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October 27, 2011

Honorable Robert P. Scott
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701

Re: Legislative Intent pertaining to Question 13 - Frequently Asked Questions and Resources document.

Dear Commissioner Scott:

As the author and sponsor of House Bill 2038, 82nd Legislature, which requires a local Concussion Oversight Team (COT) to establish a return-to-play protocol for student athletes, who are believed to have sustained a concussion, we would like to inform you of an issue that has arisen since its passage. That is the purpose of this correspondence.

Section 38.156 of the bill (now Chapter 38.156, Education Code) states: A student shall be removed from 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. the student's parent or guardian or another person with legal authority to make medical decisions for the student. (Emphasis added).

It has come to our attention that some coaches view this provision of the bill to require that if they, another coach on their team, or their team's athletic trainer, even bring a player to the sideline for the purposes of helping to determine ***whether there is a belief that the student athlete might have sustained a concussion***, then the student athlete must be immediately removed from play and cannot return until completing the COT's return-to-play protocol as required by law. That view is misplaced and does not reflect our intent in passing this legislation.

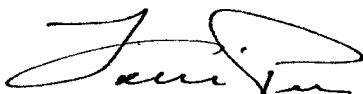
Misinterpretation of this intent could result in coaches becoming more hesitant to call an athlete whom they think may have suffered a concussion to the sideline for purposes of observation. The fear by some coaches is that the act of calling a student athlete to the sideline triggers the statutory requirements of immediate removal, and thus, losing him/her for the rest of the game and until the return-to-play protocol outlined in the statute has been fully implemented.

For the purpose of helping the coach or the athletic trainer form a belief - whether the student might have sustained a concussion - a coach should be able to call to the sideline a student athlete who is able to come to the sideline. In calling a player to the sideline, it may be visually apparent that an athlete's symptoms were due to exhaustion or getting "the wind knocked out" of them but not due to a *belief* that the athlete *may have* sustained a concussion. If in the absence of a physician, an athletic trainer, or a licensed health care professional, a coach in **non-medically** evaluating the student athlete on the sideline has a belief, no matter how small, that the student athlete might have sustained a concussion, then the law provides that the student athlete must be immediately removed and cannot resume play until he/she has been medically cleared by his/her treating physician and complied with the COT's return-to-play protocol in all respects.

Thus, it was never our legislative intent that the sole act of calling a student athlete to the sideline constitutes, by itself, a belief that an athlete may have sustained a concussion. This misinterpretation would run counter to the intent of the bill, which is to provide better protection for a student athlete who is *believed to may have sustained a concussion*.

Thank you for considering this matter. If you have any further questions, please do not hesitate to contact us.

Sincerely,



State Representative Four Price
Author of House Bill 2038



Senator Robert F. Deuell
Sponsor of House Bill 2038