



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

Meeting Date: October 6, 2010

Committee Members: Russ Cagle, Chair
Jeremy Ainsworth
Dale Isaak, Invited Subject Matter Expert
Shelly Jones, Invited Subject Matter Expert

Staff: Samantha Patnode, Policy Analyst
Nancy Sellers, Senior Policy Analyst
Sinnamon Harris, Board Specialist

Russ Cagle called to order the Board of Athletic Trainers, Legislation/Rules Committee meeting at 9:02 a.m., October 6, 2010, in the Rhoades Conference Room of the Oregon Health Licensing Agency. The purpose was to review and discuss Oregon Revised Statutes (ORS) 688.701 through ORS 688.734 and Oregon Administrative Rules (OAR) 331-105-0020 through 331-135-0000.

Cagle opened the Board of Athletic Trainers Legislation/Rules Committee by introducing Dale Isaak, Head Athletic Trainer and professor at George Fox University; and Shelly Jones, President of the Oregon Athletic Trainers' Society (OATS). Both were invited to participate on the committee as subject matter experts.

OHLA Policy Analyst Samantha Patnode introduced Nancy Sellers, OHLA's new Senior Policy Analyst who will be the analyst assigned to the Board of Athletic Trainers, including the Legislation/Rules Committee.

Accreditation:

Patnode discussed the Board of Certification (BOC) for Athletic Trainers. Cagle pointed out the Board of Athletic Trainers is not limited to using the BOC and may choose another accreditation agency if necessary or desired.

Reciprocity:

Cagle inquired if a Physical Therapist (PT) may use the title of ATC if the individual has not been certified by the BOC. Patnode answered a PT may not use the title ATC unless certified by the BOC. Patnode stated in order for a PT to use the title "Athletic Trainer, Registered" they also must be licensed/registered in Oregon. Ms. Patnode referred to **ORS 688.718(2)(a)**, which states:

"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;"

Registration Requirements for Graduate Students:

Ainsworth referred to registration requirements associated with graduate students under **ORS 688.718 2(c) and 2(d)**, which states:

"Nothing in ORS 688.701 to 688.734 is intended to:

(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;”

Ainsworth asked if the student has already completed an undergraduate degree and is certified by the BOC, should not the student also be registered in Oregon as an Athletic Trainer. He said that many students are not registered and that other states such as Washington, Utah and Oklahoma require those graduate students to be registered.

Isaak noted a separate issue may be first semester graduate students with AT undergraduate degree but are not yet certified by BOC that are working as a graduate student AT. Isaak posed the question, should those students be restricted from practicing until after they have passed the BOC?

Patnode asked the committee to consider the legislative intent for this exemption. Jones said she believed the legislative intent was to allow the student to continue learning, as in the case of an entry-level master’s program. In this case the student is not certified, and is still learning to become an AT.

Cagle noted that if students are compensated for acting as ATs (including tuition waivers), they would be required to register. He said the bill was likely written when there was still an internship program, but evolution has changed the process.

Jones stated it is a problem for the association because certified ATs are practicing without being registered under the student exemption. The association desires these people to be registered as the public may not be protected.

Patnode noted that if a student is not yet licensed, OHLA may not have the authority to set criteria for supervision.

Student Supervision:

Isaac said that the accrediting body is only concerned with schools with accredited education programs. Other schools that want to hire work-study students to help with athletics do not come under the purview of the accrediting body. The only entry-level undergrad programs in Oregon are at Linfield, OSU and George Fox. Unless students are working toward a certified program degree, they are not eligible for the Oregon ATR student exemption. Certified ATs must supervise any students working under them by professional practice and standards, whether or not they are in a certified education program. Ainsworth said that students without direct supervision could travel with teams as first responders, but not as ATs. There may be pushback from institutions that are using work study students who are not in AT programs.

Patnode questioned the board’s authority to set supervision conditions over someone who isn’t licensed. She gave the example of midwife interns, who aren’t under OHLA authority until they are accredited.

Note: Jones found an outdated reference in rule that needs to be updated to read “Commission on Accreditation for Athletic Training Education (CAATE)” in OAR 311-110-005.

Scope of Practice for Physical Therapist (PT)/Emergency Medical Technicians (EMTs):

The committee discussed the Physical Therapist scope of practice and where it excludes some of the practices of an AT scope of practice. Cagle stated PT scope of practice does not address preventative care. Nearly all the PT scope of practice is rehabilitation, whereas, AT scope of practice is preventative. He stated that role delineation may change and evolve over time.

Max's Law:

Jones initiated discussion of the Oregon Department of Education (ODE) rule implementing Max's Law regarding student head injuries during athletic events. She said that ODE did not include ATRs in list of "Health Care Professionals" because of an outdated requirement that ATRs refer patients to physician if concussion symptoms last longer than 15 minutes or if the patient loses consciousness. She said that ODE also left off neuropsychologists for semantic reasons because there isn't that exact title in statute. She would like changes to OHLA rules to allow ATRs to clear people to return to the game, and says the association's ultimate goal is to delete the entire section and specific provisions requiring referral.

Sellers pointed out that at OHLA the board's charge is to protect public safety. It may be more appropriate for the association to seek to have ATRs added to the list of Health Care Professionals, as what is in rule now is more restrictive in requiring referral to a higher medical authority.

Sellers pointed out that all ATRs registered in this state are not required to go through the continuing education that would ensure they all know state-of-the-art concussion treatment.

Cagle said that Utah is allowing ATs to be more restrictive than physicians, and keep players out of games even if released by a physician if they believe the player isn't ready. Ainsworth said that Athletic Directors often overrule cautionary restrictions placed on an athlete by an ATR.

Sellers pointed out there may be different considerations in legislative intent regarding returning students to play if they are minors. The standards for public safety and health might be interpreted to be higher for those who are younger than 18 years of age.

Proposing Rule and Law Changes and Legal Clarifications:

Cagle requested Jones, on behalf of OATS, to submit their questions and concerns about scope of practice in writing. Jones stated she would do so by Monday, October 11, 2010.

Sellers stated she would refine the questions resulting from the committee for the full board meeting on November 29, 2010 (**see attached memo**).

Patnode reminded the committee that the deadline has passed for submitting agency legislative concepts. OHLA may not request additional concepts for the 2011 session.

Sellers explained the Executive Branch legislative process. The association and individuals may request legislative changes through individual legislators or committees. However, the Board and OHLA cannot promote such changes without permission of the Governor. She recommended a collaborative approach among all stakeholders for any requested legislation to avoid conflicts during committee hearings.

The committee meeting adjourned at approximately 1:20 p.m.

Prepared by: Sinnamon Harris, Board Specialist