

**STORAGE NAME:** h1425a.ei.doc  
**DATE:** February 21, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
EDUCATION INNOVATION  
ANALYSIS**

**BILL #:** HB 1425  
**RELATING TO:** High School Athletics/Physical Assessments  
**SPONSOR(S):** Representative(s) Sobel  
**TIED BILL(S):** None.

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

- (1) EDUCATION INNOVATION YEAS 13 NAYS 0
  - (2) HEALTH REGULATION
  - (3) COUNCIL FOR LIFELONG LEARNING
  - (4)
  - (5)
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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

HB 1425 requires a student to annually receive a complete physical assessment prior to participating in organized high school athletics. The physical assessment must include a complete cardiovascular assessment that includes an electrocardiogram (EKG).

A physician licensed to practice in Florida or an osteopathic physician licensed to practice in Florida must perform the physical assessment and must be licensed or trained as a specialist in electrocardiogram analysis.

This bill requires the family of the student to pay for the costs of the physical assessment. However, students enrolled in the Florida Kidcare program or Medicaid are exempt from paying for the assessment and the costs must be covered by these programs. According to the Department of Education, this bill may create an undue burden on some families and make athletic participation impossible for them due to their inability to pay for the cost of the physical assessment.

The effective date of this bill is July 1, 2002.

**The Committee on Education Innovation adopted a traveling strike-everything amendment that significantly revises the provisions of the bill (please see Amendments or Committee Substitute Changes for additional information).**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| 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 checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input 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:

This bill does not appear to support the principles of Less Government, Individual Freedom, or Family Empowerment because it creates a mandatory requirement that a student must have a complete physical assessment, including a complete cardiovascular assessment, every year before participating in organized high school athletics.

B. PRESENT SITUATION:

**Governing Organization for Athletics**

Provisions in s. 232.61(3), F.S., provide a physical examination requirement for high school athletes in Florida. Prior to a student participating in interscholastic athletic competition, he or she must pass a medical evaluation each year. This medical evaluation must comply with the following guidelines:

- It must be conducted by a practitioner licensed under ch. 458, F.S., (Physicians and Physician's Assistants), ch. 459, F.S., (Osteopathic Physicians), ch. 460, F.S., (Chiropractors), or s. 464.012, F.S., (Advanced Registered Nurse Practitioners).
- It must be signed and attested to by the practitioner performing the evaluation.
- It must indicate if the student was referred to another physician, and be signed and attested to by the physician to whom the student was referred.

Pursuant to s. 232.61(3), F.S., if any abnormality is found in the cardiovascular system, an EKG or other cardiovascular assessment must be administered. The results of the cardiovascular assessment must be submitted to the school. The student is not allowed to participate in interscholastic athletics unless the cardiovascular assessment indicates that the abnormality does not place the student at risk during such participation.

Section 232.61(3), F.S., states that the student must complete the medical evaluation prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the athletic team.

Section 232.61(4), F.S., states that a student may participate in interscholastic athletic competition or be a candidate for an interscholastic athletic team if the parent or guardian of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices, provided that no person or entity will be held liable for any injury or other damages suffered by such student.

The Florida High School Activities Association (FHSAA) states that whether a student pays for the medical evaluation or the school provides the evaluation varies from school district to school district. However, the FHSAA also states that as a general rule, there is a presumption that the student will pay for the medical evaluation through his or her own means.

### **Electrocardiogram**

An EKG is a test that records the electrical activity of a person's heart through a number of small electrode patches attached to the skin of the 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 the 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. An EKG from a normal, healthy heart has 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 be recorded on the EKG trace differently from the normal waveform.

### **C. EFFECT OF PROPOSED CHANGES:**

HB 1425 requires a student to annually receive a complete physical assessment prior to participating in organized high school athletics. The physical assessment must include a complete cardiovascular assessment that includes an electrocardiogram (EKG).

A physician licensed to practice in Florida or an osteopathic physician licensed to practice in Florida must perform the physical assessment and must be licensed or trained as a specialist in electrocardiogram analysis.

This bill requires the family of the student to pay for the costs of the physical assessment. However, students enrolled in the Florida Kidcare program or Medicaid are exempt from paying for the assessment and the costs must be covered by these programs. According to the Department of Education, this bill may create an undue burden on some families and make athletic participation impossible for them due to their inability to pay for the cost of the physical assessment.

This bill may conflict with students who have religious opposition to medical treatment. Those students would not be allowed to participate in high school athletics under this bill.

According to the Department of Education, the most significant change is the additional requirement of an EKG. While the cost of a physical examination is the ultimate responsibility of the participating athlete or his or her family, schools most often make arrangements for this service from a health professional who donates his or her time. An EKG currently costs approximately \$40 or \$50. Insurance companies do not generally pay for an electrocardiogram as a routine part of a physical examination.

This bill may be instrumental in identifying heart problems not normally diagnosed during routine physical examinations. Schools, school districts, and the families of athletes would have to determine how to pay for this additional expense associated with participation.

C. SECTION-BY-SECTION ANALYSIS:

**Section 1:** Creates section 232.4255, F.S., in order to require students participating in high school organized athletics to receive a complete physical assessment, which includes a complete cardiovascular assessment, including an EKG.

**Section 2:** Establishes an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

This bill requires students in the Kidcare or Medicaid programs to have their physical assessments covered. According to the Department of Education, current managed care contracts do not cover physical assessments and electrocardiograms that are not medically necessary. This bill appears to require a renegotiation of managed care contracts to cover the costs of the physical assessment and appears to result in an increase in the cost of managed care contracts.

The student or the student's parents are required to pay for an annual complete physical assessment, which is to include a complete cardiovascular assessment, prior to participation in organized high school athletics. This requirement may cause an undue burden for families not able to afford the cost of the assessment and may result in those students being excluded from participating in high school athletics.

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 action, which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

This bill does not grant any rule-making authority to any government agency.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 19, 2002, the Committee on Education Innovation adopted a strike-everything amendment that is traveling with the bill. The strike-everything amendment significantly revises the provisions of the bill to include:

- The governing organization for public school athletics must include a statement in the pre-participation physical evaluation form that advises students to complete a comprehensive cardiovascular assessment, which may include an electrocardiogram.
- A student who participates without the required medical evaluation does not have a cause of action against any person or entity for damages or injuries arising out of the student's participation, unless the injury or damages are caused by gross negligence, recklessness, or intentional misconduct.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Staff Director:

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Ryan Visco

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Daniel Furman