

Original: 2482



**PENNSYLVANIA ACADEMY OF
FAMILY PHYSICIANS FOUNDATION**

June 27, 2005

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Harrisburg

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Harrisburg

Executive Vice President
S. Jordan, CAE
Harrisburg

Rebecca L. Eickley, Director
Bureau of Driver Licensing
Department of Transportation
1101 South Front Street
Harrisburg, PA 17104

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

Dear Ms. Eickley:

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

In accordance with the Department of Transportation's regulations contained in § 71.3, we do not believe that a chiropractor in the Commonwealth is licensed to make many of the diagnoses required in the Department's regulations when performing a physical examination. Specifically, the following required diagnoses 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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MICHIGAN COMMISSION

Ms. Bickley

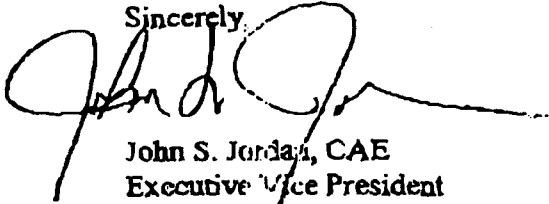
June 27, 2005

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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).

I appreciate the opportunity to provide these comments on the proposed rulemaking.

Sincerely,



John S. Jordan, CAE
Executive Vice President

Cc: Independent Regulatory Review Commission
Chair, Senate Transportation Committee
Chair, House Transportation Committee



Chiropractic Fellowship of Pennsylvania

908 North Second Street, Harrisburg, PA 17102
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www.chirofellowpa.org • info@chirofellowpa.org

June 24, 2005

Rebecca L. Bickley, Director
Bureau of Driver Licensing
Department of Transportation
1101 South Front Street
Harrisburg, PA 17104

RE: Proposed School Bus Drivers Regulation

Dear Ms. Bickley,

The Chiropractic Fellowship of Pennsylvania is one of two professional associations representing the profession of Chiropractic in Pennsylvania. We have read the above referenced proposed regulation, published in the May 28, 2005, PA Bulletin. We have some strong concerns with this regulation, and we appreciate the opportunity to present those concerns here.

First, we are strongly opposed to the use of the term "Doctor of Chiropractic Medicine". The Department must be aware that the proper term for our profession in this Commonwealth, as stated in the Chiropractic Practice Act, is "Doctor of Chiropractic". Chiropractic is, statutorily, and philosophically, a Non-medical profession. The proposed regulation makes reference to the State Board of Chiropractic, and its use of the term "chiropractic specialty". The State Board of Chiropractic has been working for a number of years to develop a regulation on the issue of chiropractic specialties, but so far has not even published this list as a proposed regulation, let alone as final. Furthermore, even if it were published, we doubt it would include "Doctor of Chiropractic Medicine", and we, and I suspect the medical community, would oppose it if it did.

That brings us to the second problem we see with this regulation. If chiropractors are qualified to provide these physicals, they ALL should be permitted to conduct them, not just some severely limited number who have designated themselves a "Doctor of Chiropractic Medicine", which in itself we believe would be in violation of state law. Not only that, but it would present your Department with difficulties determining the qualifications of such a person to provide a valid physical, as the State Board of Chiropractic does not even recognize them.

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We recommend simply deleting the word "Medicine" from the title, and allowing any licensed Doctor of Chiropractic who wishes to provide physicals for school bus drives to do so. This would be consistent with the federal examples you cited as precedent in justifying the regulation.

We are available to discuss our position at any time throughout the regulatory process and look forward to your response. Thank you for your consideration of our comments.

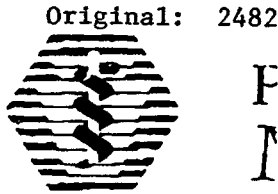
Very truly yours,

CHIROPRACTIC FELLOWSHIP OF PENNSYLVANIA

A handwritten signature in black ink that reads "Gary Horwin, D.C." in a cursive style.

Gary S. Horwin, DC
President

cc: Rep. Richard Geist, Chair, House Transportation Committee
Rep. Keith R. McCall, Democratic Chair, House Transportation Committee
Sen. Roger Madigan, Chair, Senate Transportation Committee
Sen. J. Barry Stout, Democratic Chair, Senate Transportation Committee
John McGinley, Chairman, Independent Regulatory Review Commission



Pennsylvania MEDICAL SOCIETY[®]

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REVIEW SUBMISSION

June 17, 2005

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Executive Vice President

Ms. Rebecca L. Bickley, Director
Bureau of Driver Licensing
Department of Transportation
1101 South Front Street
Harrisburg, PA 17104

Re: *Pennsylvania Bulletin*; Department of Transportation Proposed Rulemaking –
School Bus Driver Examination

Dear Ms. Bickley:

I am writing as President of the Pennsylvania Medical Society to offer comments on the above-captioned proposed rulemaking that would permit Doctors of Chiropractic Medicine to give physical examinations to school bus drivers. The Society questions the need for the proposed change that would add chiropractors to the list of health care practitioners approved to give such physicals.

While Federal regulations may permit the practice, it is limited to services the chiropractor is licensed to provide in their particular state. Some restrictions on chiropractic services have been lessened as the result of legislation in Pennsylvania. However, there is still a restriction as to what may be diagnosed and when the chiropractor should refer to another health care practitioner. Physicians are fully licensed unrestricted practitioners. Nurse Practitioners and Physician Assistants are practicing under a collaborative agreement with their physician and pursuant to the delegation of medical function of the Medical Practice Act. We would therefore suggest that the regulations either not be amended in the manner proposed by the Department or that some language be included stating that there may be some symptoms and conditions that are beyond the training and experience of a chiropractor to diagnose for the purpose of conducting a physical examination for a school bus driver. We believe this to be an appropriate disclaimer, especially since the examination is of a school bus driver who will be entrusted with the health and safety of school aged children.

I would also like to point out language from the existing regulation for possible change. The language is contained under Section 71.3 (a) and consists of the phrase "a school transportation physician." We believe that the phrase should be shortened to "a physician" that includes doctors of medicine and osteopathy.

777 East Park Drive

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Tel: 717-558-7750

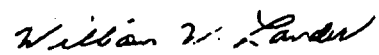
Fax 717-558 7840

E-Mail: stan@pamedsoc.org

www.pamedsoc.org

On behalf of the Pennsylvania Medical Society, I appreciate the opportunity to comment on this proposed rulemaking.

Sincerely,



William L. Lander, MD
President

Cc: Independent Regulatory Review Commission
Chair, Senate Transportation Committee
Chair, House Transportation Committee

POMA



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* — *Dr. etiaho term linnu*

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A Division of the American
Osteopathic Association

June 15, 2005

Rebecca L. Bickley, Director
Bureau of Driver Licensing
Department of Transportation
1101 South Front Street
Harrisburg, PA 17104

Dear Ms. Bickley:

The Pennsylvania Osteopathic Medical Association has reviewed the Department of Transportation's proposed rulemaking (#18-402 (#2482)) regarding examination of applicant for driver's license.

The POMA feels that it is very important for physical examinations to be conducted by a licensed physician, D.O. (Doctor of Osteopathic Medicine) or M.D. (Doctor of Allopathic Medicine). D.O.s and M.D.s are the only health care practitioners in the Commonwealth fully licensed to diagnose and treat medical conditions. Chiropractors do not have the same medical training as a D.O. or M.D., and do not have an unlimited license to practice medicine.

The main purpose of an examination is to attempt to avert any catastrophic illnesses, such as epilepsy, cardiac disease, etc., which can be dangerous when driving.

We believe that allowing chiropractors to conduct a driver's examination is not in the best interest of the health of our Commonwealth's citizens.

The POMA appreciates the opportunity to express our comments and oppose the revisions to the State Board of Transportation's regulations.

Sincerely,

Hugh E. Palmer, D.O.
President

KPK/mjmw



AMERICAN OSTEOPATHIC ASSOCIATION

142 East Ontario Street, Chicago, Illinois 60611-2864 • 800-621-1773 • 312-202-8280 • Fax 312-202-8224

June 14, 2005

Chris A. Miller
Manager, Special Driver Programs
Pennsylvania Department of Transportation
Bureau of Driver Licensing
1101 South Front Street
Harrisburg, PA 17106

RE: Proposed Rule Amendments to §§ 71.2 and 71.3.

Dear Ms. Miller:

The American Osteopathic Association (AOA) is the national organization representing over 54,000 D.O.s in this country. As I am sure you are aware, there are two types of "complete" physicians eligible for medical licensure in the United States – D.O.s (osteopathic physicians) and M.D.s (allopathic physicians).

The AOA is aware that the Pennsylvania Department of Transportation has proposed amendments to §§ 71.2 and 71.3, or 67 PA Code Chapter 71. The AOA opposes the proposed rulemaking because it expands chiropractors' scope of practice without adding sufficient safeguards to protect patients. Specifically, the rule amendment would allow chiropractors to administer the physical examinations required for school bus drivers under Pennsylvania law. In the past, only licensed physicians, certified nurse practitioners, or physician assistants have been allowed to perform these examinations. The AOA respectfully voices its strong opposition to this proposed rule.

Chiropractors are not trained medical or osteopathic physicians, nurse practitioners, or physician assistants. While the AOA believes that chiropractors provide a valuable service to patients, the education of a chiropractor is far less rigorous than, for example, the education of a D.O. Following a Bachelor's level education, a D.O. must complete four years of osteopathic medical school followed by an internship and/or residency and successfully pass a national licensing examination sequence to become licensed. In contrast, a chiropractor, needing only an Associate level education in the vast majority of states, completes only four years of chiropractic school and successful passage of the chiropractic board for licensure. This limited experience and training may harm patients should a complication arise. One major educational concern is the lack of training chiropractors have in cardiology. The curriculum of a D.O. emphasizes preventative medicine and comprehensive patient care, including cardiology, whereas the curriculum for a chiropractor emphasizes physiological and biochemical aspects of the patient, exclusive of cardiology.

It is the AOA's position that new roles for non-physician clinicians, including chiropractors, may be granted after appropriate processes and programs are established in all of the following four areas: education, training, examination, and regulation. Further, it is the AOA's stance that non-physician clinicians may be allowed to expand their rights only after it is proven they have the ability to provide health care within these roles safely and effectively. The AOA is concerned

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that the best interests of the patients will be overlooked if the Chapter 71 rule amendment is made effective. The proposed amendment concerns the transportation of the most vulnerable passengers - school children - who may be unable to protect themselves or escape the vehicle in a situation where the driver becomes mentally or physically impaired.

Thank you in advance for your consideration of our comments regarding the proposed rule change. If you have any questions about osteopathic medicine or our position on this issue, please contact Linda Mascheri, AOA Director of State Government Affairs, at (800) 621-1773 x 8184.

Sincerely,



George Thomas, DO
President
American Osteopathic Association

C: Philip L. Shettle, DO, AOA President-Elect
Carlo DiMarco, DO, Chair, AOA Department of Governmental Affairs
Boyd W. Bowden, II, DO, Chair, Bureau of State Government Affairs
John Crosby, JD, AOA Executive Director
Michael Mallie, Director, AOA Department of State, Specialty & Socioeconomic Affairs
Linda Mascheri, Director, AOA Division of State Government Affairs
Jennifer Jones, Director, AOA Division of Affiliate Affairs
Cheryl Dwyer, Affiliate Consultant, AOA Department of State Government Affairs
Mario Lanni, Executive Director, Pennsylvania Osteopathic Medical Association

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Chiavetta Consulting
Rosemary Chiavetta, Esq.

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REVIEW COMMISSION

June 15, 2005

**Rebecca Bickley, Director
Bureau of Driver Licensing
Pennsylvania Department of Transportation
1101 South Front Street
Harrisburg, Pennsylvania 17104**

Dear Director Bickley:

On behalf of the Pennsylvania Chiropractic Association, we are in support of the Proposed Regulation #18-402 (#2482) School Bus Drivers, as proposed and currently written.

Thank you for the opportunity to comment and we appreciate our comment being added to the record.

Sincerely,

Rosemary Chiavetta, Esq.

**CC: Gene Veno, Executive Director,
Pennsylvania Chiropractic Association**