

STORAGE NAME: h0725.ge.doc
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**HOUSE OF REPRESENTATIVES
COMMITTEE ON GENERAL EDUCATION
ANALYSIS**

BILL #: HB 725
RELATING TO: High school athletics
SPONSOR(S): Representative Sobel
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMITTEE ON GENERAL EDUCATION
 - (2) COMMITTEE ON HEALTH REGULATION
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
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I. SUMMARY:

HB 725 requires the Florida High School Activities Association (FHSAA) to adopt bylaws that require all students participating in athletic competition or who are candidates for an athletic team to satisfactorily pass a medical evaluation (consisting of both a medical history and a physical examination) each year, prior to participating in high school athletic competition or engaging in athletic team practice, tryouts, or workouts. Specifically, the bill:

- o Requires the medical evaluation be administered by an appropriately licensed medical physician (ch. 458, F.S.), osteopathic physician (ch. 459, F.S.), or nurse practitioner (s. 464.012, F.S.) who is in good standing with the appropriate professional regulatory board.
- o Requires the FHSAA bylaws to establish minimum standards for passing the physical exam.
- o Requires the evaluation include an electrocardiogram (EKG),
- o Requires the physician giving the exams to know the minimum standards established by FHSAA.
- o Prohibits a student from participation in any athletic event, competition, or practice, until the results of the physical exam verify that the student has satisfactorily passed the exam and are received and approved by the school.

The bill does not state who will pay the cost of the physical exam. Theoretically, the responsibility for paying for the evaluation will therefore rest with the prospective athlete or his/her family or guardian.. However, FHSAA representatives indicate that, in actuality, most schools use civic-minded doctors who donate their services, or the schools pay for the evaluations through athletic department funds, booster club donations, or the like. According to the FHSAA, if the evaluation service were not donated by the physician or nurse, or paid for out of donations or the school athletic department budget, the cost the student athlete would have to pay would still be minimal, somewhere around \$10. The cost of an electrocardiogram in the Tallahassee area is approximately \$40 or \$50 and insurance companies do not generally pay for an electrocardiogram as a routine part of a physical examination.

For more details, see Fiscal Comments section of this analysis.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

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|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

The provision in this bill requiring that a prospective student athlete undergo an electrocardiogram (EKG) before participating in school athletics is a governmental intrusion into an area of family health care management presently within the decision-making sphere of the family unit. As such, it does not support the principles of family empowerment, individual freedom, or less government.

B. PRESENT SITUATION:

The Florida High School Activities Association (FHSAA)

In 1997, the Legislature statutorily designated the FHSAA to operate, govern, regulate, and oversee athletic programs, including eligibility requirements, for Florida's public schools in grades 6 through 12. FHSAA indicates that there are approximately 200,000 student athletes in Florida.

FHSAA is not a state agency, but has a quasi-governmental function. The 1997 statutory designation also states that failure of FHSAA to meet the requirements of the law that designated the organization as the governing organization will result in the Commissioner of Education designating a nonprofit organization to govern athletics with the approval of the State Board of Education.

The law requires that the organization adopt bylaws that:

- Establish eligibility requirements for all students who participate in high school athletic competition in its member schools
- Prohibit recruiting

The 2000-01 FHSAA Handbook contains the bylaws of the FHSAA. Eligibility requirements regarding a physical examination are covered in Article 11.8 of the current bylaws for the 2000-01 school year. This section of the bylaws states:

- 11.8.1 The student shall undergo a physical examination by a licensed physician not earlier than May 15 of the preceding school year and shall be certified by the physician as being physically fit for participation in interscholastic athletic practice or competition before being allowed an opportunity for such participation. The physical examination shall include a medical history questionnaire that must be completed and signed by the

student and his/her parent(s) or guardians(s). The board of Directors shall adopt minimum requirements for the physical examination that shall be adhered to by each member school. The physical examination...shall be filed in the principal's office.

- 11.8.2 While only one certificate a year is required, subsequent examinations are recommended, and additional examinations should be required by the principal and coach for their own protection, as well as that of the student, immediately upon detection of the slightest indication of undue fatigue or other ill effects during practice or competition.

The Board of Directors requires use of a standardized form for all physical examinations of students who represent member schools in interscholastic athletic competition.

A "Health Examination/Parental Permission Form," is provided in the Appendix of the Handbook. The form's instructions state that it must be completed in full and filed in the principal or district superintendent's office before the student can practice or compete in interscholastic athletics. The form has 4 sections: student information, certification of student's health, student's statement of voluntary participation, and parent/guardian statement of permission.

The student information section asks for: name of the student, age, grade, date of birth, place of birth, school, and city.

The certification of student health section is to be completed by the physician and has spaces for height, weight, blood pressure, significant past illness or injury, eyes, sight, ears, respiratory system, cardiovascular system, liver, spleen, hernia, musculo-skeletal system, skin, neurological system, genitalia, laboratory-urinalysis, other, completed immunizations: polio (date), tetanus (date), and comments. The physician signs and dates the form after certifying that he has examined the student and found "him/her physically able to compete in the interscholastic athletics not crossed out below..." A list of 13 sports, plus a space for "others" follows the statement. For wrestling, a blank space exists in which to place the minimum weight class at which the student may wrestle and a recommendations that skin calipers be used to determine minimum weight class. Blank spaces also exist for the physician's phone and address.

The student's statement of voluntary participation provides a space for his signature after the statement, which includes "the understanding that ...athletic activities involve the potential for catastrophic injury, or even death, which is inherent in all sports" and that he or she has not violated any of the eligibility rules of the FHSAA.

The parent statement of permission includes permission to travel with a team, authorization for the school to obtain emergency medical care, and an agreement not to hold the school or anyone acting in its behalf responsible for any injury.

Electrocardiograms (EKGs)

An electrocardiogram (also called ECG or EKG) is a test that records the electrical activity of a person's heart through 10 small electrode patches attached to the skin of your chest, arms and legs. An EKG may be part of a complete physical exam or it may be used to further investigate symptoms related to heart problems.

A doctor uses the EKG to:

- Assess heart rhythm
- Diagnose poor blood flow to the heart muscle (ischemia)

- Diagnose a heart attack
- Diagnose abnormalities of your heart, such as heart chamber enlargement or abnormal electrical conduction

In an EKG, the heart's electrical activity, communicated via the electrodes, is either displayed on a screen or recorded as a trace on paper. EKG's from a normal, healthy heart have a characteristic shape. Any irregularity in the heart rhythm or damage to the heart muscle can alter the electrical activity of the heart and will show up on the EKG trace differently from the normal waveform.

EKG's are also used in intensive care, major surgery, and sometimes during childbirth to constantly monitor a patient's heart. An EKG is painless and takes only a few minutes.

An article in Onhealth.website.com stated that new research suggests that *when EKG's detect heart problems in competitive athletes, further tests should be conducted to determine their severity.*

According to the article, the heart, like any other muscle, can change due to vigorous exercise. Researchers at the Institute of Sports Science in Rome, Italy, where all members of the Italian Olympic team are required to undergo an annual medical evaluation, compared the accuracy of electrocardiogram, the most commonly used test, to echocardiogram results in 1,005 athletes.

EKGs showed 14 percent of the athletes had what was categorized as "distinct" heart abnormalities and another 26 percent showed "mild" heart abnormalities. Those with "distinct" heart abnormalities underwent an echocardiogram. Researchers found 90 percent of this group had an enlarged left ventricle, the heart's main pumping chamber, and increases in heart wall thickness, a sign of potential problems. These athletes trained in mainly endurance sports, such as long-distance running, cross-country skiing, rowing and cycling.

"In practical terms," said lead researcher Dr. Antonio Pelliccia, "our research suggests that when a doctor sees an abnormal EKG in an athlete, further investigative tests such as an echocardiogram should be conducted to rule out actual structural abnormalities." The study also showed female athletes were more likely to have normal EKGs than male athletes. "It's important for us to know how reliable the EKG is for detecting whether the changes in an athlete's heart are life threatening," Dr. Pelliccia says.

That study was published in the July 18 issue of Circulation: Journal of the American Heart Association.

C. EFFECT OF PROPOSED CHANGES:

The bill requires athletes participating in interscholastic athletics (or tryouts or workouts associated with interscholastic athletics) to first pass an evaluation (including an electrocardiogram [EKG]).

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 232.61, F.S., requiring the Florida High School Activities Association (FHSA) to adopt bylaws which require students participating in high school athletic competition or who are candidates for a high school athletic team to satisfactorily pass a medical evaluation (including an electrocardiogram [EKG]) prior to participating in athletic competition or engaging in practice with an athletic team; providing requirements with respect to such examinations.

Section 2. Provides that the bill shall take effect July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Current physical examinations at high schools do not include an EKG. In most cases, civic-minded local physicians do these examinations at no charge. If these services should not be donated, and a charge was to become necessary, that charge would most likely only be around \$10.

However, the EKG required under this bill is an added -- and not insignificant -- expense. It is unlikely any doctor would offer this service for free. The typical cost for doing, and interpreting, an EKG in the Tallahassee area is \$40-\$50.

Who would pay for these tests (and their subsequent interpretation) is problematic. According to physicians contacted by staff, it does not appear that such tests would be covered under Medicare. These physicians also indicated that no insurance coverage they knew of would cover EKGs done on such a routine basis, without some supporting data indicating a need for such a test in each case.

There is also the consideration of what follow-up tests would be necessary (and at what cost) should the EKG indicate a possible problem.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON GENERAL EDUCATION:

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