



# Ohio Legislative Service Commission

## Final Analysis

Carol Napp

### Sub. H.B. 143

129th General Assembly  
(As Passed by the General Assembly)

**Reps.** Stinziano and O'Brien, Grossman, Mallory, Milkovich, R. Hagan, Foley, Clyde, Letson, Yuko, Reece, Combs, Murray, Garland, Antonio, Henne, Sears, Ashford, Boyce, Carney, Celebrezze, Celeste, Goyal, Hackett, Newbold, Pillich, Ramos, Sprague, Williams

**Sens.** Tavares, Bacon, Beagle, Brown, Cafaro, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Skindell, Turner, Wagoner, Widener

**Effective date:** April 26, 2013; requirements that Department of Health post information sheet and links to online training effective March 27, 2013

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## ACT SUMMARY

- Prohibits a school authority from allowing a student to practice for or compete in interscholastic athletics until the student has submitted a signed form stating that the student and the student's parent or other guardian have received a concussion and head injury information sheet created by the Department of Health.
- Requires a youth sports organization to provide to the parent or other guardian of an individual who wishes to practice for or compete in an athletic activity the Department's concussion and head injury information sheet.
- Prohibits a school authority from allowing an individual to coach interscholastic athletics without holding a pupil-activity program permit for coaching interscholastic athletics from the State Board of Education.
- Prohibits a school authority from allowing an individual to referee interscholastic athletics without holding a pupil-activity program permit or successfully completing a specified training program.
- Prohibits an individual from acting as a coach or referee for a youth sports organization without holding a pupil-activity program permit or successfully completing a specified training program.

- Requires a coach or referee of interscholastic athletics or a coach, referee, or official of a youth sports organization to remove a student or individual exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury from practice or competition.
- Prohibits a coach or referee of interscholastic athletics or a coach, referee, or official of a youth sports organization from allowing a student or individual to return to the practice or competition from which the student or individual was removed, or to participate in any other practice or competition for which the coach, referee, or official is responsible, until the student or individual has been assessed and cleared for return by a physician or by any other licensed health care provider authorized by the school authority or youth sports organization.
- Provides that a school authority that is subject to the rules of an interscholastic conference is considered to be in compliance with the act, as long as the requirements of those rules are substantially similar to the act's requirements.
- Requires the State Board of Education to (1) require each individual applying for a pupil-activity program permit to coach interscholastic athletics to successfully complete training on brain trauma and brain injury management and (2) require each individual renewing a pupil-activity program permit to coach interscholastic athletics to successfully complete a specified training program.
- Requires the Department of Health to create a concussion and head injury information sheet for participants in interscholastic activities and youth sports organizations.
- Requires the Department to provide a link on its web site to one or more free online training programs in recognizing the symptoms of concussions and head injuries that are appropriate for coaches or referees of schools or youth sports organizations.

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## **CONTENT AND OPERATION**

### **Concussions and head injuries in interscholastic and other youth sports**

The act establishes several prohibitions and requirements related to concussions and other head injuries in interscholastic athletics and in youth sports that are conducted by entities other than schools. The act includes provisions that apply to all of the following entities:

(1) Public schools, including schools operated by school districts, community schools, and science, technology, engineering, and math (STEM) schools;

(2) All private schools, including both chartered and nonchartered nonpublic schools;

(3) "Youth sports organizations," which are defined by the act as public or nonpublic entities that organize athletic activities in which the athletes are not more than 19 years old and are required to pay a fee to participate in the athletic activity or whose cost to participate is sponsored by a business or nonprofit organization.<sup>1</sup>

### **Information sheet**

The act prohibits a school district board of education or other public or nonpublic school governing authority from allowing a student to practice for or compete in interscholastic athletics until the student has submitted to a designated school official a form signed by the parent, guardian, or other person having care or charge of the student acknowledging receipt of a concussion and head injury information sheet created by the Department of Health (see "**Department of Health: Concussion and head injury information sheet**," below). A completed form must be submitted each school year for each sport or other category of interscholastic athletics for or in which the student practices or competes.<sup>2</sup>

A youth sports organization also must provide the Department's concussion and head injury information sheet to the parent, guardian, or other person having care or charge of an individual who wishes to practice for or compete in an athletic activity organized by the sports organization. The information sheet must be provided annually for each sport or other category of athletic activity for or in which the individual practices or competes.<sup>3</sup>

### **Training for coaches and referees**

The act prohibits a district board or other school governing authority from allowing an individual to coach interscholastic athletics unless the individual holds a pupil-activity program permit for coaching interscholastic athletics issued by the State Board of Education (see "**Pupil-activity program permit**," below).<sup>4</sup> It also prohibits a district board or other school governing authority from allowing an individual to referee interscholastic athletics unless the individual either (1) holds a pupil-activity program permit or (2) presents evidence that the individual has successfully completed,

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<sup>1</sup> R.C. 3707.51.

<sup>2</sup> R.C. 3313.539(B), 3314.03(A)(11)(d), and 3326.11.

<sup>3</sup> R.C. 3707.511(B).

<sup>4</sup> R.C. 3313.539(C)(1), 3314.03(A)(11)(d), and 3326.11.

within the previous three years, an online training program in recognizing the symptoms of concussions and head injuries that is linked on the Department of Health's web site (see "**Department of Health: Online training program**," below) or a training program authorized and required by an organization that regulates interscholastic conferences or events.<sup>5</sup>

In the case of a youth sports organization, the act prohibits an individual from acting as a coach or referee unless the individual either (1) holds a pupil-activity program permit or (2) presents evidence that the individual has successfully completed, within the previous three years, an online training program in recognizing the symptoms of concussions and head injuries that is linked on the Department's web site. The organization for which the individual intends to act as a coach or referee must inform the individual of this requirement.<sup>6</sup>

### **Removal from practice or competition**

Under the act, a student or an individual exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while practicing for or competing in an interscholastic athletic event or an athletic event organized by a youth sports organization must be removed from the practice or competition by specified individuals. In the case of interscholastic athletics, a student must be removed by the individual serving as the student's coach during that practice or competition or an individual serving as a referee during that practice or competition.<sup>7</sup> In the case of a youth sports organization, an individual must be removed by the individual serving as the individual's coach during that practice or competition, an individual serving as a referee during that practice or competition, or an official of the sports organization who is supervising that practice or competition.<sup>8</sup>

After the student or individual is removed, the coach, referee, or official who removed the student or individual is prohibited from allowing the student or individual, on the same day the student or individual is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible.<sup>9</sup>

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<sup>5</sup> R.C. 3313.539(C)(2), 3314.03(A)(11)(d), and 3326.11.

<sup>6</sup> R.C. 3707.511(C).

<sup>7</sup> R.C. 3313.539(D), 3314.03(A)(11)(d), and 3326.11.

<sup>8</sup> R.C. 3707.511(D).

<sup>9</sup> R.C. 3313.539(E)(1), 3314.03(A)(11)(d), 3326.11, and 3707.511(E)(1).

## **Assessment and clearance to return**

The coach, referee, or official who removed a student or individual from practice or competition is prohibited from allowing the student or individual to return to that practice or competition, or to participate in any other practice or competition for which the coach, referee, or official is responsible, until *both* of the following conditions are satisfied:

(1) The student athlete's or individual's condition is assessed by either of the following:

(a) A physician authorized to practice medicine and surgery or osteopathic medicine and surgery; or

(b) Any other licensed health care provider the district board, school governing authority, or youth sports organization authorizes to assess a student or individual who has been removed from practice or competition; and

(2) The student or individual receives written clearance that it is safe to return to practice or competition from a physician or authorized licensed health care provider.<sup>10</sup>

The act specifies that a physician or other licensed health care provider who makes an assessment or grants a clearance may be a volunteer.<sup>11</sup>

## **Authorization of licensed health care providers other than physicians**

The act permits a district board, other school governing authority, or youth sports organization to authorize a licensed health care provider who is not a physician to make an assessment or grant a clearance, as described above, only if the provider is acting in accordance with one of the following, as applicable to the provider's authority to practice in Ohio:

- (1) In consultation with a physician;
- (2) Pursuant to the referral of a physician;
- (3) In collaboration with a physician;
- (4) Under the supervision of a physician.<sup>12</sup>

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<sup>10</sup> R.C. 3313.539(E)(1), 3314.03(A)(11)(d), 3326.11, and 3707.511(E)(1).

<sup>11</sup> R.C. 3313.539(E)(3), 3314.03(A)(11)(d), 3326.11, and 3707.511(E)(1).

<sup>12</sup> R.C. 3313.539(E)(2)(a) to (d), 3314.03(A)(11)(d), 3326.11, and 3707.511(E)(2).

## **Schools subject to interscholastic conference rules**

The act provides that a district board or other school governing authority that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events is to be considered to be in compliance with the act's provisions, as long as the requirements of those rules are "substantially similar" to the act's requirements.<sup>13</sup>

## **Qualified immunity from liability**

The act provides that certain school authorities, employees, and volunteers generally are not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties required by the act. However, that immunity does not apply if an authority's, employee's, or volunteer's action or omission constitutes willful or wanton misconduct. This qualified immunity extends to all of the following:

(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach or referee;

(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach or referee;

(3) A community school, member of a community school governing authority, community school employee or volunteer, community school operator, or employee or volunteer of a community school operator, including a coach or referee;

(4) A STEM school, member of a STEM school governing body, or STEM school employee or volunteer, including a coach or referee.<sup>14</sup>

The act also provides that a youth sports organization or official, employee, or volunteer of a youth sports organization is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties required by the act, again unless the action or omission constitutes willful or wanton misconduct.<sup>15</sup>

Moreover, the act specifies that its qualified immunity from liability does not eliminate, limit, or reduce any other immunity or defense that a public entity, public

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<sup>13</sup> R.C. 3313.539(F), 3314.03(A)(11)(d), and 3326.11.

<sup>14</sup> R.C. 3313.539(G), 3314.142(A), and 3326.27(A).

<sup>15</sup> R.C. 3707.511(F)(1).

official, or public employee may be entitled to under the Political Subdivision Tort Liability Law or any other provision of the Revised Code or under the common law of Ohio.<sup>16</sup>

### **Pupil-activity program permit**

Under the act, as a condition of issuing a first-time pupil-activity program permit to coach interscholastic athletics, the State Board of Education must require each individual applying on or after the act's effective date to successfully complete a training program specifically focused on brain trauma and brain injury management. As a condition of renewing a pupil-activity program permit to coach interscholastic athletics, the State Board must require each individual applying on or after the act's effective date to present evidence that the individual has successfully completed, within the previous three years, an online training program in recognizing the symptoms of concussions and head injuries that is linked on the Department of Health's web site or a training program authorized and required by an organization that regulates interscholastic conferences or events.<sup>17</sup>

### **Department of Health**

#### **Concussion and head injury information sheet**

The act requires the Department of Health to create a concussion and head injury information sheet for participants in interscholastic activities and youth sports organizations and to make the information sheet available on its web site in a format suitable for easy downloading and printing. The Department must include pertinent information to inform and educate coaches, athletes, and the parents, guardians, or other persons having care or charge of athletes of the signs and symptoms of a concussion or head injury and the risks of continuing to practice for or compete in an athletic event or activity after sustaining a concussion or head injury. The Department must periodically review and update the information sheet.<sup>18</sup>

#### **Online training program**

The act also requires the Department to provide a link on its web site to one or more free online training programs in recognizing the symptoms of concussions and

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<sup>16</sup> R.C. 3313.539(G)(1), 3314.142(B), and 3326.27(B).

<sup>17</sup> R.C. 3319.303(C).

<sup>18</sup> R.C. 3707.52(A).

head injuries. The Department must include one or more programs that are appropriate for coaches or referees of schools or youth sports organizations.<sup>19</sup>

### **Effective date**

Only the requirements that the Department of Health post the concussion and head injury information sheet and links to online training programs take effect March 27, 2013 (the act's effective date). The rest of the act's provisions take effect April 26, 2013 (30 days later).<sup>20</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-08-11
Reported, H. Health and Aging	06-12-12
Passed House (84-4)	06-13-12
Reported, S. Health, Human Services & Aging	12-04-12
Passed Senate (32-0)	12-04-12
House concurred in Senate amendments (91-2)	12-05-12

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<sup>19</sup> R.C. 3707.52(B).

<sup>20</sup> Section 3.

