
Michigan Department of Community Health Issues Education and Training Materials on Concussion Laws

By Kurt M. Graham / May 28, 2013

The Michigan concussion laws, Public Acts 342 and 343 of 2012, became effective on March 28, 2013, and apply to a school "athletic activity" which is defined as "a program or event, including practice and competition, during which youth athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual. Athletic activity includes participation in physical education classes that are part of a school curriculum." Before a student athlete may participate in an athletic activity operated by a school district, a school district must:

- a) Ensure coaches, employees, volunteers, and other adults who are involved with the participation of athletes in the district's athletic activities participate in a concussion awareness training program;
- b) Provide educational materials on the nature and risks of concussions to each student athlete participating in the district's athletic activities and his/her parent or guardian; and
- c) Obtain an acknowledgment receipt by the student athlete and his/her parent/guardian and maintain the receipt in a permanent file for duration of the student's participation in athletic activities or until the student is 18.

Additionally, a coach or other adult employed by, or volunteering for, or otherwise acting on behalf of the school district during an athletic activity must immediately remove from an athletic event any student athlete who is suspected of sustaining a concussion during the activity. The student athlete cannot return to physical activity until an evaluation is conducted by a health professional who authorizes, in writing, the student athlete's return to physical participation in athletic activity. The health professional must be licensed or authorized to engage in a health profession whose scope of practice includes the recognition, treatment, or management of concussions. As a result, school districts will have to closely scrutinize any written medical slips submitted by student athletes who are attempting to return from a concussion to make sure an appropriate health professional has authorized their release.

In an effort to assist school districts with complying with the concussion laws, the Michigan Department of Community Health (MDCH) was given until June 26, 2013, to develop a concussion awareness training program and prepare educational materials discussing the nature and risks of concussions. The MDCH has now posted those materials online at www.michigan.gov/sportsconcussion. Documents included on the website include: (1) Concussion Awareness Training Materials; (2) Concussion Information for Coaches; (3) Educational Materials on Concussions For Parents and Students; and (4) a Medical Clearance Form. If they haven't already, school districts should review the materials posted on the MDCH website and use them to comply with the concussion laws.

If you have any questions about complying with the concussion laws, please contact Kurt Graham at (616) 608-1144 or kgraham@clarkhill.com; or your Clark Hill education law attorney.