



POLICY UPDATE: 2011

SPECIAL LEGISLATIVE UPDATE ISSUE

SPORTS INJURY MANAGEMENT AND CONCUSSIONS

Concussions and other serious sports injuries have become a very hot topic since the passage of Acts 314 and 352 of the 2011 Louisiana Legislative Session. After several conversations with school systems about implementing these Acts, we feel a sense of urgency regarding a need for policy to address the recent legislation. Since both Acts have already become effective, this special issue of **POLICYALERT** is being sent to share our thoughts regarding these provisions as well as a proposed policy for Board consideration.

CONCUSSIONS

While School Boards may have some discretion as to the implementation of a sports injury program, the provisions of Act 314, the *Louisiana Youth Concussion Act*, are mandatory. The Act creates uniform education, training, and precautionary return-to-play requirements for all athletic activities. Act 314 requires School Boards to:

1. Prior to the beginning of each athletic season, provide pertinent information to all coaches, volunteers, and athletes and their parents/legal guardians informing them about the nature and risks of concussions and head injuries, including the risks of continuing to play with a concussion or head injury.
2. Require each employed or volunteer coach, and every official of athletic activity involving interscholastic play to complete an **annual** concussion recognition education course in accordance with the stipulated provisions of the Act.
3. Require, as a *condition of participation* in athletic activities, that the athlete and his/her parents/legal guardian **sign** a concussion and head injury information sheet which provides adequate notice of the statutory requirements surrounding concussions and head injuries.
4. Mandate that a coach who is required to complete the concussion recognition program immediately remove any student from a game, competition, or practice if:

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- A. The athlete reports any defined sign or symptom of a concussion and is reasonably suspected of having sustained a concussion,
 - B. The coach, athletic trainer, or official determines that the athlete exhibits any defined sign or symptom of concussion and he/she reasonably suspects the athlete has sustained a concussion,
 - C. The coach or official is notified that the athlete has reported or exhibited any defined sign or symptom of a concussion and is reasonably suspected of sustaining a concussion by any of the following:
 1. A medical health care provider operating within his/her scope of practice.
 2. Any licensed, registered or certified individual whose scope of practice includes the recognition of concussion symptoms.
5. If a student athlete is removed from athletic activity, and the symptoms cannot be readily explained by a condition other than concussion, the coach shall be required to notify the athlete's parent or legal guardian and shall not permit the athlete to return to play or participate in any games, competitions, or practices, until the athlete receives **written clearance** from a health care provider for a full or graduated return to play. The Act does permit a licensed athletic trainer with specific knowledge of the athlete's condition to manage the athlete's graduated return to play.

A *health care provider* means a licensed physician, licensed nurse practitioner, licensed physician's assistant, or licensed psychologist who has received training in neuropsychology or concussion evaluation and management.

An *athletic activity* means organized athletic activity in which participants are age 7 or older, and under 19, and are engaged in, or in practice or preparation for, an athletic game or competition against another team, club, or entity. This definition appears to be broad enough that some School Boards are considering including cheerleaders and/or other extracurricular groups among those who shall be subject to provisions involving concussions.

SPORTS INJURY MANAGEMENT

Based on the provisions of Act 352, each high school that sponsors or sanctions any athletic activity and which requires a participating student to regularly practice or train and compete shall be subject to the terms of the injury management program outlined in the Act. **HOWEVER**, Section G of the Act states that no school or School Board *shall be required* to incur any financial costs related to implementing the Act's provisions unless funds are appropriated by the Legislature for such purpose. While this clause appears to make implementation discretionary on the part of the School Board, we think it would be in School Boards' best interest to attempt to implement, at a minimum, those parts of the Act which do not incur any financial costs.

If implemented, the Act requires a sports injury management program to:

1. Establish a set of injuries classified as "serious sports injuries" and define the signs and symptoms of each;
2. Require any coach, game-official, on-field licensed care provider, or athletic trainer to remove a student from practice, training, or competition if:

- A. The student reports, or the coach or athletic trainer determines, that the student exhibits any *defined* sign or symptom of a serious sports injury,
- B. The coach is notified that the student has reported or exhibited any defined sign or symptom by:
 1. A licensed, registered, or certified medical practitioner in their respective scope of practice.
 2. A licensed athletic trainer.
 3. Any other licensed, registered, or certified individual whose practice includes recognition of symptoms associated with serious sports injuries.
 4. An official judging or supervising the athletic competition.
3. Ensure that any student who is removed from practice, training, or competition:
 - A. Be examined by a health professional licensed to provide health care or medical treatment as soon as practicable after the report of injury.
 - B. May be allowed to return to the practice, training, or competition *only* after the student provides the coach and athletic trainer **written authorization** from a licensed health care professional.
4. Require that each coach receive documented training regarding the nature and risks of serious sports injuries.

Before a student can participate in **any** school-sponsored or school-sanctioned athletic activity, the school shall document in *written or verifiable electronic form* by the school or School Board that the student **and** the student's parent/legal guardian have reviewed the information provided regarding the risks of sports injuries.

The Louisiana Board of Elementary and Secondary Education (BESE) is charged with developing any rules necessary to implement the sports injury program.

Next Issue:

We are currently working on the *Legislative Policy Update Series*, which will address other Acts and policy revisions based on Louisiana Legislation of 2011.