

# HEALTHCARE PERSPECTIVE

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## Winter Slip and Fall Prevention: Minimizing Ice and Snow Risks

Any slip or fall incident on the premises – whether by a patient/client, visitor or employee – can have serious liability consequences for healthcare businesses, including allegations of improper care, failure to properly assess and monitor, or failure to provide a safe environment.

Slip and fall risks escalate in winter, as sidewalks become coated with ice, melted snow turns floors slippery, and joints are stiffer and more painful. Resultant injuries range from scrapes and bruises to broken limbs and hips, which can potentially lead to reduced mobility and costly lawsuits.

This issue of *Healthcare Perspective* examines some of the legal concepts underlying winter slip and fall liability. It also presents a range of preventive and educational measures designed to protect patients/clients from ice and snow hazards, minimize organizational exposure, and increase legal defensibility in the event of a general or professional liability claim.

### LEGAL CONSIDERATIONS

In general, property owners are responsible for providing reasonably safe access to their homes or businesses. However, this basic principle is subject to varying interpretation on a jurisdictional basis.

In many but not all states, the law distinguishes between natural and unnatural accumulations of snow. Where this distinction abides, property owners can be held responsible for a snow- or ice-caused injury only if the slippery conditions are unnatural – i.e., caused or aggravated by the business owner. (An example would be a leaking pipe producing an ice sheet.) In other states, property owners are judged not by the source of the ice or snow, but by whether they have maintained their property in a reasonably safe condition in the eyes of a reasonable person.

Plaintiffs who suffer an injury due to a fall have the burden of proving both that the injury was caused by unsafe, remediable conditions and that the owner knew or should have known of the hazard, simply by the exercise of reasonable care. If the incident could not have been prevented (e.g., a slip during a heavy snowfall) or if the plaintiff was evidently distracted or careless, liability typically will not attach.

Jurisdictions differ considerably in terms of statutes and regulations. For this reason, it is wise to consult a knowledgeable attorney regarding applicable snow clearance requirements when drafting policies or contracting with snow removal services.

### ENVIRONMENTAL MEASURES

Prevention is the key to reducing slip and fall liability, beginning with a commitment to keeping walks and parking areas clear of ice and snow, and indoor areas dry. The following strategies are designed to help healthcare businesses evaluate and upgrade their effort to prevent wintertime slips and falls:

**Create snow removal protocols.** By promulgating formal snow clearance and salting policies, organizations can enhance staff accountability and performance while strengthening legal defense efforts in the event of a snow- or ice-related accident.

**Proactively maintain equipment and supplies.** Schedule regular inspections of snowblowers and other equipment before the first flurry, and document these inspections in a maintenance log. In addition, stock up on salt and other supplies ahead of time, as local shortages often develop following blizzards or ice storms.

**Obtain an NOAA weather radio.** Warnings and alerts should be swiftly conveyed to management, who can then initiate snow removal protocols and other seasonal safety measures.

**Salt and/or sand paths before or immediately after storms.** Prevent dangerous ice buildup by spreading salt before snow is compacted by footsteps or melts and refreezes.

**Draft legally sound snow removal agreements.** If the organization arranges with an outside vendor for snow clearance, ensure that the vendor has adequate liability insurance, with the organization listed as an additional insured, and have legal counsel review the contract. The executed agreement should:

- Delineate the exact areas and paths to be cleared.
- Limit the height of plowed snowbanks.
- Define the weather conditions that trigger provision of contracted services, along with expected response times.
- Specify the organization's own maintenance responsibilities.
- Include a hold harmless clause to protect against vicarious liability.

**Keep floors as dry as possible.** Place mats and boot scrapers near doorways, and assign responsibility for promptly wiping up snowmelt puddles. Also, consider posting signs near entrances warning of potentially slippery surfaces and requesting individuals to wipe their shoes thoroughly on the mat for their own safety and that of others.

**Guard against black ice and other high-risk conditions.** Treacherous black ice can form in parking lots and other paved areas after snow has been cleared, leaving behind a thin layer of water that later refreezes. Areas where black ice typically forms should be posted with warning signs, and potholes, large cracks, slopes and other snow-covered perils should be blocked off to protect pedestrians pending repair or snow removal.

### PREVENTIVE STRATEGIES FOR PATIENTS/CLIENTS

The following measures are designed to help patients/clients avoid falls or mitigate the consequences of an accident:

**Dress appropriately.** Rubber or neoprene soles provide more traction than leather or plastic. Smooth-soled “comfort” shoes should be avoided in snowy or icy conditions. And bundling up minimizes the tendency to either hurry or tense one’s muscles – both of which can lead to a stumble.

**Determine routes in advance.** Careful planning makes it easier to stay on cleared and level paths, reducing slip and fall dangers. Shortcuts should be avoided when the ground turns icy.

**Focus and slow down.** Be aware of possible slippery patches and deep snow on the path, and walk around rather than through hazardous areas. For safety, factor in extra travel time when the ground is snowy or icy, take smaller steps, and avoid carrying heavy or bulky packages, which can impair balance.

**Recognize high-risk situations.** Exercise particular caution in maneuvering into and out of cars or vans, climbing outdoor steps and walking after dark, when black ice can present a serious danger.

**Use a specially adapted cane.** If a walking cane is used, it should be fitted during winter with a wide, nonslip tip. Also, consider installing an “icepick,” a cane tip attachment designed to penetrate snow and increase traction.

**Wipe shoes or boots upon entry.** Wet soles cause many indoor accidents. Minimize the risk by habitually using floor mats and/or scrapers upon entry.

Winter slip and fall accidents are a serious but largely preventable exposure for all cold-weather healthcare settings. The environmental and educational measures suggested within this resource are easy to implement and can significantly enhance patient/client safety while reducing liability exposure.

### RESOURCES

- Hopkins, K. “Winter’s Coming: How to Prepare Your Business to Help Prevent Slip Fall Accidents.” *The Huffington Post*, The Blog, November 15, 2013 (updated January 23, 2014). Available at [http://www.huffingtonpost.com/kiernan-hopkins/how-to-prevent-accidents\\_b\\_4215041.html](http://www.huffingtonpost.com/kiernan-hopkins/how-to-prevent-accidents_b_4215041.html).
- “Preventing Falls During the Winter Months.” Prairie North Health Region (Saskatchewan, Canada) Safety Fact Sheet. Available at [www.pnrha.ca/bins/doc.asp?rdc\\_id=4840](http://www.pnrha.ca/bins/doc.asp?rdc_id=4840).



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