

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: CS/SB 730

INTRODUCER: Committee on Education Pre-K - 12; Senators Flores, Altman, and others

SUBJECT: Youth and Student Athletes

DATE: March 31, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Matthews</u>	<u>ED</u>	Fav/CS
2.	<u>Brown/Fernandez</u>	<u>Stovall</u>	<u>HR</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires independent sanctioning authorities of youth athletic teams, and the Florida High School Athletic Association, to adopt policies regarding educating administrators, parents, and athletes on sports-related concussions and head injuries.

Physicians or osteopaths are required to issue medical clearances, prior to a head-injured student's return to play. Health care practitioners are authorized to provide medical examinations and treatment for purposes of the clearances, in certain instances.

This bill substantially amends the following sections of the Florida Statutes: 943.0438 and 1006.20.

II. Present Situation:

Statutory Authority

An independent sanctioning authority is defined as a private, nongovernmental entity that organizes or operates youth athletic teams. This term does not apply to teams affiliated with private schools.¹

The Florida High School Athletic Association (FHSAA), established in s. 1006.20, F.S., is the governing body of Florida public school athletics. Currently, the FHSAA governs 748 public and

¹ s. 943.0438(1)(b), F.S.

private member schools.² The Florida Legislature grants the FHSAA authority to adopt bylaws³ 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.

Sports-related Head Injuries

According to the Brain Injury Association of Florida:

- More than 40 percent of serious head-injured high school athletes return to participate in sports before they are fully recovered;
- Approximately 400,000 high school athletes received concussions from sports activities during the 2005-08 school years and this number is likely much higher;
- During the timeframe from 1997-2007, the number of youth athletes seen with sports-related concussions in emergency rooms doubled and for those between 14-19 years old, it more than tripled;
- High school athletes with three or more concussions are 9 times more likely to have permanent mental changes; and
- Children and teens are more likely to get a concussion and take longer to recover than adults.⁴

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 can also occur from a blow to the body that causes the head to move rapidly back and forth. The CDC has created free tools for youth and high school sports coaches, parents, athletes, and health care professionals that provide important information on preventing, recognizing, and responding to a concussion.⁵ The CDC estimate there are 135,000 emergency-room visits per year for traumatic brain injuries among people ages 5-18. But, it is believed that many more concussions go unreported or even undetected.⁶

The CDC estimates that there may be as many as 3.8 million sports and recreation-related concussions in the United States each year.⁷

Advocates of legislative protections for children receiving sports-related concussions promote the following three components:

- Education on the dangers of concussions;
- Removal from participation for head-injured players; and

² <http://www.fhsaa.org/about>

³ The FSHAA publishes their bylaws in an annual handbook, which is available online at the FHSA website, at: <http://www.fhsaa.org/rules/fhsaa-handbook>.

⁴ *Youth Sports Concussion Awareness & Prevention*, Brain Injury Association of Florida (2011).

⁵ Concussion in Sports, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/concussion/sports/index.html>

⁶ *Parents Concerned about Football Head Injuries*, NewsChief.com news story (November 4, 2010); A copy of this document is on file with the Senate Health Regulation Committee.

⁷ Letter from Roger Goodell, National Football League, to Governor Charlie Crist (May 21, 2010). A copy of this document is on file with the Senate Health Regulation Committee.

- Delayed return until a medical professional provides a clearance.⁸

Named for a young football player who sustained serious injury after he returned to play too soon following a concussion, the “Zackery Lystedt Law” has been adopted in several states⁹, including Washington and Oregon, and is under consideration in several other jurisdictions, including in Congress.^{10,11}

Athletic Trainers

Athletic trainers are licensed under s. 468.701, F.S. The practice of athletic training refers to recognition, prevention and treatment of athletic injuries.¹² Athletic trainers require licensure, and must meet the following criteria to operate in the state of Florida:

- Apply, submit required fees, and pass a board exam;
- Be at least 21 years old;
- Hold a baccalaureate degree from an accredited college or university;
- Have current CPR certification; and
- Take a continuing education course on HIV/AIDS.¹³

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 943.0438 and 1006.20, F.S., respectively, to require independent sanctioning authorities and the FHSAA to establish guidelines that provide information on concussions and head injuries to officials, administrators, coaches, parents and children.

In addition to requiring that guidelines be adopted, this bill requires independent sanctioning authorities and the FHSAA to adopt bylaws or policies regarding:

- Parental consent forms describing the nature and risk of concussions and head injuries, including the risk of continuing to play post-injury; and
- A requirement that the injured youth be immediately stopped from playing and not be allowed to return until a medical professional provides written clearance.

Qualifying medical professionals, for purposes of issuing medical clearances, are medical doctors and osteopaths. Medical doctors and osteopaths are authorized to delegate medical exams and treatment to specified health care practitioners, consisting of physician assistants, osteopathic physician assistants, advanced registered nurse practitioners, and athletic trainers, provided that the physician maintains a supervisory role or establishes written medical protocol. This bill authorizes physicians to consult with neuropsychologists or use testing established in that field.

⁸ Letter from Roger Goodell, National Football League, to Governor Charlie Crist (May 21, 2010). A copy of this document is on file with the Senate Health Regulation Committee.

⁹ There are currently eleven states with laws that target youth sports-related head injuries. These states include Connecticut, Idaho, Maine, Massachusetts, New Jersey, New Mexico, Oklahoma, Oregon, Rhode Island, Virginia, and Washington.

¹⁰ *Washington Boy’s Case May Lead to Nationwide Sports Concussion Laws*, King5.com news story (February 1, 2010); available online at: <http://www.king5.com/sports/high-school/Sports-Head-Injuries-83303332.html#>.

¹¹ At the federal level, the ConTACT Act, which would require neurological baseline testing for each student athlete prior to the season, passed the House in September 2010.

¹² s. 468.701(5), F.S.

¹³ s. 468.707, F.S.

Section 3 provides an effective date for the bill of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Independent sanctioning authorities and the FHSAA would have to expend resources developing guidelines and bylaws or policies. This bill also would result in some recordkeeping duties. Provisions relating to informed consent and a prohibition on return to play until medically cleared may reduce liability for sports-related injuries, and therefore, have a positive impact.

Adoption of this legislation could lessen the severity of sports-related head injuries to youth and student athletes, with possible reduction of medical and other costs long-term.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K – 12 on March 17, 2011:

This committee substitute authorizes physicians, for purposes of medical clearances, to delegate examination and care to specified entities, including physician assistants, athletic trainers, and advanced registered nurse practitioners, provided that the physician maintains a supervisory role or establishes written protocol to be followed. Physicians may consult with neuropsychologists and rely on testing typically used by neuropsychologists.

- B. **Amendments:**

None.