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August 19, 2015

Kelly Caudill  
Executive Director  
Ohio State Chiropractic Board  
77 South High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215

**Re: Comments on Proposed Rule 4734-8-09 (Concussion Management)**

Dear Director Caudill,

On behalf of the organizations above, we are writing to express our concerns with a draft rule recently posted on the Ohio State Chiropractic Board website dealing with youth concussion management. We understand that this rule is only in draft form, and that it has not been filed yet. That being said, this rule appears to conflict with multiple sections of the Ohio Revised Code.

As you know, House Bill 143 was enacted in 2012; this legislation set a uniform process for youth athletes to be assessed and cleared to return to play following a concussion. Sections 3313.539 and 3707.511 of the Revised Code require any nonphysician provider (including a chiropractor) who is evaluating a youth concussion to work either in collaboration, under the supervision of, under the referral of, or in consultation with a physician.

In 2014, an amendment was added to House Bill 487 that created a committee within the Ohio Department of Health to develop standards of training and education for nonphysician providers who wish to independently clear and assess youth athletes. Following publication of the committee's recommendations, licensure boards would then be able to promulgate rules allowing certain providers to independently clear and assess youth athletes so long as those rules align with existing statute and the committee's recommendations.

The Ohio Youth Sports Concussion & Head Injury Committee issued its final report in March and recommended allowing certain chiropractors to independently assess and clear youth athletes to return to play following a concussion so long as they held one of three specialty certifications. These certifications are outlined in section 5 of the rule 4734-8-09. The committee's report made no recommendations that provisions in Ohio's Concussion Law which require nonphysician providers to work in collaboration or under the supervision of a physician be amended or changed.

Section 4 of draft rule 4734-8-09 appears to conflict with R.C. 3313.539(E)(2) and R.C. 3707.511(E)(2), which only allow for a physician to serve in a collaborative or supervisory role when a nonphysician is assessing and clearing a youth athlete to return to play. Section 4 adds the phrase 'or a chiropractic physician who meets the provisions of paragraph (5) of this rule', which is not in alignment with existing statute. The table below compares existing statute used in R.C. 3313.539(E)(2) and R.C. 3707.511(E)(2) with language from draft rule 4734-8-09:

Language from R.C. 3313.539(E)(2)	Language from Draft Rule 4734-8-09
<p>(2) A youth sports organization may authorize a licensed health care professional to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the professional is acting in accordance with one of the following, as applicable to the professional's authority to practice in this state:</p> <ul style="list-style-type: none"> <li>(a) In consultation with a physician;</li> <li>(b) Pursuant to the referral of a physician;</li> <li>(c) In collaboration with a physician;</li> <li>(d) Under the supervision of a physician.</li> </ul>	<p>4. Assessment and Clearance</p> <ul style="list-style-type: none"> <li>a. Subject to the exemptions provided in paragraph (B)(5), licensees shall only make an assessment and/or grant clearance to a youth sports participant to return to play: <ul style="list-style-type: none"> <li>1. In consultation with a physician or a chiropractic physician who meets the provisions of paragraph (5) of this rule;</li> <li>2. Pursuant to the referral of a physician or a chiropractic physician who meets the provisions of paragraph (5) of this rule;</li> <li>3. In collaboration with a physician or a chiropractic physician who meets the provisions of paragraph (5) of this rule;</li> <li>4. Under the supervision of a physician or a chiropractic physician who meets the provisions of paragraph (5) of this rule.</li> </ul> </li> </ul>

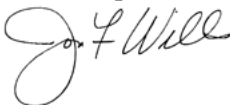
As you can see, the proposed rule directly conflicts with existing statute by expanding the types of providers who can supervise or collaborate with nonphysicians. There is no prevailing clinical evidence that suggests this change is needed. Further, since this was not recommended by the Ohio Youth Sports Concussion & Head injury Committee, it also conflicts with R.C.3707.521(E).

Given these conflicts, we respectfully request that section 4 be removed entirely so that the draft rule remains in alignment with existing statute and also best practices in the treatment of concussion. We appreciate your consideration of this request.

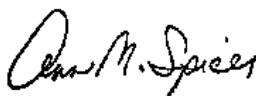
Sincerely,



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Ohio Osteopathic Association



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