

Your Church Needs a Defibrillator

How one church's use of an AED illustrates the importance of having one.

By: Elizabeth Jackson, Church Law & Tax Report

When attending church services, you may not consider that someone could unexpectedly experience sudden cardiac arrest, but the reality is that it can happen.

"Cardiac arrest, an electrical malfunction in the heart that causes an irregular heartbeat and disrupts the flow of blood to the brain, lungs and other organs, is a leading cause of death," warns the American Heart Association. "Each year, more than 350,000 cardiac arrests occur in the US."

One of those cardiac arrests could occur at any church, and one key way a church can respond is by having an automated external defibrillator (AED) on-hand, and administering it to the person who is experiencing the arrest.

Last fall, a California church found out firsthand the importance of having an AED on the premises.

"She would not have survived if the AED hadn't been used."

"One Sunday last September, we had a lady go into cardiac arrest," says Bob Ewing, the executive pastor at First Christian Church in Huntington Beach. "We do have an AED, and while a staff member retrieved it, a member who was a fireman started CPR."

"The lady's doctor said she would not have survived if the AED hadn't been used." The action of those responding on-site during that emergency situation and the availability of an AED are two key lessons for churches to take away from this incident.

"SCA [sudden cardiac arrest] usually causes death if it's not treated within minutes," states the National Heart, Lung, and Blood Institute. "In fact, each minute of SCA leads to a 10 percent reduction in survival. Rapid treatment of SCA with an AED can be lifesaving."

The American Red Cross also points out that "average response time for first responders

once 911 is called is 8-12 minutes," which means if Ewing's church hadn't had an AED on-site, they could have waited more than 10 minutes for help to arrive, causing the lady's chance of a successful recovery to diminish significantly.

Although churches should immediately call for emergency personnel to provide assistance when someone is experiencing sudden cardiac arrest, they should also keep in mind that they can take action while waiting for them to arrive—and that's where an AED comes in.

Because an AED was accessible at the church, an attendee was able to take action to stop the cardiac arrest by employing the AED. The use of the AED resulted in a life-saving outcome for the woman.

As Ewing's story illustrates, the cost of churches purchasing AEDs is far outweighed by the cost of not purchasing them.

For more details on this topic, see "The Legal and Moral Case for a Defibrillator" by Richard Hammar in the May/June 2017 issue of Church Law & Tax Report.

Q&A Bringing Fido to Church

By Richard R. Hammar



Q: A woman in our church has begun bringing her dog with her to worship services. She claims she has asthma, and the dog is able to alert her to oncoming asthma attacks. She insists on sitting in the middle of the sanctuary, which has distressed many of our members, some of whom are allergic to animals. When I asked the woman if she would be willing to sit in the back row in order to resolve the concerns of her fellow parishioners, she became enraged and threatened to sue the church for violating her rights under the federal Americans with Disabilities Act. Is she right? Have we violated the ADA by asking that she and her dog sit in the back row of the church during worship services?

A: The Americans with Disabilities Act ("ADA") has two provisions:

(1) Employment discrimination. The ADA prohibits employers with at least 15 employees, and that are engaged in interstate commerce, from discriminating in any employment decision against a qualified individual with a disability who is able, with or without reasonable accommodation from the employer, to perform the essential functions of the job. This section is not relevant to your question.

(2) Public accommodations. Another section of the ADA prohibits discrimination against disabled persons by privately-owned places of public accommodation. The ADA defines the term *public accommodation* to in-

clude 12 types of facilities, including auditoriums or other places of public gathering, private schools (including nursery, elementary, secondary, collegiate), and day care centers.

Disabled persons are permitted to sue an organization that owns or operates a place of public accommodation that engages in one or more of these discriminatory practices. However, the ADA specifies that its public accommodation provisions "shall not apply to ... religious organizations or entities controlled by religious organizations, including places of worship." As a result, most types of religious organizations are excluded from the prohibition of discrimination in places of public accommodation.

The House Report to the ADA specifies that "places of worship and schools controlled by religious organizations are among those organizations and entities which fall within this exemption." The House Report further specifies that "activities conducted by a religious organization or an entity controlled by a religious organization on its own property, which are open to nonmembers of that organization or entity are included in this exemption."

It is important to note that while religious organizations are not subject to the ADA's public accommodation provisions, they may be subject to similar provisions under state or local law. It is recommended that you check local laws.

Freeze Alert!

With winter around the corner, there are some steps you can take to protect your church from winter hazards and keep your pipes from freezing. Last winter there were numerous property claims due to freezing pipes, and slips and falls. Here are some things to consider before winter weather arrives. Inspect your building and arrange for maintenance of church grounds:

- Close all windows, doors and outside dampers. Conduct building checks during storms and cold weather.
- Arrange for snow and ice removal, including the roof. It's important to know if your church or the city is responsible for maintaining sidewalks.
- If you are having an outside contractor for snow removal and salting walkways and parking lots, be sure to obtain a Certificate of Insurance and have your church named as an additional insured. A log should be maintained monitoring when the lots and sidewalks are cleared and salted.
- Consider leaving buckets of rock salt around the parking lot and walkways and encourage members to salt areas that seem slippery.

Protect your church from freezing pipes:

- Identify pipes that are potentially exposed to freezing temperatures. Some common areas include basements, attics, garages, maintenance buildings, and pipes along exterior walls.
- Disconnect and drain outdoor hoses. Detaching the hose allows water to drain from the pipe. Otherwise, a single hard, overnight freeze can burst a pipe.
- Seal off access doors, air vents and cracks. Winter

Prevent Bullying in Your Church

Bullying isn't just a schoolyard activity. It follows kids home and to church through the wide array of technology available. In 2013 nationwide survey, 20% of high school students reported being bullied on school property the past 12 months; 15% of high school students reported in 2013 they were bullied electronically. During 2012-2013 school year, 8% of public school students ages 12-18 reported being bullied weekly.

We use the term SafeConduct™ when referring to abuse prevention, which defines how to act in our relationships, whether adult-adult or adult-child, and child-child. Standards may apply to professional boundaries, discipline, out of program contacts, and proper use of social media. Incidents of cyberbullying are serious and have led to serious consequences including suicide. Because of the stigma attached, young people are often reluctant to report that they are targets of bullying.

It is an ethical and legal responsibility of leadership to identify and

investigate these circumstances, and to be sure that bullying does not occur within church sponsored social media. Here is some advice to help prevent bullying:

- Improve supervision of children
- Have an anti-bullying policy and communicate it
- Use rules and behavior management techniques
- Promote cooperation among different professionals, camp leaders, and parents

Create a social networking Code of Conduct that does the following:

- Prohibits comments that could be construed to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- Prohibits sexually oriented conversations
- Prohibits private messages between employees/volunteers and children
- Prohibits posting inappropriate pictures or comments
- Encourages parents to play a

role in monitoring their children's interactions with employees and volunteers.

- Continuously reminds children how to interact appropriately through social networking sites.
- Denies participation by individuals who repeatedly violate the Code of Conduct.

Here at Insurance Board, we have updated our SafeConduct™ Policy & Procedure Template on our website. Go to www.InsuranceBoard.org and click on Safety Resources, then SafeConduct™ Workbench. Within the template we have provided a Code of Conduct which includes social media.

We also have free online courses available for your employees and volunteers to take, through Praesidium. These are also listed on that webpage, and one course is titled: "Preventing Bullying." There are 16 free online courses available, that vary in content.

Understanding Your IB Policy: Occurrence vs. Claims Made Forms

One of the most difficult concepts in insurance to explain is the difference between "occurrence" and "claims made" policies. Our objective here is to have you understand the importance of knowing which you have, and to make you aware of the problems that come with changing from one form to the other. If you are making this critical change, be sure that your agent explains it to you and that you understand the possible coverage gap you are creating.

Occurrence form insurance covers events that occur within the policy year. It's that simple. You report a claim that occurred many years ago under the policy that was in-force at that time. For this reason it is important to keep a good record of occurrence form liability policies to address events from long ago. There are two shortcomings: insurance companies may no longer exist when you need them, and coverage such as sexual misconduct may not be available with high limits on an occurrence form.

Market conditions required many commercial policy holders to switch from occurrence to claims made coverage years ago. This applied to coverages where there would be long latent exposures. For churches that means pastoral counseling, sexual misconduct, directors & officers, and employment practices. Claims made insurance covers claims that are reported during a policy term. It sounds simple on its face but it's a bit more complicated. Claims made insurance expires. Last year's claims made policy is expired for all time. However, this year's policy covers claims reported *this year* which may have occurred last year. This is why it is very important if you have a claims made policy to notify your agent as soon as you have been made aware of a potential claim situation. The inception date of the first claims made policy is called the "retroactive date." Successive claims made policies cover all claims back to the retroactive date. And so it goes for years and years in a relationship with the insurance company. The retroactive date for the IB program goes back to 1993! (for those who have been in the program since then or who have had previous claims made coverage) That means the current policy may cover events from over twenty years ago though just discovered/reported this year!

Now here's the problem: you decide to change policies to an occurrence program. When your claims made policy expires, it will expire for all time back to your retroactive date. If a claim is reported two months into your new coverage for a sexual misconduct event that occurred in 2003, you will have NO coverage for this event. The occurrence form covers only events since policy inception. This problem does not exist when changing from occurrence form to claims made. Speak with your agent if you are considering changing so that you understand the implications.

Let's Help Prevent Church Fires!

Here are statistics regarding church fires, their causes, and the percentage of property damage according to the National Fire Protection Association (NFPA):

- Cooking Equipment – 30% of all fires (4% of damage)
- Heating Equipment – 16% of all fires (23% of damage)
- Arson – 16% of all fires (25% of damage)
- Electrical Distribution or Lighting Equipment – 10% of all fires (26% of damage)
- Candles – 4% of all fires (5% of damage)
- Lightning – 4% of all fires (20% of damage)

Here are some controls that can be implemented to prevent and protect your church from fire:

Cooking Equipment – If your

church has an industrial type oven that produces grease laden vapors, it should have BOTH automatic extinguishing system (ANSUL) and portable fire extinguishers that are designed for kitchens. ANSUL systems should be serviced by an approved contractor every 6 months and fire extinguishers annually.

Storage in Utility Rooms – Do not store combustibles in utility rooms or boiler rooms (examples include paper, cardboard, cloth). Storage should be kept to a minimum. A clearance of 3 feet minimum should be maintained around electrical panels.

Arson – Some steps to prevent arson include installing perimeter floodlights outside the building, trimming bushes and shrubs, keeping doors locked when unattended, installing a burglar alarm,



and having members routinely stop by to check the property. Also, it is recommended to remove fire hazards, such as flammables and moving storage/garbage dumpsters, so they are not close to the building.

Candle Safety – December is the peak month for candle fires. Always maintain a 12" clearance between a burning candle and combustibles. Develop a system of blowing them out. Use candle holders that are sturdy. Place candles on uncluttered surfaces. Consider using flameless candles that look and smell real.

Lightning – Previous lightning strike areas are exponentially more susceptible to future strikes. High risk areas include Florida, western mountains, Gulf of Mexico westward to Texas, and the Atlantic coast. Also, many churches have a steeple and/or are located on hills, which further increases the risk. NFPA has specific requirements in NFPA 780 for lightning protection systems, which provide a safe way to ground the lightning.

Fire Protection Systems – Smoke detectors can be hard wired or battery operated. Hard wired detectors send an alarm when activated to an outside company. Batteries in battery operated detectors should be changed every 6 months. Fire extinguishers should be serviced annually. Sprinkler systems are an excellent choice, and quarterly flow/central station alarm tests should be conducted. Annually a 2-inch drain test should be conducted. Sprinkler heads need to be tested/replaced after 50 years, 10 years thereafter.

UPCOMING WEBINAR: How to Avoid Background Screening Litigation Wednesday, October 11 at 2PM

We all know that conducting background checks on potential employees and volunteers is an important step in maintaining a safe environment, but did you know that paperwork errors and other procedural missteps in the screening process can be costly too? Join us for this practical review of the key compliance steps every church needs to know to ensure that it is reducing liability through screening rather than adding to it. To register for this Free webinar, being conducted by our partners, Praesidium, please visit: <https://www.insuranceboard.org/online-learning/>

Continued from Page 2

winds whistling through openings can quickly freeze pipes.

- Set thermostats to maintain building temperatures of 50F or higher throughout the buildings. Remember that temperatures along exterior walls will be several degrees colder than the interior.
- Insulate pipes or faucets in unheated areas. For pipes that can't be insulated, a small flow of water running through them continuously throughout the worst of the cold spell can help prevent them from freezing.

Here are some additional winter safety tips:

- Collect and distribute a list of emergency phone numbers and contacts, such as snow removal, heating system repair company, utility company, and the weather bureau.
- Anticipate flooding. Severe and cold weather can cause flooding. Move susceptible equipment to an alternate location.
- Always have cold-weather gear on hand. Have plenty of gloves, hats, emergency blankets, flashlights available. Provide them to your people, and make sure they know where it is stored.