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ERIE COUNTY LEGISLATURE
92 Franklin Street - 4th Floor
Buffalo, New York 14202

TO: Members of the Erie County Legislature

FROM: Karen M. McCarthy, Clerk

DATE: June 16, 2016

SUBJECT LL Intro. 2-4 (2016) A LL Preventing Head Trauma from Concussions in Youth Sports Public Hearing – Written Testimony

The attached is additional information submitted by Ms. Anne McCooey representing the Program for Understanding Childhood concussion and Stroke (PUCCS) regarding LL Intro. 2-4 (2016).

McCarthy, Karen

From: McCarthy, Karen
Sent: Thursday, June 16, 2016 12:13 PM
To: McCarthy, Karen
Subject: FW: LL Intro. 2-4 (2016): A LL Preventing Head Trauma from Concussions in Youth Sports
Attachments: 2016 Board of Directors 11.11.2015.pdf; PUCCS points.pdf; NYS Concussion Management and Awareness Act of 2011 S3953B.pdf; Summary of the NYS Concussion Management and Awareness Act of 2011.docx

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From: Anne McCooey [mailto:amccooey@puccs.org]
Sent: Thursday, June 16, 2016 9:53 AM
To: Mills, Hon. John
Subject: LL Intro. 2-4 (2016): A LL Preventing Head Trauma from Concussions in Youth Sports

Dear Council Chairman Mills;

This afternoon you will be hearing three minute testimony from various people all of whom have an interest in the proposed law aimed at preventing head trauma from concussions in youth sports here in Erie County. I will be one of those people you hear from this afternoon, but three minutes isn't nearly enough time to talk about why members of my organization Program for Understanding Childhood Concussion and Stroke (PUCCS) are present and introduce ourselves to our organization. To save precious minutes this afternoon talk about what we want to present to you and your colleagues, I have attached a short summary of our Board of Directors, our mission and what we do in the community to help minimize the risk of life altering concussions for the youth of our region.

While we applaud the efforts of you and your colleagues in addressing this serious problem in youth sports, we believe that the language of the proposed law is only a very small step in providing education and oversight for community based programs. The Concussion Management and Awareness Act (Lystedt's Law) that was passed in NYS in 2011 for schools is much more comprehensive and has a much higher standard required. I have attached the CMMA as well as a summary of its key points (for easier review).

Today at the hearing I will be recommending that while the proposed legislation is a start, the proposed law be expanded to at least match what the schools in NYS are required to have with regard to concussion management and awareness. Key points for expansion need to be:

- concussion education for all parents and athletes (as well as coaches and non-medical personnel);
- inclusion of all youth sports, not just those sports (football, soccer and hockey) identified as at highest risk for person-to-person-contact caused concussion injuries;
- requirement that each youth sports organization adopt return to participation protocols that mandate, at the very least, a requirement that an athlete suspected of having a concussion be symptom free for 24 hours and cleared by a health care professional experienced in concussion diagnosis and management before being allowed to return to participation; and
- establishing organizational multidisciplinary concussion "team" in place to oversee the compliance.

Again, we applaud you and your colleagues for looking at this important issue and for taking the first steps toward helping youth sports in Erie County be safer for our children, but as I stated at the onset, this is only a very small step that needs to be taken to combat a very complex life altering issue. The children of Erie County should be equally safe whether they are playing in school or in the community. I look forward to address the Legislative body this afternoon.

Anne K.C. McCooey

Anne K.C. McCooey
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It only takes **ONE** hit!

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PUCCS Organizational Facts

Mission

To provide the tools necessary to understand and prevent concussion as an injury in all sports

Development Achievements

4 hockey tournaments
100 volunteers engaged
25 sponsors annually
Annual MassMutual Wine Tasting Event

Outreach Achievements

Richard Patterson Advocacy Award – 2013
Understanding the Brain event – Buffalo Museum of Science
Video production in conjunction with the Buffalo Sabres
Grants funded:

UB Dept of Orthopaedics & Psychiatry

- Acute Concussion and Recovery Study
- Buffalo Bills/Buffalo Sabres Alumni Study
- Buffalo Treadmill Test Study

UB Neurosurgery

- Biomarkers Study
- MRI Study

CNS Fellowship Award

12,500 coach cards produced and distributed since January 2015
School speaking engagements & GVI/JI tours since 2014

29 schools * 2,500 students * 300 adults/coaches/faculty
New Hampshire Exeter Community Peer-to-Peer Outreach Program

Funded first direct patient assistance program by raising $8,000 for gas and meal cards for head trauma pediatric patient families

Developed and produced a :30 PSA with Fred Jackson (Buffalo Bills) and Pat Kaleta (Buffalo Sabres) that was distributed to all local television stations and was aired on all stations between 3/15-6/15
Hosted Concussion Awareness Night at Buffalo Sabres game 2/15 including appearances and jumbotron interview by Fred Jackson (Buffalo Bills) and distribution of educational materials and airing of PSA during intermission.

Collaborating with Woman & Children's Hospital Foundation and Kohl's to distribute educational information to 50,000 by the end of 2017.

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, ALESI, 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 (NYSPHSAA), 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

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, COURS-
14 ES 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 DEFI-
18 NITION OF A "CONCUSSION," SIGNS AND SYMPTOMS OF MILD TRAUMATIC BRAIN
19 INJURIES, HOW SUCH INJURIES MAY OCCUR, AND THE GUIDELINES FOR THE RETURN
20 TO SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A PUPIL HAS SUFFERED A
21 MILD TRAUMATIC BRAIN INJURY REGARDLESS OF WHETHER SUCH INJURY OCCURRED
22 OUTSIDE OF SCHOOL. SCHOOLS SHALL BE REQUIRED TO INCLUDE SUCH INFORMATION
23 IN ANY PERMISSION FORM OR PARENT OR PERSON IN PARENTAL RELATION CONSENT
24 FORM OR SIMILAR DOCUMENT THAT MAY BE REQUIRED FOR A PUPIL'S PARTIC-
25 IPATION IN INTERSCHOLASTIC SPORTS AND SHALL ALSO INCLUDE SUCH INFORMA-
26 TION, OR REFERENCE HOW TO OBTAIN SUCH INFORMATION FROM THE DEPARTMENT
27 AND THE DEPARTMENT OF HEALTH INTERNET WEBSITES, ON THE SCHOOL'S INTERNET
28 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 TRAIN-
51 ERS THAT WORK WITH AND PROVIDE INSTRUCTION TO PUPILS ENGAGED IN SCHOOL
52 SPONSORED ATHLETIC ACTIVITIES COMPLETE TRAINING RELATING TO MILD TRAU-
53 MATIC 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.

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.