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Legal Issues Relating to Football Head injuries, Part II

**Statement of Dr. Joseph Maroon to Chairman Conyers and Members of the House Judiciary
Committee**

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Thank you, Mr. Chairman, for the opportunity to testify again today.

At your October 28 hearing in Washington, I testified on the work that has been done since 1994 by the NFL's Mild Traumatic Brain Injury (MTBI) Committee, of which I am a member. Our committee was specifically charged in 1994 with initiating and supporting independent scientific research to further the understanding of the causes, diagnosis, treatment and prevention of concussion. This work has involved research on helmet standards, injury data collection and analysis, and an ongoing study of the long-term effects of concussions on NFL players.

As a result, the NFL in recent years has initiated educational and preventive measures, guidelines for the management of concussions, and rule changes to eliminate unnecessary hits that can lead to concussions. Since the formation of the committee in 1994, there has been a significant positive culture change in the NFL on the issue of concussions. I have personally witnessed this culture change among NFL teams and players and I am confident that it will continue in a positive direction.

I am here today to report on additional steps relating to concussions that the NFL has taken since the October 28 hearing. The long-running arc of improvement continues. Those steps are outlined in detail in the attached memos sent in late November and early December to the NFL clubs by Commissioner Goodell. Let me touch on some of the key aspects of these most recent changes.

The NFL now has stricter return-to-play guidelines. It includes the addition of an independent neurological consultant for each team approved by the medical advisors of the NFL and the NFL Players Association. The 2009 statement on return to play says that a player who suffers a concussion should not return to play or practice on the same day if he shows any signs or symptoms of a concussion. It also states that once a player is removed for the duration of a practice or game, he should not be considered for return-to-play activities until he is fully asymptomatic, both at rest and after exertion, has a normal neurological examination, normal neuropsychological testing, and has been cleared to return by both his team physicians and the independent neurological consultant.

The 2009 statement also addresses the responsibility of the players. It states that players are encouraged to be candid with team medical staffs and fully disclose any signs or symptoms that either they themselves or their teammates are showing that may be associated with a concussion. The nature of concussions, which can be difficult to diagnose in the absence of loss of consciousness, places an important responsibility on players to put their health above competitive considerations. This is the policy of the league with respect to its teams – medical decisions must override playing considerations – and it is extremely important that the players commit to meeting that standard.

In December, the NFL, in conjunction with the Centers for Disease Control (CDC), produced a public service message directed primarily at young athletes and their parents and coaches on the importance of head injury awareness. The theme is "Take Head Injuries Out of Play" and the message has been airing and will continue to air on NFL game telecasts throughout the playoffs. This PSA also was sent to a group of conference commissioners of college sports so that they could adapt for their use on television and with their athletes.

In addition, the NFL is working with the CDC and other organizations on educational material for young athletes and high school coaches, and to develop an overall certification program for coaches at those levels addressing player health and safety.

Commissioner Goodell is strengthening and expanding membership of our MTBI committee that has studied this subject and overseen concussion-related research for the past 15 years. The NFL is currently interviewing highly qualified candidates for the role of chair or co-chairs of the restructured committee and expects to select that individual or individuals by the end of January.

The NFL recently announced a new partnership with the Boston University Center for the Study of Traumatic Encephalopathy to fund independent research and encourage current and retired player to consider donating their brains to research upon their death. The NFL is also following up with the 56 players in the University of Michigan phone survey that identified themselves as having memory disorders. This follow-up includes determining whether these players are receiving the league's "88 Plan" benefit for retired players diagnosed with dementia or Alzheimer's disease, and, if they are not receiving that benefit, to work with them and their families to find out if they qualify for it.

Equipment safety is another priority. The NFL and NFLPA are working together on research designed to help manufacturers improve helmet safety and to help NFL players make informed choices on the use of the most technologically advanced helmets. This initiative is part of the league's overall awareness campaign for its players and the general public.

The helmet research project is part of the NFL's focus on reducing the number of concussions in its game. The game is already safer than it was when I started consulting to the Pittsburgh Steelers in the 1970s. However, at the direction of Commissioner Goodell, the NFL Competition Committee is now evaluating more potential changes in playing rules that would be intended to reduce head impacts and related injuries in NFL games. Commissioner Goodell believes that the NFL can take more unnecessary hits out of the game to reduce the risk of concussion for NFL players.

Further, John Madden, in his role as a special advisor to Commissioner Goodell, is chairing a committee of coaches that is exploring ways of providing players with a safer environment to reduce the risk of head trauma in practices. Among the considerations are reducing the overall amount of off-season work, limiting the use of helmets (and therefore contact) in practice, minicamps, other off-season workouts, and training camps. John Maddens' group will report its recommendations to the Competition Committee and Commissioner Goodell.

Our committee, together with the NFL, has long recognized that concussions can lead to long-term health issues, especially if they are not properly managed. These new steps that have been taken since your last hearing enhance the substantial progress the NFL has made in recent years and underscores the NFL's commitment to advancing player safety. The NFL's goals are to make the game safer for the men who play it, address the needs of retired players, and set the right example for players and coaches at all levels of play, both in football and other sports in which concussion is a risk.

Thank you again for this opportunity to address your committee and I would be pleased to take your questions.