

1 S.4

2 Introduced by Senators Sears, Ashe, and Campbell

3 Referred to Committee on Education

4 Date: January 11, 2013

5 Subject: Court procedure; concussions and other head injuries; liability and
6 prevention

7 Statement of purpose: This bill proposes to: (1) require that school athletic
8 coaches and referees receive training on how to prevent concussions from
9 occurring during athletic activities; (2) prohibit a coach or an athletic trainer
10 from allowing an athlete to continue participating in a school athletic event if
11 the trainer knows or should know that the athlete has sustained a concussion or
12 other head injury; (3) require that a health care provider be consulted if a coach
13 and an athletic trainer do not agree as to whether an athlete has sustained a
14 concussion or other head injury; and (4) require the home team to ensure that a
15 licensed athletic trainer or a health care provider is present at any athletic event
16 involving a contact sport, and to notify the visiting team's athletic director if an
17 athlete on the visiting team suffers a serious injury.

18 An act relating to concussions and school athletic activities

19 It is hereby enacted by the General Assembly of the State of Vermont:

1 ~~Sec. 1. 12 V.S.A. § 1043 is added to read:~~

2 § 1043. LIABILITY FOR AND PREVENTION OF CONCUSSIONS AND
3 OTHER HEAD INJURIES

4 (a) Definitions. As used in this subchapter:

5 (1) "Athletic trainer" means a person licensed as an athletic trainer in
6 accordance with the provisions of 26 V.S.A. chapter 83.

7 (2) "Coach" means a person who instructs or trains students on a school
8 athletic team.

9 (3) "Contact sport" means a sport in which the participants necessarily
10 come into bodily contact with one another as a normal part of play.

11 (4) "Health care provider" means a physician licensed pursuant to
12 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed
13 pursuant to 26 V.S.A. chapter 28, or a physician assistant licensed pursuant to
14 26 V.S.A. chapter 31 who is:

15 (A) trained annually in the evaluation and management of
16 concussions and other head injuries; and

17 (B) receives annual continuing education in the prevention,
18 identification, and treatment of concussions and other head injuries.

19 (5) "School athletic team" means an interscholastic athletic team or club
20 sponsored by a public or approved independent school for elementary or
21 secondary students.

~~(6) "Youth athlete" means an elementary or secondary student who is a member of a school athletic team.~~

~~(b) Guidelines and other information. The secretary of education or designee, assisted by members of the Vermont Principals' Association selected by that association, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:~~

~~(1) the nature and risks of concussions and other head injuries;~~

~~(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury;~~

~~(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary;~~

~~(4) effective methods to prevent concussions from occurring during athletic activities; and~~

~~(5) protocols and standards for clearing a youth athlete to return to play following a concussion or other head injury, including treatment plans for such athletes.~~

~~(c) Notice and training. The principal or headmaster of each public and approved independent school in the state, or a designee, shall ensure that:~~

1 ~~(1) the information developed pursuant to subsection (b) of this section~~
2 ~~is provided annually to each youth athlete and the athlete's parents or~~
3 ~~guardians;~~

4 ~~(2) each youth athlete and a parent or guardian of the athlete annually~~
5 ~~sign a form acknowledging receipt of the information provided pursuant to~~
6 ~~subdivision (1) of this subsection and return it to the school prior to the~~
7 ~~athlete's participation in training or competition associated with a school~~
8 ~~athletic team;~~

9 ~~(3)(A) each coach of a school athletic team receive annual training on~~
10 ~~how to recognize the symptoms of a concussion or other head injury, how to~~
11 ~~prevent concussions from occurring during athletic activities, and how to teach~~
12 ~~athletes the proper techniques for avoiding concussions; and~~

13 ~~(B) each coach who is new to coaching at the school receive training~~
14 ~~prior to beginning his or her first coaching assignment for the school; and~~

15 ~~(4) each referee of a contest involving a school athletic team receive~~
16 ~~annual training on how to prevent concussions from occurring during athletic~~
17 ~~activities.~~

18 ~~(d) Participation in athletic activity.~~

19 ~~(1) A coach or athletic trainer shall not permit a youth athlete to~~
20 ~~continue to participate in any training session or competition associated with a~~
21 ~~school athletic team if the coach or athletic trainer knows or should know that~~

1 ~~the athlete has sustained a concussion or other head injury during the training~~
2 session or competition. A health care provider's opinion as to whether the
3 athlete has sustained a concussion or other head injury shall be followed by the
4 coach and the athletic trainer. If the coach and the athletic trainer disagree as
5 to whether the youth athlete has sustained a concussion or other head injury,
6 the athlete shall not continue to participate in the training session or
7 competition until a health care provider's opinion has been obtained.

8 (2)(A) Except as provided in subdivision (B) of this subdivision (2), a
9 coach or athletic trainer shall not permit a youth athlete who has been
10 prohibited from training or competing pursuant to subdivision (1) of this
11 subsection to train or compete with a school athletic team until the athlete has
12 been examined by and received written permission to participate in athletic
13 activities from a health care provider.

14 (B) If the coach and the athletic trainer agree that a youth athlete who
15 has been prohibited from training or competing pursuant to subdivision (1) of
16 this subsection has sustained a concussion or other head injury, the
17 examination and written permission required by subdivision (A) of this
18 subdivision (2) may be provided by an athletic trainer or a health care provider.

19 (e) The home team shall ensure that an athletic trainer or a health care
20 provider is present at any athletic event in which a school athletic team
21 participates in a contact sport. If an athlete on the visiting team suffers a

~~serious injury during the athletic event, the trainer or health care provider shall
notify the visiting team's athletic director within 48 hours after the injury
occurs.~~

Sec. 2. REPEAL

16 V.S.A. § 1431 (concussions and other head injuries) is repealed.

Sec. 3. EFFECTIVE DATE

~~This act shall take effect on July 1, 2013.~~

Sec. 1. FINDINGS

The General Assembly finds:

(1) According to the Centers for Disease Control and Prevention:

(A) Each year, emergency departments (EDs) in the United States treat an estimated 173,285 persons 19 years old and younger for sports and recreation-related traumatic brain injuries (TBI), including concussions, 70 percent of which were suffered by young people 10–19 years of age.

(B) From 2001 to 2009, the number of annual sports and recreation-related ED visits for TBI among persons 19 years old and younger increased 62 percent, from 153,375 per year to 248,418 per year.

(C) For males 10–19 years of age, TBIs most commonly occur while playing football. For females 10–19 years of age, TBIs most commonly occur while playing soccer or bicycling.

(2) According to a study in the American Journal of Sports Medicine, many high school athletes do not report when they suffer concussions despite the increased awareness of and focus on the seriousness of such injuries and the potential for catastrophic outcomes, particularly from multiple concussions.

(3) Without a clear action plan describing the steps a youth athlete must take in order to return to play after suffering a concussion, the youth is more likely to hide the concussion and continue to play without receiving the necessary treatment.

Sec. 2. 12 V.S.A. § 1043 is added to read:

§ 1043. LIABILITY FOR AND PREVENTION OF CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. As used in this subchapter:

(1) “Coach” means a person who instructs or trains students on a school athletic team.

(2) “Collision sport” means football, hockey, lacrosse, or wrestling.

(3) “Contact sport” means a sport, other than football, hockey, lacrosse, or wrestling, defined as a contact sport by the American Academy of Pediatrics.

(4) “Health care provider” means an athletic trainer, or other health care provider, licensed pursuant to Title 26 who has within the preceding five years been specifically trained in the evaluation and management of concussions and other head injuries. Training pursuant to this subdivision shall include training materials and guidelines for practicing physicians provided by the Centers for Disease Control and Prevention, if available.

(5) “School athletic team” means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(6) “Youth athlete” means an elementary or secondary student who is a member of a school athletic team.

(b) Guidelines and other information. The Secretary of Education or designee, assisted by members of the Vermont Principals’ Association selected by that Association, members of the Vermont School Board Insurance Trust, and others as the Secretary deems appropriate, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury;

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary;

(4) effective methods to reduce the risk of concussions from occurring during athletic activities; and

(5) protocols and standards for clearing a youth athlete to return to play following a concussion or other head injury, including treatment plans for such athletes.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the State, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete's parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training not less than every two years on how to recognize the symptoms of a concussion or other head injury, how to reduce the risk of concussions during athletic activities, and how to teach athletes the proper techniques for avoiding concussions; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school; and

(4) each referee of a contest involving a high school athletic team participating in a collision sport receive training not less than every two years on how to recognize concussions when they occur during athletic activities.

(d) Participation in athletic activity.

(1) A coach or health care provider shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach or health care provider knows or should know that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) A coach or health care provider shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider.

(e) Action plan.

(1) The principal or headmaster of each public and approved independent school in the State, or a designee, shall ensure that each school has a concussion management action plan that describes the procedures the

school will take when a student athlete suffers a concussion. The action plan shall include policies on:

(A) who makes the initial decision to remove a student athlete from play when it is suspected that the athlete has suffered a concussion;

(B) what steps the student athlete must take in order to return to any athletic or learning activity;

(C) who makes the final decision that a student athlete may return to athletic activity; and

(D) who has the responsibility to inform a parent or guardian when a student on that school's athletic team suffers a concussion.

(2) The action plan required by subdivision (1) of this subsection shall be provided annually to each youth athlete and the athlete's parents or guardians.

(3) Each youth athlete and a parent or guardian of the athlete shall annually sign a form acknowledging receipt of the information provided pursuant to subdivision (2) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team.

(f) Health care providers; presence at athletic events.

(1) The home team shall ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a collision sport. If an athlete on the visiting team suffers a concussion during the athletic event, the health care provider shall notify the visiting team's athletic director within 48 hours after the injury occurs.

(2) Home teams are strongly encouraged to ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a contact sport.

(3) A school shall notify a parent or guardian within 24 hours when a student participating on that school's athletic team suffers a concussion.

Sec. 3. REPORT

To the extent permitted by applicable state and federal law, the Vermont Traumatic Brain Injury Advisory Board (the Board) shall obtain information necessary to create an annual report on the incidences of concussions sustained by student athletes in Vermont in the previous school year. To the extent such information is available, the report shall include the number of concussions sustained by student athletes in Vermont, the sport the student athlete was playing when he or she sustained the concussion, the number of

Vermont student athletes treated in emergency rooms for concussions received while participating in school athletics, and who made the decision that a student athlete was able to return to play. For purposes of the report, the Board shall consult with the Vermont Principals' Association and the Vermont Association of Athletic Trainers. If the Board obtains information sufficient to create the report, it shall report on or before December 15 of each year starting in 2014 to the Senate and House Committees on Judiciary and on Education.

Sec. 4. REPEAL

16 V.S.A. § 1431 (concussions and other head injuries) is repealed.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2013, except that 12 V.S.A. § 1043(f) (presence of health care provider at school sports activities) shall take effect on July 1, 2014.