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

2866--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. AUBRY, PERRY -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring preventative cardiac screening of student athletes

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 55 to read as follows:

55. A. FOR PURPOSES OF THIS SUBDIVISION, "STUDENT ATHLETE" SHALL MEAN ANY STUDENT PARTICIPATING IN SUPERVISED SPORTING ACTIVITIES ORGANIZED OR SPONSORED BY A PUBLIC OR PRIVATE SCHOOL, OR AN ORGANIZATION, ASSOCIATION OR GROUP ORGANIZED AND FUNCTIONING, IN WHOLE OR IN PART, FOR THE PURPOSE OF PROVIDING YOUTH WITH THE OPPORTUNITY TO PARTICIPATE IN SUPERVISED SPORTING ACTIVITIES.

B. THE COMMISSIONER SHALL, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, PROMULGATE REGULATIONS AND GUIDELINES REQUIRING STUDENT ATHLETES TO RECEIVE PREVENTATIVE CARDIAC SCREENING TO DETECT CONDITIONS AND DEFECTS WHICH MAY LEAD TO ILLNESS, INJURY OR DEATH AS A RESULT OF STRENUOUS PHYSICAL ACTIVITY.

C. SUCH REGULATIONS SHALL INCLUDE A PROVISION REQUIRING STUDENT ATHLETES IN GRADES NINE THROUGH TWELVE TO BE SUBJECT TO A PRE-PARTICIPATION PHYSICAL EVALUATION WHICH SHALL INCLUDE A PREVENTATIVE CARDIAC SCREENING BEFORE BEING ALLOWED TO PARTICIPATE IN AN ATHLETIC ACTIVITY SPONSORED BY OR SANCTIONED BY ANY PUBLIC OR PRIVATE HIGH SCHOOL. SUCH PREVENTATIVE CARDIAC SCREENING MUST BE SATISFIED THROUGH AN ELECTROCARDIOGRAM EXAMINATION. AN ELECTROCARDIOGRAM MAY BE OBTAINED THROUGH ANY APPROPRIATELY LICENSED OR CERTIFIED HEALTHCARE PROFESSIONAL. THE ELECTROCARDIOGRAM MUST BE ADMINISTERED:

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

LBD00364-02-6

(I) BEFORE THE STUDENT'S FIRST YEAR OF PARTICIPATION IN ANY SCHOOL SPONSORED ATHLETIC ACTIVITY; AND

(II) BEFORE THE STUDENT'S THIRD YEAR OF PARTICIPATION.

D. REGULATIONS OR GUIDELINES ESTABLISHED BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION MAY BE BASED ON THE MOST CURRENT EDITION OF THE NATIONALLY RECOGNIZED PRE-PARTICIPATION PHYSICAL EVALUATION QUESTIONNAIRE, PROVIDED THAT SUCH QUESTIONNAIRE SHALL INCLUDE AN ELECTROCARDIOGRAM AND A HEART HISTORY SUBSECTION FOR THE STUDENT-ATHLETE.

E. NOTHING WITHIN THIS SUBDIVISION SHALL BE CONSTRUED TO CREATE, ESTABLISH, EXPAND, REDUCE, CONTRACT OR ELIMINATE A CAUSE OF ACTION OR LIABILITY AGAINST AN APPROPRIATELY LICENSED OR CERTIFIED HEALTHCARE PROFESSIONAL, A SCHOOL DISTRICT, OR A DISTRICT OFFICER OR EMPLOYEE FOR THE INJURY OR DEATH OF A STUDENT PARTICIPATING IN OR PRACTICING FOR AN ATHLETIC ACTIVITY SPONSORED OR SANCTIONED BY A PUBLIC OR PRIVATE HIGH SCHOOL BASED ON OR IN CONNECTION WITH THE ADMINISTRATION OR EVALUATION OF OR RELIANCE ON AN ELECTROCARDIOGRAM.

F. REGULATIONS ADOPTED UNDER PARAGRAPH B OF THIS SUBDIVISION SHALL INCLUDE A RULE FOR GRANTING A WAIVER FROM ADMINISTRATION OF AN ELECTROCARDIOGRAM UNDER THIS SECTION TO A STUDENT ATHLETE IN RESPONSE TO A WRITTEN REQUEST FROM THE PARENT OR GUARDIAN CLAIMING A FINANCIAL HARDSHIP OR FOR RELIGIOUS REASONS.

G. THE COMMISSIONER SHALL DETERMINE THE SPECIFIC TYPES OF SCREENING WHICH SHALL BE REQUIRED PURSUANT TO THIS SUBDIVISION INCLUDING, BUT NOT LIMITED TO, ADVANCED SCREENING FOR THE DIAGNOSIS OF HYPERTROPHIC CARDIOMYOPATHY.

S 2. This act shall take effect immediately.