

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

NOTICE OF PUBLIC COMMENT PERIOD

The Arkansas Department of Health (ADH) is accepting public comments on the Rules Pertaining to Youth Injury Mitigation and Information Courses for Athletics Personnel and Coaches pursuant to the Coach Safety Act (Act 642) from October 15, 2023 to November 14, 2023. The comment period is provided to allow interested parties and the public to provide any comments. The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 1-501-671-1611.

Comments on the proposed changes can also be mailed to Arkansas Department of Health, Comments/Slot 10, 4815 West Markham, Little Rock Arkansas, 72205, or emailed to Jacob.R.Smith@Arkansas.Gov.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

ARKANSAS STATE BOARD OF HEALTH

Rules Pertaining to Youth Injury Mitigation and Information Courses for Athletics Personnel and Coaches



PROMULGATED UNDER THE AUTHORITY OF
Act 642 of 2023

Effective Date:

Arkansas Department of Health
Renee Mallory, RN, BSN,
Interim Secretary of Health

Jennifer Dillaha, MD
Director and State Health Officer

Rules Pertaining to Youth Injury Mitigation and Information Courses for
Athletics Personnel and Coaches

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Rules Pertaining to Youth Injury Mitigation and Information Courses for
Athletics Personnel and Coaches

SECTION I – Authority

The following rules have been hereby promulgated pursuant to Act 642 of 2023, the “Coach Safely Act.”

SECTION II – Purpose

The purpose of these rules is to ensure any association, as defined in Section III – Definitions (1), that sponsors or conducts sports training or high-risk youth athletic activities for children aged fourteen (14) and younger requires all coaches and athletics personnel to complete an online or residence courses approved by the Arkansas Department of Health.

SECTION III – Definitions

As used in this section:

- (1) “Association” means an organization that administers or conducts high-risk youth athletic activities on property that is owned, leased, managed, or maintained by the state, an agent of the state, or a political subdivision of the state
- (2) “Athletics personnel” means athletic directors and other individuals actively involved in organizing, training, or coaching athletic activities for individuals who are fourteen (14) years of age or younger
- (3) “Coach” means any individual, whether paid, unpaid, volunteer, or interim, who has been approved by an association to organize, train, or supervise a youth athlete or team of youth athletes.
 - a. “Coach” may include without limitation an individual selected by a youth athlete or a team of youth athletes who has not been approved by an association if the individual approved by an association is unavailable
- (4) “High-risk youth athletic activities” means any organized sport in which there is a significant possibility for a youth athlete to sustain a serious physical injury, including without limitation the sports of football, basketball, baseball, volleyball, soccer, ice or field hockey, cheerleading, and lacrosse
- (5) “Residence course” means a course in which the athletic personnel or coach goes to an institutional campus or instructional site as opposed to a course where the athletic personnel or coach completes the course online.
- (6) “Youth athlete” means an individual who is fourteen (14) years of age or younger and participates in an organized sport.

SECTION IV – Training Requirements

- (1) Any Youth Injury Mitigation and Information Course described under this section shall provide information and awareness of actions and measures that may be used to decrease

Rules Pertaining to Youth Injury Mitigation and Information Courses for
Athletics Personnel and Coaches

the likelihood that a youth athlete will sustain a serious injury while engaged or participating in a high-risk youth athletic activity that includes the following subjects, without limitation:

- a. Emergency Preparedness, planning, and rehearsal for traumatic injuries;
 - b. Concussions and head trauma;
 - c. Heat and extreme weather-related injury familiarization;
 - d. Physical conditioning and training equipment usage; and
 - e. Heart defects and abnormalities leading to sudden cardiac death.
- (2) Athletic personnel and coaches that are required to take a course on Youth Injury Mitigation and Information shall complete the course within thirty (30) days of becoming actively engaged in or serving as a part of the athletics personnel or coaching staff for an association.
- (3) Training on the course on Youth Injury Mitigation and Information is an annual requirement to be completed no later than the anniversary of the date on which the individual became actively engaged in serving as athletic personnel or coach for an association.

SECTION V – Approved Courses

- (1) The approved course provider list is located on the Coach Safely section of the Arkansas Department of Health website: <https://www.healthy.arkansas.gov>.
- (2) Copies of the approved course provider list may also be obtained by contacting the Arkansas Department of Health Substance Misuse and Injury Prevention program:
- Phone: 501-671-1449
Mailing Address: 4815 West Markham Street, Slot 10, Little Rock, AR 72205
Email Address: ADH.injuryprevention@arkansas.gov
- (3) To request review and approval of a course, contact the Arkansas Department of Health Substance Misuse and Injury Prevention program:
- Phone: 501-671-1449
Mailing Address: 4815 West Markham Street, Slot 10, Little Rock, AR 72205
Email Address: ADH.injuryprevention@arkansas.gov

SECTION VI – Record Keeping Requirements

An association that conducts a high-risk youth athletic activity or event that requires a coach or an athletics personnel member to complete a Youth Injury Mitigation and Information Course

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shall maintain a record of individual course completion for as long as that individual serves as athletic personnel or coach for the association.

SECTION VII – Exemption

- (1) The Youth Injury Mitigation and Information training requirement does not apply to the following individuals:
- a. A licensed teacher with a coaching endorsement on the licensed teacher’s teaching license.
 - b. A licensed teacher who completes the Arkansas Activities Association and the National Federation of State High School Associations coaching endorsement program
 - c. A registered volunteer under the Arkansas Registered Volunteers Program Act, Ark Code Annotated §6-22-101 et seq., who completes the Arkansas Activities Association and National Federation of State High School Associations coaching endorsement program.
- (2) All licensed and certified athletic trainers, doctors, nurses, first responders, and healthcare professionals with acute traumatic life support training are exempt from the Youth Injury Mitigation and Information course requirement.

CERTIFICATION

I hereby certify that the foregoing Rules pertaining to the Youth Injury Mitigation and Information Courses for Athletics Personnel and Coaches were duly adopted by the Arkansas State Board of Health on the XX day of XXXXX, 2023.

Jennifer Dillaha, MD
Secretary, Board of Health
Director, Arkansas Department of Health