

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY**OAR # & Title:** 3.h—Safety of School Sports—Concussions / 581-022-0421**Date:** October 22, 2015**Staff/Office:** Ely Sanders/ Student Services **New Rule** **Amend Existing Rule** **Repeal Rule****Hearing Date:** _____ **Hearings Officer Report Attached****Prompted by:** **State law changes** **Federal law changes** **Other****Action Requested:** **First Reading/Second Reading** **Adoption** **Adoption/Consent**
Agenda**PROPOSED/AMENDED RULE SUMMARY:**

Amends OAR 581-022-0421 to allow a coach to permit student athlete to return to play after being cleared by athletic trainer who determines that the athlete has not suffered a concussion. Change definition of “healthcare professional.”

BACKGROUND:

SB 521 modifies ORS 418.875(2) to allow a coach to permit a student athlete to return to play after a fall/incident if the athletic trainer, registered by the Board of Athletic Trainers, determines that the athlete has not suffered a concussion. The athletic trainer may, but is not required to, consult with a health care professional in making the determination that the athlete has not suffered a concussion. SB 521 modifies ORS 336.485(1) and ORS 418.875(2) to include new definition of “healthcare professional.”

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

None raised at this time

CHANGED SINCE LAST BOARD MEETING? (so members can focus on what’s different) N/A; first read—hasn’t been before board No; same as last month Yes – As follows:**FISCAL IMPACT:** No Fiscal Impact is identified at this time**EFFECT OF YES VOTE:**

A Yes vote will modify OAR 581-022-0421 to reflect changes required by SB 521 to ORS 336.485(1) and ORS 418.875(2). This change will make OAR 581-022-0421 applicable to non-district school sport teams.

EFFECT OF NO VOTE: Will leave language as is in OAR 581-022-0421 and will prevent the department from implementing the language in Senate Bill 521.**STAFF RECOMMENDATION:** Adopt administrative rule as prepared this month Adopt administrative rule next month No recommendation at this time (rarely used)

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.~~ **[(d) “Health care professional” means a medical doctor, osteopathic physician, psychologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.]**
- (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~~ **[Except as provided by subsection (3) in this section 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~~

3.h

~~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.~~ **[(3) A coach may allow a member of a non-school athletic team to participate in any athletic event or training at any time after an athletic trainer registered by the Board of Athletic Trainers determines that the member has not suffered a concussion. The athletic trainer may, but is not required to, consult with a health care professional in making the determination that the member has not suffered 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