

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS FUDOLI, MILLS, RATH, DIXON and HARDWICK

Re: Encouraging Measures to Prevent Head Injuries in Children

WHEREAS, many high school athletes are at risk of head injury as a result of participating in certain sports; and

WHEREAS, head injuries can lead to lifelong negative consequences, including learning difficulties and depression; and

WHEREAS, second-impact syndrome, a head injury sustained while still recovering from a previous head injury, can be particularly devastating; and

WHEREAS, measures are needed to assure that student athletes are better protected from head injuries; and

WHEREAS, New York State Assembly Bill A. 5188 requires assessment of high school athletes before participation in contact sports following head injury, requires public school coaches to receive training; and

WHEREAS, New York State Assembly Bill A. 7885 and Senate Bill S. 4848 direct the commissioner of education to establish rules and regulations for the treatment and monitoring of students who suffer concussions or head injuries; and

WHEREAS, New York State Assembly Bill A. 8194 and Senate Bill S. 3953-B direct commissioners of education and health to adopt rules and regulations for the treatment and monitoring of students with mild traumatic brain injuries; and

WHEREAS, New York State Senate Bill S. 861 creates a concussion management advisory board to advise the education department on implementation of the best practices related to concussion management; and

WHEREAS, implementation of these measures will allow children to participate in athletics while providing a measure of protection against head injuries.

NOW, THEREFORE, BE IT

RESOLVED, that this body requests that New York State adopt into law New York State Assembly Bills A. 5188, A. 7885 and A. 8194 and Senate Bills S. 4848, S. 3953-B and S. 861; and be it further,

RESOLVED, that a certified copy of this resolution be sent to New York State Senate Leader Dean Skelos, Assembly Speaker Sheldon Silver, Governor Andrew Cuomo and the local delegation of the New York State Legislature.

Fiscal Impact: None.

5188
2011-2012 Regular Sessions
I N A S S E M B L Y
February 14, 2011

Introduced by M. of A. ZEBROWSKI, COLTON, JAFFEE, SPANO, DESTITO, LAVINE, WEPRIN, MILLMAN -- Multi-Sponsored by -- M. of A. BING, TITONE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring neurocognitive assessment of high school athletes before participation in contact sports and following any concussion or traumatic head injury and requiring public school coaches to receive training in the recognition and management of concussions and traumatic head injuries

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "concussion and head injury management act".

2 S 2. The education law is amended by adding two new sections 3001-e
3 and 3001-f to read as follows:

4 S 3001-E. CONCUSSION AND HEAD INJURY MANAGEMENT. 1. DEFINITIONS. AS
5 USED IN THIS SECTION:

6 A. "ATHLETE" MEANS A PERSON ENROLLED IN A PUBLIC SCHOOL WHO ENGAGES IN
7 COMPETITIVE SPORTS AT A HIGH SCHOOL.

8 B. "CONCUSSION" MEANS A MILD BRAIN INJURY CAUSED BY A BLOW TO THE HEAD
9 OR A SUDDEN, VIOLENT MOTION THAT CAUSES THE BRAIN TO BUMP UP AGAINST THE
10 SKULL.

11 C. "CONTACT SPORT" MEANS BASKETBALL, BASEBALL, FOOTBALL, SOFTBALL,
12 SOCCER, WRESTLING, ICE HOCKEY, FIELD HOCKEY, CHEERLEADING, LACROSSE,
13 SKIING OR VOLLEYBALL.

14 D. "NEUROCOGNITIVE ASSESSMENT" MEANS SPECIALIZED EVALUATION THAT IS
15 PRIMARILY CONCERNED WITH LEARNING AND BEHAVIOR IN RELATIONSHIP TO BRAIN
16 FUNCTION TO DETERMINE WHETHER AN ATHLETE HAS RECOVERED FROM A TRAUMATIC
17 BRAIN INJURY.

18 2. EACH SCHOOL DISTRICT SHALL IMPLEMENT A NEUROCOGNITIVE TESTING
19 PROGRAM FOR ALL ATHLETES PARTICIPATING IN A CONTACT SPORT AND SHALL
20 INCLUDE:

21 EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD07508-03-1

A. 5188

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1 A. A VALID BASELINE NEUROCOGNITIVE ASSESSMENT CONDUCTED PRIOR TO
2 PARTICIPATION IN THE SPORT. THE BASELINE TESTING WILL BE PERFORMED
3 EITHER THROUGH A CONCUSSION MANAGEMENT PROFESSIONAL OR NEUROCOGNITIVE
4 ASSESSMENT TOOL. A BASELINE TESTING ASSESSMENT FOR AN ATHLETE SHALL BE
5 VALID FOR A PERIOD OF TWO YEARS AFTER THE DATE OF THE ASSESSMENT; AND

6 B. A POST-INJURY NEUROCOGNITIVE TESTING CONDUCTED AFTER AN ATHLETE
7 SUFFERS ANY CONCUSSION OR TRAUMATIC HEAD INJURY.

8 3. A. ANY HIGH SCHOOL ATHLETE WHO IS SUSPECTED OF SUSTAINING A CONCUS-
9 SION OR TRAUMATIC HEAD INJURY DURING PRACTICE OR COMPETITION MUST BE
10 REMOVED FROM THE PRACTICE OR GAME IMMEDIATELY FOLLOWING THE INJURY.

11 B. AN ATHLETE WHO HAS BEEN REMOVED FROM A COMPETITION OR PRACTICE DUE
12 TO A SUSPECTED HEAD INJURY SHALL NOT RETURN TO PLAY:

13 (1) UNLESS THE ATHLETE HAS UNDERGONE AND SUCCESSFULLY COMPLETED A
14 POST-INJURY NEUROCOGNITIVE TEST AS DESCRIBED IN SUBDIVISION TWO OF THIS
15 SECTION; AND

16 (2) AFTER THE ATHLETE HAS SUCCESSFULLY COMPLETED A NEUROCOGNITIVE
17 TEST, A LICENSED HEALTH CARE PROFESSIONAL HAS EVALUATED THE ATHLETE AND
18 HAS GIVEN WRITTEN PERMISSION TO RESUME SPORTS ACTIVITY.

19 C. A RECORD OF ALL CONCUSSIONS OR TRAUMATIC HEAD INJURIES SUFFERED BY
20 A HIGH SCHOOL ATHLETE SHALL BE KEPT WITH THE SCHOOL'S NURSE.

21 S 3001-F. CONCUSSION AND HEAD INJURY TRAINING FOR COACHES OF
22 EXTRA-CLASS PUBLIC SCHOOL CONTACT ATHLETIC ACTIVITIES. 1. THE BOARD OF
23 EDUCATION SHALL DEVELOP AN APPROVED LIST OF TRAINING COURSES REGARDING
24 RECOGNITION AND MANAGEMENT OF CONCUSSIONS AND TRAUMATIC HEAD INJURIES.

25 2. PERSONS EMPLOYED IN PUBLIC SCHOOLS AS COACHES OF A CONTACT SPORT,
26 AS DEFINED IN SECTION THREE THOUSAND ONE-E OF THIS ARTICLE, SHALL
27 COMPLETE AN APPROVED TRAINING COURSE AS PROVIDED IN SUBDIVISION ONE OF
28 THIS SECTION BY DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN; PROVIDED,
29 HOWEVER, THAT THE COMMISSIONER SHALL HAVE THE AUTHORITY TO ESTABLISH BY
30 RULE OR REGULATION AN ADDITIONAL TIME SCHEDULE FOR COMPLIANCE WITH THIS
31 SECTION. ALL PUBLIC SCHOOL COACHES SHALL COMPLETE AN ADDITIONAL TRAINING
32 COURSE NO LONGER THAN FIVE YEARS LATER THAN THE INITIAL TRAINING.

33 S 3. This act shall take effect July 1, 2012 and shall apply to all
34 school years commencing on or after such date; provided that effective
35 immediately, the commissioner of education is authorized and directed to
36 promulgate all rules and regulations and take all actions necessary to
37 implement the provisions of this act on or before its effective date.

7885
2011-2012 Regular Sessions
IN ASSEMBLY
May 20, 2011

Introduced by M. of A. BENEDETTO -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to directing the commissioner of education to establish rules and regulations for the treatment and monitoring of students who suffer concussions or head injuries

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 305 of the education law is amended by adding a new
2 subdivision 42 to read as follows:

3 42. A. THE COMMISSIONER, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH
4 AND THE NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION, SHALL:

5 (1) PROMULGATE AND REGULARLY UPDATE RULES AND REGULATIONS TO ESTABLISH
6 MINIMUM STANDARDS FOR ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCA-
7 TIONAL SERVICES AND NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS RELATING
8 TO THE TREATMENT AND MONITORING OF PUPILS WHO SUFFER OR ARE SUSPECTED OF
9 SUFFERING CONCUSSIONS AND HEAD INJURIES WHILE RECEIVING INSTRUCTION OR
10 ENGAGING IN SCHOOL SPONSORED OR RELATED PHYSICAL OR ATHLETIC ACTIVITIES.
11 SUCH RULES AND REGULATIONS SHALL PROVIDE FOR AN APPROPRIATE LEVEL OF
12 MONITORING THE CONDITION, BOTH MENTAL AND PHYSICAL, OF EVERY PUPIL WHO
13 HAS SUFFERED OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY,
14 AND PROVIDE APPROPRIATE RESTRICTIONS ON PARTICIPATION IN PHYSICAL OR
15 ATHLETIC ACTIVITIES BY SUCH PUPILS. IN ADDITION, A WRITTEN RELEASE FORM
16 FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE EVALUATION AND
17 MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES SHALL BE FILED WITH SUCH
18 PUPIL'S SCHOOL PRIOR TO THE RESUMPTION OF PHYSICAL OR ATHLETIC ACTIV-
19 ITIES;

20 (2) DISTRIBUTE TO ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCA-
21 TIONAL SERVICES AND NONPUBLIC SCHOOLS AN INFORMATION PAMPHLET TO EDUCATE
22 COACHES, PUPILS PARTICIPATING IN INTERSCHOLASTIC SPORTS, PUPILS WHO HAVE
23 SUFFERED OR ARE SUSPECTED OF SUFFERING CONCUSSIONS OR HEAD INJURIES AND

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD11028-01-1

A. 7885

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1 PERSONS IN PARENTAL RELATION TO A PUPIL ON THE NATURE, INCIDENCE, TREAT-
 2 MENT, WARNING SIGNS AND RISKS OF CONCUSSIONS AND HEAD INJURIES. A COPY
 3 OF SUCH PAMPHLET SHALL BE PROVIDED ANNUALLY TO EVERY TEACHER OF PHYSICAL
 4 EDUCATION, EVERY COACH OF INTERSCHOLASTIC TEAMS, EVERY PUPIL WHO SUFFERS
 5 OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY AND THE PERSON
 6 IN PARENTAL RELATION TO EACH PUPIL WHO PARTICIPATES IN AN INTERSCHOLAS-
 7 TIC SPORT OR HAS SUFFERED OR IS SUSPECTED OF SUFFERING A CONCUSSION OR
 8 HEAD INJURY; AND

9 (3) DISTRIBUTE TO ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCA-
 10 TIONAL SERVICES AND NONPUBLIC SCHOOLS A FORM WHICH ATTESTS TO RECEIPT OF
 11 THE PAMPHLET ESTABLISHED PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH
 12 AND THAT THE SIGNATORS HAVE READ AND UNDERSTAND THE NATURE AND RISKS OF
 13 CONCUSSIONS AND HEAD INJURIES. NO PUPIL SHALL PRACTICE FOR OR ENGAGE IN
 14 INTERSCHOLASTIC SPORTS UNTIL SUCH PUPIL AND THE PERSON IN PARENTAL
 15 RELATION TO HIM OR HER HAVE SIGNED SUCH FORM. A NEW FORM SHALL BE SIGNED
 16 BY THE PUPIL AND THE PERSON IN PARENTAL RELATION TO HIM OR HER IN EVERY
 17 YEAR IN WHICH SUCH PUPIL PRACTICES FOR OR ENGAGES IN INTERSCHOLASTIC
 18 SPORTS.

19 B. THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO THIS SUBDIVISION
 20 SHALL BE DEEMED TO BE THE MINIMUM STANDARDS THAT MUST BE COMPLIED WITH
 21 BY EVERY SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND
 22 NONPUBLIC SCHOOL RELATING TO CONCUSSIONS AND HEAD INJURIES. NOTHING IN
 23 THIS SUBDIVISION SHALL PROHIBIT ANY SCHOOL DISTRICT, BOARD OF COOPER-
 24 ATIVE EDUCATIONAL SERVICES OR NONPUBLIC SCHOOL FROM ADOPTING AND IMPLE-
 25 MENTING MORE STRINGENT STANDARDS.

26 S 2. The education law is amended by adding a new section 3001-e to
 27 read as follows:

28 S 3001-E. STUDENTS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY.

29 1. ANY TEACHER, COACH, SCHOOL ADMINISTRATOR, SCHOOL GUIDANCE COUNSELOR,
 30 SCHOOL PSYCHOLOGIST, SCHOOL DRUG COUNSELOR, SCHOOL NURSE, SUPERVISOR OF
 31 ATTENDANCE, ATTENDANCE TEACHER OR ATTENDANCE OFFICER HAVING REASONABLE
 32 CAUSE TO SUSPECT THAT A SECONDARY OR ELEMENTARY STUDENT HAS SUFFERED A
 33 CONCUSSION OR HEAD INJURY SHALL IMMEDIATELY REMOVE SUCH STUDENT FROM ANY
 34 PHYSICAL ACTIVITY OR ATHLETIC COMPETITION.

35 2. ANY STUDENT WHO HAS BEEN REMOVED FROM ANY PHYSICAL ACTIVITY OR
 36 ATHLETIC COMPETITION DUE TO SUSPICION OF SUCH STUDENT HAVING SUFFERED A
 37 CONCUSSION OR HEAD INJURY SHALL NOT RETURN TO ANY PHYSICAL ACTIVITY OR
 38 ATHLETIC COMPETITION UNTIL SUCH STUDENT HAS PROVIDED A WRITTEN RELEASE
 39 FORM FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE EVALUATION AND
 40 MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES STATING THAT THE STUDENT MAY
 41 RETURN TO PHYSICAL ACTIVITY OR ATHLETIC COMPETITION.

42 S 3. This act shall take effect on the first of July next succeeding
 43 the date on which it shall have become a law; provided, that, effective
 44 immediately, any rules and regulations necessary to implement the
 45 provisions of this act on its effective date are authorized and directed
 46 to be completed on or before such date.

8194
2011-2012 Regular Sessions
I N A S S E M B L Y
June 6, 2011

Introduced by M. of A. NOLAN, BENEDETTO, SWEENEY, ZEBROWSKI, ROSENTHAL
-- read once and referred to the Committee on Education

AN ACT to amend the education law and the public health law, in relation to directing the commissioners of education and health to establish rules and regulations for the treatment and monitoring of students of school districts, boards of cooperative educational services and nonpublic schools who suffer mild traumatic brain injuries

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "concussion management and awareness act".

3 S 2. Section 305 of the education law is amended by adding a new
4 subdivision 42 to read as follows:

5 42. A. THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER OF
6 HEALTH, SHALL PROMULGATE AND REVIEW AS NECESSARY RULES AND REGULATIONS
7 RELATING TO PUPILS WHO SUFFER MILD TRAUMATIC BRAIN INJURIES, ALSO
8 REFERRED TO AS A "CONCUSSION," WHILE RECEIVING INSTRUCTION OR ENGAGING
9 IN ANY SCHOOL SPONSORED OR RELATED ACTIVITY. IN DEVELOPING SUCH RULES
10 AND REGULATIONS, THE COMMISSIONER SHALL CONSIDER COMMENTS FROM STAKE-
11 HOLDERS AND OTHER INTERESTED PARTIES INCLUDING BUT NOT LIMITED TO
12 PARENTS, TEACHERS, STUDENTS, SCHOOL ADMINISTRATORS, SCHOOL ATHLETIC
13 TRAINERS, SPORT COACHES, MEDICAL AND HEALTH PROFESSIONALS, THE PUBLIC
14 SCHOOLS ATHLETIC LEAGUE (PSAL), THE NEW YORK STATE PUBLIC HIGH SCHOOL
15 ATHLETIC ASSOCIATION (NYSPHSAA), AND OTHER ATHLETIC ASSOCIATIONS. SUCH
16 REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO:

17 (I) REQUIRING A COURSE OF INSTRUCTION RELATING TO RECOGNIZING THE
18 SYMPTOMS OF MILD TRAUMATIC BRAIN INJURIES AND MONITORING AND SEEKING
19 PROPER MEDICAL TREATMENT FOR PUPILS WHO SUFFER MILD TRAUMATIC BRAIN
20 INJURIES. SUCH COURSE OF INSTRUCTION SHALL BE REQUIRED TO BE COMPLETED
21 ON A BIENNIAL BASIS BY ALL SCHOOL COACHES, PHYSICAL EDUCATION TEACHERS,
22 NURSES AND ATHLETIC TRAINERS. THE COURSE OF INSTRUCTION REQUIRED BY THIS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
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LBD11993-03-1

A. 8194

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1 SUBPARAGRAPH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DEFINITION OF A
2 "CONCUSSION," SIGNS AND SYMPTOMS OF MILD TRAUMATIC BRAIN INJURIES, HOW
3 SUCH INJURIES MAY OCCUR, PRACTICES REGARDING PREVENTION, AND THE GUIDE-
4 LINES FOR THE RETURN TO SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A
5 PUPIL HAS SUFFERED A MILD TRAUMATIC BRAIN INJURY REGARDLESS OF WHETHER
6 SUCH INJURY OCCURRED OUTSIDE OF SCHOOL. SUCH TRAINING MAY BE COMPLETED
7 BY MEANS OF COURSES OF INSTRUCTION, INCLUDING BUT NOT LIMITED TO, COURSES
8 PROVIDED ONLINE AND BY TELECONFERENCE APPROVED BY THE DEPARTMENT;

9 (II) PROVIDING THAT THE DEPARTMENT AND THE DEPARTMENT OF HEALTH SHALL
10 POST ON THEIR INTERNET WEBSITES INFORMATION RELATING TO MILD TRAUMATIC
11 BRAIN INJURIES, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, THE DEFINITION OF A "CONCUSSION," SIGNS AND SYMPTOMS OF MILD TRAUMATIC BRAIN
12 INJURIES, HOW SUCH INJURIES MAY OCCUR, AND THE GUIDELINES FOR THE RETURN
13 TO SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A PUPIL HAS SUFFERED A
14 MILD TRAUMATIC BRAIN INJURY REGARDLESS OF WHETHER SUCH INJURY OCCURRED
15 OUTSIDE OF SCHOOL. SCHOOLS SHALL BE REQUIRED TO INCLUDE SUCH INFORMATION
16 IN ANY PERMISSION FORM OR PARENT OR PERSON IN PARENTAL RELATION CONSENT
17 FORM OR SIMILAR DOCUMENT THAT MAY BE REQUIRED FOR A PUPIL'S PARTICIPATION IN INTERSCHOLASTIC SPORTS AND SHALL ALSO INCLUDE SUCH INFORMATION,
18 OR REFERENCE HOW TO OBTAIN SUCH INFORMATION FROM THE DEPARTMENT
19 AND THE DEPARTMENT OF HEALTH INTERNET WEBSITES, ON THE SCHOOL'S INTERNET
20 WEBSITE, IF ONE EXISTS;

21 (III) REQUIRING THE IMMEDIATE REMOVAL FROM ATHLETIC ACTIVITIES OF ANY
22 PUPIL BELIEVED TO HAVE SUSTAINED OR WHO HAS SUSTAINED A MILD TRAUMATIC
23 BRAIN INJURY. IN THE EVENT THAT THERE IS ANY DOUBT AS TO WHETHER A PUPIL
24 HAS SUSTAINED A CONCUSSION, IT SHALL BE PRESUMED THAT HE OR SHE HAS BEEN
25 SO INJURED UNTIL PROVEN OTHERWISE. NO SUCH PUPIL SHALL RESUME ATHLETIC
26 ACTIVITY UNTIL HE OR SHE SHALL HAVE BEEN SYMPTOM FREE FOR NOT LESS THAN
27 TWENTY-FOUR HOURS, AND HAS BEEN EVALUATED BY AND RECEIVED WRITTEN AND
28 SIGNED AUTHORIZATION FROM A LICENSED PHYSICIAN. SUCH AUTHORIZATION SHALL
29 BE KEPT ON FILE IN THE PUPIL'S PERMANENT HEALTH RECORD. FURTHERMORE,
30 SUCH RULES AND REGULATIONS SHALL PROVIDE GUIDELINES FOR LIMITATIONS AND
31 RESTRICTIONS ON SCHOOL ATTENDANCE AND ACTIVITIES FOR PUPILS WHO HAVE
32 SUSTAINED MILD TRAUMATIC BRAIN INJURIES, CONSISTENT WITH THE DIRECTIVES
33 OF THE PUPIL'S TREATING PHYSICIAN.

34 (IV) AUTHORIZING EACH SCHOOL OR SCHOOL DISTRICT, IN ITS DISCRETION, TO
35 ESTABLISH A CONCUSSION MANAGEMENT TEAM WHICH MAY BE COMPOSED OF THE
36 ATHLETIC DIRECTOR (IF ANY), A SCHOOL NURSE, THE SCHOOL PHYSICIAN, A
37 COACH OF AN INTERSCHOLASTIC TEAM, AN ATHLETIC TRAINER OR SUCH OTHER
38 APPROPRIATE PERSONNEL AS DESIGNATED BY THE SCHOOL OR SCHOOL DISTRICT.
39 THE CONCUSSION MANAGEMENT TEAM SHALL OVERSEE THE IMPLEMENTATION OF THE
40 RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SUBDIVISION AS IT
41 PERTAINS TO THEIR ASSOCIATED SCHOOL INCLUDING THE REQUIREMENT THAT ALL
42 SCHOOL COACHES, PHYSICAL EDUCATION TEACHERS, NURSES AND ATHLETIC TRAINERS
43 THAT WORK WITH AND PROVIDE INSTRUCTION TO PUPILS ENGAGED IN SCHOOL
44 SPONSORED ATHLETIC ACTIVITIES COMPLETE TRAINING RELATING TO MILD TRAUMATIC
45 BRAIN INJURIES. FURTHERMORE, EVERY CONCUSSION MANAGEMENT TEAM MAY
46 ESTABLISH AND IMPLEMENT A PROGRAM WHICH PROVIDES INFORMATION ON MILD
47 TRAUMATIC BRAIN INJURIES TO PARENTS AND PERSONS IN PARENTAL RELATION
48 THROUGHOUT EACH SCHOOL YEAR.

49 B. THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO THIS SUBDIVISION
50 SHALL BE DEEMED TO BE THE MINIMUM STANDARDS THAT MUST BE COMPLIED WITH
51 BY EVERY PUBLIC SCHOOL RELATING TO MILD TRAUMATIC BRAIN INJURIES. SUCH
52 RULES AND REGULATIONS MAY ALSO BE IMPLEMENTED BY NONPUBLIC SCHOOLS IF
53 THEY SO AUTHORIZE. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT ANY PUBLIC

A. 8194

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1 SCHOOL OR NONPUBLIC SCHOOL FROM ADOPTING AND IMPLEMENTING MORE STRINGENT
2 STANDARDS.

3 S 3. Section 206 of the public health law is amended by adding a new
4 subdivision 28 to read as follows:

5 28. THE COMMISSIONER SHALL ASSIST THE COMMISSIONER OF EDUCATION IN
6 DEVELOPING RULES AND REGULATIONS, RELATING TO PUPILS WHO SUFFER MILD
7 TRAUMATIC BRAIN INJURIES, IN ACCORDANCE WITH SUBDIVISION FORTY-TWO OF
8 SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW, AND PROVIDE FOR THE
9 POSTING ON THE DEPARTMENT'S INTERNET WEBSITE OF SUCH INFORMATION AS
10 SHALL BE REQUIRED PURSUANT TO SUCH SUBDIVISION.

11 S 4. This act shall take effect on the first of July next succeeding
12 the date on which it shall have become a law; provided, that, effective
13 immediately, any rules and regulations necessary to implement the
14 provisions of this act on its effective date are authorized and directed
15 to be completed on or before such date.

4848
2011-2012 Regular Sessions
I N S E N A T E
April 27, 2011

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to directing the commissioner of education to establish rules and regulations for the treatment and monitoring of students who suffer concussions or head injuries

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 305 of the education law is amended by adding a new
2 subdivision 42 to read as follows:

3 42. A. THE COMMISSIONER, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH
4 AND THE NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION, SHALL:

5 (1) PROMULGATE AND REGULARLY UPDATE RULES AND REGULATIONS TO ESTABLISH
6 MINIMUM STANDARDS FOR ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS RELATING
7 TO THE TREATMENT AND MONITORING OF PUPILS WHO SUFFER OR ARE SUSPECTED OF
8 SUFFERING CONCUSSIONS AND HEAD INJURIES WHILE RECEIVING INSTRUCTION OR
9 ENGAGING IN SCHOOL SPONSORED OR RELATED PHYSICAL OR ATHLETIC ACTIVITIES.
10 SUCH RULES AND REGULATIONS SHALL PROVIDE FOR AN APPROPRIATE LEVEL OF
11 MONITORING THE CONDITION, BOTH MENTAL AND PHYSICAL, OF EVERY PUPIL WHO
12 HAS SUFFERED OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY,
13 AND PROVIDE APPROPRIATE RESTRICTIONS ON PARTICIPATION IN PHYSICAL OR
14 ATHLETIC ACTIVITIES BY SUCH PUPILS. IN ADDITION, A WRITTEN RELEASE FORM
15 FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE EVALUATION AND
16 MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES SHALL BE FILED WITH SUCH
17 PUPIL'S SCHOOL PRIOR TO THE RESUMPTION OF PHYSICAL OR ATHLETIC ACTIVITIES;
18
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20 (2) DISTRIBUTE TO ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND NONPUBLIC SCHOOLS AN INFORMATION PAMPHLET TO EDUCATE
21 COACHES, PUPILS PARTICIPATING IN INTERSCHOLASTIC SPORTS, PUPILS WHO HAVE
22 SUFFERED OR ARE SUSPECTED OF SUFFERING CONCUSSIONS OR HEAD INJURIES AND
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD11028-01-1

S. 4848

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1 PERSONS IN PARENTAL RELATION TO A PUPIL ON THE NATURE, INCIDENCE, TREAT-
 2 MENT, WARNING SIGNS AND RISKS OF CONCUSSIONS AND HEAD INJURIES. A COPY
 3 OF SUCH PAMPHLET SHALL BE PROVIDED ANNUALLY TO EVERY TEACHER OF PHYSICAL
 4 EDUCATION, EVERY COACH OF INTERSCHOLASTIC TEAMS, EVERY PUPIL WHO SUFFERS
 5 OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY AND THE PERSON
 6 IN PARENTAL RELATION TO EACH PUPIL WHO PARTICIPATES IN AN INTERSCHOLAS-
 7 TIC SPORT OR HAS SUFFERED OR IS SUSPECTED OF SUFFERING A CONCUSSION OR
 8 HEAD INJURY; AND

9 (3) DISTRIBUTE TO ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCA-
 10 TIONAL SERVICES AND NONPUBLIC SCHOOLS A FORM WHICH ATTESTS TO RECEIPT OF
 11 THE PAMPHLET ESTABLISHED PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH
 12 AND THAT THE SIGNATORS HAVE READ AND UNDERSTAND THE NATURE AND RISKS OF
 13 CONCUSSIONS AND HEAD INJURIES. NO PUPIL SHALL PRACTICE FOR OR ENGAGE IN
 14 INTERSCHOLASTIC SPORTS UNTIL SUCH PUPIL AND THE PERSON IN PARENTAL
 15 RELATION TO HIM OR HER HAVE SIGNED SUCH FORM. A NEW FORM SHALL BE SIGNED
 16 BY THE PUPIL AND THE PERSON IN PARENTAL RELATION TO HIM OR HER IN EVERY
 17 YEAR IN WHICH SUCH PUPIL PRACTICES FOR OR ENGAGES IN INTERSCHOLASTIC
 18 SPORTS.

19 B. THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO THIS SUBDIVISION
 20 SHALL BE DEEMED TO BE THE MINIMUM STANDARDS THAT MUST BE COMPLIED WITH
 21 BY EVERY SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND
 22 NONPUBLIC SCHOOL RELATING TO CONCUSSIONS AND HEAD INJURIES. NOTHING IN
 23 THIS SUBDIVISION SHALL PROHIBIT ANY SCHOOL DISTRICT, BOARD OF COOPER-
 24 ATIVE EDUCATIONAL SERVICES OR NONPUBLIC SCHOOL FROM ADOPTING AND IMPLE-
 25 MENTING MORE STRINGENT STANDARDS.

26 S 2. The education law is amended by adding a new section 3001-e to
 27 read as follows:

28 S 3001-E. STUDENTS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY.

29 1. ANY TEACHER, COACH, SCHOOL ADMINISTRATOR, SCHOOL GUIDANCE COUNSELOR,
 30 SCHOOL PSYCHOLOGIST, SCHOOL DRUG COUNSELOR, SCHOOL NURSE, SUPERVISOR OF
 31 ATTENDANCE, ATTENDANCE TEACHER OR ATTENDANCE OFFICER HAVING REASONABLE
 32 CAUSE TO SUSPECT THAT A SECONDARY OR ELEMENTARY STUDENT HAS SUFFERED A
 33 CONCUSSION OR HEAD INJURY SHALL IMMEDIATELY REMOVE SUCH STUDENT FROM ANY
 34 PHYSICAL ACTIVITY OR ATHLETIC COMPETITION.

35 2. ANY STUDENT WHO HAS BEEN REMOVED FROM ANY PHYSICAL ACTIVITY OR
 36 ATHLETIC COMPETITION DUE TO SUSPICION OF SUCH STUDENT HAVING SUFFERED A
 37 CONCUSSION OR HEAD INJURY SHALL NOT RETURN TO ANY PHYSICAL ACTIVITY OR
 38 ATHLETIC COMPETITION UNTIL SUCH STUDENT HAS PROVIDED A WRITTEN RELEASE
 39 FORM FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE EVALUATION AND
 40 MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES STATING THAT THE STUDENT MAY
 41 RETURN TO PHYSICAL ACTIVITY OR ATHLETIC COMPETITION.

42 S 3. This act shall take effect on the first of July next succeeding
 43 the date on which it shall have become a law; provided, that, effective
 44 immediately, any rules and regulations necessary to implement the
 45 provisions of this act on its effective date are authorized and directed
 46 to be completed on or before such date.

S T A T E O F N E W Y O R K

3953--B

Cal. No. 280

2011-2012 Regular Sessions
I N S E N A T E
March 10, 2011

Introduced by Sens. HANNON, MAZIARZ, BALL, ADAMS, ALES, AVELLA, CARLUCCI, FUSCHILLO, HUNTLEY, LARKIN, LAVALLE, NOZZOLIO, SQUADRON, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law and the public health law, in relation to directing the commissioners of education and health to establish rules and regulations for the treatment and monitoring of students of school districts, boards of cooperative educational services and nonpublic schools who suffer mild traumatic brain injuries

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "concussion management and awareness act".

3 S 2. Section 305 of the education law is amended by adding a new
4 subdivision 42 to read as follows:

5 42. A. THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER OF
6 HEALTH, SHALL PROMULGATE AND REVIEW AS NECESSARY RULES AND REGULATIONS
7 RELATING TO PUPILS WHO SUFFER MILD TRAUMATIC BRAIN INJURIES, ALSO
8 REFERRED TO AS A "CONCUSSION," WHILE RECEIVING INSTRUCTION OR ENGAGING
9 IN ANY SCHOOL SPONSORED OR RELATED ACTIVITY. IN DEVELOPING SUCH RULES
10 AND REGULATIONS, THE COMMISSIONER SHALL CONSIDER COMMENTS FROM STAKE-
11 HOLDERS AND OTHER INTERESTED PARTIES INCLUDING BUT NOT LIMITED TO
12 PARENTS, TEACHERS, STUDENTS, SCHOOL ADMINISTRATORS, SCHOOL ATHLETIC
13 TRAINERS, SPORT COACHES, MEDICAL AND HEALTH PROFESSIONALS, THE PUBLIC
14 SCHOOLS ATHLETIC LEAGUE (PSAL), THE NEW YORK STATE PUBLIC HIGH SCHOOL
15 ATHLETIC ASSOCIATION (NYSPPHSAA), AND OTHER ATHLETIC ASSOCIATIONS. SUCH
16 REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09691-10-1

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1 (I) REQUIRING A COURSE OF INSTRUCTION RELATING TO RECOGNIZING THE
2 SYMPTOMS OF MILD TRAUMATIC BRAIN INJURIES AND MONITORING AND SEEKING
3 PROPER MEDICAL TREATMENT FOR PUPILS WHO SUFFER MILD TRAUMATIC BRAIN
4 INJURIES. SUCH COURSE OF INSTRUCTION SHALL BE REQUIRED TO BE COMPLETED
5 ON A BIENNIAL BASIS BY ALL SCHOOL COACHES, PHYSICAL EDUCATION TEACHERS,
6 NURSES AND ATHLETIC TRAINERS. THE COURSE OF INSTRUCTION REQUIRED BY THIS
7 SUBPARAGRAPH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DEFINITION OF A
8 "CONCUSSION," SIGNS AND SYMPTOMS OF MILD TRAUMATIC BRAIN INJURIES, HOW
9 SUCH INJURIES MAY OCCUR, PRACTICES REGARDING PREVENTION, AND THE GUIDE-
10 LINES FOR THE RETURN TO SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A
11 PUPIL HAS SUFFERED A MILD TRAUMATIC BRAIN INJURY REGARDLESS OF WHETHER
12 SUCH INJURY OCCURRED OUTSIDE OF SCHOOL. SUCH TRAINING MAY BE COMPLETED
13 BY MEANS OF COURSES OF INSTRUCTION, INCLUDING BUT NOT LIMITED TO, COURSES
14 PROVIDED ONLINE AND BY TELECONFERENCE APPROVED BY THE DEPARTMENT;

15 (II) PROVIDING THAT THE DEPARTMENT AND THE DEPARTMENT OF HEALTH SHALL
16 POST ON THEIR INTERNET WEBSITES INFORMATION RELATING TO MILD TRAUMATIC
17 BRAIN INJURIES, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, THE DEFINITION OF A "CONCUSSION," SIGNS AND SYMPTOMS OF MILD TRAUMATIC BRAIN INJURIES, HOW SUCH INJURIES MAY OCCUR, AND THE GUIDELINES FOR THE RETURN TO SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A PUPIL HAS SUFFERED A MILD TRAUMATIC BRAIN INJURY REGARDLESS OF WHETHER SUCH INJURY OCCURRED OUTSIDE OF SCHOOL. SCHOOLS SHALL BE REQUIRED TO INCLUDE SUCH INFORMATION IN ANY PERMISSION FORM OR PARENT OR PERSON IN PARENTAL RELATION CONSENT FORM OR SIMILAR DOCUMENT THAT MAY BE REQUIRED FOR A PUPIL'S PARTICIPATION IN INTERSCHOLASTIC SPORTS AND SHALL ALSO INCLUDE SUCH INFORMATION, OR REFERENCE HOW TO OBTAIN SUCH INFORMATION FROM THE DEPARTMENT AND THE DEPARTMENT OF HEALTH INTERNET WEBSITES, ON THE SCHOOL'S INTERNET WEBSITE, IF ONE EXISTS;

29 (III) REQUIRING THE IMMEDIATE REMOVAL FROM ATHLETIC ACTIVITIES OF ANY
30 PUPIL BELIEVED TO HAVE SUSTAINED OR WHO HAS SUSTAINED A MILD TRAUMATIC
31 BRAIN INJURY. IN THE EVENT THAT THERE IS ANY DOUBT AS TO WHETHER A PUPIL
32 HAS SUSTAINED A CONCUSSION, IT SHALL BE PRESUMED THAT HE OR SHE HAS BEEN
33 SO INJURED UNTIL PROVEN OTHERWISE. NO SUCH PUPIL SHALL RESUME ATHLETIC
34 ACTIVITY UNTIL HE OR SHE SHALL HAVE BEEN SYMPTOM FREE FOR NOT LESS THAN
35 TWENTY-FOUR HOURS, AND HAS BEEN EVALUATED BY AND RECEIVED WRITTEN AND
36 SIGNED AUTHORIZATION FROM A LICENSED PHYSICIAN. SUCH AUTHORIZATION SHALL
37 BE KEPT ON FILE IN THE PUPIL'S PERMANENT HEALTH RECORD. FURTHERMORE,
38 SUCH RULES AND REGULATIONS SHALL PROVIDE GUIDELINES FOR LIMITATIONS AND
39 RESTRICTIONS ON SCHOOL ATTENDANCE AND ACTIVITIES FOR PUPILS WHO HAVE
40 SUSTAINED MILD TRAUMATIC BRAIN INJURIES, CONSISTENT WITH THE DIRECTIVES
41 OF THE PUPIL'S TREATING PHYSICIAN.

42 (IV) AUTHORIZING EACH SCHOOL OR SCHOOL DISTRICT, IN ITS DISCRETION, TO
43 ESTABLISH A CONCUSSION MANAGEMENT TEAM WHICH MAY BE COMPOSED OF THE
44 ATHLETIC DIRECTOR (IF ANY), A SCHOOL NURSE, THE SCHOOL PHYSICIAN, A
45 COACH OF AN INTERSCHOLASTIC TEAM, AN ATHLETIC TRAINER OR SUCH OTHER
46 APPROPRIATE PERSONNEL AS DESIGNATED BY THE SCHOOL OR SCHOOL DISTRICT.
47 THE CONCUSSION MANAGEMENT TEAM SHALL OVERSEE THE IMPLEMENTATION OF THE
48 RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SUBDIVISION AS IT
49 PERTAINS TO THEIR ASSOCIATED SCHOOL INCLUDING THE REQUIREMENT THAT ALL
50 SCHOOL COACHES, PHYSICAL EDUCATION TEACHERS, NURSES AND ATHLETIC TRAINERS THAT WORK WITH AND PROVIDE INSTRUCTION TO PUPILS ENGAGED IN SCHOOL SPONSORED ATHLETIC ACTIVITIES COMPLETE TRAINING RELATING TO MILD TRAUMATIC BRAIN INJURIES. FURTHERMORE, EVERY CONCUSSION MANAGEMENT TEAM MAY
54 ESTABLISH AND IMPLEMENT A PROGRAM WHICH PROVIDES INFORMATION ON MILD
55 TRAUMATIC BRAIN INJURIES TO PARENTS AND PERSONS IN PARENTAL RELATION
56 THROUGHOUT EACH SCHOOL YEAR.

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1 B. THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO THIS SUBDIVISION
2 SHALL BE DEEMED TO BE THE MINIMUM STANDARDS THAT MUST BE COMPLIED WITH
3 BY EVERY PUBLIC SCHOOL RELATING TO MILD TRAUMATIC BRAIN INJURIES. SUCH
4 RULES AND REGULATIONS MAY ALSO BE IMPLEMENTED BY NONPUBLIC SCHOOLS IF
5 THEY SO AUTHORIZE. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT ANY PUBLIC
6 SCHOOL OR NONPUBLIC SCHOOL FROM ADOPTING AND IMPLEMENTING MORE STRINGENT
7 STANDARDS.

8 S 3. Section 206 of the public health law is amended by adding a new
9 subdivision 28 to read as follows:

10 28. THE COMMISSIONER SHALL ASSIST THE COMMISSIONER OF EDUCATION IN
11 DEVELOPING RULES AND REGULATIONS, RELATING TO PUPILS WHO SUFFER MILD
12 TRAUMATIC BRAIN INJURIES, IN ACCORDANCE WITH SUBDIVISION FORTY-TWO OF
13 SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW, AND PROVIDE FOR THE
14 POSTING ON THE DEPARTMENT'S INTERNET WEBSITE OF SUCH INFORMATION AS
15 SHALL BE REQUIRED PURSUANT TO SUCH SUBDIVISION.

16 S 4. This act shall take effect on the first of July next succeeding
17 the date on which it shall have become a law; provided, that, effective
18 immediately, any rules and regulations necessary to implement the
19 provisions of this act on its effective date are authorized and directed
20 to be completed on or before such date.

861
2011-2012 Regular Sessions
I N S E N A T E
(PREFILED)
January 5, 2011

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Education
AN ACT to amend the education law, in relation to establishing the New York state head injury awareness and prevention act
THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 62 to
2 read as follows:

3 ARTICLE 62

4 NEW YORK STATE HEAD INJURY AWARENESS AND PREVENTION

5 ACT

6 SECTION 3050. SHORT TITLE.

7 3051. LEGISLATIVE INTENT.

8 3052. CONCUSSION MANAGEMENT ADVISORY BOARD.

9 3053. NEW YORK STATE HEAD INJURY AWARENESS PROGRAM.

10 3054. DEFINITIONS.

11 3055. INTERSCHOLASTIC SPORTS HEAD INJURY AWARENESS PROGRAM.

12 3056. ALL ACTIVITY HEAD INJURY AWARENESS AND OUTREACH PROGRAM.

13 3057. TRAINING COURSE DEVELOPMENT AND IMPLEMENTATION.

14 S 3050. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
15 THE "NEW YORK STATE HEAD INJURY AWARENESS AND PREVENTION ACT".

16 S 3051. LEGISLATIVE INTENT. 1. IT IS AND HAS BEEN THE LONG-STANDING
17 POLICY OF THE STATE OF NEW YORK THAT THE WELL-BEING OF OUR CHILDREN IS
18 PARAMOUNT. THE STATE ALSO HAS A PROUD HISTORY OF PROMOTING THE DEVELOP-
19 MENT OF HEALTHY MINDS AND BODIES IN OUR CHILDREN BY INVOLVEMENT IN
20 SPORTS, WHICH STATE POLICY HAS SUPPORTED AT ALL LEVELS OF OUR EDUCATION
21 AND HIGHER EDUCATION SYSTEMS. REPORTED MILD TRAUMATIC BRAIN INJURIES
22 (TBIS), COMMONLY KNOWN AS CONCUSSIONS, OCCUR AT ALL LEVELS OF SPORTS
23 PLAY. THE NEW YORK STATE DEPARTMENT OF HEALTH REPORTS THAT BETWEEN THE
24 YEARS TWO THOUSAND SIX AND TWO THOUSAND EIGHT MORE THAN TWENTY-THREE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

[] is old law to be omitted.

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1 THOUSAND SCHOOL AGED YOUTH VISITED THE EMERGENCY DEPARTMENT OR WERE
 2 HOSPITALIZED FOR CONCUSSIONS ANNUALLY WITH THE COST OF THEIR MEDICAL
 3 CARE APPROACHING EIGHTY MILLION DOLLARS. THE THREE YEAR TOTAL COST OF
 4 BOTH HOSPITALIZATION AND EMERGENCY DEPARTMENT VISITS IN THE SAME PERIOD
 5 FOR ALL AGE GROUPS IN THE STATE FOR TREATMENT OF TBIS WAS OVER A BILLION
 6 DOLLARS.

7 2. THE LEGISLATURE FURTHER FINDS THAT EARLY INTERVENTION, RESPONSE,
 8 AND THE PROPER EVALUATION AND MANAGEMENT OF CONCUSSIONS WILL LESSEN THE
 9 EFFECTS OF THIS POTENTIALLY LIFE THREATENING INJURY. IT IS ESSENTIAL TO
 10 EDUCATE PARENTS AND GUARDIANS, STUDENTS, COACHES AND SCHOOL PERSONNEL ON
 11 THE EARLY AND ACCURATE RECOGNITION OF THE SIGNS AND SYMPTOMS OF CONCUS-
 12 SIONS AND THE POTENTIAL HARMFUL EFFECTS OF HEAD INJURIES NOT JUST ON A
 13 CHILD'S PHYSICAL WELL-BEING BUT ON HIS OR HER ACADEMIC PERFORMANCE AS
 14 WELL.

15 3. THE LEGISLATURE HEREBY DECLARES THAT AN ADVISORY BOARD COMPOSED OF
 16 EXPERTS IN THE AREA OF CONCUSSION DIAGNOSIS, TREATMENT AND MANAGEMENT,
 17 WHO WILL SERVE AS ADVISORS TO THE DEPARTMENT AND SCHOOL DISTRICTS, IS
 18 CRITICAL TO THE SUCCESS OF THIS LEGISLATION AND TO IMPLEMENTATION OF A
 19 STANDARDIZED STATEWIDE PROGRAM, CONSISTENT ACROSS ALL SCHOOL DISTRICTS
 20 AND REGIONS OF THE STATE.

21 4. THE ADVISORY BOARD MEMBERS, ARMED WITH CURRENT KNOWLEDGE OF BEST
 22 PRACTICES AND INFORMATION RESOURCES THAT MAY BE DEPLOYED, WILL ADVISE
 23 THE DEPARTMENT ON THE CONTENTS FOR A WEB-BASED INFORMATION KIT, FORMS,
 24 AND EDUCATIONAL MATERIALS, THAT SHALL BE MADE AVAILABLE TO SCHOOLS FREE
 25 OF CHARGE THROUGHOUT THE STATE SUCH THAT THEY MAY EFFECTIVELY IMPLEMENT
 26 PROGRAMS TO PROTECT PARTICIPANTS IN INTERSCHOLASTIC SPORTS, AND OTHER
 27 ACTIVITIES WHERE HEAD INJURIES MAY OCCUR.

28 S 3052. CONCUSSION MANAGEMENT ADVISORY BOARD. 1. THERE IS HEREBY
 29 ESTABLISHED IN THE DEPARTMENT A STATE CONCUSSION MANAGEMENT ADVISORY
 30 BOARD TO ADVISE THE DEPARTMENT IN IMPLEMENTATION OF BEST PRACTICES AS
 31 RELATED TO CONCUSSION MANAGEMENT.

32 2. MEMBERS OF THE CONCUSSION MANAGEMENT PROFESSIONAL ADVISORY BOARD,
 33 HEREAFTER REFERRED TO AS THE "BOARD", SHALL INCLUDE DESIGNATED REPRESEN-
 34 TATIVES FROM THE FOLLOWING ORGANIZATIONS:

- 35 A. NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION (NYSPHSAA);
- 36 B. STONY BROOK UNIVERSITY - ATHLETIC TRAINING PROGRAM;
- 37 C. MOUNT SINAI SCHOOL OF MEDICINE - RESEARCH AND TRAINING CENTER ON
- 38 COMMUNITY INTEGRATION OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY;
- 39 D. UNIVERSITY OF BUFFALO SCHOOL OF PUBLIC HEALTH - ATHLETIC TRAINING
- 40 PROGRAM;
- 41 E. NATIONAL ATHLETIC TRAINERS' ASSOCIATION'S CONCUSSION COUNCIL;
- 42 F. NEW YORK STATE ATHLETIC TRAINERS' ASSOCIATION;
- 43 G. NEW YORK STATE SCHOOL NURSES' ASSOCIATION;
- 44 H. SCHOOL DISTRICT REPRESENTATIVE;
- 45 I. NEW YORK STATE DEPARTMENT OF EDUCATION;
- 46 J. NEW YORK STATE DEPARTMENT OF HEALTH; AND
- 47 K. MEDICAL SOCIETY.

48 3. THE BOARD SHALL MEET AT LEAST THREE TIMES A YEAR AND SHALL FACILI-
 49 TATE AS PRACTICABLE AS POSSIBLE WITHOUT ADDITIONAL COSTS TO SCHOOL
 50 DISTRICTS THE IMPLEMENTATION OF THE PROVISIONS OF THIS ARTICLE.

51 THE COMMISSIONERS MAY DETAIL FROM TIME TO TIME, FOR THE ASSISTANCE OF
 52 THE ADVISORY BOARD, SUCH EMPLOYEES OF THE DEPARTMENTS AS THEY DEEM
 53 NECESSARY.

54 THE ADVISORY BOARD SHALL REVIEW EXISTING AND PROPOSED STATE HEAD INJU-
 55 RY AWARENESS AND PREVENTION LAWS AND REGULATIONS. THE ADVISORY BOARD
 56 SHALL REVIEW EXISTING AND PROPOSED STATE HEAD INJURY AWARENESS AND

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1 PREVENTION LAWS AND REGULATIONS. THE ADVISORY BOARD SHALL MAKE RECOMMEN-
 2 DATIONS TO THE COMMISSIONER OF HEALTH AND THE COMMISSIONER OF EDUCATION
 3 AS TO ANY REGULATORY CHANGES THAT MAY BE NECESSARY FOR THE IMPLEMENTA-
 4 TION OF THIS ARTICLE.

5 THE ADVISORY BOARD FURTHER, SHALL REVIEW EXISTING AND PROPOSED STATE
 6 HEAD INJURY AWARENESS AND PREVENTION LAWS AND SHALL MAKE RECOMMENDATIONS
 7 TO THE GOVERNOR, THE LEADERS OF THE SENATE AND ASSEMBLY, AS WELL AS THE
 8 ASSEMBLY AND SENATE CHAIRS OF THE STANDING COMMITTEES ON HEALTH AND
 9 EDUCATION, ANY NECESSARY CHANGES OR ADDITIONS TO LAWS AND PROGRAMS TO
 10 IMPROVE HEAD INJURY AWARENESS AND PREVENTION.

11 THE ADVISORY BOARD SHALL REPORT THE EFFECTIVENESS OF THE DEPARTMENTS'
 12 ACTIVITIES.

13 4. ADDITIONAL RESPONSIBILITIES OF THE ADVISORY BOARD SHALL INCLUDE,
 14 BUT NOT BE LIMITED TO, ADVICE AND COUNSEL TO THE DEPARTMENT AS WELL AS
 15 ASSISTANCE TO THE DEPARTMENT IN THE DEVELOPMENT AND RECOMMENDATIONS FOR
 16 BEST PRACTICES REGARDING THE FOLLOWING:

17 A. CONTENTS OF TRAINING AND INFORMATIONAL MATERIALS;

18 B. RELEASE FORMS;

19 C. CONTENTS OF WEBSITES;

20 D. REQUIREMENTS FOR GAME DAY COVERAGE FOR INTERSCHOLASTIC PLAY;

21 E. REQUIRED TRAINING FOR COACHES AND SCHOOL OFFICIALS;

22 F. PROTOCOLS FOR RETURN TO PRACTICE OR PLAY OR RETURN TO SCHOOL AND/OR
 23 SCHOOL ACTIVITIES;

24 G. POST INJURY INFORMATION SHEETS AND GUIDELINES; AND

25 H. OVERSEE ANNUAL COACH TRAINING REQUIREMENTS AND SUGGEST ADDITIONAL
 26 COACH TRAINING REQUIREMENTS AS NEEDED.

27 5. A. MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR
 28 SERVICES. THEY SHALL BE ENTITLED TO REASONABLE AND NECESSARY EXPENSES
 29 ACCRUED DURING THE PERFORMANCE OF THEIR DUTIES.

30 B. MEMBERS OF THE ADVISORY BOARD SHALL NOT BE HELD INDIVIDUALLY OR AS
 31 A GROUP LEGALLY RESPONSIBLE FOR ANY ACTIONS TAKEN BY THEM OR THE BOARD
 32 ABSENT A FINDING OF GROSS NEGLIGENCE.

33 6. PRELIMINARY RECOMMENDATIONS OF THE ADVISORY BOARD FOR IMPLEMENTA-
 34 TION OF POLICIES SHALL BE SUBMITTED TO THE GOVERNOR, STATE EDUCATION AND
 35 HEALTH DEPARTMENTS AND TO THE HEALTH AND EDUCATION COMMITTEES OF BOTH
 36 HOUSES OF THE LEGISLATURE BY A DATE NO LATER THAN ONE HUNDRED EIGHTY
 37 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE.

38 S 3053. NEW YORK STATE HEAD INJURY AWARENESS PROGRAM. 1. THE DEPART-
 39 MENT, IN CONSULTATION WITH OTHER STATE AGENCIES, SHALL BE RESPONSIBLE
 40 FOR IMPLEMENTING REGULATORY RECOMMENDATIONS OF THE ADVISORY BOARD AS
 41 WELL AS THE STATUTORY PROVISIONS OF THIS ARTICLE WITH RESPECT TO GUIDE-
 42 LINES AND STANDARDS FOR:

43 A. STUDENT ATHLETES PARTICIPATING IN INTERSCHOLASTIC COMPETITIONS; AND

44 B. ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
 45 AND NONPUBLIC SCHOOLS RELATING TO THE TRAINING OF SCHOOL PERSONNEL AND
 46 PROVIDING INFORMATION TO PARENTS REGARDING THE TREATMENT AND MONITORING
 47 OF STUDENTS WHO SUFFER OR ARE SUSPECTED OF SUFFERING CONCUSSIONS AND
 48 HEAD INJURIES.

49 2. THE DEPARTMENT IN CONSULTATION WITH THE ADVISORY BOARD SHALL
 50 PROMULGATE RULES AND REGULATIONS, INCLUDING PROVISION OF UNIFORM GUIDE-
 51 LINES, PROTOCOLS AND FORMS THAT SHALL BE USED BY ALL SCHOOL DISTRICTS
 52 THROUGHOUT THE STATE.

53 3. THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A DEDICATED CONCUSSION
 54 MANAGEMENT WEBSITE THAT SHALL INCLUDE LINKS TO RELEVANT MATERIALS,
 55 EDUCATIONAL PROGRAMS AND READILY DOWNLOADABLE FORMS OF ALL MATERIALS

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1 REQUIRED TO COMPLY WITH THE RULES, REGULATIONS AND GUIDELINES SET FORTH
2 HEREIN.

3 4. THE DEPARTMENT, ON AT LEAST AN ANNUAL BASIS PRIOR TO THE START OF
4 THE NEW SCHOOL YEAR, SHALL UPDATE MATERIALS AS NEEDED TO REFLECT BEST
5 PRACTICES AND MOST CURRENT INFORMATION.

6 5. FORMS AND INFORMATIONAL MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED
7 TO:

8 A. PARENTAL AND STUDENT HEAD INJURY INFORMATION PACKETS;

9 B. RELEASE FORMS FOR PARENTS AND STUDENTS;

10 C. ANNUAL TRAINING CERTIFICATION FORMS FOR ALL SCHOOL DISTRICT STAFF
11 AND VOLUNTEER CERTIFIED HEALTH CARE PROVIDERS;

12 D. ACCIDENT REPORTING AND OBSERVATION FORMS WHICH INCLUDE A CONCUSSION
13 SIGNS AND SYMPTOMS CHECKLIST;

14 E. TEAM MEDICAL STAFFING RECORDKEEPING FORMS;

15 F. RETURN TO ACTIVITY PROTOCOL FORMS TO BE USED BY HEALTH CARE PROVID-
16 ERS;

17 G. INFORMATION REGARDING HEALTH CARE PROVIDERS TRAINED IN THE RECOGNI-
18 TION OF HEAD INJURIES AND CARE;

19 H. POST INJURY FACT SHEETS FOR PARENTS/GUARDIANS AND STUDENTS; AND

20 I. SCHOOL "CONCUSSION MANAGEMENT POINT PERSON" INFORMATION AND TRAIN-
21 ING KITS.

22 6. EACH SCHOOL DISTRICT SHALL DESIGNATE A CONCUSSION MANAGEMENT POINT
23 PERSON, WHO IS A FULL-TIME EMPLOYEE OF THE SCHOOL DISTRICT, WHO SHALL
24 HAVE QUALIFICATIONS ESTABLISHED BY THE DEPARTMENT UPON THE ADVICE AND
25 COUNSEL OF THE ADVISORY BOARD AND WHO WILL MANAGE INFORMATION AND
26 RECORDS AS REQUIRED RELATING TO THE NEW YORK STATE HEAD INJURY AWARENESS
27 PROGRAM FOR EACH SCHOOL WITHIN THE SCHOOL DISTRICT. INFORMATION AND
28 TRAINING KITS SHALL BE PROVIDED TO SUPPORT THIS POSITION THROUGH THE
29 DEPARTMENT'S CONCUSSION MANAGEMENT WEBSITE.

30 S 3054. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS
31 SHALL HAVE THE FOLLOWING MEANINGS:

32 1. "LICENSED HEALTH CARE PROVIDER" SHALL MEAN A PHYSICIAN LICENSED
33 PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS CHAPTER, A PHYSICIAN
34 ASSISTANT LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THIS
35 CHAPTER, A CERTIFIED NURSE PRACTITIONER CERTIFIED PURSUANT TO SECTION
36 SIXTY-NINE HUNDRED TEN OF THIS CHAPTER. IN ALL CASES THE HEALTH CARE
37 PROVIDER SHOULD PRACTICE IN A SPECIALTY RELEVANT TO THE CARE AND TREAT-
38 MENT OF HEAD INJURIES AS DETERMINED BY THE BOARD.

39 2. "SCHOOL ATHLETIC ACTIVITY" SHALL MEAN A SANCTIONED COMPETITION.

40 3. "SCHOOL PERSONNEL" SHALL MEAN TEACHER, COACH, CLUB, INTRAMURAL
41 SPORT OR ACTIVITY SUPERVISOR, SCHOOL ADMINISTRATOR, SCHOOL GUIDANCE
42 COUNSELOR, SCHOOL PSYCHOLOGIST, SCHOOL DRUG COUNSELOR, SCHOOL NURSE,
43 CLASSROOM AIDES.

44 4. "QUALIFIED CONCUSSION MANAGEMENT TRAINING" SHALL MEAN TRAINING
45 EQUIVALENT TO THAT WHICH IS OFFERED THROUGH THE DEPARTMENT AS PART OF
46 ITS FIRST AID TRAINING COURSE.

47 5. "RETURN TO ACTIVITY PROTOCOL" SHALL MEAN A STEP BY STEP PROGRESSION
48 FROM INJURY TO FULL PARTICIPATION, BASED ON MONITORING THE RESOLUTION OF
49 CONCUSSION SIGNS AND SYMPTOMS.

50 S 3055. INTERSCHOLASTIC SPORTS HEAD INJURY AWARENESS PROGRAM. 1.
51 COACH TRAINING. REQUIRED CERTIFICATION FOR ALL COACHES MUST INCLUDE A
52 FIRST AID TRAINING COURSE AND COMPLETION OF A QUALIFIED CONCUSSION
53 MANAGEMENT TRAINING SECTION OR PROGRAM. ADDITIONAL ANNUAL CONCUSSION
54 MANAGEMENT TRAINING REQUIREMENTS FOR COACHES OF SCHOOL SANCTIONED
55 COMPETITIVE SPORTS SHALL BE DETERMINED BY THE DEPARTMENT UPON THE ADVICE
56 AND COUNSEL OF THE ADVISORY BOARD.

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1 2. PRIOR TO PARTICIPATION IN EACH SCHOOL SANCTIONED COMPETITIVE SPORT
 2 THE ATHLETE AND HIS OR HER PARENT OR GUARDIAN MUST SIGN AND RETURN TO
 3 THE SCHOOL DISTRICT AN ACKNOWLEDGEMENT AND A CONCUSSION AND HEAD INJURY
 4 FACT AND INFORMATION FORM.

5 3. A. ANY ATHLETE DETERMINED TO SHOW SIGNS, SYMPTOMS OR BEHAVIORS OF A
 6 CONCUSSION OR HEAD INJURY DURING PRACTICE OR PLAY SHALL IMMEDIATELY BE
 7 REMOVED FROM PARTICIPATION.

8 B. THE ACTION REMOVING THE ATHLETE FROM PLAY SHALL BE DOCUMENTED USING
 9 A CONCUSSION SIGNS AND SYMPTOMS CHECKLIST BY THE COACH, ATHLETIC TRAINER
 10 OR LICENSED HEALTH CARE PROVIDER.

11 C. THE ATHLETE SHALL NOT RETURN TO PLAY OR PRACTICE UNTIL HE OR SHE:

12 (I) HAS BEEN EVALUATED BY A LICENSED HEALTH CARE PROVIDER;

13 (II) HAS RECEIVED WRITTEN CLEARANCE TO RETURN TO PARTICIPATION FROM
 14 THAT LICENSED HEALTH CARE PROVIDER; AND

15 (III) HAS SUCCESSFULLY COMPLETED A RETURN TO ACTIVITY PROTOCOL.

16 S 3056. ALL ACTIVITY HEAD INJURY AWARENESS AND OUTREACH PROGRAM. 1.
 17 SCHOOL PERSONNEL TRAINING REQUIREMENTS SHALL BE DETERMINED BY THE BOARD.

18 2. AT THE BEGINNING OF EACH SCHOOL YEAR PARENTS AND/OR GUARDIANS OF A
 19 STUDENT IN GRADES KINDERGARTEN THROUGH SIX MUST SIGN AND RETURN TO THE
 20 SCHOOL DISTRICT A CONCUSSION AND HEAD INJURY FACT AND INFORMATION FORM.
 21 FOR GRADES SEVEN THROUGH TWELVE BOTH THE STUDENT AND HIS OR HER PARENT
 22 OR GUARDIAN MUST SIGN AND RETURN TO THE SCHOOL DISTRICT A CONCUSSION AND
 23 HEAD INJURY FACT AND INFORMATION FORM.

24 3. WHEN A HEAD INJURY IS SUSPECTED OR OBSERVED:

25 (A) ANY STUDENT DETERMINED TO SHOW SIGNS OR SYMPTOMS OR BEHAVIORS OF A
 26 CONCUSSION OR HEAD INJURY DURING AN ACTIVITY SHALL BE IMMEDIATELY
 27 REMOVED FROM PARTICIPATION.

28 (B) THE ACTION REMOVING THE STUDENT FROM AN ACTIVITY SHALL BE DOCU-
 29 MENTED USING A CONCUSSION SIGNS AND SYMPTOMS CHECKLIST BY THE SCHOOL
 30 PERSONNEL OR LICENSED HEALTH CARE PROVIDER.

31 (C) THE STUDENT SHALL NOT RETURN TO SCHOOL OR ACTIVITIES UNTIL (I)
 32 THEY HAVE BEEN EVALUATED BY A LICENSED HEALTH CARE PROVIDER; (II) THEY
 33 HAVE RECEIVED WRITTEN CLEARANCE TO RETURN TO PARTICIPATION FROM THAT
 34 LICENSED HEALTH CARE PROVIDER; AND (III) THEY HAVE SUCCESSFULLY
 35 COMPLETED A RETURN TO ACTIVITY PROTOCOL AS DETERMINED BY A LICENSED
 36 HEALTH CARE PROVIDER.

37 S 3057. TRAINING COURSE DEVELOPMENT AND IMPLEMENTATION. 1. TRAINING
 38 MATERIALS SHALL BE MADE AVAILABLE TO SCHOOLS AND SCHOOL DISTRICTS FREE
 39 OF CHARGE ON THE CONCUSSION MANAGEMENT WEBSITE. WHERE POSSIBLE EXISTING
 40 TRAINING PROGRAM MATERIALS WILL BE EVALUATED AND INCORPORATED INTO THE
 41 APPROVED TRAINING PROGRAMS. TRAINING MATERIALS SHALL INCLUDE A POST-TEST
 42 AND CERTIFICATE TO VERIFY AN EDUCATION, UNDERSTAND, COMPLETION CYCLE.

43 2. FUNDING FOR DEVELOPMENT AND DELIVERY OF TRAINING PROGRAMS SHALL BE
 44 SOUGHT FROM FOUNDATIONS, PRIVATE DONORS AND DONATIONS AND IN-KIND
 45 CONTRIBUTIONS FROM COLLEGES AND UNIVERSITIES AND OTHER NOT-FOR-PROFIT
 46 ENTITIES IN THE STATE WITH RELEVANT SPECIALTIES.

47 3. THE STATE UNIVERSITY OF NEW YORK SHALL BE RESPONSIBLE FOR IMPE-
 48 MENTING RECOMMENDATIONS OF THE BOARD WITH RESPECT TO ADVANCED TRAINING
 49 PROGRAMS. COURSES FOR ADVANCED CERTIFICATION OF COACHES AND CERTIF-
 50 ICATION OF HEALTH CARE AND MEDICAL PROFESSIONALS SHALL BE MADE AVAILABLE
 51 TO STATE RESIDENTS THROUGH THE STATE UNIVERSITY OF NEW YORK LEARNING
 52 NETWORK FOR A NOMINAL CHARGE TO COVER COSTS OF PROGRAM DELIVERY AND
 53 SUPPORT.

54 S 2. This act shall take effect immediately.