

Sports Lawsuit to Trigger Further Debate

A \$7.5 million settlement and new NFL standards stand to increase deliberation on head injuries.

By DAN REYNOLDS, senior editor, Risk & Insurance®

The \$7.5 million settlement earlier this month in the case of a severely injured college football player has shone a more intense spotlight on an exposure that has been a concern of [higher education risk managers](#) and insurers for years.

"It is a teaching moment," said Bonney Hebert, president of the Boston-based insurance brokerage [Academic Risk Resources & Insurance LLC](#).

Hebert and other higher education insurance professionals said that, although athletic injury is already prominent on the radar of collegiate risk managers, the case involving the concussion and subsequent brain injury of [La Salle University](#) linebacker Preston Plevretes will generate more discussion and probably further evolution in collegiate athletic head injury treatment and management standards.

According to a Dec. 1 report in the [Philadelphia Inquirer](#), Plevretes fell into a coma after a hit in a game against Duquesne University in November 2005, six weeks after he had suffered a concussion in practice.

His attorney, Philadelphia-based [Shanin Specter](#), alleged that the university had not taken adequate measures to test and protect Plevretes in the interim between the injury suffered in practice and the Nov. 5 game.

Plevretes now has difficulty speaking and walking. He will require extensive medical monitoring and treatment. La Salle University is covered for the loss under a [general liability insurance policy](#) managed by the [Christian Brothers Risk Pooling Trust](#), which is based in Romeoville, Ill.

"HEALTHY STABLE OF CLAIMS"

Cynthia Krohn, a spokeswoman for the trust, said it is a policy of the risk pool not to comment on clients. The Lisle, Ill.-based [National Catholic Risk Retention Group](#) is the excess general liability insurance carrier for Christian Brothers Risk Pooling Trust.

From a claims perspective, Plevretes' catastrophic injury fell into the most severe class of injury, according to Constance Neary, vice president for risk management with the Bethesda, Md.-based educational insurer [United Educators](#).

She said athletic injuries are a consistent concern of the more than 1,100 member institutions of United Educators and account for as much as 15 percent of annual claims.

"So it is a healthy stable of claims," Neary said.

According to a United Educators study of five years of athletic injury settlement data, the average nonvarsity (intramural or club sport, for example) injury settlement was \$150,000. The average varsity sport settlement was \$300,000.

TIGHTER STANDARDS?

Neary also said that, although the La Salle case doesn't change the law, the resolution of an ongoing debate over what are referred to as "second impact" injuries, injuries such as Plevretes' where there is a second blow to the head after a player being cleared to play, may result in tighter standards for the evaluation and management of collegiate sports head injuries.

"If that debate were ever resolved, and I think with this increased attention we may get there, then you could have clear guidance on perhaps a different standard for responding to these injuries," Neary said.

In an e-mailed response to Risk & Insurance®, Specter urges colleges to adhere to 2004 guidelines issued by the [National Athletic Trainers' Association](#). He also directs them to the work of [Dr. Micky Collins](#), an assistant director of the [University of Pittsburgh's Center for Sports Medicine](#), who published a study on athletic concussions in the journal *Neurosurgery* in 2002.

The NATA guidelines call for a player to be seen by a doctor the same day that they receive a concussion and for more conservative management of players under the age of 18, whose brains are still developing. NATA also advises colleges to advise players with a history of three concussions to consider ceasing their participation in contact sports.

Collins' work studied 88 high school athletes who had suffered concussions in 2000 and 2001. The study concluded that athletes with a history of three concussions were more than six times more likely to suffer a loss of consciousness on a subsequent hit than students with no concussion history.

The Plevretes settlement comes at a time when the concern and focus on head injuries is increasing at all levels of sports. On Dec. 2, Commissioner Roger Goodell sent a memo to all 32 teams revising the [NFL's concussion policy](#).

Previously, an NFL player was prohibited from re-entering a game only after he had lost consciousness following a blow to the head. The new policy prohibits a player from re-entering the game if he shows lapses in memory, consistent dizziness or headaches, or inability to remember playbook assignments.

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