

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

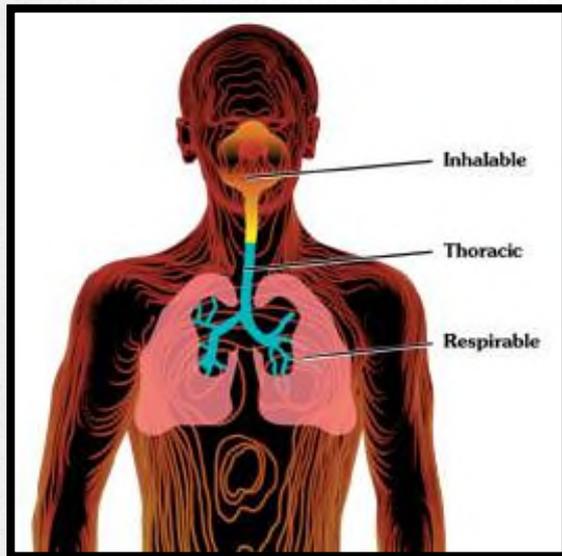
**Can you add
to this list?**

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.

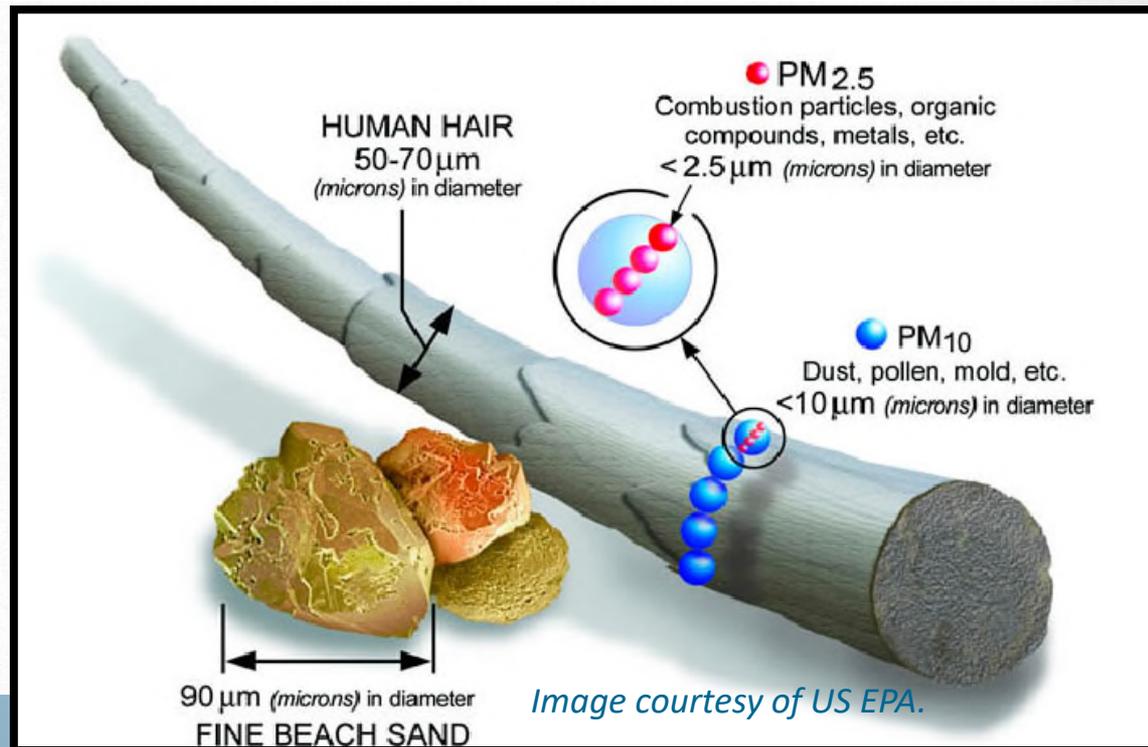


FINE PARTICLES

If a particle is less than 10 microns:	If a particle is smaller than 20 microns:	Most common airborne particle size is:	Most harmful particle size is less than:
You can breath it in.	You can't see it.	2.4 microns	1 micron



© 2012 SKC Inc.



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.

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.



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).

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.



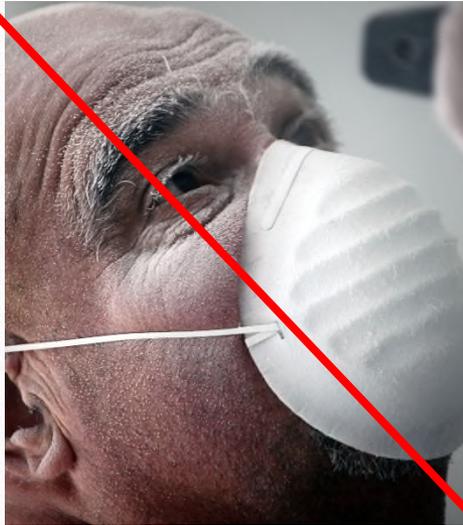
WEAR RESPIRATORS PROPERLY



Photos courtesy of Curtis Reddington, © 2012.



All Masks are Not the Same



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.



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

**Can you ask
for a hazard
to be
removed?**



OCCUPANT PROTECTION



making homes
healthier



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

CONFIDENTIAL



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



CHILD PROTECTIVE SERVICES

What if you see:

- Young children home alone?
- Active physical abuse, or evidence of abuse?
- Drug activity?
- Adults tell you they have to leave, but say “*You can stay, my teenagers are here.*” What do you do?



DISCRETIONARY REPORTING



- To whom do you report?
- What do you report?
- When?



REPORT TO PROPERTY OWNER AND TENANT

No Smoke Alarms

House does not have any smoke alarms.

Pest Problem

There is an infestation of some type of pest.

No Window Guards

No window guards in high rise building.

Serious Structural Defects

Property has structural defects that may cause an injury.

Deteriorated Paint

Peeling or deteriorated paint in homes older than 1978.

Water Temp Too High

Hot water temperature is above 120 degrees F.

Sewage

There is sewage intrusion in or very near.

Sampling Results

If taken, provide results of lead and radon measurements.

Immediate Threat

Any other immediate threat to health or life.

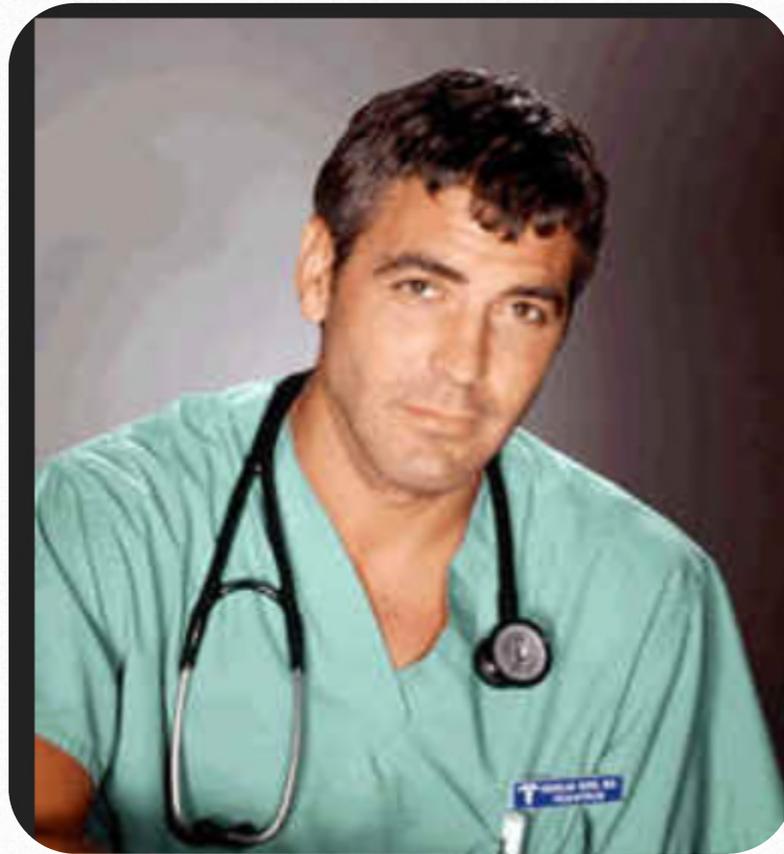




HEALTH ADVICE VS HEALTHY HOMES ADVICE



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.”



LIABILITY PRINCIPLES



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



Agreement for Assessment of Environmental Contaminants and Respiratory Irritants (Page 1 of 2) 8071-153 MR 06/07

This agreement for an environmental health assessment of respiratory irritants and contaminants is between The Children's Mercy Hospital (CMH) and the person responsible for the premises to be evaluated.

Assessment

The routine environmental health assessment process includes three main areas of investigation:

1. Visual walk-through and assessment of building and mechanical components;
2. Evaluation of indoor air quality through on-site measurements;
3. Environmental sampling and laboratory analyses of air, bulk, surface, and/or vacuum samples for environmental allergens, irritant particles, and/or chemical compounds.

The assessment will include a site visit by one or more members of an Environmental Health (EH) team. The EH team will look for specific evidence of environmental factors that may have led to the flare-up of health symptoms in the occupants of the home. Assessment methods include visual survey of physical conditions; limited visual review of mechanical systems found in the home (heating, air conditioning, ventilation, and plumbing equipment); measurement of air and surfaces by use of non-invasive, non-destructive devices, and sample collection of accumulated dust for laboratory analysis.

The EH team will do some or all of the following:

- Visually survey for potential sources of allergenic triggers.
- Visually review mechanical systems for proper function/ventilation and absence of leaks or damage.
- Measure comfort indicators (temperature, relative humidity, air movement, carbon dioxide).
- Measure indoor air contaminants (volatile organic compounds, ozone, fine and ultra-fine particles).
- Measure combustion gas byproducts (methane LEL, carbon monoxide, sulfur dioxide, and nitrogen dioxide).
- Sample the air to assess potential human exposure to environmental allergens and fungal spores.
- Collect vacuum and/or bulk samples for allergen and/or chemical testing.
- Evaluate and sample for suspect chemicals to assess potential human exposure to suspect chemicals.

In order to resolve indoor environmental health issues, additional tests may be required. The EH team may do the following:

- Sample for a specific suspected chemical irritants.
- Use a moisture meter to detect leaks.
- Use a chemical smoke tube to evaluate air circulation patterns and exhaust ventilation adequacy.

Disclosure of Data

Environmental information and photographs and/or video collected during this assessment may be combined with other data from other buildings. Results of this assessment may be published for scientific purposes or presented to scientific or educational groups. Identifying information, such as your name and address, will NOT be included.

Fees and Expenses

The fees for services provided under this agreement are the responsibility of the undersigned. Although CMH will cooperate in providing information necessary for submission to health insurance providers for reimbursement, these fees may NOT be covered under traditional medical coverage. The undersigned agrees to pay The Children's Mercy Hospital for all invoiced services.

A copy of the fee schedule will be given before services are provided. Fees for additional recommended services will be discussed before those services are provided. The undersigned may terminate the assessment at any time or refuse further recommended services. The undersigned will be responsible for all fees incurred before termination.



SAMPLE CONSENT FORM – SECOND PAGE

Report

A final written report will include:

- All observations, measurements, and results of samples collected for laboratory analysis;
- An outline of environmental factors in the home that may be contributing to ill health;
- Actions recommended to improve the indoor environmental health of the home;
- Referrals to community agencies that may be able to make recommended improvements.

The report may include photographs and/or video.

Limitations

I understand that only the conditions that exist at the time of the assessment are reported. There is no warranty or guarantee of the health or safety conditions in the home based on this assessment. Only readily accessible parts of the home will be tested. Only random samples will be taken. Maintenance and repair issues may be discussed, but are not a required part of the report. The report may not be considered a compliance inspection or certification for past or present codes or regulations of any kind.

The assessment will address only potential allergy and/or asthma provoking substances, and other respiratory irritants. The assessment does not address potentially dangerous substances such as lead paint or asbestos, or other hazards specifically regulated by federal, state, and municipal statutes. This is not an assessment of the presence of rodent, termite, insect, or other infestations, although they may be discussed. It is not an assessment of fire or safety hazards in the home, although these issues may be discussed.

Release

The undersigned hereby releases and holds harmless The Children's Mercy Hospital, its employees, officers, and agents, from any and all liability and claims for damage, including attorney fees, that arise from any reported or unreported defects or deficiencies of the home that may result in property damage, personal injury, or any other damage.

Authorization to Provide Copies of Report to Requesting Parties

I hereby authorize The Children's Mercy Hospital to provide photocopies of the appropriate portions of the report from my home assessment to the individuals named below.

1. _____
2. _____
3. _____

Signature of Authorizing Individual

I have read this agreement or have had it read to me. The procedures, fees, and responsibilities have been explained. Any questions I had were answered to my satisfaction. Therefore, I have requested this assessment and agreed to all terms and conditions.

Printed Name of Person Responsible for Premises to be Evaluated _____

Signature of Person Responsible for Premises to be Evaluated _____

_____/_____/_____
Date

Address _____

City _____

State _____

Zip Code _____

(____) _____-_____
Phone Number

“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

