

Legislative Analysis



CONCUSSIONS IN YOUTH ATHLETES

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House Bill 5697

Sponsor: Rep. Thomas B. Hooker

Committee: Health Policy

Complete to 9-12-12

A SUMMARY OF HOUSE BILL 5697 AS INTRODUCED 5-29-12

The bill would add a new section to the Public Health Code to require the Department of Community Health (DCH) to develop, adopt, or approve educational materials on the nature and risk of concussions and a concussion awareness training program both of which would be available on its website. The program would have to be made available to all individuals required to participate in the program and to any interested individual school personnel, coaches, parents, students, and athletes. This would pertain to youth athletes who participate in school- or community-based athletics or other sports programs.

The bill would also require medical evaluation of suspected concussions and written medical clearance before a youth athlete could return to athletic activity. The DCH educational materials and the training program would have to be developed, adopted, or approved before the expiration of 90 days after the bill took effect. The bill is virtually identical to Senate Bill 1122, which has been passed by the Senate.

The training program would have to include all of the following:

- The nature and risk of concussions.
- The criteria for the removal of an athlete from physical participation in an athletic activity due to a suspected concussion and the return to that activity.
- The risks to an athlete of not reporting a suspected concussion and continuing to physically participate in the athletic activity.

Definitions

"Concussion" would be defined as a type of traumatic brain injury as recognized by the Centers for Disease Control and Prevention, with changes in a person's mental status at the time of the injury that could include feeling dazed, disoriented, or confused and that may or may not involve a loss of consciousness. A concussion could be caused by any type of accident or injury including, but not limited to, the following:

- A fall.
- A blow, bump, or jolt to the head or body.
- The shaking or spinning of the head or body.
- The acceleration and deceleration of the head.

"Athletic activity" would mean a program or event, including practice and competition, during which youth athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual. The term would include participation in physical education classes that were part of a school curriculum.

"Organizing entity" would mean any of the following:

- A nonpublic school, public school, or public school academy.
- A state or local parks and recreation department or commission or other state or local entity.
- A nonprofit or for-profit entity.
- A public or private entity.

"Youth athlete" would mean an individual who engaged in an athletic activity and who was under 18 years of age.

Web information

The educational materials and training program would have to be made available on the DCH website as soon as they are available.

Rules

Rules necessary to implement and administer the bill would have to be promulgated by the DCH before the expiration of one year of the bill taking effect. The rules would have to identify the individuals required to participate in the training program and identify the organizing entities and athletic activities that are exempt from the bill's requirements.

Responsibilities of an Organizing Entity

The following would have to be done before a youth athlete could participate in an athletic activity sponsored by or operated under the auspices of the organizing entity:

- Comply with all of the bill's requirements and rules with regard to its coaches, employees, volunteers, and other adults involved with the participation of youth athletes in that entity's athletic activities and who are required to participate in the concussion awareness training program.
- Provide the DCH educational materials to each youth athlete participating in the entity's athletic activities and a parent or guardian of the youth athlete.
- Obtain and maintain in a permanent file for the duration of that youth athlete's participation in the entity's athletic activities a statement signed by each youth athlete and a parent or guardian acknowledging receipt of the DCH education material. In addition, the entity would have to maintain in this file the written clearance allowing a youth athlete who had sustained a concussion to return to participation in the athletic activities. The entity would have to make the signed statements and/or medical clearances available to the DCH upon request.

Responsibilities of a Coach or Other Adult

A coach or other adult employed by, volunteering for, or otherwise acting on behalf of an organizing entity during an athletic event sponsored by or operated under the auspices of the organizing entity shall **immediately remove** a youth athlete suspected of sustaining a concussion during the athletic activity from further participation in that activity. The youth athlete could not return to physical activity until an evaluation had been conducted by an appropriate health professional and the athlete had received written clearance from that health professional authorizing the return to physical participation in the athletic activity. As noted above, the written clearance would have to be maintained by the organizing entity for the duration of the young athlete's participation in the entity's athletic activities.

An "appropriate health professional" would mean a health professional licensed or otherwise authorized to engage in a health profession under Article 15 of the health code and whose scope of practice within that health profession includes the recognition, treatment, and management of concussions.

Exemptions

The bill would not apply to either of the following:

- An athletic activity sponsored by or operated under the auspices of an organizing entity if the entity were a member of a private nonprofit multisport statewide interscholastic athletic association or other sports organization and the athletic activity were governed by a rule established by that entity which establishes concussion protocols substantially similar to the those provided in the bill and which includes an enforcement mechanism on its members.
- An entity otherwise considered an organizing entity under the bill if the entity's primary focus of the program or event was not the *participation in an organized athletic game or completion* but that *participation was only incidental* to the primary focus of the program or event.

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FISCAL IMPACT:

Community Health

House Bill 5697 as introduced has cost implications for the Department of Community Health related to the preparation of educational and training materials which must be posted and maintained on the Internet and made available to all affected individuals including participating athletes, coaches, parents, and school personnel. The Department will also have costs related to the promulgation of rules, implementation, and possible collection or holding of certain local records if requested by the Department.

School Impact

The bill would potentially impose some additional costs on schools districts (including charter schools) sponsoring or operating various youth athletic activities by requiring certain individuals (to be determined via administrative rule) to complete a concussion awareness training program, requiring that athletes be provided with educational materials on the risk and nature of concussions, and by requiring districts to maintain certain records.

Districts would be exempted from these requirements, but still substantially meet the requirements, if the district is a member of a private, nonprofit statewide interscholastic athletic association (e.g. the Michigan High School Athletic Association) and if the association's rules concerning the athletic activity have concussion protocols at least as stringent (including an enforcement mechanism) as those provided in the bill. The MHSAA has adopted concussion protocols for its 28 sponsored activities, including requiring the player to be removed from competition and allowing the player to return to competition only with the approval of a physician. Also, the MHSAA includes information on head trauma at its rules meetings (required of head coaches and game officials), and provides access to online training courses. In sum, many districts should already comply with certain aspects of the bill given their membership in the MHSAA, although requirements adopted by the Department of Community Health may necessitate changes in MHSAA policies (and school district practices) in order to comply with the bill.

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