



Oregon

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Health Licensing Agency

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WHO: Oregon Health Licensing Agency
Board of Athletic Trainers

WHEN: May 16, 2011 – 9 am

WHERE: Oregon Health Licensing Agency
Rhoades Conference Room
700 Summer St NE, Suite 320
Salem, Oregon

What is the purpose of the meeting?

The purpose of the meeting is to conduct regular board business. Please use appropriate language, manners and protocols when conducting board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://egov.oregon.gov/OHLA/AT/meetings.shtml> for current meeting information.

Is the public or licensees allowed to attend the meeting?

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

Is it possible to watch the meeting live on the internet?

Yes. You may access the meeting at <https://oregon.ilinc.com/join/kxjmrz> (Link provided is specific to this meeting date) If you need assistance accessing the meeting contact the iLinc Join Help Desk at 1-800-799-4510, and select option “1.”

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049. All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Oregon Health Licensing Agency
Board of Athletic Trainers



9 am, Monday, May 16, 2011
700 Summer Street N.E., Suite 320
Salem, Oregon

Revised 4/28/11

Call to Order

- 1. Approval of Agenda**
- 2. Approval of Minutes**
 - ◆ February 28, 2011
- 3. Reports**
 - ◆ Director's Report
 - ◆ Outreach and Communication
 - ◆ Statistical Report
 - Licensing, Active License Trends & Web Site Traffic
 - ◆ 2009-2011 Budget
 - Revenues & Expenditures
 - ◆ Regulatory Division Report
 - ◆ Policy, Legislation & Administrative Rules
 - Legislative Update
 - Legislation & Rules Committee Updates
 - March 16, 2011
 - April 27, 2011

Working Lunch

- 4. Items for Board Action**
 - ◆ Continuing education requirement related to traumatic brain injury
 - ◆ Letter(s) to registrants, students, schools and universities, and potential registrants
- 5. Public Comment**
- 6. Other Board Business**
 - ◆ Board Interest File
- 7. Executive Session (If needed)**

Agenda is subject to change.

For the most up to date information visit www.oregon.gov/OHLA

Approval of Minutes



February 28, 2011



Oregon Health Licensing Agency
Board of Athletic Trainers



9 am, Monday, February 28, 2011
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Russ Cagle, Ph.D., Chair
Greg Hill, Vice-Chair
Jeremy Ainsworth
Nelson Lomax

STAFF PRESENT

Randy Everitt, Director
Sylvie McMillan, Business Services Manager
David Sparks, Regulatory Operations Manager
Nancy Sellers, Senior Policy Analyst
Sinnamon Harris, Board Specialist

MEMBERS ABSENT:

Dr. Robert Sandmeier

GUESTS PRESENT:

Shelly Jones

*This meeting was live audio streamed within the Oregon Health Licensing Agency and externally to agency and board stakeholders.

Call to Order

Russ Cagle, Chair, called the meeting of the Board of Athletic Trainers to order at 9:15 am, Monday, February 28, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called for present board members.

1. Approval of Agenda

MOTION:

Greg Hill made a motion with a second by Jeremy Ainsworth to approve the agenda. Motion passed unanimously.

2. Approval of Minutes

MOTION:

Greg Hill made a motion with a second by Jeremy Ainsworth to approve the minutes for November 29,

2010. Motion passed unanimously.

3. Reports

• Director's Report

Randy Everitt, Director, presented a letter from former Governor Ted Kulongoski addressed to the board expressing the former governor's sincere appreciation for the board's service and dedication during his administration.

Everitt described the new audio/visual broadcast of today's full board meeting to the members and how stakeholders would be able to gain access via their own computers. Everitt pointed out the system is still in its testing phase and in the near future a link will be available on the OHLA website for interested parties to log in to listen and see the board meetings live.

• Outreach and Communications

Sylvie McMillan, Business Services Manager, filled in for Kraig Bohot, Public Information Officer, and presented Bohot's *Central Issues* publication ideas. McMillan stated Bohot would e-mail the draft publication to board members for review and requested the board members respond with their feedback.

• Statistical Report

McMillan presented an overview of statistics related to the board. Statistics included were licensing, examination and regulatory statistics, active license trends, complaints, age diversity in practitioners, gender of licensees, and website traffic. McMillan pointed out the average active registration has been on an increasing trend since the third quarter of the 2009-2011 biennium.

• 2010-2011 Budget

McMillan reviewed the statement of actual cash flow for the period 7/01/09-1/31/2011. McMillan pointed out where the cost allocation changed for the small board assessment rate on October 1, 2010, because the Regulatory Operations Division was removed from the indirect rate to direct costs. The new cost allocation indirect rate for DO/BSD/LICEN is 1.81 percent. McMillan explained when the board directs the agency's assistant attorney general to review, for example, the athlete trainer scope of practice, the board incurs direct costs. Investigators responding to complaints keep track of the time spent for each board under the agency and those costs are also direct costs.

• Regulatory Operations Division Report

David Sparks, Regulatory Operations Manager, reported on enforcement activity. Between July 2009 and February 2011, 16 complaints had been filed with the agency. Seven remain open (although five are ready to close). During the current regulatory reporting period of November 1, 2010, through February 23, 2011, the agency received one complaint that is still under investigation.

Sparks explained that the terms *critical complaints* or *non-critical complaints* are being phased out. He stated the agency is moving away from that type of characterization of complaints with the use of the new investigative protocol. When the agency receives a new complaint, Sparks continued, it is first reviewed to see if the complaint meets the "reasonable standard." Sparks explained the term "reasonable standard" as reasonable cause to believe a statute or rule has been violated.

- **Policy, Legislation and Administrative Rules**

- Legislative Overview**

Nancy Sellers, Senior Policy Analyst, presented a memorandum outlining an overview of the legislative process and the role of the board member in this process.

Hierarchy of Law Governing State Agencies

- US and Oregon Constitutions
- Oregon Revised Statutes
 - *Oregon Laws*
 - *Budget Notes*
- Governor's Executive Orders/Agency Directives
- Oregon Administrative Rules
- Agency Policies
- Agency Practices

OHLA works closely with the Governor's Office, Department of Administrative Services, partner agencies, stakeholder groups and the Legislature to ensure that all bills, potential amendments and budgets that may impact the agency and its stakeholders are fully vetted and understood.

Sellers made it clear to the board that as OHLA board members they can be a great asset in the legislative process. The board members often play a dual role: both as agents of the state in their official capacity with OHLA, and as private citizens working in their individual professions. If a legislator, staffer or other agent of the Legislature contacts a board member directly regarding policies and legislation of the agency, please clarify with him or her that you are speaking as an individual, and not as a representative of the regulatory/advisory board of which you are a member.

Persons acting as agents of the executive branch of government – including agency management, employees and appointed board and council members – are not allowed to advocate for or against legislation, budgets or other legislative initiatives without the express permission of the Governor's Office.

Sellers reminded board members that if legislators or staffers are looking for an *official response*, please direct them to her or Samie Patnode, Policy Analyst, and they will follow up promptly and keep the board informed.

- Legislative Update**

Sellers handed out a Legislative Information Notification Update System (LINUS) information report and explained the process of how the agency is tracking—bills and closely monitoring any that may have an impact on the agency or one of the agency's boards/councils. Sellers provided the board with a brief synopsis of bills the agency may give testimony for and asked the board members to look over the report and contact her if they had any questions about any of the upcoming bills.

-Legislation and Rules Committee Report Summaries

Sellers pointed out to board members the Legislation and Rules Committee reports dated December 14, 2010, and February 10, 2011, included in their board packets for later review. Sellers then referred to the Department of Justice memorandum of legal advice dated February 9, 2011, provided by the agency's AAG. Privilege had been waived by the agency director for review by the board in open public meeting. Sellers read the questions and the short version of the AAG's answers aloud to the board. A detailed discussion of each question followed the questions and short answers in the document. The questions asked and the "short" answers received were as follows:

Question One: What does the phrase, "generally conducted in association with an educational institution, or professional or amateur sports activity" mean, as used within the statutory definition of "athlete?"

Short Answer: under ORS 688.701(1), "generally conducted in association with an educational institution, or professional or amateur sports activity," appears to mean activities of the same type as those typically seen in sports and schools. Legislative history seems to indicate athletic trainers' potential scope of practice.

Question Two: May the current statutory definition of "athlete" under ORS 688.701(1) be further defined by rule to include professionals who perform functions that require strength and agility, but who do not work in sport-related fields? The two examples of such professionals as provided by the board are musicians and construction workers.

Short Answer: No

Question Three: The scope of an athletic trainer's practice as understood within the field's national professional associations is not always the same as the statutory scope of practice for an Oregon registered athletic trainer. The national professional associations and some states have determined that workplace stretching programs and workplace injury prevention programs are within an athletic trainer's scope of practice. Are such programs or activities within the scope of practice of an Oregon registered athletic trainer?

Short Answer: Yes, for some of the activities included in that scope.

Question Four: Is an on-the-job injury in a non-athletic workplace setting an "athletic injury" under ORS 688?

Short Answer: Likely not, with the potential exception of a select few professions.

Question Five: Is it within an Oregon registered athlete trainer's scope of practice to treat an injury of a school marching band member, if the injury and treatment occur on the playing field, and this treatment was "associated with" an athletic team event or training for such an event?

Short Answer: Possibly.

Question Six: Is it within an Oregon registered athletic trainer's scope of practice to treat an injury of a school orchestra member, if injury and treatment occur within a school building and not in association with any athletic team event or training?

Short Answer: No, unless the injury occurs as the result of lifting a heavy instrument.

Question Seven: May any person call himself/herself an "athlete" and independently hire an Oregon registered athletic trainer without referral from a health care practitioner? If not, must that referral be from a physician, or may a nurse practitioner or physician assistant make the referral?

Short Answer: Regardless of what an individual calls herself/himself, she/he is only an "athlete" who can be treated by a registered athletic trainer if she/he fits under the statutory definition of "athlete" in ORS 688.701, as it is not statutorily required for a registered athletic trainer to obtain another health professional's referral before rendering treatment, whether a registered athletic trainer has received a referral from a physician, nurse practitioner, physician's assistant, or no one at all is irrelevant for the purposes of whom that athletic trainer may treat.

Cagle asked a clarifying question: would club sports participants be considered amateur athletes? Sellers stated that would be her perception.

Sellers noted more questions put forth to Department of Justice (DOJ) are forthcoming, and will be brought to the committee as they are available. The next Legislation and Rules Committee meeting is March 16, 2011.

-Review of Draft Letter

Sellers handed out a copy of a draft letter to be sent to all Oregon universities, colleges, community colleges, students, and other stakeholders concerning ORS 688.718 in which students of any type who have been Board of Certification certified have erroneously been exempt from registration in Oregon as athlete trainers. Sellers posed the question: Will this be a significant financial hardship for those students whose college or university may not be able or willing to pay for the registration?

Sellers stated the board has the option to direct OHLA to review the potential number of people who may now have to become registered, the dollar amount they would bring in, and then determine whether the board wishes to consider a reduced rate for students. The board may consider a reduced rate for initial registration or continue it as long as the person is a student, as graduate study may go on for many years.

Ainsworth felt it was important to require these people be registered so they can be monitored for public safety.

McMillan stated no rule changes would be required if students were treated exactly as any other athlete trainer registrant but if the students are treated differently, for example, paying half the full amount annually instead of the full amount every two years, then rule changes would be made. Sellers stated she would help the Legislation and Rules Committee through the rulemaking process and it could be

adopted as a temporary rule in order to get the rule in place as soon as possible upon the board's direction.

Ainsworth asked McMillan about the feasibility of changing from a two-year renewal structure to a one-year renewal structure for all registered athlete trainers. McMillan responded that several boards within the agency have moved to that model but to do so, OHLA needs to research and project revenues to find when is the best time to switch over from two years to one year.

Sellers noted the board needs to move quickly on the student fee issue because of the hiring cycle of higher education, but could take its time with the transition of all the renewal fees to annually.

MOTION:

Jeremy Ainsworth moved OHLA to investigate the feasibility of an annual renewal for registered athlete trainers with a second by Greg Hill. The motion passed unanimously.

MOTION:

Jeremy Ainsworth moved to require students, who had erroneously been exempt from registration, to pay an annual prorated registration fee equal to what every other athlete trainer pays starting on July 1, 2011. A second was made by Greg Hill. The motion passed unanimously.

McMillan advised the board that the motion to charge students with an annual fee or any other change in qualification terms will make it necessary for the Legislation and Rules Committee to meet and determine qualifications, the fee amount, or any other stipulations. After further discussion Jeremy Ainsworth *withdrew his motion*.

McMillan stated her division will work up a recommendation for the board regarding the feasibility of an annual renewal for registered athlete trainers. An email will then be sent to board members and the agency may then schedule a telephone conference for the board to discuss and vote on the proposed recommendations.

Sellers recommended the board hold up on any mailing out of the draft letter regarding student registration until the Legislation and Rules Committee meets on March 16, 2011, where it can be further discussed.

-Exemption of Elementary or Secondary School Teachers

Sellers referred to an email sent by board member, Jeremy Ainsworth, to Sellers regarding discussions held at the Legislation and Rules Committee meeting and prior board meetings on ORS 688.718(3) "Nothing in ORS [688.701 \(Definitions for ORS 688.701 to 688.734\)](#) to [688.734 \(Disciplinary authority of Oregon Health Licensing Agency\)](#) shall be construed to require registration of elementary or secondary school teachers, coaches or volunteers who do not hold themselves out to the public to be athletic trainers." [1999 c.736 §6]

Ainsworth's question concerned the definition of the term "public" if teachers presented themselves to the parents of student athletes as an athlete trainer. Sellers stated that the answer from the agency's AAG was that any change would require legislative action. The term "public" has a broader scope than the enclosed environment within a school. So the exemption would stand unless and until the statute is

changed. Sellers remarked the agency had received complaints on the above issue that the Regulatory Operations Division of OHLA investigated and the complaints were determined to be unfounded because of the exemption. Sparks added that the complaints involved high school teachers and volunteers and that they were not otherwise purporting or holding themselves out to be athlete trainers, although they were providing athletic training services.

- Spreadsheet Comparing OHLA List of Registered ATs and BOC-Certified ATs

McMillan presented two spreadsheet lists developed by Mike Simpson, Budget and Statistical Analyst, to compare data provided by BOC and the agency's own licensing database. McMillan noted there were address discrepancies and the information provided by BOC did not show where the certified AT worked. The first page was a list of athletic trainers who are suspected to be working in Oregon without registration or may be exempt; the second page was a list of athletic trainers who were previously registered, but now appear to be working in Oregon on an inactive or expired registration.

McMillan explained if the board wished to have the list investigated, the agency would have to open each investigation individually, which may be costly. Sellers stated she had performed some brief internet searches on a few of the names and had found practicing physical therapists (PT) who had also listed themselves as certified athlete trainers (ATC) but were not purporting to be registered athletic trainers. The board may elect to send out a letter explaining registration requirements and warning people on the list to do so if practicing AT functions.

Ainsworth stated there may be names on the list of persons who have had a name change, and cited an example from the list that he personally knew had a name change due to marriage.

Questions included: If individuals present themselves as a PT and are performing the functions of an AT can they present themselves as an ATC? Or, if they are using a business card with ATC on it at their place of business are they promoting themselves as an AT even if not actually performing AT functions in their practice? Can they claim to be a certified athlete trainer as long as they do not claim to be a registered athlete trainer? Sellers stated if individuals are functioning as a PT there may be crossover in scope of practice with an AT, and if PTs are not performing functions attributable only to a registered AT should they be able to list that they are a certified athlete trainer on their credentialing materials, their website, their business cards, etc.? Sellers continued, PTs may have attained ATC certification, but they are not functioning as an athlete trainer in that exclusive scope of duties. Cagle stated by using ATC on their materials, they are giving the perception that they are practicing athlete trainers. Sellers questioned if the board has the statutory right to require that PTs register as athlete trainers if they use ATC. Sellers stated the issue may require legal advice as it is in a gray area and the scopes of practice may overlap. Sellers stated if there is not a perceived health and public safety risk, is the concern just to protect the scope of practice for the AT profession? She said that is where the board may need legal advice. Cagle mentioned BOC is also concerned with this issue, so the board may receive some guidance from the BOC. McMillan pointed out in statute no one may claim to be a *registered* athlete trainer, but the PTs under discussion are not claiming to be registered athlete trainers, but certified athlete trainers.

Sellers stated this may be part of legal advice that we are waiting for from DOJ on the overlap of the scope of practice between PT and AT. Once we have a clear delineation of what an athlete trainer can do that a physical trainer cannot, then the board can be very clear in contacting those who are not registered

in Oregon, but who are BOC certified, and make sure they understand the distinction. If they are performing AT functions exclusively, they would be required to be registered.

McMillan asked board members to review the names on the spreadsheet provided and send her an e-mail if they have any information, for example, if the person no longer works as an athlete trainer, has had a name change, etc. Cagle asked how to proceed if an individual is practicing athletic training without registration. Sellers stated that Cagle, as an individual, could make a complaint to the agency's Regulatory Operations Division with an explanation as to why he believes they are performing the duties of an AT without being registered; she said it is important to provide as much supporting detail as possible, and the agency needs more information than just their name. Ainsworth asked if an exempt teacher working at a school advertises on his own website that he is an athlete trainer, can a complaint be made? Sellers answered yes, as now the teacher is purporting to the public to be an AT. Sellers recommended the Legislation and Rules Committee continue to discuss these issues at the March 16, 2011, meeting.

MOTION:

Greg Hill made a motion with a second by Jeremy Ainsworth to move the issue concerning the use of ATC in relation to unregistered athlete trainers to the Legislation and Rules Committee. If the committee requires more clarification from DOJ, the board has authorized the committee to seek legal advice. The motion passed unanimously.

-National BOC Convention in Omaha, Nebraska

Sellers stated at the last Legislation and Rules Committee members presented information about the National BOC Convention to be held in Omaha, Nebraska, on July 8-9, 2011. BOC has offered to pay for registration and the hotel for one member of the Board of Athletic Trainers and one OHLA staff member. Sellers stated that Director Randy Everitt will decide who, if anyone, from the agency will attend.

MOTION:

Jeremy Ainsworth moved to authorize airfare to Omaha, Nebraska, on July 8-9, 2011, for the National BOC convention for one board member and potentially one OHLA staff member. Greg Hill seconded the motion. Jeremy Ainsworth amended the motion to add a \$1,000 limit for airfare and uncovered meals or ground transportation costs per person for a board member and potentially an OHLA staff member to attend. Greg Hill seconded the amendment. The motion passed unanimously.

4. Items for Board Action

There were no items for board action at this time.

5. Public Comment

Comments were made by Shelly Jones, representing the Oregon Athletic Trainers Society (OATS). Jones would like the Legislation and Rules Committee to consider the issue of visiting athletes. In the interest of public health and safety the ATR will need to provide immediate care for these individuals regardless if the ATR has a full medical history for the visiting athlete. Jones also made a comment about the term "generally" interpretation by DOJ. Jones stated the term "generally" was a counter offer by OATS so as not to limit but to be more inclusive. Sellers stated public comment was not the place for questions and answers, but the Legislation and Rules Committee could further discuss Jones' comment at the next Legislation and Rules Committee where Jones will be attending as a subject matter expert.

Jones' last comment was about dual-credentialed individuals and she urged the board to consider flagging those individuals for immediate letters. Cagle asked the issue be on the agenda for the next Legislation and Rules Committee meeting.

6. Executive Session Placeholder

The board did not enter into executive session.

7. Other Board Business/Board Interest

There was no "Other Board Business" or "Board Interest File" at this time.

The meeting adjourned at approximately 12:37 pm.

Prepared by: Sinnamon Harris, Board Specialist

Director's Report

Outreach and Communication



Overview of Public Information Activities at OHLA

Board members are aware of the flagship electronic publication focusing on key issues of OHLA-regulated professions, called *Central Issues*, but what are the other activities that constitute the public information program at OHLA?

Here's a quick snapshot:

Licensing Line – OHLA's electronic news digest highlights agency-wide issues and developments in OHLA-regulated professions.

Print Publications – Agency and profession-specific brochures, reports and fact sheets provide information dissemination beyond the online world.

OHLA Website – With unique sections for each board, council and profession OHLA oversees, the agency website features more than 50 global pages (agency-wide information) and more than 270 total pages, not counting external links, photos and PDF / Word files.

Media Relations – From responding to media inquiries to proactively issuing news releases to monitoring media coverage, OHLA informs and clarifies licensing and regulatory issues.

Presentations – Need a PowerPoint? Communications delivers.

Public Record Requests – OHLA responds to numerous public record requests for licensing and regulatory information on licensees and agency and board/council activities.

Application Forms – Communications develops and maintains application forms for all OHLA-regulated professions and agency-wide forms.

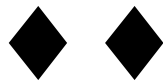
Kraig Bohot / OHLA Communications

503-373-1939 – *direct line*

kraig.bohot@state.or.us

www.oregon.gov/OHLA

Statistical Report



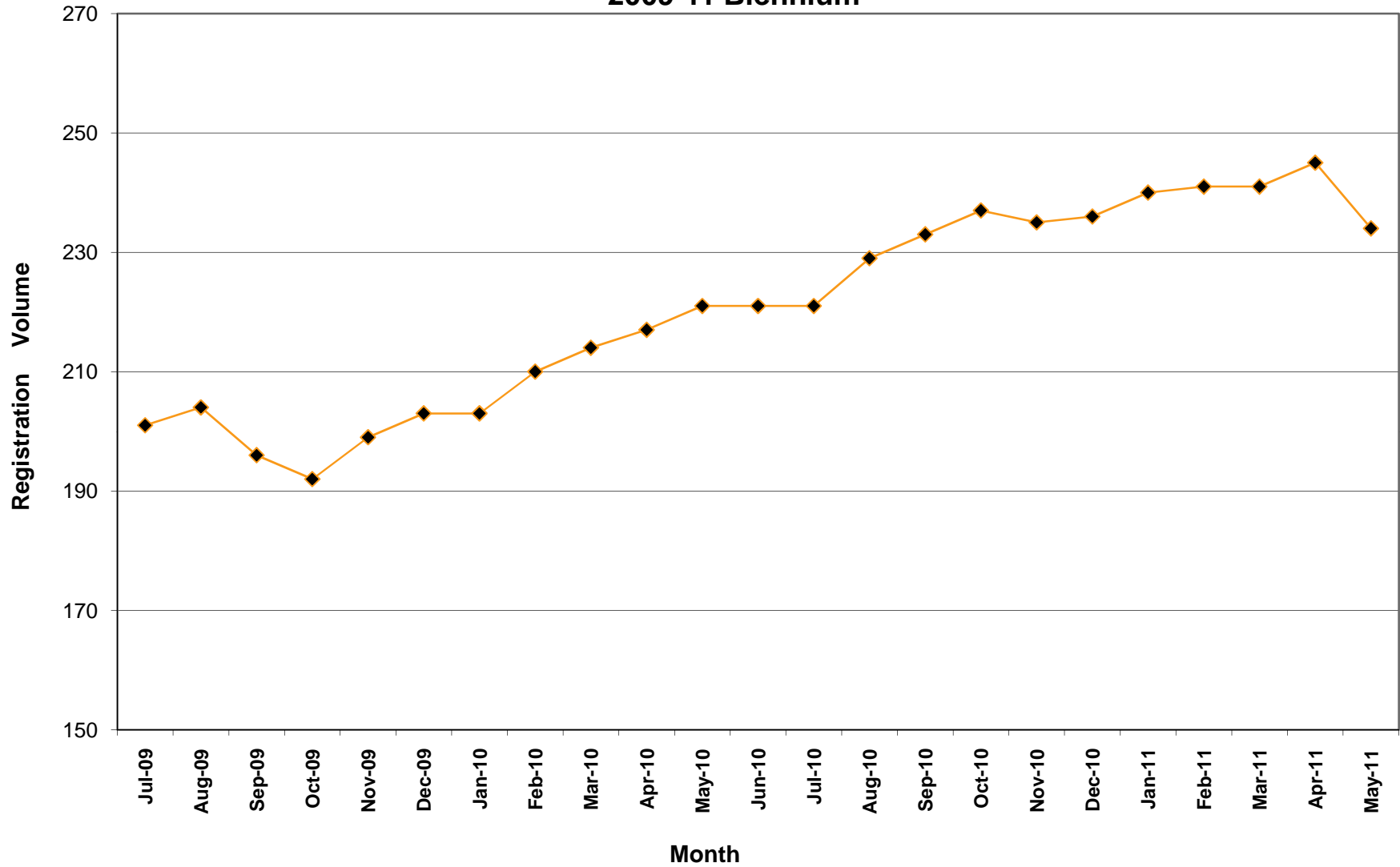
**Licensing, Active License Trends &
Web Site Traffic**

Oregon Health Licensing Agency

Board of Athletic Trainers

Active registration trend through May 2011

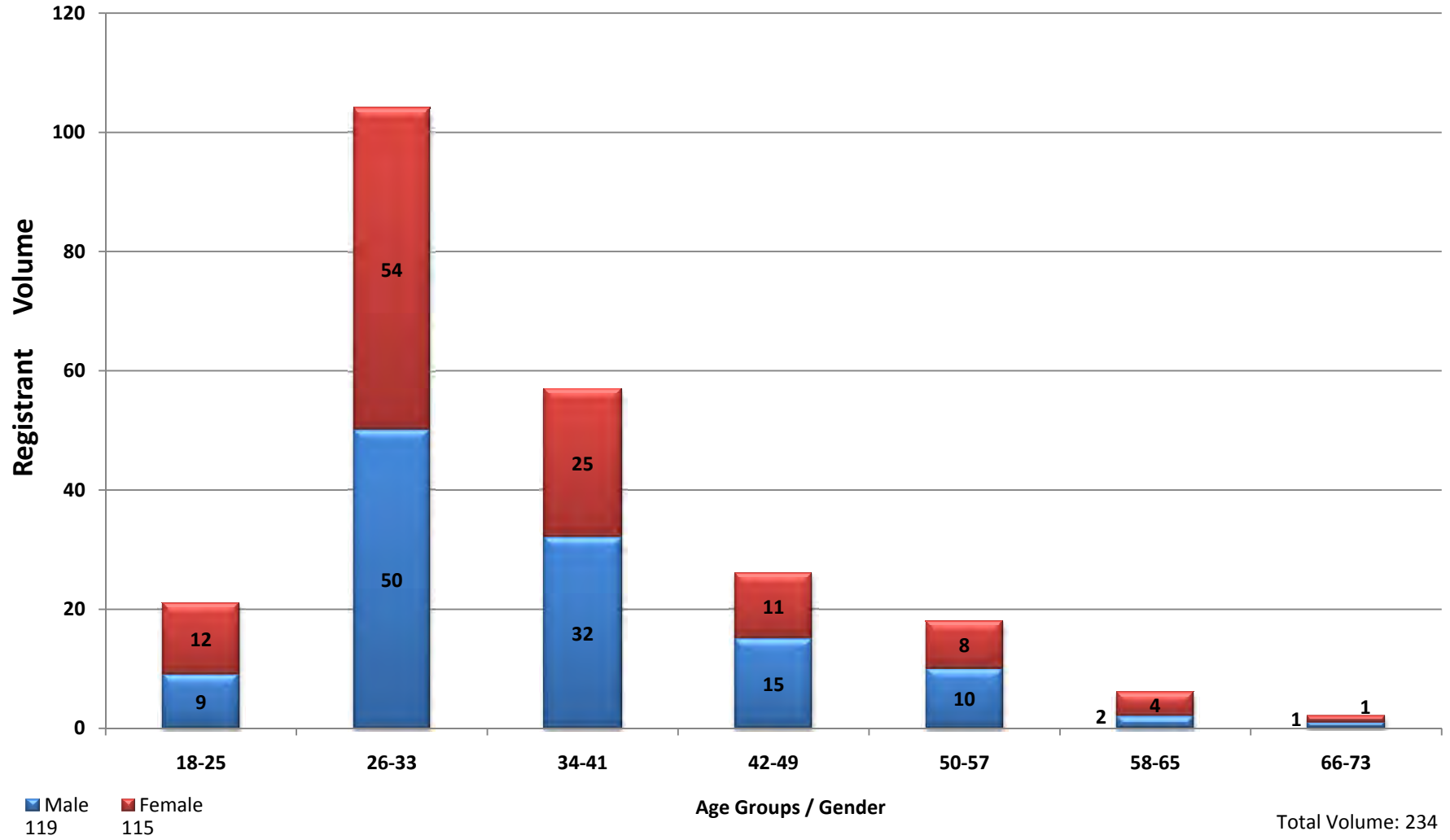
2009-11 Biennium

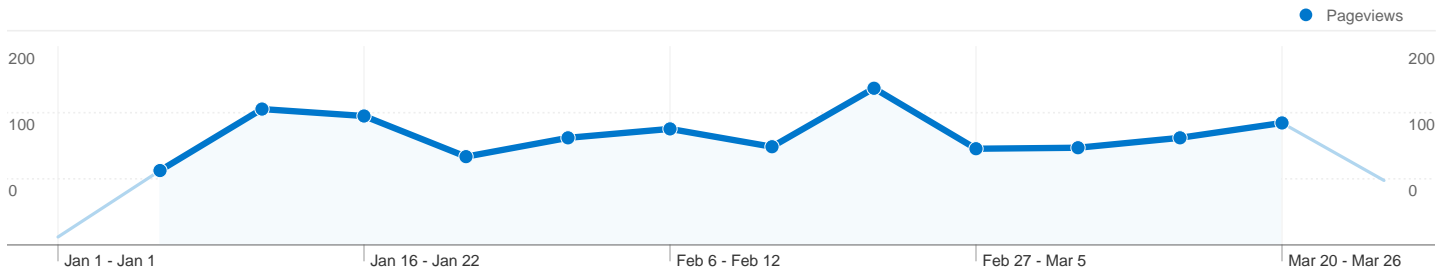


Oregon Health Licensing Agency

Board of Athletic Trainers

Active Registrant Gender statistics quantified by age group as of May 2011
2009 - 2011 Biennium





47 pages were viewed a total of 1,412 times

Pivoted by 46 sources

Filtered for pages containing "/OHLA/AT"

Content Performance

Pageviews 1,412 % of Site Total: 1.04%	Unique Pageviews 1,129 % of Site Total: 1.04%	Avg. Time on Page 00:01:10 Site Avg: 00:01:16 (-7.30%)	Bounce Rate 64.56% Site Avg: 46.25% (39.59%)	% Exit 46.88% Site Avg: 35.60% (31.69%)	\$ Index \$0.00 Site Avg: \$0.00 (0.00%)
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Pivot by: Source

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	Total	google	oregon.gov	(direct)	bocatc.org	licenseinfo.oregon.gov
Page	Pageviews	Pageviews	Pageviews	Pageviews	Pageviews	Pageviews
/OHLA/AT/index.shtml	436	257	31	41	36	0
/OHLA/AT/ATContinuingEducation.shtml	135	100	1	4	2	6
/OHLA/AT/Atlaws_rules.shtml	126	13	52	5	41	4
/OHLA/AT/forms.shtml	114	35	34	4	6	10
/OHLA/AT/How_to_Get_Licensed.shtml	86	40	7	2	4	15
/OHLA/AT/ATfees.shtml	68	20	7	4	7	18
/OHLA/AT/AToverview.shtml	53	24	10	2	5	2
/OHLA/AT/about_us.shtml	53	20	8	3	1	1
/OHLA/AT/ATFAQs1004.shtml	43	19	8	2	3	5
/OHLA/AT/meetings.shtml	39	9	18	6	1	0

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2009-2011 Budget



Revenues & Expenditures

Oregon Health Licensing Agency
Board of Athletic Trainers
Cumulative Revenue and Expenditures
For the Biennium 2009-2011 To Date

OREGON HEALTH LICENSING AGENCY	
ATHLETIC TRAINERS FUND 7510	
STATEMENT OF CASH FLOW - Actual	
FOR THE PERIOD 07/01/09 - 3/31/11	
09-'11 Beginning Cash Balance	\$ 84,877
Revenues	\$ 88,874
Expenditures	\$ 103,312
Less: Accrued Expenditures	\$ (95.18)
Less: Total Expenditures	\$ (103,217)
Subtotal: Resources Available	\$ 70,534
Change in (Current Assets)/Liabilities	\$ 57.93
Ending Cash Balance (Actual)	\$ 70,591.74
Cost Allocation 7/1/2009 - 1/31/2010	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.37%
	1.97%
Cost Allocation 2/1/2010 - 9/30/2010	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.46%
	2.06%
Cost Allocation 10/1/2010 - 6/30/2011	
Small Board Assessment Rate	1.50%
License Volume Rate	0.31%
Indirect Rate for - DO / BSD / LICEN	1.81%
Regualtory Usage	

Oregon Health Licensing Agency
Board of Athletic Trainers
Cumulative Revenue and Expenditures
For the Biennium 2009-2011 To Date

OREGON HEALTH LICENSING AGENCY ATHLETIC TRAINERS FUND 7510 STATEMENT OF CASH FLOW - Projections FOR THE PERIOD 07/01/09 - 6/30/11	
09-'11 Beginning Cash Balance	\$ 84,877
Revenues	\$ 112,394
Expenditures	\$ 116,974
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (116,974)
Subtotal: Resources Available	\$ 80,297
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Projected)	\$ 80,297
Cost Allocation 7/1/2009 - 1/31/2010	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.37%
	1.97%
Cost Allocation 2/1/2010 - 9/30/2010	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.46%
	2.06%
Cost Allocation 10/1/2010 - 6/30/2011	
Small Board Assessment Rate	1.50%
License Volume Rate	0.31%
Indirect Rate for - DO / BSD / LICEN	1.81%
Regualtory Usage	

**Regulatory
Operations Division
Report**



Oregon Health Licensing Agency
Regulatory Operations Division

Board of Athletic Trainers

**Regulatory Operations Division Report
May 16, 2011**

Between July 2009, and May 2011, 19 complaints have been filed with the agency. Of those 19 complaints, two remain open.

Case # 10-6359

Received: April 11, 2011

Complaint alleged the respondent is working as an Athletic Trainer without an Athletic Trainer Registration.

The investigation is ongoing

Case # 11-6360

Received: April 7, 2011

Complaint alleged the respondent is working as an Athletic Trainer without an Athletic Trainer Registration.

The investigation is ongoing

Two investigations reported as ongoing at the last board meeting were closed.

Case # 11-6307 (same respondent as 11-6327)

Received: February 10, 2011

Complaint alleged the respondent is working as an Athletic Trainer without an Athletic Trainer Registration.

The investigation is complete and the case was closed as unfounded. The respondent is a volunteer coach.

Case # 11-6327 (same respondent as 11-6307)

Received: February 10, 2011

Complaint alleged the respondent is working as an Athletic Trainer without an Athletic Trainer Registration.

The investigation is complete and the case was closed as unfounded. The respondent is a volunteer coach.

The current regulatory reporting period is February 23, 2011, through May 9, 2011. The Agency received two complaints (case # 11-6360 and 11-6359) during this reporting period. Both are currently under investigation.

Policy, Legislation & Administrative Rules

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Health Licensing Agency
Agency and Division

OAR Chapter 331
Administrative Rules Chapter Number

In the Matter of:
ADOPT: 331-010-0050

AMEND: 331-020-0040

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Investigatory appearances before the agency and active military status protocols for authorization holders.

Statutory Authority: ORS 676.615
Other Authority: ORS 408.450
Stats. Implemented: ORS 676.607, 676.608, 408.450

Need for the Temporary Rule(s):

The temporary rule is necessary to properly implement the agency's investigative protocol, used for regulatory investigations of matters related to all of the professions under the authority of the agency, its boards and councils.

A new investigative protocol was implemented on or about August 30, 2010, for all agency programs. All individuals who are subjects of a complaint made to the Oregon Health Licensing Agency, its boards, or its councils are subject to this protocol, which was designed to ensure efficiency, consistency and fairness in all agency investigations. However, to properly implement the steps of the investigatory protocol, the agency needs to clarify what constitutes an appearance before the agency. Investigatory appearances before the agency are accompanied by a distinct set of rights for the subjects of investigations and requirements for the agency under ORS 676.608(8), but neither statute nor rule currently describes which activities constitute such an "appearance," impeding consistent implementation of appearance requirements under the appropriate protocol step by agency staff, and preventing subjects of investigations from clearly understanding when their appearance rights are triggered. A rule clarifying what activity constitutes an "appearance" would provide staff clear guidelines regarding when to fulfill investigatory appearance requirements, and would inform the subjects of investigations when, within the protocol steps, their appearance rights are triggered. The agency must act promptly on this matter because the investigative protocol has already been implemented and is being used in all investigations.

The temporary rule is necessary to allow authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status.

Documents Relied Upon, and Where They Are Available:

Documents relied upon by the agency are the investigative protocols and assistant attorney general advice.

All documents are available at the Oregon Health Licensing Agency 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. To obtain information or copies of information please contact Samantha Patnode, Policy Analyst, at 503-373-1917, during normal business hours Monday Through Friday between 7:30am to 4:30pm. Email: samie.patnode@state.or.us

Justification of Temporary Rule(s):

The temporary rule is necessary to acknowledge federal standards for authorization holders in active military status and provide clarity regarding appearance before the agency as it relates to investigations and the investigative protocol.

	Randall Everitt, Director	3/16/2011
Authorized Signer	Printed name	Date

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES

A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on March 1, 2011 by the
Date prior to or same as filing date

Oregon Health Licensing Agency OAR 331
Agency and Division Administrative Rules Chapter Number

Samantha Patnode, Policy Analyst 700 Summer St. NE, Suite 320, Salem, OR 97301-1287 503-373-1917
Rules Coordinator Address Telephone

to become effective March 17, 2011 through August 28, 2011
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Investigatory appearances before the agency and active military status protocols for authorization holders.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT: 331-010-0050

AMEND: 331-020-0040

SUSPEND:

Stat. Auth.: ORS 676.615

Other Auth.: ORS 408.450

Stats. Implemented: ORS 676.607, 676.608, 408.450

RULE SUMMARY

The purpose of this temporary rule is to clarify what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of the agency, its boards or councils.

The purpose of this temporary rule is to allow authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status.

Authorized Signer Randall Everitt, Director 3/16/2011
Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.
ARC 940-2005

OREGON HEALTH LICENSING AGENCY

DIVISION 10

AGENCY GENERAL ADMINISTRATION RULES

331-010-0050

Authorization Holders; Military Leave

(1) A practitioner authorized to practice under a program listed in ORS 676.606 is not required to renew the authorization or pay renewal fees while in active military service unless required by the authorization holders branch of the military.

(2) To be restored to former authorization status the authorization holder must notify the agency in writing within 60 days of being honorably discharged.

(3) No fees will be due until the following renewal period.

(4) Requirements for completing continuing education hours during an authorization holder's active duty period shall be evaluated on a case by case basis.

DIVISION 20

AGENCY REGULATORY OPERATIONS RULES

331-020-0040

Complaint Processing and Investigation

Pursuant to ORS 676.608, complaints filed with the Oregon Health Licensing Agency will be handled as follows:

(1) The agency will determine if the complaint is related to a profession or occupation regulated and administered by the agency and the complaint falls within authority delegated to the agency by statute.

(2) The agency investigator(s):

(a) Will review the information and as applicable, interview parties and witnesses, and examine physical evidence relating to the complaint;

(b) Will advise on whether an authorization holder or other individual practiced within the acceptable standards of the particular program;

~~(c) May attempt to informally resolve the matter;~~

~~(d)~~ (c) Will make recommendations for agency action.

(3) After receiving advice from the investigator(s), the agency will determine what action will be taken in accordance with ORS 676.608.

(4) As used in ORS 676.608(8), to "appear before the agency" includes: an investigative interview conducted on agency premises or before a board, council, or subcommittee of a board or council; any depositions authorized by the agency; pre-hearing conferences; contested case hearings; and appearances compelled by subpoena. It does not include an investigative interview conducted telephonically or outside of agency premises.

Stat. Auth.: ORS 183, 676.605, 676.608, 676.615
Stats. Implemented: ORS 183, 676.605, 676.608, 676.615
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

Legislation & Rules Committee Update

OAR 581-022-0421

Safety of School Sports — Concussions

(1) As used in this rule:

(a) “Annual training” means once in a twelve month period.

(b) “Coach” means a person who instructs or trains members on a school athletic team and may be:

(A) A school district employee;

(B) A person who volunteers for a school district

(C) A person who is performing services on behalf of a school district pursuant to a contract.

(c) “Concussion” means exhibiting signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body.

(d) “Health Care Professional” means a Physician (MD), Physician’s Assistant (PA), Doctor of Osteopathic (DO) licensed by the Oregon State Board of Medicine, nurse practitioner licensed by the Oregon State Board of Nursing, or Psychologist licensed by the Oregon Board of Psychologist Examiners.

(e) “Proper medical treatment” means treatment provided by a licensed health care professional which is within their scope of practice.

(f) “Return to participation” means a student can rejoin the athletic event or training.

(g) “Training timeline” means every coach receives the training prior to the beginning of the season for the school athletic team they are specifically coaching.

(h) “Same day” means the same calendar day on which the injury occurs.

(2) Each school district shall:

(a) Develop a list of coaches.

(b) Identify which community (may include state or national) resources the district will use to provide the training as required in section (3) of this rule.

- (c) Develop training timelines for coaches of all school athletic teams.
- (d) Ensure coaches receive training once every twelve months.
- (e) Develop a tracking system to document that all coaches meet the training requirements of this rule.
- (f) Ensure no coach allows a member of a school athletic team to participate in any athletic event or training on the same calendar 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.
- (g) Ensure no coach will allow a student who is prohibited from participating in an athletic event or training, as described in section (2)(f), to return to participate in an athletic event or training no sooner than the day after the student experienced a blow to the head or body. The student may not return to participate in an athletic event or training until the following two conditions have been met:
 - (A) The student no longer exhibits signs, symptoms or behaviors consistent with a concussion; and
 - (B) The student receives a medical release form from a health care professional.
- (3) In school districts which have the services of an athletic trainer registered by the Oregon Board of Athletic Trainers, that athletic trainer may determine that an athlete has not suffered a concussion and return the athlete to play. Athletic trainers may also work in consultation with a Health Care Professional in determining when an athlete is able to return to play following a concussion.
- (4) The training required of coaches under this rules shall include the following:
 - (a) Training in how to recognize the signs and symptoms of a concussion;
 - (b) Training in strategies to reduce the risk of concussions;
 - (c) Training in how to seek proper medical treatment for a person suspected of having a concussion; and
 - (d) Training in determination of when the athlete may safely return to the event or training.

Stat. Auth: ORS 336.485

Stat. Implemented: ORS 336.485

Hist.: ODE 13-2010, f. & cert. ef. 6-30-10; ODE 2-2011, f. 1-31-11, cert. ef. 2-1-11

Assessment and Evaluation

581-022-0606

District Improvement Plan

District Continuous Improvement Plan Each district shall:

- (1) Conduct self-evaluations in order to develop and/or update their local district continuous improvement plans on a biennial basis. The self-evaluation process shall involve the public in the setting of local goals. The school districts shall ensure that representatives from the demographic groups of their school population are invited to participate in the development of local district continuous improvement plans to achieve the goals.
- (2) As part of setting local goals, school districts shall undertake a communications process that involves parents, students, teachers, school employees and community representatives to explain and discuss the local goals and their relationship to programs under this chapter.
- (3) The local district continuous improvement plan shall include:
 - (a) A rigorous curriculum aligned with state standards;
 - (b) High-quality instructional programs;
 - (c) Short-term and long-term professional development plans;
 - (d) Programs and policies to achieve a safe educational environment;
 - (e) A plan for family and community engagement;
 - (f) Staff leadership development;
 - (g) High-quality data systems;
 - (h) Improvement planning that is data-driven;
 - (i) Education service plans for students who have or have not exceeded all of the academic content standards;
 - (j) A review of demographics, student performance, staff characteristics and student access to, and use of, educational opportunities; and
 - (k) District efforts to achieve local efficiencies and efforts to make better use of resources.
- (4) Annually review and report test results and progress on the district improvement plan to the community.

(5) Maintain copies of the school and district improvement plans as a public record.

(6) Submit the district improvement plan to the Department of Education when requested.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: 1EB 19-1980, f. 6-17-80, ef. as follows: Section (1) 9-1-80; Sections (2), (4), (5) 9-1-81; Section (3) 7-1-80; 1EB 26-1980, f. 11-7-80, ef. as follows: Sections (1) and (3) 9-1-81; Sections (2), (4) and (5) 9-1-82; 1EB 21-1986, f. & ef. 7-2-86; EB 38-1990, f. & cert. ef. 7-10-90; EB 15-1996, f. & cert. ef. 9-26-96; ODE 25-2008, f. & cert. ef. 9-26-08

OREGON HEALTH LICENSING AGENCY



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Salem, Oregon 97301-1287

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Web www.oregon.gov/OHLA

E-mail ohla.info@state.or.us

Board of Athletic Trainers

Athletic Trainers

Barbers
Body Piercing
Technicians
Denturists
Direct Entry
Midwives
Electrologists
Environmental
Health Specialists
Estheticians
Hair Designers
Hearing Aid
Specialists
Nail Technicians
Nursing Home
Administrators
Permanent Color
Technicians
Respiratory
Therapists
Sex Offender
Therapists
Tattoo Artists
Waste Water
Specialists

Board of Athletic Trainers

Board of
Cosmetology
Board of Direct Entry
Midwifery
Board of Denture
Technology
Environmental
Health Registration
Board
Nursing Home
Administrators Board
Respiratory
Therapist Licensing
Board
Sex Offender
Treatment Board
Advisory Council on
Hearing Aids
Advisory Council for
Electrologists,
Permanent Color
Technicians & Tattoo
Artists

Proposed Administrative Rulemaking Schedule

May 16, 2011	Board Approves proposal for one-year student registration
July 27, 2011	Board Teleconference to approve proposed Rules and possible temporary rule for annual registration (depending on outcome of OHLA fee bill)
August 1, 2011	Temporary Rule(s) effective
August 15, 2011	Filing of Proposed Rules
September 1, 2011	Notice of Proposed Rulemaking in Oregon Bulletin
September 28, 2011	Last day for public comment
October 5, 2011	Special AT Board to Approve Permanent Rules?
November 14, 2011	AT Board Regular meeting – Approve Permanent Rules (if not 10/5/11)
December 1, 2011	Permanent Rules effective
February 1, 2012	Temporary Rule(s) Expire

(As of 5/10/11)

Visit us on the Web at www.oregon.gov/OHLA



**Oregon Health Licensing Agency
Board of Athletic Trainers
Legislation & Rules Committee Meeting**

Date: March 16, 2011

Members Present: Russ Cagle
Jeremy Ainsworth
Dale Isaak, Invited Expert

Members Absent: None

Staff Present: Nancy Sellers, Senior Policy Analyst
Sinnamon Harris, Board Specialist
Sylvie McMillan, Fiscal Services and Licensing Manager

Guests Present: None

Russ Cagle called the Board of Athletic Trainers Legislation and Rules Committee meeting to order at 9:07 am, March 16, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. The purpose of the meeting was to continue to review and discuss Oregon Revised Statutes and Oregon Administrative Rules as directed by the Board of Athletic Trainers at its February 28, 2011, meeting.

Nancy Sellers, Senior Policy Analyst, presented the Department of Justice (DOJ) advice, dated January 18, 2011, regarding the following question presented by the full board: “Does the scope of practice for physical therapists (PT) and emergency medical technicians (EMT) include emergency diagnosis and subsequent preventive or immediate care and/or return to play in a sports setting?”

Sellers stated confidentiality was waived by OHLA Director Randy Everitt for dissemination at this public meeting of the Board of Athlete Trainers Legislation and Rules Committee, March 16, 2011. A complete copy of the seven-page advice was distributed to the Legislation and Rules Committee to read and discuss.

Sellers stated that legal advice clarified that PTs could not return athletes who have received a concussion to play. The committee discussed the overlap between the athletic trainer (AT, or ATR in Oregon for athletic trainer, registered) and PT scopes of practice. Cagle referred to House Bill 3515, which did not include PTs as one of the groups that would be required to complete continuing education credits on traumatic brain injuries. Cagle remarked that this information was a clear indication that PTs are not authorized to return those athletes with concussions to play.

Sellers said that with this advice from DOJ, the agency could formulate a letter to those persons not dually registered as both PTs and ATs but who are performing the functions or duties of an athletic trainer and let them know that they must register as an AT in order to continue to do those functions.

In reviewing the scope of practice for EMTs, Sellers said the advice stated that EMTs cannot diagnose concussions and would not be able to clear a player to return to play. EMT's authority allows them to provide treatment only with a physician's authorization.

Sellers mentioned that OAR 847-035-0001(5) may provide a laundry list of procedures the EMT can do with standing orders from an approved physician but those standing orders would not be in place in an athletic setting. Cagle stated if a physician is present the EMT may be able to treat, but without the physician present the EMT could not diagnose or clear a player to return to play.

House Bill 3515 (HB 3515)

Sellers explained the bill requires certain health care providers to complete continuing education related to traumatic brain injuries. HB 3515 has been assigned to the House Health Care Committee and was not yet scheduled for a hearing as of March 16, 2011. Section 6, beginning on page three, line 22 of the bill, applies to athletic trainers under (2)(d), requiring "satisfactory evidence of having completed, within the previous three years, six hours of continuing education about traumatic brain injury offered by the Oregon Health Authority pursuant to section 1 of this 2011 Act."

Sellers stated she believed the bill would have a hearing. The Legislation and Rules Committee discussed the proposed bill and had the following questions and/or concerns:

1. The committee was concerned that training would be provided solely by the Oregon Health Authority. What would the cost be? How many hours are to be offered annually?
2. What is the intent of the bill? Is there the possibility of allowing the Board of Athletic Trainers to approve other instruction or training in lieu of Oregon Health Authority training?
3. How will the training hours affect the Board of Athletic Trainers if the board switches to one-year renewal?
4. If the training is important for registration renewal, should it not also be an important requirement for the initial applicant?
5. The bill does not specifically state: traumatic brain injury **and sport**. Clarification may be needed in the bill to link brain injury within a sport setting.

Sellers offered to research details about the plans by the Oregon Health Authority regarding continuing education for traumatic brain injuries. The Legislation and Rules Committee discussed proposing a "friendly" amendment to HB 3515 that would give the Board of Athletic Trainers permission to approve national and other training on traumatic brain injuries through approved sources by the board rather than just the training from Oregon Health Authority. The committee discussed what that training may look like with the need for an audit system and self-attestation. Sellers stated the agency will have some challenges to discuss internally with monitoring the continuing education credits for traumatic brain injury. Dale Isaak discussed the difficulty of breaking out those hours for traumatic brain injuries only when attending Board of Certification of Athletic Trainers (BOC)-sponsored seminars, etc. because the certificate the BOC issues lumps all the continuing education hours together. Sellers proposed having ATRs print the day's agenda and having an instructor sign off on the agenda to attest the course was completed. Sellers noted the ATRs will have to be able to prove that they have successfully completed training.

Sellers noted the committee may wish to consider the stances of other stakeholders on the bill, such as the Oregon Medical Board. Does the OMB support the bill? Sellers also stated the committee may wish to hold a stakeholders meeting before any bill hearing to make sure all the stakeholders are on the same

page with HB 3515. Sellers stated the discussion on HB 3515 will continue at the next Legislation and Rules Committee meeting on April 27, 2011.

Recertification Requirements for BOC 2006-2011

Sellers brought up recertification requirements referenced in rule requiring the registrant's completion of BOC's 2006 requirements. Sellers said the current BOC recertification requirements are dated 2006 to 2011; it will be important to ensure rule language is general and always references *current* BOC requirements.

Professional Practice and Discipline Guidelines and Procedures, March 22, 2007

Sellers handed out the BOC Professional Practice and Discipline Guidelines and Procedures dated March 22, 2007 for the committee members to have in hand as a reference when recommending changes to the administrative rules.

House Bill 2144 (HB 2144) Update

Sellers provided an update to the committee regarding the status of HB 2144, saying if the bill does not pass, the committee will need to write rules to cover the changes for registration and renewal.

Review of AT Board Meeting Held 2/28/2011

Sellers verbally reviewed the draft minutes with the committee from the last full board meeting. The minutes were not provided to the committee as the minutes had not yet been approved.

Shelly Jones Email Comments Review

Sellers read an e-mail from Shelly Jones, President of Oregon Athletic Trainers' Society (OATS), addressing the issue of documentation of visiting athletes.

Dale Isaak left the committee meeting at 11:52 am.

Rule Revision Discussion Highlights

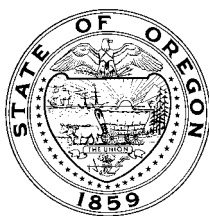
1. Discussed putting initials "ATR" into rule as official abbreviation for Registered Athletic Trainers.
2. Move to one-year registration (Sellers may have more information by April 27 Legislation and Rules Committee meeting).
3. Revise rules to match the AT statutes and OHLA rules in language.
4. Sellers to prepare an issue statement for the next full board meeting on May 16, 2011, regarding the Legislation and Rules Committee proposal to OHLA requesting a way for ATRs to relinquish their license for a period of time and not accrue late fees, understanding that the applicant must reapply and qualify for registration.
5. Sylvie McMillan, Fiscal Services and Licensing Manager, explained the reciprocity process and OHLA rules considering late fees and the three-year inactive rule.
6. Question about Division 120 "invasive procedures" may need to be clarified.
7. May wish to use "non-prescription" language instead of "scheduled/non-scheduled" term. Sellers to clarify by researching with the Board of Pharmacy.

Sellers said the next Legislation and Rules Committee meeting is scheduled for April 27, 2011. The scheduled May 4, 2011, meeting is a placeholder that may be cancelled or held by teleconference depending on the committee's progress. Sellers said she will schedule OHLA staff to fine-tune the administrative rule changes before presenting the April 27, 2011, meeting.

The meeting adjourned at approximately 2:26 pm.

Prepared by: Sinnamon Harris, Board Specialist

Items for Board Action



Oregon Health Licensing Agency

ISSUE STATEMENT

Board of Athletic Trainers – May 16, 2011

ISSUE

Will the Board of Athletic Trainers require that all registrants complete continuing education (CE) regarding traumatic brain injury as a condition of license renewal?

DISCUSSION

The AT Legislation and Rules Committee voted to recommend two hours every three years. However, this recommendation was put on hold while the Oregon Legislature considered a now-derailed bill that would require certain health-care-related professionals (including athletic trainers) to complete two hours of continuing education regarding traumatic head injury each year.

Currently, Oregon registered athletic trainers are not required to receive such training. Considering the board's stated desire to be included in the Oregon Department of Education rule implementing Max's Law relating to return-to-play decisions for students, ensuring that all registered athletic trainers have current training may significantly promote public safety and the health of student athletes.

QUESTIONS BEFORE THE BOARD

1. Does the board wish to require continuing education for registered athletic trainers in traumatic brain injury?
2. If yes, how many hours and how often

The Board should consider its role as a regulatory body protecting public safety. It must base its decisions on legally sound principles and equitable treatment of all licensees/registrants.

REQUESTED ACTION

Answer the questions above, considering the recommendation of the Legislation and Rules Committee.

DRAFT FOR: June 1, 2011

To All Interested Parties of Athletic Training in Oregon:

The Oregon Health Licensing Agency (OHLA) and the Board of Athletic Trainers has important updates that may affect your work or the employment of persons to perform the duties of an athletic trainer in Oregon. **Persons found to be practicing athletic training without required registration are subject to civil penalties of up to \$5,000 for each violation.**

Please read the following carefully, and contact OHLA Senior Policy Analyst Nancy Sellers if you have questions. She can be reached by e-mail at nancy.sellers@state.or.us or by phone at (503) 373-1904.

Student Registration Exemption Ending: As of August 1, 2011, students who have already passed the BOC examination no longer are exempted from athletic trainer registration requirements. This also means that no college or university may use the athletic training services of a non-exempt student who is not registered.

Students continuing their education in athletic training or working toward another degree will qualify for one-year registration (at half the regular two-year rate). Please refer to registration information online at http://egov.oregon.gov/OHLA/AT/How_to_Get_Licensed.shtml or at www.oregon.gov/OHLA.

BOC Certified vs. Oregon Registered: OHLA recently compared the list of those Oregon athletic trainers who are BOC certified with those who are registered in Oregon, and found a significant number of athletic trainers who may be improperly practicing without registration.

With limited exemptions (see ORS 688.718, below), if you are performing the duties of an athletic trainer, purporting to be an athletic trainer, or are described by your employer as an athletic trainer, you must register as an athletic trainer with OHLA.

If you are a BOC-certified athletic trainer working in a related profession (including but not limited to physical therapy, occupational therapy or emergency medicine), you must register if you are performing any athletic training services that are not covered by your other profession's scope of practice. It is your responsibility to understand the scopes of practice and register accordingly.

Update to Implementation of Max's Law: The Oregon Department of Education recently revised its administrative rule relating to "Max's Law" regarding the safety of school sports in relation to concussions. The rule change now allows registered athletic trainers to make return to play decisions. Persons exempted from registration as athletic trainers are not covered by the new provisions:

OAR 581-022-0421 Safety of School Sports — Concussions ... "(3) In school districts which have the services of an athletic trainer registered by the Oregon Board of Athletic Trainers, that

athletic trainer may determine that an athlete has not suffered a concussion and return the athlete to play. Athletic trainers may also work in consultation with a Health Care Professional in determining when an athlete is able to return to play following a concussion.”

Thank you for your consideration of these important updates for athletic training registration, and for your support of our ongoing work to protect the safety and health of athletes in Oregon.

Sincerely,

Russ Cagle, Chair
Board of Athletic Trainers

Oregon Revised Statutes

688.718 Registration required; exceptions. (1) A person may not practice athletic training or claim to be a registered athletic trainer unless the person is registered 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 practicing athletic training if the person is employed as an athletic trainer by the federal government or any of its agencies;

(c) Preclude any person from pursuing a supervised course of study leading to a degree or registration 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;

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

(e) 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 athletic trainer if the person is:

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

(B) Certified by and in good standing as an athletic trainer with the National Athletic Trainers Association Board of Certification.

(3) Nothing in ORS 688.701 to 688.734 shall be construed to require registration of elementary or secondary school teachers, coaches or volunteers who do not hold themselves out to the public to be athletic trainers. [1999 c.736 §6]

Oregon Administrative Rules

OAR 581-022-0421

Safety of School Sports — Concussions

(1) As used in this rule:

(a) “Annual training” means once in a twelve month period.

(b) “Coach” means a person who instructs or trains members on a school athletic team and may be:

(A) A school district employee;

(B) A person who volunteers for a school district

(C) A person who is performing services on behalf of a school district pursuant to a contract.

(c) “Concussion” means exhibiting signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body.

(d) “Health Care Professional” means a Physician (MD), Physician’s Assistant (PA), Doctor of Osteopathic (DO) licensed by the Oregon State Board of Medicine, nurse practitioner licensed by the Oregon State Board of Nursing, or Psychologist licensed by the Oregon Board of Psychologist Examiners.

(e) “Proper medical treatment” means treatment provided by a licensed health care professional which is within their scope of practice.

(f) “Return to participation” means a student can rejoin the athletic event or training.

(g) “Training timeline” means every coach receives the training prior to the beginning of the season for the school athletic team they are specifically coaching.

(h) “Same day” means the same calendar day on which the injury occurs.

(2) Each school district shall:

(a) Develop a list of coaches.

(b) Identify which community (may include state or national) resources the district will use to provide the training as required in section (3) of this rule.

(c) Develop training timelines for coaches of all school athletic teams.

(d) Ensure coaches receive training once every twelve months.

(e) Develop a tracking system to document that all coaches meet the training requirements of this rule.

(f) Ensure no coach allows a member of a school athletic team to participate in any athletic event or training on the same calendar 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.

(g) Ensure no coach will allow a student who is prohibited from participating in an athletic event or training, as described in section (2)(f), to return to participate in an athletic event or training no sooner than the day after the student experienced a blow to the head or body. The student may not return to participate in an athletic event or training until the following two conditions have been met:

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

(B) The student receives a medical release form from a health care professional.

(3) In school districts which have the services of an athletic trainer registered by the Oregon Board of Athletic Trainers, that athletic trainer may determine that an athlete has not suffered a concussion and return the athlete to play. Athletic trainers may also work in consultation with a Health Care Professional in determining when an athlete is able to return to play following a concussion.

(4) The training required of coaches under this rules shall include the following:

(a) Training in how to recognize the signs and symptoms of a concussion;

(b) Training in strategies to reduce the risk of concussions;

(c) Training in how to seek proper medical treatment for a person suspected of having a concussion; and

(d) Training in determination of when the athlete may safely return to the event or training.

Public Comment

Other Board Business



Board Interest File

Executive Session

OAR 581-022-0421

Safety of School Sports — Concussions

(1) As used in this rule:

(a) “Annual training” means once in a twelve month period.

(b) “Coach” means a person who instructs or trains members on a school athletic team and may be:

(A) A school district employee;

(B) A person who volunteers for a school district

(C) A person who is performing services on behalf of a school district pursuant to a contract.

(c) “Concussion” means exhibiting signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body.

(d) “Health Care Professional” means a Physician (MD), Physician’s Assistant (PA), Doctor of Osteopathic (DO) licensed by the Oregon State Board of Medicine, nurse practitioner licensed by the Oregon State Board of Nursing, or Psychologist licensed by the Oregon Board of Psychologist Examiners.

(e) “Proper medical treatment” means treatment provided by a licensed health care professional which is within their scope of practice.

(f) “Return to participation” means a student can rejoin the athletic event or training.

(g) “Training timeline” means every coach receives the training prior to the beginning of the season for the school athletic team they are specifically coaching.

(h) “Same day” means the same calendar day on which the injury occurs.

(2) Each school district shall:

(a) Develop a list of coaches.

(b) Identify which community (may include state or national) resources the district will use to provide the training as required in section (3) of this rule.

- (c) Develop training timelines for coaches of all school athletic teams.
- (d) Ensure coaches receive training once every twelve months.
- (e) Develop a tracking system to document that all coaches meet the training requirements of this rule.
- (f) Ensure no coach allows a member of a school athletic team to participate in any athletic event or training on the same calendar 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.
- (g) Ensure no coach will allow a student who is prohibited from participating in an athletic event or training, as described in section (2)(f), to return to participate in an athletic event or training no sooner than the day after the student experienced a blow to the head or body. The student may not return to participate in an athletic event or training until the following two conditions have been met:
 - (A) The student no longer exhibits signs, symptoms or behaviors consistent with a concussion; and
 - (B) The student receives a medical release form from a health care professional.
- (3) In school districts which have the services of an athletic trainer registered by the Oregon Board of Athletic Trainers, that athletic trainer may determine that an athlete has not suffered a concussion and return the athlete to play. Athletic trainers may also work in consultation with a Health Care Professional in determining when an athlete is able to return to play following a concussion.
- (4) The training required of coaches under this rules shall include the following:
 - (a) Training in how to recognize the signs and symptoms of a concussion;
 - (b) Training in strategies to reduce the risk of concussions;
 - (c) Training in how to seek proper medical treatment for a person suspected of having a concussion; and
 - (d) Training in determination of when the athlete may safely return to the event or training.

Stat. Auth: ORS 336.485

Stat. Implemented: ORS 336.485

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