

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

6297--C

2009-2010 Regular Sessions

I N S E N A T E

November 17, 2009

Introduced by Sens. SQUADRON, FOLEY, C. JOHNSON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to training of school athletic coaches in the recognition and management of head injuries

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

1 Section 1. Legislative intent. Concussions are one of the most common-
2 ly reported injuries in children and adolescents who participate in
3 sports and recreational activities. The centers for disease control and
4 prevention estimates that as many as three million nine hundred thousand
5 sports-related and recreation-related concussions occur in the United
6 States each year.
7 A concussion is a type of brain injury that can range from mild to
8 severe and can disrupt the way the brain normally works. It is caused by
9 a blow or motion to the head or body that causes the brain to move
10 rapidly inside the skull. The risk of catastrophic injuries or death is
11 significant when a concussion or head injury is not properly evaluated
12 and managed.
13 Concussions can occur in any organized or unorganized sport or recre-
14 ational activity and can result from a fall or from players colliding
15 with each other, the ground, or with obstacles. Concussions occur with
16 or without loss of consciousness, but the vast majority occurs without
17 loss of consciousness.
18 Continuing to play with a concussion or symptoms of head injury leaves
19 the young athlete especially vulnerable to greater injury and even
20 death. Despite some increased recognition about the importance of diag-

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

LBD15019-10-0

1 nosing and treating concussions, some affected youth athletes are prema-
2 turely returned to play, which can have harmful and potentially even
3 deadly results. It is therefore imperative that adults supervising
4 young athletes in school settings receive proper training to recognize
5 and evaluate concussions and other traumatic sport-related injuries in
6 order to ensure the safety of New York's children who compete in school-
7 related sports activities.

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

10 S 3001-E. HEAD INJURY RECOGNITION TRAINING FOR COACHES OF EXTRA-CLASS
11 PUBLIC SCHOOL ATHLETIC ACTIVITIES AND COACHES OF EXTRA-CLASS NONPUBLIC
12 SCHOOL ATHLETIC ACTIVITIES. 1. (A) COACHES OF EXTRA-CLASS PUBLIC SCHOOL
13 ATHLETIC ACTIVITIES AND COACHES OF EXTRA-CLASS NONPUBLIC SCHOOL ATHLETIC
14 ACTIVITIES SHALL RECEIVE TRAINING TO LEARN HOW TO RECOGNIZE THE SYMPTOMS
15 OF A CONCUSSION AND HOW TO SEEK PROPER MEDICAL TREATMENT FOR A PERSON
16 SUSPECTED OF HAVING A CONCUSSION.

17 (B) THE COMMISSIONER SHALL ESTABLISH BY REGULATION, IN CONSULTATION
18 WITH A REPRESENTATIVE FROM THE GOVERNING AUTHORITY FOR INTERSCHOLASTIC
19 ACTIVITIES, A REPRESENTATIVE FROM THE STATE ORGANIZATION REPRESENTING
20 LICENSED ATHLETIC TRAINERS, A REPRESENTATIVE FROM THE DEPARTMENT OF
21 HEALTH KNOWLEDGEABLE IN THE SUBJECT MATTER OF CONCUSSIONS, AND OTHER
22 INTERESTED PARTIES KNOWLEDGEABLE IN THE SUBJECT MATTER OF CONCUSSIONS,
23 THE FOLLOWING PROVISIONS:

24 (I) THE MINIMUM STANDARDS AND REQUIREMENTS OF THE TRAINING DESCRIBED
25 IN THIS SECTION, INCLUDING A LIST OF APPROVED PROVIDERS OF SUCH TRAIN-
26 ING; AND

27 (II) TIMELINES AND PROCEDURES TO ENSURE THAT, TO THE EXTENT PRACTICA-
28 BLE, EVERY COACH RECEIVES THE TRAINING DESCRIBED IN THIS SECTION; AND

29 (III) QUALIFICATIONS REQUIRED OF LICENSED HEALTH CARE PROFESSIONALS TO
30 BE PERMITTED TO PROVIDE MEDICAL RELEASES AS OUTLINED IN PARAGRAPH (B) OF
31 SUBDIVISION TWO OF THIS SECTION.

32 (C) IMPLEMENTATION OF REGULATIONS ENACTED PURSUANT TO THIS SUBDIVISION
33 SHALL NOT BE MADE THE RESPONSIBILITY OF THE EMPLOYING SCHOOL DISTRICT OR
34 NONPUBLIC SCHOOL UNLESS STATE FUNDING OR REIMBURSEMENT IS PROVIDED FOR
35 ASSOCIATED COSTS.

36 2. (A) A COACH MAY NOT ALLOW A MEMBER OF A SCHOOL ATHLETIC TEAM TO
37 PARTICIPATE IN ANY ATHLETIC EVENT OR TRAINING ON THE SAME DAY THAT THE
38 MEMBER:

39 (I) EXHIBITS SIGNS, SYMPTOMS OR BEHAVIORS CONSISTENT WITH A CONCUSSION
40 FOLLOWING AN OBSERVED OR SUSPECTED INJURY TO THE HEAD OR BODY; OR

41 (II) HAS BEEN DIAGNOSED WITH A CONCUSSION.

42 (B) A COACH MAY ALLOW A MEMBER OF A SCHOOL ATHLETIC TEAM WHO IS
43 PROHIBITED FROM PARTICIPATING IN AN ATHLETIC EVENT OR TRAINING, AS
44 DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION, TO PARTICIPATE IN AN
45 ATHLETIC EVENT OR TRAINING NO SOONER THAN THE DAY AFTER THE MEMBER EXPE-
46 RIENCED AN INJURY TO THE HEAD OR BODY AND ONLY AFTER THE MEMBER RECEIVES
47 A MEDICAL RELEASE FROM A LICENSED HEALTH CARE PROFESSIONAL WITH QUALI-
48 FICATIONS AS DEFINED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (B) OF
49 SUBDIVISION ONE OF THIS SECTION.

50 S 3. This act shall take effect July 1, 2011 and shall apply to all
51 school years commencing on or after such date; provided that effective
52 immediately, the commissioner of education is authorized and directed to
53 promulgate all rules and regulations and take all actions necessary to
54 implement the provisions of this act on or before its effective date.