

Department of Legislative Services
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FISCAL AND POLICY NOTE

House Bill 1 (Delegate Davis)

Ways and Means and Health and
Government Operations

Education - Youth Athletes - Concussions

This bill requires each local board of education and the Maryland Public Secondary Schools Athletic Association (MPSSAA) to jointly establish guidelines that meet specified conditions for the evaluation and management of concussion and head injury. Each local board of education and MPSSAA must also develop forms to educate coaches, youth athletes, and parents and guardians of youth athletes regarding (1) the nature and risk of concussion and head injury; (2) the criteria for removal from and return to play; and (3) the risks of not reporting injury and continuing to play.

Fiscal Summary

State Effect: MPSSAA can develop guidelines for the evaluation and management of concussion and head injury using existing resources. If MPSSAA chooses to monitor compliance closely, general fund expenditures for MPSSAA personnel increase beginning in FY 2012.

Local Effect: Local school systems can develop guidelines for the evaluation and management of concussion and head injury and collect forms from youth sports teams using existing resources.

Small Business Effect: None.

Analysis

Bill Summary: “Youth athlete” is defined as an individual who is age 17 or younger or who is a physically or mentally disabled individual of any age who participates in an athletic activity in association with an educational institution or a noninterscholastic youth sports program conducted at a public school facility or by a recreational athletic organization. “Youth sports program” is defined as a program or service offered by a nonprofit group that provides opportunities for recreational athletic competition or instruction for youth athletes.

The guidelines established by each local board of education and MPSSAA must require that a concussion and head injury information sheet be signed and returned on an annual basis by a youth athlete and the youth athlete’s parent or guardian before the youth athlete’s initial practice or competition. The guidelines must also require the removal of a youth athlete from a practice or a game when the youth athlete is suspected of sustaining a concussion or head injury. Finally, the guidelines must prohibit a youth athlete who has been removed from play from returning until the youth athlete has (1) been evaluated by a licensed health care provider or volunteer health care provider trained in the evaluation and management of concussions; and (2) obtained written clearance to return to play from the health care provider. A youth sports program must provide a statement of compliance with the concussion guidelines to the local board of education.

A volunteer health care provider who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of the health care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

Current Law: The Maryland State Department of Education (MSDE) and the Department of Health and Mental Hygiene (DHMH) are jointly responsible for developing standards and guidelines for school health programs. There are no State laws requiring concussion guidelines or information for youth athletes.

Background: Concussions are a type of traumatic brain injury, caused by a blow or jolt to the head that can range from mild to severe and can disrupt the way the brain normally works. The federal Centers for Disease Control and Prevention (CDC) report that an estimated 300,000 sports- and recreation-related head injuries of mild to moderate severity occur in the United States each year, most of which can be classified as concussions. Concussions can occur in any sport, although they are most common in sports where collisions are common. Individuals who have had at least one concussion are at an increased risk for another concussion. This is a danger to student athletes because a repeat concussion that occurs before the brain recovers from the first can,

according to CDC, result in brain swelling, permanent brain damage, and even death. This is known as “second impact syndrome.” It is unknown how often second impact syndrome occurs, but it has been reported more frequently since it was first characterized in 1984. From 1984 through 1991, 4 cases were described, and from 1992 through 1995, a total of 17 cases were described.

In 2009, Washington became the first state to require that a youth athlete who is suspected of sustaining a concussion or head injury be prohibited from returning to play until the athlete is evaluated by a licensed health care provider and the provider provides written clearance for the athlete to return to play. Other states, including Oregon and Virginia, have proposed or established laws mandating annual concussion training for youth sport coaches. As of September 2010, at least 10 states have enacted laws that target youth sport-related head injuries. 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. Congressional hearings have also been held for a separate bill, the Protecting Student Athletes from Concussions Act.

Some local school systems and individual high schools in Maryland have also decided to address concussions in youth athletes. According to *Politics Daily*, Howard County has certified athletic trainers in all 12 public high schools, performs baseline and post-concussion testing, and provides athletes who suffer concussions with academic accommodations. This program reportedly costs about \$400,000 per year. Prince George’s County requires coaches to take a 20-minute concussion safety course and has used free materials provided by CDC to educate coaches. At Churchill High School in Montgomery County, student athletes’ memory and reaction time is assessed prior to the season and after a suspected concussion. The school uses the online ImPACT test, which is the same test used by the National Football League.

MPSSAA’s goal is to promote, direct, and regulate interscholastic athletics of the public high schools, and ensures a safe and educationally balanced athletic program. It derives its authority from MSDE and the 24 local school systems. MPSSAA is self sufficient, generating revenue from selected regional and State tournament games, sponsorships, rule book sales to outside groups, media rights, official’s registration, and souvenir sales. Currently, MPSSAA includes 191 public high schools, with over 110,000 student athletes participating in 24 sports.

In collaboration with stakeholders, MPSSAA has developed guidelines for the evaluation and management of concussions and head injuries for use by its members. In addition, in the 2010-2011 school year, all coaches in MPSSAA member schools underwent concussion training. MPSSAA also has developed concussion factsheets for parents and students, forms to notify parents of a probable head injury, and medical clearance forms for a gradual return to play after a suspected head injury.

State Expenditures: MPSSAA reports that it does not have contact with private school athletic teams or youth sports teams that are not associated with an MPSSAA member school. Therefore, if it chooses to monitor compliance, its personnel expenditures will increase to identify and monitor these programs. MPSSAA advises that it does not generate sufficient funds to support additional staff and will need general funds to pay for any new personnel. However, given the fact that MPSSAA has already developed guidelines for the evaluation and management of concussion and head injury and assuming compliance among youth sports programs, the bill's requirements can likely be met using existing resources.

Additional Information

Prior Introductions: HB 1391 of 2010, which also dealt with youth concussions, received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 865, passed the Senate, but no further action was taken in the House.

Cross File: None.

Information Source(s): Maryland State Department of Education; Caroline and Calvert counties; Maryland Association of Boards of Education; Centers for Disease Control and Prevention; National Conference of State Legislatures; National Public Radio; *Politics Daily*; Department of Legislative Services

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