

# **The Rabinoff Report**

## **“The Dark Side of Fitness”**

### **Report #1**

## **Stop Playing Doctor!**

by Dr. Marc Rabinoff

### **Question**

I am coaching a football player who transferred from another school and had suffered a stress fracture in his neck a year ago. I told him he would not be allowed to play or lift until he brought in his medical records so I could read them, which he did. He is in no pain now, so I have him using our neck machine and I have a training partner apply manual resistance for rotation; I also manually stretch his neck muscles at least twice a week. I had the boy’s parents sign a waiver and assumption-of-risk form. Have I covered all my bases from a legal standpoint?

### **Answer**

First, federal laws protect an individual’s right to keep their medical records private (from HIPAA, the Health Insurance Portability and Accountability Act). If the parents of this athlete agree to show you their child’s medical records, that may be one exception (unless the athlete is older than 18, in which case the athlete would have to give his or her consent), but you cannot coerce your athlete to bring you his medical records. Just this one mistake alone could be grounds for a lawsuit against you and your school, and administrators could risk losing their jobs from violating the law in such a manner.

Even if you did have access to medical records, how is it that you are qualified to interpret them? Do you have a medical degree? I testified in many cases in which coaches and personal trainers were extremely embarrassed when opposing counsel confronted them with this very question. For example, if you read a notation in some medical records that an athlete had spondylolisthesis, would you be able to understand the different ratings and types of this condition: grade 1 vs. grade 2, anterior vs. posterior? Or if you read where the athlete had scoliosis, would you be able to explain to a jury the difference between thoracic curve scoliosis and lumbar curve scoliosis?

If you do not have a medical degree and specific training in head and neck injuries, you should not be reading medical reports. And whatever treatment you’ve been administering, either by yourself or through an assistant or training partner, you need to stop doing it immediately!

Next, you have the right idea about getting an assumption-of-risk form signed, but waivers are another matter. As a US citizen, you cannot waive your right to sue, even if it states that you are doing so in the waiver. In nearly every lawsuit I have testified in, nearly every one of them had waivers so what does that tell you? It can’t hurt to have a signed waiver, and many health clubs

will use them because their customers don't know any better, but most likely, it's not going to provide you any legal protection.

Now let's look at what you should have done.

## **Ducks in a Row**

When your athlete first transferred to your school, you were put on notice that you would be working with an athlete who had had a serious injury. The first thing you and the school's athletic trainer, if one is available, need to do is get a letter from that athlete's doctor that explains what exactly the injury was, what the mechanism was that caused it, what the prognosis is and what the healthcare providers recommend for dealing with it. One conclusion might be, unfortunately, that this athlete may not be allowed to play football due to his pre-existing condition.

Ideally, what you want to have is some form of documentation from a medical expert that the injury in question has been sufficiently rehabbed. Otherwise, if you start training this athlete, then your actions fall into the category of performing rehab. Let me explain.

There is a difference between preparing an athlete for a sport and rehabilitating a body part that has been damaged. They are two different training regimens, and each requires different types of expertise. After all, how many physical therapists do you know who can properly demonstrate a power clean, and how many coaches do you know who can administer an ultrasound treatment? Bottom line: unless you are certified or licensed to do rehab, you should not be prescribing neck exercises for this athlete.

Let me give you an example of how adopting your approach can go bad – really bad. There is a case currently pending in the Michigan courts against a major health club. One of their personal trainers, a woman who had completed a considerable amount of coursework to become a chiropractor but had never been licensed, was performing intense neck stretching exercises on a middle-aged gentleman. The intensity of the stretching was such that the client, a surgeon, allegedly suffered a stroke due to a severed carotid artery and will never be able again to practice his profession. Further, when this gentleman gave his video deposition, he had trouble remembering his name, much less where he earned his medical degree.

Now you may be thinking that I'm recommending banning neck machines – certainly not. The neck muscles should be trained, especially for contact sports such as football but there are more appropriate ways to do it. With a four-way neck machine, for example, the person performing the exercise has precise control of how much resistance is being used and how much force they wish to apply. With manual resistance and passive stretching, the individual being worked on does not have control of how much force is applied; these are determined by the person doing the exercises.

Intensive manual stretching and strengthening is a skill, and even if you can perform it correctly, that doesn't necessarily mean that you can properly teach your athletes to perform these exercises on each other. Would you want your 14-year-old son to have his neck stretched by a 13-year-old?

In my 30 years of teaching weight training classes I've found that if you properly strengthen the muscles of the shoulder girdle, then your neck strength will be fine. A colleague of mine had never performed any weight training exercises for the neck but competed in Olympic lifting. When he was in his 30s, he got to try the sophisticated neck extension machine produced by MedX, an amazing device that costs close to six figures; the person who administered the test said that he had far exceeded anyone else they had ever tested on that machine in his clinic.

Therefore, if you have exercises such as power cleans in your program, and jerks or overhead presses as well, then you might be providing your football players with adequate conditioning for the neck muscles. But it still would be a good idea, in my professional opinion, to include a few specific exercises for the neck muscles performed on a neck machine.

Although your intentions are good, you cannot afford to be ignorant of the proper way to deal with an athlete with a pre-existing injury. More importantly, knowing how to handle such a situation properly is in the best interests of the athlete's safety.

## About the Author



[Dr. Marc A. Rabinoff is Professor Emeritus, Human Performance, and Sport at Metropolitan State University of Denver. He taught human movement related classes for 42 years and taught and directed a program he developed in 1995 called “Sport Industry Operations.” This program deals with the “business side of sport” and prepares students to be employed at professional sport facilities, work in risk management, and sport insurance/liability and stadium operations. Dr. Rabinoff is the founder of Rabinoff Consulting Services, Inc., which provides risk management services to the Sport, Physical Education, and Fitness/Recreation industry.]