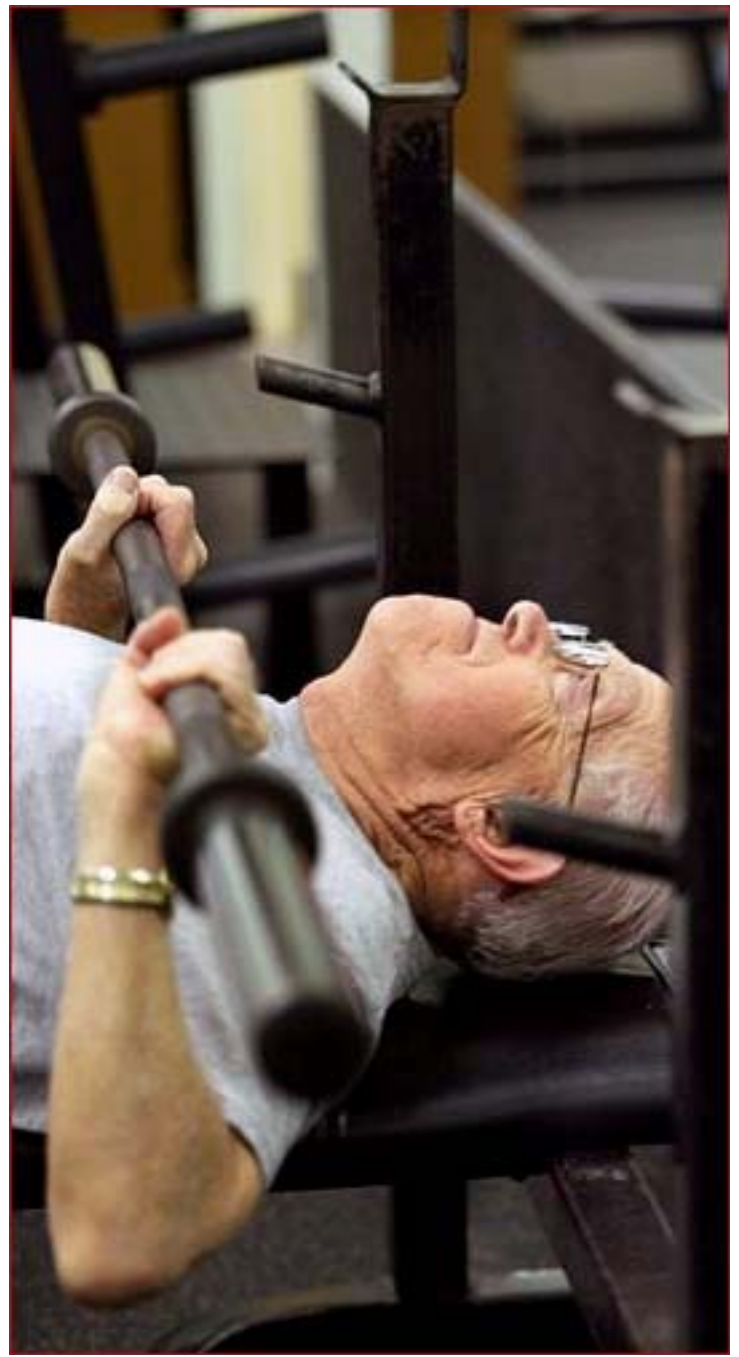


Medical Questionnaires - Are They A Double Edged Sword?

I was recently attending a National Fitness Business Alliance (Thomas Plummer) event when the question came up about Par-Q forms and medical questionnaires. There was a lively, if not heated, discussion as to whether or not having a medical questionnaire was a good idea. I would like to offer a definitive answer to this question with a resounding, "It Depends".

The debate over the use of a medical questionnaire needs to be examined by first discussing the reasons for having one in the first place. The main reason is fairly obvious; a medical questionnaire is used to extract information about an individual's overall health. Another reason is to protect the club owner from possible litigation from a member that the club "should have known" about a particular health issue before beginning an exercise program. The tricky part comes when you actually receive that information. Even a basic Par-Q questionnaire can create a significant liability exposure to a club owner. Though I personally think having a Par-Q form is a good idea, a club owner must have a systematic process for the follow up documentation and paperwork. If a new member has disclosed to you that they have had triple by-pass heart surgery, simply acknowledging that fact and making a note in the member's file may not be enough. Even though most fitness professionals have a good overall grasp of the functions of the human body and your employees do a great job helping to improve the quality of our member's lives, you and your health club employees are not physicians and certainly are not qualified to make decisions on whether or not that heart surgery surviving prospective member is fit enough to begin an exercise program.

Since you now possess the information that your member has physical "issues", the next logical step would be to request that the member obtain a Physicians Release. This, of course, slows down the membership enrollment process or worse yet, kills the sale all together. If your sales person receives commission for signing people up, are they disciplined enough to let the member walk out the door in hopes that they return with the signed Physicians Release Form? Will they sign them up with the "promise" that they will bring the form in after their next doctor visit? I think you can see the potential problems that can occur once you have become aware of a member's health history. I have a few clients, especially hospital affiliated centers, that have literally pages of medical information questions. They are proud of their attention to their members and they are purposely setting a higher standard to attract a very specific market. I generally don't see any problem with this type of process, but these clubs need to have very specific protocols for the follow up process or they may have raised the professional liability exposure to a dangerous level. Frankly, clubs that utilize extensive medical questionnaires should simply require ALL new members to obtain a Physicians Release before they can join. Who is going to make the call on whether or not certain medical conditions warrant a Physician's Release?



This potential problem of dealing with medical questionnaires has prompted many club owners to eliminate this process entirely. Those clubs that take this approach are relying on the strength of their Liability Waiver. This can be an adequate approach if and only if you have a well written waiver and one that is conspicuous. In other words, if you take this "I don't want to know" approach, you better have a GREAT waiver. The waiver should be a stand alone document. If it is written in 7 point type on the back of a membership agreement it is basically worthless. At the very least, if you are going to bury your waiver in your membership agreement, you should have a separate signature line below the waiver wording. Your waiver should contain wording that clearly states that the member is the ONLY one who can determine whether or not they are physically fit enough to start an exercise program. The waiver should suggest (not require) that the member consult their physician prior to engaging in any physical activity or exercise. There are many other aspects to the waiver, but those that have waivers that simply state "you agree not sue me" are likely to find that their waiver is unenforceable. We won't address the components of a waiver in this article, but I highly recommend you take your waiver very seriously regardless of whether you use a medical questionnaire or not. Club owners who follow the approach of using no medical questionnaires also run the risk of what to do when a member "verbally" discloses a physical condition or problem. "I wish you hadn't told me that you suffer from extreme back pain. Now what the heck am I suppose to do." Simply ignoring the member's confession of an imperfect body and relying on your extremely well written waiver may not be enough.

My recommendation is the following:

1. Utilize the industry standard Par-Q form. It promotes a feeling of good will to the potential member and it is also the right thing to do.
2. You better make sure that ANY question answered "Yes" automatically triggers the need for the Physician's Release form. No form, no workout, no exceptions.
3. If you don't have a well written "conspicuous" waiver, start today by requiring a separate signature on a stand alone document. The member signs it once and they never have to sign another waiver again.

If you would like a copy of our latest recommended waiver and/or Par-Q form, please contact me at ken@clubinsurance.com

Ken Reinig, SVP

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