

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>1/30/17</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>SB38</u>

Sponsor:	<u>Senator William P. Soules</u>	Agency Code:	<u>924</u>
Short Title:	<u>BRAIN INJURY TRAINING FOR STUDENT ATHLETES</u>	Person Writing	<u>Aguilar/Garcia</u>
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SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate	Indeterminate	Indeterminate	Recurring	School District Budgets

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 38 (SB38) amends Section 22-13-31 NMSA 1978 to require student athletes and youth athletes to receive brain injury training, expanding the current brain injury training requirement for coaches to include student and youth athletes.

SB38 also adds language requiring signatures from the student athlete and student athletes' parent or guardian that represent the "acknowledgement of training and information" as well as signatures to confirm that the youth athlete received the brain injury training and the parent or guardian "understands" the information. SB38 allows for the signed form to be contained on the student athlete sport physical form and clarifies the time frame in which the training and information should be provided and signatures obtained.

Section 1 of SB38 adds to the current language in Section 22-13-31 NMSA 1978, requiring that these actions be completed at the beginning of each academic year or: “the first participation in school athletic activities by a student athlete during an academic year.” Section 2 of SB38 further amends Section 2 of 22-13-31 NMSA1978 to state that these actions must occur at the beginning of each “youth athletic activity” or “the first participation in youth athletic activities by a youth athlete during a youth athletic activity season.”

Finally, SB38 amends Section 1, Part G, Subsection 3 of 22-13-31 NMSA 1978, regarding the references to the licensing boards of the “practicing osteopathic physician” and “practicing osteopathic physician’s assistant.” SB38 now states that both are licensed pursuant to “the Osteopathic Medicine Act.” These same changes are also found in Section 2 of 22-13-31 NMSA 1978.

FISCAL IMPLICATIONS

SB38 is not requesting any appropriation of funding; therefore, there are no fiscal implications for the New Mexico Public Education Department (PED). School districts would be responsible for having students receive brain injury training. The costs of providing this training, or costs associated with conducting the training is unknown. Any administrative oversight or related costs would be carried by the individual schools and/or athletic programs.

SIGNIFICANT ISSUES

According to the US National Library of Medicine, National Institute of Health, “There are 1.7 million documented traumatic brain injuries (TBIs) annually, with estimates closer to around 3.8 million, of which 173,285 are sports- and recreation-related TBIs among children and adolescents. As the number of participants in youth sports continues to grow, the incidence of brain injury is proportionally increasing as well.” The research further indicates, “Appropriate diagnosis and treatment according to standardized guidelines are crucial when treating athletes who may be subjected to future head trauma, possibly increasing their likelihood of long-term impairments” (<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3400421/>). According to the “Survey of Youth Sports Concussion in New Mexico, 2013-2014” (Brain and Behavior Health Institute, University of New Mexico Health Sciences Center), 598 athletes (392 male athletes and 206 female athletes) were removed from athletics due to sustaining a concussion during the 2013-14 school year. These results are not inclusive of all schools in New Mexico with a total student population of the schools surveyed at 54,764 and 26,932 of those students participating in athletics. It is also important to note that this study only included schools that were members of the New Mexico Athletic Association (NMAA) and did not include youth athletic leagues outside of the NMAA. It is reasonable to assume, that the number of student athletes and youth athletes who may have sustained a concussion during the 2013-2014 school year could be much higher if all youth brain injuries in New Mexico were reported.

SB38 adds to Section 22-13-31 NMSA 1978, requiring brain injury training of student athletes and youth athletes to assist coaches and student and youth athletes to understand the nature and risk of brain injury. It would also teach them to recognize the signs, symptoms or behaviors consistent with brain injury and the need to alert appropriate medical professionals for diagnosis and treatment. Section 22-13-31 NMSA 1978 also requires the coaches and student athletes to receive training in understanding the “need to follow medical direction for proper medical protocols.” By training the athletes in these areas, it may increase the likelihood that a brain injury would be identified and reported to the appropriate medical professionals for diagnosis and treatment. Following the training, injured athletes may also be more likely to comply with the medical direction of their providers as they would now understand the risks associated with

brain injuries.

Providing brain injury training and protocols to student athletes and youth athletes, in addition to the coaches, will increase their health literacy. The CDC (2016) defines health literacy as “the degree to which individuals have the capacity to obtain, process, and understand basic health information and services needed to make appropriate health decisions” (<https://www.cdc.gov/healthliteracy/learn/index.html>). If student and youth athletes receive training related to brain injury, and their parent(s) or guardian(s) confirm understanding of the brain injury information provided to them, health literacy may improve, and student athletes, youth athletes, and their parent(s) or guardian(s) can make more appropriate health decisions.

PERFORMANCE IMPLICATIONS

SB38 may support the PED’s strategic lever that all students are ready to learn by reinforcing the linkage between health and academic success.

ADMINISTRATIVE IMPLICATIONS

The PED would need to communicate changes in the Act to ensure that all local education agencies (LEA) are aware of the new requirements related to the provision of brain injury training to student athletes as well as the requirement for the parent(s) or guardian(s) to confirm their understanding of the training and information by providing signatures to the LEA. Additionally, the PED would need to communicate the new requirements in Section 2 of 22-12-31 NMSA 1978, regarding the training of youth athletes in youth athletic activity programs taking place on a school campus, as well as the new requirement to obtain signatures from the parent(s) or guardian(s) that confirm or acknowledge their understanding of the brain injury information.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The training of student and youth athletes in brain injury protocols will not be mandated. Local Education Agencies (LEAs) can still provide training for students and parents at their discretion. Also, new signature processes for the parent(s) or guardian(s) will not be mandated. Signatures will continue to be required to confirm the receipt of the brain injury information, but the signature will not represent the confirmation or “acknowledgement of training and information.”