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Prevention and Treatment of Athletic Injuries

Westfield High School
Houston, Texas

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Chapter3

- Legal Concerns and Insurance Issues

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Legal Concerns and Insurance Issues

- Liability: The state of being legally responsible for the harm one causes another person.
 - Key word: LEGALLY


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- Negligence: The failure to use ordinary or reasonable care - care that persons would normally exercise to avoid injury to themselves or to others under similar circumstances.

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- The Standard of Reasonable Care:
 - assumes that an individual is neither exceptionally skilled nor extraordinarily cautious, but is a person of reasonable and ordinary prudence.

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- The athletic trainer who is licensed, certified, and educated is expected to act in accordance with those qualifications.

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- Torts:
 - Torts are legal wrongs committed against a person or the property of another.
 - Torts may result from an act of omission, where a person fails to perform a legal duty.
 - Torts may be in the form of an act of commission, the one performs an act that is that is not legally his/hers to perform.
 - Either instance, one can be held liable.

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- Negligence is alleged when an individual:
 1. Does something that a reasonably prudent person would not do...
 2. Fails to do something that a reasonably prudent person would do under circumstances similar to those shown by the evidence.

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- Examples of Negligence
 - Through improper or careless handling of a therapeutic agent, a coach or athletic trainer seriously burns and athlete.
 - The moving of an athlete with a possible serious injury from the field of play to permit competition or practice to continue and does so either in an improper manner or without consulting qualified help.

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- Statutes of Limitation
 - Sets a specific length of time that individuals may sue for damages from negligence.
 - Length of time varies from state to state.

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- Assumption of Risk
 - The athlete understands the dangers associated with participating in a particular sport, and participates voluntarily knowing of the exposed dangers.
 - Assumption of Risk can be a defense for negligence, but the burden of proof is on the defendant showing the risk were explained and understood.

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- Product Liability
 - Manufactures of athletic equipment have a duty to design and produce equipment that will not cause injury as long as it is used as intended.
 - Example: Football Helmet, sign warning,
 - What is the helmet designed to protect?
 - What injury derives the most lawsuits against football manufactures?
 - Is this a correct lawsuit?

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- Insurance Requirements
 - To obtain insurance you are betting that you are going to be sued (liability), injured (accident), or killed (life)!
 - The insurance company is betting that you will not be sued, injured, and will live.
 - Better to bet that you will have the short end of the stick, and protect yourself.

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- General Health Insurance: Policy that covers illness, hospitalization, and emergency care.
- Secondary Insurance Coverage: Coverage used by most high school and collegiate athletic programs to cover bills that are not paid for by the primary insurance provider.

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- Family Health Insurance: Most athletes are covered by a family insurance plan, where the family are covered by a plan from parent at work.

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- Common Terminology
 - Allowable Charge
 - Beneficiary
 - Benefits
 - Claim

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Legal Concerns and Insurance Issues 

- Terminology, cont.
 - Deductible
 - Dependent
 - Exclusions
 - Explanation of Benefits
 - Premium

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Legal Concerns and Insurance Issues 

- Accident Insurance
- Professional Liability Insurance
- Catastrophic Insurance

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