

The following survey which was sent to all members of the Federation, including all 50 states, Puerto Rico, the District of Columbia, and the 10 Canadian provinces. We received 51 responses, or 82% of the surveys sent out - from 43 states, 7 Canadian provinces, and Puerto Rico. Along with the surveys came a wealth of information that demonstrated how far along some states and provinces have already come. We want to thank you all for your participation and commend you on your prompt attention.

The first thing that we learned from the survey is how much more we need to learn. Every state, province and territory that responded raised 10 more questions for each answer. But we did manage to glean some valuable information from the survey, and The Federation would like to share that information with you now.

We first asked states to submit all statutes, rules, regulations, and policies concerning professional and/or sexual misconduct in their licensing jurisdiction. Only 11 states and 3 provinces, or 27%, have existing regulations on sexual misconduct in place. Virginia was the only state that was advised by their Attorney General to change their regulations, which they are in the process of doing. 69% do not have any existing regulations on sexual misconduct, and 4% either didn't answer, or the response was not a simple yes or no. Of the 11 states that do have regulations in place, 7 of them are related expressly to sexual acts, usually meaning sexual contact, sexual intrusion, or sexual penetration. Nothing is mentioned about the other types of sexual misconduct, such as inappropriate comments or other unprofessional behavior.

We then asked Federation members to list the number of complaints about sexual misconduct that they received for each of the five years 1990 through 1994. The results were: 1990 - 108 complaints. 1991 - 155 complaints. 1992 - 192 complaints. 1993 - 237 complaints. 1994 - 208 complaints. The numbers themselves do not have significant statistical value. The number of states that responded, as well as the size of the doctor and patient population in each state, create variables that would distort any statistical interpretation. For instance, some states like California had complaints in the double digits for each of the five years, while Prince Edward Island, with only 2 chiropractors, had none. We also don't know how many complaints were against one chiropractor, and whether that chiropractor was a male or female.

What is significant is that there is a 100% increase in the number of complaints over this five-year period. And states are reporting that this upward trend is continuing. In addition, two pieces of anecdotal information should be taken seriously - one, the complaints themselves are more serious in nature. Two - a considerable number of complaints filed are not pursued.

We then asked members to list the number of violations to date for the same period of time. Here we see the same trend. 1990 - 46 violations, 1991 - 54, 1992 - 72, 1993 - 76, and 1994 - 77. Again, we don't know how many doctors were involved.

A few states could not release this information due to legal constraints. 10 states that responded did not have a separate classification for acts of sexual misconduct and could not give us specific data. 6 respondents started collecting this information less than 5 years ago, and so their data was incomplete. I think

Pennsylvania deserves our deepest sympathy, because a fire destroyed all their records.

Your responses concerning the types of disciplinary sanctions imposed responses that came in indicated that we should have been much more specific about the information we were seeking. The sanctions imposed included revocation of license, suspension from one to three years, probation from 1 - 10 years, fines (I wish we knew how much), supervision, by either another chiropractor or assistant, counseling, reprimand, and other - including education, community service and practice limitations. Unfortunately, we don't know how many disciplinary actions involved each individual, and we don't know the details of the charges brought against them. We also don't know what power or funding the boards have to enforce these sanctions.

We wondered if any members of the Federation had developed guidelines regarding sexual behavior in a professional setting. There were 46 responses - only 11 were positive, from 7 states and 4 provinces. I think that the Canadian colleges, which are the equivalent of our state boards, particularly Alberta, British Columbia and Manitoba, have done an outstanding job in creating guidelines and policies which clearly spell out sexual boundaries, and they should be commended. In addition to educating their licensees, they also provide information to patients on their rights, and on steps for filing a complaint if they have a grievance.

Next, we asked members to identify the steps they have taken to educate their licensees about protocols or procedures for professional conduct. The survey listed seminars, workshops, manuals or other reference materials, and other

avenues that we hadn't thought of. 7 states, 1 province, and Puerto Rico give seminars or workshops, although we do not know how often these seminars are given. 4 states require continuing education, either annually, or biannually. 3 states and 3 provinces provide manuals or newsletters to their licensees.

The survey then asked if education was the responsibility of the state or provincial associations. 11 states responded that their state associations did provide education, however only two state boards worked directly with their associations in delivering this service. 29 respondents, or 57% of those who completed the survey, had no educational program in place.

Finally we asked if there were any complaints filed against board members in retaliation for actions taken against a licensee. It appears that 5 states did have such incidents - one involving advertising and one that resulted in no further action. 3 respondents did not elaborate on the results of these complaints.

Lots of information. What does it tell us? It tells us that this is a problem that is not going to go away. It tells us that there is still much work to do. It suggests that many states might be unsure of the steps to take to address this very important issue. This is where the Federation can play a major role. The Federation can give you the tools to take to your states.

From presentation by:  
Wendy Caro, D.C., DABCN  
FCLB Annual Conference  
Portland, OR  
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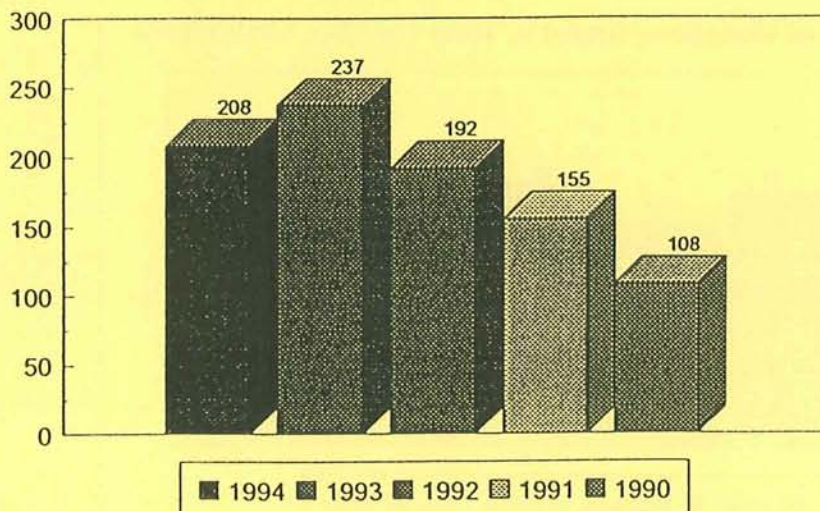
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# SEXUAL BOUNDARIES

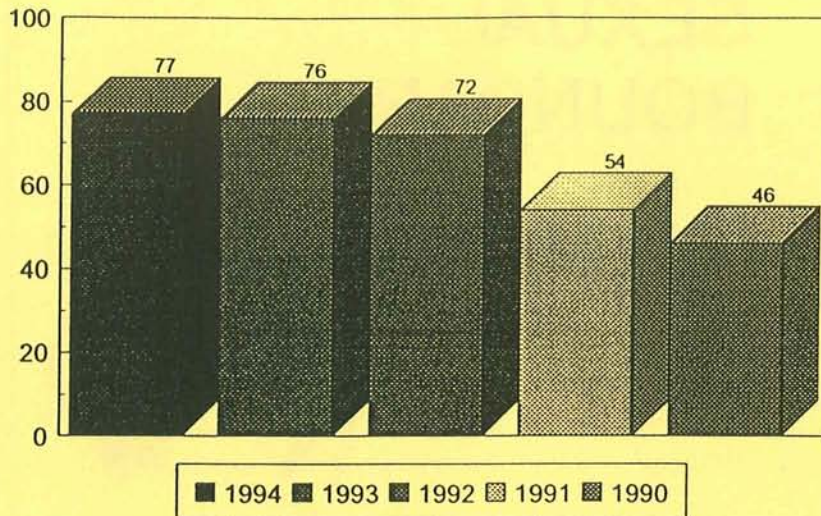
Results of Survey



## COMPLAINTS FILED

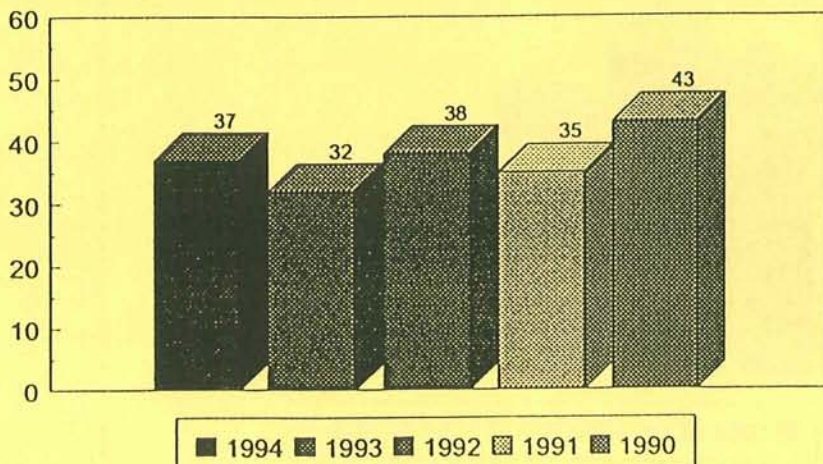


## VIOLATIONS FOUND

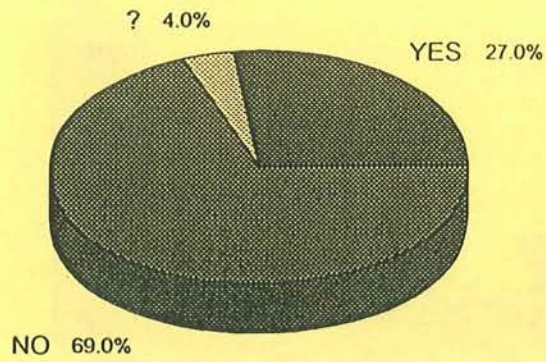


## VIOLATIONS/COMPLAINTS

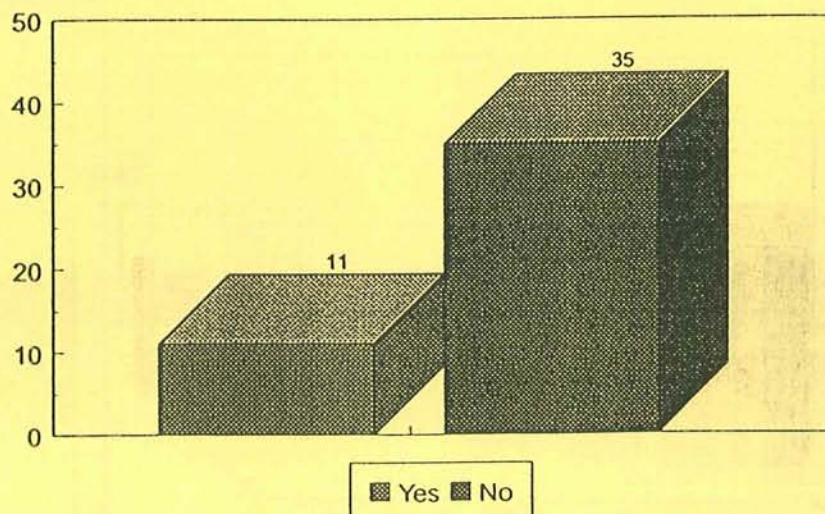
Percentage of Violations found v. Total Number Complaints



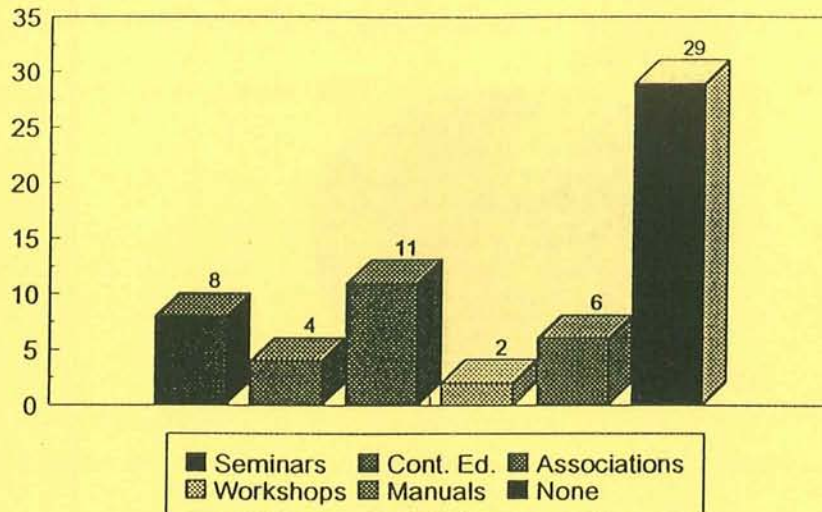
## EXISTING STATUTES/REGULATIONS



## GUIDELINES



## EDUCATION



## SANCTIONS IMPOSED

