

TITLE 7 HEALTH
CHAPTER 30 FAMILY AND CHILDREN HEALTH CARE SERVICES
PART 14 MANDATORY CONCUSSION RECOGNITION, RESPONSE AND PREVENTION
EDUCATION

7.30.14.1 ISSUING AGENCY: Department of Health, Epidemiology and Response Division, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502-6110.
[7.30.14.1 NMAC - N, 10/15/2019]

7.30.14.2 SCOPE: This regulation applies to all non-scholastic teams, clubs, or other entities providing youth athletic activities as defined in this rule, coaches participating in youth athletic activities, youth athletes, and youth athletes' parents or guardians.
[7.30.14.2 NMAC - N, 10/15/2019]

7.30.14.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Section 22-13-31.1 NMSA 1978, and the general authority granted under Subsection E of Section 9-7-6 NMSA 1978, Department of Health Act, as amended.
[7.30.14.3 NMAC - N, 10/15/2019]

7.30.14.4 DURATION: Permanent.
[7.30.14.4 NMAC - N, 10/15/2019]

7.30.14.5 EFFECTIVE DATE: October 15, 2019, unless a later date is cited at the end of a section.
[7.30.14.5 NMAC - N, 10/15/2019]

7.30.14.6 OBJECTIVE: The objective of this rule is to establish uniform brain injury protocols to be used by coaches for brain injuries received by youth athletes in non-scholastic athletic activities, training of coaches and youth athletes, and information to be provided to coaches, youth athletes, and youth athletes' parents or guardians; to require acknowledgement of training and information by participants in youth athletic activities; and to achieve brain injury protocol compliance and certification.
[7.30.14.6 NMAC - N, 10/15/2019]

7.30.14.7 DEFINITIONS:

A. “Brain injury” means a body-altering physical trauma to the brain, skull, or neck, caused by blunt or penetrating force, a concussion, a diffuse axonal injury, hypoxia-anoxia, an electrical charge, or other trauma;

B. “Brain injury educational materials” means educational materials related to brain injuries, including at least materials that are produced or approved by the centers for disease control and prevention (CDC) for athletes under the age of 19 years of age and those athletes' parents that includes information regarding brain injuries and their potential consequences; the signs and symptoms of a concussion; best practices for removal of an athlete from an athletic activity after a suspected brain injury; and steps for returning an athlete to athletic activity after a brain injury.

C. “Licensed health care professional” means:

- (1) a practicing physician or physician's assistant licensed pursuant to the Medical Practice Act;
- (2) a practicing osteopathic physician licensed pursuant to the Osteopathic Medicine Act;
- (3) a practicing certified nurse practitioner licensed pursuant to the Nursing Practice Act;
- (4) a practicing osteopathic physician's assistant licensed pursuant to the Osteopathic Medicine Act;
- (5) a practicing psychologist licensed pursuant to the provisions of the Professional Psychologist Act;
- (6) a practicing athletic trainer licensed pursuant to the provisions of the Athletic Trainer Practice Act; or

(7) a practicing physical therapist licensed pursuant to the Physical Therapy Act.

D. “Parent” means a mother or father having the applicable parent-child relationship as set forth in Section 40-11A-201 NMSA 1978.

E. “Youth athlete” means an individual under 19 years of age who engages in, is eligible to engage in, or seeks to engage in a youth athletic activity.

F. “Youth athletic activity” means an organized athletic activity in which the participants, a majority of whom are under 19 years of age, are engaged in an athletic game or competition against participants in other youth sports organizations. “Youth athletic activity” does not include elementary school, middle school, high school, college, or university activities or activities incidental to a non-athletic program.

G. “Youth sports organization” means a team, club, or entity that organizes athletic games or competitions against other teams, clubs, or entities, or in practice or preparation for an organized athletic game or competition against another team, club or entity.

[7.30.14.7 NMAC - N, 10/15/2019]

7.30.14.8 REQUIREMENTS:

A. All teams, clubs or other entities providing youth athletic activity must provide brain injury educational materials to each coach and administrator of the youth sports organization on an annual basis.

(1) All youth athletic activity teams, clubs, and other similar entities must require their coaches to review the brain injury education materials at least once per year, pass a post-test, and print the certificate of completion to be included in their records before the coach supervises a youth athlete in a youth athletic activity of the entity.

(2) Both youth athletes and their parents or guardians shall sign a concussion training completion form confirming they have taken a center for disease control and prevention (CDC) approved concussion training, unless the athlete is under 11 years of age, in which case only the parent or guardian shall sign the concussion training completion form.

(3) Any deviation from the use of a centers for disease control and prevention (CDC)-produced or approved materials must be approved by the New Mexico department of health.

B. All teams, clubs or other similar entities providing one or more youth athletic activities must provide the brain injury educational materials to each youth participant on an annual basis. The training, which is through the use of the brain injury educational materials, can be completed online or via printed copy of the online training.

C. Each team coach must collect all signature forms or certificates of completion from youth athletes and parents or guardians upon completion of the brain injury education and submit them to the league president before practice sessions can begin. Each league president must maintain files for each year, documenting that the training is complete for coaches, youth athletes, and parents or guardians.

D. A youth athlete who is suspected by a coach, a league official, or a youth athlete of sustaining a brain injury in a youth athletic activity shall immediately be removed from the youth athletic activity and shall remain out of play until a licensed health care professional provides the youth athlete a written clearance to return to the youth athletic activity. When a youth athlete suffers a suspected brain injury, the athletic activity team, club, or other similar entity the youth sports organization must:

(1) On the date and time of the suspected brain injury, notify the youth athlete’s parent or guardian of the youth athlete with the suspected brain injury that the youth athlete has a suspected brain injury and the symptoms observed; and

(2) Within 72-hours of a suspected brain injury, notify the youth athlete’s parent or guardian of any treatment provided in response to the suspected brain injury.

E. A coach shall not allow a youth athlete to participate in a youth athletic activity on the same day that the youth athlete:

(1) exhibits signs, symptoms, or behaviors consistent with a brain injury after a coach, a league official or a youth athlete reports, observes, or suspects that a youth athlete exhibiting these signs, symptoms, or behaviors has sustained a brain injury; or

(2) has been diagnosed with a brain injury.

F. A coach may allow a youth athlete, who has been prohibited from participation in a youth athletic activity, to participate in a youth athletic activity no sooner than 240 hours or 10 days from the time at which the youth athlete received a brain injury and may only do so after the youth athlete meets the following two criteria:

(1) no longer exhibits any sign, symptom, or behavior consistent with a brain injury; and

(2) receives a written medical release from a licensed health care professional.

[7.30.14.8 NMAC - N, 10/15/2019]

HISTORY of 7.30.14 NMAC: [RESERVED]