

Proposed Concussion Regulations/Testimony/Comment

emailed : March 11, 2011

Dear Association Member School Leaders,

At the request of the Association, with support from the MSSADA Executive Board, the Department of Public Health (DPH) Medical Director, Dr. Lauren Smith, has extended the deadline for public comment on the proposed concussion regulations ([click here](#)) to April 8 (from March 18). [Click here](#) for a copy of the Concussion Law.

The second and final public hearing will take place in Boston on Tuesday, March 15. Please [click here](#) for information about that hearing (location, time, etc.). My understanding is that a number of Western Mass. Athletic Directors testified at the public hearing in Northampton yesterday (Thursday). It may be helpful (it demonstrates interest) for Athletic Directors and Principals to plan to attend the second and last hearing in Boston Tuesday afternoon. Because these regulations are only in the proposal stage, your testimony may have impact on the final regulations. If you do testify, you should also complement that with written comment which is to be submitted as described within the notification of hearings ([click here](#)). If you are unable to testify, please consider the importance of submitting written testimony by April 8. The extended deadline was requested because the original deadline was before both the MSSADA Conference and the MIAA Annual Meeting.

It would not be surprising if Principals and Athletic Directors from different schools have different thoughts in response to the regulations. The Department should appreciate hearing your different points of view. On the chance, the following might help you to develop your comment, I share with you some of the discussion points that resulted from the MIAA Board discussion yesterday.

- } There is no objection to student safety and care issues associated with the law or ultimate regulations.
- } There is a concern as to whether the regulations overreach and impose a daunting burden, particularly upon Athletic Directors, who often are working 70-hour weeks with little or no staffing support.
- } Some Athletic Directors also have teaching responsibilities.
- } Some of the proposed paperwork requirements may be undoable.

- { Management of the medical information probably would be better handled by school or district medical personnel, and not the athletic director.**
- { If the Athletic Director is to assume the responsibilities of the proposed regulations, an additional staff person may be needed. If the law/regulations are viewed as an “unfunded mandate”, might the Department of Public Health (DPH) consider appropriating \$40,000 grants (\$15,000,000 in total) for each high school for the purpose of staffing and implementation of the proposed regulations?**
- { If grant money is not available, would the DPH consider supporting an amendment to the law that would certify individuals for four years, rather than annually? This would allow high schools to introduce families to the required concussion information as students entered grade nine. The required education of athletes and families is laudable, but need not be repeated four times (i.e. Grades 9, 10, 11, 12).**
- { Knowing now that most high schools have had concussion protocols in place for years, would DPH consider recommending to the legislature a reduction of the required paper processes?**
- { Some of the law’s requirements may represent violations of HIPPA, which may be further reason for shifting the managing of the documents to the medical staff of the school or district.**
- { The law and regulations have led schools to refine their concussion protocols, which is good. Many schools have had in place, and if not, are creating protocols for academic return to student life, and are extending care to students who suffer concussions outside of the school athletic program (about 1 in 4).**
- { The requirement of coaches within the proposed regulations may not be doable. Many high school coaches across the Commonwealth are not members of the education staff. Holding full time jobs outside of education and committing only a small number of hours per day to coaching may render the proposed requirements impossible to execute.**
- { The elimination of all proposed paperwork that does not translate into the primary care of students should be considered.**
- { The “referee and umpires” inclusion in the regulations (seeming not required by the law) does present limited value. Approximately 9,000 men and women accept approximately 300,000 officiating assignments within the MIAA member schools annually. Their role should not have a medical component, as they are solely responsible for enforcing the code of that sport, while it is school people who are responsible for the well being of their students.**

The above was prepared hastily following yesterday's Board meeting with the Tuesday hearing in mind. Please use it only to create your own thoughts for oral and/or written submission. Applying your own circumstances to your effort would be most valuable.

With best wishes,

**Dick Neal
MIAA Executive Director**