

**PUBLIC HEALTH DEPARTMENT[641]**

**Notice of Intended Action**

**Proposing rule making related to concussion and brain injury and providing an opportunity for public comment**

The Public Health Department hereby proposes to adopt Chapter 54, “Concussion and Brain Injury Return-to-Play Protocol,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in 2018 Iowa Acts, House File 2442.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2018 Iowa Acts, House File 2442.

*Purpose and Summary*

The proposed rules describe the return-to-play protocol for returning a student to participation in any extracurricular interscholastic activity after the student shows signs, symptoms, or behaviors consistent with a concussion or brain injury. The return-to-play protocol is based on peer-reviewed scientific evidence consistent with the guidelines of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. The Department worked in cooperation with the Iowa High School Athletic Association and the Iowa Girls High School Athletic Union in the drafting of the proposed rules.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s variance and waiver provisions contained in 641—Chapter 178.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the State Board of Health no later than 4:30 p.m. on October 16, 2018. Comments should be directed to:

Maggie Ferguson  
Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [maggie.ferguson@idph.iowa.gov](mailto:maggie.ferguson@idph.iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 16, 2018  
10:30 to 11:30 a.m.

Room 518  
Lucas State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following new 641—Chapter 54:

CHAPTER 54

CONCUSSION AND BRAIN INJURY RETURN-TO-PLAY PROTOCOL

**641—54.1(280) Purpose.** This chapter describes the return-to-play protocol for concussion and brain injury to be adopted by July 1, 2019, by the board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity in grades seven through twelve.

**641—54.2(280) Definitions.** For the purpose of these rules, the following definitions shall apply.

*“Asymptomatic”* means the student is no longer showing signs, symptoms, or behaviors consistent with a concussion or brain injury.

*“Contest”* means an interscholastic athletic game or competition.

*“Extracurricular interscholastic activity”* means any dance or cheerleading activity or extracurricular interscholastic activity, contest, or practice governed by the Iowa high school athletic association or the Iowa girls high school athletic union that is a contact or limited contact activity as identified by the American Academy of Pediatrics.

*“Licensed health care provider”* means a physician, physician assistant, chiropractor, advanced registered nurse practitioner, nurse, physical therapist, or athletic trainer licensed by a board designated under Iowa Code section 147.13.

*“Medical clearance”* means written clearance from a licensed health care provider releasing the student following a concussion or brain injury to return to or commence participation in any extracurricular interscholastic activity.

*“Return-to-learn plan”* means the plan developed by personnel of a school district or accredited nonpublic school based on guidance developed as required under 2018 Iowa Acts, House File 2442, to provide adjustments or accommodations as the student returns to the classroom.

*“Return-to-play”* means the gradual, step-wise approach to returning a student to participation in any extracurricular interscholastic activity following a concussion or brain injury.

**641—54.3(280) Return-to-play protocol.** The following return-to-play step-wise process shall begin when the student who has been removed from participation in any extracurricular interscholastic activity

governed by the Iowa high school athletic association or the Iowa girls high school athletic union is no longer showing signs, symptoms, or behaviors consistent with a concussion or brain injury for a minimum of 24 hours and has received written medical clearance from a licensed health care provider to return to or commence such participation.

**54.3(1) Return-to-play process.** Each step shall take a minimum of 24 hours.

*a.* If the student shows signs, symptoms, or behaviors consistent with a concussion or brain injury at any step of the return-to-play protocol, the student must stop the activity and the student’s licensed health care provider or parent/guardian, or both, shall be contacted.

*b.* If the student shows signs, symptoms, or behaviors consistent with a concussion or brain injury during this process, an additional 24-hour period of rest shall take place. After the 24-hour period of rest, the student shall drop back to the previous level when the student showed no signs, symptoms, or behaviors consistent with a concussion or brain injury and begin the progression again.

**54.3(2) Return-to-play steps.**

Step 1	Athlete has received written medical clearance from a licensed health care provider to begin the return-to-play process, AND the athlete is back to regular activities, including school, without experiencing any concussion signs, symptoms, or behaviors for a minimum of 24 hours.
Step 2	Low impact, light aerobic exercise. Walking or stationary cycling at slow to medium pace. No resistance/weight training.
Step 3	Basic exercise, such as running in the gym or on the field. No helmet or other equipment.
Step 4	Noncontact, sport-specific training drills (dribbling, ball handling, batting, fielding, running drills) in full equipment. Resistance/weight training may begin.
Step 5	Full contact practice and participation in normal training activities.
Step 6	Contest participation.

These rules are intended to implement 2018 Iowa Acts, House File 2442.