

Is Practical Training and Testing Necessary for Personal Trainers?

At the turn of the 21st century, a number of untoward events occurred to personal trainer clients which focused considerable media and professional attention on the education and qualifications of those providing service in this industry. As a consequence of the foregoing, a number of fitness organizations took steps to improve and standardize the qualifications of personal trainers.

In 2006, the International Health, Racquet & Sportsclub Association (IHRSA) adopted a final corporate resolution on this subject which provided as follows:

Whereas, given the increasing importance of personal training in health, fitness and sports clubs, IHRSA recommends that, beginning January 1, 2006, member clubs hire personal trainers holding at least one current certification from a certifying organization/agency that has begun third-party accreditation of its certification procedures and protocols from an independent, experienced, and nationally recognized accrediting body.

Furthermore, given the twenty-six year history of the National Organization for Competency Assurance (NOCA) as an organization dedicated to establishing quality standards for certifying agencies, IHRSA has identified the National Commission for Certifying Agencies, the accreditation body of NOCA, as being an acceptable accrediting organization.

IHRSA will recognize other, equivalent accrediting organizations contingent upon their status as an established accreditation body recognized by the Council for Higher Education Accreditation and/or the United States Department of Education for the purposes of providing independent, third-party accreditation.¹

As a result of this recommendation by the largest fitness industry trade association in the United States, a number of fitness certification organizations became accredited by either the Distance and Education Training Council (DETC), now known as the Distance Education Accrediting Commission (DEAC) or the National Commission for Certifying Agencies (NCCA). The DEAC focuses on the accreditation of educational programs for such trainers while the NCCA focuses on the accreditation of organizations administering written testing for such professionals.

Unfortunately however, neither accredited certification mechanism for almost all accredited personal trainer certifiers includes a practical training/testing program for personal trainers.² As a consequence, almost all of these accredited certification programs for personal trainers may be providing certified personal trainers to the public with nothing more than demonstrated evidence of book learning as determined through a written, multiple choice test or completion of an educational program and some form of written testing. There appears to be the possibility of enhanced liability risks for trainers and facilities alike which are associated with programs certifying fitness professionals which do not include practical training and testing.

In a recent case from Connecticut, *Butler v Saville, et al.*,³ suit was filed against a personal trainer and a facility due to a client's injuries when she fell off a Bosu Ball during a trainer directed workout. The suit alleged a variety of shortcomings and the lack of proper training of the trainer. The case settled at mediation for \$750,000.

This is the second such case against personal trainers to be resolved for sums approaching \$1million in just the first three months of 2015. Interestingly, the plaintiff's attorney in this Connecticut case, John F. Naizby, a well-known and nationally acclaimed trial attorney, actually signed up for a personal trainer certification course from the same organization which had certified the personal trainer in the case he was then pursuing on behalf of his client. Reportedly, Mr. Naizby, who was shocked at the process for obtaining a personal trainer certification, believes that the lack of practical training and testing for such professionals increased the liability risks for such trainers.⁴

The allegations put forth in the Connecticut complaint Mr. Naizby filed included the following assertions against the trainer:

1. The trainer "held himself out as a fitness trainer without the prerequisite credentials";
2. The trainer "failed to demonstrate the appropriate technique regarding mounting and dismounting the ball"⁵

The allegations against the club where the trainer provided service included the following:

1. The club had "inadequately trained fitness instructors";
2. The club "failed to adequately and properly train, [supervise], control or otherwise instruct fitness trainers";
3. The club "failed to provide properly trained and qualified instructors";
4. The club allowed the trainer "to hold himself out to its members as a fitness trainer when it know or should have known that he was not qualified to act in such capacity."

In light of the possibility, if not the probability, that the attainment of just a personal trainer certification or even one from an accredited certifier may not be enough to demonstrate sufficient competentness to successfully withstand claim and suit, many personal trainers need a plan to resolve the problem. These steps may include the following:

1. Obtain an accredited certification which includes a practical training and testing component; or,
2. Before providing service, secure an internship or other training program which includes an evaluation of practical, hands-on personal training skills.

At this time, the District of Columbia is finalizing proposed regulations for personal fitness trainers who will now become regulated in that jurisdiction before such trainers can lawfully provide

personal fitness training services. It appears likely that a number of the regulations may well concentrate on practical training and testing requirements. Once these regulations are adopted, such regulations may well serve as a model for other jurisdictions.

Personal trainers should realize that essentially all health care professionals are required to have some form of practical, hands-on training and testing to be entitled to provide health care services to the public. These health care professionals include physicians, physical therapists, nurses, massage therapists, etc. Even other, non-health care professions include similar training requirements such as those for airplane pilots, crane operators, dog groomers and even those seeking to obtain a driver's license.

Practical hands-on training and testing will improve the qualifications of fitness professionals. In all probability, these efforts should serve to reduce personal trainer liability risks as well as those of their employers and the facilities in which personal trainers provide service.

This publication is written and published to provide accurate and authoritative information relevant to the subject matter presented. It is published with the understanding that the author and publisher are not engaged in rendering legal, medical or other professional services by reason of the authorship or publication of this work. If legal, medical or other expert assistance is required, the services of such competent professional persons should be sought. Moreover, in the field of personal fitness training, the services of such competent professionals must be obtained.

Adapted from a Declaration of Principles of the American Bar Association and Committee of Publishers and Associations

¹The DETC, now known as the DEAC, was subsequently recognized by IHRSA for the accreditation of personal trainer certification programs since it was recognized by both the USDE and CHEA.

²The Aerobics and Fitness Association of America (AFAA) appears to be the single exception since AFAA's accredited certification program includes practical training/testing as a prerequisite to certification, see, Herbert, "Health Club Liability For Certified Fitness Personnel Who Lack Hands-On, Practical Training and Testing" AMERICAN FITNESS, 12-14, July/August 2015.

³NNH-CV11-6023310-S New Haven, Connecticut

⁴Herbert, "New York Case Against Personal Trainer Results in \$1.4 Million Verdict," THE EXERCISE, SPORTS AND SPORTS MEDICINE STANDARDS & MALPRACTICE REPORTER, 4 (4): 49, 51-55, 2015.

⁵One must ask how such a technique could be learned and then demonstrated without practical hands-on testing?

Author:

David Herbert