

March 30, 2017

Orthopedic Surgery

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Podiatry

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**Physical Medicine,
Rehabilitation and
Pain Management**

Gregory M. Phillips, MD

Senator Laurie Monnes Anderson
Chair, Senate Committee On Health Care

RE: Senate Bill 217

Dear Senator Monnes Anderson:

I am writing to detail my opposition to SB 217. Unfortunately, due to a prior commitment, I am unable to attend today's hearing.

I have been taking care of high school athlete's in Oregon since 1998 and have been very involved in helping make Oregon a national leader in the care of the high school athlete for all medical conditions, not just concussion. My endeavors have included helping Senator Morrisette craft Max's Law and developing a concussion education video that has been viewed over 2 million times across the nation.

Several years ago the OSAA Sports Medicine Advisory Committee (SMAC) reached out to a handful of sports-trained chiropractors to discuss possible routes to include them in the list of health care professionals that are allowed to return a young athlete to play following a concussion.

Senate Bill 217 is not what those of us on the OSAA SMAC were aiming for when we first began those discussions. I do have significant reservations that Naturopaths have been added to the bill (without any discussion of how their training prepares them to manage this diagnosis) and that there are no mechanisms in place to ensure that health care providers *actually* take the concussion education course as required.


However, my opposition rests primarily on the medical liability insurance requirement. First, this sets the precedent that health care providers can now be required to have malpractice coverage (with specific minimums) to take care of a particular diagnosis. Second, this requirement also nullifies the current "Good Samaritan Law"

(<https://www.oregonlaws.org/ors/30.800>) that allows physicians to volunteer to cover a youth, high school, or college athletic team without

fear of a malpractice claim. Thus, any retired physician volunteering his or her time will now be forced to purchase a malpractice policy, or leave that school or team without medical coverage.

As currently written, I believe SB 217 is a significant step backwards as we strive to lead the nation in the care of our young athletes. If you have any questions regarding my concerns, please feel free to contact me.

Sincerely,



Michael C. Koester, MD
Pediatric Sports Medicine
Chair, OSAA Sports Medicine Advisory Committee
Chair, National Federation of State High School Associations Sports
Medicine Advisory Committee
Cell 541-359-5936
mkoester@slocumcenter.com