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Legal Considerations for Exercise Prescription



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As in other areas of health care delivery, a doctor who prescribes exercise to his patients owes a duty of care to them to exercise reasonable care and skills. Box 12.1 provides some tips for primary care practitioners regarding legal matters related to exercise prescription in daily practice (1).

Box 12.1 Tips for Primary Care Practitioners Regarding Legal Matters Related to Exercise Prescription

- Ensure you have the requisite training to enable you to discharge your professional responsibility toward your patients before involving in exercise prescription practice.
- Know and apply in practice the most rigorous and current peer-developed guidelines applicable to your services, patients, and organisation or environment.
- Seek advice from another clinician with the requisite expertise in exercising prescription, or refer the patient to that clinician, if you are uncertain about the appropriateness of a proposed exercise regime, or whether the regime is contraindicated in view of a patient's medical history.
- Explain the potential health risks of exercise participation and give specific instructions on what symptoms to look out for and also what to do if the patient experiences those symptoms. Use appropriate informed consent in which such consent is relevant.
- Instruct patients in techniques of participation and limitations relevant to their health and physical capabilities, observe their related participation, correct problems, and follow up to verify that they manage their own participation safely and effectively.
- Document fulfilment of your service, including the outcome of patient assessment, patient's agreement and the given explanation, in the patient's clinical note in a manner consistent with standard of care and/or your written clinical pathways and procedures.
- Suitably engage family members or significant others when the subject does not fully comprehend the nature of the advice given during exercise prescription.



These guidelines are only considered as the commonly accepted practice in the primary care settings but not intended to be construed as a standard practice of individual patient care. Standards of care are determined on the basis of all the facts and circumstances involved in a particular case and are subject to change as scientific knowledge and technology advance and patterns of care evolve. The management must be made by the appropriate primary care practitioners responsible for clinical decisions regarding a particular treatment procedure or care plan. The management should only be arrived at following discussion of the options with the patient, covering the diagnostic and treatment choices available.

In the event that a patient suffers an injury or harm as a result of exercising, a doctor may defend his position if he can demonstrate that, in prescribing the exercise, he has exercised reasonable care and skill (i.e. he has discharged his professional responsibilities), and that he has acted with professional competence and in good faith.



Reference

1. American College of Sports Medicine. ACSM's Resource Manual for Guidelines for Exercise Testing and Prescription, 6th edition. American College of Sports Medicine. 2010.