



## Technology Solutions Help Manage Concussion Liability Risk

Concussions, or minor traumatic brain injuries (mTBI), are among the most common athlete injuries, with 1.6 million to 3.8 million incidents occurring each year from sports and recreation in the U.S., according to CDC estimates.

Increased attention to concussion, especially mismanaged concussions in professional sports, has led insurers to shy away from covering the risk, with many carriers opting to carve out coverage or offer concussion-only policies. This poses a challenge for the sports industry and puts a greater focus on ensuring athlete safety through concussion protocols.

### CONTACT

To learn more about how Amwins can help you place coverage for your clients, reach out to your local Amwins broker.

### LEGAL DISCLAIMER

Views expressed here do not constitute legal advice. The information contained herein is for general guidance of matter only and not for the purpose of providing legal advice. Discussion of insurance policy language is descriptive only. Every policy has different policy language. Coverage afforded under any insurance policy issued is subject to individual policy terms and conditions. Please refer to your policy for the actual language.

*Courtesy of Amwins Group, Inc.*



## Concussion Liability Claims on the Rise

Concussion liability claims in U.S. professional sports have cost insurers billions of dollars over the past few decades. More recently, former NFL players have sued the league, alleging it repeatedly denied disability benefits for those with physical and mental impairments.

In general, casualty carriers fall into three camps when it comes to concussion risk:

1. They do not want to insure any part of the risk and decline to quote
2. They quote and place a TBI exclusion or sublimit limit
3. They are all in and price for it

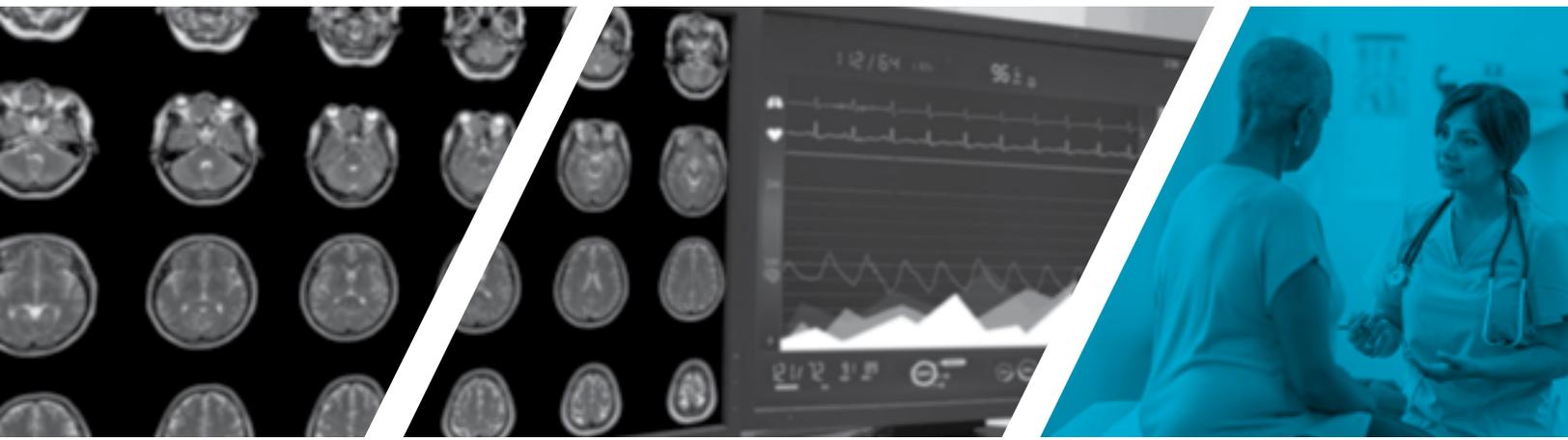
Since casualty carriers in the sports industry are susceptible to large claims, many try to minimize their exposure by having underwriters take a hard look at an insured's historical loss data, as well as their current concussion protocols.

## Concussion Protocols are Key to Mitigating Risk

Concussions are notoriously difficult to diagnose. However, recent medical advancements have uncovered serious and long-term health effects these injuries can carry – even a seemingly minor bump on the head can trigger adverse symptoms such as nausea, fatigue, confusion, or memory loss. And, while it may appear as if there's been an explosion of concussions in the last 10 years, that may not really be the case.

In the past, concussion rates were under-reported due to several factors, including people not being aware of the injury, as well as not knowing how to identify or document it. Now, concussion protocols play a vital role in identifying and managing head injuries, caring for athletes and ultimately, improving outcomes for the sports industry.

These protocols must be followed properly – a task many organizations struggle to achieve.



## Technology Solutions Can Help

**HEADCHECK Health** is a tech-enabled provider of innovative concussion protocol and total injury management solutions. Their goal is simple: prevent mismanaged head injuries.

To meet this goal, HEADCHECK Health offers organizations at both the professional and amateur levels the tools necessary to help in the identification, management, and care of a suspected concussion. Their platform supports sports organizations in executing their concussion protocols by providing solutions for education, testing, documentation, recovery management, and clearance.

Additionally, data collected by HEADCHECK Health can be used to complete internal audits for leagues, teams, schools, school boards, and any organization they work with. This allows further identification of compliance gaps, while also helping to shed light on how and where injuries are happening to help the organization prevent future injuries and make it safer from these risks in the future.

## Data Helps Carriers Further Understand Concussion Risk

The **Special Markets Insurance Consultants (SMIC)** team is working with HEADCHECK Health to develop risk solutions for athletes in the marketplace. Together, they are capturing valuable data that can be helpful for carriers to underwrite cases with athletic exposures.

Ten years ago, insurers would have a single “yes” or “no” concussion-specific question on their supplemental application. Now they want to know more about an insured’s protocols, especially if they have had claims.

Organizations with vague or no risk-mitigation plans in place will see it reflected in rates. But those that utilize digital platforms like HEADCHECK Health can see some price relief, as well as fewer exclusions and sublimits.

## Important Factors to Consider When Placing Coverage

With the rise in concussions among youth sports, some carriers have either excluded TBIs or placed athletic exclusions in their casualty policies. It’s important for retail agents to know if these exclusions exist within an insured’s GL policy so their clients can take the appropriate steps to stay fully protected.

At the same time, some carriers have created concussion-only accident policies. Purchasing such coverage exclusively may expose insureds to other types of athletic accidents. Therefore, it’s important to review an organization’s existing accident policy as, in many cases, they could already have an accident policy in place that covers concussion injuries.



## Takeaway

With the adoption of new rules, access to better equipment, and utilization of new risk mitigation tools like those available through HEADCHECK Health, the sports industry will continue to make strides in protecting their athletes. This will equate to better-performing insurance products, and, over time, more carriers may be willing to write high-risk sports.

SMIC is a managing general underwriter (MGU) and part of the Amwins Underwriting division. They specialize in student, sport and event risks and have been handling accident and catastrophic accounts with integrity for more than 35 years. With custom quotes, fast turnaround times and accurate underwriting, your clients are covered with expert care.

### About the Author

**Nate Walker**, SVP of Special Markets Insurance Consultants

**Harrison Brown**, Co-founder & CEO of HEADCHECK Health

