**Chapter 11: Emergency Planning and Response**

**The information covered in Chapter 11 is essential to understand the significance of emergency planning and response. The state laws and legal cases described demonstrate the importance of developing and implementing effective Emergency Action Plans (Evacuation Plan and Medical Emergency Plan).**

Review the learning objectives listed on page 439 in the text. After reading this chapter, complete the following study questions. **Instructions:** **Click on the shaded box provided - then type in your answer.**

**Study Questions**

1. The following requirements from OSHA’s General Industry Standard were summarized. Briefly describe each as they apply to fitness facilities.
2. Facility Design for Exit Routes
3. Specialty Therapies – Cryotherapy and Sauna
4. Hazardous Chemicals
5. Proper Ventilation
6. Medical Treatment Plans/Supplies
7. OSHA’s Bloodborne Pathogens (BBP) Standard, generally, does not apply to fitness facility employees whose duties would not avail them to come in contact with blood or OPIM. However, for employees who are likely to come in contact with blood or OPIM, the BBP Standard requires fitness facilities to protect these employees. Describe the three compliance categories related to these protections.
8. List the five requirements of California’s AED “health studio” statute.
9. In New York, “health clubs” with 500 members or more are classified as a “public access defibrillation provider” (PADP). List the obligations of PADPs.
10. According to the spotlight case, *Miglino v. Bally Total Fitness of Greater N.Y., Inc*., do health clubs in New York have an affirmative duty to use an AED in the event of cardiac emergency?       Explain the court’s reasoning.
11. Do witnesses or bystanders who choose (volunteer) to assist a victim of sudden cardiac arrest (SCA) have a legal duty toward the victim?       If so, explain the standard of care which must be met.
12. In the spotlight case, *Limones v. School District of Lee County,* why did the Florida Supreme Court rule that the school district was not statutorily immune from liability based on Florida’s Good Samaritan Statute?
13. Texas does not have a specific AED statute for fitness facilities. However, the facility in *Boggus obo Casey v. Texas Racquet & Spa, Inc*. failed to meet the training requirements specified in Chapter 779 of the Texas Health and Safety Code. What lessons can fitness managers and exercise professionals learn from this case?
14. Several AED cases occurring in fitness facilities were described in this chapter in which the courts referred to AED state statutes. As indicated, these state AED statutes are not all the same (e.g., definitions, requirements, and immunity provisions vary by state). To help ensure compliance with state AED statutes, what should fitness managers and exercise professionals do?
15. (1) List the names of legal cases in which AED standards of practice published by professional organizations were introduced as evidence.

(2) Why, from a legal perspective, should fitness managers and exercise professionals comply with these published standards of practice?

(3) Of the eight standards and two guidelines related to emergency planning, published in *ACSM’s Health/Fitness Facility Standards and Guidelines,* list the four standards described in this chapter.

1. Based on the spotlight case, *Locke v Life Time Fitness*, how could Life Time’s liability release provision in its membership agreement been improved? How might this have benefitted Life Time in this case?
2. (1) Emergency Action Plans (EAPs) must address two types of emergencies – evacuations and medical emergencies. For each, fitness managers/owners are encouraged to follow the DRI acronym. Describe DRI.

(2) List two resources provided by the U.S. Department of Homeland Security and OSHA that can be helpful to develop/implement EAPs.

1. Describe individuals/groups who should make up the EAPs planning team? Hint: See Risk Management Strategy #1, p. 469.
2. Regarding an evacuation EAP, OSHA describes factors that need to be determined by those responsible for developing this EAP (see p. 465). List three situations or events that may require evacuation of a fitness facility?
3. **True or False:** Place a T or F in the space provided.

      A) Based on OSHA statistics, the most common BBP violation of employers was failing to provide Hepatitis B vaccinations.

      B) Studies conclusively show that vigorous exercise increases risk of sudden cardiac arrest.

      C) Good Samaritan statutes provide immunity for ordinary negligence but not for conduct considered gross negligence, willful/wanton or reckless conduct.

      D) Based on the Arkansas “health spa” AED statute, failure to maintain an AED on site renders any membership contract voidable.

      E) Managers and/or employees of fitness facilities have a legal duty to properly respond when a facility member or participant experiences a medical emergency.

      F) The Americans with Disabilities Act is not violated by a facially neutral emergency evacuation plan that requires participants to use stairs to evacuate a fitness facility.

      G) Under Illinois law, an AED must be in a building located within 300 feet of an athletic field during outdoor events.

      H) Courts must follow standards of practice published by the American College of Sports Medicine (ACSM).

      I) The NSCA recommends practicing the facility emergency action plan at least

annually.

      J) After a medical emergency, fitness professionals should avoid contacting the

victim or the victim’s emergency contacts so as to avoid potential legal liability

and HIPAA violations.

1. To help prevent negligence and wrongful death lawsuits, as demonstrated in the spotlight cases in this chapter and other chapters (see Exhibit 11-2 on p. 467), it is essential that fitness facilities have in place a written EAP that describes how to properly respond to a medical emergency. Why is it important to have a contingency plan for each of the following: minor injuries, serious injuries, injuries that cause bleeding, and life-threatening events? Hint: See Risk Management Strategy #3, pp. 470-471.
2. (1) Regarding EAPs, list the certifications that fitness facility employees should have and keep current.

(2) What is the role of the Manager on Duty (MOD) during and right after a medical emergency? Hint: See Risk Management Strategy #4, pp. 471-472.

1. The failure to train employees on how to properly carryout the facility’s EAP is a “major” legal liability exposure as demonstrated in several cases (e.g., *Locke, Boggus obo Casey, Zihlman,* described in this chapter and *Miller* described in Chapter 10). Although professional organizations recommend staff training/rehearsals two-four times per year, what should determine how many are needed? Hint: See Key Point on p. 475 and Risk Management Strategy #9.
2. As described throughout Chapter 11, developing and implementing effective EAPs involves many components and responsibilities of the planning team and EAP Coordinator. For each of the following, describe the major components/responsibilities:
3. Communication System (Hint: See Risk Management Strategy #5)
4. Inspections/Maintenance of AEDs and First-Aid Kits (Hint: See Risk Management Strategy #6)
5. Post-Emergency Procedures (Hint: See Risk Management Strategy #8)
6. What form/report needs to be completed after a medical emergency occurs, and describe what should be included in this report.
7. **Matching:** Indicate the correct response in the space provided from the list of terms below.

      State that has a statute requiring fitness facilities to have an employee with current first-aid/CPR certifications and first-aid training consisting of at least five hours.

      The first step to develop/implement effective EAPs that includes the appointment of an EAP coordinator.

      Case in which the fitness facility had two inoperable AEDs.

      A medical order written by a physician which instructs healthcare providers to not perform CPR or other life support techniques.

      Independent organization that has established minimum performance and supplies standards for workplace first-aid kits, e.g., Class A and Class B kits.

      Federal agency that has regulations regarding unobstructed access to exit routes

and exit/evacuation signage for all including those with disabilities.

      Case in which a soccer player collapsed from SCA and an employee failed to

bring an AED to the field.

      State that has statute requiring “health clubs” with 500 or more members to have

an AED, but there is no requirement to use the AED.

A. DNR E. New York

B. OSHA F. *Jabo v. YMCA of San Diego County*

C. Wisconsin G. Assemble a Planning Team

D. ANSI H. *Dinero v. Aspen Athletic Club*

1. **Case Study**

Adam Apple, committed to achieving his New Year’s resolution, was exercising on the second floor of XYZ Fitness. He had seen an article online entitled, “Train like a Navy Seal” and wanted to see how he measured up. Sixteen rounds into his HIIT routine, Adam felt a pain in his chest and began to feel light headed.

Gary Glutes, a personal trainer at XYZ Fitness, had been keeping an eye on Adam while Gary was working with another client. Gary noticed how hard Adam was working and hoped he wasn’t exceeding his capabilities. All of a sudden, Gary saw Adam collapse and sprinted to Adam to offer help. Gary felt for a pulse in Adam’s wrist, but couldn’t feel anything! He began to panic and hurriedly started administering CPR.

Within two minutes, Patty Pilates, another trainer at XYZ Fitness, noticed the situation and hurried to the scene. Upon seeing that Adam was unresponsive, Patty rushed down the stairs to get the AED located on the first floor of XYZ Fitness near the locker rooms. Patty returned as quickly as she could and scanned the directions on the AED packaging. She promptly cleared the scene and attached the shock pads to Adam, but the AED’s batteries were dead! Patty again rushed down stairs to notify Mary, the XYZ Fitness manager on duty, of the emergency. Mary immediately contacted the local hospital and EMS arrived on scene within twelve minutes. Unfortunately, medical professionals were unable to revive Adam, who passed away three days later.

* 1. What could have XYZ Fitness and its staff done better?
  2. Describe what XYZ Fitness and its staff should do next and the information which should be documented.
  3. Describe the legal duty the facility owed to Adam.