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## FISCAL IMPACT REPORT

SPONSOR Figueroa LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 2/19/2025  
BILL  
SHORT TITLE Care for Youth Athletes with Brain Injuries NUMBER Senate Bill 386  
ANALYST Chilton

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent version of this legislation.

### Sources of Information

LFC Files

#### Responses Received From

Department of Health (DOH) (to identical 2023 HB 272)  
Regulation and Licensing Department (RLD)  
Health Care Authority (HCA)  
Regional Education Cooperatives (REC)

#### No Response Received

Albuquerque Public Schools (APS)  
New Mexico Activities Association (NMACT)  
Public Education Department (PED)

## SUMMARY

### Synopsis of Senate Bill 386

Senate Bill 386 (SB386) would add chiropractors to the list of health care practitioners who would be empowered to examine youth athletes after a brain injury and to certify their readiness to return to competition.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

## FISCAL IMPLICATIONS

There is no appropriation in SB386. No fiscal implications are foreseen.

## SIGNIFICANT ISSUES

The Department of Health (DOH), commenting on the identical House Bill 272, made the point that:

It is unclear if chiropractic physicians are a recommended health professional for medical clearance and monitoring traumatic brain injuries. A search on February 6th, 2023, of traumatic brain injury and chiropractic physicians was conducted on the following public health sources: Centers for Disease Control and Prevention (CDC), Substance Abuse and Mental Health Service Administration, National Institute of Mental Health, and World Health Organization. All websites had detailed information on responding to traumatic brain injuries, but none provided specific guidance related to chiropractic physicians.

DOH also clearly discussed the issues involved in head injuries and the risk of “second concussions,” i.e., head injuries being repeated in rapid succession. Coaches and even parents may push hard for rapid return to practice and competition where that may not be in the athlete’s best interest have been frequently reported.

DOH’s analysis was as follows:

Brain injuries contribute to more than 64 thousand deaths annually and more than 223 thousand hospitalizations in the United States. Brain injuries can be the result of falls, firearm-related injuries, motor vehicle crashes, and assaults.

([https://www.cdc.gov/traumaticbraininjury/pdf/TBI\\_at\\_a\\_glance-508.pdf](https://www.cdc.gov/traumaticbraininjury/pdf/TBI_at_a_glance-508.pdf)). Brain injuries, including concussions, chronic traumatic encephalopathy (CTE), and other traumatic brain injuries (TBI) require specialized diagnostic and rehabilitation protocols for the best outcomes.

Deaths are only a fraction of the burden of brain injuries. DOH Health Systems Epidemiology Program on 1-11-2019 examined emergency department visits during 2016 and found that 6,699 individuals received a traumatic brain injury diagnosis during their emergency department visit, which is a rate of 31.8 diagnoses per 10 thousand residents.

Even after surviving moderate to severe TBI and receiving rehabilitation services, the CDC found that the average life expectancy of a person with TBI is nine years shorter than that of a person without such a condition. TBI increases the risk of dying from several causes including seizures, accidental drug poisonings, infections, and pneumonia. In addition, people with TBI face a variety of chronic health problems. These issues add costs and burden to those with TBI and their families. Among those still living five years after injury, 57 percent are moderately to severely disabled, 55 percent do not have a job (but were employed at the time of their injury), 50 percent return to a hospital at least once, 33 percent rely on others for help with everyday activities, 29 percent are not satisfied with life, and 29 percent use illicit drugs or misuse alcohol.

([https://www.cdc.gov/traumaticbraininjury/pdf/Moderate\\_to\\_Severe\\_TBI\\_Lifelong-a.pdf](https://www.cdc.gov/traumaticbraininjury/pdf/Moderate_to_Severe_TBI_Lifelong-a.pdf)).

The CDC recommends that children who experience a concussion should “only return to sports practices with the approval and under the supervision of their health care provider” and “when available, be sure to work closely with your team’s certified athletic trainer.”

([https://www.cdc.gov/headsup/basics/return\\_to\\_sports.html](https://www.cdc.gov/headsup/basics/return_to_sports.html)).

In 2019, New Mexico had 1048 hospitalizations and 663 deaths resulting from TBIs [not all from athletic activity]. New Mexico’s age-adjusted rate for fatal TBI was 29.1 deaths per 100 thousand residents which is 73 percent higher than the national rate of 16.4 deaths per 100 thousand residents (Source: 2019 Hospitalization Inpatient Discharge Data (HIDD) and Death Data File, NMDOH). In 2021, 15.8 percent of New Mexico high school students had at least one concussion from playing sports or being physically active in the past year. Students who experienced a concussion in the past year were:

- 80 percent more likely to have attempted suicide in the past year than students who did not experience a concussion.
- 67 percent more likely to describe their average grades as Fs than students who did not experience a concussion (Source: 2021 New Mexico Youth Risk and Resiliency Survey, NMDOH).

TBIs represent a major public health burden in emergency health services costs, prevalence of short-term and long-term disability, and mortality.

([https://www.cdc.gov/traumaticbraininjury/pdf/Moderate\\_to\\_Severe\\_TBI\\_Lifelong-a.pdf](https://www.cdc.gov/traumaticbraininjury/pdf/Moderate_to_Severe_TBI_Lifelong-a.pdf)).

## **ADMINISTRATIVE IMPLICATIONS**

As noted by the Regulation and Licensing Department (RLD) in 2023, “The Chiropractic Board may need to implement rulemaking to include brain injury assessment in the profession’s scope of practice. The board will want to ensure that licensees receive continuing education that includes brain injury assessments, specifically in youth athletes.” In response to this year’s bill, RLD quotes the Chiropractic Board as saying, “Chiropractors are trained to notice neurological problems...”

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Identical to 2023 House Bill 272.

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