

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, March 17, 2016

TIME: 2:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Nuxoll, Senators Hagedorn, Martin, Lee, Harris, Schmidt and Jordan

ABSENT/ EXCUSED: Senator Lodge

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Heider** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 2:20 p.m.

MINUTES APPROVAL: **Senator Lee** moved to approve the Minutes of January 21, 2016. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Schmidt moved to approve the Minutes of January 25, 2016. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Martin moved to approve the Minutes of January 26, 2016. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

Senator Jordan moved to approve the Minutes of January 27, 2016. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Nuxoll moved to approve the Minutes of January 28, 2016. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Lee moved to approve the Minutes of February 1, 2016. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Lee moved to approve the Minutes of February 3, 2016. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Harris moved to approve the Minutes of February 4, 2016. **Vice Chairman Nuxoll** seconded the motion. The motion carried by **voice vote**.

H 557 **Relating to Youth Athlete Concussions.** **Matt Kaiserman**, representing St. Luke's Sports Medicine Concussion Clinic, presented this bill.

Mr. Kaiserman discussed his athletic experience and professional career. He reviewed the services provided by St. Luke's Sports Medicine Concussion Clinic. **Mr. Kaiserman** stated that this legislation amends Idaho Code to add provisions relating to youth athletes and concussion guidelines. Specifically, this bill makes three main changes: (i) modifies coaches' requirement to review concussion guidelines from "biannually" to "biennially" to reflect the original intent to require review of the guidelines every two years, (ii) adds a requirement that youth athletes and their parents/guardians sign and return a consent form indicating that the parties have received the concussion guidelines and that they understand the inherent risks of concussions in sports and (iii) adds a new provision establishing an academic transition process, which provides that student athletes cannot return to sports after a concussion until they can resume all normal academic activities without restriction. **Mr. Kaiserman** gave examples of accommodations that may be provided to student athletes recovering from concussion to assist with their

academic transition. He noted that this transition process should be collaborative among the students, parents, teachers and medical providers.

Chairman Heider asked the Committee members if they had any questions.

Senator Hagedorn asked if there is no way to test for a concussion, then how do physicians know when an athlete has a concussion. **Mr. Kaiserman** responded that this is a clinical diagnosis that recognizes the symptoms and circumstances in which the injury was obtained. **Senator Hagedorn** stated that this bill requires schools to provide formal and informal accommodations for curriculum and monitoring by staff until a student recovers. Commenting that the fiscal note states the bill will have no fiscal impact, **Senator Hagedorn** asked whether there may actually be fiscal impact from this legislation. **Mr. Kaiserman** explained that the fiscal note is correct because the fiscal impact will be minimal at most related to the additional time contributed by the teachers.

Senator Lee stated that the language used in the new provision "modification of curriculum" implies that student athletes do not have to go to classes or keep up with curriculum. **Mr. Kaiserman** said that nothing in this legislation removes the school's ability to regulate the student's curriculum. He noted the intent of this provision is to provide for collaboration between the health care provider and the school to come to agreement of what accommodations or modifications are reasonable. Ultimate deference will be given to the educational institutions. Reviewing the language of the bill, **Senator Lee** asked why the drafters used the word "should" in the provision that "a student athlete should be able to resume all normally scheduled academic activities." **Mr. Kaiserman** stated that the word "should" was intentionally used in the provision because each athlete progresses at different rates and the word "should" provides necessary flexibility in the law.

Referring to the same provision as Senator Lee, **Vice Chairman Nuxoll** asked why the provision was necessary. **Mr. Kaiserman** stated that the purpose of this provision establishes minimal requirements for medical providers to authorize a student's return to sport after a concussion. Referencing his grandsons, **Chairman Heider** commented that students want to get back in the game. This bill requires students to resume normal activity before resuming play.

Senator Harris asks if the academic transition provision applies to all students or only student athletes. **Mr. Kaiserman** responded that the provision only applies to student athletes. He noted, however, that the schools would likely implement this program for all students.

Senator Schmidt stated that the academic transition provision essentially puts a clinical recommendation for a treatment plan into statute. He asked if this codification was discussed with any professional medical associations. **Mr. Kaiserman** responded that the bill was provided to numerous medical associations, including the Idaho Medical Association, the Idaho Board of Medicine, the Idaho Athletic Trainers Association, the Idaho Physical Therapy Association, St. Alphonsus Health System and other medical associations.

MOTION:

There being no more questions, **Senator Martin** moved to send **H 557** to the floor with a **do pass** recommendation. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**. **Chairman Heider** will carry the bill on the floor of the Senate.

ADJOURNED: There being no further business, **Chairman Heider** adjourned the meeting at 2:52 p.m.

Senator Heider
Chair

Karen R. Westbrook
Secretary