

SB 1547 B STAFF MEASURE SUMMARY

Carrier: Rep. Kennemer

House Committee On Rules**Action Date:** 03/01/18**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 9-0-0-0**Yeas:** 9 - Barreto, Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson, Wilson**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Adam Crawford, LPRO Analyst**WHAT THE MEASURE DOES:**

Expands list of qualified health professionals who can provide medical release of a student athlete suspected of having a concussion to include licensed chiropractic physicians, naturopathic physicians, psychologists, physical therapists, occupational therapists, physician assistants, and nurse practitioner. Specifies requirements for qualified health professionals to obtain a certificate after completion of an online program and other requirements. Becomes operative July 1, 2020. Requires Oregon Health and Science University to report on the progress of the online certification program by October 1, 2018. Allows a psychologist, physician assistant, or nurse practitioner to provide a medical release for a person to participate in an athletic event without a certificate issued by the certificate program until July 1, 2021. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Current protocol for concussed student-athlete return to play
- Variations in concussion protocol by school district
- Athletic trainers' qualifications to be defined and categorized as a health care professional; licensure of athletic trainers; potential conflict of interest for athletic trainers employed by school district to return student-athlete to play more quickly
- Scope of bill for concussed athlete return to non-school affiliated sport
- Medical professional and school liability for returning student athlete to play too early and subsequent injury; differences in malpractice liability coverage among types of medical providers and athletic trainers
- Expansion of qualified medical provider list for concussion return-to-play clearance in other states
- Educational proficiency and training of athletic trainers including graduate training with respect to providing a medical release to return students to an athletic competition as a qualified health care professional
- Physicians with medical degrees not required to complete OHSU's online training program
- Monitoring return to play in Oregon and tracking medical releases by qualified health professionals that complete OHSU's training program; importance for the training program to address potential conflicts of interest among qualified health professionals

EFFECT OF AMENDMENT:

Removes athletic trainers from list of qualified health professionals who can provide medical release for a student athlete suspected of having a concussion. Requires Oregon Health and Science University to report on the progress of the online certification program by October 1, 2018. Allows a psychologist, physician assistant, or nurse practitioner to provide a medical release for a person to participate in an athletic event without a certificate issued by the certificate program until July 1, 2021.

BACKGROUND:

Current Oregon law allows health care professionals who are licensed physicians (MDs, DOs), physician assistants, nurse practitioners, or psychologists to medically release a student athlete with a concussion or suspected

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concussion.

In 2017, the Oregon legislature introduced Senate Bill 217 to expand the list of qualified health professionals able to provide a release for a student athlete who sustained a concussion or was suspected of sustaining a concussion. The bill did not pass during the 2017 session. The interim Senate Committee on Health Care convened a work group to develop recommendations on this topic following the 2017 session. The work group met five times to receive reports and presentations. The outcome is a bill based on a set of guidelines established by the work group.

Senate Bill 1547-A expands the list of qualified health professionals who can provide medical release of a student athlete suspected of having a concussion.

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 1547 - B

79th Oregon Legislative Assembly – 2018 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Doug Wilson, Krista Dauenhauer, John Terpening, Gregory Jolivet
Date: 3/1/2018

Measure Description:

Expands list of health care professionals who can provide medical release to youth athlete who is suspected of having concussion.

Government Unit(s) Affected:

Oregon Health Sciences University (OHSU), School Districts, Department of Education (ODE), Oregon Health Authority (OHA), Oregon Board of Chiropractic Examiners (OBCE), Oregon Board of Naturopathic Medicine (OBNM), Occupational Therapy Licensing Board (OTLB), Oregon Board of Psychology, Oregon Medical Board (OMB), Oregon State Board of Nursing (OSBN), Physical Therapist Licensing Board [semi-independent listed under ORS 182.454]

Summary of Expenditure Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

SB 1547 expands, for the purpose of providing medical release to youth athletes suspected of having a concussion, the list of health care professionals to include chiropractic physicians, naturopathic physicians, psychologists, physical therapists, occupational therapists, physician assistants, and nurse practitioners licensed in Oregon. To be eligible to provide this medical release, these professionals must meet specified requirements, including completing an online certification program to be established by the Oregon Health and Science University (OHSU).

The full fiscal impact of this bill on school districts is indeterminate. Although the fiscal impact of implementing the provisions of this bill on OHSU, school districts, and the licensing boards regulating these health care professionals (listed above in the Government Units Affected section) is minimal, the School Boards are concerned of the potential liability facing its athletic programs with passage of this bill. However, the frequency and magnitude of this liability cannot be predicted or quantified, at this time.

Oregon Health and Science University (OHSU)

Operative July 1, 2020, the bill requires OHSU to establish and administer a program to certify health care professionals relating to the assessment, diagnosis, and management of sports-related concussions. The bill authorizes OHSU to establish fees to cover the cost of the certification program. The bill directs OHSU to submit to an interim committee of the legislature a report on the progress of establishing this online program, by October 1, 2018. OHSU must also submit a report providing the number of health care professionals who have successfully completed the online certification program, by December 1, 2021. OHSU anticipates using existing staff to comply with the provisions of this bill, and using program fees to offset operational costs. Such fees will be set via rule making and are yet to be determined.

Note that only part of OHSU agency’s budget is subject to Executive Branch review, or approval or modification by the Legislative Assembly. State funding is provided to OHSU for specific functions such as medical and nursing schools, Office of Rural Health, and the Poison Control Center. It is anticipated that the costs relating to this measure would be to OHSU units not directly provided State funding.