

Testimony for 5113

Co-Chairs Bartolome and Urban and members of the Committee on Children. Following up on my email from yesterday, I support HB 5113, and suggest the attached 3 amendments for the Committee's consideration that address the following issues:

**Return to Learn**--Amendment #1 would require a student's return to play after a concussion on him or her having returned to full participation in school without the need for academic accommodations.

**Parent Informed Consent**--Amendment #2 would expand the requirements of the proposed parent consent form so that all relevant factors are disclosed.

**Concussion-Related Neck and other CNS Injuries**--Amendment #3 would amend the bill to include references to concussion-related neck and other central nervous system injuries, i.e., the spinal cord.

I appreciate you taking an interest in this important issue and I appreciate Reps. Ryan, Riley, Miller, and Steinberg for co-sponsoring the bill.

Sincerely,

Tom Hearn

On Wednesday, February 26, 2014 11:37 AM, Tom Hearn <[concussionchangemcps@verizon.net](mailto:concussionchangemcps@verizon.net)> wrote:  
Co-Chairs Bartolome and Urban and members of the Committee on Children. My name is Tom Hearn. Two years ago, my son sustained a serious concussion and related neck injury while playing high school football in Maryland. In the wake of my son's injuries, I have been advocating in Maryland for changes to reduce concussions and related injuries in school-sponsored athletics and to improve procedures for managing such injuries when they occur.

Friends and relatives who reside in Connecticut have asked me to review HB 5113, *An Act Concerning Youth Athletics and Concussions* and provide you with comments I have concerning the bill. HB 5113 contains important improvements to Connecticut's previous efforts to address sports concussion in children. I encourage you to report it favorably so that it may be enacted into law.

I plan to draft several amendments to the bill for your consideration and forward them to you later today with my written testimony. Attached is one of the amendments I would like you to consider. The amendment would require that a student has returned to full academic participation in school prior to being cleared for return to play.

Thank you for your work in this area.

Sincerely,

Tom Hearn

**HB 5113 An Act Concerning Athletic Concussions**  
**Hearn Amendment #1**  
**Return-to-Play Only After Return-to-Learn**

Amend the Raised Bill HB 5113<sup>1</sup> on page 5 so that lines 122-131 read as follows:

(2) The coach shall not permit such student athlete to participate in any supervised [team] athletic activities involving physical exertion, including, but not limited to, practices, games or competitions, until (A) at least twenty-four hours have elapsed since such student athlete has exhibited signs, symptoms or behaviors consistent with a concussion or other brain injury or has been diagnosed with a concussion or other brain injury; and (B) such student athlete receives written clearance to participate in such supervised [team] athletic activities involving physical exertion from a licensed health care provider trained in the evaluation and management of concussions; and (C) such student athlete has returned to full academic activity without the need for accommodations.

Rationale

*It is important that the return-to-play requirements incorporate the recommendation of the 2012 Zurich Consensus Statement on Sports Concussions that no student return to play until after he or she has returned to full academic participation.*

*It was agreed by the panel that no return to sport activity should occur until the child/adolescent athlete has managed to return to school successfully.<sup>2</sup>*

*A full return-to-learn, without the need for any accommodations, would appear to be relevant to a physician's diagnosis of whether the student who no longer reports concussion symptoms has, in fact, recovered from the concussion.*

*The return-to-learn prerequisite needs to be included so that a school official certifies that the student has returned to full academic participation and no longer needs academic accommodations to do so.*

---

<sup>1</sup> <http://www.scribd.com/doc/209560480/CT-Concussion-Bill-HB-5113>

<sup>2</sup> Consensus statement on concussion in sport: the 4th International Conference on Concussion in Sport held in Zurich, November 2012 <http://bjsm.bmj.com/content/47/5/250.full>

**HB 5113 An Act Concerning Athletic Concussions**  
**Hearn Amendment #2**  
**Informed Consent Requirements**

Amend HB 5113 Raised Bill<sup>1</sup> on page 4 so that lines 83 to 93 read as follow:

(e) (1) On or before July 1, 2015, the State Board of Education, in consultation with the organizations described in subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (b) of this section, shall develop and approve an informed consent form to distribute to the parents and legal guardians of student athletes involved in intramural or interscholastic athletic activities regarding concussions and other brain injuries. Such informed consent form shall include all relevant information about the risks associated with the sport the parent is consenting to allow his or her child to participate in, both in general and risks specific to the sports program the child will be participating in. Such information shall include, at a minimum:

- ~~-(A)~~ a summary of the concussion and other brain injury education plan described in subsection (c) of this section;
- ~~and~~ (B) a summary of the applicable local or regional board of education's policies regarding concussions and other brain injuries;
- (C) sports-specific risks in the sport the child is joining-, such as: (i) the risk of repetitive subconcussive blows to the head in American football and hockey and their effects on a child thinking ability even in the absence of a diagnosed concussion; and (ii) the increased risk of whiplash and related brain and neck trauma from the weight of the helmet used in the sport;
- (D) the number of concussions and other injuries in the sports program in the previous 3 years;
- (E) whether coaches have received certification in coaching techniques for their sport in the previous year;
- (F) whether coaches teach dangerous techniques such as leading with the head when tackling, i.e., "helmet-on-the football" tackling;
- (G) whether the sports program has a certified athletic trainer present at all practices and games; and
- (H) whether coaches and their employer conduct the sports program under legal immunity from liability that prevent them and the sports program from being held accountable for failing to exercise reasonable care in conducting the sports program.

**Rationale**

---

<sup>1</sup> <http://www.scribd.com/doc/209560480/CT-Concussion-Bill-HB-5113>

*For a parent's consent to allow their child to participate in a sport to be truly informed, it must include all relevant information about the risks of the sport, in general, as well as risks specific to the program the child will be playing in. The above amendment would address these issues.*

**HB 5113, An Act Concerning Athletic Concussions  
Hearn Amendment #3  
Include Reference to Neck and Other CNS Injuries**

Amend HB 5113 Raised Bill<sup>1</sup> to replace proposed references to "brain" injuries throughout the bill to reference related injuries to the cervical neck and other parts of the central nervous system. For example, on page 1, line 7, change as follow:

Concussions, ~~head, neck, and other central nervous system injuries,~~

Deleted: and [

Deleted: ]

Deleted: brain

**Rationale**

*The head trauma that can result in a sports concussion can also create a whiplash injury to the cervical neck. Also, a blow to the body in sports can also cause a whiplash injury to the cervical neck.*

*Sports medicine professionals are growing in the awareness of this risk and the overlap of symptoms associated with a concussion and with a cervical neck injury.*

"Concussion symptoms can emanate from the cervical spine. First, whiplash mechanisms of injury are identical to the "impulsive forces" described in concussive injuries. Second, the symptoms of concussion and whiplash-associated disorders (WAD) display remarkable similarity. Notably, symptoms such as headache, neck pain, disturbance of concentration or memory, dizziness, irritability, sleep disturbance, and fatigue, have been described in both concussion<sup>6,9,10</sup> and whiplash<sup>11-13</sup> patients. Symptom inventories initially designed for WAD patients have demonstrated application to patients diagnosed with concussion.<sup>14</sup> Furthermore, cervical zygapophyseal joints have been implicated as generators of headache and dizziness, with diagnostic and therapeutic anesthetic blocks in whiplash patients.<sup>15-17</sup> If the headache associated with concussion can potentially be of cervical spine origin, we would suggest that there is no certainty that *any* of the common concussion symptoms are specific to brain injury."

*Concussion, Purely a Brain Injury? Clinical Journal of Sports Medicine, Editorial, September 2013, Volume 23, Issue 5, pp. 331-332*  
[http://journals.bww.com/cjsportsmed/Fulltext/2013/09000/Concussion\\_Purely\\_a\\_Brain\\_Injury\\_1.aspx](http://journals.bww.com/cjsportsmed/Fulltext/2013/09000/Concussion_Purely_a_Brain_Injury_1.aspx)

<sup>1</sup> <http://www.scribd.com/doc/209560480/CT-Concussion-Bill-HB-5113>

