

Meeting Minutes
Oregon State Athletic Commission
December 1st, 2008

Meeting Open to the Public

Roll Call:

- Chairman, Robert Hamilton
- Commissioner, Doug LaMear
- Commissioner, Ted Molinari
- Commissioner, Lenn Hannon
- Commissioner, Bob Gross

Approved Agenda

Call to Order	10:00 AM	Director
Roll call		Director
Agenda Approval	5 Minutes	Commission
Approval of Minutes from previous meeting	10 Minutes	Commission
Old Business	30 Minutes	Director
• Medical Advisory Committee Recommendations		
New Business		
• Officials Training		
• Personal Services Contracts		
TBA		
Comments from the Public*		
• Audience Time		
Executive Session	30 Minutes	
Next Meeting/Meeting Schedule	10 Minutes	
Adjourn		Chair

***Members of the public/audience wishing to speak should sign in to be recognized by the Chair. Depending on the number of requests to speak the Chair may set a limit on the speaking time for each individual.**

Note: The following minutes were drafted by Oregon State Athletic Commission Executive Director Brad Darcy. These minutes are a summary of discussion items and Commission actions. They are not a verbatim accounting of what took place at the meeting.

The meeting was called to order by Bob Hamilton, Commission Chairman, at approximately 10:00 AM. The roll was called by Director Brad Darcy. A quorum was established and the meeting proceeded.

Other Attendees:

Maj. Craig Durbin, Gaming Enforcement Division
Brad Darcy, Executive Director

Agenda approved by affirmation.

**Motion: Ted Molinari
Approve Minutes as submitted.
2nd: Lenn Hannon
Motion carries: 3-0**

Medical Advisory Committee Recommendations

Executive Director:

Brad Darcy gave a brief summary from the first Medical Advisory Committee meeting held on September 3rd, 2008. The Committee made several recommendations that the Commission will either adopt where authority already exists, or submit to the Commission revised Administrative Rules to reflect recommended changes.

Recommendations include:

- increasing the frequency of blood testing to 90 days
- creating comprehensive, updated drug testing policy and procedures
- guidelines for the scope of procedures to provide on-site versus for referral to Emergency Room treatment
- dilated eye exams for MMA competitors
- updates to procedures for ringside physician activities at regulated events
- same day weigh-ins for amateur MMA events

Bob Hamilton: What is current standing of liability for physicians serving as ringside physicians assigned by Executive Director?

Executive Director: Those serving on the committee are covered under Tort Claims act when serving as ringside physicians. Those not on the committee assume the liability of service as ringside physicians.

Bob Hamilton: Can membership in committee be

Lenn Hannon: Issue should be reviewed in entirety. Research should be done to identify which doctors are covered. How do we include doctors that are not covered? Can we expand committee to include additional physicians?

Maj. Durbin: Personal Service Contracts may address issue of coverage for physicians not serving on Medical Advisory Committee. Program is severely under-funded. Additional expense of covering liability for committee members is already putting additional strain on Commission/Department resources. Expanding coverage to non-Committee members further

strains resources. We don't know what affect requirement for physicians to sign contracts will have. It may limit availability of physicians.

Ted Molinari: Do we know how many physicians we need to cover anticipated number of events?

Executive Director: Current roster of physicians has been able to cover volume of events. Three or four of the physicians cover the majority of the events we regulate.

Ted Molinari: Have we seen escalation in number of events that we predicted back in 2006 – 2007?

Executive Director: No. Trend in number of events has leveled out. Number of events did not continue to increase.

Ted Molinari: Does the signing of personal service contract make physicians agents of the state?

Executive Director: One intended result of contracts is to ensure that officials are not serving as agents of the state.

Maj. Durbin: Personal Service Contracts have a section declaring that the contractor holds the state harmless. Question is if this will limit number of officials available for assignment.

Ted Molinari: We may have created new set of complex issues with solution of contracts. We need an alternative plan to accommodate possible issue of being unable to have enough personnel to regulate effectively.

Bob Hamilton: Agrees with Commissioner Hannon's opinion that we should continue to research issues.

Lenn Hannon: We have members of the Committee that enjoy the protection of the Tort Claims Act who then appoint other physicians who do not. The contracts reinforce this.

Maj. Durbin: Only alternative to contracts would be to declare that all officials now fall under umbrella of Tort Claims Act. This would need to be affected at the highest level of the department.

Personal Service Contracts

Executive Director: Contracts very recently introduced to officials. Receiving questions about the contracts from officials. Will be used during upcoming events. We should know soon what the impact of the new contracts will have on availability of officials.

Officials Training

Executive Director: We recently introduced a new training program that is a web based program designed for individual use by current and prospective officials. Applicants will view training videos online. They will then take a test and submit the completed test to the Director. The Director will grade the test and determine if the applicant is eligible for live, event training. The applicant will shadow existing officials and be trained over time. Eventually, the applicants will be determined to be eligible for assignments.

Ted Molinari:

We need to identify an individual or individuals in the Legislature that can champion our program. Long term funding solution needs to be identified.

Maj. Durbin: The Department will always work hard to accomplish all the tasks that it is asked to do to the best of its ability; even with insufficient resources. The scope and scale of those tasks can expand, making that difficult. Expense of deficit created by the operation of the Oregon State Athletic Commission is relatively small, but does draw from other resources. Governor's Recommended Budget did not support policy option to assign general fund dollars to OSAC. Governor is putting it back on the Legislature to take action.

Fundamental concern is the area of risk. While the budget deficit draws away resources, the potential for liability to the department is of much greater concern.

If the Legislature is unable to provide general fund dollars we will continue to operate as well as we can. Our goal will be to minimize the risk and exposure in every way possible.

Current funding limitation includes open Office Specialist position. Unable to fill position due to lack of funds. Currently asking Executive Director to leave one week a month free of events to catch up on administrative duties. This creates artificial limit on number of events. If the Legislature continues to not provide general fund dollars we can revisit the idea of identifying resources that might be available to fill open position.

*Action Item: **Executive Director** will provide a summary back to the Commission regarding recommendations of Medical Advisory Committee. Summary will identify which recommendation will require Commission action.*

Maj. Durbin: What do we do during the span of time between receiving advice from Medical Advisory Committee and the time when we can promulgate new rules reflecting recommendations? Will need to

Bob Hamilton: Need some clarity from DOJ on if we can create some general authority for application of recommendations made by Medical Advisory Committee. Establish some sort of Interim Authority. Implement through Executive Director.

Ted Molinari: Have we contacted local educational programs that might be interested in providing internship opportunities to its students to work for the Commission? There are steps you typically must take to set up a scenario like that, but could be one option to alleviate work load issues.

Executive Director: Will continue to pursue that as a possible option.

Commission went into Executive Session pursuant to ORS 192.660(2)(s) at 11:15AM.

Commission Returned to Public Meeting at 11:31.

Next Meeting

January 14th, 2009. To be held at the Department Justice Building on Hawthorne.

Lenn Hannon: I would like to invite the Senate President and House Speaker.

Maj. Durbin: Letter should go to the Superintendent notifying him of the date and circumstances of the meeting.

Motion: Ted Molinari to adjourn. Motion passes by affirmation.
Meeting adjourned at 11:37.