



# Ohio Legislative Service Commission

## Bill Analysis

Carol Napp

### Sub. H.B. 143\*

129th General Assembly

(As Reported by S. Health, Human Services and Aging)

**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

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## BILL 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.
- Prohibits a school authority from allowing an individual to coach interscholastic athletics without holding a pupil-activity program permit for coaching interscholastic activities 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 an online training program in recognizing the symptoms of concussions or a training program authorized and required by an organization that regulates interscholastic conferences or events.
- Requires a coach or referee to remove a student exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury from practice or competition.
- Prohibits a coach or referee from allowing a student to return to the practice or competition from which the student was removed, or to participate in any other

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\* This analysis was prepared before the report of the Senate Health, Human Services and Aging Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

practice or competition for which the coach or referee is responsible, until the student has been assessed and cleared for return by a physician or by any other licensed health care provider authorized by the school authority.

- Provides that a school authority that is subject to the rules of an interscholastic conference is considered to be in compliance with the bill, as long as the requirements of those rules are substantially similar to the bill's requirements.
- 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 organized by the organization the concussion and head injury information sheet created by the Department of Health.
- Prohibits an individual from acting as a coach or referee for a youth sports organization without holding a pupil-activity program permit from the State Board of Education or successfully completing an online training program in recognizing the symptoms of concussions.
- Requires a coach, referee, or official of a youth sports organization to remove an individual exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury from practice or competition.
- Prohibits a coach, referee, or official of a youth sports organization from allowing an individual to return to the practice or competition from which the individual was removed or to participate in any other practice or competition for which the coach, referee, or official is responsible until the individual has been assessed and cleared for return by a physician or by any other licensed health care provider authorized by the youth sports organization.
- Requires the State Board of Education to (1) require each individual applying for a pupil-activity program permit to successfully complete training on brain trauma and brain injury management and (2) require each individual renewing a pupil-activity program permit to successfully complete an online training program in recognizing the symptoms of concussions or a training program authorized and required by an organization that regulates interscholastic conferences or events.
- 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 athletics

The bill establishes several prohibitions and requirements related to concussions and other head injuries in interscholastic athletics. These prohibitions and requirements apply to public schools, including schools operated by school districts, community schools, and science, technology, engineering, and math (STEM) schools. They also apply to all private schools, including both chartered and nonchartered nonpublic schools.

#### Information sheet

The bill 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>1</sup>

#### Training for coaches and referees

The bill 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>2</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, 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>3</sup>

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

<sup>2</sup> R.C. 3313.539(C)(1), 3314.03(A)(11)(d), and 3326.11.

<sup>3</sup> R.C. 3313.539(C)(2), 3314.03(A)(11)(d), and 3326.11.

## Removal from practice or competition

Under the bill, a student exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while practicing for or competing in an interscholastic athletic event must be removed from the practice or competition by either of the following:

(1) The individual who is serving as the student's coach during that practice or competition; or

(2) An individual who is serving as a referee during that practice or competition.<sup>4</sup> After the student is removed, the coach or referee who removed the student is prohibited from allowing the student, on the same day the student is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible.<sup>5</sup>

## Assessment and clearance to return

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

(1) The student athlete'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 or school governing authority authorizes to assess a student who has been removed from practice or competition; and

(2) The student receives written clearance that it is safe to return to practice or competition from a physician or authorized licensed health care provider.<sup>6</sup>

The bill specifies that a physician or other licensed health care provider who makes an assessment or grants a clearance may be a volunteer.<sup>7</sup>

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

<sup>5</sup> R.C. 3313.539(E)(1), 3314.03(A)(11)(d), and 3326.11.

<sup>6</sup> R.C. 3313.539(E)(1), 3314.03(A)(11)(d), and 3326.11.

<sup>7</sup> R.C. 3313.539(E)(3), 3314.03(A)(11)(d), and 3326.11.

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

The bill permits a school district board or school governing authority 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>8</sup>

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

The bill provides that a school district board or 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 bill's provisions, as long as the requirements of those rules are substantially similar to the bill's requirements.<sup>9</sup>

## **Qualified immunity from liability**

The bill provides that certain school authorities, employees, and volunteers 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 bill, unless the act or omission constitutes willful or wanton misconduct. This provision 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, and (4) a STEM school, member of a STEM school governing body, or STEM school employee or volunteer, including a coach or referee.<sup>10</sup>

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<sup>8</sup> R.C. 3313.539(E)(2)(a) to (d), 3314.03(A)(11)(d), and 3326.11.

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

<sup>10</sup> R.C. 3313.539(G), 3314.142(A), and 3326.27(A).

The bill specifies that its qualified immunity from liability does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under the law governing political subdivision tort liability (R.C. Chapter 2744.) or any other provision of the Revised Code or under the common law of Ohio.<sup>11</sup>

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

The bill establishes similar prohibitions and requirements related to concussions and other head injuries in youth sports that are conducted by entities other than schools. These prohibitions and requirements apply to "youth sports organizations," which are defined by the bill 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>12</sup>

### **Information sheet**

The bill requires that a youth sports organization provide 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 concussion and head injury information sheet created by the Department of Health (see "**Department of Health: Concussion and head injury information sheet**," below). The organization must provide the information sheet annually for each sport or other category of athletic activity for or in which the individual practices or competes.<sup>13</sup>

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

The bill prohibits an individual from acting as a coach or referee for a youth sports organization unless the individual (1) holds a pupil-activity program permit for coaching interscholastic athletics issued by the State Board of Education (see "**Pupil-activity program permit**," below) 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 of Health's web site (see "**Department of Health: Online training**

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<sup>11</sup> R.C. 3313.539(G)(1), 3314.142(B), and 3326.27(B).

<sup>12</sup> R.C. 3707.51.

<sup>13</sup> R.C. 3707.511(B).

program," below).<sup>14</sup> The organization for which the individual intends to act as a coach or referee must inform the individual of this requirement.<sup>15</sup>

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

Under the bill, an individual exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while practicing for or competing in an athletic event organized by a youth sports organization must be removed from the practice or competition by one of the following:

- (1) The individual who is serving as the individual's coach during that practice or competition;
- (2) An individual who is serving as a referee during that practice or competition;
- (3) An official of the sports organization who is supervising that practice or competition.<sup>16</sup>

After the individual is removed, the coach, referee, or official who removed the individual is prohibited from allowing the individual, on the same day the 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>17</sup>

### **Assessment and clearance to return**

As in the case of a public or private school, the coach, referee, or official who removed an individual from a youth sports organization practice or competition is prohibited from allowing the 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 individual's condition is assessed by a physician authorized to practice medicine and surgery or osteopathic medicine and surgery; or another licensed health care provider authorized by the youth sports organization; and

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<sup>14</sup> R.C. 3707.511(C).

<sup>15</sup> R.C. 3707.511(C)(2).

<sup>16</sup> R.C. 3707.511(D).

<sup>17</sup> R.C. 3707.511(E)(1).

(2) The individual receives written clearance that it is safe for the individual to return to practice or competition from a physician or authorized licensed health care provider.<sup>18</sup>

Again, as in the case of a school district or school, the bill specifies that a physician or other licensed health care provider who makes an assessment or grants a clearance may be a volunteer.<sup>19</sup>

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

Like a school district or school, a youth sports organization may 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>20</sup>

### **Qualified immunity from liability**

Finally, the bill 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 bill, unless the act or omission constitutes willful or wanton misconduct.<sup>21</sup>

As in the case of a public school, the bill specifies that its immunity provision does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under the law governing political

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<sup>18</sup> R.C. 3707.511(E)(1).

<sup>19</sup> R.C. 3707.511(E)(3).

<sup>20</sup> R.C. 3707.511(E)(2).

<sup>21</sup> R.C. 3707.511(F)(1).

subdivision tort liability (R.C. Chapter 2744.) or any other provision of the Revised Code or under the common law of Ohio.<sup>22</sup>

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

Under the bill, 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 bill's effective date to successfully complete a training program that is specifically focused on brain trauma and brain injury management. As a condition of renewing a pupil-activity program permit, the State Board of Education must require each individual applying on or after the bill's effective date to present evidence that the individual has successfully completed, within the previous three years, a 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>23</sup>

### **Department of Health**

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

The bill 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 the information sheet and update it accordingly.<sup>24</sup>

#### **Online training program**

The bill 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>22</sup> R.C. 3707.511(F)(2).

<sup>23</sup> R.C. 3319.303(C).

<sup>24</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>25</sup>

### **Effective date**

The bill provides that the requirements applicable to the Department of Health regarding the concussion and head injury information sheet and the online training program take effect on the bill's effective date. The bill's other provisions take effect 30 days later.<sup>26</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	---

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<sup>25</sup> R.C. 3707.52(B).

<sup>26</sup> Section 3.