

**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 Education Pre-K - 12 Committee

BILL: SB 256

INTRODUCER: Senator Flores

SUBJECT: Youth and Student Athletes

DATE: October 28, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	<b>Favorable</b>
2.	_____	_____	HR	_____
3.	_____	_____	BC	_____
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 written medical clearances prior to a head-injured student's return to play. At the direction of the physician or osteopath, delineated health care practitioners are authorized to provide medical examinations and treatment for purposes of the clearances.

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

**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.<sup>1</sup>

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 almost 800

<sup>1</sup> s. 943.0438(1)(b), F.S.

public and private member schools.<sup>2</sup> The Florida Legislature grants the FHSAA authority to adopt bylaws, which it does, and publishes them in a handbook, available online.<sup>3</sup>

### **Sports-related Head Injuries**

According to the Centers for Disease Control and Prevention (CDC):

- Approximately 173,000 young people under the age of 18 receive treatment in emergency room settings annually for nonfatal traumatic brain injuries resulting from sports and recreation activities;
- Researchers observed a considerable increase in the number of emergency room setting visits for traumatic brain injuries in the years studied (2001-2009), from 153,000 to 248,418 visits, most significantly among males aged 10-19 years; and
- This reflects a 57 percent increase among young people from 2001-2009.<sup>4</sup>

For persons suspected of incurring a traumatic brain injury during sports play, the CDC recommends immediate removal from play with a blanket prohibition on return the same day, and return to play only after evaluation and clearance by a health care provider with specific expertise in traumatic brain injury treatment.

Similarly, advocates of legislative protections for children receiving sports-related concussions promote the following components: education on the dangers of concussions, removal from participation for head-injured players, and delayed return until a medical professional provides a clearance.<sup>5</sup> 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 states, including Washington and Oregon, and is under consideration in several other jurisdictions, including in Congress.<sup>6</sup>

### **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.<sup>7</sup> 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; and

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<sup>2</sup> <http://www.fhsaa.org/about>; Last checked October 25, 2011.

<sup>3</sup> The handbook is available at the FHSAA website, at: <http://www.fhsaa.org/rules/fhsaa-handbook>; Last checked October 25, 2011.

<sup>4</sup> *Nonfatal Traumatic Brain Injuries Related to Sports and Recreation Activities Among Persons Aged Less Than or Equal to 19 Years --- United States, 2001-2009*, CDC Weekly (October 7, 2011.) See Article at: [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6039a1.htm?s\\_cid=mm6039a1\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6039a1.htm?s_cid=mm6039a1_w); Last checked October 25, 2011.

<sup>5</sup> <http://www.acacamps.org/campline/w-2011/concussions-zachery-lystedt-law>; Last checked October 29, 2011.

<sup>6</sup> *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#>; Last checked October 28, 2011.

<sup>7</sup> s. 468.701(5), F.S.

- Have current CPR certification.<sup>8</sup>

### III. Effect of Proposed Changes:

This bill requires independent sanctioning authorities and the Florida High School Athletic Association 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 advanced registered nurse practitioners, physician assistants, osteopathic physician assistants, and athletic trainers, provided that the physician maintains a supervisory role or establishes written medical protocol. This bill also authorizes physicians to consult with neuropsychologists or use testing established in that field.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>8</sup> s. 468.707, F.S.

**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.

The Department of Education indicates that on June 14, 2011, the FHSAA Board of Directors approved the following policies:

- Adopted the FSHAA Concussion Action Plan, incorporated into the 2011-12 FHSAA Handbook;
- Added language to the “Consent and Release from Liability Certificate” (FHSAA Form EL3) regarding the potential dangers of concussions and head and neck injuries incurred in sports play; and
- Added the required course of “Concussion in Sports – What You Need to Know”, for all FHSAA-member school head coaches and paid/supplemental coaches.

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 would hopefully lessen the severity of sports-related head injuries to children, with possible reduction of personal 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.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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