

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 552  
Ways and Means

(Delegate Hill, *et al.*)

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Youth Sports Programs - Concussion Risk and Management Training -  
Requirements

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This bill makes changes to the concussion risk and management training requirements for sports programs at public schools and for specified recreational youth sports programs. The bill generally requires that an educated individual *or* a licensed health care provider must be at every practice and game, and that individual is responsible for final decisions regarding a student's removal from or return to play. Local schools systems must make specified training provided for local school system employees available to coaches and other individuals from youth sports programs. A reasonable fee may be charged for the training. **The bill takes effect July 1, 2018.**

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Fiscal Summary

**State Effect:** General fund expenditures are not materially affected assuming that current policies and materials regarding head injuries and concussions and freely available training comply with the bill's requirements. To the extent that new training material must be developed, expenditures increase. Revenues are not affected.

**Local Effect:** To the extent training is provided by local school systems, local school system revenues and expenditures may increase, as explained below. Local youth sports recreational league expenditures may increase to provide individuals with the required training.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The bill changes the definition of “concussion” in regards to sports programs provided by a local school system or a specified recreational youth sports program.

### *Public Schools*

The Maryland State Department of Education (MSDE) must educate, instead of provide awareness to, coaches, school personnel, students, and the parents or guardians of students on matter relating to concussions and head injuries. The education must include information on specified topics.

An individual who has completed concussion risk and management training *or* a licensed health care provider must be responsible for the *on-site* management of all concussion or head injuries during each practice and game, including final decisions regarding a student’s removal from or return to play.

### *Youth Sports Programs*

Unless a youth sports program requires a certified athletic trainer be present at every practice and game, a youth sports program must require an individual who has successfully completed concussion risk and management training to be present at every practice and game. To fulfill this requirement, a youth sports program may require any of specified individuals to successfully complete concussion risk and management training. However, a youth sports program may not require a licensed health care provider whose medical education and training includes the diagnosis and treatment of concussions and other head injuries to complete additional concussion risk and management training.

An individual who has completed concussion risk and management training *or* a licensed health care provider must be responsible for the *on-site* management of all concussion or head injuries during each practice and game, including final decisions regarding a student’s removal from or return to play.

A local school system may not require an individual with a youth sports program that uses that local school system’s public school facilities to take that local school system’s concussion risk and management training.

**Current Law:** Chapters 548 and 549 of 2011 established a statewide program to provide awareness to coaches, school personnel, students, and the parents or guardians of students on:

- the nature and risk of a concussion or head injury;
- the criteria for removal from and return to play;
- the risks of not reporting injury and continuing to play; and
- appropriate academic accommodations for students diagnosed as having sustained a concussion or head injury.

A student or youth athlete who has been removed from play and who is suspected of sustaining a concussion or other head injury cannot return to play without written clearance from a *licensed health care provider* trained in the evaluation and management of concussions. This provision of current law is not altered by the bill.

**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 functions. The federal Centers for Disease Control and Prevention (CDC) reports 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, and a second concussion that occurs before the brain recovers from the first can, according to CDC, result in brain swelling, permanent brain damage, and even death. According to the National Conference of State Legislatures, in 2011, more than 55,000 high school football players and 29,000 young soccer players sustained concussions during practice or competition.

In April 2015, a federal judge approved a class-action lawsuit settlement between the National Football League (NFL) and thousands of former players. The agreement, which will span the next 65 years, provides for up to \$5 million in financial compensation per retired player for serious medical conditions associated with repeated head trauma and may cost the NFL \$900 million or more.

### *Maryland Implementation and Current Practice*

In accordance with Chapters 548 and 549, MSDE developed policies and provided recommendations for the implementation of concussion awareness programs throughout the State of Maryland for student athletes, their parents or guardians, and their coaches. MSDE has also developed recommendations on the management and treatment of student athletes suspected or diagnosed with having sustained a concussion.

Montgomery County reports that it currently uses CDC training to train coaches about head injuries and concussions. CDC provides free online training called [HEADS UP](#); the

training includes instruction in understanding a concussion and the potential consequences of this injury, recognizing concussion signs and symptoms, and how to respond.

### *Medical Determination*

The Maryland Department of Health (MDH) advises that return to play after a suspected concussion or head injury is a medical determination and should be done under the direction of a medical provider and, for students, in conjunction with the judgement of the school nurse.

**State Expenditures:** It is unclear what changes may need to be made to MSDE policies and materials regarding head injuries and concussions under the bill. It is possible that current materials and available training provided by outside providers such as CDC may meet the requirements of the bill. To the extent that new training material must be developed, expenditures increase. Any such increase cannot be reliably estimated. To the extent necessary, MDH can assist MSDE with these requirements using existing resources.

It is unclear from the bill whether MSDE or local school systems are responsible for actually providing training in head injuries and concussions to school coaches. The bill requires MSDE to develop policies and implement a program but also requires local school systems to allow youth sports programs to take training *offered by* local school systems.

**Local Fiscal Effect:** Local school system expenditures may increase to provide the concussion risk and management training to specified youth sports personnel. Any such increase cannot be reliably estimated without details on current training programs and required changes to the programs. However, as explained above, it is unclear if local school systems are required to provide any training. Local school system revenues from local youth sports recreational league individuals paying for training may increase. To the extent that free online training such as the CDC course is sufficient, local school system expenditures and revenues are not affected.

Some youth sports leagues are operated by local governments. Local youth sports recreational league expenditures may increase to provide individuals with the required training by either paying local school systems or using an outside vendor. To the extent that free online training is sufficient, expenditures are not affected.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 840 (Senator Smith) - Education, Health, and Environmental Affairs and Finance.

**Information Source(s):** Baltimore City; Montgomery and Prince George's counties; cities of Annapolis and Bowie; Maryland Department of Health; Centers for Disease Control and Prevention; Department of Legislative Services

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