

**1023.17 PROFESSIONAL NEGLIGENCE: CHIROPRACTOR, DENTIST, OPTOMETRIST, OR PODIATRIST: DUTY TO INFORM A PATIENT: CAUSE**

Question \_\_\_\_\_ asks: was (chiropractor) (dentist) (optometrist) (podiatrist)'s negligence in informing (plaintiff) a cause of injury to (plaintiff)? A (chiropractor) (dentist) (optometrist) (podiatrist)'s negligence in informing is a cause of a patient's injury if the negligence was a substantial factor in producing the patient's injury. This question does not ask about "the cause" but rather "a cause." The reason for this is that there can be more than one cause of an injury.

**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).