

Concussion Legislation & Policy

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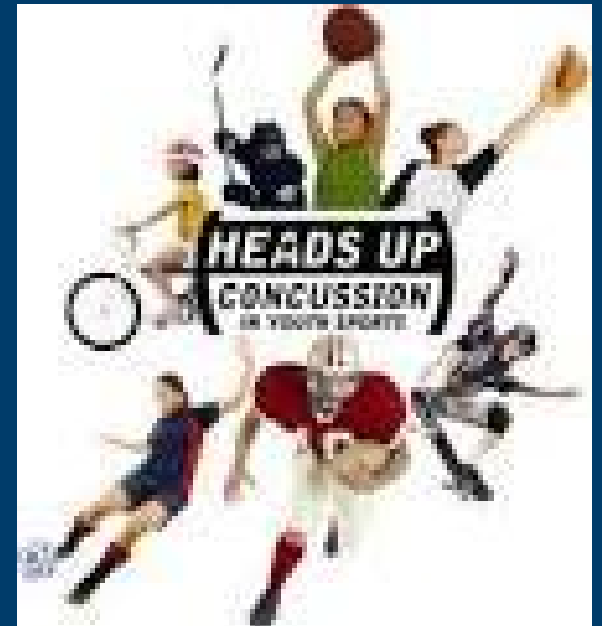
Where we are today

- Concussion laws:
 - 50 states
 - District of Columbia
 - Often referred to as “Return to Play” (RTP) laws
- 3 key facets:
 - Removal from play
 - Permission to return to play
 - Education of coaches, parents and athletes



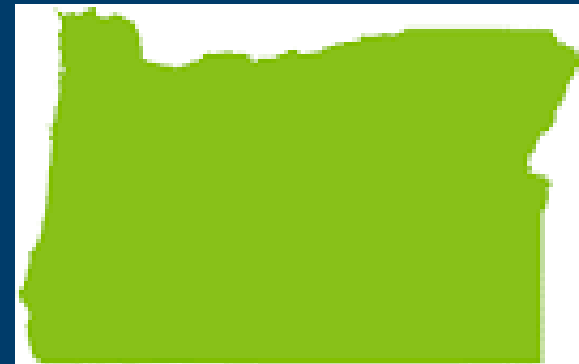
History

- Education, Awareness and Institutional Guidelines preceded legislation
 - The CDC developed the “Heads Up” program
 - NFHS established concussions guidelines



First Concussion Law

- Washington, 2009
- Zackery Lystedt



Provisions of the Lystedt Law

- **When in doubt, sit them out!**
 - Clearance from licensed healthcare professional
 - School districts developed policies for coaches, parents and athletes for increased awareness of risks
 - Informed consent must be signed by athletes and parents annually



Consensus Statement on Concussion in Sport: 4th International Conference "Zurich Guidelines"

- Onsite evaluation by a physician or licensed healthcare provider
- Remove from play
- No RTP day of injury



American Academy of Pediatrics

- Coaches and athletic trainers must be trained to identify concussion
- Refer to licensed physician for evaluation



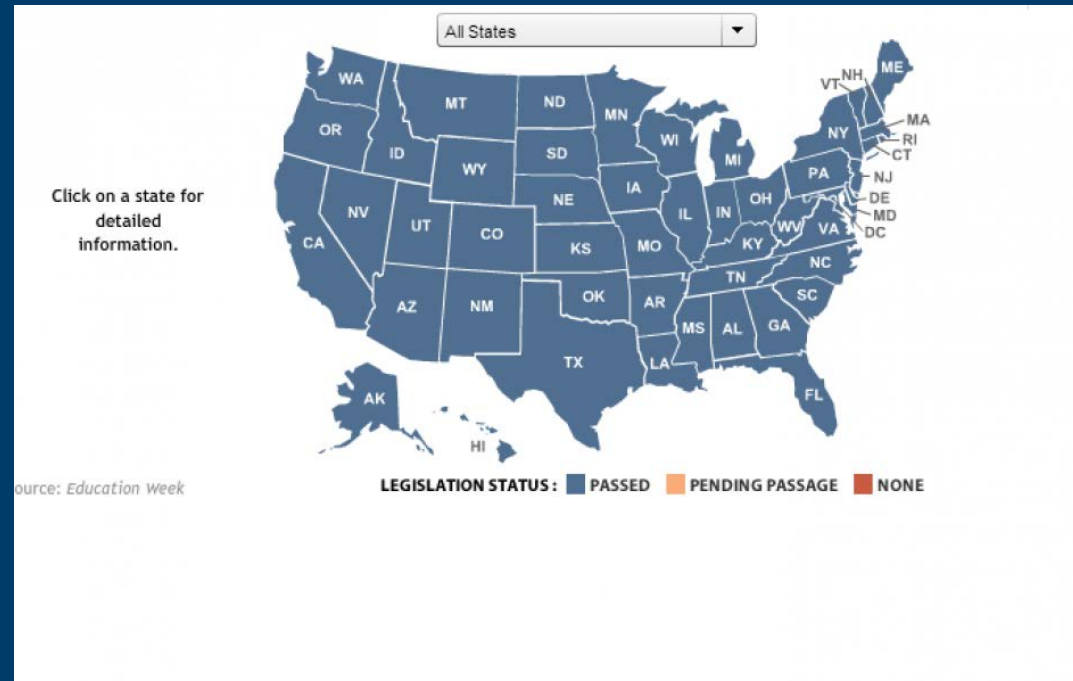
National Federation of State High School Associations: Sports Medicine Advisory Committee

- "*Suggested Guidelines for Management of Concussion in Sports*"
 - Remove from play
 - Evaluation by a health-care professional
 - Inform athlete's parents regarding possible injury/risks
 - Keep athlete out of play until cleared by health-care professional (no return day of injury)



Common Themes of Legislation:

1. Removal from Play
2. Medical Clearance
3. Education & Informed Consent
4. Organizations Affected



Remove from Play

- All states require removal if a concussion is suspected
- Suspected concussion vs symptoms present
 - Minimum of remainder of day/24 hours (48 states)
 - What is the evidence for a 24 hour waiting period?
 - The “old” 7 day rule
 - Where did this come from?
- Arizona & South Carolina allow return to play the same day
 - if cleared by a healthcare professional
 - MD, NP, PA or ATC

Medical Clearance/RTP

- All states require some type of medical clearance
 - “Health care provider” or “Licensed Healthcare Professional”
 - Ambiguous across states
 - MD, PA, ATC (Approved by the majority of states)
 - APN, NP, DO, RN, PsyD (some states)
- Outliers
 - Iowa- PT can return to play
 - Colorado- DC can clear “Olympic” athletes

Education (Coaches)

- ~1/2 state laws require coaches to complete a concussion management training program, while 94% require coaches to get information on recognizing concussions.
- Required Training
 - Annual 31%
 - Biennial 19%
 - Every 3-5 years 8%
 - One time education 6%
 - No specific timeframe provided 33%
- ** Illinois revised it's law on 2014 and now requires coaches complete online education every 2 years



Facts about Parental Education

- 81% of states require parents to read & sign an informed consent
- 75% of states require athletes to acknowledge risk
- (Those directly affected by concussion)
- This informed consent is typically an information sheet on concussions



A Little more on Education

- Georgia stipulates education for parents only
- Mississippi- Mandatory for athlete & parents
 - provided for coaches, if requested
- New York includes coaches, nurses, PE teachers & ATC's
- Oregon, Ohio & Vermont include officials/referees

Who is Responsible for Implementing the Youth Concussion Laws?

Sports governing body 20%

Individual school districts 20%

Department of Health 20%

Board of Education 40%

Not All Schools are Affected Equally

Public Schools

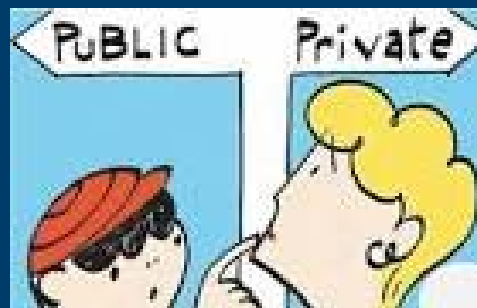
- 24% only apply to high schools
- 24% Apply to middle & high schools
- 53% apply to athletes K-12, ages 7 to 18 or ages 18 & under

(Applies to public schools in **ALL** States)

Private/Charter Schools

- 20% of these laws extend to private entities
 - Private organizations using public property
 - Application of laws if fees are involved

(Only Applies to **SOME** schools; varies by state)



Liability & Enforcement

- About 1/3 of states have some form of liability limitation for schools & HCP's

Shall be immune from civil liability for good faith conduct arising from or pertaining to the injury or death of a student athlete

...if conduct is in compliance of state law relative to concussion management



Liability & Enforcement

- Laws create a consistent standard
 - Minimized liability?
- Lack of enforcement in youth sports
 - No penalties for non-compliance

Are these laws effective?

- Lack of enforcement
- Difficult to implement in rural areas
- Lack of medical personnel on the sidelines
- Who is responsible for removing the athlete?

What's Next for Future Legislation?

- Return-to-Learn (RTL)
 - Extension of concussion education and policy
 - Applies to school administrators, teachers & nurses to integrate the student back to the classroom
 - Prior to return to play

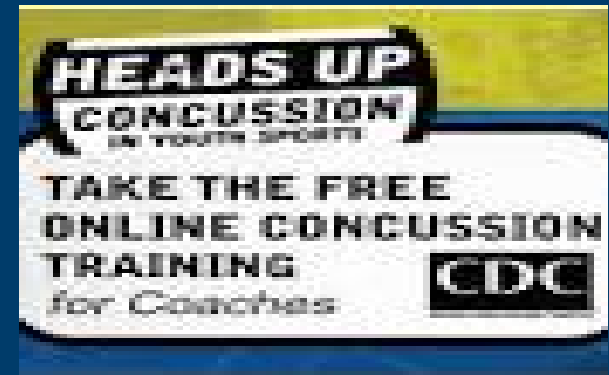


Return to Learn Policy

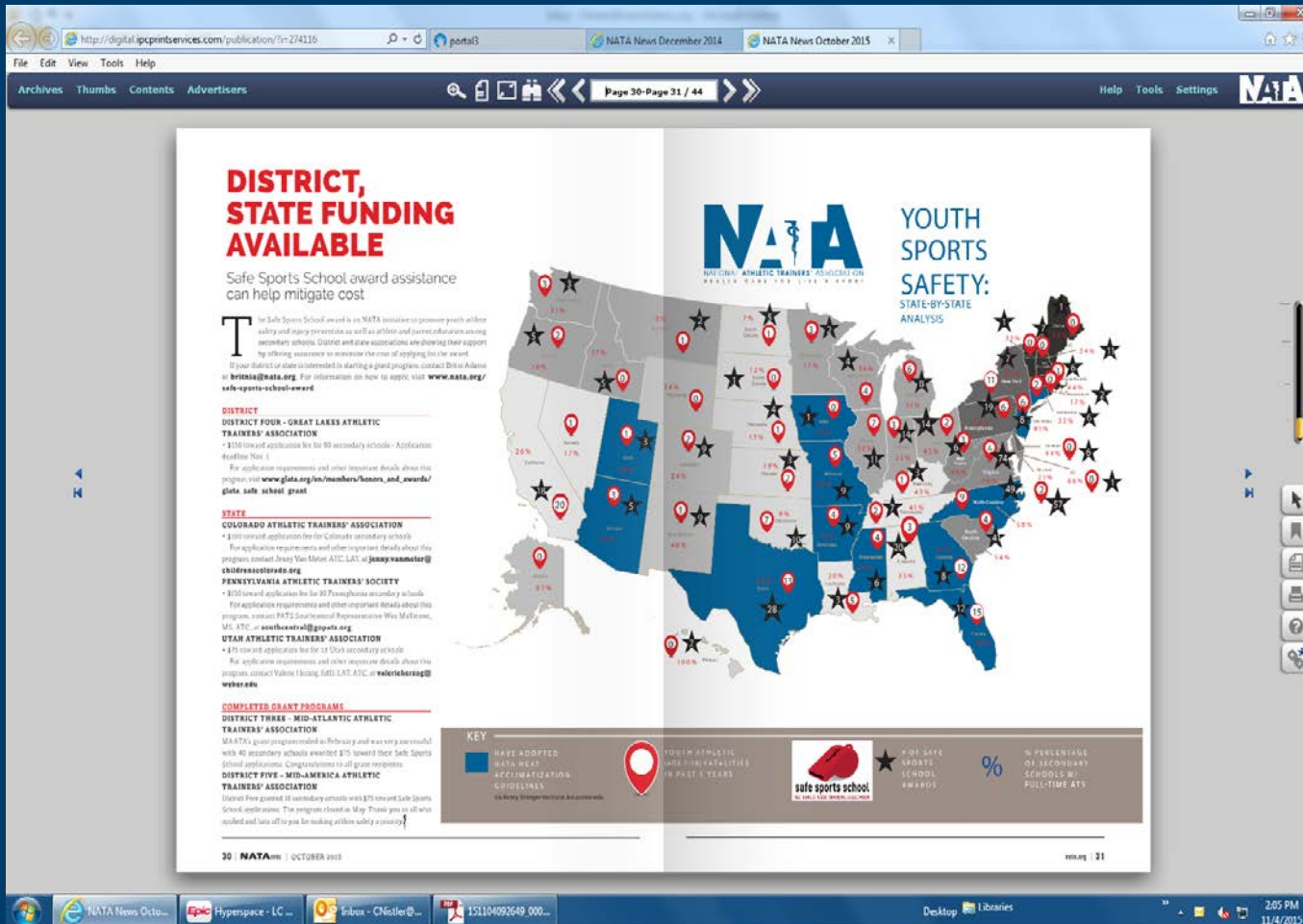
- In original bill:
 - New York, 2011
 - Maryland, 2011
 - Minnesota, 2011
 - Hawaii, 2012
- Amended bill:
 - Vermont, 2013
 - Virginia, 2014
 - Massachusetts, 2014
 - Nebraska, 2014
 - Rhode Island, 2014
 - Illinois, 2015

What's Next for Legislation?

- Athletic trainers in every school?
 - 2/3 of high schools do not employ a full time AT
 - 30% no access to ATs
- Standardized coach education?
 - Many current online educational courses for coaches
 - CDC, NFHS, Brain 101, state specific productions



% of ATs in Schools by State



- HI 100%
- NJ 91%
- DC 86%
- PA 72%
- VA 70%
- TX 62%
- NE 13%
- SD 12%
- MT 9%
- OK 9%
- ND 7%
- AK 1%

What's Next?

- Baseline testing?
- Mandatory reporting for history of head injury?
 - Mentioned in 4 state laws (MA, MI, SC, RI)

Should legislation Apply to all youth sports?

¼ of states already require this



Future Research

1. Are there economic or cultural barriers in legislating sports participation?
2. Will these laws actually reduce concussions in youth sports?
3. Should we regulate specific sports with contact & equipment rules instead?

Federal Legislation?

- Proposed to develop uniformity across the states to ensure a minimum standard of practice:
 - Concussion Treatment & Care Tools Act of 2008 or ConTACT Act (**HR 7274**)
 - Protecting Student Athletes From Concussions Act (**HR 3532**)
 - Protecting Student Athletes from Concussions Act of 2013 (**S 1546**)
 - Supporting Athletes, Families and Educators to Protect the Lives of Athletic Youth, SAFE PLAY Act (**S 2718**)
 - Youth Sports Concussions Act of 2013 (**HR 2118**) referred to Committee
 - Youth Sports Concussion Act (**S 1014**) referred to committee



Not a New Problem....



Illinois Legislation



Recent Illinois Law as of 2014

- Only applied to public secondary schools competing under the IHSA for RTP
- Informed consent (athlete & parent)
- Written clearance to RTP
- Coach education every 2 years (amended in 2014)

Illinois Advocacy Efforts to update Legislation

- Identify areas to enhance current legislation
- Research those areas already adhered to in schools/youth organizations
- Organization and Media support
- Legislative Support
- Storytelling/Testimony

New Illinois Law “An Act Concerning Concussions”

- Public Act 099-0245 (SB 7)
- Cleared Senate 41-0
- Cleared House 104-1-1
- Signed by Governor on 8/4/15
- Applies to all schools (Public, Private & Charter) grades K-12
- Encourages youth sports leagues & Park Districts to comply
- Adds education requirements for officials/referees & HCPs
- EAP for all schools
- Concussion oversight teams
- Return to Learn Policy
- Effective 9/1/16

Provisions Excluded from SB 7

- RTP protocols applied to all youth leagues and park districts
- Resistance from Park Districts as another unfunded mandate that they do not have the resources/staff to comply
- In general, youth leagues supportive of inclusion in legislation (IYSA, youth football)
- Additional healthcare professionals (APNs, PTs) added to list of providers that can “clear” kids to RTP.
- We omitted this provision as more discussion is needed to determine if further education regarding concussion is warranted

SB 219

- Anxiety from school districts & school management alliance about the timing of the new law
- Concerns that schools need more time to develop policy and review resources to create “concussion oversight teams”
- Trailer bill (SB 219) created to delay implementation of SB 7 to 9/1/16
- Passed by House & Senate and currently awaiting Governor's signature

Return to Learn

- www.luriechildrens.org/rtl
- Free online education for schools
- Pre & post quiz, demographics for data collection



Next Steps

- Continue the momentum and draft new legislation to include all youth leagues and park districts
- Anticipated for 2016/2017 legislative sessions
- Reach out to youth leagues- initial results are positive
- Survey (youth leagues)
- Listen to needs/concerns

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