

Athlete, University And At Reach Settlement In Concussion Case

An athletic trainer employed by a university was responsible for monitoring a student athlete's injuries during practices and games, conducting assessments and initiating referrals to the team physician when an injury was suspected. In addition, the AT was responsible for conducting concussion baseline testing of all student athletes once they joined the team as well as when an injury occurred.

A paper baseline concussion assessment was completed on a student athlete who joined the football team in the fall of 2011. The assessment conducted was consistent with university protocols and a determination was made that the athlete was not at risk for concussions.

It is reported that, throughout the student athlete's career at the university, he sustained injuries on four separate occasions within a six-month period.

The AT's actions and documentation were evaluated and found to be consistent with university protocols and procedures for each event with a suspicion of concussion or mild traumatic brain injury. In addition, for each event, concussive tests performed were consistent with policies and procedures and reportedly reflected appropriate and timely referral to a physician each time the assessment revealed any suspicion of a concussion.

Two years after his career at the university, the student athlete was diagnosed with permanent brain damage, requiring care 24 hours per day, seven days per week.

The student athlete sued the university and the AT, alleging:

- Failure to use objective post-concussion testing on four occasions within a six-month period
- Failure to provide adequate medical treatment or referrals to a physician
- Failure by the university (and its employees) to protect the student athlete from further injury by allowing him to continue to play football post-concussive events
- Failure by the university (and its employees) to refer the athlete to a neurologist following confirmation of concussive or mild traumatic brain injury

The defense counsel received favorable reviews from experts who asserted that the AT properly completed an initial paper-based assessment and was in compliance with the university's policies and procedures for all concussion tests performed and physician referrals when findings indicated suspicion of a concussion. However, there were reported concerns with the overall response to and treatment of the student athlete that impacted the defensibility of the lawsuit.

The defense counsel's case evaluation determined that the former athlete would make a favorable impression on a jury and that there was potential for a large jury verdict against the co-defendants, the university and AT, based on the young man's medical status. The case was settled between the University and the athletic trainer for an undisclosed amount. An additional settlement was paid on behalf of the athletic trainer for an undisclosed amount. Both co-defendants had insurance.

RELATED RESOURCES

-Normative Data for the BTrackS Balance Test Concussion- Management Tool: Results From 10,045

Athletes Aged 8 to 21 Years

- Longitudinal Assessment of Balance and Gait After Concussion and Return to Play in Collegiate Athletes
- Epidemiologic Measures for Quantifying the Incidence of Concussion in National Collegiate Athletic Association Sports
- Clinical Evaluation of the Concussed Athlete: A View From the Sideline
- Legal Aspects of Concussion: The Ever-Evolving Standard of Care
- If You're Not Measuring, You're Guessing: The Advent of Objective Concussion Assessments
- Head-Impact-Measurement Devices: A Systematic Review
- Concussion Handout