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To: House Committee on Health Care
From: Charles Keers, Executive Director of Oregon Youth Soccer Association
Subject: SB 721 A
Date: April 24, 2013

I applaud the Legislature's efforts to make youth sports safer for our children by education regarding the symptoms of concussions and by stipulating a minimum of a day away from sports activity and a medical release from a health care professional following a suspected concussion.

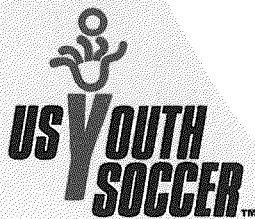
There are, however, a number of concerns I have about SB 721 A in its current draft.

Nonprofits:

Why limit this just to nonprofit corporations? Numerous businesses operate indoor centers and organize youth sporting events. Indeed, Futsal and indoor soccer is often played on hardwood surfaces and the fields/courts are always surrounded by walls. There is a much greater opportunity for a hard blow to the head in these circumstances. I would suggest that "nonprofit corporation" in line 10 on page one be changed to "any legal entity operating in the state of Oregon."

Referees:

Line 24 on page one through line 8 on page 2 requires referees to prohibit a player from participating in "any athletic event or training" the same day that they may have suffered a concussion. It also requires the referee to prohibit the player from returning to play until there are no longer any symptoms of a concussion and the player has obtained a medical release from a health care professional.



The main difficulty with this provision is that in almost every circumstance, a referee has no way of knowing whether any of the players on a soccer team that they are officiating has received a suspected concussion earlier in the day. Except for the game they were officiating when a suspected concussion occurred - they weren't there – they can't know. They certainly can't know whether a player received a suspected concussion the day before; referees almost never officiate for the same team on consecutive days. It would be unreasonable to expect or require referees to know which player, if any, would need to have a medical release from a health care professional.

I would suggest that “or a referee” in line 24 on page one and that “”or referee” in line 3 on page two be deleted.

Coaches:

There are similar concerns with coaches, in that a player who suffers a suspected concussion may play or practice with a different team – or for a different organization like the YMCA or Parks and Recreation – where a different coach simply cannot know if any of their players may have hurt themselves earlier in the day or earlier in the week.

I would suggest that after the word “training” on line 25 of page one that, “that is under the direct supervision of the coach” be inserted. And further that on line 1 on page two following the word “body” that, “by the member’s coach during a game or training that is under the direct supervision of the member’s coach” be inserted.

Health Care Professional:

Is a medical trainer a mental health professional? US Youth Soccer, the largest youth sports organization in the country, has adopted a similar policy regarding possible concussions during their National Championship Series. It requires a release from a medical doctor or doctor of osteopathy specializing in concussion treatment and management.

I would suggest deleting the phrase “health care professional” in line 8 on page two and inserting “medical doctor or doctor of osteopathy specializing in concussion treatment and management.”

The Parent:

I would suggest that on line 16 on page two that, “The parent” be deleted and that, “A parent or legal guardian” be inserted.

Renewal application with the Secretary of State:

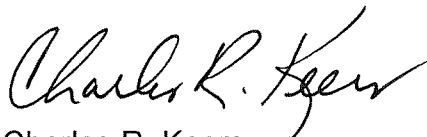
Is this really necessary? Aren't all legal entities in the State of Oregon already required to obey all laws? Even with the most reasonable of precautions, it is not possible for a company to prevent a person from coming into a workplace and injuring someone, or to prevent an employee from speeding while driving a company vehicle. Best practices can be put in place, but no person or company can assert that they can control the behavior of another person.

Oregon Youth Soccer has 40,000 registered members, 4,000 volunteer coaches and approximately 80,000 parents. It is reasonable to assure the State that in every instance, every year, that every one of these 124,000 individuals will comply with all of the provisions of the bill and all of the related policies and procedures that we may establish in a good faith effort to comply with the bill?

I would suggest that all of section 7 that begins on line 21 on page be deleted.

Thank you, again, for your efforts to make youth sports safer for our children. I believe these suggested modifications will make the bill more reasonable and not detract from the desired intent.

Sincerely,

A handwritten signature in cursive script that reads "Charles R. Keers". The signature is written in black ink and is positioned above the printed name and title.

Charles R. Keers
Executive Director

Proposed Amendments to

A-Engrossed

Senate Bill 721

1. On page 1 of the printed bill, line 24, after "coach" delete "or a referee."
2. On page 2 of the printed bill, line 3, after "coach" delete "or referee."

Rationale:

1. Referees are not and cannot be aware of whether a player sustained a blow to the head or body in a game within the previous 24 hours (except for a game they have directly witnessed); whether said blow caused the player to leave the game as a result of the blow; whether a concussion was suspected; or whether the player has received a medical release from a health care provider. Simply stated, in the overwhelming majority of games that are officiated by a referee, the referee simply cannot know, and therefore cannot reasonably be held responsible for, whether a player they have not seen play has been injured or would, under the provisions of the Bill, be required to need a medical release.
2. It should also be noted that fully half of the referees in youth soccer are under the age of 18. It is inappropriate and improper to expect a minor to make a medical determination regarding a concussion.