

# MARTIAL ARTS **SAFETY** with an IN\$URANCE TWIST

STORY BY

Michael A. Swain,  
ARM, SCLA

In the October issue of *MMA Business*, editor Glenn Hansen wrote about Injury Prevention and safety precautions coaches and trainers can take to protect members. That's a good start, and there is much more to the "safety" of your business.

A competitive mixed martial artist without a solid game plan will be facing a real challenge when he or she steps in the ring. So will an MMA school or gym owner without a good strategy to manage the risks of their business.



# ACCIDENTS WILL HAPPEN

Practicing martial arts safety is part of an effective training program. Unfortunately, accidents occur regardless of how well you manage your safety efforts. These accidents usually involve unexpected occurrences resulting in unplanned injuries to students, parents, or guests. Unintentional injuries and accidents are not limited to the practice area – they're silent menaces that can strike a business anywhere, at anytime. Typically, it takes a monetary settlement to resolve these kinds of accidents. If you have insurance, these accidents usually involve your insurance carrier. Whether or not you have insurance, these accidents ultimately impact your cost of doing business.

Having insurance is a personal choice. It depends on what level of loss you're willing to bear or that you feel your business can tolerate. Injuries that result from negligent behavior can cost hundreds, thousands, and sometimes millions of dollars to resolve.

The insurance coverage you choose should be based on an educated decision process. Discuss all aspects of what you teach and sell at your school or gym. To find and establish insurance coverage that is right for your business, you need to provide your insurance agent with a clear understanding of what your art involves and your overall philosophy toward safety.

## A FEW RECURRING LIABILITY INSURANCE LOSSES:



- Failure of instructors and experienced students to maintain control during sparring events and practice sessions.
- Failure to use appropriate protective equipment.
- Slip and fall accidents.



## AVOIDING LOSS OF CONTROL

Many claims involve martial arts teachers or coaches misjudging or failing to control their strikes, resulting in an unintentional injury to a student. How this occurs depends on a number of factors: executing a maneuver without sufficient training; aggressive hands-on training; and failing to maintain control of an individual's discipline; and others.

## THE "CLOSED FIST" CLAIM

In one recent claim, an instructor and a student were engaged in a non-contact sparring event. The student threw a punch with a closed fist and the instructor ducked to avoid being struck. The instructor then punched back and landed a blow with a closed fist to the student's rib cage. The student incurred more than \$50,000 in medical expenses, and the claim ultimately cost more than \$100,000 to resolve.

## SETTING A STANDARD OF CARE

Maintaining control and exercising a professional standard of care would have prevented this claim from happening. "The duty owed is to protect the student or athlete from the foreseeable risk of unreasonable harm," is

how Linda Jean Carpenter defines "standard of care" in *Legal Concepts in Sports: A Primer*. In the closed fist claim, the teacher failed to maintain a proper standard of care when he punched the student. Thus, a costly error occurred.

How a standard of care is applied in a situation can vary. Much depends on the hazardous nature of the activity. Also, how a standard of care is interpreted may be influenced by several factors: each participant's age or maturity; skill level; health and conditioning; amount and quality of supervision; and class size.

Anyone running a workout or teaching a class needs to set and maintain a high standard of professionalism and accountability to make the supervisory activity effective. Allow for quick-reaction time in the event of an emergency and allow for no distractions while an activity is being supervised. Have a plan and a backup plan. Don't place inexperienced and unskilled supervisors in situations beyond their experience and expertise. In the event of a lawsuit, plaintiff's counsel, otherwise known as the attorney of the person suing you, will closely scrutinize this aspect. If possible, match different teaching styles with



\* Left: Anyone running a workout or teaching a class needs to set and maintain a high standard of professionalism and accountability to make the supervisory activity effective.

\* Right: As a martial arts instructor, enforcing the use of proper protective gear must be a daily requirement, regardless of the student's skill level. It's a matter of establishing a standard of care and abiding by it.

similar learning and training situations.

A standard of care can also be determined by your state's legal environment. As a martial arts professional, you're held to a higher standard of accountability when providing a standard of care owed your students. If you don't, you too may commit a costly error that can result in loss of students and possibly increase your insurance cost. Just imagine the personal and professional cost if a closed fist claim were to happen at your school, and you had no insurance coverage to help pay the loss.

Your best opportunity to prevent this type of loss from occurring is to adhere to your discipline and training. You can also establish an accountability program that outlines possible violations that may lead to termination, expulsion, and other forms of discipline for violating your safety program.



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# SPARRING RULES

Sparring rules are among the most important class-specific safety guidelines you should have in place. These rules may vary dependent on the styles you teach, but consider these common elements. Some may seem like common sense, but you can't take anything for granted.

## SPARRING RULES:



- Avoid putting novices in with fighters training for competition.
- Require participants wear protective gear (including headgear, mouthpieces, groin protectors, and guards).
- Clearly state that there will be no contact above the shoulders or to the groin and that only light contact to the headgear is permitted.
- Keep sparring rules in line with sanctioning body regulations and review them annually for any necessary revisions.
- Have both students and parents (guardians) acknowledge they have received and read your sparring rules.

## USING PROPER EQUIPMENT

Equipment-related claims usually occur due to improper use and placement of floor mats, students failing to wear proper equipment, and using worn and defective equipment. As a martial arts instructor, enforcing the use of proper protective gear must be a daily requirement, regardless of the student's skill level. It's a matter of establishing a standard of care and abiding by it. If equipment appears worn or develops a tear, take it out of use, discard it, and replace it with new gear.

## USE HEADGEAR

Because of the frequency and severity of some head injuries associated with martial

arts programs, many insurers require the use of headgear for arts that involve headshots. In fact, some policies may specifically exclude insurance coverage if a head injury occurs and the injured party was not wearing protective headgear.

Depending on the nature of the art you teach, striking contact to the head may or may not be permitted. Styles such as boxing, Muay Thai and karate typically involve contact between participants that may result in various types of head injuries. These inju-

ries may be as minor as a bruise or as severe as death. While headgear is designed to decrease the occurrence or severity of a head injury, no headgear can prevent all head injuries. Nevertheless, not wearing appropriate headgear highly increases the likelihood of a major head injury or trauma. Make it a requirement for all ages and skill levels.

Ultimately, it's your obligation to protect your students from head injuries. If you fail to do so, you may have to pay the student's medical bills, as well as damages, if you're sued.





# FIT GEAR TO THE STUDENT

Today, many martial arts students are children. They come in different shapes, sizes, and levels of maturity. Keep this in mind when you provide equipment. Matching students with properly fitting gear is important to their safety, and reduces their potential to get hurt. Pain can deter a child's desire to learn. If they lose the desire to learn your art because of a preventable injury, you may lose a student. You may also lose other students who witnessed or heard of the injury.

A number of martial arts schools have inquired about liability concerns associated with the use of gender-related gear. Require students to wear gender-specific protective gear. While many may argue that there is a comfort issue, you may be held accountable for an injury if a student under your care wears inappropriate equipment.

## PROPER USE OF MATS

A recent analysis of claims data revealed a number of injuries relating to the improper use of mats. Improper maintenance can cause a mat to deteriorate sooner than manufacturer's recommendations, creating a mat defect. Using defective mats can cause significant injuries. Strains, sprains and ligament damage to knees and ankles are common injuries resulting from the use of defective mats. Other areas of concern regarding the proper use of mats include where mats are placed and how they are anchored.

You should inspect and clean your equipment and mats each day. If you notice a defect, correct it by replacing the equipment before an injury occurs. Your investment in your equipment is an obvious reflection on your investment in safety. In addition to reducing the potential for injury, keeping your mats clean and free of bacteria can also reduce the likely transmission of MRSA, Staph, and ringworm infections. **MMA**

*Michael A. Swain is Senior Loss Control Specialist for Markel Insurance Company, specializing in development of risk management strategies for martial arts, camp, youth*

## PROPER USE OF MATS:



- There should be no movement in the mats.
- Mats should be clean and free of bacteria.
- Floor mats should protect students in case they slip.
- Floor mats should be firm enough to pivot for spinning kicks.
- Floor mats should have enough cushioning to break falls.

*recreation programs, non-profit organizations, youth clubs, and other industry groups for Markel. With 25 years industry experience, he has a broad background in risk management. Michael, a 1984 graduate of Va. Tech, holds certifications as an Associate in Risk Management, a Senior Claim Law Associate and various other youth program related risk management and safety certifications.*

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