



# ***RISK NOTE***

## **SUBJECT: When others use your bathing facilities**

Many Health Care Agencies (HCA) in the Province have specialized bathing equipment (e.g. century tubs, adapted showers, specialized lifts, etc.) to facilitate bathing for select populations. Outside agencies (e.g. home care) or individual disabled persons who are not HCA clients periodically ask permission to use these facilities. If the HCA agrees to such use, steps should be taken to manage the risks.

1. There should be a written agreement between the HCA and user groups or individuals who carry insurance, which includes the following clauses:
  - a) Indemnification & Hold Harmless;
  - b) Liability insurance;
  - c) Waiver of Subrogation.

Please refer to our Risk Note entitled "[When others use your facilities](#)" for more complete discussion and sample agreement clauses.

2. Certain individuals may not have home-owners or tenant's liability insurance. They **MUST** sign a Liability Release with Indemnity Form instead of the written agreement. A sample release is attached to this Risk Note.
3. All users must agree to follow all HCA policies, especially those related to safety and infection control.
4. HCA ensures all users have appropriate training in the use of the equipment.
5. HCA maintains its facilities and equipment in safe working order.
6. HCA maintains a facility use log to include time, place, check in procedure, maintenance, etc.

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It should be clearly understood that this document and the information contained within is not legal advice and is provided for guidance from a risk management perspective only. It is not intended as a comprehensive or exhaustive review of the law and readers are advised to seek independent legal advice where appropriate. If you have any questions about the content of this Risk Note please contact your organization's risk manager or chief risk officer to discuss.

