

By: Howard, King of Hemphill

H.B. No. 961

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the membership and training course requirements of a  
3 public school concussion oversight team and the removal of a public  
4 school student from an interscholastic athletic activity on the  
5 basis of a suspected concussion.

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

7 SECTION 1. Section 38.154, Education Code, is amended by  
8 adding Subsection (b-1) to read as follows:

9 (b-1) If a school district or open-enrollment charter  
10 school employs a school nurse, the school nurse may be a member of  
11 the district or charter school concussion oversight team if  
12 requested by the school nurse.

13 SECTION 2. Section 38.156, Education Code, is amended to  
14 read as follows:

15 Sec. 38.156. REMOVAL FROM PLAY IN PRACTICE OR COMPETITION  
16 FOLLOWING CONCUSSION. A student shall be removed from an  
17 interscholastic athletics practice or competition immediately if  
18 one of the following persons believes the student might have  
19 sustained a concussion during the practice or competition:

- 20 (1) a coach;  
21 (2) a physician;  
22 (3) a licensed health care professional;  
23 (4) a person licensed under Chapter 201, Occupations  
24 Code; [~~or~~]

- 1           (5) a school nurse; or  
2           (6) the student's parent or guardian or another person  
3 with legal authority to make medical decisions for the student.

4           SECTION 3. Sections 38.158(c), (e), and (g), Education  
5 Code, are amended to read as follows:

6           (c) The following persons must take a training course in  
7 accordance with Subsection (e) from an authorized training provider  
8 at least once every two years:

9           (1) a coach of an interscholastic athletic activity;

10           (2) a school nurse who serves as a member of a  
11 concussion oversight team;

12           (3) a licensed health care professional who serves as  
13 a member of a concussion oversight team and is an employee,  
14 representative, or agent of a school district or open-enrollment  
15 charter school; and

16           (4) [~~(3)~~] a licensed health care professional who  
17 serves on a volunteer basis as a member of a concussion oversight  
18 team for a school district or open-enrollment charter school.

19           (e) For purposes of Subsection (c):

20           (1) a coach must take a course described by Subsection  
21 (a);

22           (2) an athletic trainer must take:

23                   (A) a course described by Subsection (b); or

24                   (B) a course concerning the subject matter of  
25 concussions that has been approved for continuing education credit  
26 by the appropriate licensing authority for the profession; and

27           (3) a school nurse or licensed health care

1 professional, other than an athletic trainer, must take:

2 (A) a course described by Subsection (a) or (b);

3 or

4 (B) a course concerning the subject matter of  
5 concussions that has been approved for continuing education credit  
6 by the appropriate licensing authority for the profession.

7 (g) A school nurse or licensed health care professional who  
8 is not in compliance with the training requirements under this  
9 section may not serve on a concussion oversight team in any  
10 capacity.

11 SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2019.