



Cape Integrative Health

8-10 Hill Way, Unit A
Cape Elizabeth, ME 04107

P: 207.799.9950
F: 207.799.9951

Thursday, March 20, 2025

To: Members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services

Re: LD 790, An Act to Prevent Denial of Patient Access Through Collaborative Care

Dear Members of the Committee,

Thank you Senator Bailey, Representative Gramlich, and members of the HCIFS committee. My name is Dr. Zev Myerowitz Jr. I am a resident of Cape Elizabeth and a lifelong resident of the State of Maine. I am the current president of the Maine Chiropractic Association and the CEO of Cape Integrative Health, the largest Integrative practice in Maine offering urgent care, regenerative medicine, chiropractic, physical therapy, and acupuncture specialties. I will be testifying in support of LD 790.

This bill is about restoring student access to qualified healthcare providers for their school related services such as physicals, concussion management, and return to play guidelines.

This bill is a professional extension of a 2015 non-discrimination bill (H.P. 675 - L.D. 978 An Act To Promote Patient Choice and Access to Health Care). That bill was necessary to prevent an insurer from discriminate against a chiropractor acting within their scope. This bill prevents a *health care professional* from discriminating against a chiropractor acting within their scope. In this case, refusing to recognize exams performed by a chiropractor despite state and federal regulatory entities stating we are qualified to perform them.

Physical exams performed by chiropractors have been refused by the Maine Board of Nursing for well over a decade. I practice in a multi-specialty setting alongside a nurse practitioner. I am enclosing in my testimony a 2017 letter from the assistant Executive Director of the Nurses Licensing Board stating that it is the opinion of the board that chiropractor's are not qualified in performing medical examinations. Attached in my testimony is a letter from the MPA attesting that the reason the MPA will not recognize

chiropractic physicals is directly due to the Maine Board of Nursing's decision. Additionally attached to my testimony are multiple decisions made by Maine Chiropractic Licensing Board affirming that performing these services is well within our scope of practice. The chiropractic licensing board is the only entity that is allowed to make this determination. Nurses are completely unqualified in determining the training of a chiropractor, and the enforcement of such a policy is as ridiculous as a chiropractor determining what a brain surgeon can and cannot do. Chiropractors are qualified to and regularly perform DOT physicals, but the Nursing board will not recognize that we are able to perform the same services for adolescents.

If I as a chiropractor was performing a school physical next to a physician one would find us performing identical exams, billing identical codes, and receiving identical reimbursement.

While the Maine board of Nursing is welcome to their opinion on the qualifications of another specialty, it is inappropriate for that opinion to determine policy. It is even more inappropriate when that policy conflicts with the opinion of the specialty's own licensing board (in this case the Chiropractic Licensing Board) affirming that chiropractors are qualified in performing this service. This is further affirmed by the National Board of Chiropractic Examiners, the Council on Chiropractic Education, and the Department of Education.

I am also submitting testimony from a Nurse Practitioner, whom is a colleague of mine, supporting this position. While I believe the impetus behind this issue is a lack of awareness on behalf of the Maine Board of Nursing on the training a chiropractor, the end result is that students suffer. Services often have to be duplicated or delayed due to access restriction. This is completely unnecessary.

I encourage you to support LD 790.

Sincerely,

Zev Myerowitz Jr. D.C., Dipl. Ac. (IACA), cSSH, DABCA., ART, M.S., LAc., Dipl. Ac. (NCCAOM), CSCS

MCA President

Director: Health Services

Cape Integrative Health

8-10 Hill Way Unit A

Cape Elizabeth, ME 04107



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

KIM ESQUIBEL, PhD, M.S.N., R.N.
EXECUTIVE DIRECTOR

December 11, 2017

Emily Poland, RN
School Nurse Consultant
23 SHS
Augusta, ME 04333-0023

Dear Ms. Poland:

This will reply to the Questionnaire for Addressing Questions Regarding Nursing Practice dated September 19, 2017.

The Board at its December 6-7, 2017 reviewed the practice form you submitted. The Board stated that a registered professional nurse cannot accept a medical clearance for full participation or limitations due to injury in the school activities from a chiropractor because the information is not a medical clearance but rather a chiropractic assessment.

If you have any further questions, please contact me.

Sincerely,

Virginia E. deLorimier, MSN, RN
Assistant Executive Director



PRINTED ON RECYCLED PAPER

Arthur Selander, D.C.
Chairman



Linda Duffy
Clerk

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
DIVISION OF LICENSING AND ENFORCEMENT
Board of Chiropractic Examination & Registration
(207) 582-8723

August 11, 1993

Lisbon Chiropractic Center
688-4 Lisbon Road
Lisbon Falls, ME 04252
ATTN: Dr. Slocum

Dear Dr. Slocum:

Chiropractors may complete medical examinations and reports for school children. Chiropractors may also write reports for excuses from school or physical education. These reports for examination or excuses from school or physical education shall be accepted by the appropriate authorities at the school as per Maine State Law.

I have enclosed a page from the 1993-1994 Chiropractic Licensure and Practice Statistics manual for your file. If you have any further questions please feel free to contact me.


Arthur R. Selander, D.C.
Chairperson

ARS/djb

cc: Linda Duffy



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF LICENSING & REGISTRATION
BOARD CHIROPRACTIC LICENSURE
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

COPY

ANGUS S. KING, JR.
GOVERNOR

ANNE L. HEAD
DIRECTOR
ANITA KNOPP, D.C.
CHAIR

January 27, 1999

Richard Bruns, D.C.
371 Union Street
Bangor, ME 04401

Re: Chiropractors and School Physical Exams

Dear Dr. Bruns:

I have enclosed for your convenience a copy of the Chiropractic Law 32 MRSA subchapter 451 the Chiropractic Rules.

Chiropractors are trained to perform physicals in their professional education as referenced in the Board of Chiropractic Licensure Rules Chapter 1 Section 5 Examination B.

- "2. 1,200 hours of basic sciences . . ."
- "3. 1,400 hours of pre-clinical technique including diagnosis . . ."
- "4. 700 hours of clinical training including the examination of blood specimens and urinalysis . . ."

The laws and rules do not provide a cookbook list of each procedure a chiropractor performs to determine a diagnosis; be it observation, palpation or auscultation. However, the board requires a diploma from a chiropractic college accredited by the U.S. department of education in addition to completion status of the National Board of Chiropractic Examiners Parts I, II, III.



PRINTED ON RECYCLED PAPER

PHONE: (207)624-8600 (Voice)

(207)624-8653 HEARING IMPAIRED ONLY

FAX: (207)624-8637

Professional standards for entry level doctors are determined by the chiropractic educational community, the National Board of Examiners and the Federation of Chiropractic Licensing Boards. It is the responsibility of our professional board to confirm that applicants have working knowledge of those minimum standards and confirm continual education of licensed Chiropractor's. So that the public trust is safe.

Chiropractors are trained to perform physical exams be it for schools or industry. The results of these examinations may excuse patients from physical education, work activities or other activities.

Sincerely,

Anita V. Knopp, D.C.

AVK/tjh



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF LICENSING & REGISTRATION
COMPLAINTS & INVESTIGATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

JOHN ELLAS BALDACC
GOVERNOR

ANNE ... HEAD
DIRECTOR

January 30, 2008

Dr. Gerald A. Nadeau, P.A.
336 Center Street
Auburn, ME 04210

Dear Dr. Nadeau:

This letter is a response from the Board of Chiropractic Licensure to your letter addressed to the Board, dated October 23, 2007, regarding concerns about whether a chiropractor is legally authorized and qualified to perform student athletic physicals.

Chiropractors are allowed to perform student athletic physicals. Physical exams are within chiropractors' scope of practice, and are done on a regular basis in the course of treatment of a chiropractic patient. Chiropractors are trained to perform physical exams during their education, and must pass a State licensing examination covering subject areas pertinent to physical exams, including anatomy, physiology, symptomatology, chemistry, pathology, dietetics, and bacteriology.

The Board hopes that this response assists you with answering your question.

Sincerely,

Paul Morin, D.C.
Chairperson

Cc:

Carrie Carney, Assistant Attorney General
Geraldine Betts, Administrator
Jan Roberts, Complaint Officer
Kelly McLaughlin, Board Clerk

PHONE: (207)624-8660 (Voice)



PRINTED ON RECYCLED PAPER
(207)624-8663 (TTY)

OFFICES LOCATED AT 122 NORTHERN AVENUE, GARDNER, MAINE

FAX: (207)624-8637



Paul R. LePage
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD OF CHIROPRACTIC LICENSURE
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

November 29, 2018

Kathy A. Boulet, D.C.
675 Main St, Ste. 18
Lewiston ME 04240

Dear Dr. Boulet:

At its November 28, 2018 meeting, the Board of Chiropractic Licensure addressed your August 7, 2018 letter regarding whether the scope of practice for a chiropractor in Maine allows him or her to perform school physical examinations. The Board discussed the correspondence and stated that physical exams are within Maine chiropractors' scope of practice.

The definition of "chiropractic methodologies" includes "...diagnostic techniques...utilized within the chiropractic profession..." See 32 M.R.S. § 451(3). Physical exams are done in the regular course of treatment of chiropractic patients. Maine chiropractors are qualified to perform physical examinations as they are trained to perform these examinations during their required professional education. Additionally, Maine chiropractors must take and pass a State licensing examination that covers areas pertinent to physical exams including: anatomy, physiology, symptomology, chemistry, pathology, dietetics, and bacteriology.

The Board hopes that this response addresses your request.

Sincerely,

Dr. Paul N. Morin, D.C.
Board Chairperson

Cc: Members, Board of Chiropractic Licensure Board

Licensing (207)624-8820
Main Receptionist (207)624-8603
TTY USERS CALL MAINE RELAY 711

PRINTED ON RECYCLED PAPER
www.maine.gov/professionallicensing

Geraldine.L.Betts@maine.gov
Direct Line: (207)624-8625
Fax: (207)624-8666

OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE



901 54th Avenue / Greeley, Colorado 80634 / Tel: 970-356-9100 / www.nbce.org

July 6, 2018

Kathy Boulet, DC, DABCA, FICC
675 Main Street, Suite 18
Lewiston, Maine 04240

Re: Doctors of Chiropractic Performing Medical Physical Exams including Medical School Sports Physical Exams

Dear Dr. Boulet,

As Directors of the Written Examinations and Practical Testing departments of the National Board of Chiropractic Examiners (NBCE), we are pleased to provide comment on the testing components required of chiropractors to perform examination and diagnostic evaluations common to medical physical exams including medical school sports physical exams.

The NBCE develops and administers examinations required for chiropractic licensure in all fifty states, including extensive and comprehensive testing to assess the competency of examinees to provide physical exams.

This testing that all doctors of chiropractic must complete prior to being licensed meets all elements required in medical physical exams including medical school sports physical exams. Over 75% of the Part III test, the NBCE Written Clinical Competency Examination, is dedicated to assessing the academic and clinical competency to interpret physical examination findings and obtain appropriate diagnoses. Additionally, over half of the total stations of Part IV of the NBCE practical exam, with standardized patients, assess the doctor's actual abilities to perform examinations, interpret the findings, provide a diagnosis, and develop an appropriate treatment plan.

The fact that Maine requires successful completion of all NBCE examinations for licensure attests to the education, clinical training, and competency of the chiropractors licensed in Maine, and is verification of their ability to perform medical physical exams including medical school sports physical exams.

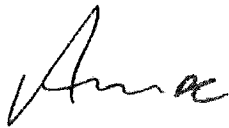
The Doctor of Chiropractic degree accreditation process requires extensive didactic and clinical training of chiropractors to perform physical exams, including orthopedic and neurologic evaluations, and the NBCE examination ensures successful applicants have demonstrated their competency to provide such examinations.

In addition, please use the link below to access the 2015 Practice Analysis of Chiropractic. This extensive document helps define the content areas tested on the Part III and Part IV examinations and is used to educate and inform State Licensing Boards and legislators as to the practice patterns of full time chiropractors across the United States.

<https://www.nbce.org/news/practice-analysis-of-chiropractic/>

We hope this information is helpful in the process of allowing Maine chiropractors to perform this useful service, and we welcome you to contact us with any questions.

Sincerely,



Andrew Gow, DC, L Ac
Director of Practical Testing
Research & Development



Bruce Shotts, DC, Dipl Ac, MS
Director of Written Examinations



7-20-2018

Dr. Kathy Boulet
675 Main Street, Suite 18
Lewiston, Maine 04240

In response to your inquiry of 6-19-2018 concerning the capability of chiropractors to perform full medical evaluation/sports physical examination I refer to the standards set by the Council on Chiropractic Education (CCE) as the minimum competencies expected for graduates of a Doctor of Chiropractic program. The standards set have similar outcomes to those set by the Association of American Medical Colleges as to the minimum competencies of a medical school graduate (AAMC). The competencies and outcomes in the areas of Assessment and Diagnosis between both the CCE and AAMC demonstrate equivalent expectations in the performance of full medical evaluations/sports physical examinations.

CCE Clinical Education Meta-Competencies A graduate of a CCE accredited DCP is competent in the areas of:

META-COMPETENCY 1 - ASSESSMENT & DIAGNOSIS Assessment and diagnosis require developed clinical reasoning skills. Clinical reasoning consists of data gathering and interpretation, hypothesis generation and testing, and critical evaluation of diagnostic strategies. This dynamic process includes the collection and assessment of data through history, physical examination, imaging, laboratory tests and case-related clinical services.

CURRICULAR OBJECTIVE: The program prepares students to –

- A. Compile a case-appropriate history that evaluates the patient's health status, including a history of any present illness, systems review, and review of past, family and psychosocial histories for the purpose of constructing a differential diagnosis and directing clinical decision-making.
- B. Determine the need for and availability of external health records.
- C. Perform case-appropriate examinations that include evaluations of body regions and organ systems, including the spine and any subluxation/segmental dysfunction that assist the clinician in developing the diagnosis/es.
- D. Perform and utilize diagnostic studies and consultations when appropriate, inclusive of imaging, clinical laboratory, and specialized testing procedures, to obtain objective clinical data.
- E. Formulate a diagnosis/es supported by information gathered from the history, examination, and diagnostic studies

OUTCOMES: Students will be able to –

- 1) Develop a list of differential diagnosis/es and corresponding exams from a case-appropriate health history and review of external health records.

2) Identify significant findings that may indicate the need for follow-up through additional examination, application of diagnostic and/or confirmatory tests and tools, and any consultations. 3) Generate a problem list with diagnosis/es.

AAMC - EPA 1 Bulleted List: Gather a history and perform a physical examination
Expected behaviors for an entrustable learner

- Information gathering and physical exam maneuvers:
 - Obtains a complete and accurate history in an organized fashion.
 - Identifies pertinent history elements in common presenting situations, symptoms, complaints, disease states (acute and chronic).
 - Obtains focused, pertinent histories in urgent, emergent, and consultation settings.
 - Identifies and uses alternate sources of information to obtain history when needed, including from family members, primary care physicians, living facilities, and pharmacies.
 - Performs a complete and accurate physical exam in logical and fluid sequence.
 - Performs a clinically relevant, focused physical exam pertinent to the setting and focus of the patient visit.
 - Identifies, describes, and documents abnormal physical exam findings.
- Scientific foundation and/or reasoning skills:
 - Demonstrates clinical reasoning in gathering focused information relevant to a patient's care.
 - Links current findings to those from previous patients.
 - Uses analytic reasoning and activation of prior knowledge to guide process.
- Patient-centered skills:
 - Demonstrates patient-centered interview skills (attentive to patient verbal and nonverbal cues, patient/family culture, social determinants of health, need for interpretive or adaptive services; demonstrates active listening skills).
 - Demonstrates patient-centered examination techniques that reflect respect for patient privacy, comfort, and safety (that is, explaining physical exam maneuvers, telling the patient what the physician is doing at each step, keeping patients covered during the examination).

As evident by the similar outcomes of the expected performance of chiropractic school graduates versus medical school graduate's chiropractors are trained and qualified to perform full medical examination/school sports physical.

Please let me know if I can be of any further assistance.

LOGAN UNIVERSITY

1851 Schoettler Road, Chesterfield, MO 63017
(636) 227-2100 | www.logan.edu



Vincent DeBono, DC
Dean of the College of Chiropractic

From: Zev Myerowitz drzew@me.com
Subject: Fwd: Request for Discussion
Date: March 19, 2025 at 10:26 PM
To:



Begin forwarded message:

From: Robert Reed <mainechiroed@gmail.com>
Subject: Fwd: Request for Discussion
Date: March 17, 2025 at 9:20:40 PM EDT
To: MCA Legislative Cttee <MCALegislativeCttee@capitolinsights.com>

CAUTION: EXTERNAL EMAIL - THIS EMAIL ORIGINATED OUTSIDE OF CAPITOL INSIGHTS. DO NOT CLICK ANY LINKS OR OPEN ANY ATTACHMENTS UNLESS YOU KNOW THE SENDER AND ARE EXPECTING THE EMAIL

----- Forwarded message -----

From: Trottier, Alana <atrottier@capeelizabethschools.org>
Date: Thu, Jan 16, 2025 at 7:29 AM
Subject: Re: Request for Discussion
To: Robert Reed <mainechiroed@gmail.com>
Cc: <abukerschoolnurse@gmail.com>, mckennal@sad1.org <mckennal@sad1.org>, <djordan@aos92.org>

Hi Bob,

I am so sorry for the delayed response. I was waiting for our Board of Directors meeting before I responded.

We are so honored that you reached out to us! Unfortunately this matter is above our purview and we have to direct you to the Maine Principals Association as this is their statement:

"APPENDIX P ADVISORY ON SPORTS PRE-SEASON OR PREPARTICIPATION PHYSICAL EXAMS

The MPA Sports Medicine Advisory Committee recommends examination of the athletes every other year between the sixth grade and high school graduation. The complete exam should be done when the athlete enters the competitive sports program, and in most instances, this is in the sixth or seventh grade. The history portion of the PPE should be completed by the athlete and signed by his/her/their parents/guardians each year. In the off year, the athlete's health history form should be reviewed by the school nurse. If there are changes in the medical history, the school nurse should bring it to the attention of a physician and a decision can be made concerning whether the student athlete needs to have another complete physical examination, or not, before proceeding with the upcoming athletic school year. The examination can be done by a medical doctor, doctor of osteopathy, nurse practitioner, or a physician's assistant... Updated and approved by the MPA Interscholastic Management Committee and Membership: April 2005"

Thank you for thinking of us and we hope we can collaborate in the future.

Alana Trottier BS, RN, CCRN
School Nurse, Cape Elizabeth Middle School
14 Scott Dyer Rd., Cape Elizabeth, ME 04107
Ph. (207)799-8176 | Fax (207)767-0832
President, Maine Association of School Nurses

On Wed, Jan 8, 2025 at 9:01 PM Robert Reed <mainechiroed@gmail.com> wrote:

The leadership of the Maine Chiropractic Association would like to host a meeting with leadership of the Maine School Nurses Association to discuss how chiropractic doctors can provide school sports physicals as allowed within their professional license.

If this would be possible we are willing to host and provide a location with lunch or dinner included at our expense.

Let's sit down, break bread and find out how we can best work together! We look forward to hearing from you.

Best Wishes,

Bob

--

Robert Reed, Executive Director
Maine Chiropractic Association - "Maine's Voice for Chiropractic"
2024 Chiro Congress Association of the Year

58 Albert Street
Lewiston ME 04240

(207) 622-5421 (cell)
(207) 782-5482 (fax)

See our website at www.mainechiro.com