

2024 -- H 7870

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO EDUCATION -- SCHOOL PROGRAMS CONCUSSION ACT

Introduced By: Representative Jacquelyn M. Baginski

Date Introduced: March 04, 2024

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 91.2

4 SCHOOL PROGRAMS CONCUSSION ACT

5 **16-91.2-1. Definitions.**

6 For the purpose of this section, the following terms shall have the following meanings:

7 (1) "Athletic trainer" means an athletic trainer licensed under chapter 60 of title 5, who is
8 working under the supervision of a physician.

9 (2) "Coach" means any volunteer or employee of a school who is responsible for organizing
10 and supervising students to teach them or train them in the fundamental skills of an interscholastic
11 athletic activity. "Coach" refers to both head coaches and assistant coaches.

12 (3) "Concussion" means a complex pathophysiological process affecting the brain caused
13 by a traumatic physical force or impact to the head or body, which may include temporary or
14 prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered
15 sleep patterns and which may or may not involve a loss of consciousness.

16 (4) "Interscholastic athletic activity" means any organized school-sponsored or school-
17 sanctioned activity for students, generally outside of school instructional hours, under the direction
18 of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball,
19 cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey,

1 lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track
2 (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling. All interscholastic
3 athletics are deemed to be interscholastic activities.

4 (5) "Nurse" means a person who is employed by or volunteers at a school and is licensed
5 under chapter 34 of title 5, as a registered nurse, practical nurse, or advanced practice registered
6 nurse.

7 (6) "Physician" means a physician licensed to practice medicine in all of its branches by
8 the board of medical licensure and discipline.

9 (7) "Physician assistant" means a physician assistant licensed under chapter 54 of title 5;

10 (8) "School" means any public or private elementary or secondary school, including a 19
11 charter school.

12 (9) "Student" means an adolescent or child enrolled in a school.

13 **16-91.2-2. School district guidelines to be developed and implemented.**

14 (a) The governing body of each public or charter school and the appropriate administrative
15 officer of a private school with students enrolled shall appoint or approve a concussion oversight
16 team. Each concussion oversight team shall establish a return-to-play protocol, based on peer-
17 reviewed scientific evidence consistent with the Centers for Disease Control and Prevention
18 guidelines, for a student's return to interscholastic athletics practice or competition following a
19 force or impact believed to have caused a concussion.

20 (b) Each concussion oversight team shall also establish a return-to-learn protocol, based on
21 peer-reviewed scientific evidence consistent with the Centers for Disease Control and Prevention
22 guidelines, for a student's return to the classroom after that student is believed to have experienced
23 a concussion, whether or not the concussion took place while the student was participating in an
24 interscholastic athletic activity.

25 (c) Each concussion oversight team shall include to the extent practicable at least one
26 physician. If a school employs an athletic trainer, the athletic trainer shall be a member of the school
27 concussion oversight team to the extent practicable. If a school employs a nurse, the nurse shall be
28 a member of the school concussion oversight team to the extent practicable. At a minimum, a school
29 shall appoint a person who is responsible for implementing and complying with the return-to-play
30 and return-to-learn protocols adopted by the concussion oversight team. At a minimum, a
31 concussion oversight team may be composed of only one person and this person need not be a
32 licensed healthcare professional; provided, however, the person shall not be a coach. A school may
33 appoint other licensed healthcare professionals to serve on the concussion oversight team.

34 **16-91.2-3. Student participation in interscholastic activity -- Concussion brochure.**

1 (a) A student shall not participate in an interscholastic athletic activity for a school year
2 until the student and the student's parent or guardian or another person with legal authority to make
3 medical decisions for the student have signed a form for that school year that acknowledges
4 receiving and reading written information that explains concussion prevention, symptoms,
5 treatment, and oversight and that includes guidelines for safely resuming participation in an athletic
6 activity following a concussion. The form shall be approved by the commissioner of elementary
7 and secondary education.

8 (b) The commissioner shall develop, publish, and disseminate a brochure to educate the
9 parents and the general public on the effects of concussions in children and discuss how to look for
10 concussion warning signs in children, including, but not limited to, delays in the learning
11 development of children. The brochure shall be distributed free of charge by schools to any child
12 or the parent or guardian of a child who may have sustained a concussion, regardless of whether or
13 not the concussion occurred while the child was participating in an interscholastic athletic activity.
14 This brochure shall satisfy the written information required in subsection (a) of this section.

15 **16-91.2-4. Removal of student from practice or competition upon suspicion of**
16 **sustaining a concussion.**

17 (a) A student shall be removed from an interscholastic athletics practice or competition
18 immediately if one of the following persons believes the student might have sustained a concussion
19 during the practice or competition:

20 (1) A coach;

21 (2) A physician;

22 (3) An athletic trainer;

23 (4) The student's parent or guardian or another person with legal authority to make medical
24 decisions for the student;

25 (5) The student; or

26 (6) Any other person deemed appropriate under the school's return-to-play protocol.

27 **16-91.2-5. Requirements for return to practice or competition.**

28 (a) A student removed from an interscholastic athletics practice or competition under § 16-
29 91.2-4 shall not be permitted to practice or compete again following the force or impact believed
30 to have caused the concussion until:

31 (1) The student has been evaluated, using established medical protocols based on peer
32 reviewed scientific evidence consistent with Centers for Disease Control and Prevention guidelines,
33 by a treating physician (chosen by the student or the student's parent or guardian or another person
34 with legal authority to make medical decisions for the student), an athletic trainer, an advanced

1 practice registered nurse, or a physician assistant;

2 (2) The student has successfully completed each requirement of the return-to-play protocol
3 established under this section necessary for the student to return to play or practice; The student
4 has successfully completed each requirement of the return-to-learn protocol established under this
5 section necessary for the student to return to learn;

6 (3) The treating physician, the athletic trainer, or the physician assistant has provided a
7 written statement indicating that, in the physician's professional judgment, it is safe for the student
8 to return to play or practice and return to learn or the treating advanced practice registered nurse,
9 the athletic trainer or the physician assistant has provided a written statement indicating that it is
10 safe for the student to return to play or practice and return to learn; and

11 (4) The student and the student's parent or guardian or another person with legal authority
12 to make medical decisions for the student:

13 (i) Have acknowledged that the student has completed the requirements of the return-to
14 play and return-to-learn protocols necessary for the student to return to play or practice;

15 (ii) Have provided the treating physician's, athletic trainer's, advanced practice registered
16 nurse's, or physician assistant's written statement under subsection (a)(4) of this section to the
17 person responsible for compliance with the return-to-play and return-to-learn protocols under § 16-
18 91.2-2(c) and the person who has supervisory responsibilities under subsection (b) of this section;
19 and

20 (iii) Have signed a consent form indicating that the person signing:

21 (A) Has been informed concerning and consents to the student participating in returning to
22 play or practice in accordance with the return-to-play and return-to-learn protocols;

23 (B) Understands the risks associated with the student returning to play or practice and
24 returning to learn and will comply with any ongoing requirements in the return-to-play and return
25 to-learn protocols; and

26 (C) Consents to the disclosure to appropriate persons, consistent with the federal Health
27 Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191), of the treating physician's,
28 athletic trainer's, physician assistant's, or advanced practice registered nurse's written statement
29 under subsection (a)(4) of this section and, if any, the return-to-play and return-to-learn
30 recommendations of the treating physician, the athletic trainer, the physician assistant, or the
31 advanced practice registered nurse, as the case may be.

32 (b) A coach of an interscholastic athletics team may not authorize a student's return to play
33 or practice or return to learn. The district superintendent, or designee, in the case of a public
34 elementary or secondary school, the chief school administrator, or designee, in the case of a charter

1 school, or the appropriate administrative officer, or designee, in the case of a private school shall
2 supervise an athletic trainer or other person responsible for compliance with the return-to-play
3 protocol and shall supervise the person responsible for compliance with the return-to-learn
4 protocol. The person who has supervisory responsibilities under this subsection may not be a coach
5 of an interscholastic athletics team.

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- SCHOOL PROGRAMS CONCUSSION ACT

1 This act would modernize and update the prior chapter on this subject by requiring the
2 development of school district concussion guidelines, a brochure for the students and parents, the
3 procedures for removal and return of a student from or to practice or competition and mandatory
4 concussion training for coaches and game officials.

5 This act would take effect upon passage.

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