A Systematic Review of Case Law: The Legal Foundation for a Standard of Care in the Practice of Athletic Training
Musler J: Northeastern University, Boston, MA

Context: The only true check and balance to professional practice is by way of judicial review (litigation). Judicial review is a reactionary process occurring only after the legal wrong has been committed. Case law serves as society’s record of judicial reasoning; however there is no easily accessible resource to present the opinion of the court (case law). This study involved a systematic review of recorded case law at the state and federal level involving an athletic trainer employed by a clinic, secondary school, college or university. Objective: Conduct a systematic review of case law to: 1. define the legal duty to provide care to individuals participating in athletic activities; 2. define the minimum standard of care that should be offered to individuals participating in athletic activities; and 3. define the legal boundaries in the practice of athletic training. Data Sources: LexisNexis and WestLaw databases were searched for the descriptive phrase “athletic trainer”, “athletic training” and “trainer” to identify recorded decisions in the state and federal courts. Data Selection: A three phase process was used to identify cases. First, cases were identified with a descriptive word search and entered into a spreadsheet. Second, a review of the case summary was performed to determine the context of the descriptive phrase. Finally, a complete review of the court record was performed to determine the relevance of the athletic trainer or the practice of athletic training. Data Extraction: All cases were coded based on their relevance to athletic training. All cases coded as “relevant” were categorized based on their potential influence in three areas: 1. duty to care, 2. standard of care, and 3. public policy, or their lack of conclusive legal reasoning. Data Synthesis: Two hundred and eighteen total and 188 unique cases involving athletic trainers were identified. Seventy nine of the 188 cases were determined to be relevant to the practice of athletic training. Eleven cases addressed duty to care, 34 cases addressed standard of care, 3 cases addressed public policy, and 31 cases had no conclusive legal reasoning. Conclusion: The case analysis established a clear legal duty for a secondary school, college or university to provide health care to those who are injured during sponsored athletic activities. Case analysis also establishes a minimum standard of care that should be offered by an institution and by the athletic trainer. The analysis produced limited results for the establishment of legal boundaries to the practice of athletic training. The case synthesis resulted in the development of 15 recommendations in the form of standards that should reduce an unfavorable outcome as a result of judicial review. Six standards were developed identifying institutional responsibility, and nine standards were developed identifying minimal clinical practice in athletic training. Word Count: 450