

1023.15 PROFESSIONAL NEGLIGENCE: CHIROPRACTOR, DENTIST, OPTOMETRIST, OR PODIATRIST: DUTY TO INFORM A PATIENT: SPECIAL VERDICT

Questions 1 and 2 of the special verdict form relate to the issue of the duty of a (chiropractor) (dentist) (optometrist) (podiatrist) to inform a patient and read as follows:

QUESTION 1: On (date), was (chiropractor) (dentist) (optometrist) (podiatrist) negligent in informing (patient) about the availability of reasonable alternate modes of treatment and about the risks and benefits of these treatments?

Answer: _____

Yes or No

QUESTION 2: If you have answered question 1 Ayes,@ then answer this question: Was the negligence of (chiropractor) (dentist) (optometrist) (podiatrist) in informing (patient) a cause of injury to (patient)?

Answer: _____

Yes or No

COMMENT

This instruction and comment were approved in 2015.

The duty of chiropractors, dentists, optometrists, and podiatrists to inform patients about the availability of reasonable alternate modes of treatment and about the risks and benefits of these alternate treatments was codified in 2013 Wisconsin Act 345 (effective April 25, 2014). The act created Wis. Stats § 446.08 (chiropractors); § 447.40 (dentists); § 448.697 (podiatrists); and § 449.25 (optometrists).