

RISK MANAGEMENT



THE LEGAL PARAMETERS FOR COACHES

My Background



Education

Bachelor of Science - Ithaca College (Physical Education)

Master of Arts - SUNY Albany (Education Administration)

Additional (30 hrs) - University of Maryland (Sociology of Sport)

Coaching

Baseball – 8 years High School, 11 years Junior College, 16 years Division 1,
2 years Empire State Games

Soccer – 5 years High School

Basketball – 7 years High School

Outdoor Track – 2 years High School

Wrestling – 1 year High School

Administrative

Director of Physical Education – 11 years High School

Director of Athletics – 12 years High School

Risk Management Process



- **Identify Risks** – (physical setting, weather, etc)
- **Evaluate Risks** – (continue or cancel?)
- **Manage Risks** – (options?)
- **Implement the approach**
 - **Avoid the risk – cancel**
 - **Accept the risk – understand it and work around it, continue as is, etc.**
 - **Transfer the risk – notify AD, Administration**

Coaches Legal Duties



- **Properly Plan** (practice/game plans)
- **Provide proper instruction** (clinics, join professional organizations)
- **Warn of inherent risks** (pre-season meeting)
- **Provide a safe physical environment**
- **Provide adequate and proper equipment**
- **Match athletes appropriately** (wrestling, football, contact sports)
- **Evaluate athletes for injuries** (DON'T be a Dr.)

Coaches Legal Duties (continued)



- **SUPERVISE – SUPERVISE – SUPERVISE**
- **Provide appropriate emergency care**
- **Post safety stickers, posters, warnings, etc.**

Coaching Certification & Other Duties



- **NYSED approved with all certifications** (CPR-AED, First Aid, Child Abuse, DASA, Concussion course, finger printed, etc.)
- **Keep OUTSTANDING Records** – attendance, injury, communication with parents, etc.
- **Provide safe transportation**
- **Due Process** – what it is – how do you handle it
- **Litigation** -

Coaching Certification & Other Duties



- **Selection Classification Procedures** – APPR **New** procedures, **School Doctor** is first
- **Mixed Competition**

Emergency Plans



- EMS/Ambulance/Trainer coverage
- Practice requirements
- Lightning and thunder rules (NYSPHSAA)
- Heat index rules
- Cold index rules
- Concussion Management Protocol [who has final say – (School Dr.!!!!)]

Concussion Protocol



- An official may send an athlete to the sidelines to be evaluated. If the School District personnel evaluates and determines the athlete is OK to play, they can put them back in. The assessment **IS TO BE MADE** by SED appropriate medical personnel (certified trainers, school nurse, nurse practitioner, etc.).
- Coaches **MAY NOT** do the assessment/evaluation.

Concussion Protocol (continued)



If an athlete is evaluated and diagnosed with a concussion, only the school district, chief medical officer (school doctor) may release the athlete back to play. The nurse, athletic trainer, etc. may (and most likely will) be involved in the return to play protocol; however, it is the school doctor who releases the athlete back to play. In some, perhaps many districts, the school doctor may accept a release from a personal physician, or specialist, as opposed to seeing every athlete. This is a local school/doctor decision.

Risk Management Responsibility



- **Coach**
- **Athletic Director**
- **Trainer**
- **School Physician**
- **School Nurse**
- **EMS Services**

School District Forms



- Health exam
- Health History form
- Parental Permission Participation form
- Return to play protocol
- Injury reporting and record keeping
- Skin Disorders
- Helmet/equipment reconditioning and NOCSAE certification

In the Scope of Your Duties



Negligence:

1. Legal Duty/Action of the Defendant.
2. Breach of Duty- Failure to exercise due care
3. Failure must be the proximate cause of injury /damage to property
4. There must be actual damage or injury to another person

Non-Negotiable for Coaches



- Athletes may not participate without medical clearance from an authorized medical person
- A signed Interscholastic Permission form must be provided by the school nurse
- First Aid and CPR certification must be current and on file with your AD
- An AED must be on site for all practices and contests
- An AED Response plan must be on file and known with each and every coach
- Review school policies for athletic philosophy, team selection/participation and HAZING POLICIES

Non-Negotiable for Coaches



- First Rosters (written) are provided to your AD within 7 days of your start date. (Final Team Selection)
- A list of all athletes trying out for a team must be approved to participate by the school nurse and/or AD
- All equipment must be certified and check for use in all practices, scrimmages, and games. Any/all safety equipment required of players must be worn in practices, scrimmages, and games
- All equipment and practice areas must be secured at the end of practice/game
- Water must be available and provided to athletes during practices and games
- Inappropriate negative comments towards an athlete is not acceptable. Be positive in you communications.
- Injury/Accident reports must be completed and filed with the AD/School Nurse within 24 hours of the injury.

Acts That May Be Considered Negligent Behavior



- Does not exercise a reasonable and prudent degree of care.
- Performs an act improperly
- Provides inadequate supervision of areas or teams/players
- Doesn't prepare playing areas, fields and facilities to reduce harm
- Doesn't check all equipment for defects and appropriate use
- Conducts an activity in an unsafe or dangerous area
- Permits student athletes to compete in skill levels they are not ready to participate
- Does not know the health history of the athlete
- Fails to evaluate and perform proper medical/first aid in the diagnoses and treatment of injuries

Defensive Game Plan for Lawsuit



- Join professional organization and know your insurance coverage and protection
- Meet with your AD and know policies and coaching procedures
- Make sure every player has a documented (passed) medical exam
- Pre-season physical condition plan (communication/written plan)
- Check equipment and facilities before every practice/game
- Train all staff with you on the daily safety procedure
- Daily log on every thing you do in practice and games (written) records are profession plans

Defensive Game Plan *(Continued)*



- **Discuss potential injury situations and supervision:**
 - 1) Evaluate (first aid)
 - 2) Report incident (to who)
 - 3) Record (medical record)
 - 4) Notify (parent, AD, Trainer, Insurance)
 - and 5) Return to Play.
- Training rules and nutritional needs of athletes. (pre-season meeting with parents, athletes, and coaches (code of conduct))
- Know your League rules, Sectional rules for safety and play

Defensive Game Plan *(Continued)*



- Do not let an injured player return-to-play or practice without approval of a medical professional
- Say “NO” to protect yourself. Supervision, return from trips and rides home, extra practice without supervision.
- Pre-season and post season evaluation of programs and coaches
- Attend clinics and workshops to stay current with coaching safety

Student Codes of Conduct



- Philosophy of participation and program
- Parent Understanding of selection, play and code of conduct – **“I have read, understand, and am in agreement with**”
- Violations of Code of Conduct (School/Athletic) and Disciplinary Action
- Coaches have a Responsibility to oversee players actions on and off the field/court
- Due process and disciplinary action- when and how is an athlete suspended/removed from a team?

In Closing



- 1. **Know your policies (School, League, State)**
- 2. **Have all your certifications**
- 3. **Be aware of and check surroundings (field conditions) and equipment conditions**
- 4. **Plan your practices with safety in mind**
- 5. **If there is a situation act professionally and with care**
- 6. **No matter how insignificant you feel an injury is report it. Be sure to fill out all necessary paperwork. You do not want to BLINDSIDE your AD**