

CALIFORNIA UPDATE REGARDING DOT AND SPORTS PHYSICALS

In a recent post from CCA Government Affairs Director, Chris Forsyth, he addressed California scope of practice and DOT physicals. He states that California law regarding this currently and very strongly supports the chiropractor's ability to perform DOT physicals. California most likely will not be next on the chopping block as quoted from Chris in his news update.

The issue for California in the short-term may relate to other possible services such as sports physicals. As mentioned in the website, it appears that the California medical society had used the "New York Model" in its efforts to stall the legislation that would have allowed a chiropractor to perform "sports physicals" in the state ([click here to view this information](#)).

It is the opinion of Safe Drivers that all states can be affected based on what Natalie Hartenbaum has called "The New York Model". There are some states that are certainly less vulnerable, such as California. A review of California state law demonstrates however that there are still some limitations that could affect it in the future for individuals being treatment for such things as diabetes and epilepsy, as well as the inability to prescribe medication. Both possibilities exist within the New York model.

The CCA appears to be on top of this situation at this time, and its impressive government and legislative approach to all things chiropractic is certainly impressive. We have heard that they will be submitting new legislation regarding sports physicals ([click here to view how it appears the New York Model was used to defeat the CCA's initial attempt with this legislation](#)) and we will monitor developments as they become available.

Safe Drivers supports the CCA and all of its efforts, including sports physicals! We will continue to monitor things and provide any assistance should it be requested as we are able.

WHAT IS THE NEW YORK MODEL?

"The New York Model" was a phrase coined by Dr. Natalie Hartenbaum in her email exchange with Dr. Mike Megehee ([click here to view some of the exchange](#)). In essence she called on all state medical societies and organizations to review their state chiropractic scope of practice laws to see if this approach could be used in each of their states.

This was again reference a few months later when Dr. Megehee as well as CCE, the University of Western States and a number of other representatives of the chiropractic profession, made a presentation to the MEDMAC committee in an effort to include the profession in performing Coast Guard physicals.

The final decision by the MEDMAC, demonstrated the use of the "New York Model" in its decision to not include the chiropractic profession. It actually referenced the ACA definition of chiropractic listed on the website as the reason for this. ([View the MEDMAC decision](#)).

It was expanded recently following the action taken by the FMCSA to remove chiropractors from the National Registry in New York, to include the fact that chiropractors do not prescribe medication to their patients ([click here to read the post](#)).

So what is the New York Model?

If your state scope of practice:

1. Includes the word subluxation, or uses similar terms to describe structural changes in the spine you may be at risk.
2. If your scope lists that you only treat spinal related disorders, you may be at risk.
3. If you scope lists that you only treat musculoskeletal disorders, you may be at risk.
4. If you scope does not specifically mention the words physical examination, or diagnosis you may be at risk.

5. If your scope does not mention that your ability to perform a physical exam is specifically for the determination of health and wellness you might be at risk.
6. Dr. Hartenbaum went on in her email exchange to state that she felt that only those providers who treat all of the conditions listed in guidance and regulations should be included on the National Registry. That was specifically related to fact that the FMCSA was moving to have medical examiners in the near future being more responsible in making decision relating to exemptions (insulin for diabetes, treatment of epilepsy, vision and hearing). Therefore, if you do cannot treat things such as diabetes, epilepsy etc, you would be at risk.
7. A recent posting on the NTSB website went on to state that if your scope does not include prescription rights, that a chiropractor should not be included on the national registry.

It appears that it could potentially affect all states over time, even those with current very broad scopes of practice, if they do not allow for the treatment of diabetes, epilepsy, congestive heart failure etc., or allow a DC to prescribe medication.