



**Testimony in Support of HR 1347, The Concussion  
Treatment and Care Tools Act  
"Protecting School-age Athletes from Sports-related  
Concussion Injury"  
September 8, 2010**

**Submitted To:** Committee on Energy and Commerce, Health Subcommittee

**Submitted By:** Joanna Boyd, Public Education Coordinator, Brain Injury Association of New Jersey

(Mr. Chairman/Madam Chair) and fellow subcommittee members, thank you for the opportunity to testify at this important hearing regarding the safety of our youth. My name is Joanna Boyd, and I am the Public Education Coordinator at the Brain Injury Association of New Jersey. I am testifying on behalf of the Brain Injury Association of New Jersey and the Brain Injury Association of America that is comprised of 43 state affiliates all working towards the common goal of elevating awareness, research, education and advocacy for people with brain injuries.

We're here today because the consequences of not addressing the public health crisis that concussions present to our youth could be catastrophic. Athletes who return to play before their brains heal experience a slower recovery and are at risk for long term brain impairments. Repeated concussions cause Second Impact Syndrome, which is characterized by brain swelling, permanent brain damage, and even death.

The good news is that Second Impact Syndrome can be prevented.

The Brain Injury Association of New Jersey began to address concussion in youth sports in 2004 by convening a committee of experts in the field of concussion who are also invested in the safety of young athletes. The Concussion in Youth Sports Steering Committee (the Committee) developed a consensus statement on concussion in youth sports and solicited 23 endorsements from groups such as the Medical Society of New Jersey, the American Academy of Pediatrics, New Jersey Chapter and the New Jersey State Interscholastic Athletic Association. The consensus statement and complete list of endorsers are attached to this testimony.

The Committee then held a Summit at Giants Stadium in New Jersey and invited delegates from all groups that are interested in the health and well being of young athletes. The presenters included Dr. Robert Cantu, an international expert on concussion, a CDC Epidemiologist, and local experts in brain injury and concussion. The purpose of the Summit was to educate delegates about the most current research-based information about concussion and to enlist their support for a statewide campaign to raise awareness about concussion in youth sports with the goal to lower the incidence, protect young athletes from the cumulative effects of multiple concussions, and to prevent second impact syndrome.

A matching funds grant program was also announced at the summit. The program, funded by the New Jersey Department of Human Services, Division of Disability Services, TBI Trust Fund, was available to 100 New Jersey public and private high schools. It provided one-half of the cost of a three-year subscription for 300 high school athletes to be baseline tested each year using computerized baseline testing software.

Campaign materials were developed and disseminated throughout New Jersey with support from Concussion Committee Members, Consensus Statement Endorsers, and Brain Injury Association of New Jersey partners. Materials included a poster with the message that "*A Concussion is a Brain Injury. Take It Seriously!*" and a tear-off pad of basic information about concussion which was distributed to student athletes when a concussion was suspected. The Brain Injury Association of New Jersey developed a website [www.sportsconcussion.com](http://www.sportsconcussion.com) as a portal for individuals, parents, teachers, coaches and others to access current information about concussion as well as an electronic newsletter, GAME PLAN, to inform readers about current topics related to concussion.

The most recent development in the campaign is the result of collaboration among the Mountainside Health Foundation (a localized philanthropic organization), the New Jersey Interscholastic Athletic Association (NJSIAA), the Super Essex Conference (all Essex County, NJ High Schools athletic programs) and the Brain Injury Association of New Jersey. Together we developed a curriculum to be presented to approximately 500 student athletes who are leaders in their sport of choice. The curriculum is part of the agenda for the annual Sportsmanship Program which is help by all NJSIAA sports conferences. This program is intended to be a pilot project which, upon completion, will be available to all New Jersey high school sports conferences through the NJSIAA.

The program is presented three times during the school year prior to each sports season; the fall sports athletes received the program on August 25, 2010, the winter sports athletes will receive the program in November 2010 and the spring sports athletes will receive the program prior to the beginning of the spring sports season.

A pre-post test component of the program during the pilot demonstration phase is helping to guide the development of the curriculum and supporting materials. The original tear-off pad was updated (included in the attachments) and a new poster is being designed to emphasize the importance of resting the brain as it heals from a concussion and following a step-by-step return to play protocol. Initial results from the pre-post tests demonstrate that the message that a concussion is a brain injury and needs to be taken seriously has been heard by student athletes. The Brain Injury Association of New Jersey's concussion campaign is moving forward with the message that all concussions are serious and the brain needs time to rest and heal.

The Concussion Treatment and Care Tools Act (HR 1347, ConTACT Act), is an important step towards preventing second impact syndrome, the prospect of long-term disability and even death. Congressman Pascrell of New Jersey has been a long-time, devoted champion of this issue and has stressed the importance of protecting student athletes for many years.

In the past year, the issue of sports and concussion has gained awareness largely due to the concussions sustained by professional athletes such as Brian Westbrook, Clinton Portis and Jason Bey. The resulting increased awareness of concussions in young athletes prompted state-level advocates to push for enhanced safety legislation. Currently, legislation has been introduced or enacted in as many as 21 states. Typically, the legislation calls for youth and coach education, sideline evaluation, and medical authorization to return to play.

In October 2008, the tragic death of a young New Jersey student athlete, Ryne Dougherty, initiated a new awareness that a concussion is a brain injury and needs to be taken seriously. After discussions about drafting legislation addressing concussion issues among student athletes, members of the Brain Injury Association of New Jersey's Concussion in Youth Sports and Advocacy and Political Affairs committees approached Assemblyman Patrick J. Diegnan, Jr. as a potential sponsor of concussion legislation. Assemblyman Diegnan responded by holding a hearing in March 2010 to gather information about concussion in youth sports. Testimony was heard from representatives of numerous groups including the Brain Injury Association of New Jersey, New Jersey State Interscholastic Athletic Association, New Jersey Education Association, and American Academy of Pediatrics, New Jersey Chapter. Jill Brooks, Ph.D., a New Jersey neuropsychologist, gave testimony along with Nikki Popyer, a young woman who sustained eleven concussions before finding appropriate treatment. Tammy Plevretes told her son, Preston's story of the dangers of second impact syndrome.

The result of the hearing was the introduction of Assembly Bill No 2743 by Assemblyman Patrick J. Diegnan, Jr. which requires the development of student-athlete awareness program concerning the prevention, risk and treatment of sports-related brain injuries. Assemblymen Craig J. Coughlin, and Thomas P. Giblin along with Assemblywoman Mila M. Jasey are co-prime sponsors of the bill; Co-sponsors are Assemblywoman Joan Voss, Assemblyman David Wolfe, and Assemblywomen Eleese Evans and Mary Pat Angelini. With bipartisan support Assembly bill No. 2743 was passed by the New Jersey Assembly on June 28, 2010. A companion Senate Bill, No. 2106 sponsored by Senator Richard Codey and Joseph Vitale is pending consideration by the Senate Education Committee. We expect the committee to consider the bill in the very near future.

At the federal level, we believe that the ConTACT Act could incentivize states that have not yet made concussion law a priority and could supply them with a minimum guideline requirement. The Brain Injury Association of New Jersey believes that the minimum guidelines should be developed by a panel of stakeholders such as athletes, advocates and medical personnel. It is important to us that the federal legislation works cohesively with the state movement.

Also, the Brain Injury Association of New Jersey believes that grants to states for baseline and post-injury testing is a fantastic opportunity for schools who are trying to protect their students on a limited budget. We also believe that as improvements and innovations to technology flourish in the coming years, it is important that other tests that may not be computerized in nature be considered as qualifying for grant money as states see fit.

The bottom line is this:

The ConTACT Act would give coaches, parents, athletic trainers, and school administrators the tools to keep our children safe. It would ensure that coaches are trained in recognizing the symptoms of brain injuries, concussions, and injuries related to second impact syndrome.

It is time to get serious. It's time to protect our youth from needless disability. It's time to protect parents from the burden of care giving. It's time to protect taxpayers from the cost of long-term dependence on public programs.

The Brain Injury Association of New Jersey and Brain Injury Associations nationwide Applaud Congressman Pascrell and Congressman Platts, the co-chairmen of the Congressional Brain Injury Task Force, for bringing forth this legislation and we urge the Energy and Commerce Committee to consider HR 1347 as soon as possible.

Attachments: A) Consensus Statement  
B) List of Endorsers  
C) Updated Tear-off pad