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## **OLR Bill Analysis**

### **sHB 5113**

#### ***AN ACT CONCERNING YOUTH ATHLETICS AND CONCUSSIONS.***

#### **SUMMARY:**

This bill makes several changes and additions to the laws regarding concussion prevention.

It narrows the scope, from concussions and head injuries to just concussions, of the (1) initial training course and subsequent information review that intramural and interscholastic athletics coaches must complete, and (2) training and refresher courses the State Board of Education (SBE) must develop in consultation with several entities. It also specifies that a concussion is a type of head injury.

The bill broadens the:

1. information required in the concussion refresher course,
2. types of activities from which a student athlete is barred following a concussion or suspected concussion, and
3. list of entities SBE must consult when developing the training and refresher courses and information review to include the Department of Public Health (DPH) commissioner.

It (1) requires SBE to develop a concussion education plan and (2) prohibits the governing authority for intramural and interscholastic athletics from allowing a student athlete to participate in any intramural or interscholastic athletic activity unless the athlete and his or her parent or guardian complete the plan.

It also requires (1) SBE to develop or approve an informed consent form on concussions to distribute to parents and legal guardians of student athletes involved in intramural and interscholastic athletic activities and (2) schools to provide the form to each student athlete's

parent or guardian and get his or her signature authorizing the student to participate in the athletic activity.

The bill additionally requires:

1. SBE to annually collect information from all school districts on concussion occurrences,
2. coaches or other qualified school employees to notify a student athlete's parent or guardian when the student is removed from play for a concussion or suspected concussion, and
3. youth athletic activity operators to provide written concussion information to each youth athlete and his or her parent or guardian.

Finally, the bill establishes a 20-member task force to study concussion occurrences in youth athletics and recommend possible legislative initiatives to address such concussions. The task force must report its findings and recommendations to the Public Health and Children's committees by January 1, 2015.

EFFECTIVE DATE: July 1, 2014, except for the task force provision, which is effective upon passage.

### **§ 1 — TRAINING AND REVIEW MATERIAL REQUIREMENTS**

Current law requires intramural and interscholastic athletics coaches who hold or are issued a coaching permit by SBE to complete an initial training course on concussion and head injuries before beginning a coaching assignment for the school athletics season. They must subsequently complete a refresher course and annually review materials on concussions and head injuries. The bill narrows the scope of the training and review materials to only concussions, eliminating other head injuries. It also requires the initial training course to include information on the danger of continuing to engage in any athletic activity, instead of just returning to play in the same activity, after sustaining a concussion.

The bill expands the information required in the refresher course to include an update on (1) medical developments and current best practices in concussion research, prevention, and treatment and (2) implementing athletic coaching and instructional techniques, including current best practices identified by the intramural and interscholastic governing authority regarding game, full-contact practice, and scrimmage frequency.

The bill also requires SBE to consult with the DPH commissioner to develop or approve the concussion training courses and prepare or approve the annual review materials. SBE must already consult on these matters with (1) the intramural and interscholastic athletics governing authority, (2) an appropriate organization representing licensed athletic trainers, and (3) an organization representing county medical associations.

## **§ 1 — CONCUSSION EDUCATION PLAN AND INFORMED CONSENT FORM**

### ***Concussion Education Plan***

The bill requires SBE, by January 1, 2015 and in consultation with the above entities, to develop or approve a concussion education plan. The plan may use written materials, online training or videos, or in-person training and must include the same information required in the concussion training course above as well as current best practices in the prevention and treatment of a concussion.

Starting with the 2015-2016 school year, the bill prohibits the governing authority for intramural and interscholastic athletics from allowing a student athlete to participate in any intramural or interscholastic athletic activity unless the student and his or her parent or guardian completes the plan.

### ***Informed Consent Form***

The bill requires SBE, by July 1, 2015 and in consultation with the above entities, to develop or approve an informed consent form regarding concussions to distribute to parents and legal guardians of student athletes involved in intramural and interscholastic athletic

activities. The consent form must include a summary of the (1) concussion education plan and (2) applicable local or regional board of education's concussion policies.

The bill requires schools, starting with the 2015-2016 school year, to provide the consent form to each participating student athlete's parent or legal guardian. The schools must also get the parent's or guardian's signature, attesting that he or she received the form and authorizing the student to participate in the athletic activity.

## **§ 2 — CONCUSSION NOTIFICATION AND ATHLETIC ACTIVITY PARTICIPATION**

### ***Concussion Notification***

The bill requires a school coach or other qualified school employee, when a student athlete is removed from an athletic activity for a concussion or suspected concussion, to notify the student's parent or legal guardian that the student has been diagnosed with, or shown signs, symptoms, or behaviors of, a concussion. The coach or employee must (1) provide the notice within 24 hours after removing the student and (2) make a reasonable effort to provide the notice immediately after the student is removed.

A "qualified school employee" means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach, or school paraprofessional.

### ***Athletic Activity Participation***

Under current law, a coach may not permit a student athlete removed from an athletic activity for a concussion or suspected concussion to participate in any supervised "team" activities involving physical exertion until a licensed health care professional trained in concussion evaluation and management gives the student written clearance to do so. The prohibition includes practices, games, and competitions. The bill:

1. broadens the activities in which the student may not participate, from supervised team activities involving physical exertion to

all supervised athletic activities involving such exertion and

2. in addition to the written clearance, requires coaches to wait at least 24 hours before allowing the student to return to such activities.

Under current law, a coach may not allow a student athlete, after the student receives the initial written clearance, to participate in any full, unrestricted supervised team activities, including practices, games, or competitions, without limiting contact or physical exertion. The prohibition lasts until the student (1) no longer exhibits concussion signs, symptoms, or behaviors at rest or with exertion and (2) receives a second written clearance to participate in such team activities from a licensed health care professional trained in concussion evaluation and management. The bill expands the activities covered by these restrictions to include all full, unrestricted supervised athletic activities.

By law, SBE may revoke a coach's permit for violating this section.

### **§ 3 — YOUTH ATHLETIC ACTIVITY CONCUSSION INFORMATION**

The bill requires each youth athletic activity operator, starting by January 1, 2015, to annually provide a written statement regarding concussions to each youth athlete and his or her parent or legal guardian when the athlete registers. The statement must include educational content about:

1. recognizing the signs or symptoms of a concussion;
2. how to obtain proper medical treatment for a person suspected of sustaining a concussion;
3. the nature and risks of concussions, including the danger of continuing any youth athletic activity after sustaining a concussion; and
4. the proper procedures to allow an athlete who has sustained a concussion to return to athletic activity.

A “youth athletic activity” is an organized activity involving participants between age seven and 19 who (1) engage in an organized athletic game or competition against another team, club, or entity, and (2) either pay a participation fee or have their fees sponsored by a municipality, business, or nonprofit organization. The definition does not include (1) college or university athletic activities, (2) activities entered into for instructional purposes only, or (3) athletic activities incidental to a nonathletic program or lesson.

An “operator” is any municipality, business, or nonprofit organization that conducts, coordinates, organizes, or otherwise oversees any youth athletic activity.

#### **§ 4 — SCHOOL DISTRICT AND AGENCY REPORTING REQUIREMENTS**

The bill requires SBE, starting with the 2014-2015 school year, to annually require school districts to collect and report to it all concussion occurrences. The report must include the (1) nature and extent of the concussion and (2) circumstances in which the student sustained it.

SBE, starting with the 2015-2016 school year, must annually send a concussion report to DPH containing all the reported school districts’ concussion information. DPH, starting by October 1, 2015, must annually report the SBE concussion report’s findings to the Children’s and Public Health committees. (The bill does not include a specific deadline by which SBE must send the 2015-2016 school year concussion report to DPH.)

#### **§ 5 — CONCUSSION TASK FORCE**

The bill establishes a 20-member task force to study concussion occurrences in youth athletics and make recommendations for possible legislation. The study must examine (1) current best practices for concussion recognition and prevention in youth athletics; (2) current concussion policies and procedures used by youth athletic league operators in the state; (3) youth athletic league employee and volunteer training; and (4) relevant federal, state, and local concussion laws and

regulations.

The task force members consist of the public health, children and families, and education commissioners, or their designees, and the appointees shown in Table 1.

**Table 1: Concussion Task Force Appointees**

| <b><i>Number of Appointees</i></b> | <b><i>Qualifications</i></b>  | <b><i>Appointing Authority</i></b>      |
|------------------------------------|---|---|
| Two                                | <ul style="list-style-type: none"> <li>• intramural and interscholastic athletics governing authority representative</li> <li>• Connecticut State Medical Society representative</li> </ul>   | House speaker                           |
| Two                                | <ul style="list-style-type: none"> <li>• county medical associations representative</li> <li>• American Association of Neurology representative</li> </ul>                                    | Senate president pro tempore            |
| Two                                | <ul style="list-style-type: none"> <li>• licensed athletic trainers representative</li> <li>• youth athletic coach</li> </ul>   | House majority leader                   |
| Two                                | <ul style="list-style-type: none"> <li>• sports medicine physician</li> <li>• Association of School Nurses of Connecticut representative</li> </ul>   | Senate majority leader                  |
| Two                                | <ul style="list-style-type: none"> <li>• academic who has studied the effects of concussions on children</li> <li>• Connecticut Association of School Psychologists representative</li> </ul> | House minority leader                   |
| Two                                | <ul style="list-style-type: none"> <li>• Connecticut Concussion Task Force representative</li> <li>• Connecticut Children's Medical Center representative</li> </ul>                          | Senate minority leader                  |
| Two                                | <ul style="list-style-type: none"> <li>• parent concussion awareness advocacy group representative</li> <li>• state-licensed chiropractor</li> </ul>  | Children's Committee House chairperson  |
| Two                                | <ul style="list-style-type: none"> <li>• Connecticut Recreation and Parks Association representative</li> <li>• attorney with experience representing brain injury survivors</li> </ul>       | Children's Committee Senate chairperson |
| One                                | <ul style="list-style-type: none"> <li>• Hezekiah Beardsley Connecticut Chapter of the American Academy of Pediatrics representative</li> </ul>   | Governor                                |

All task force appointments must be made within 30 days after the

bill's passage. The appointing authority must fill any vacancy. The House speaker and the Senate president pro tempore must select the task force chairpersons from its members and the chairpersons must schedule the first meeting within 60 days after the bill's passage. The Children's Committee administrative staff serves as the task force's administrative staff.

The bill requires the task force to report its findings and recommendations to the Public Health and Children's committees by January 1, 2015. It terminates on the date it submits the report or January 1, 2015, whichever is later.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 11 Nay 1 (03/11/2014)

Education Committee

Joint Favorable

Yea 25 Nay 3 (04/02/2014)