Massachusetts Injury Prevention Policy Work:

Implementing Massachusetts Sports Concussion Legislation

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Core VIPP/Safe States Meeting, May 2, 2012
Policy Comes in Many Forms

State Level:
• Legislation
• Executive Order
• Regulations
• Guidelines
• Budget language
• Professional Policy

Local Level:
• Local Law/Ordinance
• School Policy
In July 2010, Governor Patrick signed into law *An Act Relative to Safety Regulations for School Athletic Programs*. Law went into effect in July 19, 2010.
Previous MDPH work in this area

- 2005 TBI Task Force Report
- Work of BIA-MA
- Increasing attention from MIAA
- Engagement of MassPINN
  - Chris Nowinski of the Sports Legacy Institute presentation at meeting
  - Partners distributing CDC concussion kits
  - Interest in advocating for legislation
Components of the Law

• DPH to identify **annual training program** for key stakeholders, including:
  – Athletic directors
  – Coaches
  – Trainers
  – Parents and students
• Injured athlete *suspected of concussion* must be **removed from play** and cannot return to play that day
Components of the Law (cont)

- Written **medical clearance** by licensed health professional
- All students must **disclose history of head injuries** at start of each season
- **Recordkeeping** by schools
- Allows establishment of **penalties for noncompliance**
- DPH must develop **regulations** to implement
DPH Approach to Developing the Regulations

- Convened internal DPH staff from DPH Medical Director, School Health, and Violence and Injury Prevention
- Convenes Expert Clinical Advisory Group of leaders in the field
- Continued to work with key stakeholders:
  - Mass Medical Society, Athletic Trainers of Massachusetts (ATOM), MIAA, Children’s Hospital, MGH, American Academy of Pediatrics, Sports Legacy Institute, BIA-MA
- Consultation with Department of Elementary and Secondary Education
Regulations

• Drafted for public comment in January 2011
  • Two public hearings
  • Written comment period (until April 2011)

• Extensive Redrafting

• Promulgated June 2011
Key Provisions of the Regulations

Address 7 areas:

- School Policies and Procedures
- Training
- Participation Requirements for Students & Parents
- Exclusion from Play
- Medical Clearance and Return to Play
- Roles and Responsibilities of Key School Personnel
- Record Maintenance and Reporting
All regulated school districts and schools must have policies and procedures in place (by March 2012) and these must include:

- Person responsible
- Training requirements
- Documentation of head injury history
- Protocols for managing sports-related head injuries or suspected concussions
- Protocols for graduated re-entry plans (for athletics and academics) for students
- Instructions to discourage dangerous play and teach techniques that minimize head injury
- Penalties for failure to comply with policies
Annual Training

• Annual completion of DPH-approved training for:
  – Coaches and Trainers
  – Certified Athletic Trainers;
  – Volunteers;
  – School and Team physicians;
  – School Nurses
  – Athletic Directors;
  – Marching Band Directors;
  – Parents of student athletes;
  – Student athletes.

• Two free, on-line trainings have been identified including the CDC Heads Up Concussion training

• Application has been developed for in-person trainings that want to be DPH-approved
Participation Requirements for Students and Parents

• Pre-participation Requirements:
  – Training: Must complete DPH-approved training annually
  – Documentation: Complete and submit a Pre-participation Form (with history of head injury/concussion) before each season

• Ongoing Requirements:
  – Documentation: If injured during season, submit a Report of Head Injury During Sports Season Form
Exclusion from Play

• Students who sustain a head injury or suspected concussion during an extracurricular athletic activity must be removed from the practice or competition immediately and may not return to the practice or competition that day.

• Parents must be promptly notified of any head injury or suspected concussion.

• Medical Clearance must be provided before a student can return to play.
Medical Clearance and Authorization for Return to Play

• Medical clearance and authorization can be provided by:
  • A duly licensed physician;
  • A certified athletic trainer in consultation with a licensed physician;
  • A duly licensed nurse practitioner in consultation with a licensed physician; and
  • A neuropsychologist in coordination with the physician managing the student's recovery.

• Clinicians must use Medical Clearance form or school-based equivalent (not a doctor’s note)
Medical Clearance and Authorization for Return to Play (cont.)

- If a concussion has been diagnosed, a student must complete a graduated reentry plan before medical clearance. This plan must address academics and extracurricular activity.

- By September 2013, those providing Medical Clearance will be required to certify that they have received appropriate training in concussion assessment and management.
Responsibilities of School Staff

Athletic Directors, Certified Athletic Trainers, Coaches and School Nurses must:

– Complete annual mandatory training
– Participate in development of school policies
– Take on their particular role in making sure the forms are completed, reviewed and maintained (Pre-Participation Reporting Forms, Report of Head Injury Forms and Medical Clearance Forms)
– Identify students with possible concussions and following “when in doubt, sit them out” philosophy
– Teach techniques that minimize risk of head injury and prohibiting dangerous techniques
Record Maintenance and Reporting

• **Schools must maintain the following records**
  – Documentation that annual training requirements are met;
  – Pre-participation Forms;
  – Report of Head Injury Forms;
  – Medical Clearance and Authorization Forms; and
  – Graduated re-entry plans for return to full academic and extracurricular activities.

• **Schools must report to the Department:**
  – The total number of Report of Head Injury Forms received by the school; and
  – The total number of students who incur head injuries and suspected concussions when engaged in any extracurricular athletic activities.
Unique Components of the Regulations

• First state that we are aware of to promulgate regulations
• First state to approve CDC Heads Up Concussion online training for annual mandatory education
• Requirement that coaches, trainers and volunteers teach form, techniques and skills that minimize the risk for sports-related head injury
• Requirement of training in concussion assessment and management for clinicians authorizing return to play
Ongoing Policy Work: Schools

• Model Policy Guidance for Schools

• Templates for Required Forms

• Technical Assistance to Schools: conference calls, FAQ, presentations, one-on-one
Ongoing Policy Work: Clinicians

- Clinical Advisory to Pediatricians and Emergency Department Doctors

- Development of training for clinicians
Ongoing Policy Work: Training

• Formal Criteria for DPH-Approved Annual Training Programs
Resources

[www.mass.gov/dph/injury](http://www.mass.gov/dph/injury)

Click: [Sports Related Concussions and Head Injuries](http://www.mass.gov/dph/injury)

- Regulations
- Model guidance
- Forms
- Clinical advisory
- Training Criteria
Be careful what you ask for
(or what someone else asks for!)

• The dreaded “unfunded mandate”

• Carefully consider
  – Resources/relationships to get the law passed
  – Resources for the next, sublegislative level of policy work
  – Resources to implement the law
  – Resources (and a strategy) to EVALUATE the impact.
Questions?

www.mass.gov/dph/injury
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