

2004 NCAA Convention Division II Legislative Proposals
Question & Answer Document
January 9, 2004

Note: Proposals are referenced by their Official Notice number.

Proposal No. 1 Forms – Student-Athlete Health Insurance and Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form – Disclosure of Protected Health Information

Question: Is it mandatory for student-athletes to sign the form as is required of other compliance forms?

Answer: It is not mandatory for student-athletes to sign the form rather it is voluntary. It is mandatory; however, for the institution to administer the form to student-athletes.

Proposal No. 4 Eligibility – Initial-Eligibility – Requirements Applicable to Entering Freshman

Question: Who is subject to Proposal No. 4?

Answer: Proposal No. 4 is effective August 1, 2004. Student-athletes who initially enroll full time in a collegiate institution on or after August 1, 2004 must meet the initial-eligibility requirements in effect at the time of initial full-time collegiate enrollment.

Question: Is a waiver process available for those students who meet the initial-eligibility requirements at the time of graduation from high school, delay enrollment for several years, and do not meet the initial-eligibility requirements at the time of initial full-time collegiate enrollment?

Answer: An institution may file an initial-eligibility waiver on behalf of a student-athlete in accordance with the waiver application instructions.

Question: If a prospective student-athlete graduates from high school in June 2004 and initially enrolls in a collegiate institution as a full-time student in the fall 2006, which initial-eligibility requirement would be used to certify this prospective student-athlete's initial eligibility?

Answer: Any prospective student-athlete who first enters any collegiate institution on or after August 1, 2004 must meet the initial-eligibility requirements in effect at the time of initial full-time collegiate enrollment, regardless of his or her high-school graduation date. In this example, the high-school graduate in 2004 is required to

meet the initial-eligibility requirements in effect in fall 2006, the time he or she initially enrolls full time in a collegiate institution.

Proposal No. 13 Awards and Benefits – Application of Awards Legislation

Question: Is a student-athlete who delays initial full-time collegiate enrollment and receives an award (e.g., cash prize) for athletics participation in a specific sport eligible for competition at an NCAA Division II institution?

Answer: Per Bylaw 16.1.1.1, a student-athlete may receive an award prior to initial full-time collegiate enrollment. However, if a student-athlete receives an award subsequent to his or her first opportunity to enroll in a collegiate institution, such receipt of an award shall constitute a use of a season and the student-athlete shall be required to fulfill an academic year in residence prior to representing the institution in intercollegiate competition (See Bylaw 14.2.4.2.).

Proposals Nos. 19 and 19-1 NCAA Membership – Conditions and Obligations of Active Membership – Certification of Insurance Coverage

Question: Can the insurance coverage have a deductible? How much can the deductible be?

Answer: The insurance coverage can have a deductible. Typical deductibles for a personal policy are in the range of \$500 - \$1000.

Question: Is it permissible for an institution to fund athletics medical insurance for student-athletes? Is the institution required to fund the insurance?

Answer: Per Bylaw 16.4.1-(a), an institution is permitted to fund athletics medical insurance for student-athletes as a medical expense benefit incidental to a student's participation in intercollegiate athletics. Such legislation is permissive legislation; therefore, the institution is permitted, however, not required to pay for the insurance.

Question: An institution is required to certify insurance coverage for a student-coach, student-manager, student-trainer or student-cheerleader who is part of an athletics team that is participating in a covered event in an intercollegiate sport as recognized by the participating institution. Such individuals must be enrolled full time or, if not enrolled full time, are enrolled in the necessary hours to receive a baccalaureate degree at the conclusion of the term [Constitution 3.2.4.8-(c)]. Does Proposal Nos. 19 and 19-1 require such individuals to be full-time in order

