Regular Session, 2011

HOUSE BILL NO. 364

BY REPRESENTATIVE ROY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ATHLETICS: Creates a comprehensive sports injury management program for student athletics

AN ACT

To enact Part XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.181, relative to health and safety of students who participate in school-sanctioned athletics; to provide for a sports injury management program; to authorize promulgation of rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1299.181, is hereby enacted to read as follows:

PART XXXVII-A. COMPREHENSIVE SPORTS INJURY MANAGEMENT PROGRAM

§1299.181. Comprehensive sports injury management program for student athletics

A. Each high school that sponsors or sanctions any athletic activity in this state and which requires a participating student to regularly practice or train and compete, is subject to the terms of the injury management program provided for in Subsections B through F of this Section.

B. The injury management program shall:

(1) Establish a set of injuries to be classified as "serious sports injuries" for the purposes of the program and define the signs and symptoms of such injuries.

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(2) Require that any coach, game official, on-field licensed health care provider, or athletic trainer remove a student from practice, training, or competition if any of the following circumstances occur:

(a) The student reports any defined sign or symptom of a serious sports injury.

(b) The coach or athletic trainer determines that the student exhibits any defined sign or symptom of a serious sports injury.

(c) The coach is notified that the student has reported or exhibited any defined sign or symptom of a serious sports injury by any of the following persons:

(i) A licensed, registered, or certified medical practitioner operating within their respective scope of practice.

(ii) A licensed athletic trainer.

(iii) Any other licensed, registered, or certified individual whose scope of practice includes the recognition of symptoms associated with serious sports injuries.

(iv) An official responsible for judging or supervising the athletic competition.

(3) Ensure that any student who, in accordance with the provisions of this Part, is removed from practice, training, or competition:

(a) Shall, as soon as practicable after reporting or exhibiting any sign or symptom of a serious sports injury, be examined by a health professional duly licensed in this state to provide health care services or medical treatment.

(b) May be allowed to return to practice, training, or competition only after the student provides to the coach and an athletic trainer written authorization from a health professional duly licensed in this state to provide health care services or medical treatment.

(4) Require that each coach or official in school-sponsored or school-sanctioned athletic activities receive documented training regarding the nature and risks of serious sports injuries.

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(5) Subject to availability of financial resources and supply of the necessary workforce, rely to the greatest possible extent on athletic trainers licensed by the Louisiana State Board of Medical Examiners to provide athletic health care at high school athletic competitions. The services of such athletic trainers are an optional component of the sports injury management program provided for in this Part. The provisions of this Paragraph shall not be construed as requiring any school to employ an athletic trainer or otherwise incur any financial cost for utilizing the services of an athletic trainer.

C. The school shall ensure that before a student is allowed to participate in any school-sponsored or school-sanctioned athletic activity, the student and the parent or guardian of the student shall document that they have viewed information, provided in written or verifiable electronic form by the school or school district, regarding risks of serious sports injuries.

D. This Section does not create any liability for, or create a cause of action against, a school, its officers, or its employees.

E. To carry out the duties prescribed in this Part, a school may contract for and accept private contributions, gifts, and grants, or in-kind aid from the federal government, the state, or any other source.

F. The Board of Elementary and Secondary Education (BESE) shall promulgate, in accordance with the Administrative Procedure Act, any rules necessary to implement the sports injury management program provided for in this Part. In developing such rules, BESE may engage and solicit input from the Louisiana State Board of Medical Examiners and the Sports Medicine Advisory Committee of the Louisiana High School Athletic Association, and may incorporate recommendations of those groups in any final rules providing for a sports injury management program.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Roy HB No. 364

Abstract: Creates a comprehensive sports injury management program for student athletics.

Proposed law requires each high school that sponsors or sanctions any athletic activity and which requires a participating student to regularly practice or train and compete to implement a sports injury management program.

Proposed law requires the sports injury management program to:

(1) Establish a set of injuries to be classified as "serious sports injuries" for the purposes of the program and define the signs and symptoms of such injuries.

(2) Require that any coach, athletic trainer, game official, or on-field licensed health care provider remove a student from practice, training, or competition if any of the following circumstances occur:

(a) The student reports any defined sign or symptom of a serious sports injury.

(b) The coach or athletic trainer determines that the student exhibits any defined sign or symptom of a serious sports injury.

(c) The coach is notified that the student has reported or exhibited any defined sign or symptom of a serious sports injury by a licensed, registered, or certified medical practitioner operating within their respective scope of practice; by any other licensed, registered, or certified individual whose scope of practice includes the recognition of symptoms associated with serious sports injuries; by an athletic trainer; or by an official of the athletic competition.

Proposed law provides that any student who is removed from practice, training, or competition due to a serious sports injury:

(1) Shall, as soon as practicable after reporting or exhibiting any sign or symptom of a serious sports injury, be examined by a health professional duly licensed in this state to provide health care services or medical treatment.

(2) May be allowed to return to practice, training, or competition only after the student provides to the coach and an athletic trainer written authorization from a health professional duly licensed in this state to provide health care services or medical treatment.

Proposed law requires that each coach or official in school-sponsored or school-sanctioned athletic activities receive documented training regarding the nature and risk of serious sports injuries.

Proposed law provides that subject to availability of financial resources and supply of the necessary workforce, the sports injury management program shall rely to the greatest possible extent on athletic trainers licensed by the La. State Board of Medical Examiners to provide athletic health care at high school athletic competitions. Proposed law provides that

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the services of athletic trainers in the sports injury management program are optional and proposed law shall not be construed to require that any school employ an athletic trainer or incur any financial cost for utilizing the services of an athletic trainer.

Proposed law requires that prior to a student participating in athletic activities, the student and student's parent or guardian must document that they have viewed information provided by the school district regarding risks of serious sports injuries.

Proposed law provides that provisions of proposed law do not create any liability for, or create a cause of action against, a school, its officers, or its employees.

Proposed law authorizes a school to contract for and accept private contributions, gifts, and grants, or in-kind aid from the federal government, the state, or any other source to implement the sports injury management program.

Proposed law requires BESE to promulgate rules in accordance with the APA to implement provisions of proposed law.

Proposed law allows BESE to engage and solicit input from the La. State Board of Medical Examiners and the Sports Medicine Advisory Committee of the La. High School Athletic Association in developing administrative rules required by proposed law.

(Adds R.S. 40:1299.181)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Redefined the set of schools to which proposed law would apply, changing applicability from elementary and secondary schools to high schools.

2. Changed a designation relating to athletic trainers from "licensed athletic trainer" to "athletic trainer licensed by the La. State Board of Medical Examiners".

3. Specified that the function of an athletic trainer who is present at every inter-school game of football, as required by proposed law, is to provide athletic health care.

4. Changed the name of the set of injuries to be defined per provisions of proposed law from "serious injuries" to "serious sports injuries".

5. Deleted provision of proposed law requiring that a sports official remove a student from practice, training, or competition if the student shows signs or symptoms of certain injuries.

6. Added provision to proposed law to include a sports official as a person from whom a coach may receive a valid report of a student-athlete's injury.

7. Changed provision of proposed law relative to certain training for coaches and officials from requiring that the training be biennial to requiring that the training be documented.

8. Added a permissive provision to proposed law allowing BESE to engage and solicit input from the La. State Board of Medical Examiners and the Sports Medicine Advisory Committee of the La. High School Athletic Association in developing administrative rules required by proposed law.

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Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill.

1. Removed requirement that any high school which sponsors organized tackle football shall ensure that at least one licensed athletic trainer is present at every inter-school game of tackle football.

2. Added game official and on-field licensed health care provider to those who can remove students from training, practice, or competition.

3. Added provision that subject to availability of financial resources and supply of the necessary workforce, the sports injury management program shall rely to the greatest possible extent on athletic trainers licensed by the La. State Board of Medical Examiners to provide athletic health care at high school athletic competitions.

House Floor Amendments to the reengrossed bill.

1. Clarified that the services of athletic trainers in the sports injury management program are optional and proposed law shall not be construed to require that any school employ an athletic trainer or incur any financial cost for utilizing the services of an athletic trainer.

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