

B-Engrossed
Senate Bill 742

Ordered by the House May 21
Including Senate Amendments dated March 22 and House Amendments
dated May 21

Sponsored by 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.

Allows Health Licensing Office to issue license to engage in practice of athletic training to qualified applicant. [*Defines "practice of athletic training."*]
Becomes operative January 1, 2020.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to athletic trainers; creating new provisions; amending ORS 336.485, 417.875, 688.701, 688.709, 688.715, 688.718, 688.720, 688.730 and 688.734; and prescribing an effective date.

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

ATHLETIC TRAINERS

SECTION 1. ORS 688.701 is amended to read:

688.701. As used in ORS 688.701 to 688.734:

(1) "Athlete" means any individual participating in fitness training and conditioning, sports or other competitions, practices or activities requiring physical strength, agility, flexibility, range of motion, speed or stamina, *generally conducted in association with an educational institution, or professional or amateur sports activity*].

(2) "Athletic injury" means an injury [*occurring as the result of*] **or condition as it relates to** participating as an athlete.

[(3) "*Board*" means the Board of Athletic Trainers.]

(3) "Licensed athletic trainer" means a person who is licensed under ORS 688.720.

(4) "Practice **of** athletic training" means the application by a [*registered*] **licensed** athletic trainer of principles and methods of:

- (a) Prevention of athletic injuries;
- (b) Recognition, evaluation and immediate care of athletic injuries;
- (c) Rehabilitation and reconditioning of athletic injuries;
- (d) Health care administration; and
- (e) Education and counseling.

[(5) "*Registered athletic trainer*" means a person who is registered in accordance with ORS 688.720.]

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 **SECTION 2.** ORS 688.709 is amended to read:

2 688.709. The Board of Athletic Trainers shall:

3 (1) Advise the Health Licensing Office about the adoption of rules necessary for the adminis-
4 tration of ORS 688.701 to 688.734.

5 (2) Determine training and education requirements for [*registration as described in*] **licensure**
6 **under** ORS 688.720.

7 (3) Determine qualifications and documentation required for [*registrations*] **licenses**, permits,
8 temporary [*registrations*] **licenses** and waivers.

9 (4) Determine requirements for reciprocity and equivalency for the practice of athletic training.

10 (5) Establish a code of professional responsibility and standards of practice for [*registered*] **li-**
11 **censed** athletic trainers.

12 (6) Develop, approve or recognize a written examination to test an applicant's knowledge of the
13 basic and clinical sciences relating to athletic training techniques and methods and any other sub-
14 jects the board [*may determine to be*] **determines** necessary to assess an applicant's fitness to **en-**
15 **gage in the** practice of athletic training.

16 (7) Establish standards for acceptable performance, including but not limited to a passing score
17 on the approved or recognized competency examination.

18 (8) Establish policies and criteria for the assessment of the quality of the practice of athletic
19 trainers.

20 (9) Adopt rules that include provisions describing procedures[, *when appropriate,*] for collab-
21 oration between athletic trainers and physicians licensed pursuant to ORS chapter 677.

22 **SECTION 3.** ORS 688.715 is amended to read:

23 688.715. The Health Licensing Office [*is granted authority to carry out the following duties*]
24 **may**:

25 (1) Adopt rules [*that are*] necessary to conduct business, carry out duties and administer the
26 provisions of ORS 688.701 to 688.734.

27 (2) Issue [*registrations*] **licenses**, including temporary [*registrations*] **licenses**, permits, waivers
28 and other authorizations to **engage in the** practice of athletic training as determined by the Board
29 of Athletic Trainers.

30 (3) Authorize all necessary disbursements to carry out the provisions of ORS 688.701 to 688.734,
31 including but not limited to payment for necessary supplies, office equipment, books and expenses
32 for the conduct of examinations, payment for legal and investigative services rendered to the office
33 and such other expenditures [*as are*] provided for in ORS 688.701 to 688.734.

34 (4)(a) Employ inspectors, examiners, special agents, investigators, clerical assistants and ac-
35 countants [*as are*] necessary for the investigation and prosecution of alleged violations and the
36 enforcement of ORS 688.701 to 688.734, and for such other purposes as the office may require.

37 (b) Nothing in ORS 688.701 to 688.734 [*shall*] **may** be construed to prevent **an employee of the**
38 **office from rendering** assistance [*being rendered by an employee of the office in any hearing called*
39 *by it*] **to the board in a hearing called by the office.** However, all obligations for salaries and
40 expenses incurred under ORS 688.701 to 688.734 shall be paid only from the fees accruing to the
41 office under ORS 688.701 to 688.734.

42 (5) Provide the board with such administrative services and employees as the board requires to
43 carry out its duties.

44 (6) Maintain an accurate record of all **meetings and** proceedings of the board [*and of all its*
45 *meetings*], **any board** receipts and disbursements, civil penalties and orders for violation of ORS

1 688.701 to 688.734, records for *[registration]* **licensure** to **engage in the** practice of athletic training
2 together with the addresses of *[those registered,]* **persons licensed** and the names of all persons
3 whose *[registration]* **licensure** has been subject to disciplinary action.

4 (7) Investigate complaints, take disciplinary action, including assessment of civil penalties, and
5 provide opportunity for hearing according to ORS 183.745.

6 (8) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas
7 in the manner authorized by ORS 183.440, hold hearings and perform such other acts *[as are]* rea-
8 sonably necessary to carry out duties of the board granted under ORS 688.701 to 688.734.

9 **SECTION 4.** ORS 688.718 is amended to read:

10 688.718. (1) A person may not **engage in the** practice of athletic training or claim to be a
11 *[registered]* **licensed** athletic trainer unless the person is *[registered]* **licensed** under ORS 688.720.

12 (2) Nothing in ORS 688.701 to 688.734 is intended to:

13 (a) Limit, preclude or otherwise interfere with the practices of health care providers or other
14 persons licensed or registered in this state under any other statutes, or prevent health care pro-
15 viders or other persons from engaging in the profession or occupation for which the health care
16 provider or person is licensed or registered;

17 (b) Prevent any person from performing athletic training services if the person is employed as
18 an athletic trainer by the federal government or any of its agencies;

19 (c) Prohibit a person from performing athletic training services if:

20 (A) The person accompanies **an organization or** a sports team from another state, a territory
21 of the United States or a foreign country;

22 (B) The **organization or** team is in this state for purposes related to competition or training;
23 and

24 (C) The person performs athletic training services only on members of the **organization or** team
25 and the services are performed for no more than 60 days in a calendar year;

26 (d) Preclude any person from pursuing a supervised course of study leading to a degree or
27 *[registration]* **licensure** as an athletic trainer in an accredited or approved educational program if
28 the person is identified by a title that clearly indicates student or trainee status;

29 (e) Prevent any person from completing any supervised practical experience requirements es-
30 tablished by the Board of Athletic Trainers by rule; or

31 (f) Prohibit any person from performing athletic training services in this state for purposes of
32 continuing education, consulting or training if the services are performed for no more than 60 days
33 in any calendar year and are performed in association with a *[registered]* **licensed** athletic trainer
34 if the person is:

35 (A) Registered or licensed and in good standing as an athletic trainer in another state; or

36 (B) Certified as an athletic trainer by, and in good standing with, the national Board of Certi-
37 fication.

38 (3) Nothing in ORS 688.701 to 688.734 *[shall]* **may** be construed to require *[registration]*
39 **licensure** of an elementary or secondary school teacher, coach or volunteer who:

40 (a) Does not purport to be *[an]* **a licensed** athletic trainer; and

41 (b) Is acting within the scope of the person's duties as a teacher, coach or volunteer.

42 **SECTION 5.** ORS 688.720 is amended to read:

43 688.720. *[(1) The Health Licensing Office shall issue a registration as an athletic trainer under*
44 *ORS 688.701 to 688.734 to an applicant who has:]*

45 *[(a) Provided to the office adequate proof of:]*

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

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

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

8 (b) The board shall establish by rule:

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

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

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

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

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

19 (B) Has been diagnosed with a concussion.

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

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

25 (B) Receives a medical release form from a health care professional.

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

31 **SECTION 9.** ORS 336.485, as amended by section 1, chapter 121, Oregon Laws 2018, is amended
32 to read:

33 336.485. (1) As used in this section:

34 (a) "Coach" means a person who instructs or trains members of a school athletic team, as
35 identified by criteria established by the State Board of Education by rule.

36 (b) "Qualified health care professional" means:

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

38 (B) A health care professional who meets the requirements described in section 3, chapter 121,
39 Oregon Laws 2018, to provide a medical release for a member of a school athletic team who is
40 suspected of having a concussion.

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

44 (b) The board shall establish by rule:

45 (A) The requirements of the training described in paragraph (a) of this subsection, which shall

1 be provided by using community resources to the extent practicable; and

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

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

6 (a) A coach may not allow a member of a school 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 school athletic team who is prohibited from participating
12 in an athletic event or training, as described in paragraph (a) of this subsection, to participate in
13 an athletic event or training no sooner than the day after the member experienced a blow to the
14 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 from a qualified health care professional.

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

23 **SECTION 10.** ORS 417.875 is amended to read:

24 417.875. (1) As used in this section:

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

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

29 (c) “League governing body” means a governing body that:

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

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

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

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

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

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

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

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

1 (b) Each league governing body and each referee governing body shall adopt a policy that es-
2 tablishes:

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

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

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

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

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

11 (B) Has been diagnosed with a concussion.

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

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

17 (B) Receives a medical release form from a health care professional.

18 (4) A coach may allow a member of a nonschool athletic team to participate in any athletic
19 event or training at any time after an athletic trainer [*registered*] **licensed** by the Board of Athletic
20 Trainers determines that the member has not suffered a concussion. The athletic trainer may, but
21 is not required to, consult with a health care professional in making the determination that the
22 member 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 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 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 11.** ORS 417.875, as amended by section 2, chapter 121, Oregon Laws 2018, is
41 amended to read:

42 417.875. (1) As used in this section:

43 (a) "Coach" means a person who volunteers for, or is paid to instruct or train members of, a
44 nonschool athletic team.

45 (b) "League governing body" means a governing body that:

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

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

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

7 (d) “Qualified health care professional” means:

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

9 (B) A health care professional who meets the requirements described in section 3, chapter 121,
10 Oregon Laws 2018, to provide a medical release for a member of a nonschool athletic team who is
11 suspected of having a concussion.

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

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

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

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

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

22 (b) Each league governing body and each referee governing body shall adopt a policy that es-
23 tablishes:

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

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

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

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

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

32 (B) Has been diagnosed with a concussion.

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

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

38 (B) Receives a medical release from a qualified health care professional.

39 (4) A coach may allow a member of a nonschool athletic team to participate in any athletic
40 event or training at any time after an athletic trainer [*registered*] **licensed** by the Board of Athletic
41 Trainers, or a physician licensed pursuant to ORS 677.100 to 677.228, determines that the member
42 of a nonschool athletic team has not suffered a concussion. The athletic trainer or physician may,
43 but is not required to, consult with a qualified health care professional in making the determination
44 that the member of a nonschool athletic team has not suffered a concussion.

45 (5) The league governing body shall develop or use existing guidelines and other relevant ma-

1 materials, and shall make available those guidelines and materials, to inform and educate persons un-
2 der 18 years of age desiring to be a member of a nonschool athletic team, the parents and legal
3 guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

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

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

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

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

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

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

17
18 **APPLICABILITY**

19
20 **SECTION 12. The amendments to ORS 336.485, 417.875, 688.701, 688.709, 688.715, 688.718,**
21 **688.720, 688.730 and 688.734 by sections 1 to 11 of this 2019 Act apply to applications received**
22 **on and after the operative date of this 2019 Act.**

23
24 **OPERATIVE DATE**

25
26 **SECTION 13. (1) The amendments to ORS 336.485, 417.875, 688.701, 688.709, 688.715,**
27 **688.718, 688.720, 688.730 and 688.734 by sections 1 to 11 of this 2019 Act become operative on**
28 **January 1, 2020.**

29 **(2) The Board of Athletic Trainers and the Health Licensing Office may take any action**
30 **before the operative date specified in subsection (1) of this section that is necessary to enable**
31 **the board and the office to exercise, on and after the operative date specified in subsection**
32 **(1) of this section, all of the duties, functions and powers conferred on the board and the**
33 **office by the amendments to ORS 336.485, 417.875, 688.701, 688.709, 688.715, 688.718, 688.720,**
34 **688.730 and 688.734 by sections 1 to 11 of this 2019 Act.**

35
36 **CAPTIONS**

37
38 **SECTION 14. The unit captions used in this 2019 Act are provided only for the conven-**
39 **ience of the reader and do not become part of the statutory law of this state or express any**
40 **legislative intent in the enactment of this 2019 Act.**

41
42 **EFFECTIVE DATE**

43
44 **SECTION 15. This 2019 Act takes effect on the 91st day after the date on which the 2019**
45 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

