



**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