

Ohio's law concerning concussions in youth sports became effective on April 26, 2013. It requires OSI and its members to meet specific requirements. For OSI group members (swim teams), there are three basic requirements.

1. Each team must provide the parent or guardian of each athlete an ODH prepared disclosure form once each year. Teams who use a website to attempt compliance with the requirement may not be compliant. The form has to be "provided" not just made available.
2. Verify that all individuals acting as coaches comply with the law. Each individual who coaches must hold a certificate for mandatory concussion training (see below) or hold a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics - properly certified Ohio interscholastic coaches do not need further certification. Individuals may not coach without the required certification.
3. Verify that all of your referees comply with the law.
4. When hosting meets, insure that all referees and coaches comply with the law.

Mike Yeager's safe sport committee is in charge of complying with the law.

ODH provides two online alternatives for the required training. Here is the one that should be used.

<http://www.nfhslearn.com/electiveDetail.aspx?courseID=38000>

The reason for using the above site is that it keeps a searchable database of everyone who has completed training. OSI will be able to verify training.

OSI's general counsel has provided OSI the following observations concerning the law.

There are issues with the law. The sponsors have recognized that there are issues, and are pushing for amendments. None of the currently pending amendments address issues affecting OSI.

With respect to things as they are now, let me answer a few questions that I have received.

1. Timing. The law became effective April 26, 2013. There is no transition period. Compliance is required now.
2. Coaches. No one may coach without the training. If a coach does not have the training, the coach may not coach. Coaches should complete training before participating in practices.
3. Officials. OSI officials are well on the way to compliance. ODH (I talked with ODH) notes that the law covers "referees". Therefore, OSI has properly focused on getting referees in compliance.
4. Group members. Each team must provide the parent or guardian of each athlete an ODH prepared disclosure form once each year. Clubs who use a website to attempt compliance with the requirement may not be compliant. The form has to be "provided" not just made available. See 8. Below.
5. OSI (clubs too). OSI is required to inform coaches and referees of the requirements of the law. Clubs too. See item 7. OSI is not required to enforce the law. Because of civil liability issues, at a minimum, OSI and each of its clubs should have mechanisms to ensure that all coaches, referees, and clubs comply with the law. The requirements of the law should be set forth in a meet packet, including the required ODH information sheet.



6. Procedures. An athlete suffering an injury may not participate further that day, and may not return to participation until the athlete is assessed and written clearance from a health care provider is produced.
7. Out of state coaches and referees. The law requires all coaches and referees participating in events in Ohio to comply with its requirements. There is no exception for out of state coaches coming into Ohio for a meet. I spent a great deal of time explaining the problems this causes to ODH and one of the sponsors. The statute requires OSI to inform out of state coaches using the following language: "The youth sports organization for which the individual intends to act as a coach or referee shall inform the individual of the requirement described in division (C)(1) of this section." The language does not require an enforcement mechanism. However, particularly for OSI coaches and referees, OSI and its clubs may have exposure to claims of liability if they do not enforcement the law with respect to their members. Referees acting as judges or starters, would not have to comply.
8. Disclosures to out of state parents. The disclosures to parents and guardians would seem to apply to out of state parents and guardians participating in Ohio. Here is the language: "A youth sports organization **shall provide** to the parent, guardian, or other person having care or charge of an individual who wishes to practice for or compete in an athletic activity organized by a youth sports organization the concussion and head injury information sheet required by section **3707.52** of the Revised Code. The organization **shall provide** the information sheet annually for each sport or other category of athletic activity for or in which the individual practices or competes." The bolding and underlining are mine, and are not in the statute.
9. Whether Ohio may regulate out of state clubs. Arguably, Ohio may regulate out of state participants in activities taking place in Ohio. There may be some argument that the regulation is too onerous to withstand scrutiny under the commerce clause or the regimen imposed on USOC under federal legislation. I spent significant time explaining the issues to ODH and to one of the laws sponsors, and that compliance by the Ohio sponsoring.

Here is the link to the ODH page on the concussion law.

<http://www.healthyohioprogram.org/concussion.aspx>

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