

## **BILL ANALYSIS**

C.S.H.B. 677  
By: Lucio III  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties observe that an athlete who suffers a concussion and does not receive appropriate treatment is at a greater risk to experience a second concussion, the results of which can be significantly worse. Those parties contend that assessment of cognitive-linguistic or neurocognitive function conducted before a sports season begins is imperative to ensure the most appropriate management of an athlete's recovery following a concussion. Those parties further contend that such an assessment will provide baseline data for comparison when an injured athlete is reevaluated, allow for more efficacious monitoring of the subtle cognitive-communicative changes that can occur after concussion, and inform the return-to-play decision.

Interested parties contend that current law does not require a high school student to obtain a cognitive-linguistic or neurocognitive assessment before participating in a University Interscholastic League athletic activity or after suffering a concussion to be considered as a factor in the return-to-play decision. C.S.H.B. 677 seeks to set out such requirements and requires the cognitive-linguistic assessment to be performed by an appropriately licensed health care professional.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the University Interscholastic League in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 677 amends the Education Code to require a school district to require a district student who is required under University Interscholastic League (UIL) rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL to also receive a cognitive-linguistic or neurocognitive assessment performed by an appropriately licensed or certified health care professional and administered in accordance with current international consensus on concussion management before being allowed to participate in the activity, including a practice for the activity. The bill requires a district to require a district student who, after sustaining a concussion, is required under UIL rule or policy to receive a physical examination or obtain medical approval before being allowed to resume participating in or practicing for an athletic activity sponsored or sanctioned by the UIL to also obtain a cognitive-linguistic or neurocognitive assessment performed by an appropriately licensed or certified health care professional and administered in accordance with current international consensus on concussion management before being allowed to resume participating in or practicing for the activity. The bill requires the results of the assessment to be considered as a factor in determining whether the student is to be allowed to resume participating in or practicing for the activity. The bill establishes that a district is not required to comply with these provisions if the board of trustees of the district, by majority vote, decides that it is in the best interests of district students not to comply.

C.S.H.B. 677 authorizes a school district to assist in coordinating the provision of a required

assessment, to pay the costs of the assessment, and to recover those costs from the parent or guardian of a student or the student receiving the assessment.

C.S.H.B. 677 establishes that its provisions do not create a cause of action or liability against an appropriately licensed or certified health care professional, a school district, or a district officer or employee for the injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or evaluation of or reliance on a cognitive-linguistic or neurocognitive assessment or the decision not to administer, evaluate, or rely on such an assessment. The bill requires a school district to maintain in a student's school records a copy of a required assessment available to the district.

C.S.H.B. 677 requires the UIL to adopt rules as necessary to administer the bill's provisions, including rules establishing standards for a required cognitive-linguistic or neurocognitive assessment, and authorizes the UIL to consider recommendations of the UIL's medical advisory committee in establishing such standards.

C.S.H.B. 677 establishes that, for purposes of the bill's provisions, only the following persons are appropriately licensed or certified health care professionals: a physician licensed under the Medical Practice Act; a physician assistant licensed under the Physician Assistant Licensing Act; an advanced practice nurse licensed under the Nursing Practice Act; a licensed speech-language pathologist or a speech-language pathologist certified by the Texas Education Agency; and a licensed athletic trainer. The bill makes its provisions applicable beginning with the 2012-2013 school year.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 677 contains a provision not included in the original identifying the persons, for purposes of the substitute's provisions, who are appropriately licensed or certified health care professionals.

C.S.H.B. 677 differs from the original by requiring a school district to require a district student who is required under University Interscholastic League (UIL) rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL to also receive a cognitive-linguistic or neurocognitive assessment performed by an appropriately licensed or certified health care professional and administered in accordance with current international consensus on concussion management before being allowed to participate in the activity, whereas the original requires a student who is required under UIL or school district rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL to also receive a cognitive-linguistic assessment performed by an appropriately licensed health care professional before being allowed to participate in the activity.

C.S.H.B. 677 differs from the original by requiring a school district to require a district student who, after sustaining a concussion, is required under UIL rule or policy to receive a physical examination or obtain medical approval before being allowed to resume participating in or practicing for an athletic activity sponsored or sanctioned by the UIL to also obtain a cognitive-linguistic or neurocognitive assessment performed by an appropriately licensed or certified health care professional and administered in accordance with current international consensus on concussion management before being allowed to resume participating in or practicing for the activity, whereas the original requires a student who, after sustaining a concussion, is required under UIL or school district rule or policy to receive a physical examination or obtain medical approval before being allowed to resume participating in or practicing for an athletic activity

sponsored or sanctioned by the UIL to also obtain a cognitive-linguistic assessment performed by an appropriately licensed health care professional before being allowed to resume participating in or practicing for the activity.

C.S.H.B. 677 contains provisions not included in the original establishing that a district is not required to comply with the substitute's assessment requirements if the board of trustees of the district, by majority vote, decides that it is in the best interests of district students not to comply.

C.S.H.B. 677 contains provisions not included in the original authorizing a district to assist in coordinating the provision of a required cognitive assessment, to pay the costs of the assessment, and to recover those costs from the parent or guardian of a student or the student receiving the assessment. The substitute contains provisions not included in the original establishing that the substitute's provisions do not create a cause of action or liability against an appropriately licensed or certified health care professional, a district, or a district officer or employee under certain conditions relating to a cognitive assessment and requiring a district to maintain in a student's school records a copy of a required assessment available to the district.

C.S.H.B. 677 differs from the original, in a provision requiring the UIL to adopt rules as necessary to administer the bill's provisions, by including rules establishing standards for a required cognitive-linguistic or neurocognitive assessment. The substitute contains a provision not included in the original authorizing the UIL to consider recommendations of the league's medical advisory committee in establishing such standards. The substitute makes its provisions applicable beginning with the 2012-2013 school year, rather than the 2011-2012 school year, as in the original.