

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 301 Youth Athletes

SPONSOR(S): Education Committee; K-20 Innovation Subcommittee; Renuart and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 730

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	14 Y, 0 N, As CS	Valenstein	Sherry
2) Health & Human Services Access Subcommittee	11 Y, 1 N	Prater	Schoolfield
3) Education Committee	13 Y, 2 N, As CS	Valenstein	Klebacha

SUMMARY ANALYSIS

The bill requires independent sanctioning authorities and the Florida High School Athletic Association (FHSAA) to adopt guidelines to educate athletic coaches, officials, administrators, athletes, and their parents or guardians relating to the nature and risk of concussions and head injuries. Independent sanctioning authorities and the FHSAA must also adopt bylaws or policies that require the parent or guardian of an athlete who is participating in an athletic competition or is a candidate for an athletic team to sign an informed consent that explains the nature and risk of concussions and head injuries. The bill requires the signed informed consent to be returned prior to the athlete participating in any practice, tryout, workout, athletic competition, or other physical activity associated with candidacy for an athletic team.

Additionally, the bill requires the independent sanctioning authority and the FHSAA to adopt bylaws or policies that require an athlete who is suspected of sustaining a concussion or head injury to be removed from practice or competition until the athlete receives written clearance to return from a physician, an osteopathic physician, or a chiropractic physician. The written clearance must be based upon the Acute Concussion Evaluation, which is a form provided by the "Heads Up" Program within the National Center for Injury Prevention and Control within the Centers for Disease Control and Prevention.

The bill also authorizes physicians, osteopathic physicians, and chiropractic physicians, prior to issuing a written clearance, to delegate the performance of medical acts to certain health care practitioners and allows the physicians to consult with, and utilize testing and evaluations performed by, neuropsychologists.

The bill does not have a fiscal impact.

The bill provides an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Overview

Youth Athletics: Current law defines a youth athletic independent sanctioning authority as a private, nongovernmental entity that organizes, operates or coordinates a youth athletic team in Florida that includes one or more minors and is not affiliated with a private school. An independent sanctioning authority is currently required to conduct background screenings on each current and prospective athletic coach, disqualify an athletic coach that fails the background screening, and provide written notice to a disqualified athletic coach.¹

High School Athletics: The Florida High School Athletic Association (FSHAA) is designated as the governing nonprofit organization of athletics in Florida public schools.² Currently, the FHSAA is required to adopt bylaws to establish eligibility requirements for all students, prohibit recruiting students for athletic purposes, and require students participating in athletics to satisfactorily pass an annual medical evaluation.³

Eleven states⁴ across the country have passed legislation that targets youth sports-related head injuries.⁵ In addition, the Committee on Education and Labor of the U.S. House of Representatives held a hearing to discuss protecting student athletes from concussions on September 23, 2010.⁶

The Centers for Disease Control and Prevention (CDC) define a concussion as a type of traumatic brain injury that is caused by a bump, blow, or jolt to the head that can change the way your brain normally works. Concussions may also occur from a blow to the body that causes the head to move rapidly back and forth. In an effort to raise awareness and provide education to coaches, athletes and parents of athletes, the CDC has created free tools that provide important information on preventing, recognizing, and responding to a concussion.⁷

Effect of Proposed Changes

Youth Athletics: The bill requires an independent sanctioning authority to adopt guidelines to educate athletic coaches, officials, administrators, youth athletes, and their parents or guardians relating to the nature and risk of concussions and head injuries. An independent sanctioning authority must also adopt bylaws or policies that require the parent or guardian of a youth athlete who is participating in an athletic competition, or is a candidate for an athletic team, to sign an informed consent that explains the nature and risk of concussions and head injuries. The bill requires the signed informed consent to be returned prior to the youth athlete participating in any practice, tryout, workout, athletic competition, or other physical activity associated with candidacy for an athletic team.

¹ Section 943.0438, F.S.

² While high school is typically defined to include grades 9 through 12, for the purposes of athletics in public K-12 schools, high school is defined to include grades 6-12. Section 1006.20(1), F.S.

³ Section 1006.20(1) and (2), F.S.

⁴ The eleven states with laws that target youth sports-related head injuries are: Connecticut, Idaho, Maine, Massachusetts, New Jersey, New Mexico, Oklahoma, Oregon, Rhode Island, Virginia, and Washington. National Conference of State Legislatures, Traumatic Brain Injury Legislation, Feb. 2011, *available at*, www.ncsl.org/default.aspx?tabid=18687 (last visited April 13, 2011).

⁵ *Id.*

⁶ U.S. House of Representatives, H.R. 6172, Protecting Student Athletes from Concussions, *available at*, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_house_hearings&docid=f:58256.pdf (last visited April 13, 2011); *see also* Concussion in High School Sports: Overall Estimate of Occurrence is Not Available, but Key State Laws and Nationwide Guidelines Address Injury Management, United States Government Accountability Office, May 20, 2010, *available at*, <http://www.gao.gov/new.items/d10569t.pdf> (last visited April 13, 2011).

⁷ Centers for Disease Control and Prevention, Concussion in Sports, Centers for Disease Control and Prevention, *available at*, <http://www.cdc.gov/concussion/sports/index.html> (last visited April 13, 2011).

Additionally, the bill requires the independent sanctioning authority to adopt bylaws or policies that require a youth athlete who is suspected of sustaining a concussion or head injury to be removed from practice or competition, until the youth receives written clearance to return from a licensed physician, an osteopathic physician, or a chiropractic physician. The written clearance must be based upon the Acute Concussion Evaluation, which is a form provided by the “Heads Up” Program within the National Center for Injury Prevention and Control within the CDC.⁸

The bill allows physicians, osteopathic physicians, and chiropractic physicians, prior to issuing a written clearance, to delegate the performance of medical acts to advanced registered nurse practitioners, physician assistants, osteopathic physician assistants, and athletic trainers with whom the physician maintains a formal supervisory relationship or established written protocol that identifies the medical acts or evaluations to be performed and the conditions for their performance, and attests to proficiency in the evaluation and management of concussions. The bill also allows physicians, osteopathic physicians, or chiropractic physicians to consult with, or utilize testing and evaluations performed by, neuropsychologists.

High School Athletics: The bill requires the FHSAA to adopt additional guidelines and bylaws or policies related to concussions and head injuries. The FHSAA must adopt guidelines to educate athletic coaches, officials, administrators, student athletes, and their parents relating to the nature and risk of concussions and head injuries. The FHSAA must also adopt either bylaws or policies that require the parent of a student athlete who is a candidate for an interscholastic athletic team or is participating in an interscholastic athletic competition to sign an informed consent that explains the nature and risk of concussions and head injuries. The bill requires the signed informed consent to be returned prior to the student athlete participating in any practice, tryout, workout, athletic competition, or other physical activity associated with candidacy for an athletic team.

Additionally, the bill requires FHSAA to adopt bylaws or policies that require a student athlete who is suspected of sustaining a concussion or head injury to be removed from practice or competition until the student receives written clearance to return from a licensed physician, an osteopathic physician, or a chiropractic physician. The written clearance must be based upon the Acute Concussion Evaluation, which is a form provided by the “Heads Up” Program within the National Center for Injury Prevention and Control within the CDC.

The bill allows physicians, osteopathic physicians, and chiropractic physicians, prior to issuing a written clearance, to delegate the performance of medical acts to advanced registered nurse practitioners, physician assistants, osteopathic physician assistants, and athletic trainers with whom the physician maintains a formal supervisory relationship or established written protocol that identifies the medical acts or evaluations to be performed and the conditions for their performance, and attests to proficiency in the evaluation and management of concussions. The bill also allows physicians, osteopathic physicians, and chiropractic physicians to consult with, or utilize testing and evaluations performed by, neuropsychologists.

The bill requires both independent sanctioning authorities and the FHSAA to adopt policies relating to concussions and head injuries. As the bill does not require the entities to develop the policies, the entities will likely be able to use policies and information made available through the CDC and other sources.

B. SECTION DIRECTORY:

Section 1. Amends s. 943.0438, F.S., to require an independent sanctioning authority for youth athletic teams to adopt bylaws or policies relating to the nature and risk of concussions and head injuries in youth athletes; to require informed consent for participation in practice or competition; and to require removal from practice or competition under certain circumstances and certain written clearance to return.

⁸ A copy of the Acute Concussion Evaluation form is available at, <http://www.cdc.gov/concussion/headsup/pdf/ACE-a.pdf> (last visited April 13, 2011).

Section 2. Amends s. 1006.20, F.S., to require the Florida High School Athletic Association to adopt guidelines, bylaws, or policies relating to the nature and risk of concussions and head injuries in youth athletes; to require informed consent for participation in practice or competition; and to require removal from practice or competition under certain circumstances and certain written clearance to return.

Section 3. Provides an effective date of July 1, 2011.

II. 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:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

- The bill requires the adoption of guidelines to educate “their parents.” It is unclear whose parents need to be educated.
- Consideration might be given to changing concussions and head injuries to traumatic brain injuries, because the Center for Disease Control and Prevention refers to them as such.

- The bill refers to a student's candidacy on line 31. This should be changed to youth athlete's candidacy because this section deals with youth athletes, not student athletes.
- The bill requires the FHSAA to adopt guidelines or policies; however, the section of law being amended is entitled "Adoption of Bylaws." Change guidelines on line 58 to bylaws, and remove policies from line 62.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 15, 2011, the K-20 Innovation Subcommittee adopted two amendments and the bill was reported favorably as a Committee Substitute. The amendments made the following changes to the bill:

Amendment 1 limited the health care practitioners eligible to provide the necessary written clearance for a youth athlete to return to play after a suspected head injury by authorizing only a physician or an osteopathic physician. Advanced registered nurse practitioners are no longer authorized to provide written clearance for an athlete to return to play. The amendment allowed a physician or an osteopathic physician to delegate the performance of medical acts to certain health care practitioners and also allowed the physician to consult with, and utilize testing and evaluations performed by, neuropsychologists. The bill, prior to the amendment, required a student to obtain written clearance from physicians, physician assistants, anesthesiologist assistants, osteopathic physicians, osteopathic physician assistants, osteopathic anesthesiologist assistants, and advanced registered nurse practitioners prior to returning to practice or competition.

Amendment 2 made identical changes with regard to the type of health care practitioners eligible to provide the necessary written clearance for student athletes, rather than youth athletes, to return to play.

On April 13, 2011, the Education Committee adopted one amendment and the bill was reported favorably as a Committee Substitute. The amendment expanded the type of health care practitioners eligible to provide the necessary written clearance for youth and student athletes to return to play after a suspected head injury by authorizing chiropractic physicians to provide the necessary written clearance. The amendment also requires that the written clearance be based upon the Acute Concussion Evaluation, a form provided by the "Heads Up" Program within the National Center for Injury Prevention and Control within the Centers for Disease Control and Prevention.