



B.C. CHIROPRACTIC ASSOCIATION 2010 LEGAL FEE GUIDELINES

The following are **suggested** fees for legal reports and related activities. Chiropractors may charge more or less for these reports and activities as circumstances warrant.

It is important to clarify certain issues in writing prior to agreeing to do any chiropractic-legal work, including but not limited to:

- * Who is responsible for payment?
- * What rate will you be charging for your work? (Are any of your office fees applicable to the work?)
- * What will you charge in the event of short term cancellation?
- * Will you charge for waiting time prior to testifying, and if so, at what rate?
- * When will payment be due?

1. **Brief Written Summary** - a capsule summary of a patient's history, present condition or illness, diagnosis and treatment, up to two pages in length – may include a limited prognosis

FEE: \$250.00

2. **Chiropractic (Medical) Legal Report** - a detailed report that includes the following:

- a) history of present illness, accident or condition, including past history and previous treatment;
- b) history of subjective complaints, in order of severity;
- c) objective examination findings;
- d) x-ray findings, if applicable;
- e) diagnosis and relationship to mechanism of injury;
- f) description of treatment and progress, including dates of treatment;
- g) aggravating, contributing or complicating factors;
- h) an analysis of present limitations to work and activities of daily living as well as prognostic information about when the patient will be able to return to work that may mention whether there will be a permanent disability.

FEE: \$700.00 - \$1,500.00

3. **Chiropractic-Legal Opinion** - a detailed opinion that may include the information contained in a Chiropractic (Medical)-Legal Report, but in addition, will entail exercise of the chiropractor's expert knowledge and judgement. This may be opinion as to the course of events when these cannot be known for sure, and can include opinion as to the long term consequences and possible complications in the further development of the condition. This may also be opinion in relation to issues such as the appropriate standard of care or causation of injuries. The Association recommends charging an hourly rate for this type of report because the amount of work required will vary greatly depending on the complexity of the underlying facts and the questions posed.

FEE: \$175.00 per hour

4. **Preparation and consultation time** - time spent either in consultation with a lawyer as an expert on issues pertaining to the practice of chiropractic, or in preparation for a court appearance.

FEE: \$175.00 per hour

NOTE: Under the Rules of the BC Supreme Court (Schedule 3, s. 4) "a reasonable sum" is payable in advance for preparation for an appearance further to a subpoena. The sum that is appropriate depends upon such factors as the length of the preparation time and the skill and training to be applied. Generally speaking, however, the witness's ordinary earnings are not an appropriate measure for the amount to be paid. It is recommended that a chiropractor who wishes to receive compensation for preparation contact the lawyer of the subpoenaing party or, if there is no lawyer, the subpoenaing party directly to discuss what sum is appropriate. However, a chiropractor should never refuse to obey a subpoena because compensation has not been paid.

5. **Testimony in court** - this charge applies only when the chiropractor is called to give expert evidence in court. It is recommended that you discuss your status and the nature of your testimony with the requesting party well in advance of the court date. This fee item is not billable when attendance results from a subpoena.

FEE \$1,500.00 per day or \$800.00 per half day

6. **Failure of notification of court adjournment or out-of-court settlement** - this charge applies where the patient or legal counsel fails to give 2 working days notice of cancellation of court or other legal appearances. This fee item does not apply when attendance was required by subpoena.

FEE: \$1,000.00

7. **Photocopy of records** - includes, retrieval, review, copying, and forwarding of information. Fees for the copying of x-rays are not included in this guide, as they are determined in large part by the facility providing this service.

FEE: • review of records: **\$35.00** (see below)

• copying of records: **\$1.25** for first 10 pages and **\$.30** for all subsequent pages

NOTE: Under section 32(2) of the *Personal Information Protection Act* chiropractors may only charge “a minimal fee” to produce personal records requested by a patient. The Office of the Information and Privacy Commissioner has said this fee can include “actual out-of-pocket costs such as copy charges and postage”, but should not be “a barrier to access” to the records. However, the law also requires health-care professionals to review treatment records prior to their production to ensure the records do not include information that could have a substantial adverse effect on the physical, mental or emotional health of the patient or result in harm to a third party. In most cases, chiropractic treatment records will not contain information giving rise to these concerns, and therefore, extensive review should not be necessary. While the fees charged for production of treatment records may include an amount for this review, the amount should be commensurate with the actual time and effort involved and in keeping the obligation to ensure the overall fee is “minimal” and not “a barrier to access” of the records. Chiropractors should develop an office policy regarding the fees to be charged when responding to such requests, either calculating the **actual** costs for copying and delivery on each request, or adopting a “minimal” flat fee that will cover the cost of responding to most requests but not reasonably prevent patients from obtaining their records.

This 2010 guideline replaces earlier guidelines.