Fitness Professionals Beware: First Few Personal Training Sessions Can Lead to Injury and Suit

written by David Herbert | July 5, 2017

Avoiding Liability Bulletin – July 2017

Personal training services are sometimes offered to new health and fitness facility clients on a free or reduced fee basis at least for a limited time following membership purchase. Once those services are secured, many new facility members approach these sessions enthusiastically but often unrealistically, as many of them look forward to immediate or very fast results. Some personal trainers also begin these sessions with new clients on an equally enthusiastic basis but sometimes prescribe and supervise activity which can lead to some kind of untoward event or injury, usually followed by claim and suit.

For example, in an Ohio case, a health club member signed up for two free sessions with a personal trainer. While she was utilizing a leg press machine on her first personal trainer visit, she felt a sharp pain in her neck which radiated down her arm. The trainer allegedly told the client "that the pain was due to . . . [her] weak upper body." The client also claimed she was told that the pain "would get better as . . . [the client] got stronger." While the client thereafter enrolled in ten more personal training sessions, she was diagnosed with three herniated cervical disks. A former employee of the facility told her that the disk injuries were probably caused by the leg press machine and that the personal trainer should never have allowed her to use that machine. She subsequently filed suit.

In another Ohio case, a facility member joined a club and paid for ten personal training sessions. During the fifth personal training session, the member suffered severe injuries on a leg press machine while under the personal trainer's supervision. Suit was subsequently filed.

In a Kentucky case, a new facility member attended an initial session to meet a personal trainer for what "he believed would be [an] evaluation of his fitness level and [receive] instruction on various pieces of fitness equipment." After the member told the personal trainer of his poor state of physical fitness, the member alleged in the complaint which was later filed that he was then directed to perform several strenuous exercises. The member claimed these exercises led to external rhabdomyolysis after the personal trainer encouraged him to continue with the workout. Suit was subsequently filed seeking damages in excess of $25,000.00.

In yet another case from New York, a personal training client suffered lower back pain and ultimately had to have surgery to correct two herniated disks after following a trainer's written instructions to perform weight lifting moves. Suit was subsequently filed which did not get resolved upon a summary

judgment motion.

As at least these four cases demonstrate, untoward events can and do occur during personal training sessions, sometimes even during initial sessions. Personal trainers need to be attuned to their client's comments and especially complaints during these training sessions. Moreover, personal trainers need to observe how clients carry on the recommended or prescribed activity. When either client statements or observed activity indicates a need to stop an exercise session, the session needs to be stopped. If acute pain is expressed by the client or observed in the client by the personal trainer, like the pain indicated in the first Ohio case mentioned herein, an assessment needs to be done to determine if a referral to a health care provided needs to be made. Sometimes sharp or intense pain may indicate a need to refer.

While fitness professionals cannot diagnose injuries, they certainly can refer and recommend follow up medical care. Absent client expressions of injury, an observed lack of normal muscle motion control or similar observed conduct may also indicate a need to refer. When in doubt, a referral may be the most prudent course of action to follow. Written or electronic records should be contemporaneously developed and maintained so that proper client advice may be noted while also providing a record of what transpired. The best rules in these situations may be: Listen and Observe – Don't Diagnose, but Refer!!!

This publication is written and published to provide accurate and authoritative information relevant to the subject matter presented. It is published with the understanding that the author and publisher are not engaged in rendering legal, medical or other professional services by reason of the authorship or publication of this work. If legal, medical or other expert assistance is required, the services of such competent professional persons should be sought. Moreover, in the field of personal fitness training, the services of such competent professionals must be obtained.
Adapted from a Declaration of Principles of the American Bar Association and Committee of Publishers and Associations