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February 2, 2016

Senate Committee on Education

RE: Senate Bill 1535

Dear Senator Roblan:

Please accept this letter in lieu of my personal appearance in front of the committee today. As I did not find out about the hearing until yesterday, it was not possible for me to re-schedule a large number of patient appointments in such a short time without grossly inconveniencing people.

Please allow me to briefly review the history of my involvement with "state concussion laws" in Oregon over the past decade. In 2008, our Oregon School Activities Association's (OSAA) Sports Medicine Advisory Committee made the OSAA the first high school association in the US to not allow an athlete to return to play on the same day he or she suffered a concussion. The following year, our committee worked with Senator Morrisette in putting together Max's Law.

Shortly thereafter, several of us testified before the State Board of Education to help define the term "appropriate health care professional" for the OARs. There was a very long and deliberate discussion to define those individuals as a "Physician (MD), Physician's Assistant (PA), Doctor of Osteopathic (DO) licensed by the Oregon State Board of Medicine; or nurse practitioner licensed by the Oregon State Board of Nursing."

A few years later Athletic Trainers (working with an MD/DO) and Psychologists licensed in the State of Oregon were added to that list of professionals and that entire list of professionals was then included when Jenna's Law was passed in 2013.

At each step of this process over the past 7 years there were ample opportunities for Chiropractic and Naturopathic Physicians to have their voices heard regarding their inclusion into the state laws and OARs. For those worried about access to "approved" health care professionals across the state, there has been no significant feedback from any of the high schools requesting that either profession be allowed to clear concussed athletes for return to play.

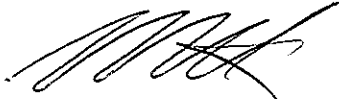
While I certainly cannot debate a Chiropractic and Naturopathic Physician without being at the hearing, I do challenge them to provide evidence of training or competency in caring for children with brain injuries. Of course, it was the very nature of these serious and hard to treat injuries that led to the passage of Max's Law and Jenna's Law in the first place!

I believe that there are improvements that can be made in the way we care for young athletes across the state, but the quick passage of this bill in the midst of a brief and busy legislative session is a disservice to our young athletes and their parents. The discussion of a competency-based pathway to credential healthcare providers for caring for athletes with concussion would be best for everyone. In such a system, knowledge would be the most important variable and we could allow healthcare providers from an array of backgrounds to be involved in all aspects of care for young athletes with concussion. However, such system is not yet in place.

Therefore, I am strongly opposed to this bill's passage. There is no need to make sudden and dramatic changes in the care of our young athletes. Please remember that the original intent of Max's Law was to protect young athletes who have suffered brain injuries. The system we currently have in place has been working well for nearly a decade. While we must always seek to refine what we are doing, we must make changes with thoughtfulness and care. Much more thought and deliberation is needed on this topic than this shortened legislative session affords.

I am happy to appear before the committee at some point in the future or further discuss Senate Bill 1535 in person or on the phone at a mutually convenient time. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Koester', with a stylized flourish at the end.

Michael C. Koester, MD

Chair, OSAA Sports Medicine Advisory Committee

Director, Slocum Sports Concussion Program

Board Certified in Pediatrics and Sports Medicine