

LC 24
2016 Regular Session
12/3/15 (HRL/ps)

D R A F T

SUMMARY

Allows chiropractic physicians and naturopathic physicians to provide release for athlete who sustained concussion or is suspected of sustaining concussion.

Declares emergency, effective on passage.

1 A BILL FOR AN ACT

2 Relating to concussions sustained by athletes; amending ORS 336.485 and
3 417.875; 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 a school
8 athletic team, as identified by criteria established by the State Board of
9 Education by rule.

10 (b) "Health care professional" means a medical doctor, osteopathic physician,
11 **chiropractic physician, naturopathic physician,** psychologist,
12 physician assistant or nurse practitioner licensed or certified under the laws
13 of this state.

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

18 (b) The board shall establish by rule:

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

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 extent practicable; and

2 (B) Timelines to ensure that, to the extent practicable, every coach re-
3 ceives the training described in paragraph (a) of this subsection before the
4 beginning of the season for the school athletic 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 partic-
7 ipate in any athletic event or training on the same day that the member:

8 (A) Exhibits signs, symptoms or behaviors consistent with a concussion
9 following an observed 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 pro-
12 hibited from participating in an athletic event or training, as described in
13 paragraph (a) of this subsection, to participate in an athletic event or
14 training no sooner than the day after the member experienced a blow to the
15 head or body and only after the member:

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

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

19 (4) A coach may allow a member of a school athletic team to participate
20 in any athletic event or training at any time after an athletic trainer regis-
21 tered by the Board of Athletic Trainers determines that the member has not
22 suffered a concussion. The athletic trainer may, but is not required to, con-
23 sult with a health care professional in making the determination that the
24 member has not suffered a concussion.

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

26 417.875. (1) As used in this section:

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

29 (b) "Health care professional" means a medical doctor, osteopathic phy-
30 sician, **chiropractic physician, naturopathic physician,** psychologist,
31 physician assistant or nurse practitioner licensed or certified under the laws

1 of this state.

2 (c) "League governing body" means a governing body that:

3 (A) Oversees an association of nonschool athletic teams that provide in-
4 struction or training for team members and that may compete with each
5 other; and

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

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

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

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

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

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

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

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

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

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

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

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

1 ber:

2 (A) Exhibits signs, symptoms or behaviors consistent with a concussion
3 following an observed 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 nonschool athletic team who is
6 prohibited from participating in an athletic event or training, as described
7 in paragraph (a) of this subsection, to participate in an athletic event or
8 training no sooner than the day after the member experienced a blow to the
9 head or body and only after the member:

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

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

13 (4) A coach may allow a member of a nonschool athletic team to partic-
14 ipate in any athletic event or training at any time after an athletic trainer
15 registered by the Board of Athletic Trainers determines that the member has
16 not suffered a concussion. The athletic trainer may, but is not required to,
17 consult with a health care professional in making the determination that the
18 member has not suffered a concussion.

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

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

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

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

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

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

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

11 **SECTION 3. This 2016 Act being necessary for the immediate pres-**
12 **ervation of the public peace, health and safety, an emergency is de-**
13 **clared to exist, and this 2016 Act takes effect on its passage.**

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