen to her brain. An autopsy determined that the cause of death was a stroke due to the dissection of both of her vertebral arteries following cervical spine manipulation.

You will likely hear testimony today that cervical spine manipulations are safe and that chiropractic stroke is a rare consequence. I have heard chiropractors claim that it never happens or that it happens maybe once in millions of adjustments. I do not know what the statistics are, but I do know that if that one person was your wife, your mother, your child, your sister, or your friend, the statistics would provide little comfort. I have been a single dad for two-and-a-half years now and while it has gotten easier, I miss my wife every single day. And I am heartbroken for my children over the loss of their mother. Kim was an exceptional person who they will never have the opportunity to get to know.

In conclusion, I urge you to vote in favor of Senate Bill 90 to help ensure that what happened to my family does not happen to someone else's.

Thank you.

AN ACT REQUIRING INFORMED CONSENT FOR CHIROPRACTIC TREATMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2009*) No licensee under the provisions of chapter 372 of the general statutes may perform any procedure, adjustment, manipulation or treatment on any person without first receiving written informed consent from such person for such procedure, adjustment, manipulation or treatment. For purposes of this section "informed consent" means permission given after a person has been informed of the reason for treatment, the nature of the proposed treatment, the advantages or disadvantages of the treatment, medically acceptable alternative treatment, a detailed listing of the risks associated with receiving the proposed treatment and the risk of no treatment. A copy of the informed consent shall be maintained with such person's medical records. A copy of the informed consent shall be provided to the person and shall include, but not be limited to, written notification of the risks, including but not limited to stroke, permanent disability or death and instructions upon the occurrence of medical conditions incident to those risks.

(b) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, establishing all necessary requirements for the provision of informed consent and the provision of documents incident thereto pursuant to subsection (a) of this section.

Sec. 2. Section 20-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The Board of Chiropractic Examiners may take any of the actions set forth in section 19a-17 for any of the following reasons: The employment of fraud or deception in obtaining a license, habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate the user for the performance of professional duties, violation of any provisions of this chapter or regulations adopted [hereunder] under this chapter, engaging in fraud or material deception in the course of professional services or activities, failure to obtain prior written informed consent for a procedure, manipulation, adjustment or treatment or failure to provide a copy of that informed consent to a person so treated, pursuant to section 1 of this act, physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process, illegal, incompetent or negligent conduct in the practice of chiropractic, or failure to maintain professional liability insurance or other indemnity against liability for professional malpractice as provided in subsection (a) of section 20-28b. Any practitioner against whom any of the foregoing grounds for action under said section 19a-17 are presented to said board shall be furnished with a copy of the complaint and shall have a hearing before said board. The hearing shall be conducted in accordance with the regulations established by the Commissioner of Public Health. Said board may, at any time within two years of such action, by a majority vote, rescind such action. The Commissioner of Public Health may order a license holder to submit to a reasonable physical or mental examination if [his] the license holder's physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17.