

OSTEONECROSIS AS IT CONCERNS THE DIVING CONTRACTOR

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Bone necrosis is important to the diving contractor for both economic and social reasons. Two major difficulties associated with the disease are that it was not recognized as a problem in diving until very recently and that so little is known about it. I am the president of a large diving company and know very little about it myself. Neither do our divers know very much about this disease.

I first heard about bone necrosis some two years ago at a meeting in New Orleans, at which Dr. Sealey presented a paper and showed some slides. At that time I associated the disease primarily with tunnel workers. I have recently been told that a major lawsuit is in progress (or is about to be) in which a man claiming to suffer from bone necrosis is suing a diving contractor for \$1 million. I have been given to believe that osteonecrosis may be the result of improper decompression. That is really about all I know about it.

Another very important question then arises. What else do I not know about the business I am in? It is alarming to find that something of such significance to the future of our company and the diving industry in general could have existed without our knowing about it.

What immediate effect does the existence or threat of bone necrosis have on diving contractors? So far, it has had no effect on our company, because we have not been confronted with a lawsuit or claim based on bone necrosis. What long-range effects, then, will the disease have? Our first concern is that insurance rates will increase considerably, which might mean that we cannot compete for contracts. The second concern is that perhaps we will not be able to get insurance at all. I am not an insurance expert; but I do know that an insurer must be able to ascertain his risk. If he cannot, he would be foolhardy to write insurance.

The third concern is that we may eventually be involved in an assigned-risk program. Under

such a plan, the state insists that an insurance company underwrite a contractor for the benefit of his employees, but the sums of money provided under this kind of plan are rather limited. I do not have the exact figures, but I think that maximum coverage is about \$25,000, which is certainly not sufficient to help anyone over a long period of time. In any case, it is not pleasant to think that someday soon we may be unable to buy insurance, or enough insurance. Without insurance, we cannot be in the diving business. It is as simple as that.

Other questions are not so simple. We have to protect ourselves from lawsuits, of course, and the results of litigation depend largely upon whether negligence was involved. How can we prove that we were not negligent? My company has divers working around the world today, using various types of decompression schedules. For air diving, we use U.S. Navy schedules. For helium diving we use our own, which we believe are more conservative. Should we ignore conscience to some degree and follow schedules that we do not feel are as safe as our own, simply because they afford us more legal protection?

Even if no negligence is involved, consider the employee who has been disabled or injured and is therefore entitled only to the benefits provided under workmen's compensation laws. He will no doubt sue us for more than that, bringing the company's liability coverage into the case. We carry \$2.5 million coverage, which we consider enough for the business that we are in. But what is the upper limit? How long does a person remain disabled? What treatment must he undergo? How many operations?

Finally, we are in the diving-school business. We encourage and teach people to become divers. It is important to be able to look a man in the eye and tell him that he should devote his life to diving. It is important, as well, to be able to say to our employees that we believe they are in a good business. That about sums up our concern.