



## Today's Agenda:

1. Students will file away graded papers.
2. **TO: What can athletic trainers do to legally protect themselves?**
3. Using an iPad, find an article where an ATC or other healthcare professional was sued in a court of law.

# Legal considerations for the ATC

- First need to know what is the athletic trainers DUTY to the athlete
  - **Duty is the legally defined responsibilities of an athletic trainer**
  - To do **what a reasonable and careful ATC would do** under the same or similar circumstances **“reasonably prudent man theory”**

# What defines a Duty?

- Job Description
- Standard of Care
- Contract
- Athletic Trainer Domains



# Standard of Care

- Standard of care is **determined by what the individuals duty is**
  - Coach vs. ATC → coach managing a traumatic brain injury would not be held to as high a standard of care as an ATC

# Factors affecting Duty

- Morality
- Economic good of the group
- Practical administration of the law
- Justice
- Fact pattern of the case



# Legal Concerns

- **Liability:** being responsible for the harm one causes another person
- **Negligence:** failure to use ordinary reasonable care
  - (1) does something that a reasonably prudent person would not do
  - (2) fails to do something that a reasonably prudent person would do

# Legal Concerns

- **Tort**: legal wrongs committed against a person
  - (1) **Act of Omission**: person fails to perform a legal duty → **nonfeasance** “Didn’t do something you should have done...”
  - (2) **Act of Commission**: person performs an act that is not legally his/hers to do → **malfeasance** “Doing something we have no duty to perform...” or **misfeasance** “Doing something we should be doing, but improperly...”

# Legal Concerns - **Informed Consent**

- Implies that an athlete or his/her parents must be completely aware of the risks inherent in a particular sport before they voluntarily assume the risk of participation.
  - Remember that guardians/parents can waive a minors rights
  - A minor can reinstate his/her right when turning 18.



# Athletic Trainer's Liabilities

1. Supervise practice/competition areas (safe environment)
2. Obtain readily available medical records.
3. Pre-participation physical exam
4. ER contact information
5. Work closely with parents and coaches; keep communication open
6. Nutritional information

# Specific Responsibilities to Athlete

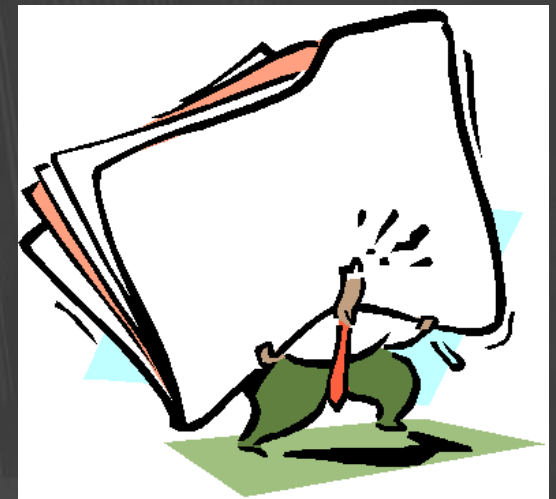
- Must have ability to evaluate the injury and athletes status
- Give proper fitting equipment
- Athlete must have appropriate medical care in practice and competition
  - If beyond your scope, you need a physician
  - You don't need to know everything--have a support group

# Risk Management

**communication** noun 1  
2 something that commu  
dion, a letter or message  
communicating, e.g. a r  
people use, radio, or  
communication

# Risk Management

- Good relationships with athletes, parents & co-workers
- Establish policy & procedure guidelines for AT facilities
- Develop & follow an emergency action plan
- Keep factual and timely records that document all injuries & rehabilitation → keep confidential
- Detailed job description in writing



# Risk Management

- Obtain consent
- Proper fitting, maintenance, and use of protective equipment
- Purchase liability insurance
- Know limits of expertise & applicable state regulations & restrictions
- Use common sense



# How Do Athletic Trainers Protect Themselves?

## 1. DOCUMENTATION!!!

Keep complete records of all evaluations, treatments, medical conversations, etc

## 2. Parental consent to treat

## 3. Have the health history of the athlete current and accessible in case of emergency

# How Do Athletic Trainers Protect Themselves?

4. Make sure the area you are responsible for is properly maintained students and equipment are safe

5. Don't give out medicine.

That is for the physician.

May not want to give out aspirin or Tylenol prior the comp/practice; if injured may mask symptoms

6. If administering over the counter drugs, keep accurate record of how many and who.

# How Do Athletic Trainers Protect Themselves?

7. Use only ability capable of using - don't act outside capabilities
8. Don't use faulty equipment
9. Don't return injured player until cleared by doctor
10. Never use pain killing drugs that allow athlete to participate
11. Follow orders of the physician
12. Communicate clearly with doctors, coaches, athletes, and families



# Insurance Requirements

- General health insurance
- Professional liability insurance – help pay lawyer fees
- Third party
  - Health Maintenance Organizations
  - Preferred Provider Organizations

# Who ends up in court?

- Many times we always think that things will never happen to us. It always happens to someone else.
- Using an iPad, find an article where an ATC or other healthcare professional was sued in a court of law.
- Write in your own words a 200 word summary of the case. Submit your summary AND website where you found the case on Edmodo.
- The case must have occurred within the past three years.