

Consultation: Potential Regulations for Rowan's Law (Concussion Safety), 2018

MINISTRY OF TOURISM, CULTURE AND SPORT.
SPORT, RECREATION AND COMMUNITY PROGRAMS DIVISION

Consultation Questions with Answers submitted by MLHU Healthy Communities and Injury Prevention team, May 7, 2018.

QUESTION 1: Which of the following approaches do you think the government should consider?

Requiring only "higher risk" competitive sports comply with the legislation

Having the legislation apply to all competitive sports

X Other, please explain: Have legislation apply to all competitive, non-competitive, introductory recreational sport activities

Explanation and Additional Comments:

Concussions can occur in a variety of activities. Competitiveness and the risk of injury occurs whether or not the sport or activity is classified as "competitive".

According to the Report of the Rowan's Law Advisory Committee, 2017, under Action #1, the recommendation is to include all organized amateur sport; it does not limit to "competitive" sport: "The Province of Ontario should enact legislation ("Rowan's Law") governing all organized amateur sport—public, private, school-based and non-school-based (including those delivered by not-for-profit or for-profit entities where there is a fee charged for participation) — in Ontario."

Creating Rowan's Law: Report of the Rowan's Law Advisory Committee, 2017

<http://www.ontariocanada.com/registry/showAttachment.do?postingId=27186&attachmentId=37751>

““Competitive sport” is the act or process of attempting to win at a sport by attaining the most points, a prize, or a higher level of success, between two or more individuals or teams. It also includes training, practices or sport conditioning, specialty sport training camps, scrimmages or sparring, in preparation for competition regardless of whether or not the organization formally organizes, manages or registers athletes for competition. It is not intended to include introductory recreation or sport programs where the purpose is to primarily learn and develop fundamental movement skills and where competition is not the primary purpose of the activity.”

QUESTION 2: Do you agree that the above definition should be used in regulation to define the scope of “competitive sport”?

X No

Explanation and Additional Comments:

The definition as presented defines competitive sport notably excluding “introductory recreation or sport programs where the purpose is to primarily learn and develop fundamental movement skills and where competition is not the primary purpose of the activity.” This definition limits the scope of the regulations. Concussions can occur in a variety of activities and levels of participation. Competitiveness occurs whether or not the sport or activity is classified “competitive”. There is an element of risk at all levels of activity or sport.

QUESTION 3: Do you agree that the following organizations should be required to comply with the components of Rowan’s Law (Concussion Safety), 2018 when they offer competitive amateur sports?

- Colleges/Universities (publically assisted)
- Private Colleges/Universities
- For-profit sport entities (e.g., sport-specific academies, specialty sports camps, recreation providers)
- Municipalities
- Not-for-profit sport entities (e.g., provincial or multisport organizations, local clubs or associations, specialty sports camps, recreation providers)
- Sport entities that oversee competitions (e.g., competitive sport organizing bodies)
-

X Yes

QUESTION 4: Which competitive sports in post-secondary institutions (publically assisted and private Colleges and Universities) should be included in the requirements of the legislation? (check all that apply)

Varsity sports

Non-Varsity sports

Intramural sports

Other, please specify

Additional Comments:

Risk of injury is present, and concussions can occur, regardless how the sport is classified. There is an element of risk at all levels of participation in activity or sport.

QUESTION 5: If Rowan's Law (Concussion Safety) 2018 specifies maximum age limits for athletes enrolled in sport organizations, to what age groups should it apply? (check one)

Athletes of any age enrolled in competitive amateur sport

All athletes under 25 years of age enrolled in competitive amateur sport

All athletes under age of majority (under 18 years) enrolled in competitive amateur sport

Other, please specify: _____

Additional Comments:

The intent of Rowan's Law as indicated above, is to protect those most vulnerable to concussion. While athletes of any age can be affected by concussion, protecting youth under the age of 25 is important due to the vulnerability of the developing brain. Applying the legislation to athletes under age 25 rather than age 18 will provide increased opportunity to expand education and awareness to youth, which they will carry forward into adulthood

B. Patoine,, 2010, "Sports Concussions & The Immature Brain; Young Athletes May Be More Vulnerable to Mild Brain Injury" <http://www.dana.org/News/Details.aspx?id=43489>

In Ontario, young people experience much higher rates of concussions than the general population. For those aged 18 and under, the 2016 rate was 517.7 per 100,000 Emergency Department (ED) visits; more than double that of the general population. It should be noted that youth aged 19 to 25 also experience a substantial health burden when it comes to concussion; the 2016 rate in the 19-25 population was 371.0 per 100,000.

Data source: Inpatient Discharges [2008-2017], IntelliHEALTH ONTARIO, Ontario Ministry of Health and Long Term Care, Data Extracted: May 7, 2018.

QUESTION 6: The age cut-offs proposed in Question 5 may not be applicable to the average age of competitive athletes in Colleges and Universities. As a result, the government is considering specifying alternate age limits to those proposed in Question 5 for athletes enrolled in competitive sports in Colleges and Universities. In this case, to what age groups should the legislation apply?

X All athletes enrolled in competitive sports in Colleges and Universities

All athletes under 25 years of age enrolled in competitive sports in Colleges and Universities

Other, please explain: _____

Explanation and Additional Comments:

Athletes may continue to participate in College and University sport past the age of 25, therefore it would be beneficial to include all athletes enrolled in sports in Colleges and Universities into the legislation.

QUESTION 7: Should the legislation apply to Ontario, national and international athletes, from across Canada and globally, who compete in amateur national/international competitions within Ontario?

X The legislation should apply to all athletes (i.e., Ontario, national and international athletes) competing in amateur national/international competitions within Ontario

The legislation should not apply to any athletes (i.e., Ontario, national and international athletes) competing in amateur national/international competitions in Ontario

The legislation should only apply to Ontario athletes competing in amateur national/international competitions in Ontario

Additional Comments:

Ontario participants should follow legislation regardless of where they play (i.e. nationally or internationally). National and international participants visiting Ontario should follow the International Concussion Consensus Statement on Concussion in Sport (Berlin) (i.e. removal from play based on a suspected concussion). It would be beneficial for the legislation to include a specific component that addresses national and international competitors. The U.S. has pioneered concussion legislation in all 50 States. It would be beneficial to review how it is currently applied to athletes in this context to provide insight into the development of guidelines.

QUESTION 8: Do you agree with the above definition for “coach”?

X No

Explanation and Additional Comments:

Within the definition of coach, further clarification of the intended meaning of “athlete” and “sports team” is recommended. Based on feedback from the previous questions in this consultation paper, if the legislation is to include recommendations for recreational sports/activities, there is potential that there would not be a specified “coach” involved, rather an instructor.

“A person responsible for presiding over: the fields of play, fair play according to the rules of the sport, and the outcome of sporting events, athletic games, and sports competitions. Individuals who participate in monitoring roles, such as timekeepers and goal judges, will not be included”.

QUESTION 9: Do you agree with the above definition for “official”?

Yes

QUESTION 10: What content do you think should be included in the Minister-approved and supplied concussion awareness resources?

Information about the nature of concussions, including the ways in which they commonly occur

Information about the common signs and symptoms of a concussion

Information about the steps to be taken to prevent concussions in sport

Information about the steps to be taken if an athlete is suspected of having a concussion, including the importance of seeking appropriate medical assessment

Concussion removal-from-sport protocol

Concussion return-to-sport protocol

Other, please explain below

Explanation and Additional Comments:

It would be beneficial for the regulations to include information regarding where to go for local follow-up/initial assessment of a concussion (i.e. recommended clinics that specialize in concussion management).

In order to assess the implementation of Return to Play laws in the U.S., the National Center for Injury Prevention and Control (NCIPC) conducted a case study evaluation on the Return to Play implementation efforts in two states. Potential implementation barriers included access to adequate healthcare services. Some coaches and athletic directors reported that athletes sometimes had difficulty accessing appropriate health care after a potential concussion. Some interviewees also stated that not all medical health professionals are aware of best practices in concussion assessment and management. Based on this, it was recommended that states can explore mechanisms for making services accessible locally through identification of local professionals that have received adequate training in concussion management.

Implementing return to play: Learning from the experiences of early implementers

https://www.cdc.gov/headsup/pdfs/policy/rtp_implementation-a.pdf

QUESTION 11: Which of the following groups of individuals do you believe should also be required to annually review concussion awareness resources?

- X Team or club managers**
- X Sport specific specialists**
- X Instructors**
- X Athletic trainers**
- X Convenors/organizers for events/competitions**
- X Other, please explain: First Aid responders (i.e. EMS, volunteer personnel with first aid training).**

Explanation and Additional Comments:

Awareness by a broad range of people who have responsibility over participants and events will enhance overall awareness and encourage shared responsibility. According to recommendations for implementation of the Berlin Concussion in Sport Consensus Statement, “public, athlete, parent and coach awareness is an important aspect in initiating care” (Patricios et al., 2018). Broad awareness and education can also shift sports culture toward increased concussion awareness – related to both prevention and intervention.

It is additionally recommended that first aid responders, while also having additional training, be required to review the concussion awareness resources annually. “Athletes, coaches, officials, medical and paramedical personnel should receive ongoing hands-on and remote training using a range of written materials and ‘on-line’ modules” (Patricios et al., 2018).

Patricios JS, Ardern CL, Hislop MD, et al. (2018) Implementation of the 2017 Berlin Concussion in Sport Group Consensus Statement in contact and collision sports: a joint position statement from 11 national and international sports organisations. Br J Sports Med. 52:635-641

<http://bjsm.bmj.com/content/52/10/635>

QUESTION 12: In what other circumstances/timeframes should the review of concussion resources be required?

- X At the beginning of the sport season**
 - At the beginning of the calendar year
- X At the beginning of an individual’s involvement with the sport organization**
- X When concussion resources have been revised because of advances in the science of concussions**

Explanation and Additional Comments:

It is important that concussion resources be reviewed at a minimum annually. Including “beginning of the sports season” will ensure that multiyear registrants re-review content. A more specific explanation of what is meant by the “beginning of the sports season” would be required in cases where a sport continues all year.

QUESTION 13: Should sport organizations and school boards be required to keep track that individuals have reviewed concussion awareness resources?

X Yes

Additional Comments:

It is important for legislation to achieve its intended effects of the prevention of further injury from concussions and mechanisms of accountability are built into the regulations. Tracking is an important element of ensuring accountability.

QUESTION 14: Which of the following should be included as minimum requirements for a Concussion Code of Conduct that would be part of a pledge or commitment?

X Fair play

X Concussion recognition (i.e., self-disclosure of possible concussion by an athlete)

X Concussion reporting (i.e., disclosing when an athlete suspects that another athlete is injured or experiencing possible concussion)

X Pre-game, post-game or practice check-ins to provide opportunity to discuss any athlete concerns

X Zero-tolerance policy for prohibited play that is considered high risk for causing concussions, as defined by individual sports' rules of the play

X Mandatory expulsion from competition for violating sport organization's zero-tolerance policy (duration to be determined by sport organization with jurisdictional responsibility for the sport)

X Escalating penalties for athletes/other individuals who repeatedly violate the sport organization's Concussion Code of Conduct, including zero-tolerance policy (penalties to be determined by sport organization with jurisdictional responsibility for the sport)

Other, please specify _____

Additional Comments:

As outlined in the Report of the Rowan's Law Advisory Committee Action #5, the minimum recommended requirements would include all of the above.

These suggested recommended elements of a code of conduct would decrease an athlete's potential for concussion as well as decrease further injury. It is important that officiants/referees have and follow clear guidelines in order to make consistent calls to enforce rules of play to protect players from injury. It is important to ensure coaches as a result, are not indirectly penalizing a player who experiences a concussion (i.e. Players that are benched are given less opportunities and there may be reluctant to be honest about symptoms). It is important that codes of conduct create safe environments and a culture of safety, with safety of players being a priority. Using strategies such as "Team up, Speak up" by the Concussion Legacy Foundation encourages players to be supportive of concussed team mates. The message is that athletes have a responsibility to report to a team leader if they notice concussion symptoms in a teammate.

<https://concussionfoundation.org/programs/team-up-speak-up/how-to-participate>

Another example of efforts to increase awareness and change sports culture is the HEADS UP resource center. CDC: Opportunities to Re-shape the Culture Around Concussions in Sport

<https://www.cdc.gov/headsup/resources/playbook.html>

QUESTION 15: Rowan's Law (Concussion Safety), 2018 and concussion policies and guidelines established by the Minister of Education will require athletes, parents/guardians of athletes under 18 years of age, coaches and educators to review Concussion Codes of Conduct. The government may also require other persons to review Concussion Codes of Conduct.

Which of the following groups or individuals should also be required to review Concussion Codes of Conduct?

Team or club managers

Officials

Sport specific specialists

Instructors

Athletic trainers

Other groups or persons (please specify): _____

Additional Comments:

All of the groups indicated above have the potential to have direct or indirect involvement in preventing concussions and identifying potential symptoms. Ensuring these groups are knowledgeable about the Concussion Code of Conduct would serve to further protect youth from injury and help to influence culture around concussion in sport.

QUESTION 16: Under which of the following additional circumstances and/or timeframes should government require that Concussion Codes of Conduct be reviewed?

- When a revision is made to the sport organization's/school board's Concussion Code of Conduct**
- When an athlete has violated the Concussion Code of Conduct**
- At the beginning of each sport season (even if the Concussion Code of Conduct was reviewed within the last 12 months)**

Once per calendar year

- Other circumstance(s), please specify: When a parent/guardian violates the code of conduct**

Other timeframe(s), please specify: _____

There are no additional circumstances and/or timeframes under which regulations should require the review of Concussion Codes of Conduct

Additional Comments:

Parents/guardians play an important role in promoting their child's happiness and success in any type of sport or activity. Parental expectations and behavior have a significant bearing on children's attitude and behavior and as such, parents need to be aware of the code of conduct to ensure their child's and all others' safety is first and foremost. If a parent/guardian violates, or promotes their child to violate the code of conduct, there should be a reminder to prevent this from happening again.

QUESTION 17: What timeframe and/or circumstances should be considered for the coach's review of the Concussion Code of Conduct?

- Within the last 12 months (same timeframe as for athletes and their parent/guardian, if the athlete is under 18 years of age)**
- When a revision is made to the sport organization's/school board's Concussion Code of Conduct**
- In instances when a coach has violated the Concussion Code of Conduct**
- At beginning of each sport season (even if the Concussion Code of Conduct was reviewed within the last 12 months)**

Other circumstance(s), please specify _____

Other timeframe(s), please specify _____

QUESTION 18: How should sport organizations and school boards be required to make their Concussion Code of Conduct available?

- Electronically, through a website**
- Hard copy**
- In-person/group presentations**
- Other, please specify: In multiple languages**

Explanation and Additional Comments:

Presentations are a recommended mode for athletes/parents. Hard copies should be posted in relevant locations as well as available electronically. The code of conduct, as well as other concussion related resources, should be made available in other languages as applicable to the population. It should also be available in other accessible formats as per the Accessibility for Ontarians with Disabilities Act accessibility standards (i.e. for visually impaired).

QUESTION 19: Should sport organizations and school boards be required to keep track that individuals have reviewed the Concussion Code of Conduct?

- Yes**

Additional Comments:

It is important for legislation to achieve its intended effects of preventing and decreasing frequency and severity of concussions, that mechanisms of accountability are built into the regulations. Tracking is an important element of ensuring accountability.

The government is considering a requirement for sport organizations and school boards to review, and update if necessary, the content of their Concussion Code of Conduct on an annual basis.

QUESTION 20: Is this an appropriate timeframe?

- Yes**

Additional Comments:

Review and update by organizations and school boards should happen at a minimum annually. New information about concussions is continually changing and all involved need to be up to date to ensure accountability.

QUESTION 21: Are there any other components that you believe should be added to the list of minimum requirements for removal-from-sport protocols?

X No

QUESTION 22: Are there any circumstances in which any of the four minimum components in the removal-from-sport protocol should not apply?

X No, the minimum components should apply in all circumstances

QUESTION 23: Should the government consider requiring sport organizations and school boards to keep track of any incidents of removal-from-sport due to suspected concussion?

X Yes

Additional Comments:

It is important that sports organizations track suspected concussion cases. This will help to plan treatment and return to sport/activities plan of care, especially in cases where athletes have sustained multiple concussions.

As outlined in Action item #3 of the Report of Rowan/s Law Advisory Committee, it is recommended that all amateur sport partners collect and report data regarding incidents where a player is removed from play due to a suspected head injury (including a suspected concussion).

QUESTION 24: In addition to the designate(s)' role in removal-from-sport, are there any other individuals who should be required to have a role in dealing with an athlete who has sustained a concussion during training, practice or competition?

X Yes

If yes, please specify: If the team's "designate" cannot attend all games/practices/events

Additional Comments:

It is important that the term "designate" and their role is clearly defined. There are two roles of the designate: removal from sport and monitoring the return-to-sport protocol. There should be a designate at every event. If this is not possible, then multiple designated would be required.

QUESTION 25: In addition to the designate(s), which of the following individuals should be required to confirm to the sport organization or school board that they have reviewed the sport organization's or school board's removal-from-sport protocol? (check all that apply)

Coach

Official

Other, please explain _____

None – No other individuals should be required to confirm to the sport organization or school board that they have reviewed the removal-from-sport protocol

Explanation and Additional Comments:

Coaches and officials play a key role in preventing concussions and responding properly when a suspected concussion occurs. They are in positions of authority within the sport and event, and have responsibility for the players and the sport/activity. Coaches play a critical role in educating their athletes about concussion and emphasizing the importance of reporting any concussion symptoms.

Involving coaches and officials is also a recommendation from the Report of the Rowan's Law Advisory Committee.

QUESTION 26: Are there any other components that you believe should be added to the list of minimum requirements for return-to-sport protocols?

Yes

If yes, what elements would you add? Fully specify who is considered a regulated health professional

Additional Comments:

With regards to medical assessment and diagnosis, it would be beneficial to include a definition to fully specify who is considered a regulated health professional with the necessary scope of practice. Concussion Ontario specifies: "A physician or nurse practitioner must complete the initial medical assessment to identify the key diagnostic elements of concussion and identify and act on any symptoms indicating other potentially serious issues that may need urgent and/or specialized medical care." Concussion Ontario
<http://concussionsontario.org/standards/standards-for-high-quality-post-concussion-services-and-concussion-clinics/standard-1/>

QUESTION 27: Are there circumstances in which you think any of the minimum components in the return-to-sport protocol would not apply?

No, the minimum components should apply in all circumstances/situations

QUESTION 28: Under the Rowan’s Law (Concussion Safety), 2018, sport organizations will be required to designate a person(s) (“designate(s)”) with the responsibility of ensuring that athletes with suspected/diagnosed concussions do not return-to-sport until permitted to do so, in accordance with the return-to-sport protocol. Similar requirements may be set for provincially-funded school boards in concussion policies and guidelines established by the Minister of Education. Aside from these designates, are there any other individuals who should be required to have a responsibility for ensuring the return-to-sport protocol is followed?

X No

Additional Comments:

There are two roles of the designate – removal from sport and monitoring the return-to-sport protocol. It is important that the term “designate” is clearly defined; outlining who the designate is and their role. Having more than one designate is important in the event the primary designate is unavailable.

QUESTION 29: Which of the following individuals should be required to confirm to the sport organization or school that they have reviewed the return-to-sport protocol? (check all that apply)

X Coach

X Official

X Sport organization/school’s designate for the purposes of implementing the return-to- sport protocol

X Other, please explain: Parents/guardian and athletes themselves

Explanation and Additional Comments:

Parents/guardians and athletes themselves.

Awareness of the protocol by all parties indicated above will increase overall knowledge, strengthen support for the athlete, and strengthen accountability.

The survey is complete. Thank you for your input!