

1 Adopted by House 4-12-2013

2 SB336 H JUD AM 4-10 #1

3 The Committee on the Judiciary moves to amend the bill on page  
4 two, following the enacting clause, by striking out the remainder  
5 of the bill and inserting in lieu thereof the following language:

6 "That the Code of West Virginia, 1931, as amended, be amended  
7 by adding thereto a new section, designated §18-2-25a, to read as  
8 follows:

9 **CHAPTER 18. EDUCATION.**

10 **ARTICLE 2. STATE BOARD OF EDUCATION.**

11 **§18-2-25a. Management of concussions and head injuries in**  
12 **athletics at West Virginia Secondary School**  
13 **Activities Commission member high school or middle**  
14 **school.**

15 (a) The Legislature makes the following findings:

16 (1) Concussions are one of the most commonly reported injuries  
17 in children and adolescents who participate in sports and  
18 recreational activities. The Centers for Disease Control and  
19 Prevention estimates that as many as 3.9 million sports-related and  
20 recreation-related concussions occur in the United States each  
21 year;

22 (2) A concussion is caused by a blow or motion to the head or  
23 body that causes the brain to move rapidly inside the skull. The

1 risk of catastrophic injuries or death is significant when a  
2 concussion or head injury is not properly evaluated and managed;

3 (3) Concussions are a type of brain injury that can range from  
4 mild to severe and can disrupt the way the brain normally  
5 functions;

6 (4) Concussions can occur in any organized or unorganized  
7 sport or recreational activity and can result from a fall or from  
8 players colliding with each other or with obstacles;

9 (5) Concussions occur with or without loss of consciousness,  
10 but the vast majority occur without loss of consciousness;

11 (6) The interscholastic athlete who continues to play or  
12 practice with a concussion or symptoms of head injury is especially  
13 vulnerable to greater injury and even death; and

14 (7) Even with generally recognized return-to-play-and-practice  
15 standards for concussion and head injury, some affected  
16 interscholastic athletes are prematurely returned to play or  
17 practice resulting in increased risk of physical injury or death to  
18 the athletes in the State of West Virginia.

19 (b) For the purposes of this section, "interscholastic  
20 athlete" means any athlete who is participating in interscholastic  
21 athletics at a high school or middle school that is a member of the  
22 West Virginia Secondary School Activities Commission. "Licensed  
23 health care professional" means a health care provider whose  
24 licensed scope of practice includes the ability to diagnose and

1 treat an injury or disease.

2 (c) The West Virginia Secondary School Activities Commission  
3 shall promulgate rules pursuant to section twenty-five of this  
4 article that address concussions and head injuries in  
5 interscholastic athletes: *Provided*, That prior to state board  
6 approval and notwithstanding the exemption provided in section  
7 three, article one, chapter twenty-nine-a of this code, the state  
8 board shall submit the rule to the Legislative Oversight Commission  
9 on Education Accountability pursuant to section nine, article  
10 three-b, chapter twenty-nine-a of this code.

11 (d) The rules required by this section shall include, but are  
12 not limited to, the following:

13 (1) Guidelines and other pertinent information to inform and  
14 educate appropriate school administrators, coaches, interscholastic  
15 athletes and their parents or guardians of the nature and risk of  
16 concussion and head injury including the risks of continuing to  
17 play or practice after a concussion or head injury;

18 (2) A concussion and head injury information sheet that shall  
19 be signed and returned by the interscholastic athlete and the  
20 athlete's parent or guardian on an annual basis before the  
21 interscholastic athlete begins practice or competition;

22 (3) A requirement that each head coach of an interscholastic  
23 sport at a high school or middle school who is a member of the West  
24 Virginia Secondary School Activities Commission complete a

1 commission-approved concussion and head injury recognition and  
2 return-to-play protocol course annually;

3 (4) A requirement that an interscholastic athlete who is  
4 suspected by a licensed health care professional or by his or her  
5 head coach or athletic trainer of having sustained a concussion or  
6 head injury in a practice or game shall be removed from competition  
7 at that time;

8 (5) A requirement that an interscholastic athlete who has been  
9 removed from play or practice may not return to play or practice  
10 until the athlete is evaluated by a licensed health care  
11 professional trained in the evaluation and management of  
12 concussions and receives written clearance to return to play and  
13 practice from the licensed health care professional;

14 (6) A list of the respective categories of licensed health  
15 care professionals who, if properly trained in the evaluation and  
16 management of concussions, are authorized to provide written  
17 clearance for the interscholastic athlete to return to play; and

18 (7) A requirement that all member schools must submit a report  
19 to the West Virginia Secondary School Activities Commission within  
20 thirty days of an interscholastic athlete suffering or being  
21 suspected of suffering a concussion or head injury in a practice or  
22 game. The report must state whether an evaluation by a licensed  
23 health care professional verified that a concussion or head injury  
24 was actually suffered, whether the athlete received written

1 clearance to return to play or practice and, if written clearance  
2 was given, the number of days between the incident and the actual  
3 return to play or practice. If written clearance to return to play  
4 is given after thirty days of the incident, a report update shall  
5 be submitted. The West Virginia Secondary School Activities  
6 Commission shall compile and submit the reports to the appropriate  
7 state and national organization or agencies to analyze and make  
8 determinations on whether the rule required by this section needs  
9 to be amended or if equipment worn by interscholastic athlete needs  
10 to be changed accordingly.