

A-Engrossed
Senate Bill 1547

Ordered by the Senate February 15
Including Senate Amendments dated February 15

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands list of health care professionals who can provide medical release to youth athlete who is suspected of having concussion. Prescribes requirements for health care professionals to be qualified to provide medical release.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to concussions sustained by youth athletes; creating new provisions; amending ORS 336.485
3 and 417.875; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 336.485 is amended to read:

6 336.485. (1) As used in this section:

7 (a) "Coach" means a person who instructs or trains members [*on*] of a school athletic team, as
8 identified by criteria established by the State Board of Education by rule.

9 [*(b) "Health care professional" means a physician licensed under ORS 677.100 to 677.228, psy-*
10 *chologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.*]

11 **(b) "Qualified health care professional" means:**

12 **(A) A physician licensed pursuant to ORS 677.100 to 677.228; or**

13 **(B) A health care professional who meets the requirements described in section 3 of this**
14 **2018 Act to provide a medical release for a member of a school athletic team who is sus-**
15 **pected of having a concussion.**

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

19 (b) The board shall establish by rule:

20 (A) The requirements of the training described in paragraph (a) of this subsection, which shall
21 be provided by using community resources to the extent practicable; and

22 (B) Timelines to ensure that, to the extent practicable, every coach receives the training de-
23 scribed in paragraph (a) of this subsection before the beginning of the season for the school athletic
24 team.

25 (3) Except as provided in subsection (4) of this section:

26 (a) A coach may not allow a member of a school athletic team to participate in any athletic

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 event or training on the same day that the member:

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

4 (B) Has been diagnosed with a concussion.

5 (b) A coach may allow a member of a school athletic team who is prohibited from participating
6 in an athletic event or training, as described in paragraph (a) of this subsection, to participate in
7 an athletic event or training no sooner than the day after the member experienced a blow to the
8 head or body and only after the member:

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

10 (B) Receives a medical release [form] from a **qualified** health care professional.

11 (4) A coach may allow a member of a school athletic team to participate in any athletic event
12 or training at any time after an athletic trainer registered by the Board of Athletic Trainers, **or a**
13 **physician licensed pursuant to ORS 677.100 to 677.228**, determines that the member has not suf-
14 fered a concussion. The athletic trainer **or physician** may, but is not required to, consult with a
15 **qualified** health care professional in making the determination that the member **of a school ath-**
16 **letic team** has not suffered a concussion.

17 **SECTION 2.** ORS 417.875 is amended to read:

18 417.875. (1) As used in this section:

19 (a) “Coach” means a person who volunteers for, or is paid to instruct or train members of, a
20 nonschool athletic team.

21 [(b) “Health care professional” means a physician licensed under ORS 677.100 to 677.228, psy-
22 chologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.]

23 [(c)] (b) “League governing body” means a governing body that:

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

26 (B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation estab-
27 lished as provided by ORS chapter 65.

28 [(d)] (c) “Nonschool athletic team” means an athletic team that includes members who are under
29 18 years of age and that is not affiliated with a public school in this state.

30 (d) **“Qualified health care professional” means:**

31 (A) **A physician licensed pursuant to ORS 677.100 to 677.228; or**

32 (B) **A health care professional who meets the requirements described in section 3 of this**
33 **2018 Act to provide a medical release for a member of a nonschool athletic team who is**
34 **suspected of having a concussion.**

35 (e) “Referee” means a person who volunteers or is paid to act as a referee, as an umpire or in
36 a similar supervisory position for events involving nonschool athletic teams.

37 (f) “Referee governing body” means a governing body that:

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

39 (B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation estab-
40 lished as provided by ORS chapter 65.

41 (2)(a) Each league governing body and each referee governing body shall ensure that the
42 coaches and the referees, respectively, receive annual training to learn how to recognize the symp-
43 toms of a concussion and how to seek proper medical treatment for a person **who is** suspected of
44 having a concussion.

45 (b) Each league governing body and each referee governing body shall adopt a policy that es-

1 tablishes:

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

3 (B) Procedures that ensure that every coach and referee receives the training described in par-
4 agraph (a) of this subsection.

5 (3) Except as provided in subsection (4) of this section:

6 (a) A coach may not allow a member of a nonschool athletic team to participate in any athletic
7 event or training on the same day that the member:

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

10 (B) Has been diagnosed with a concussion.

11 (b) A coach may allow a member of a nonschool athletic team who is prohibited from partic-
12 ipating in an athletic event or training, as described in paragraph (a) of this subsection, to partic-
13 ipate in an athletic event or training no sooner than the day after the member experienced a blow
14 to the head or body and only after the member:

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

16 (B) Receives a medical release [*form*] from a **qualified** health care professional.

17 (4) A coach may allow a member of a nonschool athletic team to participate in any athletic
18 event or training at any time after an athletic trainer registered by the Board of Athletic
19 Trainers, **or a physician licensed pursuant to ORS 677.100 to 677.228**, determines that the mem-
20 ber **of a nonschool athletic team** has not suffered a concussion. The athletic trainer **or physician**
21 may, but is not required to, consult with a **qualified** health care professional in making the deter-
22 mination that the member **of a nonschool athletic team** has not suffered a concussion.

23 (5) The league governing body shall develop or use existing guidelines and other relevant ma-
24 terials, and shall make available those guidelines and materials, to inform and educate persons un-
25 der 18 years of age desiring to be a member [*on*] **of** a nonschool athletic team, the parents and legal
26 guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

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

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

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

33 (7) A league governing body may hold an informational meeting prior to the start of any season
34 for each nonschool athletic team regarding the symptoms and warning signs of a concussion.

35 (8)(a) Any person who regularly serves as a coach or as a referee and who complies with the
36 provisions of this section is immune from civil or criminal liability related to a head injury unless
37 the person acted or failed to act because of gross negligence or willful or wanton misconduct.

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

40 **SECTION 3. (1) As used in this section, “health care professional” includes a chiropractic**
41 **physician, a naturopathic physician, a psychologist, a physical therapist, an occupational**
42 **therapist, a physician assistant, a nurse practitioner or an athletic trainer who is licensed,**
43 **certified or registered under the laws of this state.**

44 **(2) A health care professional meets the requirements of a qualified health care profes-**
45 **sional for the purposes of ORS 336.485 and 417.875 if the health care professional has a cer-**

1 tificate as described in subsection (3) of this section.

2 (3)(a) A health care professional is eligible to receive a certificate for the purposes of
3 ORS 336.485 and 417.875 if the health care professional successfully completes an online pro-
4 gram that:

5 (A) Is established and maintained by Oregon Health and Science University;

6 (B) Establishes for health care professionals a foundation of knowledge related to the
7 assessment, diagnosis and management of sports-related concussions; and

8 (C) Informs health care professionals of:

9 (i) The requirements imposed by ORS 336.485 and 417.875 and any other related legal re-
10 quirements; and

11 (ii) Limitations of the training provided through the online program.

12 (b) For the online program, the university:

13 (A) Shall establish the program in consultation with health care professionals and other
14 stakeholders who are appropriately qualified for consultations;

15 (B) Shall ensure that the program is reviewed at least once every four years by health
16 care professionals and other stakeholders who are appropriately qualified to make the re-
17 view;

18 (C) Shall include minimum standards or clinical criteria that are evidence based and that
19 incorporate best practices in relation to the assessment, diagnosis and management of
20 sports-related concussions; and

21 (D) May charge participants in the program a reasonable fee.

22 (4) Certificates issued by Oregon Health and Science University under this section are
23 valid for a term of four years. A health care professional may continue to meet the re-
24 quirements of a qualified health care professional for the purposes of ORS 336.485 and 417.875
25 by renewing a certificate. The university shall prescribe the requirements for renewal, in-
26 cluding requirements for additional training.

27 (5)(a) Except as provided by paragraph (b) of this subsection, no civil or criminal action,
28 suit or proceeding may be commenced against Oregon Health and Science University, or any
29 board member, officer or employee of the university, as a result of the death or injury of a
30 member of a school athletic team or nonschool athletic team if:

31 (A) The death or injury is related to a head injury sustained during an athletic event or
32 training; and

33 (B) The member received a medical release from a health care professional who held a
34 certificate issued under this section.

35 (b) The civil and criminal immunities imposed by this subsection do not apply to an act
36 or omission that:

37 (A) Amounts to gross negligence or willful or wanton misconduct; or

38 (B) Was performed by a board member, officer or employee of the university if the board
39 member, officer or employee was providing health care services as a health care professional
40 when the board member, officer or employee committed the act or omission.

41 **SECTION 4.** (1) Section 3 of this 2018 Act and the amendments to ORS 336.485 and 417.875
42 by sections 1 and 2 of this 2018 Act become operative on January 1, 2019.

43 (2) Oregon Health and Science University may take any action before the operative date
44 specified in subsection (1) of this section that is necessary to enable the university, on and
45 after the operative date specified in subsection (1) of this section, to exercise all of the du-

1 ties, functions and powers conferred on the university by section 3 of this 2018 Act.

2 (3) Notwithstanding the operative date specified in subsection (1) of this section, a psy-
3 chologist, a physician assistant or a nurse practitioner licensed or certified under the laws
4 of this state may provide a medical release for a person to participate in an athletic event
5 or training as provided by ORS 336.485 or 417.875 without a certificate issued under section
6 3 of this 2018 Act if the medical release is provided prior to January 1, 2020.

7 SECTION 5. Not later than December 1, 2020, Oregon Health and Science University shall
8 submit to an interim committee of the Legislative Assembly related to health care a report
9 that provides the number of health care professionals from each profession identified in
10 section 3 (1) of this 2018 Act who successfully completed the online program described in
11 section 3 (3) of this 2018 Act.

12 SECTION 6. This 2018 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect
14 on its passage.

15 _____