

Jury Finds AT Not Liable In Concussion Case

In a case demonstrating the importance of communication and documentation, a jury found that an athletic trainer wasn't liable for a football player's injuries when she was unaware that he may have suffered a previous concussion several weeks before collapsing on the field and having to undergo an emergency procedure to save his life.

After consulting with an emergency room physician the day after a football game, the high school football player was diagnosed with a minor closed head injury. The emergency physician completed discharge paperwork that stated the player likely had suffered a concussion and should refrain from playing football until cleared by a physician.

The player continued not to feel well and stayed home from school, but his family sought to have him cleared to play football because the father believed his son was suffering from dehydration, not a concussion. The father told the physician that he saw film of the game and never saw a head-to-head hit that could have produced a concussion.

The physician told the family that they should follow up with another doctor before their son played football because he still wasn't free of concussion symptoms. He said he mentioned the school's return-to-play policy, and that the family shouldn't engage in that process until their son was symptom-free.

Although the physician said he wrote a note to the football coach that stated his recommendation to refrain from any further contact and not return to full-contact practice until the headache subsided, the coach denied receiving the note from the student.

The football coach and the athletic trainer later cleared the player to engage in football activities after the coach administered an ImPACT test. The athletic trainer reviewed the results of the test and told the player that he looked "OK concussion-wise," which led the coach to believe the student could return to play.

The athletic trainer said, however, that language was not meant to clear the student to play, and that she was unaware he was out with a concussion. The ImPACT test administered by the coach was a baseline test, not a post-diagnosis test.

The student returned to practice and played in a game, in which he didn't sustain any big hits yet collapsed on the sidelines after halftime. He was taken to the hospital and had an emergency craniotomy.

The family filed a lawsuit against the coach and athletic trainer, claiming that they verbally "cleared" the student to play in the game. At the jury trial, attorneys for the family claimed that the athletic trainer, who worked for a local health system, should have suspected the student had suffered a concussion when he was tested to ensure his ailments were only symptoms of the flu and that allowing coaches to test the 16-year-old went against her hospital's protocol.

The athletic trainer responded that she was not aware the coach had administered an ImPACT test to "rule out" a concussion until she received a phone call from him after the surgeons had begun the emergency craniotomy to save the student's life. The coach and athletic trainer also noted that they didn't receive a medical note or any information from the student athlete's doctor and didn't clear the student to play the night he collapsed.

The jury's verdict was in favor of the coach and athletic trainer, ruling that the health system, coach and

athletic trainer were not liable for the student's injury.