



Regulatory Research Committee

June 28, 2016

Public Hearing on the Evaluation of Chiropractors' Competency to Conduct Physical Examinations for Commercial Drivers' Licensure

10:00 a.m. - Board Room 2

9960 Mayland Dr, Henrico, VA 23233

In Attendance

Barbara Allison-Bryan, MD, Board of Medicine
Martha S. Perry, MS, Citizen Member
Jacquelyn M. Tyler, RN, Citizen Member
J. Paul Welch, II, Board of Funeral Directors and Embalmers
James Wells, RPh, Citizen Member - CHAIR

Absent

All members in attendance

DHP Staff

David E. Brown, DC, Director DHP
Lisa R. Hahn, MPA, Chief Deputy Director DHP
Elaine Yeatts, Senior Policy Analyst DHP
Yetty Shobo, Ph.D., Deputy Executive Director BHP
Laura L. Jackson, Operations Manager BHP

Emergency Egress

Dr. Shobo

Observers

Chris Perron

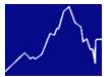
Speakers

David B. Dolberg, DC
Bruce Keeney
Thomas Wetzen, DC
Craig Little
Brad Robinson, DC
Len Bundick, DC
Joe Foley, DC
W. Scott Johnson
Michael Megehee, DC
Bo Keeney

Call to Order

Chair item: Mr. Wells **Time** 10:01 a.m.

Quorum Established



Staff Briefing

Presenter Dr. Shobo on behalf of Dr. Carter

Discussion

Dr. Shobo provided a PowerPoint presentation prepared by Dr. Carter briefing the committee and public regarding the Evaluation of Chiropractor Competency to Perform CDL Physical Examinations. (See Attachment)

Public Comment

Chair Mr. Wells

Discussion

Mr. Wells opened the floor to individuals requesting to provide public comment.

Comment David Dolberg, DC Virginia

Discussion

Dr. Dolberg is President of the Virginia Chiropractic Association. He stated that Virginia law needs to be changed so that chiropractors can be certified medical examiners and perform CDL exams.

Comment Bruce Keeney Virginia

Discussion

Mr. Keeney represents the Virginia Chiropractic Association and provided comment relating to the reinstatement of chiropractors performing physicals for drivers' licenses in accordance with federal procedures and regulations. Mr. Keeney also provided written public comment May 20, 2016.

Comment Thomas Wetzen, DC Virginia

Discussion

Dr. Wetzen is immediate past president of the Virginia Chiropractic Association. He provided background information as to why chiropractors are well qualified to perform CDL exams.

Comment Craig Little, DC, M.Ed. Arizona

Discussion

Dr. Little is President of The Council on Chiropractic Education. He stated that graduates of CCE accredited programs are clearly educated and trained to perform commercial driver's license physicals, including all elements as set forth in federal regulation. Dr. Little provided written public comment June 6, 2016.



Comment Brad Robinson, DC Virginia

Discussion

Dr. Robinson is past president of the Virginia Society of Chiropractic. He stated that chiropractors meet and exceed the education requirements to perform CLD exams.

Comment Len Bundick, DC Virginia

Discussion

Dr. Bundick is a practicing chiropractor and had performed CDL exams until federal law changed. Dr. Bundick stated that chiropractors are well educated and qualified to perform CDL exams.

Comment Joe Foley, DC Virginia

Discussion

Dr. Foley is the legislative chair for the Virginia Chiropractic Association. He stated that 47 states allow chiropractors to perform CDL exams and that Virginia law needs to be updated to allow chiropractors to perform CLD exams.

Comment W. Scott Johnson Virginia

Discussion

Mr. Johnson spoke on behalf of the Medical Society of Virginia. He stated that the Medical Society requests that the Board base their decision on science and facts.

Comment Michael Megehee, DC Oregon

Discussion

Dr. Megehee is President of TeamCME and a National Registry Certified Medical Examiner. He stated that chiropractors are trained and capable of performing CDL exams.

Comment Bo Keeney Virginia

Discussion

Mr. Keeney is working with Virginia legislators who are proposing legislation. He stated that Virginia chiropractors meet all of the criteria necessary for them to perform CDL exams.



Adjourned

Mr. Wells advised those in attendance that the board would accept public comment until 5:00 p.m. on July 15, 2016.

Adjourned 11:07 a.m.

Chair Robert Wells, RPh

Signature: _____ Date: ____/____/____

Deputy Executive Director Yetty Shobo, Ph.D.

Signature: _____ Date: ____/____/____

Attachment to follow

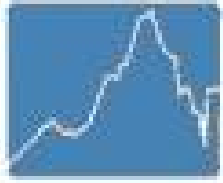


Department of Health Professions

Evaluation of Chiropractor Competency to Perform CDL Physical Examinations

Briefing

Perimeter Center
Conference Room 2
9960 Mayland Drive
Henrico, VA 23233
June 28, 2016



Department of Health Professions



The federal impetus . . .

**Complete Guide to
Medical Examiner Certification**

Extracted from page 5

Complete Guide to Medical Examiner Certification

Introduction

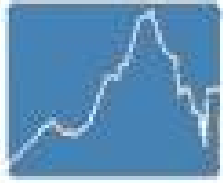
The National Registry of Certified Medical Examiners (hereinafter referred to as the “National Registry”) was established in accordance with the final rule published by the Federal Motor Carrier Safety Administration (FMCSA) in the Federal Register on April 20, 2012. This rule requires that all medical examiners who conduct physical examinations for interstate commercial motor vehicle (CMV) drivers:

- Maintain a valid State license to conduct medical examinations;
- Complete required training on FMCSA’s physical qualification standards;
- Pass the FMCSA Medical Examiner Certification Test to demonstrate knowledge of FMCSA’s physical qualification standards; and
- Complete refresher training every 5 years and recertification testing every 10 years.

As of May 21, 2014, all medical certificates issued to interstate truck and bus drivers must come from medical examiners listed on the National Registry.

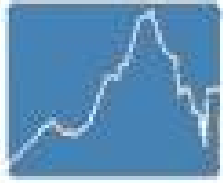
The National Registry Overview

In August 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which authorized FMCSA to establish the National Registry of Certified Medical Examiners (49 U.S. Code 31149).



Today's Briefing Topic Areas

- What constitutes the CDL physical examinations?
- What are the requirements for Medical Examiner
- Certification/National Registry Listing and Maintenance
- What Chiropractic education and training is required in Virginia? In other states?
- A bit more. . .

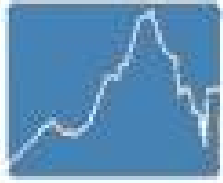


FMCSA Physical Examination Requirements

Extensive details are provided in these federal documents:*

- *49 CFR.391.41 Physical Qualifications for Drivers*
- *Instructions to the Medical Examiner*
- *Form 649-F(6045) Medical Examination Report For Commercial Driver Fitness Determination*

* Accessible at <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>



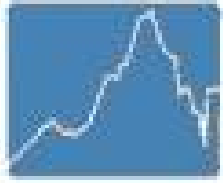
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FMCSA Medical Examiners Certification Requirements*

- Reference: §49 CFR 390.103(a) (1)
- Current license in accordance with applicable state laws and regulations that permits licensee to perform physical examinations
 - FMCSA rules allow advanced practice nurse, doctor of chiropractic, medicine, or osteopathy, physician assistant, or other medical professional authorized by state law. . .
 - Chiropractors are not permitted by current Virginia statutes.
- Completing proscribed Medical Examiner Certification training
- Passing the Medical Examiners Test

* Source: *Complete Guide to Medical Examiner Certification*

https://nationalregistry.fmcsa.dot.gov/NRPublicUI/documents/Complete_Guide_to_ME_Certification.pdf



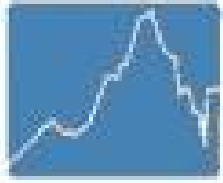
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FMCSA Training

- Shaped by curriculum provided in §49 CFR 290.105(b)
 - Described in depth in the *Complete Guide to Medical Examiner Certification, Appendix A: National Registry of Certified Medical Examiners Medical Examiner Training*
- Presumes existing clinical knowledge from professional education and training and focuses on FMCSA-specific topics relating to commercial drivers and the physical and mental demands of the job

* Source: *Complete Guide to Medical Examiner Certification*

https://nationalregistry.fmcsa.dot.gov/NRPublicUI/documents/Complete_Guide_to_ME_Certification.pdf



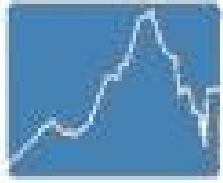
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Accepted Training Organizations

- Must meet the FMCSA core curriculum specifications
- Must be nationally recognized healthcare profession accrediting organization to provide CE units
- Must Provide training participants with proof of participation and FMCSA with a point of contact

See handout with examples of health professional organizations and list of registered organizations with Virginia addresses. Information also accessible at:

<https://nationalregistry.fmcsa.dot.gov/NRPublicUI/TrainingOrgList.seam>



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FMCSA Testing

- Reference: *The Complete Guide to Medical Examiner Certification*, Appendix B: Detailed Content Outline
- Upon completing the training, the applicant creates a National Registry Account, schedules and takes the 100-item two-hour test through a testing center listed on the FMCSA site.
- As of June 21, 2016, the FMSCA website indicated there are 40 testing centers throughout Virginia.

Source:

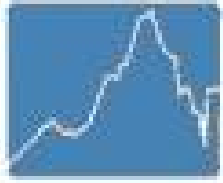
<https://nationalregistry.fmcsa.dot.gov/NRPublicUI/SearchResultsTestOrg.seam?currentPage=1&zip=&pageSize=25&state=VA&radius-500&orgName=&city=%cid=5530163>



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To Maintain Certification & National Registry Listing

- Appropriately complete all physical exams, medical examination reports, and certificates
- Submit monthly online reports to FMCSA and inform within 30 days of any changes in application information
- Retrain every 5 years and retest every 10 years
- Provide proof of eligibility upon FMCSA request (audit)

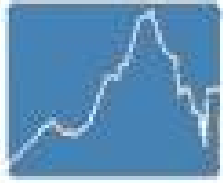


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There were 21 practitioners in Virginia on June 21, 2016
(MD=9, DO=7, NP=4, PA=1)

- FMCSA may remove someone from the National Registry with cause and subject to appeal. Individuals may also request to be removed.
- The FMCSA online listing is updated continuously accordingly. The listing is accessible at:

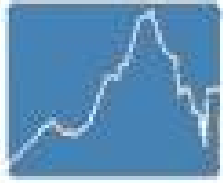
<https://nationalregistry.fmcsa.dot.gov/NRPublicUI/SearchResults.seam?zip=&pageSize=25&state=VA&radius=500¤tPage=0&city=&cid=5718673>



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Chiropractic Education and Testing

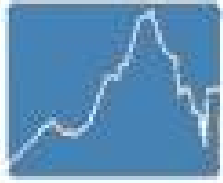
- Chiropractors are licensed in all U.S. states, DC, PR & Virgin Islands
- Doctor of Chiropractic (DC) earned through accredited programs, most accredited through the Council on Chiropractic Education
- National Board of Chiropractic Examiners Examination (NBCE) – parts or additional exams specified by respective states
- *Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic §18VAC85-20-10 et seq.* provide detail Virginia's requirements.



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Chiropractic Education and Testing

- The Federation of Chiropractic Licensing Boards (FCLB) has an extensive directory of information regarding the boards and licensure requirements: <http://directory.fclb.org/>
- FCLB's "Education and Testing Information" website provides an at-a-glance table that compares state requirements: <http://directory.fclb.org/Statistics/EducationTestingUs.aspx>

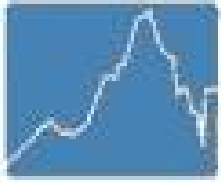


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DC Current Standard Curriculum

The Association of Chiropractic Colleges reports that CCE accredited programs last 4 years and address the following topics:

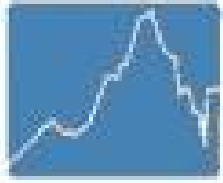
anatomy	psychology
biochemistry	nutrition/dietetics
physiology	biomechanics
microbiology	orthopedics
pathology	neurology
public health	first aid & emergency procedures
physical, clinical and laboratory diagnosis	spinal analysis
gynecology & obstetrics	principles and practice of chiropractic
pediatrics	clinical decision making
geriatrics	adjustive techniques
dermatology	research methods and procedures
otolaryngology	professional practice ethics
diagnostic imaging procedures	



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NBCE Parts Required in Virginia

- Part I tests 6 basic sciences areas: *general anatomy, spinal anatomy, physiology, chemistry, pathology, microbiology*
- Part II tests 6 clinical science areas: *general diagnosis, neuro-musculoskeletal diagnosis, diagnostic imaging, principles of chiropractic, chiropractic practice, associated clinical sciences*
- Part III tests 9 clinical areas: *case history, physical examination, neuro-musculoskeletal examination, diagnostic imaging, clinical laboratory and special studies, diagnosis or clinical impressions, chiropractic techniques, supportive interventions, case management*
- Part IV, National Practical Exam, has 3 major sections, with each divided into stations: *Diagnostic imaging, chiropractic technique, and case management.*



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A bit more . . .

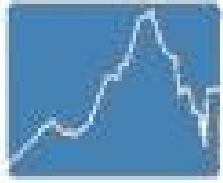
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Available Disciplinary Information:

- Virginia's DHP Statistics – agency website
- FCLB “CIN-BAD” accessible by the Board of Medicine

Available wage comparison data:

- U.S. Bureau of Labor data available on employment and wage comparisons, example on next slide. . .



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U.S. Bureau of Labor Statistics (May 2015)* Employment and Wage Comparisons of Virginia and Surrounding States that approve Chiropractic CDL Physical Examination

State	Employment	Hourly mean wage	Annual mean wage
Virginia	890	\$41.93	\$87,210
Maryland	490	\$39.46	\$82,080
North Carolina	730	\$44.77	\$93,120
Kentucky	350	\$33.12	\$68,900
U.S. Overall	32,080	\$37.68	\$78,370

* <http://www.bls.gov/soc/home.htm> and <http://www.bls.gov/oes/current/oes291011.htm>

Data extracted June 1 2016 – reflects employee compensation not all practitioners