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TOP PLAINTIFF LAWYERS

Gym and fitness facilities often unprepared to respond to health emergencies

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Various health issues can arise at a gym/fitness facility which require action by employees of the facility. Such issues can include physical injury, heat exhaustion, stroke, arrhythmia, and myocardial infarction. This list is not exhaustive. Given the foreseeability that adverse health events will occur at such a facility, it is incumbent on the facility to properly prepare its employees to deal with the issues when they arise. The failure to properly prepare employees to deal with these situations constitutes negligence. Likewise, the failure of the employees to take appropriate action to deal with such issues constitutes negligence.

In a lawsuit against the facility for death or injury of the patron, internal guidelines and standards or the lack of proper internal guidelines and standards may become relevant to the issues in the case. Among the various standards and guidelines for facilities that may become relevant are The American Heart Association (AHA) Heartsaver Manual for First Aid CPR and AED, The American Red Cross Instructor's Manual for First Aid/CPR/AED, and The American College of Sports Medicine (ACSM) Guidelines for Exercise Testing and Prescription. One or more of these or other manuals are often used in training courses which lead to a certification. Moreover, many facilities use one or more manuals to develop their own emergency procedures manuals.

These standards and guidelines cover many topics. Among them are (1) how training should be done, (2) how to recognize various health conditions, and (3) what steps should be taken to respond to the identified health problem. Experts will acknowledge that drills

or practice sessions should be performed frequently between certification courses. It is well known in the industry that skills decay quickly following certification courses unless employees receive frequent drills to maintain their skills. Without frequent training, the facility employees are often ill-equipped to recognize and respond to health issues appropriately.

The Heartsaver Manual provides guidelines for the recognition of and response to various health problems. This article will use heat-related illnesses as an illustration. The Heartsaver Manual discusses how employees are to recognize heat cramps: "signs of heat cramps are: muscle cramps, sweating, headache." Importantly, the manual alerts the employee to the reason heat cramps require immediate attention: "heat cramps are a sign that heat-related problems may continue to get worse if the person doesn't take action." Furthermore, "a milder condition, such as heat cramps, can quickly turn into heat exhaustion. That's why it's important to recognize and give first aid for heat-related emergencies early." The manual then lists the actions to take in response to heat cramps.

The manual makes clear that early intervention is necessary. Inaction or inappropriate action can lead to heat exhaustion. The manual lists signs of heat exhaustion: "nausea, dizziness, vomiting, muscle cramps, feeling faint or fatigued, heavy sweating." Not all of these signs need be present to recognize this condition. The manual lists what actions must be taken to help a person who is suffering from heat exhaustion: "get the first aid kit; wear PPE; phone 9-1-1; have the person lie down in a cool place; remove as much of the person's clothing as possible; cool the person with a cool spray. If a cool spray is not available place cool, damp cloths

on the neck, armpits, and groin; if the person is responsive and can drink, have the person drink something with sugar and electrolytes, such as a sports drink or juice, or water if these aren't available."

The manual also discusses the progression from heat exhaustion to heat stroke. The manual follows the same format in addressing heat stroke, i.e., how to recognize and how to respond. Heat-related conditions are dangerous, can lead to death if left untreated, and require an early proper response.

The AHA Manual answers many other questions which employees may have related to these health and safety issues. For example, it answers the question of what to do if the employee recommends a 911 call to a patron but the patron refuses: "If the person refuses, phone 9-1-1 and stay with him until help arrives." There is even guidance as to what to do if one is unsure of whether to call 9-1-1: "as a general rule you should phone 9-1-1 and ask for help whenever someone is seriously ill or injured or you are not sure what to do in an emergency."

A facility that sporadically trains its employees, does not conduct drills, and does not have clear lines of communication and procedures in place creates a situation where a member or guest foreseeably does not receive timely aid from the facility. Having a trainer show up once a year and having a manual sit in the facility manager's desk gathering dust protects no one and exposes the facility to claims of negligence. Furthermore, facility management can be examined about the guidelines taught in the courses and the manual or manuals used.

If a facility were to conduct a surprise emergency drill tomorrow, how would the employees act? Would they follow the procedures? Would they know the procedures even exist? Would they know what procedures to consult and where to find them? Would they be able to act in a timely manner? A certified employee does not necessarily mean the employee is qualified. Ongoing training, proper recognition, and proper response are all necessary to safeguard the health and well-being of all patrons. ■

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