

June 19, 2012

EDUCATION FUNDING AND TAXATION COMMITTEE CONCUSSION STUDY – SB 2281
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REPRESENTATIVE KELSCH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Board of Physical Therapy (NDBPT).

The NDBPT's concern, as we expressed at an earlier meeting, is the language in §15.1-18.2-04 (5) that the return of a concussed athlete is authorized by a health care provider whose scope of practice includes "the diagnosis and treatment of concussion..."

5. A student who is removed in accordance with subsection 3 may not be allowed to return to practice, training, or competition until the student or the student's parent obtains written authorization from a licensed, registered, or certified health care provider whose scope of practice includes the diagnosis and treatment of concussion and provides that authorization to the student's coach or athletic trainer.

While the NDBPT has determined that this is within the physical therapist's scope of practice, we also believe that this term is somewhat limiting. This language appears to unnecessarily limit the number of health care providers that could otherwise provide these services. The American Physical Therapy Association believes that these services should be provided by a health care provider "trained in the evaluation and management of concussion". The NDPTA agrees.

The Board understands that the legislative intent was to allow any licensed health care provider that has been trained in concussion management to make the return to play decision. By using the term "diagnosis" the Legislature may have excluded certain professions of health care providers otherwise trained and having the ability from making that call. For example, it does not appear from their Practice Act that athletic trainers have the ability to diagnose. Under a very strict interpretation of the "diagnosis" language it may be that only certain physicians would be allowed to make the return to play decision. This would be unfortunate.

Therefore, the NDBPTA respectfully requests that the Committee, as it studies whether or not to expand these provisions to cover non-school athletics, introduce legislation to amend §15.1-18.2-04 (5) to read "licensed health care provider trained in the evaluation and management of concussion..."

If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.