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

1747--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ZEBROWSKI, COLTON, JAFFEE, LAVINE, WEPRIN, MILLMAN, BRAUNSTEIN -- Multi-Sponsored by -- M. of A. TITONE -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

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

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

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

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

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

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

LBD00452-02-3

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

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

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

3. A. ANY HIGH SCHOOL ATHLETE WHO IS SUSPECTED OF SUSTAINING A CONCUSSION OR TRAUMATIC HEAD INJURY DURING PRACTICE OR COMPETITION MUST BE REMOVED FROM THE PRACTICE OR GAME IMMEDIATELY FOLLOWING THE INJURY.

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

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

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

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

S 3. This act shall take effect July 1, 2014 and shall apply to all school years commencing on or after such date; provided that effective immediately, the commissioner of education is authorized and directed to promulgate all rules and regulations and take all actions necessary to implement the provisions of this act on or before its effective date.