



**WAIVER OF LIABILITY AND INFORMED CONSENT.  
PLEASE READ CAREFULLY.**

This Release, Waiver and Hold Harmless Agreement is made by and between the undersigned (client) and Acumen Performance and entered into the day, month and year below.

I, \_\_\_\_\_, am beginning a Strength and Conditioning/Training program, owned and operated by Orthopedic surgeon, Dr. Jesse Slade Shantz, of physical activity including but not limited to strength training, aerobic exercise and flexibility development with Acumen Performance. I declare that I am in good physical condition and do not suffer from any disability that would prevent or limit my participation in this exercise program. I have informed Acumen Performance of all present medical conditions, including suspected pregnancy, physical limitations and injuries past and present.

As a result of my participation in the Acumen Performance exercise program I fully understand that I may injure myself as a result of my participation. I, \_\_\_\_\_, accept responsibility and hereby release Acumen Performance from any liability now or in the future for any injuries that incurred, illness or soreness, however caused, occurring during or after my participation in the Acumen Performance program.

I am informed that in the practice of Acumen Performance there are some risks to treatment, including, but not limited to, muscle strains and sprains, bruising, light-headed or dizziness, and tenderness. I realize I may injure myself as a result of participation. I do not expect the Acumen Specialist to be able to anticipate and explain all risks and complications and I wish to rely on the Acumen Specialist to exercise judgment during the course of the treatment which the specialist feels at the time, based upon the facts then known and is in my best interests.

**Distant Performance Coaching/Telehealth**

In consideration of my participation in the Acumen Performance exercise program, I agree that I am participating at my own risk. I, for myself, my heirs and assigns, hereby release Acumen Performance, from any and all claims, demands, causes of action/rights of action, present or future arising from my participation in the exercise program. Please consult your physician prior to starting an exercise or fitness program.

Telehealth is the use of digital information and communication technologies, such as computers and mobile devices, to access health care services remotely and manage your health care. These may be technologies you use from home or that Acumen uses to improve or support health care services. Acumen Performance is flexible in the tools used for telehealth and teletraining. We will be accommodating by using the preferred method of video call of our clients. Some programs and software used for telehealth and teletraining includes but are not limited to Skype, Facetime, Messenger by Facebook, Whatsapp and more.

Skype: Skype is a telecommunications application that specializes in providing video chat and voice calls between computers, tablets, mobile devices, the Xbox One console, and smartwatches over the Internet. Skype also provides instant messaging services. Users may transmit text, video, audio and images. For more information, visit: <https://www.skype.com/en/>

Facetime: FaceTime is a proprietary video telephony product developed by Apple Inc. FaceTime is available on supported iOS mobile devices and Macintosh computers that run Mac OS X 10.6.6 and later. FaceTime supports any iOS device with a forward facing camera and any Macintosh computer equipped with a FaceTime Camera. For more information, visit: <https://support.apple.com/en-ca/HT204380>

Messenger by Facebook: Facebook Messenger is a messaging app and platform developed by Facebook, Inc. Users can send messages and exchange photos, videos, stickers, audio, and files, as well as react to other users' messages and interact with bots. For more information, visit: <https://www.messenger.com/>

Whatsapp: WhatsApp Messenger or simply WhatsApp is a freeware, cross-platform messaging and Voice over IP service owned by Facebook, Inc. It allows users to send text messages and voice messages, make voice and video calls, and share images, documents, user locations, and other media. For More Information, visit: <https://www.whatsapp.com/>

Zoom: Zoom Video Communications, Inc. is an American communications technology company headquartered in San Jose, California. It provides videotelephony and online chat services through a cloud-based peer-to-peer software platform and is used for

teleconferencing, telecommuting, distance education, and social relations. For More Information, visit: <https://zoom.us/>

It is important to know that our patients will be advised on the risks of telemedicine in the provision of both assessment and diagnosis and the limitations of treatment through telemedicine. The need for a full relevant physical examination prior to definitive diagnosis is needed and that a future physical examination would be recommended.

### **Consent to the Use of Cloud-based Service**

In order to provide a higher level of service to our Clients, Acumen Performance is using 'cloud-based tools' to collect information on patients. The intent is to collect more consistent data before entering our programs, so that more time can be spent in reaching your specific goals. It is important that you understand how these tools operate in order to provide your consent to their use

**What are cloud-based internet services?** Cloud-based services are tools accessed over the internet to allow collection and presentation of data. Web-based email is one example of such a service. SurveyMonkey and other online satisfaction surveys are other examples. Many of these services use servers (data storage and computing centres) housed outside of Canada.

The privacy of your personal information is important to us. Our practice focuses on keeping your data private unless sharing is consented by the client. In addition, any technology we use to improve your experience is chosen because the balance of data security and benefit is in your favour. We have personally reviewed the privacy policies of all the service providers we use, and they provide the level of security you would expect for personal information and often exceed the level of security that our office can provide.

Below is a transparent list of the tools we are currently using for you to review. We would also be happy to provide a list of these tools in printed form should you wish to have it for your reference.

### **Cloud-based Tools Practice Solutions Suite Electronic Medical Record (EMR):**

We are a paperless office including the use of an Electronic Medical Record. We have chosen to partner with Salesforce and DocuSign to record patient/ client information. This service is a cloud-based customer relationship management platform with servers in Canada. Salesforce and DocuSign meet Canadian data privacy standards. Our Salesforce App with DocuSign integration allows contact with patients using email.

**Google Email Services:** Our practice email is supported by G-Suite (<https://www.google.com/work/>) which is a HIPAA-compliant email service. This means that administrative controls allow higher security settings than a free Gmail account. Any health information you send to this account will be stored in servers in the United States and other countries (Google server locations <https://www.google.com/about/datacenters/inside/locations/index.html>).

All use of cloud-based tools in this practice are optional. Your care will be the same should you decide not to use these tools, but your customer experience may be different. If you decide to withdraw your consent to the use of cloud-based tools no questions will be asked. Please let us know if you would be willing to use the suite of cloud-based tools that we have assembled for you.

Any privacy concerns should be directed to [practice@acumenclinic.com](mailto:practice@acumenclinic.com) or to the Office of the Privacy Commissioner at [https://www.priv.gc.ca/cu-cn/index\\_e.asp](https://www.priv.gc.ca/cu-cn/index_e.asp)

**Payment Policy:** We accept all Visa debit cards and credit cards. This payment can be made online through the invoice sent or by phone with an Acumen Team Member. A receipt is generated as soon as payment has been processed and e-mailed to you for your files. Please note that Acumen Performance is virtual and that we are based in multiple cities. Online payment is a great tool to collect payment. We understand that credit payment is not always an option, please call to discuss other options.

**Cancellations:** Don't hesitate to call us to cancel your appointment ahead of time. Cancellations with notice of more than 48 hours will be at no charge. Cancellations made with less than 48 hours notice will be charged 50% of the total invoice. Cancellations made within less than 24 hours will be charged the total invoice.

We look forward to providing you with excellent service and care!

- The Acumen Performance Team  
AB: 587.599.5345 BC: 778.808.4614

I, \_\_\_\_\_ have read and agree on the terms of this document during my care at Acumen Clinic.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Emergency Contact name/ Number