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COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON HEALTH
COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives

September 30, 2014

Mr. Jim Delany
Commissioner
The Big Ten Conference
5440 Park Place
Rosemont, IL 60018

Dear Mr. Delany:

I am writing to express my strong concern with the response to a recent concussion in your Conference. As the co-founder and co-chair of the Congressional Brain Injury Task Force, I urge you to re-evaluate the Big Ten's policies and their implementation in light of what modern medicine has taught us about head injuries.

In the U.S. Congress, the Congressional Brain Injury Task Force, which works to increase awareness of brain injury in the United States, supports research initiatives for rehabilitation and potential cures, and strives to address the effects such injuries have on families, children, education, and the workforce.

According to the Centers for Disease Control and Prevention, as many as 3.8 million sports- and recreation-related TBIs are estimated to occur in the United States each year, ranging from relatively mild concussions to fatal head injuries. Though symptoms may appear minor, the injury can have life-long effects on an individual's memory, behavior, learning, and/or emotions.

The threat was on full display during the University of Michigan's (Michigan) game against the University of Minnesota. After Michigan quarterback Shane Morris sustained a brutal hit from a Minnesota player, he struggled to stand up, appeared groggy, and almost collapsed into one of his teammate's arms. Despite exhibiting tell-tale signs of a concussion, Morris was kept in the game for one play, and then hobbled off the field. He later re-entered the game for a short period before leaving the field.

During a press conference on Monday afternoon, Michigan coach Brady Hoke initially stated that he "[didn't] know if [Morris] has a concussion or not." Hoke also stated that "Shane's a pretty competitive, tough kid. And Shane wanted to be the quarterback, and so, believe me, if he didn't want to be, he would've come to the sideline or stayed down." Allowing a possibly concussed player to determine whether or not he is fit to return to play not only violates common sense, but is also an egregious violation of standard concussion protocol, including protocol set forth by the National Collegiate Athletic Association (NCAA) and the Big Ten Conference. Given Michigan's commitment to cutting-edge neuroscience and concussion research through the Michigan NeuroSport program, which I have heard about first-hand, make this response is especially disappointing.

In a statement released by Michigan's Athletic Director early Tuesday morning, Michigan revealed that Morris in fact did sustain a concussion and blamed a "lack of communication" as the reason that Morris returned to the game. According to the statement, not one member of the coaching staff, medical staff, or athletic training staff on the sidelines that day saw Morris get hit; so, after having an ankle injury examined, he was cleared for one additional play.

As you know, earlier this year, the NCAA struck a tentative agreement with a group of former players who filed suit against the organization for medical problems stemming from concussions sustained during their college football careers. Under the terms of the settlement, current or former players would be prohibited from filing personal injury class action suits seeking a judgment for long-term medical problems stemming from concussions. Players would still be able to file individual personal injury suits, but these don't typically carry the same power as class action suits. Additionally, none of the settlement funds are used for players' medical costs.

However, as part of the settlement, the NCAA schools would have to follow certain procedures when their players suffer head trauma. One of these procedures prohibits players from being returned to play after a possible concussion on the same day. After the NCAA's new protocols were announced, you touted the fact that the Big Ten had adopted similar protocols in 2010 stating, "It was the safest and broadest plan we could enact. It makes for a healthier game — and that is what everyone wants." I think we both can agree that if protocols can simply be overlooked and ignored, they will have no meaningful impact on the safety of players.

I strongly urge you to investigate the circumstances surrounding Shane Morris's injury and the decision to return him to play. Additionally, I ask that you re-examine the protocols in place and determine what changes can be made to improve them. I also urge you to establish penalties for violations of concussion protocols. Every concussion is brain damage and must be diagnosed and treated by appropriate medical personnel, who prioritize players' health, safety, and well-being.

Thank you in advance for your attention to this matter, and I look forward to your response. Please feel free to contact Alyssa Penna in my office at Alyssa.Penna@mail.house.gov or (202)225-5751.

Sincerely,



Bill Pascrell, Jr.
Member of Congress

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