

#2482



PENNSYLVANIA ACADEMY
OF FAMILY PHYSICIANS

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INDEPENDENT REGULATORY
REVIEW COMMISSION

July 30, 2007

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Jane A. Corson, MD
Hershey

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

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Bradley P. Fox, MD
Fairview

Vice President

Madalyn Schaeffgen, MD
Allentown

Re: Final Rulemaking, Department of Transportation, Regulation #18-402
(#2482)

Treasurer

Kevin M. Wong, MD
Jeannette

Dear Mr. Coccodrilli:

Speaker

Mark D. Burd, MD
Middletown

On behalf of the over 4,700 members of the Pennsylvania Academy of Family Physicians (PAFP) I write in opposition to Department of Transportation final rulemaking as submitted that would permit chiropractors to perform physicals for school bus drivers by amending §§ 71.2 and 71.3 (relating to definitions; and physical examinations.)

Immediate Past President

Russell S. Breish, MD
Philadelphia

Executive Vice President

John S. Jordan, CAE
Harrisburg

In accordance with the Department of Transportation's regulations contained in § 71.3, we do not believe that a chiropractor licensed in the Commonwealth can make many of the diagnoses required in the Department's regulations when performing a physical examination. Specifically, the following required diagnoses likely fall outside the scope of practice of a chiropractor including attesting whether the applicant:

- Has an "established medical history or clinical diagnosis of diabetes mellitus currently requiring use of insulin or other hypoglycemic medication" §71.3(4);
- Has an "established medical history or clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency or pacemaker insertion" §71.3(5);
- Has an "established medical history or clinical diagnosis of other cardiovascular disease resulting in syncope, dyspnea, loss or impairment of consciousness, collapse, or congestive cardiac failure" §71.3(6);
- Has a "current diagnosis of hypertension resulting in syncope, dyspnea, loss or impairment of consciousness, collapse, or congestive cardiac failure" §71.3(7);
- Has an "established medical history or clinical diagnosis of a respiratory dysfunction likely to impair the ability to drive a school bus safely" §71.3(8);
- Has an "established medical history or clinical diagnosis of seizure disorders or another condition likely to cause loss or impairment of consciousness or loss of ability to drive a school bus" §71.3(10);

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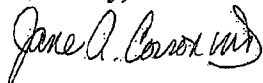
Mr. Arthur Coccodrilli
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- Has a "mental, emotional or psychiatric disorder whether functional or organic which may be manifested in a condition likely to impair the ability to drive a school bus safely, such as inattentiveness, despondency, aggressiveness, or lack of concern for the safety of self or others" §71.3(11);
- Has hearing loss §71.3(12);
- Has been diagnosed to "abuse alcohol or another drug or substance known to impair skill or functions which may be manifested in a condition such as inattentiveness, despondency, aggressiveness or lack of concern for the safety of self or others" §71.3(13);
- Has "no type of tuberculosis in a transmittable stage and has taken the tuberculin test every 2 years as required by section 1418(b) of the Public School Code (24 P. S. § 14-1418(b))" §71.3(14).

In defense of its proposal and specific to diagnoses required, the Department of Transportation states correctly in its preamble document that some conditions may be beyond the training and clinical experience of a certified registered nurse practitioner (CRNP) or a physician assistant (PA). However, in the PAFP's view, they misstate the law by suggesting CRNPs and PAs "may typically work in some collaboration with physicians." The respective laws and regulations that govern the legal scope of practice of both the CRNP and the PA require that, when either of these practitioners are making acts of medical diagnoses, they do so in collaboration or under the supervision of a physician. This is not required of a chiropractor.

As we continue to assert, the PAFP recognizes and supports much of the clinical work performed by chiropractors as evident by the good relationship many of our family physician members have with them in collectively caring for patients throughout the Commonwealth. However, based on the scope of practice defined in the Chiropractic Practice Act, we respectfully oppose the position that chiropractors are trained to attest and identify to the list of medical conditions for school bus driver applicants. Thank you for your consideration of our views on this important public health policy.

Sincerely,



Jane A. Corson, MD
PAFP President