

1                                   A bill to be entitled  
2           An act relating to concussions and head injuries in  
3           students; amending ss. 458.319, 458.347, 459.008,  
4           459.022, and 464.013, F.S.; requiring certain nurses,  
5           physicians, and physician assistants to undergo  
6           continuing education relating to concussions and head  
7           injuries in children; amending s. 943.0438, F.S.;  
8           requiring independent sanctioning authorities to adopt  
9           bylaws and policies to refer certain youths to the  
10          appropriate concussion oversight team; providing that  
11          a youth who is suspected of sustaining a concussion or  
12          head injury may not return to practice, competition,  
13          or classroom instruction until certain requirements  
14          are met; amending s. 1006.20, F.S.; requiring the  
15          Florida High School Athletic Association to adopt  
16          bylaws and policies to refer certain student athletes  
17          to the appropriate concussion oversight team;  
18          prohibiting student athletes who are suspected of  
19          sustaining a concussion or head injury from returning  
20          to practice, competition, or classroom instruction  
21          until certain requirements are met; creating s.  
22          1006.201, F.S.; requiring each school district to  
23          create a concussion oversight team for certain  
24          students enrolled at public and private schools in the  
25          district; requiring the team to establish return-to-  
26          play and return-to-learn protocols based on certain

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27 guidelines; providing membership of the team;  
28 prohibiting a school athletic coach from serving on  
29 the team; providing requirements for a student to  
30 return to athletic practice and competition or  
31 classroom instruction; providing that a student may  
32 return to classroom instruction before he or she is  
33 cleared to return to athletic practice or competition  
34 under certain conditions; authorizing the State Board  
35 of Education to adopt rules; providing an effective  
36 date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Subsection (1) of section 458.319, Florida  
41 Statutes, is amended to read:

42 458.319 Renewal of license.—

43 (1) (a) The department shall renew a license upon receipt  
44 of the renewal application, evidence that the applicant has  
45 actively practiced medicine or has been on the active teaching  
46 faculty of an accredited medical school for at least 2 years of  
47 the immediately preceding 4 years, and a fee not to exceed \$500;  
48 provided, however, that if the licensee is either a resident  
49 physician, assistant resident physician, fellow, house  
50 physician, or intern in an approved postgraduate training  
51 program, as defined by the board by rule, the fee shall not  
52 exceed \$100 per annum. If the licensee has not actively

53 | practiced medicine for at least 2 years of the immediately  
54 | preceding 4 years, the board shall require that the licensee  
55 | successfully complete a board-approved clinical competency  
56 | examination before ~~prior to~~ renewal of the license. For purposes  
57 | of this paragraph, the term "actively practiced medicine" means  
58 | that practice of medicine by physicians, including those  
59 | employed by any governmental entity in community or public  
60 | health, as defined by this chapter, including physicians  
61 | practicing administrative medicine.

62 |       (b) An applicant for a renewed license whose practice of  
63 | medicine involves the treatment of children must also complete  
64 | at least 2 hours of continuing medical education on concussions  
65 | and head injuries in children, including, at a minimum, the  
66 | prevention, symptoms, risks, treatment, and long-term effects of  
67 | concussions and other head injuries.

68 |       (c) An applicant for a renewed license must also submit  
69 | the information required under s. 456.039 to the department on a  
70 | form and under procedures specified by the department, along  
71 | with payment in an amount equal to the costs incurred by the  
72 | Department of Health for the statewide criminal background check  
73 | of the applicant. The applicant must submit a set of  
74 | fingerprints to the Department of Health on a form and under  
75 | procedures specified by the department, along with payment in an  
76 | amount equal to the costs incurred by the department for a  
77 | national criminal background check of the applicant for the  
78 | initial renewal of his or her license after January 1, 2000. If

79 | the applicant fails to submit either the information required  
80 | under s. 456.039 or a set of fingerprints to the department as  
81 | required by this section, the department shall issue a notice of  
82 | noncompliance, and the applicant will be given 30 additional  
83 | days to comply. If the applicant fails to comply within 30 days  
84 | after the notice of noncompliance is issued, the department or  
85 | board, as appropriate, may issue a citation to the applicant and  
86 | may fine the applicant up to \$50 for each day that the applicant  
87 | is not in compliance with the requirements of s. 456.039. The  
88 | citation must clearly state that the applicant may choose, in  
89 | lieu of accepting the citation, to follow the procedure under s.  
90 | 456.073. If the applicant disputes the matter in the citation,  
91 | the procedures set forth in s. 456.073 must be followed.

92 | However, if the applicant does not dispute the matter in the  
93 | citation with the department within 30 days after the citation  
94 | is served, the citation becomes a final order and constitutes  
95 | discipline. Service of a citation may be made by personal  
96 | service or certified mail, restricted delivery, to the subject  
97 | at the applicant's last known address. If an applicant has  
98 | submitted fingerprints to the department for a national criminal  
99 | history check upon initial licensure and is renewing his or her  
100 | license for the first time, then the applicant need only submit  
101 | the information and fee required for a statewide criminal  
102 | history check.

103 |       Section 2. Paragraph (d) of subsection (7) of section  
104 | 458.347, Florida Statutes, is amended to read:

105 458.347 Physician assistants.—

106 (7) PHYSICIAN ASSISTANT LICENSURE.—

107 (d) Each licensed physician assistant shall biennially  
 108 complete 100 hours of continuing medical education or shall hold  
 109 a current certificate issued by the National Commission on  
 110 Certification of Physician Assistants. A physician assistant  
 111 whose practice involves the treatment of children must also  
 112 complete at least 2 hours of continuing medical education on  
 113 concussions and head injuries in children, including, at a  
 114 minimum, the prevention, symptoms, risks, treatment, and long-  
 115 term effects of concussions and other head injuries.

116 Section 3. Subsection (1) of section 459.008, Florida  
 117 Statutes, is amended to read:

118 459.008 Renewal of licenses and certificates.—

119 (1) (a) The department shall renew a license or certificate  
 120 upon receipt of the renewal application and fee.

121 (b) An applicant for a renewed license whose practice of  
 122 medicine involves the treatment of children must also complete  
 123 at least 2 hours of continuing medical education on concussions  
 124 and head injuries in children, including, at a minimum, the  
 125 prevention, symptoms, risks, treatment, and long-term effects of  
 126 concussions and other head injuries.

127 (c) An applicant for a renewed license must also submit  
 128 the information required under s. 456.039 to the department on a  
 129 form and under procedures specified by the department, along  
 130 with payment in an amount equal to the costs incurred by the

131 Department of Health for the statewide criminal background check  
132 of the applicant. The applicant must submit a set of  
133 fingerprints to the Department of Health on a form and under  
134 procedures specified by the department, along with payment in an  
135 amount equal to the costs incurred by the department for a  
136 national criminal background check of the applicant for the  
137 initial renewal of his or her license after January 1, 2000. If  
138 the applicant fails to submit either the information required  
139 under s. 456.039 or a set of fingerprints to the department as  
140 required by this section, the department shall issue a notice of  
141 noncompliance, and the applicant will be given 30 additional  
142 days to comply. If the applicant fails to comply within 30 days  
143 after the notice of noncompliance is issued, the department or  
144 board, as appropriate, may issue a citation to the applicant and  
145 may fine the applicant up to \$50 for each day that the applicant  
146 is not in compliance with the requirements of s. 456.039. The  
147 citation must clearly state that the applicant may choose, in  
148 lieu of accepting the citation, to follow the procedure under s.  
149 456.073. If the applicant disputes the matter in the citation,  
150 the procedures set forth in s. 456.073 must be followed.  
151 However, if the applicant does not dispute the matter in the  
152 citation with the department within 30 days after the citation  
153 is served, the citation becomes a final order and constitutes  
154 discipline. Service of a citation may be made by personal  
155 service or certified mail, restricted delivery, to the subject  
156 at the applicant's last known address. If an applicant has

157 submitted fingerprints to the department for a national criminal  
 158 history check upon initial licensure and is renewing his or her  
 159 license for the first time, then the applicant need only submit  
 160 the information and fee required for a statewide criminal  
 161 history check.

162 Section 4. Paragraph (c) of subsection (7) of section  
 163 459.022, Florida Statutes, is amended to read:

164 459.022 Physician assistants.—

165 (7) PHYSICIAN ASSISTANT LICENSURE.—

166 (c) Each licensed physician assistant shall biennially  
 167 complete 100 hours of continuing medical education or shall hold  
 168 a current certificate issued by the National Commission on  
 169 Certification of Physician Assistants. A physician assistant  
 170 whose practice involves the treatment of children must also  
 171 complete at least 2 hours of continuing medical education on  
 172 concussions and head injuries in children, including, at a  
 173 minimum, the prevention, symptoms, risks, treatment, and long-  
 174 term effects of concussions and other head injuries.

175 Section 5. Subsection (3) of section 464.013, Florida  
 176 Statutes, is amended to read:

177 464.013 Renewal of license or certificate.—

178 (3) The board shall by rule prescribe up to 30 hours of  
 179 continuing education biennially as a condition for renewal of a  
 180 license or certificate. A nurse whose practice involves the  
 181 treatment of children must also complete at least 2 hours of  
 182 continuing education on concussions and head injuries in

183 children, including, at a minimum, the prevention, symptoms,  
 184 risks, treatment, and long-term effects of concussions and other  
 185 head injuries. A nurse who is certified by a health care  
 186 specialty program accredited by the National Commission for  
 187 Certifying Agencies or the Accreditation Board for Specialty  
 188 Nursing Certification is exempt from continuing education  
 189 requirements. The criteria for programs shall be approved by the  
 190 board.

191 Section 6. Paragraph (g) of subsection (2) of section  
 192 943.0438, Florida Statutes, is amended to read:

193 943.0438 Athletic coaches for independent sanctioning  
 194 authorities.—

195 (2) An independent sanctioning authority shall:

196 (g) Adopt bylaws or policies that require each youth  
 197 athlete who is suspected of sustaining a concussion or head  
 198 injury in a practice or competition to be immediately removed  
 199 from the activity and referred to the appropriate concussion  
 200 oversight team. A youth athlete who has been removed from an  
 201 activity may not return to practice, ~~or~~ or, if the  
 202 youth is enrolled in a public or private school, classroom  
 203 instruction until the youth meets the requirements of s.  
 204 ~~1006.201(3) submits to the athletic coach a written medical~~  
 205 ~~clearance to return stating that the youth athlete no longer~~  
 206 ~~exhibits signs, symptoms, or behaviors consistent with a~~  
 207 ~~concussion or other head injury. Medical clearance must be~~  
 208 ~~authorized by the appropriate health care practitioner trained~~



209 ~~in the diagnosis, evaluation, and management of concussions as~~  
 210 ~~defined by the Sports Medicine Advisory Committee of the Florida~~  
 211 ~~High School Athletic Association.~~

212 Section 7. Paragraph (1) of subsection (2) of section  
 213 1006.20, Florida Statutes, is amended to read:

214 1006.20 Athletics in public K-12 schools.—

215 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

216 (1) The FHSAA shall adopt bylaws or policies that require  
 217 each student athlete who is suspected of sustaining a concussion  
 218 or head injury in a practice or competition to be immediately  
 219 removed from the activity and referred to the appropriate  
 220 concussion oversight team. A student athlete who has been  
 221 removed from an activity may not return to practice, or  
 222 competition, or classroom instruction until the student meets  
 223 the requirements of s. 1006.201(3) ~~submits to the school a~~  
 224 ~~written medical clearance to return stating that the student~~  
 225 ~~athlete no longer exhibits signs, symptoms, or behaviors~~  
 226 ~~consistent with a concussion or other head injury. Medical~~  
 227 ~~clearance must be authorized by the appropriate health care~~  
 228 ~~practitioner trained in the diagnosis, evaluation, and~~  
 229 ~~management of concussions as defined by the Sports Medicine~~  
 230 ~~Advisory Committee of the Florida High School Athletic~~  
 231 ~~Association.~~

232 Section 8. Section 1006.201, Florida Statutes, is created  
 233 to read:

234 1006.201 Concussion oversight team.—

235 (1) Each school district shall create a concussion  
236 oversight team for students enrolled at a public or private  
237 school in the district who sustain a concussion or head injury.  
238 Each team shall establish a return-to-play protocol for students  
239 to return to athletic practice or competition under ss. 943.0438  
240 and 1006.20 and a return-to-learn protocol for students to  
241 return to classroom instruction, based on peer-reviewed  
242 scientific evidence consistent with the Centers for Disease  
243 Control and Prevention guidelines.

244 (2) A concussion oversight team shall consist of at least  
245 five members. Each team shall include a physician licensed under  
246 chapter 458 or chapter 459 who is a board-certified  
247 pediatrician, an athletic trainer or a nurse employed by a  
248 public school in the district, a certified educator employed by  
249 a public school in the district, a school administrator employed  
250 by a public school in the district, and a member of the board of  
251 directors of a private school in the district, if applicable. A  
252 school athletic coach may not serve on the concussion oversight  
253 team. Each district shall appoint one member of the team who is  
254 responsible for implementing and complying with the return-to-  
255 play and return-to-learn protocols adopted by the team. A  
256 district may appoint other licensed health care professionals to  
257 serve on the team.

258 (3) A student may not return to athletic practice or  
259 competition under ss. 943.0438 and 1006.20 or classroom  
260 instruction until:

261 (a) The student has been evaluated, using medical  
262 protocols that are based on peer-reviewed scientific evidence  
263 consistent with the Centers for Disease Control and Prevention  
264 guidelines, by a physician licensed under chapter 458 or chapter  
265 459, or by an athletic trainer under the supervision of a  
266 physician licensed under chapter 458 or chapter 459, and  
267 medically cleared in writing by the physician or athletic  
268 trainer to return to athletic practice or competition and  
269 classroom instruction.

270 (b) The student completes each requirement of the return-  
271 to-play protocol and return-to-learn protocol, respectively.

272 (c) The student's parent has signed a consent form  
273 developed by the department authorizing the student to return to  
274 athletic practice or competition and classroom instruction that  
275 contains an acknowledgment:

276 1. That the student has completed each requirement of the  
277 return-to-play protocol and return-to-learn protocol,  
278 respectively.

279 2. Of the risk of returning to athletic practice or  
280 competition and classroom instruction.

281 3. That the student will comply with any ongoing  
282 requirements of the return-to-play protocol and return-to-learn  
283 protocol, respectively.

284 (d) The student's parent consents verbally or in writing  
285 to the disclosure of the physician's or athletic trainer's  
286 written statement required under paragraph (a) to appropriate

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287 school personnel consistent with the Health Insurance  
288 Portability and Accountability Act of 1996 (HIPAA), Pub. L. No.  
289 104-191.

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291 A student may, upon completion of the return-to-learn protocol,  
292 return to classroom instruction before completion of the return-  
293 to-play protocol and clearance to return to practice or  
294 competition.

295 (4) The State Board of Education may adopt rules to  
296 administer this section.

297 Section 9. This act shall take effect July 1, 2016.