

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1362 Session of  
2011

INTRODUCED BY NEUMAN, READSHAW, BOYD, BISHOP, CALTAGIRONE,  
COHEN, D. COSTA, DALEY, DAVIS, DEASY, DeLUCA, EVANKOVICH,  
FABRIZIO, FREEMAN, GOODMAN, HARHAI, JOHNSON, JOSEPHS, KOTIK,  
KULA, MAHONEY, MURT, M. O'BRIEN, PICKETT, PYLE, K. SMITH,  
THOMAS AND WHITE, APRIL 25, 2011

REFERRED TO COMMITTEE ON HEALTH, APRIL 25, 2011

AN ACT

1 Requiring administration of a baseline test and removal from  
2 athletic activity of an athlete who shows symptoms of a  
3 concussion.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Concussion  
8 Management in Sports Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Appropriate medical professional." Any of the following:

14 (1) A licensed physician who is trained in the  
15 evaluation and management of concussions.

16 (2) A certified athletic trainer who is trained in the  
17 evaluation and management of concussions.

(3) A licensed psychologist neuropsychologically trained in the evaluation and management of concussions or who has postdoctoral training in neuropsychology and specific training in the evaluation and management of concussions.

"Athlete." An individual involved in any of the following:

(1) Interscholastic athletics.

(2) An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school entity, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.

(3) Noncompetitive cheerleading that is sponsored by or associated with a school entity.

(4) Practices, interschool practices and scrimmages for all of the activities listed under paragraphs (1), (2) and (3).

"Athletic activity." Any of the following:

(1) Interscholastic athletics.

(2) An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school entity, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.

(3) Noncompetitive cheerleading that is sponsored by or associated with a school entity.

(4) Practices, interschool practices and scrimmages for all of the activities listed under paragraphs (1), (2) and (3).

"Baseline test." One of the following:

(1) The neuropsychological test used as a diagnostic

1 tool for assessing brain injury known as the Trail Making  
2 Test Parts A and B.

3 (2) The standardized method of evaluating injured  
4 athletes, who are at least ten years of age, for concussions  
5 known as the Sport Concussion Assessment Tool 2 (SCAT 2).

6 (3) The user-friendly, computer-based testing program  
7 designed for the management of sports-related concussion that  
8 records an athlete's health history, current symptoms and  
9 neuropsychological data known as the Immediate Post-  
10 Concussion Assessment and Cognitive Testing (ImPACT).

11 "Interscholastic athletics." As defined in section 1602-A of  
12 the act of March 10, 1949 (P.L.30, No.14), known as the Public  
13 School Code of 1949.

14 "School entity." As defined in section 1602-A of the act of  
15 March 10, 1949 (P.L.30, No.14), known as the Public School Code  
16 of 1949.

17 Section 3. Baseline testing.

18 (a) Preseason preparation.--In addition to any required  
19 comprehensive initial preparticipation physical evaluation, an  
20 athlete shall be administered one of the baseline tests to  
21 obtain a valid baseline. The results of the baseline test shall  
22 be retained by the school entity in the same manner as the  
23 comprehensive initial preparticipation physical evaluation form.

24 (b) Removal from athletic activity.--If during an athletic  
25 activity an athlete shows any signs, symptoms or behaviors  
26 consistent with a concussion, a member of either the coaching  
27 staff or sports medicine staff shall remove the athlete from  
28 practice or competition. Before an athlete can return to the  
29 athletic activity, the athlete must be readministered the same  
30 baseline test previously administered and cleared for practice

1 or competition by an appropriate medical professional.

2 (c) Construction.--Nothing in this act shall be construed  
3 to:

4 (1) Abridge or limit any rights provided under a  
5 collective bargaining agreement or any rights provided under  
6 the act of July 23, 1970 (P.L.563, No.195), known as the  
7 Public Employe Relations Act.

8 (2) Create, establish, expand, reduce, contract or  
9 eliminate any civil liability on the part of a school entity  
10 or school employee.

11 Section 20. Effective date.

12 This act shall take effect in 60 days.