

## PROVIDING PERSONAL TRAINING SERVICES OFF-SITE

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Many personal trainers and other fitness professionals provide a variety of services on and off-premises from their usual business locations. In this latter situation, services are sometimes provided in client homes or in/adjacent to mobile fitness vehicles, or even carried out at client business premises, hotels or in various outdoor settings. The provision of services in these settings requires some special planning and consideration so that the liability risks associated with these services are not unduly enhanced. Among the factors to be considered are the following:

- Is the off-premises environment where exercise is to take place, appropriate for the activity and relatively safe?
- Is equipment to be utilized proper for the chosen activity and regularly maintained?
- Are floor surfaces or outdoor ground surfaces free from latent defects or conditions given the activities to be carried on?

Outdoor exercise activities need to factor in extremes of temperature, humidity, sun, wind, pollen, pollution and any one of a number of other environmental conditions all of which may potentially and adversely impact a client's ability to safely exercise. These and other matters must be considered and if there is a need, specific written warnings, specialized informed consent and release documents should be used with clients so that they may determine whether or not to proceed with a given activity under particular circumstances or at least waive their right to claim and successful suit should something go amiss.

Aside from all of the foregoing, personal fitness trainers need to consider emergency response plans given the setting where activity is to take place. For example, if the setting is some distance from public emergency response (9-1-1), how is emergency response to be provided if needed under the circumstances?

If the activity area is more than 5-10 minutes from what would be a typical response time provided by a given public emergency response facility, another location should be considered prior to providing exercise prescription, supervision or leadership within that area unless other forms of emergency response are available. Professionals should also insure that their own cell phone devices or other mobile communication systems of some kind are adequately charged and ready for use in the area where activity is to be provided. In addition, special care may need to be provided for clients who have medical issues which may be adversely enhanced by activity carried on off-premises or even subject them to greater risk due to longer periods for emergency response.

Aside from all of the foregoing, fitness professionals should also consider whether or not formal exercise activity may properly take place in a particular area such as a client's home, office or even through a mobile training vehicle which may be brought to a client's home or business. In this regard, professionals need to consider the space for the given activity, the proximity of objects which might interfere with activity and even the floor surface. In this regard one of the essential questions should be is hardwood, carpet, tile or similar floor surfaces appropriate for the activity which is to be carried out?

Lastly, fitness professionals should consider whether there are zoning or similar laws in effect in various jurisdictions which may well prohibit the provision of activity in those settings. Fitness professionals should also be attuned to the fact that some governmental entities do not allow business conducted fitness activities to be carried on with one or more clients within various governmental settings such as public parks. In this regard, the position sometimes seems to be that the use of those settings in furtherance of a fitness professional's business is contrary to opening up such recreational areas for all citizens. Permits may even be required in some jurisdictions.

In sum, the provision of fitness services in areas outside of a fitness professional's studio or gym needs to be carefully considered. Even the recommendation to jog or run in an area outside of a facility needs to take into consideration the safety of the area both environmentally and from a criminal activity standpoint. Care needs to be taken in planning all of off-premises fitness activities and professionals need

to take into account the need to reduce potential harm to their clients while reducing the chances of claim and suit against themselves.

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