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New law tackles brain injuries

By Alexander "Trey" Robertson, IV

On July 21, Gov. Jerry Brown signed into law Assembly Bill 2127, which aims to tackle the increasing trend of traumatic brain injury, including concussions, among youth and high school football players. The new law, which was supported by the California Interscholastic Federation, amends the Education Code and limits full-contact football practices to no more than two per week during both the pre-season and regular season for high school and middle school players. The full-contact portion of a practice may not exceed 90 minutes in any single day, and full-contact is prohibited during the off-season. The law will take effect Jan. 1, 2015. Until then, California law allows each of the 10 sections of the Interscholastic Federation to make their own rules on full-contact football practices; several of those sections currently allow full-contact summer and spring practices.

Every year, an estimated 1.5 million high school and junior high student-athletes play tackle football in this country. Statistically, the incidence of a high school player suffering a catastrophic football injury is low (0.07 per 100,000 players), according to a 2012 survey by the National Center for Catastrophic Sports Injury Research at the University of North Carolina at Chapel Hill. Catastrophic injuries were defined in the survey as football injuries resulting in brain or spinal cord injury, or skull or spine fracture. However, according to the Centers for Disease Control and Prevention, football had the highest injury rate among nine popular high school sports, with an incidence rate of 4.36 per 1,000 athletes.

The CDC reports that nearly 4 million high school students nationwide suffer head injuries every year. The incidence rate for traumatic brain injuries for high school football players is 0.47 per 1,000 athletes. However, over the past decade, emergency room visits for sports and recreation-related traumatic brain injuries, including concussions, among children and adolescents increased by 60 percent.

According to a 2012 study by the

American Academy of Pediatrics, 32 percent of high school football players reported that they had experienced symptoms of a concussion but did not seek medical attention. The CDC's "Heads Up: Concussion in High School Sports" education program defines a concussion as a brain injury caused "by a bump, blow or jolt to the head or body." Most concussions occur without loss of consciousness and typical symptoms include headache, confusion, impaired memory, feeling sluggish, hazy or groggy, nausea and sensitivity to light or noise. Many scientific studies claim that the cumulative effects of sub-concussive blows to the brain due to football may contribute to long-term brain damage and early on-set dementia, including chronic traumatic encephalopathy. Nineteen states have banned off-season full-contact high school football practices, including Texas.

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California's new law comes on the heels of the NFL's proposed \$765 million settlement over concussion-related brain injuries claimed by 4,500 retired players (*In re National Football League Players' Concussion Injury Litigation*, MDL No. 2323, Eastern District of Pennsylvania) and consolidated cases filed by former college football players against the NCAA (*In re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation*, MDL No. 2492, Northern District of Illinois). While concussion-related lawsuits by professional and collegiate football players against the NFL and NCAA have flourished in recent years, that trend is now impacting lawsuits by high school athletes and their parents.

In December 2013, the father of a Mississippi high school football player filed a class action lawsuit against the National Federation of State High

School Associations and the NCAA, seeking to represent a class of all current high school football players across the country asking that all high schools in the country enact concussion management plans. In 2012, the San Marcos Unified School District agreed to pay a \$4.4 million settlement to a former high school football player who suffered a traumatic brain injury during a game and is now confined to a wheelchair. And in 2007, Scott Everland was a senior linebacker at Mission Hills High School in San Marcos when he collapsed during a football game. Doctors saved his life by removing a portion of his skull, but heavy bleeding inside his brain caused him to suffer permanent brain damage. According to published reports, a deposition given by an assistant student trainer claimed Everland complained to the head trainer about headaches the week before the game and asked the school's head football coach if he could sit out the first quarter of the fateful game because his head was hurting. According to the lawsuit, the head coach refused.

The new legislation also mandates that any athlete who is suspected of sustaining a concussion or head injury must be immediately removed from the athletic activity (practice or game) and must be cleared to return-to-play by a licensed health care provider who is trained in the management of concussions and is acting within the scope of their practice. Any athlete who is diagnosed by a licensed health care provider of having sustained a concussion must complete a graduated return-to-play protocol of no less than seven days in duration under a doctor's supervision.

Sadly, most high school and youth football coaches only are required to be certified in CPR and have little to no training on how to handle a serious medical emergency. Currently, state law does not require the presence of emergency medical personnel on the sidelines or an ambulance at high school football games. Many high schools have a parent or local physician who volunteers to serve as the sideline physician during football games. However, the credentials and experience of those doctors varies wildly.

Other high schools have an "athletic

trainer" on staff. However, California is one of only two states in the country that does not require some form of regulation for athletic trainers; anyone can call themselves an athletic trainer. On July 18, just a few days before signing AB 2127, Brown vetoed AB 1890, which would have provided "title protection" to athletic trainers by making it illegal for any person to use the title "athletic trainer" absent a college bachelor's degree and certification requirements. Presently, anyone can call themselves an "athletic trainer" with little to no formal education or certification. The California Athletic Trainers Association has tried unsuccessfully for years to pass legislation which would regulate their industry.

While the new legislation signed into law by the governor is a step towards reducing concussions in middle and high school football players, there is still no requirement for trained emergency medical personnel to be on the sidelines to partner with athletic directors, coaches and certified athletic trainers to help keep student football players safer. Something more needs to be done.

Alexander "Trey" Robertson, IV is a trial attorney and senior partner of Robertson & Associates in Westlake Village. He is also a certified Emergency Medical Technician (EMT) and president of Ventura County Event Medical Standby LLC, which provides EMT's for youth and high school football games. He is the father of a current high school varsity football player and a youth football player in Ventura County.



ALEXANDER ROBERTSON
Robertson & Associates