

Pacific Northwest Swimming

Zackery Lystedt Law Requirements

The Lystedt Law dealing with concussion and brain injury in youth sports was passed this spring and became law in Washington on July 26th. Most of us thought little of it until three weeks ago when several of our clubs received a surprise when they went to renew their contracts for pool time with school districts which owned their pools. These teams asked our LSC office for help, the problem was given to me to look into, and I found the following.

Despite the first impression of the new law, it does not only apply to teams or clubs using public school facilities, but to all youth sports in the state. The law sets out certain requirements and gives responsibility for implementation to the Washington Interscholastic Activities Association (WIAA), the organization that runs high school and middle school sports. Normally the WIAA has nothing to do with us, but in this one narrow area the legislature has given them authority over us. Note that the legislature and WIAA have gone no further than to simply make mandatory the recommendations of the Centers for Disease Control (CDC), a federal health agency. The most important requirement of the law is that whenever a youth athlete suffers any possible concussion that the athlete must be withheld from all practice or competition until a competent medical professional has cleared the athlete in writing to return. "If in doubt, the athlete sits out."

WIAA (actually, CDC) has developed a number of materials on this topic, in both English and Spanish. They require or recommend a series of forms and information sheets with 5 elements: a statement of compliance form, a parent/athlete form to be signed by both athlete and parent each year or season and returned to be kept on file, a coach information packet, an athlete information packet, and a parent information packet. The first three of these are required. Because we are a low impact sport, and because they merely repeat and amplify information already found in the parent/athlete form, I see no need to send the athlete information packet or the parent information packet. I have prepared copies of the three required elements modified for our use, they are attached.

The first form is the statement of compliance. This will only be needed by those clubs arranging for practice or meets at a school district or other public facility. Proof of insurance must be attached. I have already spoken with those in charge of our USA Swimming insurance and they have confirmed that our club liability insurance satisfies the requirements of this law. Attach a copy of the insurance certificate included in the club information packet each club has received. If unavailable, another certificate may be obtained from USA Swimming in Colorado. If this form has not already been required of a club by its facility then it probably won't be, at least this season.

The second form is probably the key one, it is the parent/athlete form. This form must be sent or given by the club to every athlete and their parents. The form contains important information about concussion that athletes and their parents should know (satisfying the requirement of the law that they be informed and educated) and a place for signatures of the athlete and one of his/her parents. This form must then be returned to the club (both signatures are required by law for all athletes under 18, I recommend for the club's protection that they also get athlete signatures for athletes over 18) and kept on file. I would keep these on file (separate file for each year) for at least 5 years to guard against future legal action. The letter of the law requires that this form with both signatures be on file before the athlete is allowed to practice or compete, but since this is new to everyone I would not pull the kids out of the water. I would strongly urge clubs however to get this done and on file as quickly as possible, and certainly before their first meet. Next year clubs must plan for full compliance prior to the season start of practice.

The third element is the coach information packet. It is required that this be provided to every one of our coaches, the PNS office will send it out to each of them, and I recommend that it also be sent to all officials for their information.

All three of these forms are to be used annually for a single season (Sep. to Aug.).

For your information, all youth sports in the state are scrambling to catch up with the new requirements. Soccer is probably doing the best job, they use all 5 elements and require the parent/athlete form with both signatures as part of their registration process through their central office. No one gets on a field for practice unless all requirements are met in advance.

The law applies to all athletes younger than 18 competing in the state, no matter where they live. For hosting swim meets with teams or swimmers from outside Washington, host teams will have to get parent/athlete forms with both signatures from each athlete. I expect this could best be done as part of the meet entry. Again, I would save these forms for at least 5 years, filed by meet. The host team would have to provide a coach information packet to each out of state coach at the meet.

For further information please see the following websites:

<http://wiaa.com/ConcussionManagement/default.htm>
www.cdc.gov/ConcussionInYouthSports

Kevin Fraley
PNS Safety Chair