

By: Rose

H.B. No. 1435

Substitute the following for H.B. No. 1435:

By: Zedler

C.S.H.B. No. 1435

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to notification provided by certain health care providers  
3 to students and parents or guardians of students who participate in  
4 extracurricular sports activities sponsored or sanctioned by the  
5 University Interscholastic League.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter D, Chapter 33, Education Code, is  
8 amended by adding Section 33.089 to read as follows:

9 Sec. 33.089. NOTIFICATION BY CERTAIN HEALTH CARE PROVIDERS  
10 CONCERNING INJURIES RESULTING FROM HEAD TRAUMA. (a) In this  
11 section, "health care provider" means a physician, physician  
12 assistant, nurse practitioner, or chiropractor.

13 (b) A health care provider who examines a student to  
14 determine the student's physical fitness to participate in a sports  
15 activity sponsored or sanctioned by the University Interscholastic  
16 League shall provide the student and the student's parent or  
17 guardian with written notification, in the form and with the  
18 specific content adopted jointly by the agency, the Department of  
19 State Health Services, the Texas Traumatic Brain Injury Advisory  
20 Council, and the University Interscholastic League, that explains:

21 (1) the risk of head trauma resulting from a secondary  
22 impact suffered during a sports activity;

23 (2) the types of head trauma resulting from a  
24 secondary impact that may occur; and

1           (3) the symptoms of head trauma resulting from a  
2 secondary impact.

3           (c) Except as provided by Subsection (d), a health care  
4 provider or athletic trainer who, at the time and place of injury,  
5 examines a student because the student has been injured in a sports  
6 activity sponsored or sanctioned by the University Interscholastic  
7 League shall provide the student and the student's parent or  
8 guardian with the written notification required under Subsection  
9 (b).

10           (d) Subsection (c) does not apply to a health care provider  
11 or athletic trainer who:

12           (1) in good faith administers emergency care for an  
13 injury sustained during a sports activity at which the health care  
14 provider or athletic trainer is a spectator; and

15           (2) provides the emergency care without the  
16 expectation of remuneration.

17           SECTION 2. This Act applies beginning with the 2007-2008  
18 school year.

19           SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2007.