

# Protecting Yourself and Your Organization from Liability

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# Overview of the Liability Session

- Themes for the Session
- Concepts/Concerns/Issues for Everyone
- Concepts/Concerns/Issues for your Organization



# General Concepts of Negligence

- Elements of Negligence
  - A Duty or Obligation of Care
  - A Breach of Duty
  - Actual Loss or Damage
  - Causal Connection Between Conduct and Injury

# General Concepts of Negligence

- General Types of Negligence
  - Slight Negligence
  - Gross Negligence
  - Willful, Wanton and Reckless Negligence

# General Concepts of Negligence

- Specific Types of Negligence
  - Negligent Information
  - Negligent Behavior
  - Negligent Planning
- Applies to All Forms of Injury Prevention Activities

# Protect Yourself *Before* the Event

- **Checklist Form**
  - Checklist Components
  - Release/Waiver Language
  - Placement of Waiver Language
  - Use the Safe Kids Form or reputable document
- **The Senior Checker**
  - Be Associated with a Safe Kids Coalition reputable organization
  - Carry Current, National CPS Certification
  - Have a Minimum of 12 Months of Consistent CPS Experience
  - Agree to Accept Responsibility for the Technical Element at Events
- **Well-Planned Event**
  - Secure Tents
  - Traffic Control
  - Turn Off Vehicles

# Example Waiver/Release Language

I understand and agree that the sole purpose of this program is to help reduce the incidence of the improper installation of car seats; that this inspection is being provided as a free service to me; that this program cannot fully evaluate the quality, safety, or condition of the car seat, the car seat provided or any component of my vehicle, including the seats or safety belts; and that this program cannot guarantee my child's safety in a vehicle collision. However, I understand that a properly used child safety seat can reduce fatal injury by 71% for infants and by 54% for toddlers and that it is important to read both the vehicle and car seat instruction manuals.

For these reasons I hereby release Children's National Medical Center (CNMC), Washington, DC; Safe Kids Worldwide and each of the Safe Kids coalitions; General Motors and each of its divisions, subsidiaries and other operating entities; and any program participants, from any present or future liability for any injuries or damages that may result from a vehicle collision or otherwise.



# Protect Yourself *Before* the Event

- Event Insurance
  - May Already Exist Depending on Sponsor/Partner/Location
  - Add on to Existing Policy
  - Purchased Independently
- Program Insurance
  - May Already Exist Depending on Sponsor/Partner/Location
  - Add on to Existing Policy
  - Purchased Independently

# Protect Yourself *During* the Event

- Accuracy of Information
- Accuracy of Effort
- Event Safety
- Release/Waiver Execution



# CPS “Good Samaritan” Laws

- CPS “Good Samaritan” Laws
  - State Laws that Provide Immunity for CPS Technicians who Act in Good Faith
  - Enables Hospitals and Other Organizations to Provide CPS Inspection Services Without the Fear of Liability
  - Currently Exist in Georgia, Maryland, Pennsylvania, Virginia, Washington and Wisconsin and others.

# Example Law: Washington State

- Washington's Technician Liability Law
  - *“A person who has a current national certification as a child passenger safety technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems is not liable for civil damages resulting from any act or omission in providing the services, **other than acts or omissions constituting gross negligence or willful or wanton misconduct.**”*

# Ways to Avoid Liability

- #1 Only Do What You Are Comfortable and Qualified to Do**
- #2 Handle Your Hospital Risk Manager**
- #3 Ensure Accuracy of Information and Effort**

# Ways to Avoid Liability

**#4 Develop or Investigate an  
Institutional Policy**

**#5 Modify Your Job Description  
(Scope of Practice)**

**#6 Proper Documentation**





# Ways to Avoid Liability

**#7 Don't Confuse State Laws with Best Practices**

**#8 Let Sleeping Dogs Lay (Sometimes)**

**#9 Cultivate a Relationship with Your Public Relations Department**

# Ways to Avoid Liability

**#10 Proper Training – Get and Stay Certified**

**#11 Stay up on Recalls**

**#12 Document Retention Policy**



# Contact Information

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