



# Connecticut State Medical Society v. Connecticut Board of Chiropractic Examiners

## (New Britain Sup. Ct.)

Topics Covered: Scope of Practice

### **Outcome: Favorable**

#### **Issue**

The issue in this lawsuit was whether the Connecticut Board of Chiropractic Examiners had properly ruled that chiropractors can legally perform commercial motor vehicle driver's license examinations.

#### **AMA Interest**

The AMA believes non-physician health care practitioners should only provide patient care in accordance with their education and training and pursuant to applicable state laws.

#### **Case Summary**

Under federal law, a driver of a commercial motor vehicle in interstate commerce must pass a medical examination. The medical examination, which is to include specific diagnostic tests, is to consider the following aspects of the driver's condition: general appearance and development, head, eyes and vision, ears and hearing, throat, heart, blood pressure and cardiovascular status, lungs and respiratory function, abdomen and viscera, genital-urinary, rectal, neurological, spine, musculoskeletal, extremities, drug use, alcoholism, epilepsy, mental disorders, knowledge of warning labels on (and the side effects of) medications, and diabetes. Further, the medical examiner must be qualified under state law to perform physical examinations that would enable the examiner to certify the driver would be qualified to operate a commercial motor vehicle.

In response to an inquiry from the United States Department of Transportation, the Chiropractic Board on May 8, 2014, issued a declaratory ruling, which found that the various elements of an examination for a commercial driver's license are taught in chiropractic schools and that performance of such examinations fell within chiropractors' statutory scope of practice.

On June 18, 2014, the Connecticut State Medical Society (CSMS) sued for a declaratory judgment that the Chiropractic Board ruling was invalid. CSMS asserted that the ruling was procedurally defective, because it violated various Administrative Procedure Act (APA)

requirements. Further, CSMS maintained, the ruling was substantively improper, because chiropractors lack the training to determine if drivers are qualified to operate a commercial motor vehicle.

Shortly after the suit was filed, the Chiropractic Board voluntarily withdrew its ruling. It may, however, attempt to reinstate the ruling in an administrative proceeding designed to adhere more closely to APA requirements.

### **Litigation Center Involvement**

The Litigation Center will help defray the CSMS litigation expenses.