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FISCAL IMPACT REPORT

ORIGINAL DATE 02/09/10
 LAST UPDATED 02/14/10 HB _____

SPONSOR SEC _____

SHORT TITLE School Athlete Head Injury Safety Protocols SB 1/SECS/aSPAC _____

ANALYST Hoffmann _____

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	None		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		See narrative				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)
 Children, Youth and Families Department (CYFD)
 Public Education Department (PED)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Education Committee substitute for Senate Bill 1 makes the following changes.

The New Mexico Activities Association is specified, rather than the PED, as the group that will collaborate with the New Mexico Brain Injury Advisory Council and school districts to promulgate rules.

Physical trauma to the scalp is eliminated as part of the definition of a brain injury.

The definition of “school athletic activity” is narrowed to include only those that are regulated by the New Mexico Activities Association.

The definition of “student athlete” is expanded to include a student participating in athletic activities.

The amendment adds trainers licensed under the Athletic Trainer Practice act to the list of “licensed health care professional(s).”

Synopsis of Original Bill

The Senate Education Committee substitute for Senate Bill 1 would enact a new section of the Public School Code for the purpose of improving school athletics safety. Protocols are established to be used by coaches for brain injuries received by students in school athletic events as described below.

1. A coach shall not allow a student athlete to participate the same day as the student athlete exhibits signs, symptoms or behaviors consistent with a brain injury after a coach, a school official or a student athlete reports, observes or suspects that a student athlete exhibiting these signs, symptoms or behaviors has sustained a brain injury, or
2. has been diagnosed with, a brain injury.

A coach may allow a student athlete who has been prohibited from participating in a school athletic activity to participate in a school athletic activity no sooner than one week after the student athlete has received a brain injury and only after the student athlete:

1. no longer exhibits any sign, symptom or behavior consistent with a brain injury; and
2. receives a medical release from a licensed health care professional.

School districts are required to ensure that all coaches receive training on the protocols outlined above. The PED shall consult with the [New Mexico] Brain Injury Advisory Council and school districts to promulgate rules to establish the protocols and content for such training. The protocol and content training will include understanding the need to alert appropriate medical professionals for urgent diagnosis or treatment, and for understanding the need to follow medical direction for proper medical protocols.

The PED shall also promulgate rules on the nature and content of brain injury information forms and educational materials directed to coaches, student athletes and student athletes’ parents or guardians.

School districts are required to provide a brain injury information form to student athletes and their parents or guardians at the beginning of the academic year. This form must be signed by the athlete and the parent/guardian before the student may participate in sports.

The bill provides definitions for “brain injury,” “school athletic activity,” and “licensed health care professional.”

FISCAL IMPLICATIONS

SECS for Senate Bill 1 makes no appropriation.

The PED states that there are no fiscal implications to the department, but there may be some cost (unknown at this time) to the school districts.

The CYFD reports their department will absorb the costs of training athletic coaches on brain injuries and on the additional time to obtain appropriate signatures prior to a student participating in an athletic event with existing resources.

SIGNIFICANT ISSUES

The Senate Public Affairs Committee amendment raises the following possible issues.

- The New Mexico Activities Association generally promulgates rules under the auspices of the PED.
- Section 61-14D-6 NMSA 1978 “Scope of practice” states that “Athletic trainers may evaluate and treat athletes pursuant to the written prescription, standing order or protocol of a licensed physician; provided that an athletic trainer may treat postsurgical conditions only pursuant to the written prescription of that athlete's surgeon.” (Emphasis added) This could lead to challenges to the inclusion of a licensed athletic trainer as a health care professional.

The PED provides the following background and general information on existing practices for head injuries in New Mexico schools.

- Some school districts around the state already have in place concussion management systems and protocols and provide concussion forms for student athletes and parents at the beginning of each sports season. Senate Bill 1 would require all school districts to provide training for coaches and information for student athletes and parents.
- The National Federation of State High Schools Association already has an extensive concussion management system and protocols for return to practice (<http://www.nfhs.org/search.aspx?searchtext=return to practice>).
- The New Mexico Activities Association (NMAA) is considering developing a professional development workshop that coaches can take online.
- Forty two (42) schools in New Mexico employ licensed athletic trainers who have the background and medical knowledge for dealing with sports injuries. For non-medical personnel, the Centers for Disease Control and Prevention (CDC) has also developed a tool kit (“Heads Up: Concussion in High School Sports”), which has been made available to all high schools, and has information for coaches, athletes and parents. (http://www.cdc.gov/ncipc/tbi/Coaches_Tool_Kit.htm).
- Several school districts in the state currently provide concussion or other head injury information forms to student athletes and their parents or guardians.
- The National Athletic Trainers’ Association Position Statement includes a position statement on the Management of Sport-Related Concussions: “On average, athletes

require 7 days to fully recover after concussion” (*Journal of Athletic Training* 2004:39(3):280-297, www.journalofathletictraining.org).

- There are 7,257 individuals licensed to coach in New Mexico (PED Licensure Bureau).

The DOH provides some additional information on head injuries.

Each year, U.S. emergency departments (ED) treat an estimated 135,000 sports- and recreation-related traumatic brain injuries (TBI), including concussions, among children ages 5 to 18 (MMWR, July 27, 2007 / 56(29); 733-737). Persons aged 5-18 years account for an estimated 65% of ED visits for sports-related TBI. Persons in this age group are at increased risk for another concussion, for long-term aftereffects of TBI, delayed recovery and cumulative consequences of multiple TBIs (e.g., increased severity of future TBIs and increased risk for depression and dementia).

Rest is important after a concussion. The brain needs time to heal, so it is important to not allow a student athlete to participate in a school athletic event on the same day that a student athlete exhibits signs, symptoms or behaviors of a concussion or head injury. Additionally, before a student athlete is allowed to resume play, a health care professional, experienced in evaluating for concussion, must indicate that the student athlete is symptom-free and has been cleared for further participation (Centers for Disease Control and Prevention, *Concussion in Sports*, 2009, <http://www.cdc.gov/concussion/prevention.html>).

CH/mt