Module 6
Personal Safety, Insurance, and Liability

This module covers:

1. Assessor safety
2. Occupant protection
3. Health advice vs. healthy homes advice
4. Liability principles

Assessor Safety

Personal protective equipment to consider:

- Tyvek Coveralls
- Respirator
- Booties
- Gloves
- Safety Glasses
- Hard Hat

Can you add to this list?

Note: This discussion is about professionals who go into people’s homes. Occupation-related personal protective equipment (PPE) is covered by OSHA with specific regulations regarding medical monitoring and guidance on worker protection.
**FINE PARTICLES**

<table>
<thead>
<tr>
<th>If a particle is less than 10 microns:</th>
<th>If a particle is smaller than 20 microns:</th>
<th>Most common airborne particle size is:</th>
<th>Most harmful particle size is less than:</th>
</tr>
</thead>
<tbody>
<tr>
<td>You can breath it in.</td>
<td>You can’t see it.</td>
<td>2.4 microns</td>
<td>1 micron</td>
</tr>
</tbody>
</table>

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**RESPIRATOR MASKS**

NIOSH approved N-95 Respirator mask

Minimum protection for dust, mold or smoke particles

No protection from carbon monoxide or other toxic gases.

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**N-95 RESPIRATOR**

Minimum protection if high concentrations of unknown particles are observed

Dust, mold, and smoke are made up of particles. First line of defense for protection is a NIOSH approved N-95 rated respirator.

Particle respirators do not provide any protection from carbon monoxide or other toxic gases!

Respirators are only a part of personal protective equipment (PPE).

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WEAR RESPIRATORS PROPERLY

- Top strap goes high on the back of the head.
  Bottom strap around back of neck.

- Using two hands, mold the nose piece to
  the shape of your nose. Pinching with one
  hand usually will not work well enough to
  make a good seal.

- Positive pressure fit check. Cover the
  respirator with both hands and exhale. If air
  leaks around nose, adjust nose piece. If air
  leaks around edge, adjust straps by pulling
  back along head.

- Negative pressure fit check. Cover the
  respirator with both hands and inhale sharply.
  If necessary, adjust fit as described above.

All Masks are Not the Same

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personal protective equipment (PPE) is covered by OSHA with specific regulations regarding
medical monitoring and guidance on worker protection.

ASSESSOR HAZARDS & PRECAUTIONS

Be aware of

- Significant structural defects and physical hazards
- Improperly stored and uncharacterized chemicals and pesticides
- Visible and significant biological Contamination
- Fire and improperly stored combustible materials
**OCCUPANT PROTECTION**

**WHAT INFORMATION IS CONFIDENTIAL?**

- Be aware of what information is “sensitive” to a resident.
- Public agency staff must be aware of federal and state laws related to personal information.

**SHARING CLIENT INFORMATION**

Understanding the Health Information Portability & Accountability Act, 1996 (HIPAA)

- Most, but not all, government agencies are HIPAA covered entities.
- Clients should sign a HIPAA Permission form.
- Is your organization a HIPAA-covered entity and do you use contractors/sub-grantees?
  - If yes and yes, then you should require a written HIPAA agreement with them. If you don’t, the contractor/sub-grantee can share any information you provide and YOU are liable.
- Do not publish health and/or personal data on-line.
**Sharing Client Information**

**Likely Sensitive**
- Use of addictive products
- Illegal conduct
- Mental health
- Personal hygiene
- Medication
- Health conditions
- Symptoms
- Citizenship

**Usually Not Sensitive**
- Occupation
- Birth date/age
- Race/ethnicity
- Gender
- Organizational affiliation
- Home address

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**Child Protective Services**

What if you see:
- Young children home alone?
- Active physical abuse, or evidence of abuse?
- Drug activity?
- Adults have to leave. You can stay, my teenagers are here.

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**Discretionary Reporting**

- To whom do you report?
- What do you report?
- When?
### REPORT TO PROPERTY OWNER AND TENANT

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No Smoke Alarms</strong></td>
<td>House does not have any smoke alarms.</td>
</tr>
<tr>
<td><strong>Serious Structural Defects</strong></td>
<td>Property has structural defects that may cause an injury.</td>
</tr>
<tr>
<td><strong>Pest Problem</strong></td>
<td>There is an infestation of some type of pest.</td>
</tr>
<tr>
<td><strong>Deteriorated Paint</strong></td>
<td>Peeling or deteriorated paint in homes older than 1978.</td>
</tr>
<tr>
<td><strong>No Window Guards</strong></td>
<td>No window guards in high rise building.</td>
</tr>
<tr>
<td><strong>Sewage</strong></td>
<td>There is sewage intrusion in or very near.</td>
</tr>
<tr>
<td><strong>Sampling Results</strong></td>
<td>If taken, provide results of lead and radon measurements.</td>
</tr>
<tr>
<td><strong>Immediate Threat</strong></td>
<td>Any other immediate threat to health or life.</td>
</tr>
</tbody>
</table>

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### HEALTH ADVICE VS HEALTHY HOMES ADVICE

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### REMEMBER THIS SLIDE?

You’re **STILL** not a real doctor . . . .
**What you Can and Cannot Say**

Do not say: “Do [this intervention] and your child’s [illness] will improve.”

Do say: “I recommend [this intervention]. There is evidence, according to [source] that there is an association between [this intervention] and reduced symptoms.”

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**Liability Principles**

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**What is Your Liability?**

During the assessment
- What are you responsible for?

When you draft a report
- What if you leave something out?

If you share information
- With another organization
- With a landlord
- With a former spouse

General liability insurance

Professional errors and omissions insurance

Umbrella policy
LIABILITY
Auditors / Home Performance
Low / minimum
vs.
IAQ / Asbestos / Mold / Hazardous conditions
High / litigation industry

“They can’t sue me, I don’t inspect for these issues!

HAZARDOUS OPERATING PROCEDURE
If I or my employees suspects hazardous conditions, we will:

1. Consult the client
2. Provide X, Y & Z documents
3. Have it tested by or sent to X lab
4. Seek and or provide ongoing training

SAMPLE CONSENT FORM – FIRST PAGE
“Rules of Thumb”
Legal issues and liability

- Follow laws
- Exercise caution when making recommendations for home treatments
- Recommend professionals when needed
- Use applicable standards when available

Liability Exposures

- Healthy Homes Practitioners
  - Multiple sources and types of exposures
  - Limited research and data
  - Lack of clear standards and guidelines
  - Testing methods and controls