



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 02/18 /25  
Bill No: SB386

**Agency Name and Code:** PED - 924

**Sponsor:** Figueroa

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**Short Title:** CARE FOR YOUTH ATHLETES WITH BRAIN INJURIES

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

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

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: [HB141](#), the current version of the General Appropriation Act includes an appropriation of approximately \$2.3 million to the Brain Injury Advisory Council to provide guidance on the use and implementation of programs provided through the Health Care Authority's brain injury services fund.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: Senate Bill 386 (SB386) would amend [Section 22-13-31 NMSA 1978](#) and [Section 22-13-31.1 NMSA 1978](#) to include practicing chiropractic physicians within the definition of licensed health care professionals capable of providing written medical release, allowing students in school athletic activities to resume these activities after a possible brain injury.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

At present, a licensed health care professional consists of:

- a practicing physician or physician assistant;
- a practicing osteopathic physician;
- a practicing certified nurse practitioner;
- a practicing osteopathic physician assistant;
- a practicing psychologist;
- a practicing athletic trainer; and
- a practicing physical therapist.

Statute ([Section 22-13-31 NMSA 1978](#)) defines “brain injury” as a body-altering physical trauma to the brain, skull or neck caused by, but not limited to, blunt or penetrating force, concussion, diffuse axonal injury, hypoxia-anoxia or electrical charge. Per statute ([Section 22-13-31 NMSA 1978](#)), a coach may allow a student who has been prohibited from participating in a school athletic activity to continue in the activity no sooner than 240 hours from the hour in which the student received a brain injury and only after the student no longer exhibits any sign, symptom or behavior consistent with a brain injury and receives a written medical release from a licensed health care professional.

A [2018 study](#) from the *American Journal of Public Health* on the incidence rates of concussions during sports and physical education among New Mexico middle and high school students found a one-year cumulative incidence rate during all athletic and physical education events of 3.5 per 100 participating students. In only sport activities, these rates break down to 3.0 overall (3.5 for boys and 2.4 for girls). The cumulative incidence rate during physical education classes was 60 percent higher, with a one-year cumulative incidence rate of 4.7 per 100. These findings indicate that of the 147 schools surveyed, or approximately two-thirds of New Mexico middle and high schools, 598 student-athletes and 335 students in physical education experienced a concussion during the 2017 school year.

In New Mexico, chiropractic physicians are licensed per the [Chiropractic Physician Practice Act](#). Doctors of Chiropractic Medicine [may be qualified](#) to evaluate, diagnose, and manage concussed individuals, according to the American Chiropractic Board of Sports physicians. Including

chiropractic physicians on the list of health care professionals who are qualified to write medical releases would increase the pool of professionals available to students impacted by brain injuries.

#### **PERFORMANCE IMPLICATIONS**

By increasing the pool of professionals available to students seeking medical releases who have been impacted by potential brain injuries, the provisions of SB386 may decrease the waiting times students face when seeking medical care and reduce interruptions to learning and participation in athletic activities.

#### **ADMINISTRATIVE IMPLICATIONS**

None.

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

Relates to House Bill 300 and Senate Bill 246, which propose the “Seizure Safe Schools Act” to ensure that schools are equipped to manage students who may suffer from seizure disorders.

#### **TECHNICAL ISSUES**

None.

#### **OTHER SUBSTANTIVE ISSUES**

None.

#### **ALTERNATIVES**

None.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

#### **AMENDMENTS**

None.