

Enrolled
Senate Bill 742

Sponsored by COMMITTEE ON HEALTH CARE

CHAPTER

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.]

SECTION 2. ORS 688.709 is amended to read:

688.709. The Board of Athletic Trainers shall:

(1) Advise the Health Licensing Office about the adoption of rules necessary for the administration of ORS 688.701 to 688.734.

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

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

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

(5) Establish a code of professional responsibility and standards of practice for *[registered]* **licensed** athletic trainers.

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

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

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

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

SECTION 3. ORS 688.715 is amended to read:

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

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

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

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

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

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

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

(6) Maintain an accurate record of all **meetings and** proceedings of the board *[and of all its meetings]*, **any board** receipts and disbursements, civil penalties and orders for violation of ORS 688.701 to 688.734, records for *[registration]* **licensure** to **engage in the practice of** athletic training together with the addresses of *[those registered,]* **persons licensed** and the names of all persons whose *[registration]* **licensure** has been subject to disciplinary action.

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

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

SECTION 4. ORS 688.718 is amended to read:

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

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

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

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

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

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

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

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

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

(e) Prevent any person from completing any supervised practical experience requirements established by the Board of Athletic Trainers by rule; or

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

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

(B) Certified as an athletic trainer by, and in good standing with, the national Board of Certification.

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

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

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

SECTION 5. ORS 688.720 is amended to read:

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

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

[(A) *Receipt of a bachelor's degree from an accredited four-year college or university and having met the minimum athletic training curriculum requirements established by the Board of Athletic Trainers by rule; or*]

[(B) *Military experience or training that the board determines is substantially equivalent to the education required by subparagraph (A) of this paragraph;*]

[(b) *Successfully completed the certification examination administered by the national Board of Certification, or an equivalent examination approved by the Board of Athletic Trainers;*]

[(c) *Completed any other requirements for registration as determined by the Board of Athletic Trainers by rule;*]

[(d) *Submitted to the office adequate documentation that the applicant is at least 18 years of age; and*]

[(e) *Paid the applicable fees for registration established under ORS 676.576.*]

[(2) *The office shall issue a registration under this section to an applicant who has not successfully completed an examination under subsection (1) of this section if the applicant:*]

[(a) *Furnishes documentation that demonstrates that the applicant meets the education, experience or training requirements described in subsection (1)(a) of this section; and*]

[(b) *Is registered as an athletic trainer in another state or by a national association and the board determines that the registration requirements of the other state or the association are substantially equivalent to the registration requirements described in subsection (1)(c) of this section.*] **The Health Licensing Office may issue a license to engage in the practice of athletic training to an applicant who submits to the office:**

(1) Sufficient proof that the applicant:

(a) **Has passed a nationally accredited examination that is approved by the Board of Athletic Trainers;**

(b) **Is at least 18 years of age; and**

(c) **Has met other requirements for licensure established by the board; and**

(2) The fee established under ORS 676.576.

SECTION 6. ORS 688.730 is amended to read:

688.730. (1) A person who is a [*registered*] **licensed** athletic trainer under ORS 688.701 to 688.734 may use the title “Athletic Trainer, [*Registered*] **Licensed**” and the abbreviation [“*ATR.*”] “**LAT.**”

(2) A person who is a [*registered*] **licensed** athletic trainer under ORS 688.701 to 688.734 and who is certified as an athletic trainer by, and in good standing with, the national Board of Certification may use the title “Athletic Trainer, [*Certified/Registered*] **Certified/Licensed**” and the abbreviation “**ATC.**”

SECTION 7. ORS 688.734 is amended to read:

688.734. In the manner prescribed in ORS chapter 183 for contested cases and in consultation with the Board of Athletic Trainers, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person [*practicing*] **engaged in the practice of** athletic training for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 688.701 to 688.734 or the rules adopted [*thereunder*] **under ORS 688.701 to 688.734.**

CONFORMING AMENDMENTS

SECTION 8. ORS 336.485 is amended to read:

336.485. (1) As used in this section:

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

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

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

(b) The board shall establish by rule:

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

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

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

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

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

(B) Has been diagnosed with a concussion.

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

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

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

(4) A coach may allow a member of a school athletic team to participate in any athletic event or training at any time after an athletic trainer [*registered*] **licensed** by the Board of Athletic Trainers determines that the member has not suffered a concussion. The athletic trainer may, but

is not required to, consult with a health care professional in making the determination that the member has not suffered a concussion.

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

336.485. (1) As used in this section:

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

(b) “Qualified health care professional” means:

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

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

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

(b) The board shall establish by rule:

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

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

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

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

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

(B) Has been diagnosed with a concussion.

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

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

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

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

SECTION 10. ORS 417.875 is amended to read:

417.875. (1) As used in this section:

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

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

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

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

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

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

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

(f) "Referee governing body" means a governing body that:

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

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

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

(b) Each league governing body and each referee governing body shall adopt a policy that establishes:

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

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

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

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

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

(B) Has been diagnosed with a concussion.

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

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

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

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

(5) The league governing body shall develop or use existing guidelines and other relevant materials, and shall make available those guidelines and materials, to inform and educate persons under 18 years of age desiring to be a member on a nonschool athletic team, the parents and legal guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

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

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

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

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

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

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

SECTION 11. ORS 417.875, as amended by section 2, chapter 121, Oregon Laws 2018, is amended to read:

417.875. (1) As used in this section:

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

(b) “League governing body” means a governing body that:

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

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

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

(d) “Qualified health care professional” means:

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

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

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

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

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

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

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

(b) Each league governing body and each referee governing body shall adopt a policy that establishes:

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

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

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

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

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

(B) Has been diagnosed with a concussion.

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

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

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

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

(5) The league governing body shall develop or use existing guidelines and other relevant materials, and shall make available those guidelines and materials, to inform and educate persons under 18 years of age desiring to be a member of a nonschool athletic team, the parents and legal guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

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

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

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

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

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

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

APPLICABILITY

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

OPERATIVE DATE

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

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

CAPTIONS

SECTION 14. The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

EFFECTIVE DATE

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

Passed by Senate March 26, 2019

Repassed by Senate June 5, 2019

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Lori L. Bocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 30, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State