



**HIT.
STOP.
SIT.**

**KNOW THE SIGNS
OF A CONCUSSION**

ontario.ca/concussions



Phase 2 Implementation of *Rowan's Law (Concussion Safety), 2018*

Purpose

In preparation for the January 1, 2022 implementation of Phase 2 of Rowan's Law, this deck will:

1. Provide background and context about Rowan's Law
2. Overview the Phase 2 implementation requirements
3. Provide detailed implementation questions for each component of Phase 2 of Rowan's Law

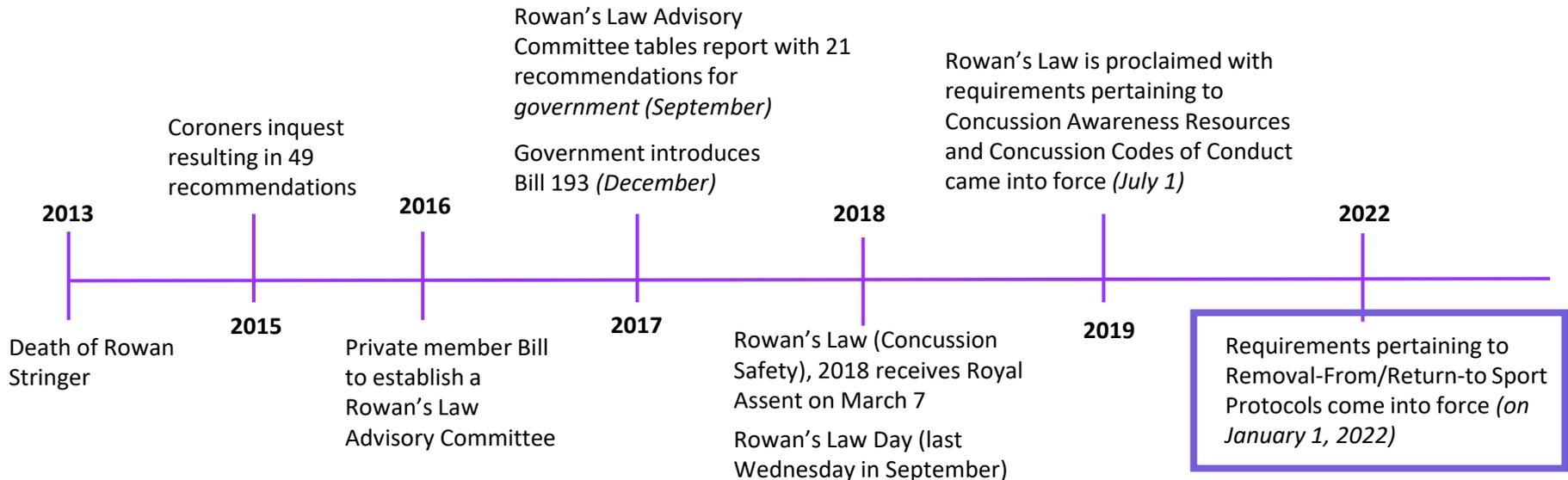
Please note that the information contained within is not legal advice. The information provided is for informational purposes only. Stakeholders should seek independent legal advice to understand their obligations under Rowan's Law.

Introduction

- In response to the tragic death of a 17 year old rugby player from Ottawa, Rowan Stringer, Ontario reviewed the Coroner's Inquest Recommendations, Rowan's Law Advisory Committee advice and decided to introduce Rowan's Law.
- Rowan Stringer died as a result of a condition known as second impact syndrome – the catastrophic swelling of the brain caused by re-injury before a previous injury healed. Rowan is believed to have sustained three concussions over the course of six days.



Rowan Stringer



What is coming into effect on January 1, 2022?

As of January 1, 2022, sport organizations (as defined under the Act/regulation) must:	Tools
1. Establish Removal-From-Sport and Return-to-Sport Protocols .	Sample Removal-from-Sport and Return-to-Sport protocol template is available at www.ontario.ca/concussions
2. Identify a designated person(s) as having specific responsibilities under the Removal/Return-to-Sport protocols.	See online sample protocol template for the list of specific responsibilities of a designated person(s).
3. Make their protocols available to designated person(s), and any athlete (and their parent if the athlete is under 18 years of age) who has been removed from training, practice or competition due to a suspected concussion.	n/a
4. Each sport organization shall create a retention policy for personal information if one does not exist.	Sport organizations can refer to sections 40(1) and 40(4) of the Freedom of Information and Privacy Act, 1990 (FIPPA) and/or sections 30(1) and 30(4) of the Municipal Freedom of Information and Protection of Privacy Act, 1990 (MFIPPA) for information about the retention and disposal of personal information.

Who is impacted by the scope of the Act & Regulation?

IN ✓

Sport organization is a person or entity that carries out **a prescribed activity** in connection with an **amateur competitive sport** and that satisfies such **other criteria** as follows:

- ✓ A prescribed activity: training athletes, conducting practices among athletes, and organizing or holding one or more tournaments, contests or other competitions among athletes, **and**
- ✓ An amateur competitive sport is any of the 65 sports listed in the regulation (including parasport version of the sport), **and**
- ✓ Other criteria means that the sport organization has at least one individual under 26 years of age participating in the above. This other criteria does not apply to a Post-Secondary Institution, as athletes can be any age.

Sport organizations could include a municipality, post-secondary institution, person or entity.

OUT ✗

A prescribed activity does not include:

- ✗ Activities focussed primarily on the development of fundamental movement or sport skills AND that are not focussed on competition
- ✗ Activities that meet all of the following:
 - ✗ individuals or various skills/experience/ages
 - ✗ Does not involve coaches/officials
 - ✗ Composition of team members may change between games
 - ✗ Does not involve keeping track of individual/team standings between games/practices

A sport organization does not include:
A school or private school as defined in the *Education Act*.

On the Field: Removal-from-Sport Protocol

Concussion Suspected

1.) Remove the Athlete

- Designated person(s) to immediately remove the athlete from further training, practice or competition.

2.) Call 911 if Emergency

- Designated person(s) to call 9-1-1 if in their opinion, doing so is necessary.

3.) Inform

- If the athlete under 18, designated person(s) to inform parent or guardian about the removal. Designated person(s) to advise the athlete, or the parent or guardian, that the athlete is required to undergo a medical assessment (by a physician or nurse practitioner) before returning.

4.) Give Protocols

- Designated person(s) to provide the athlete or, if the athlete is under 18, the athlete's parent or guardian with Removal-from and Return-to-Sport protocols.

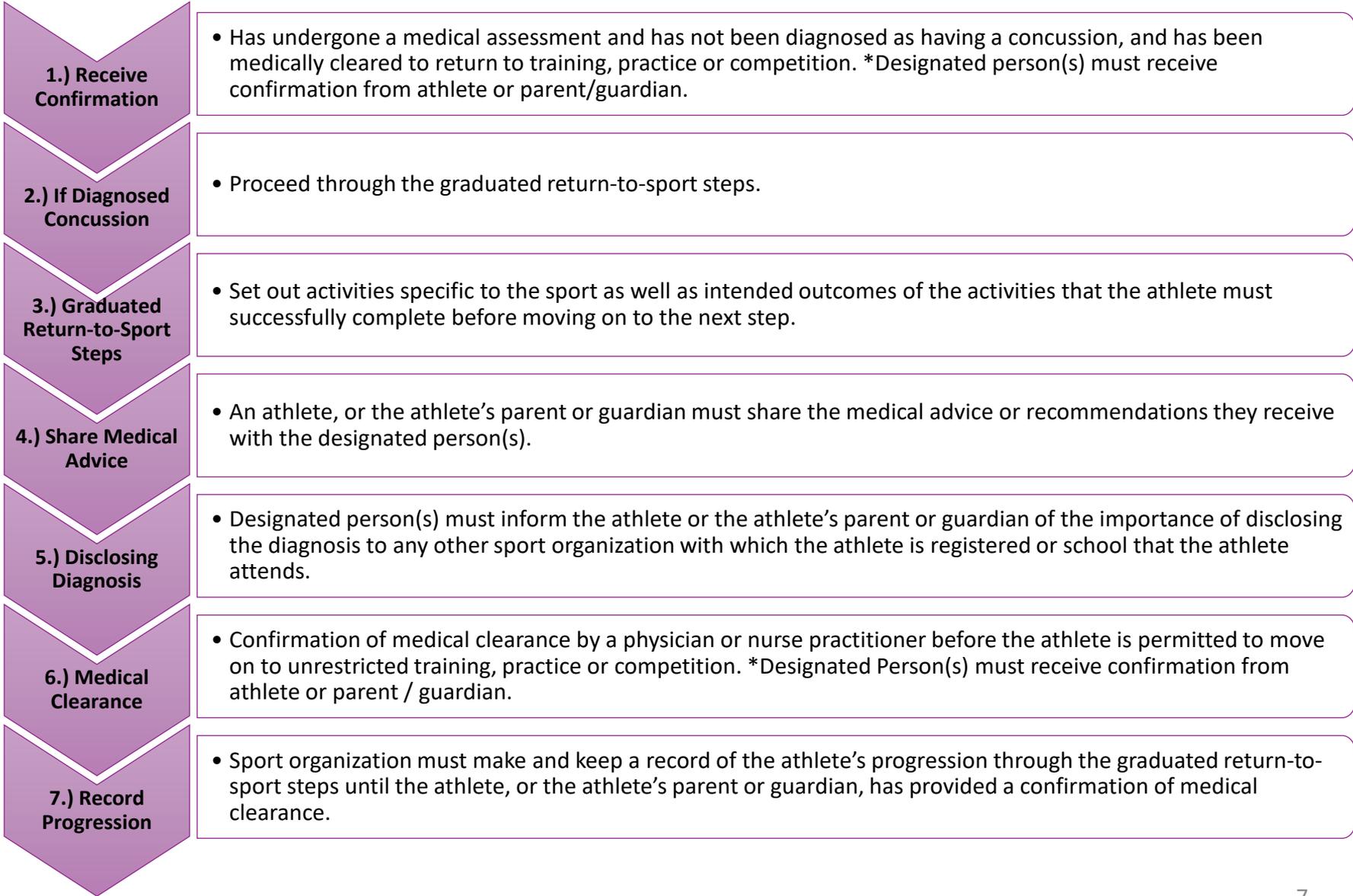
5.) Record the Incident

- Sport organization to make and keep a record of incidences where an athlete is removed.

6.) Returning to Training, Practice or Competition

- Once removed, the athlete is not permitted to return to training, practice or competition, until medically cleared to do so in accordance with the Return-to-Sport protocol.

Off the Field: Return-to-Sport Protocol



Frequently Asked Questions



Questions: Sport Organizations

Does "sport organization" mean the PSO or the member club?

- *Rowan's Law* defines a sport organization as a person or entity that carries out for-profit or otherwise a prescribed activity in connection with an amateur competitive sport, and that satisfies such other criteria as may be prescribed. Each entity must determine if it is a sports organization under *Rowan's Law* and therefore may have obligations under *Rowan's Law*.

Do both PSO and member clubs need to have their own protocols?

- An individual sport organization can adopt the removal-from-sport and return-to-sport protocols of the PSO, MSO, NSO, or other higher body if it complies with all the requirements set out in the legislation and regulation.

Questions: Designated Person(s)

What qualifications must an individual have to serve as a designated person?

- *Rowan's Law* legislation and regulation do not set out minimum qualifications for individuals who will be identified as designated person(s) under a sport organizations' removal and return-to-sport protocol. The decision on who to identify as the designated person(s) is up to the sport organization. However, as of January 1, 2022, sport organizations will be obligated to receive confirmation from designated person(s) that they have reviewed the Concussion Awareness Resources (in the previous 12 months) prior to serving for the sport organization. Failure to do so would mean the designated person(s) cannot serve.

Do both PSOs and member clubs need to have their own designated person(s)?

- It is up to the sport organization to ensure that each practice, training or competition has someone who can act in the capacity of the designate -- whether the practices, training sessions or competitions are carried out at the PSO or club level.

How many designates must be identified per sport organization? Or is it one person per organization?

- Sport organizations may identify more than one designated person(s). It is up to the sport organization to ensure that each practice, training or competition has someone who can act in the capacity of the designate. The responsibilities for the designated person(s) may be shared between one or more individuals. If a sport organization has identified more than one designated person(s), it is necessary that each designate is clear about who has what responsibility under the protocols.

Does the designated person need to be onsite for all events, competitions, practices?

- It is up to the sport organization to ensure that each practice, training or competition is attended by a designated person(s) or someone who can act in the capacity of the designated person(s).

Questions: Removal-from-Sport Protocols

How would differences of opinion be handled about the removal of an athlete from sport where a concussion is suspected? (e.g., parent suspects concussion and the coach does not)

- The designate is obligated to remove an athlete from further training, practice or competition if the athlete is suspected of having a concussion. Athletes should report any symptoms to the designate and can also remove themselves. As well, others, such as parents and team trainers, have made commitments under the Concussion Code of Conduct to support the concussion recognition and reporting process, and communicate information to the designate if they suspect an athlete has sustained a concussion

If an athlete is suspected of having sustained a concussion, but does not show any emergency red flag symptoms, do they still need to have a medical assessment?

- Yes. When an athlete is removed from further training, practice or competition due to a suspected concussion, they are required to undergo a medical assessment by a physician or nurse practitioner before they can be permitted to return to training.

Do sport organizations need to communicate information on concussions to their PSO? Are PSOs required to monitor clubs for the removal and return-to-sport protocols?

- The legislation and regulation do not address arrangements that may be made between PSOs and their members, or between leagues and their clubs with respect to communications about the concussion protocols.

Questions: Return-to-Sport Protocols

What type of confirmation needs to be provided to the designated person(s) to confirm diagnosis status or medical clearance during the return-to-sport process?

- It is up to individual sport organizations to decide what type of confirmation they require and how they want to receive this information from athletes (or parent/guardian if the athlete is under 18 years of age) following the medical assessment (diagnosis), and/or the medical clearance to return to training, practice and competition.

Who holds the responsibility for informing other sport organizations that an athlete has sustained a concussion?

- The designated person(s) is/are required to inform athletes who have been removed from sport (as well as their parents/guardians if under 18) about the importance of the athlete disclosing their diagnosis to any other sport organization with which the athlete is registered or school that the athlete attends. The importance of this is also referenced in the Concussion Awareness Resources and Concussion Code of Conduct - which athletes and their parent/guardian (if the athlete is under 18) are required to review.
- The act of disclosure, however, is up to the athlete or their parent/guardian.

Are there any suggestions for how to manage the return-to-sport protocol between 2 organizations? (e.g., a PSO as well as the athlete's school) Which organization provides the designated person?

- Sport organizations, including PSOs captured under the legislation, would follow their removal-from-sport and return-to-sport protocols to support an athlete's safe return to sport following a suspected or confirmed concussion. The same athlete would also be required to follow his/her school board's concussion policy, including the return-to-school plan, which supports a gradual return to learning and return to physical activity. Requirements for school board concussion policies are consistent with Rowan's Law and came into effect on January 31, 2020. Sport organizations are not required to manage an athlete's return to school plan. However, a guideline is that return to school comes before return to sport.

Questions: Records Retention

Where does the record of an athlete's removal live?

- It is up to the sport organization. *Rowan's Law* and its regulation have provided flexibility to allow organizations to establish their own processes for keeping records of all incidences in which an athlete is removed from training, practice or competition due to a suspected concussion; and, making a record of the athlete's progression through the graduated return-to-sport steps, until the athlete has provided confirmation to the designated person that they are medically cleared by a physician or nurse practitioner to return to sport.

How long should my sport organization keep records of concussion incidences, and how should they be disposed?

- Sport organizations can refer to sections 40(1) and 40(4) of the Freedom of Information and Privacy Act, 1990 (FIPPA) and/or sections 30(1) and 30(4) of the Municipal Freedom of Information and Protection of Privacy Act, 1990 (MFIPPA) for information about the retention and disposal of personal information.
- Sections 5(1) and 5(2) of the FIPPA Regulation 460: General and Section 5 of the MFIPPA Regulation 823: General provide information on the minimum requirements for retaining personal information, as well as FIPPA Regulation 459: Disposal of Personal Information.

Questions: Competitions (1)

How does *Rowan's Law* apply to athletes who are not residents from Ontario participating in competitions hosted in Ontario by a PSO? (i.e., Quebec athlete coming to Ontario for an event)

- The regulation under *Rowan's Law* specifies that:
 - a. athletes (and parents/guardians of athletes under 18 years of age) who are not ordinarily residents in Ontario would not have to confirm review of Concussion Awareness Resources or codes of conduct when they register for an Ontario amateur competitive sport competition;
 - b. coaches and team trainers who are not ordinarily residents in Ontario would not have to confirm review of Concussion Awareness Resources or codes of conduct when they serve in that capacity with a sport organization holding an Ontario amateur competitive sport competition;
 - c. officials not ordinarily residents in Ontario would not have to confirm review of Concussion Awareness Resources when they serve in that capacity with a sport organization holding an Ontario amateur competitive sport competition.
- However, the removal and return-to-sport protocols of the Ontario amateur competitive sport competition would apply in the context of competition and therefore would apply to all athletes including non-resident athletes in Ontario, when this requirement comes into effect on January 1, 2022.

Does *Rowan's Law* apply to out of province sport organizations that host a competition in Ontario? (e.g., an NSOs hosting events in Ontario)

- The regulation under *Rowan's Law* clarifies that an out of province sport organization (i.e., a corporation that is not incorporated in Ontario), that holds a competition in Ontario, does not have to comply with concussion awareness and code of conduct requirements under the Act.
- However, the out of province sport organization would be required to establish and comply with the requirements for the removal and return-to-sport protocols under the Act when hosting a competition in Ontario when this requirement comes into effect on January 1, 2022.
- If an NSO is a corporation that is incorporated in Ontario, it is required to comply with *Rowan's Law* in full.

Questions: Competitions (2)

Are Ontario sport organizations competing in tournaments or games outside of Ontario required to comply with Rowan's Law during competitions?

- Ontario sport organizations are required to establish removal and return-to-sport protocols and to follow them as of January 1, 2022. There is nothing in the Act or the Regulation that states that such protocols do not apply when competing outside of Ontario.

Will sport or tournament organizers be responsible for tracking an athlete's return-to-sport if the season/tournament they were registered to compete in has ended?

- No, sport organizations will only be responsible for managing an athlete's removal and return-to-sport for the period the athlete is registered to train, practice, and compete with them.

Access to concussion awareness resources and sample templates can be found at:

www.Ontario.ca/concussions

