

AN ACT

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

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

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

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

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

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

- (1) a coach;
- (2) a physician;
- (3) a licensed health care professional;
- (4) a person licensed under Chapter 201, Occupations

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.

President of the Senate

Speaker of the House

I certify that H.B. No. 961 was passed by the House on April 16, 2019, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 961 was passed by the Senate on May 20, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor