

Requested by Senator ROBLAN

**PROPOSED AMENDMENTS TO
SENATE BILL 217**

1 On page 1 of the printed bill, line 2, after the first semicolon insert
2 “creating new provisions;”.

3 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

4 **“SECTION 1.** ORS 336.485 is amended to read:

5 “336.485. (1) As used in this section:

6 “(a) ‘Coach’ means a person who instructs or trains members on a school
7 athletic team, as identified by criteria established by the State Board of
8 Education by rule.

9 “[*(b) ‘Health care professional’ means a medical doctor, osteopathic physi-
10 cian, psychologist, physician assistant or nurse practitioner licensed or certi-
11 fied under the laws of this state.*]

12 **“(b) ‘Qualified health care professional’ means a health care pro-
13 fessional who is certified under section 3 of this 2017 Act to provide a
14 medical release for a member of a school athletic team suspected of
15 having a concussion.**

16 “(2)(a) Each school district shall ensure that coaches receive annual
17 training to learn how to recognize the symptoms of a concussion and how
18 to seek proper medical treatment for a person suspected of having a
19 concussion.

20 “(b) The board shall establish by rule:

21 “(A) The requirements of the training described in paragraph (a) of this

1 subsection, which shall be provided by using community resources to the
2 extent practicable; and

3 “(B) Timelines to ensure that, to the extent practicable, every coach re-
4 ceives the training described in paragraph (a) of this subsection before the
5 beginning of the season for the school athletic team.

6 “[*(3) Except as provided in subsection (4) of this section.*]

7 “**(3)**(a) A coach may not allow a member of a school athletic team to
8 participate in any athletic event or training on the same day that the mem-
9 ber:

10 “(A) Exhibits signs, symptoms or behaviors consistent with a concussion
11 following an observed or suspected blow to the head or body; or

12 “(B) Has been diagnosed with a concussion.

13 “(b) A coach may allow a member of a school athletic team who is pro-
14 hibited from participating in an athletic event or training, as described in
15 paragraph (a) of this subsection, to participate in an athletic event or
16 training no sooner than the day after the member experienced a blow to the
17 head or body and only after the member:

18 “(A) No longer exhibits signs, symptoms or behaviors consistent with a
19 concussion; and

20 “(B) Receives a medical release form from a **qualified** health care pro-
21 fessional.

22 “[*(4) A coach may allow a member of a school athletic team to participate*
23 *in any athletic event or training at any time after an athletic trainer registered*
24 *by the Board of Athletic Trainers determines that the member has not suffered*
25 *a concussion. The athletic trainer may, but is not required to, consult with a*
26 *health care professional in making the determination that the member has not*
27 *suffered a concussion.*]

28 “**SECTION 2.** ORS 417.875 is amended to read:

29 “417.875. (1) As used in this section:

30 “(a) ‘Coach’ means a person who volunteers for, or is paid to instruct or

1 train members of, a nonschool athletic team.

2 “[*(b)*] *‘Health care professional’ means a medical doctor, osteopathic physi-*
3 *cian, psychologist, physician assistant or nurse practitioner licensed or certi-*
4 *fied under the laws of this state.*]

5 “[*(c)*] **(b)** ‘League governing body’ means a governing body that:

6 “(A) Oversees an association of nonschool athletic teams that provide
7 instruction or training for team members and that may compete with each
8 other; and

9 “(B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit
10 corporation established as provided by ORS chapter 65.

11 “[*(d)*] **(c)** ‘Nonschool athletic team’ means an athletic team that includes
12 members who are under 18 years of age and that is not affiliated with a
13 public school in this state.

14 “**(d) ‘Qualified health care professional’ means a health care pro-**
15 **fessional who is certified under section 3 of this 2017 Act to provide a**
16 **medical release for a member of a nonschool athletic team suspected**
17 **of having a concussion.**

18 “(e) ‘Referee’ means a person who volunteers or is paid to act as a referee,
19 as an umpire or in a similar supervisory position for events involving non-
20 school athletic teams.

21 “(f) ‘Referee governing body’ means a governing body that:

22 “(A) Trains and certifies individuals to serve as referees for nonschool
23 athletic team events; and

24 “(B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit
25 corporation established as provided by ORS chapter 65.

26 “(2)(a) Each league governing body and each referee governing body shall
27 ensure that the coaches and the referees, respectively, receive annual train-
28 ing to learn how to recognize the symptoms of a concussion and how to seek
29 proper medical treatment for a person suspected of having a concussion.

30 “(b) Each league governing body and each referee governing body shall

1 adopt a policy that establishes:

2 “(A) The requirements of the training described in paragraph (a) of this
3 subsection; and

4 “(B) Procedures that ensure that every coach and referee receives the
5 training described in paragraph (a) of this subsection.

6 “[*(3) Except as provided in subsection (4) of this section.*]

7 “**(3)(a)** A coach may not allow a member of a nonschool athletic team to
8 participate in any athletic event or training on the same day that the mem-
9 ber:

10 “(A) Exhibits signs, symptoms or behaviors consistent with a concussion
11 following an observed or suspected blow to the head or body; or

12 “(B) Has been diagnosed with a concussion.

13 “(b) A coach may allow a member of a nonschool athletic team who is
14 prohibited from participating in an athletic event or training, as described
15 in paragraph (a) of this subsection, to participate in an athletic event or
16 training no sooner than the day after the member experienced a blow to the
17 head or body and only after the member:

18 “(A) No longer exhibits signs, symptoms or behaviors consistent with a
19 concussion; and

20 “(B) Receives a medical release form from a **qualified** health care pro-
21 fessional.

22 “[*(4) A coach may allow a member of a nonschool athletic team to partic-
23 ipate in any athletic event or training at any time after an athletic trainer
24 registered by the Board of Athletic Trainers determines that the member has
25 not suffered a concussion. The athletic trainer may, but is not required to,
26 consult with a health care professional in making the determination that the
27 member has not suffered a concussion.*]

28 “[*(5)*] **(4)** The league governing body shall develop or use existing guide-
29 lines and other relevant materials, and shall make available those guidelines
30 and materials, to inform and educate persons under 18 years of age desiring

1 to be a member on a nonschool athletic team, the parents and legal guardi-
2 ans of the persons and the coaches about the symptoms and warning signs
3 of a concussion.

4 “[6] (5) For each year of participation, and prior to a person under 18
5 years of age participating as a member on a nonschool athletic team, at least
6 one parent or legal guardian of the person must acknowledge the receipt of
7 the guidelines and materials described in subsection [(5)] (4) of this section
8 and the review of those guidelines and materials by:

9 “(a) The parent or legal guardian of the person; and

10 “(b) If the person is 12 years of age or older, the person.

11 “[7] (6) A league governing body may hold an informational meeting
12 prior to the start of any season for each nonschool athletic team regarding
13 the symptoms and warning signs of a concussion.

14 “[8(a)] (7)(a) Any person who regularly serves as a coach or as a referee
15 and who complies with the provisions of this section is immune from civil
16 or criminal liability related to a head injury unless the person acted or failed
17 to act because of gross negligence or willful or wanton misconduct.

18 “(b) Nothing in this section shall be construed to affect the civil or
19 criminal liability related to a head injury of a person who does not regularly
20 serve as a coach or a referee.

21 **“SECTION 3. (1) As used in this section:**

22 **“(a) ‘Health care professional’ includes a physician, an osteopathic**
23 **physician, a chiropractic physician, a naturopathic physician, a psy-**
24 **chologist, an occupational therapist, a physical therapist, a physician**
25 **assistant, a nurse practitioner or an athletic trainer who is licensed,**
26 **certified or registered under the laws of this state.**

27 **“(b) ‘Regulatory board’ means the governmental agency of the**
28 **State of Oregon that is required or authorized by law to issue a li-**
29 **cence, certificate or registration to a health care professional.**

30 **“(2) A regulatory board shall issue a certificate to a health care**

1 professional who is able to demonstrate that the health care profes-
2 sional has:

3 “(a) The knowledge required to recognize the symptoms of a
4 concussion and to know when to provide a medical release for a person
5 to participate in an athletic event or training as provided by ORS
6 336.485 or 417.875; and

7 “(b) Liability insurance in the amount of \$1 million and in compli-
8 ance with any other requirements identified by the regulatory board
9 by rule.

10 “(3) For the purpose of subsection (2)(a) of this section, a health
11 care professional may demonstrate the required knowledge through
12 successful completion of an online course approved by the regulatory
13 board.

14 “(4) During the term of certification, the regulatory board may re-
15 quire the health care professional to:

16 “(a) Complete professional development; or

17 “(b) Provide proof of compliance with the requirements related to
18 liability insurance.

19 “(5) Certificates issued under this section are valid for a term of
20 three years and may be renewed.

21 **“SECTION 4. (1) Section 3 of this 2017 Act and the amendments to**
22 **ORS 336.485 and 417.875 by sections 1 and 2 of this 2017 Act become**
23 **operative on January 1, 2018.**

24 “(2) A regulatory board, as defined in section 3 of this 2017 Act, may
25 take any action before the operative date specified in subsection (1)
26 of this section that is necessary to enable the board, on and after the
27 operative date specified in subsection (1) of this section, to exercise
28 all of the duties, powers and functions conferred on the board by sec-
29 tion 3 of this 2017 Act.

30 “(3) Notwithstanding the operative date specified in subsection (1)

1 of this section, a physician, an osteopathic physician, a psychologist,
2 a physician assistant or a nurse practitioner licensed or certified under
3 the laws of this state may provide a medical release for a person to
4 participate in an athletic event or training as provided by ORS 336.485
5 and 417.875 without a certificate issued under section 3 of this 2017 Act
6 if the medical release is provided prior to January 1, 2019.

7 **“SECTION 5. This 2017 Act being necessary for the immediate**
8 **preservation of the public peace, health and safety, an emergency is**
9 **declared to exist, and this 2017 Act takes effect on its passage.”.**

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