



OWHA ROWAN'S LAW UPDATE

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-toSport 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.

WHAT THIS MEANS FOR OWHA

- 1) The Removal From Sport and Return to Sport Protocols are already in place for OWHA members. Please continue to follow the OWHA materials for these Protocols.
- 2) NEW: Identify a designated person(s) as having specific responsibilities under the Removal/Return-to-Sport protocols. This means that OWHA Member Associations/Teams are required to designate a specific individual who meets all OWHA requirements, to be in attendance at all sanctioned games, practices and activities to be responsible for implementing these Protocols. It is important to remember that, if there is any doubt, the individual is to be removed from participation and/or not be permitted to return to participate.
- 3) This material is posted on the OWHA web site and sent by email to OWHA Member contacts. It is important that OWHA Members share this information with all participants.
- 4) OWHA Members are required to report all concussions and suspected concussions to the OWHA on the OWHA/Hockey Canada injury form.

Q and A

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.

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

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.

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.**

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.

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.

OWHA ROWAN'S LAW MATERIALS INCLUDING REMOVAL FROM PLAY and RETURN TO PLAY
<https://cloud.rampinteractive.com/whaontario/files/Forms%20and%20Policies/ROWAN%27S%20LAW%20Document%28FINAL%20June%2027%29%20small.pdf>

OWHA SUGGESTED OPTION

Records Retention Policy
regarding Documentation related to Rowan's Law

([Rowan's Law \(Concussion Safety\), 2018, S.O. 2018, c. 1 \(ontario.ca\)](#))

RECORD	RETENTION PERIOD	BASED ON
Records related to <i>Removal-from-Sport Protocol</i>	Keep all records related to <i>Removal-from-Sport Protocol</i> for at least three (3) year after: (i) if the athlete enters the <i>Return-to-Sport Protocol</i> ; the dates set out under 'Rowan's Law – Records related to <i>Return-to-Sport Protocol</i> ' below; or (ii) if the athlete does not enter the <i>Return-to-Sport Protocol</i> ; the date on which the <i>Removal-from-Sport Protocol</i> is implemented in relation to the athlete.	Rowan's Law and Ontario's Rowan's Law Phase 2 Implementation Overview
Records related to <i>Return-to-Sport Protocol</i>	Keep all records related to <i>Return-to-Sport Protocol</i> for at least three (3) year after: (i) if the athlete completes the <i>Return-to-Sport Protocol</i> by the provision of medical clearance by a physician or nurse practitioner for the athlete to return to Sport under the <i>Return-to-Sport Protocol</i> ; or (ii) if the athlete does not so complete the <i>Return-to-Sport Protocol</i> ; the date on which the <i>Return-to-Sport Protocol</i> is implemented in relation to the athlete.	Rowan's Law and Ontario's Rowan's Law Phase 2 Implementation Overview