

Legislative Analysis



CARDIAC EMERGENCIES IN SCHOOLS AND YOUTH ATHLETIC EVENTS

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House Bills 4272 (reported with committee amendment)

House Bill 4273 (reported without amendment)

Sponsor: Rep. Gail Haines

Committee: Education

Complete to 6-12-13

A SUMMARY OF HOUSE BILLS 4272 & 4273 AS REPORTED FROM COMMITTEE

House Bill 4272, as amended would amend the Fire Prevention Code (MCL 29.19) to require that the governing body of a school that operates any of grades kindergarten to 12 adopt and implement a cardiac emergency response plan for the school.

House Bill 4273 would add two new sections to the Public Health Code (MCL 333.1001 et al) to require the Department of Community Health to develop protocols, educational materials, and a training program for certain organizations that sponsor youth athletic events (including public and nonpublic schools) to allow them to address sudden cardiac arrest. It also requires that an organizing entity ensure that it is in compliance with the bill's requirements before it sponsors or operates an athletic activity in which youth athletes participate.

House Bill 4272 (Fire Prevention Code)

The K-12 school response plan would have to address and provide all of the following:

- Regular, coordinated cardiac emergency response drills that provide for training in the identification of and response to cardiac emergencies.
- Use and regular maintenance of automated external defibrillators, if available.
- Activation of a cardiac emergency response team during an identified cardiac emergency.
- A plan for effective and efficient communication throughout the school campus.
- If the school included grades 9 to 12, then a training plan for the use of an automated external defibrillator and in cardiopulmonary resuscitation techniques.
- Incorporation and integration of the local emergency response system and emergency response agencies with the school's plan.
- A plan for evaluating the implementation of the cardiac emergency response plan after each cardiac emergency response drill.

The bill also specifies that a cardiac emergency response drill include at least all of the following:

- Prompt activation of a cardiac emergency response team.
- Prompt activation of the local emergency response system.
- Simulation and testing of a cardiopulmonary resuscitation response to a cardiac emergency.
- Simulation and testing of an automated external defibrillator response to a cardiac emergency, if available.
- Evaluation of the response and of adherence to the school's cardiac emergency response plan.

Finally, House Bill 4272, as amended, specifies that any school may substitute a cardiac emergency response drill for one of its eight required annual fire drills. However, if the school has an automated external defibrillator available at the school, then the school must substitute a cardiac emergency response drill for one fire drill.

House Bill 4273 (Public Health Code, Youth Athletic Events)

The bill requires that within 90 days after the bill was enacted into law, the Department of Community Health develop, adopt, or approve educational materials about the nature, risk, and symptoms of sudden cardiac arrest. During that same 90 days, the department also would be required to develop, adopt, or approve a sudden cardiac arrest awareness training program in an electronic format that includes all of the following:

- The nature, risk, and symptoms of sudden cardiac arrest.
- The criteria for the removal of an athlete from physical participation in an athletic activity due to a suspected sudden cardiac arrest (or after experiencing symptoms of sudden cardiac arrest), as well as the athlete's return to that activity.
- The risks to an athlete of not reporting a suspected sudden cardiac arrest (or its symptoms), and continuing to participate in the activity.

The department would be required to make the educational materials and training program available to the public on the department's Internet website. The training program would have to be made available to all individuals required to participate in the program, and to any interested individual including school personnel, coaches, parents, students, and athletes.

The bill requires that an organizing entity ensure that it is in compliance with the bill's requirements before it sponsors or operates an athletic activity in which youth athletes participate.

The bill also requires that before a youth athlete may participate in an athletic activity sponsored by or operated under the auspices of an organizing entity, the organizing entity must do all of the following:

- Comply with all of the requirements of this legislation with regard to its coaches, employees, volunteers, and other adults who are involved with the participation of youth athletes.

- Provide educational materials to each youth athlete.
- Obtain a statement signed by each youth athlete and a parent or guardian acknowledging receipt of the educational materials. (The bill requires the organizing entity to maintain these statements in a permanent file for the duration of that youth athlete's participation in athletic activity sponsored by the organizing entity, or until the youth athlete is 18 years of age. Upon request, the organizing entity would have to make the statements available to the department.)

Under the bill, a coach or other adult employed by, volunteering for, or otherwise acting on behalf of an organizing entity must immediately remove from participation a youth athlete who is suspected of having a sudden cardiac arrest or who is exhibiting symptoms of sudden cardiac arrest during the activity. A youth athlete who has been removed would be prohibited from returning until he or she had been evaluated by an appropriate health professional, and received written clearance authorizing the youth's return. The organizing entity would be required to maintain a written clearance in a permanent file for the duration of the youth's athletic participation, until the athlete reached 18 years of age.

The bill specifies that this section of the law would not apply to an athletic activity sponsored by or operated under the auspices of an organizing entity, if all of the following requirements were met:

- The entity was a member of a private nonprofit multisport statewide interscholastic athletic association.
- The athletic activity was governed by a rule established by the interscholastic athletic association that establishes sudden cardiac arrest protocols substantially similar to, or more stringent than, the sudden cardiac arrest protocols in the training program developed by the department.

Further, the bill specifies that this section of the law also would not apply to an entity if the primary focus of the program or event sponsored was not an organized athletic game or competition, with that participation being only incidental to the primary focus of the program or event.

Definitions. Under the bill, the term "organizing entity" is defined to mean any of the following: (1) a school; (2) a state or local parks and recreation department or commission or other state or local entity; (3) a nonprofit or for-profit entity; and (4) a public or private entity."

"Youth athlete" is defined to mean an individual who participates in an athletic activity and who is under 18 years of age.

The term "athletic activity" is defined to mean a program or event, including practice and competition, during which youth athletes participate or practice or participate in an organized athletic game or competition against another team, club, entity, or individual.

Athletic activity includes participating in physical education classes that are part of the school curriculum.

"School" is defined to mean a nonpublic school, public school, or public school academy as those terms are defined in the Revised School Code.

"Appropriate health professional" is defined to mean a health professional who is licensed or otherwise authorized to engage in a health profession under Article 15 and whose scope of practice within that health profession includes the recognition, treatment, and management of sudden cardiac arrest.

The bill also defines the terms "sudden cardiac arrest" to mean a life-threatening condition that results when an individual's heart stops or fails to produce a pulse. Finally, the bill defines "symptoms of sudden cardiac arrest" to include fainting, difficulty breathing, chest pains, dizziness, and abnormal racing heart rate.

FISCAL IMPACT:

Schools

The bill would create increased, but indeterminate, costs for local school districts and public school academies. The bill could create additional administrative costs as well costs related to training staff and students and providing the required education materials.

Community Health

The bills have cost implications for the Department of Community Health related to the preparation of educational and training materials that 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 may also have costs related to the possible collection or holding of certain local records that may be requested by the department.

Local Government

The bills may have cost implications for local government community recreation programs to comply with the requirements for organizing entities to provide educational materials to youth participants and parents, and maintain signed statements and provider clearances.

POSITIONS:

The Kayla Foundation supports the bills. (5-1-13)

The Kimberly Anne Gillary Foundation supports the bills. (5-1-13)

The Michigan Athletic Trainers' Society supports the bills. (5-1-13)

The Michigan State Medical Society supports the bills. (5-1-13)

The Michigan Council for Maternal and Child Health supports the bills. (5-1-13)

The Michigan Association of School Administrators supports House Bill 4272, as amended. (6-5-13)

The Michigan Association of Intermediate School Administrators supports House Bill 4272, as amended. (6-5-13)

The Michigan High School Athletic Association supports House Bill 4272. (6-5-13)

Oakland Schools supports House Bill 4272. (6-5-13)

The University of Michigan Congenital Heart Center supports House Bill 4272. (5-1-13)

The American Heart Association supports House Bill 4272. (5-1-13)

The Wes Leonard Heart Team supports House Bill 4272. (5-1-13)

Aventric Technologies supports House Bill 4272. (5-1-13)

The Michigan Association of Secondary School Principals opposes House Bill 4272. (5-1-13)

The Michigan Association of School Boards opposes House Bill 4273. (5-1-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.