

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 858

(Delegate Hixson, *et al.*)

Ways and Means and Health and  
Government Operations

Education, Health, and Environmental Affairs

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**Education - Public Schools and Youth Sports Programs - Concussions**

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This bill requires the Maryland State Department of Education (MSDE) to develop policies and implement a program to provide concussion awareness to coaches, school personnel, students, and parents in collaboration with the Department of Health and Mental Hygiene (DHMH), local boards of education, and other experts and stakeholders. A student or youth athlete who is suspected of sustaining a concussion or other head injury in a practice or game must be removed from play. Once removed from play, a student or youth athlete may not return to play until he or she has obtained written clearance from a licensed health care professional trained in the evaluation and management of concussions.

The bill takes effect July 1, 2011.

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**Fiscal Summary**

**State Effect:** MSDE can develop and implement a program to provide concussion and head injury awareness using existing resources. Revenues are not affected.

**Local Effect:** Local school system expenditures may increase minimally to verify that coaches have received the required concussion awareness information, provide students and their parents or guardians with the required information about concussions, and document injuries. Local government expenditures may increase minimally to provide the required notice to youth sports programs.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** “Youth athlete” means an individual who participates in an athletic activity in association with a youth sports program conducted at a public school facility or by a recreational athletic organization. “Youth sports program” refers to a program organized for recreational athletic competition or instruction for participants who are younger than age 19.

The concussion awareness program developed by MSDE must promote awareness on the nature and risk of a concussion or head injury, criteria for removal from and return to play, risks of not reporting injury and continuing to play, and appropriate academic accommodations for students diagnosed with concussions or head injuries. The program must include a process to verify that a coach has received information relating to the program.

Before a student enrolled in a public school system in Maryland may participate in an authorized interscholastic athletic activity, a local board must provide a concussion and head injury information sheet to the student and the student’s parent or guardian; both must acknowledge the receipt of this sheet by signing a statement. MSDE must create the information sheet and the acknowledgement statement.

Before an individual participates in an authorized athletic activity on school property, a local board must provide, or require a third party to provide, (1) information on concussions and head injuries to the individual and, if applicable, a parent or guardian; and (2) notice that acknowledgement of receipt of the information is required. The individual and, if applicable, the parent or guardian, must then acknowledge receipt of the information and return the acknowledgement to the local board or third party.

A youth sports program that uses a public school facility must annually provide to the local board (or the board’s agent) a statement of intent to comply with the bill’s requirements for the management of a concussion or other head injury of a participant. A youth sports program must also make the information on concussions and head injuries developed by MSDE available to coaches, youth athletes, and parents and guardians. A coach must review the information. Before a youth sports program may use a facility owned or operated by a local government, the local government must provide notice to the youth sports program of the requirements of the bill.

**Current Law:** MSDE and 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 of Representatives 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.

In collaboration with stakeholders, the Maryland Public Secondary Schools Athletic Association (MPSSAA) within MSDE 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. In addition, MPSSAA provided clip board sticker reminders about concussions for football and soccer coaches and distributed 50,000 refrigerator magnets to athletes' families outlining signs and symptoms of concussions. Finally, MPSSAA has formally proposed regulations requiring all coaches to complete a concussion awareness program.

MPSSAA's goal is to promote, direct, and regulate interscholastic athletics of the public high schools and ensure a safe and educationally balanced athletic program. It derives its authority from MSDE and the 24 local school systems. Currently, MPSSAA includes 191 public high schools, with over 110,000 student athletes participating in 24 sports.

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### **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 designated; however, SB 771 (Senator Conway, *et al.* – Education, Health, and Environmental Affairs) is identical.

**Information Source(s):** Maryland State Department of Education, U.S. Centers for Disease Control and Prevention, National Conference of State Legislatures, National Public Radio, *Politics Daily*, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2011  
ncs/mwc Revised - House Third Reader - April 5, 2011  
Revised - Enrolled Bill - April 20, 2011

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