

By: Lucio III, et al.

H.B. No. 677

Substitute the following for H.B. No. 677:

By: Huberty

C.S.H.B. No. 677

A BILL TO BE ENTITLED

AN ACT

1
2 relating to cognitive-linguistic or neurocognitive assessments of
3 participants in extracurricular athletic activities sponsored or
4 sanctioned by the University Interscholastic League.

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

6 SECTION 1. Subchapter D, Chapter 33, Education Code, is
7 amended by adding Section 33.093 to read as follows:

8 Sec. 33.093. COGNITIVE-LINGUISTIC OR NEUROCOGNITIVE
9 ASSESSMENTS OF PARTICIPANTS IN EXTRACURRICULAR ATHLETIC
10 ACTIVITIES. (a) For purposes of this section, only the following
11 persons are appropriately licensed or certified health care
12 professionals:

13 (1) a physician licensed under Subtitle B, Title 3,
14 Occupations Code;

15 (2) a physician assistant licensed under Chapter 204,
16 Occupations Code;

17 (3) an advanced practice nurse licensed under Chapter
18 301, Occupations Code;

19 (4) a speech-language pathologist licensed under
20 Chapter 401, Occupations Code, or certified as a speech-language
21 pathologist by the Texas Education Agency; and

22 (5) an athletic trainer licensed under Chapter 451,
23 Occupations Code.

24 (b) Except as provided under Subsection (d), a school

1 district must require a district student who is required under
2 University Interscholastic League rule or policy to receive a
3 physical examination before being allowed to participate in an
4 athletic activity sponsored or sanctioned by the University
5 Interscholastic League to also receive a cognitive-linguistic or
6 neurocognitive assessment performed by an appropriately licensed
7 or certified health care professional and administered in
8 accordance with current international consensus on concussion
9 management before the district allows the student to participate in
10 the activity, including a practice for the activity.

11 (c) Except as provided under Subsection (d), a school
12 district must require a district student who, after sustaining a
13 concussion, is required under University Interscholastic League
14 rule or policy to receive a physical examination or obtain medical
15 approval before being allowed to resume participating in or
16 practicing for an athletic activity sponsored or sanctioned by the
17 University Interscholastic League to also obtain a
18 cognitive-linguistic or neurocognitive assessment performed by an
19 appropriately licensed or certified health care professional and
20 administered in accordance with current international consensus on
21 concussion management before the district allows the student to
22 resume participating in or practicing for the activity. The
23 results of the cognitive-linguistic or neurocognitive assessment
24 must be considered as a factor in determining whether the student is
25 to be allowed to resume participating in or practicing for the
26 activity.

27 (d) A school district is not required to comply with

1 Subsection (b) or (c), as applicable, if the board of trustees of
2 the district, by majority vote, decides that it is in the best
3 interests of district students not to comply with the subsection.

4 (e) A school district may assist in coordinating the
5 provision of a cognitive-linguistic or neurocognitive assessment
6 required under this section. A district may pay the costs of the
7 assessment and may recover those costs from the parent or guardian
8 of a student or the student receiving the assessment.

9 (f) This section does not create a cause of action or
10 liability against an appropriately licensed or certified health
11 care professional, a school district, or a district officer or
12 employee for the injury or death of a student participating in or
13 practicing for an athletic activity sponsored or sanctioned by the
14 University Interscholastic League based on or in connection with
15 the administration or evaluation of or reliance on a
16 cognitive-linguistic or neurocognitive assessment or the decision
17 not to administer, evaluate, or rely on such an assessment.

18 (g) A school district shall maintain in a student's school
19 records a copy of a cognitive-linguistic or neurocognitive
20 assessment required under this section available to the district.

21 (h) The University Interscholastic League shall adopt rules
22 as necessary to administer this section, including rules
23 establishing standards for a cognitive-linguistic or
24 neurocognitive assessment required under this section. The league
25 may consider recommendations of the league's medical advisory
26 committee in establishing standards for a cognitive-linguistic or
27 neurocognitive assessment.

1 SECTION 2. This Act applies beginning with the 2012-2013
2 school year.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.