



CONNECTICUT ATHLETIC TRAINERS' ASSOCIATION

Testimony of the Connecticut Athletic Trainer's Association (CATA): Eleni Diakogeorgiou, MBA, ATC, LAT

To: Committee on Children

RE: Raised HB 5113

Date: February 27, 2014

Good morning Senator Bartolomeo, Representative Urban, and members of the Children's Committee. I am here on behalf of the Connecticut Athletic Trainers' Association (CATA) in regard to HB 5113, "AAC Youth Athletics and Concussions." The CATA is a strong and active proponent of youth sports safety. We were very involved with work on the original concussion bill, which was one of the first such bills passed in the country, and one whose language has been used as a model by other states. We appreciate the Committee's attention to updating the current concussion statute, and support the overall intent of the proposed bill. We are especially pleased that education for youth sports coaches, athletes, and parents is included, and strongly support that proposal.

We do have some concerns about the broad scope of the bill, particularly in this short session. We also have concerns about language within the bill, and have provided specific examples and suggestions within our written testimony. I will briefly summarize our general position on areas within the bill.

- 1) We support requiring education and training for youth sports coaches, athletes and parents, and for parents to be provided and sign informed consent. This is an area we have heard concern voiced about from our members, physicians, school nurses, parents, and other members of the public since the original bill became law. In the view of the CATA, it is the major missing piece of our current law, and one that we hope will be a focus moving forward. We strongly support a proposal to expand the current concussion law to include youth sports.
- 2) We support a requirement for the education of parents and athletes in interscholastic and intramural sports, including requiring parents to be provided and sign a written informed consent document. We are pleased the Connecticut Interscholastic Athletic Conference (CIAC) has already addressed this issue, and will require both the education and informed consent pieces as of the 2014-15 school year. It is our understanding they are currently developing the procedures for implementation of that rule.
- 3) We believe it is premature to add restrictions on contact practices in interscholastic and intramural sports to the law at this time (Section 3, lines 154-162). While it seems logical that less contact would result in fewer concussions, there is no evidence to date to indicate what those limits should be. We do not believe it is wise to legislate this issue when research and knowledge about concussion is rapidly changing. We are pleased the CIAC has recently placed limitations on contact in football practice for the upcoming school year. We respectfully suggest this particular issue be addressed through the CIAC and its medical advisors, at this point in time.
- 4) We are generally supportive of referees and other officials receiving training in concussion education. If such a requirement is adopted, we suggest there be safeguards in place to also protect those individuals from liability.



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- 5) We suggest concussion education for youth sports parents, athletes and coaches be the responsibility of the sponsoring municipality or youth sports league, and not the Connecticut Coaching Education Program, as described in the bill.
- 6) The suggestion for concussion to be made a reportable injury by schools is a good idea that seems simple in theory. We fear this requirement amounts to an unfunded mandate involving two state agencies (Education and Public Health). For that reason, we suggest that section be stricken so as not to halt progress on other aspects of the bill (Section 6, lines 305-324).

Thank you again for your attention to youth sports safety and concussion in sports. The CATA would be happy to assist the Committee in its efforts to advance the bill. Our suggested changes follow.

The CATA supports the general intent of Raised HB 5133, AAC Youth Athletics and Concussions. We have concerns about the broad scope of the proposed bill and about language, and have included suggested changes.

1. Lines 60-75: It is confusing to whom this section about a concussion education plan refers. We suggest inserting "...for student-athletes and their parent or guardian" after the word "plan" in line 64 to clarify.
2. After line 75, and before line 76, insert a new section (d) requiring student-athletes and their parent or guardian to complete concussion education as specified in section (c) above (lines 60-75). "The student-athlete and a parent or guardian shall complete..." This specifies that the education is mandatory and clarifies why the coach is required to prohibit a student-athlete from participating without proof of education, as described in the current section (d), lines 76-82.
3. Informed consent requires informing the signee of the risks of the activity. At the end of line 93, add: (C) "a summary of the nature and risks associated with concussion, including the danger of continuing to play after sustaining a concussion."

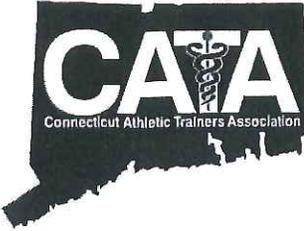
Note: We recommend the concussion informed consent form be incorporated into the informed consent (also called "assumption of risk" or "injury waiver") already being obtained from the parent/guardian.

4. Line 94-95: It should be the responsibility of the school rather than the individual coach to insure the concussion informed consent form, as well as all other forms and information already required by the state or school (e.g., pre-participation physical forms, insurance information), are on file prior to the student being permitted to participate. The coach should be responsible for insuring the student has been cleared by the school (athletic department or school health office) to participate.



Suggested changes to HB 5113: AAC Youth Athletics and Concussions, continued

5. Lines 117-121: It is important that school personnel inform the parent or guardian the student-athlete has exhibited signs or symptoms of concussion in a timely fashion. We believe a 24 hour window of time is excessive, and suggest the parent or guardian be informed by school personnel no later than the time the student leaves school property at the conclusion of the practice or event. The coach should be the responsible party for informing the parent or guardian in the absence of on-site medical personnel (e.g., athletic trainer or school nurse) at the time of the onset of symptoms or injury.
6. Lines 125-128 are unnecessary, will cause confusion, and potentially limit medical care.
 - The added language regarding return to play requirements require a 24 hour time frame since symptoms have been exhibited or since diagnosis, in addition to language in the current statute which requires written clearance from a health care professional trained in the management of concussion. The current statute is clear that the student-athlete receive medical care prior to being permitted to return to play, and provides appropriate safeguards for the injured student-athlete.
 - The proposed change to this section could potentially be interpreted to prohibit a qualified licensed health care professional who has assessed a student-athlete on the sideline at the time of injury, and determined the individual had not sustained a concussion, from allowing the student to return to play for 24 hours.
 - The following section (lines 132-141), which is the current statutory language, provides additional safeguards by requiring a second clearance for activity including unrestricted full contact. This is intended to promote adherence to a gradual, progressive return to play protocol, which is a current standard of practice in management of sports-related concussion. We suggest lines 125-128 be omitted from the proposed bill, for the reasons outlined above.
7. Lines 142-145 appear to require either permission, or an entirely new informed consent form from the parent or guardian, in addition to written medical clearance, in order to allow the student-athlete to return to play. If this is the intent of this section, we suggest the language be clarified by adding to line 145: "...authorizes the student athlete to resume participation in the athletic activity." It would also be helpful to specify that the parent/guardian must sign a post-injury consent form.
8. The definition of "full contact" in lines 154-162 is vague and confusing, and would not result in the intended effect for this reason. Athletes in contact sports strike each other at full speed continuously in practice (e.g., rebounding in basketball; checking in a hockey drill). By the proposed definition, most sports would have less than an hour of practice allowed per week if they had one game the same week.



Suggested changes to HB 5113: AAC Youth Athletics and Concussions, continued

9. Line 169 defines ages seven to nineteen as the age range for youth sports. We suggest there not be a minimum age for organized sports activities; the definition should include participants “not more than nineteen years of age.

10. Lines 176-179 define a “youth sports activity” and exclude “an athletic activity entered into for instructional purposes only or an athletic activity that is incidental to a nonathletic program or a lesson” from the definition.
 - We suggest “athletic activities entered into for instructional purposes only” not be excluded from the definition. Such activities include sports camps, individual training sessions, and could be interpreted to include some practices. All of those activities carry a risk of injury, including concussion. We see no reason to exclude such activities.

 - The phrase: “an athletic activity that is incidental to a nonathletic program or a lesson” is ambiguous, and should be clarified.

11. Lines 188-200: RE: Parent and athlete education
 - We suggest both youth sports athletes and their parent or guardian be required to complete a concussion education program on a yearly basis, in addition to receiving the written statement detailed in this section of the proposed bill. A written statement is not an effective or adequate means of providing education on concussion.

 - We suggest leagues or entities sponsoring youth sports be permitted to identify concussion education programming that best fits their locale and demographic. There are a number of excellent free or inexpensive educational resources available online, including some that include a quiz or test at the end and provide a certificate of completion. Some organizations may choose to utilize speakers or other live programming.

 - We suggest an exclusion apply for parents, athletes and coaches of out of state youth sports teams participating in events hosted in Connecticut. It would be extraordinarily difficult to insure compliance of out of state entities.

12. Line 189 and line 202: Omit “referee” from both lines. Referees are defined and addressed later in the bill (lines 275-304), and their inclusion in these sections is confusing.



Suggested changes to HB 5113: AAC Youth Athletics and Concussions, continued

13. Lines 205-210: The coaching education program for interscholastic coaches should not be responsible for youth sports coaching education, as indicated in the proposed bill. We suggest leagues identify appropriate coaching education as described above in #11. Coaching and parent education programs could be the same, if the entity chooses.
14. Lines 218-223: We have the same concerns about the definition of "full contact" as described in #8 above.
15. Lines 230-235: We have the same concerns about the requirement to notify parents of injury within 24 hours as being too long as described in #5 above.
16. Lines 239-242: We have the same concerns about the addition of language regarding a 24 hour period of no symptoms to this section as described in #6 above.
17. Lines 257-260: We recommend clarification of the post-injury informed consent form as described in #7 above.
18. Lines 275-304: These sections require concussion education for referees and other officials. Referees and other officials are already required per CIAC rules to take a concussion education course. We suggest respective youth sport referee associations be able to identify appropriate concussion education programming, as described in #12 above. We suggest yearly training.
19. Line 275-279: We suggest adding an exclusion for out of state referees at the end of line 279. The law would not apply to referees who work as officials or judges in the state for less than 15 days a year. It would be a hardship for officials who are brought in for major events to comply, and could possibly result in the loss of hosting privileges for certain events in the state if an exclusion were not included in the bill.
20. Line 296 and line 301: Suggest changing "may" prohibit to "shall" prohibit. If training is required, then the only means to compel training is to prohibit untrained officials from officiating.
21. We suggest language be added to protect or indemnify referees and other officials from individuals from liability. While it is helpful for an official who recognizes an athlete may be injured to stop play so the athlete can be removed and examined, it is completely unrealistic to expect an official to be the medical monitor on the field, and then perhaps be held accountable for not having removed a particular athlete. This is especially an issue in the youth leagues, where teenagers and college students may be the officials.



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Suggested changes to HB 5113: AAC Youth Athletics and Concussions, continued

22. Lines 305-324: We are concerned about privacy issues associated with reporting of medical information as described in Section 6 of the proposed bill.
23. Lines 321-322: Any such report to named legislative committees should also include the Education Committee.

Thank you for your consideration of these suggested changes.

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