Fitness Standard of Care

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In recent years the personal training industry has been growing rapidly. According to the National Strength and Conditioning Association (NSCA), it is expected that the fitness industry will grow at least 24% between 2010 and 2020. Some may consider this type of growth alarming considering the limited regulations within the personal training industry. In most states there is no legal requirement for personal trainers to have any credentials or experience before employment. Since there is little regulation, a common misconception among gym owners is they can hire trainers without any credentials and avoid liability by simply having customers sign a waiver. However, there is no document a customer can sign that waives liability if an owner or staff member is negligent. In the event a personal trainer is not reasonably qualified and he/she injures a client, the gym will likely be held liable. The gym has a responsibility to hire qualified staff and to provide every customer with a safe environment.

Often times, employers do not require their employees to have any previous personal training experience or possess an accredited certification. This presents professional liability concerns and directly violates the standard of care because a personal trainer is considered to be an authority in a gym setting. The standard of care applies to all industries regardless of whether or not there is any government regulation. By definition, the standard of care is the only degree of prudence and caution required of an individual who is under a duty of care. Providing customers with a trainer that is not qualified is misleading and can result in serious injury. It is reasonable for a customer to believe that the trainer is qualified and at the very least holds a legitimate certification.

When a trainer works with a client, the trainer is responsible for the client's well being, and he/she must fulfill their duty of care by providing a safe exercise program and environment for every person they train. All accredited personal training certifications have similar guidelines and clearly state how fitness professionals that hold their certification must conduct themselves and the legal guidelines. Violating these guidelines puts the client at risk and thus is a breach of the standard of care. Some examples of violating the standard of care are operating outside of your scope of practice, misusing a piece of equipment, writing a diet for a diabetic client, continuing to train a client after they tell you they are having blurred vision, and not properly spotting a client during a training session. In the event a trainer injures a client because they do not prescribe exercises that follow their certifications guidelines, the trainer and even the gym may be liable. For example, a breach of the standard of care would be if a trainer has a client who cannot perform a basic squat start to do explosive jumping exercises, which are considered advanced exercises. While the industry is filled with myths and legends, one of the few things everyone agrees on is that a trainer must start their client with simple exercises and should not increase the difficulty until the client proves proficiency. If the plaintiff can prove that the employee

regularly violated the standard of care and the employer ignored it, then the employer may be just as liable as the employee.

In conclusion, it is imperative that gym owners educate their staff and personal trainers adhere to the guidelines set by their certifying agency. Until there is a legal requirement or insurance companies step, many gyms will continue hiring trainers that are not qualified. This lack of regulation affects everyone because the more the industry grows, the more people that will be at risk for injury. More injuries mean more emergency room visits and more orthopedic surgery, which cost insurance companies tens of thousands of dollars. Insurance companies could greatly minimize their risk by offering incentives to gyms that are strict about staff education. If professional associations mandated a minimal standard for the gym and its staff, the occurrence of injuries could certainly be reduced in efforts to reduce liabilities.

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