

Estimate: 3 in 10 NFL retirees face cognitive woes (Update)

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Nearly three in 10 former NFL players will develop at least moderate neurocognitive problems and qualify for payments under the proposed \$765 million concussion settlement, according to data prepared for ex-players' lawyers and made public Friday.

Their actuary expects 14 percent of all former football players to be diagnosed with Alzheimer's disease and another 14 percent to develop moderate dementia over the next 65 years, according to the data. There are more than 19,000 former players still living, meaning nearly 6,000 of them will fall into those two groups. Another 31 men will be diagnosed with Lou Gehrig's disease and 24 with Parkinson's disease during their lives, according to the data.

The actuary estimated that ex-players were at twice the risk for Alzheimer's disease, Parkinson's disease, Lou Gehrig's disease and dementia as the general population between the ages of 20 to 60. After that, they estimated the ex-players' risk would be closer to normal.

Friday's release of the actuarial data is designed to address some complaints raised so far. Critics lament that the settlement plan offers no awards to anyone diagnosed with CTE in the future, and that the Alzheimer's and dementia awards are cut by 75 percent for players who also suffered strokes.

The report was prepared for Senior U.S. District Judge Anita B. Brody, who is presiding over the class-action lawsuit in Philadelphia that

accuses the NFL of hiding information that linked concussions to brain injuries.

The NFL report said the ex-players' diagnosis rates would be "materially higher than those expected in the general population" and would come at "notably younger ages."

The NFL also predicted that 28 percent of all retired players will qualify for an award, while estimating rates for some illnesses will be at a far greater rate than the general population and strike much earlier in life.

The proposed settlement includes \$675 million for player awards, \$75 million for baseline assessments, \$10 million for research and \$5 million for public notice. It wouldn't cover current players.

Both sides have insisted that \$675 million would be enough to cover awards for 21,000 former players, given fund earnings estimated at 4.5 percent annually. Brody initially had concerns the money might run out, while critics complained the NFL's offering is a pittance given its \$10 billion in annual revenues.

The league agreed this summer to remove the cap on its contributions, saying it would pay out more than \$675 million if needed, and pay more over time if needed. Brody then granted preliminary approval of the plan and scheduled a fairness hearing on the proposed settlement for Nov. 19, when critics can challenge the parties on their calculations or award scheme.

Lawyers for some players have complained that the negotiations have been cloaked in secrecy, leaving them unsure of whether their clients should participate or opt out by next month's deadline.

With an Oct. 14 looming, "we still lack 'an informed understanding of

the dynamics of the settlement discussions and negotiations.' Indeed, we have zippo understanding," lawyer Thomas A. Demetrio, who represents the family of Dave Duerson, wrote in a motion Thursday. Duerson, the popular Chicago Bears safety, committed suicide in 2011.

The family of former linebacker Junior Seau, who also committed suicide, has announced plans to opt out. He and Duerson are among about 60 former players diagnosed after their deaths with the brain decay known as chronic traumatic encephalopathy. Known as CTE, it can only be diagnosed after death.

The plan would pay up to \$5 million for players with amyotrophic lateral sclerosis, also known as Lou Gehrig's disease; \$4 million for deaths involving CTE; \$3.5 million for Alzheimer's disease; and \$3 million for moderate dementia and other neurocognitive problems.

However, only men under 45 who spent at least five years in the league would get those maximum payouts. The awards are reduced, on a sliding scale, if they played fewer years or were diagnosed at a more advanced age.

The players' data therefore predicts the average payouts, in today's dollars, to be \$2.1 million for ALS, \$1.4 million for a death involving CTE, and \$190,000 for Alzheimer's disease or moderate dementia. The average ex-player being diagnosed with moderate dementia is expected to be 77 with four years in the NFL.

About 28 percent of all retired players are expected to be diagnosed with a neurocognitive injury that is eligible for compensation under the plan. But only 60 percent of them are expected to seek awards, based on prior class-action litigation.

The 21,000 class members include 19,400 living men and the estates of

1,700 others.

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