



**REAL LIFE CLAIMS:  
EQUIPMENT INVOLVED IN INJURIES**  
The Case of the Skedaddling Scooter



## Introduction to the Case

Knee scooters always look like a fun way to travel the road to recovery following an injury. Yet, many may be surprised to know just how frequently claims arise regarding patients who were injured while using one.

In the following story—based on an actual claim—you'll see through the eyes of a provider who finds out firsthand, you never know when a claim might come your way.

It's important to note that while this story involves a knee scooter, it could have been any piece of equipment. No matter what equipment is provided, there's always a chance someone could be injured, and how your business responds to incidents of this nature is critical.

Following the case study, we'll provide best practices and processes you can implement today to help reduce your risk and better prepare your business.

## The Case of the Skeddaddling Scooter

It's mid-afternoon when Kevin, an 18-year-old high school senior with a broken ankle, hobbles in on crutches accompanied by his mother, Miriam. "Good afternoon! I'm guessing you're here about the knee scooter?"

Miriam gives a slight smile, saying, "Yes. My dare devil of a son decided to try his hand at a little extreme BMX something or other... What did you say it was? A vert ramp?" Kevin nods, and Miriam continues, "Anyway, he needs something for before and after his surgery."

"That's definitely a little extreme. How long have you been in the sport?" you ask Kevin.

"Oh, first time. Hadn't really been on a bike in years, but it seemed like fun."

"Oh," you say, "Well, I hope you were wearing your helmet."

Kevin nods again, adding, "Of course. Safety first after all," and he smirks at his mother who rolls her eyes a little. You try to stifle a laugh.

You walk them through the fitting process, adjusting the scooter to Kevin's measurements, showing both him and Miriam the key features and how to operate the scooter safely. You also hand them the manual for the equipment.

"Okay, if I can just have you sign here indicating you understand the operation of the equipment and that you've received the manual," you say, handing

them the documentation you'll keep on file. "Like I said, if you have any questions, you can always call the number on the scooter. That will ring through to us even after hours."

"Thank you so much," Miriam says. Kevin is already scooting around the store in circles.

"Promise me one thing, Kevin," you say. "No vert ramps with the scooter, please."

Kevin lets out a laugh. "Sure thing," he says as the two of them leave.

Weeks later, Kevin and Miriam are back. "I want to assure you," Miriam says, "there was no vert ramp involved. He was just heading down the ramp outside school to meet me at the car when the handle bars collapsed, and he went tumbling down the ramp. Don't worry. He's fine, just another visit to the doctor." Kevin nods.

"I'm sorry to hear that," you say. "I do have a brand-new scooter here for you."

You get them settled and sent on their way, and you take the possibly damaged scooter in the back. Checking it over, you don't see anything wrong with it. The quick release for the handle bars works like new. You're not sure what might have happened. You decide not to put the equipment back in circulation, even though Kevin seemed to be ok, and place it in a corner of the warehouse.

Everything seemed fine for a time...until months

later when Miriam's attorney contacts you. Apparently, the fall from the scooter required Kevin to get some additional treatment, and they'd like to ask some questions and take a look at the scooter in question. You say you're open to helping, but you'd like to talk to your insurance agent first, which they understand.

You grab Kevin's file and head back to the warehouse to check on the scooter, only it's not there. You look around, but there's no sign of it. Then you remember—a while back you had Julie do some inventory, and if a scooter was marked as damaged, it may have been discarded. Unsure of what else to do, you take a deep breath and head back to your office to call your insurance agent.

## PROTECTING YOUR BUSINESS

The provider in the case above did a good job upfront—training the patient on the device and collecting documentation. After the injury was reported, they also did the right thing by choosing to hold on to the equipment. But with the equipment now missing, the provider is technically guilty of spoliation (i.e., the hiding or destroying of evidence). The worst part is that there's no way for anyone to know with any certainty what actually happened.

Here are some actions you can take and processes you can put into place to protect your business in the event someone is injured using equipment you provided.

### Know That With Injuries, There's Always Potential for a Claim

The first step is to accept that even if an injury seems minor, when it involves equipment your business provided, there is always the chance a claim may arise. That's why it's critical to have a process in place for when an incident is reported.

### Keep Records

When an injury is reported, begin collecting documentation immediately. Take pictures of the equipment. You can start with a wide shot that captures the device in its entirety, then move in closer for more detailed photos. Additionally, be sure to collect detailed information from those who were involved—the patient, as well as any employees who may have worked with the patient or the equipment. Memories fade with time, so it's best to get as much information as possible right away.

### Preserve the Equipment

We recommend the tried and true approach that we like to call "bag it and tag it." Don't clean, fix or handle the equipment any more than you have to—you're looking to preserve the evidence. Cover or 'bag' the item, and make sure it's clearly marked. Place it in a safe place and clearly communicate with employees that items in this area are not to be moved or discarded. Even if the equipment is a patient-owned item, it's best to at least offer to take it off their hands.

### Contact Your Insurance Agent or Broker

The best thing you can do is contact your insurance agent or broker immediately to notify them of the incident. They can walk you through the steps you should take. Making this phone call as soon as an incident is reported is the single most effective way to protect your business.

For more information about how you can minimize the risk of claims for your business, and to ensure you have adequate coverage, reach out to your VGM Insurance Services Account Manager or contact us today at [info@vgminsurance.com](mailto:info@vgminsurance.com) or **800-362-3363**.

