

USA Swimming Risk Management Seminar - 2010

REPORT OF OCCURRENCE:

It is important that **all** reports of occurrence for anything, no matter how small, that might potentially result in a claim down the road be reported in a timely manner to USA Swimming. When completing the report, the date of the injury, the LSC, Athlete/Non Athlete ID Numbers, and description of the incident are required. For over-use injuries, you should use the date a swimmer first sought medical treatment from a doctor, chiropractor, or physical therapist and not the point of initial complaint. While coverage is not provided for guest or spectators, a report of occurrence should still be submitted.

USA Swimming is self-insured and rates do not go up based on the number of reports received. The data from the reports of occurrence is used to measure the kinds of risk involved in the sport of swimming. Additionally, the insurance company is mandated by law to report any and all injury claims from individuals over the age of 65 or any age if a Medicare or Medicaid recipient.

FACILITY RENTAL AGREEMENTS:

When entering or renewing a rental agreement with a facility for use as a meet venue or as a practice site, please do not sign the agreement if the wording says that the facility owners will be held harmless for "any and all claims." There needs to be an exception written into the rental agreement – "except for those claims resulting from negligence on the facility's part." USA Swimming Insurance provides coverage for USA Swimming activities, primarily in the water activities. The insurance does not provide coverage for facility maintenance or sole negligence issues such as over-chlorination, potholes, etc. For wording specific to your facility, please contact Sandi Blumit with United States Sports Insurance Company. sblumit@theriskpeople.com

Teams renting or owning facilities should perform a safety check list. Renters should present the safety check list to the pool owner along with a request to correct any noted deficiencies on the check list. A Facility Safety Checklist is available in the Safety/Loss Control Manual (pgs 42 and 43) posted on the USA Swimming website. <http://www.usaswimming.org/USASWeb/Rainbow/Documents/9e11ff6e-a83b-441a-8d1c-dcbf7215e4ab/SAFETY-LOSS%20CONTROL%20MANUAL%20REV%20Dec%202008.pdf>

When requesting certificates of additional insurance be sent, please be sure to enter the address of the pool owner which is not necessarily the same as the address of the facility.

USA SWIMMING CLUB COVERAGE:

In order for USA Swimming Insurance Coverage for a team, all three of the following conditions must be met:

1. The club is a member in good standing of USA Swimming.
2. All participants swimming for the club are athlete members of USA Swimming.
3. All coaches are coach members of USA Swimming with current certifications, education and background checks.

Any type of coaching, including, but not limited to, swimming and dry land training, must be provided by a registered USA Swimming member Coach. USA Swimming provides no insurance coverage for an individual or entity that provides services on a fee for service basis. This means that if you are treating your coaches as independent contractors or your team has contacted with an individual or entity to provide dry land training programs for the club, the individual or entity is responsible for providing liability and property insurance for their business operations.

USA Swimming is strongly encouraging member clubs, which do not provide medical benefits to their employees, to purchase Workers' Compensation Insurance. In Texas, Workers' Compensation coverage is generally optional for private employers. If any Texas employer elects not to obtain Workers' Compensation Insurance, that employer is subject to common-law negligence claims by its employees (i.e., "non" subscriber claims) and may not assert certain defenses, including contributory negligence,

assumed risk, or that the injury or death was caused by a fellow employee. Tex. Lab. Code Ann. § 406.033. Workers' Compensation Insurance is available at a state regulated rate and is an inexpensive alternative to potential suits arising from job related injuries. Coverage is provided for medical expenses, lost wages and disability resulting from an on-the-job injury. When purchasing Workers' Compensation Insurance the rate classification for swim clubs is 9063.

MEET RELATED INSURANCE ISSUES:

Non-USA Registered Athletes swimming in a USA Approved Meet must provide private proof of insurance to the meet host.

There have been several claims filed as a result of photographers being allowed on deck at venues. USA Swimming feels it is incumbent upon the clubs to take reasonable precautions. Anytime a paid photographer is on deck at a meet, USA Swimming strongly recommends that release waivers be signed by the parents of **all** swimmers attending the meet, who are under the age of 18. Meets planning to allow photographers on deck should put a release statement in the meet information saying "There will be a photographer on deck at the meet. If you have problems with pictures being taken of a swimmer, please contact the Meet Director." USA Swimming will provide an official statement for photographers.

Local photographers, who are allowed on deck at USA Swimming Sanctioned Meets, must have their own general liability insurance.

Teams taking their swimmers on international trips need to purchase travel insurance. The recommended vendors are Travel X or Med X. The insurance vendor needs to be notified that the swimmers will be participants at a competition, if you are attending a foreign meet.

Coaches are **solely** responsible for completing the mandated diving certifications. These certifications provide a layer of protection against suits by providing additional documentation that the accident was not a result of negligence on the part of the coach. It is recommended that the short form, with swimmers name and dates of certification, be stored on a zip drive and available at swim meets should a diving accident occur. As a point of interest, every athlete member who served on the committee responsible for implementing the diving certification requirements, voted for this legislation. Meet Hosts, Officials, or the LSC have no responsibility for policing that dive certifications have been completed.

GENERAL SAFETY TRAINING:

USA Swimming is recommending that coaches talk to swimmers at least 15 minutes a week about a safety related topic. 85% of all accidents are preventable.