

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. March 11, 2011, 2011, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Eunice C. Peters, Kansas Revisor of Statutes
Norm Furse, Kansas Revisor of Statutes
Jason Long, Kansas Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas State Department of Education
Jan Johnston, Committee Assistant

Conferees appearing before the Committee:

Representative Barbara Bollier
Sen. Mike Petersen
Dan Morin, Kansas Medical Society
Arvel McElroy, Swimming Coach
David Carr, Kansas Athletic Trainers Society
Dr. Kendall Payne, Doctor of Chiropractic
Dr. Steven Gould, Board Certified Chiropractic Radiologist
Gary Musselman, Executive Director of Kansas State High School Athletic Association
Gary Stevanus, Baldwin High School
Lori Boyajian-O'Neill, Brian Injury Association of Kansas
Annette McDonald, Lawrence Free State High School Swim Coach

Written Testimony:

Ken Thiessen, Principal of East High School, Wichita
Callie Denton, Kansas Association for Justice
Darlene Whitlock, Safe Kids of Kansas

Others attending, see attached sheet.

SB 33 - School sports head injury prevention

Chairman Aurand opened the hearing on **SB 33**.

Eunice Peters, Office of the Revisor of Statutes, explained to the committee **SB 33**.

Chairman Aurand explained to the committee that we would hear testimony and then have questions and answers.

Representative Barbara Bollier, spoke to the committee as a proponent on **SB 33**. When I first became aware of the School Sports Head Injury Prevention Act, I contacted Senator Vicki Schmidt to understand why a law was needed for this. Certainly the rules from KSHSAA were adequate and being followed. Unfortunately, that was not the case, and it appears that it is going to require a law to enforce the head injury prevention measures listed in **SB 33**. (Attachment 1)

Senator Mike Petersen, spoke to the committee as a proponent on **SB 33**. Contrary to the many e-mails we have been receiving the **SB 33** amendment is only for high school swimmers and divers. Currently, a student athlete participating on a high school swimming or diving team may not participate in practices with local USA swimming and diving teams. However, they may practice if they can afford a private coach. This bill would change the practice situation only. The bill requires that the swimmer/diver athlete attend all of the practices of the high school team, as required by the high school coach. In addition the student athlete would have to meet the academic requirements for participation. After meeting these, the student athlete would be allowed to participate in practices only with their "club" swimming team. (Attachment 2)

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Minutes of the House Education Committee at 9:30 a.m. On March 11, 2011, in Room 784 of the Docking State Office Building.

W. David Carr, Governmental Affairs Representative, spoke to the committee as a proponent on **SB 33**. The purpose of this letter is to outline my support for the proposed legislation. The short term and long term effects of concussions have become more evident and much more publicized in recent years. Research in this area is advancing at a very rapid pace and increased emphasis is being placed on conservative approaches to treatment of concussions. Even with this more conservation approach, additional safeguards need to be developed to ensure the safety of the children in the state of Kansas. (Attachment 3)

Dr. Kendall Payne, Doctor of Chiropractic, spoke to the committee as a proponent of **SB 33**. **SB 33** dealing with the sporting injuries and more specifically dealing with concussions. I am a doctor of Chiropractic that treats thousands of student athletes each year playing any and all sports from the pee wee football leagues through high school and into college. While I completely understand the original intent of **SB 33** to protect our children and make sure they all are physically fit to participate in athletics, I believe that the amendment to this bill stating that only an MD or DO is allowed to release a child back to participation after suffering from a head injury is an over-reaction and unwarranted. Originally the bill said that any healthcare practitioner of the Kansas Board of Healing Arts would be able to release kids that have suffered from a head injury. (Attachment 4)

Dr. Steven Gould, Board Certified Chiropractic Radiologist, spoke to the committee as a proponent to **SB 33**. I graduated from Cleveland Chiropractic college in 1989 and completed a three year radiology residency in 1992. I have been in active practice in and around Wichita, Kansas since then. My current practice involves work as a radiologist/consultant, interpreting x-rays, MRI, CT, and musculoskeletal ultrasound studies for referring chiropractors. I provide post-graduate education seminars for chiropractors, covering topics in diagnostic imaging. I also have an active patient practice, in which I see patients in my clinic. I have written contracts with two schools districts, Cheney USD 286 and Garden Plain USD 267 to provide sports injury care. I have been providing care in this manner for nearly five years and for several years prior to having a written contract. (Attachment 5)

Gary Stevanus, Baldwin High School, spoke to the committee as a proponent of **SB 33**. I would like to voice my support for **SB 33**. I applaud the legislature's effort in helping ensure that student-athletes that suffer a head injury while participating in interscholastic athletics are provided with appropriate medical care. This legislation falls in line with recommendations made by the National Athletic Trainers' Association and closely echoes policies and procedures put in place by the Kansas State High School Activities Association. (Attachment 6)

Dan Morin, Director of Government Affairs, spoke to the committee as a proponent on **SB 33**. According to the American Academy of Pediatrics, sports related concussions are considered under reported. Football has the highest incidence of concussion but girls have higher concussion rates than boys do when playing similar sports. A national report released last May from the Government Accountability Office showed girls in all sports are more at risk and have a longer recovery period than boys, primarily because of their less-muscular necks. In addition to the frequency of head injuries suffered by scholastic athletes, a 2009 study found that as many as 40 percent of high school athletes who have had concussions return to competition or practice when they may not be fully recovered as reported by the American Medical Association. (Attachment 7)

Lori A. Boyajian-O'Neill, Board for Brain Injury Association of Kansas, spoke to the committee as a proponent on **SB 33**. As a sports medicine physician I have had the privilege of caring for athletes of all ages and levels. I have seen first hand the consequences of mild traumatic brain injury concussion. This bill seeks to protect school athletes who exhibit any signs, symptoms or behaviors of MTBI/concussion from sustaining more serious brain injury by returning to play before it is safe to do so. Similar laws have, to date, been passed by eleven states. (Attachment 8)

Gary Musselman, Executive Director, Kansas State High School Activities Association, spoke to the committee as an opponent on **SB 33**. The Kansas State High School Activities Association and its 769 member middle/junior and senior high schools oppose the amended version of **SB 33** as it now exists. (Attachment 9)

Annette McDonald, Lawrence Free State High School, spoke to the committee as an opponent on

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SB 33. Since I have been a swim and dive coach in Kansas, the issue of dual participation has never been presented to the KSHSAA for review and a proposal to that end has never been presented by the Kansas High School Swim Coaches Association to KSHSAA, which is who should address this issue not the Kansas State government.

The fear of the coaches that I have corresponded with is that the “reasonable and ordinary requirements” are that the swimmer or diver practices with their club and shows up for their high school meets. Is this happening in dual participation programs in other states? Yes, I experienced it. I coached in Louisiana with dual participation. My better swimmers did not like that they were required to attend practice with their high school team and they expected to swim events they or their club coach chose regardless of the high school team needs. Prior to my position as head coach, club swimmers just showed up to high school meets. (Attachment 10)

Arvel McElroy, Swimming Coach, spoke to the committee as an opponent on **SB 33**. I want to commend the Legislature for recognizing the important of education in the prevention and treatment of head injuries. This is a nation wide concern. The National Federation of High Schools has also recognized this need and has developed a free online course for coaches entitled Concussion in Sports – What you need to Know. (Attachment 11)

Callie Jill Denton, Director of Public Policy, Kansas Association for Justice, provided written testimony to the committee as a Neutral, on **SB 33**. KSAJ members support the policy of increasing the awareness of coaches, trainers, educators, and parents about concussion and concussion management. As parents and grandparents, aunts and uncles, KSAJ members cheer their Kansas high school athletes to victory. Several KSAJ members coach youth sports and are active with their children in league and recreational club sports. (Attachment 12)

Darlene Whitlock, Board of Directors, Safe Kids of Kansas, provided written testimony to the committee as a proponent on **SB 33**. Concussions are one of the most common reported injuries in youth sports. A concussion is a type of traumatic brain injury, or TBI, caused by a bump, blow, or jolt to the head that can change the way your brain normally works. Concussions can also occur from a fall or a blow to the body that cause the head and brain to move quickly back and forth. (Attachment 13)

Dr. Bart Grelinger, Medical Society of Sedgwick County, provided written testimony to the committee on **SB 33**. The brain is the jewel of our anatomy. It is the hard drive and software that holds all our hopes, dreams, desires and potential, making us each truly unique. The human brain is about 4 pounds of tissue with around 100 billion nerve cells all communicating from 10 to 100 times a second.

SB 33 is an important step toward protecting the delicate brains of the thousands of young children and adults who are competing in organized sports in Kansas. The bill essentially establishes conditions under which student athletes are removed and returned to competition. (Attachment 14)

A question and answer session followed the testimony.

Chairman Aurand closed the hearing on **SB 33**.

The meeting was adjourned at 11:00 a.m. The next meeting will be March 15, 2011.