

795 Waterman Rd
Forestville, NY 14062

November 27, 2011

Dear Ms. Schoenborn:

Thank you for your quick reply in reference to your letter of November 4. I appreciate the point you are trying to make, but I believe RPCI's ruling, if it truly exists, is ill-advised and not thought out properly. Nearly all anti-barefoot policies are based on myths instead of facts and/or are written by people intolerant of the concept that barefoot is better for an individual's health.

>For now –

Your current visitors policy as stated publicly has no mention of the need for footwear within or outside the confines of the hospital. Perhaps because it is a non-issue?

<http://www.roswellpark.org/patients/roswell-guide/visitor-information> as of 11-09-2011

Visitor Policy

Roswell Park Cancer Institute has a visitor policy to protect our patients from infectious diseases that are easily transmitted from person to person (such as viral infections):

- All visitors with communicable infectious diseases should refrain from visiting patients. Please let friends and family members know about our policy if they wish to accompany patients during clinic visits or visit hospitalized patients.
- We ask that visitors do NOT come to Roswell Park Cancer Institute if they have an influenza-like illness, which means a fever greater than or equal to 100°F (37.8°C) with cough and/or sore throat within the last 7 days.
- Children under the age of 18 are not permitted to visit patients at Roswell Park.

>And

As publicly stated with no mention of bare feet. I would think that if bare feet contributed to the spread of infections, the staff of RPCI would advise their patients of the fact. Another non-issue.

<http://www.roswellpark.org/patients/living-cancer/side-effects/infection> as of 11-09-2011

Other key points to remember:

- Avoid people who are sick and crowds of people, especially during cold and flu season
- Avoid handling animal feces/excrement
- Get plenty of rest. Fatigue can stress your immune system and can increase your risk of infection
- Eat a well balanced diet with proper nutrition

- Do not eat spoiled or expired foods. Do not consume raw meat or seafood. Thoroughly wash fruits and vegetables
- Ask your healthcare provider about vaccines that prevent illness. However, it is important to talk to your healthcare provider before receiving any LIVE vaccines because live vaccines can potentially be harmful to persons with particular types of cancer.
- Encourage people in your household to get immunized as well.

>**And**

RPCI is not enriched by diverse culture and needs if it flatly refuses to consider those cultures and needs based on myth and prejudice.

<http://www.roswellpark.org/about-us/mission-values> as of 11-09-2011

Compassion and Respect: We are enriched by the diverse cultures, needs, and expectations of our coworkers and of the communities we serve. It is our privilege and responsibility to appreciate these differences as we establish research goals, develop care plans, and interact with one another.

>**And**

I've done an exhaustive search of the NYS DOH website.

RPCI's owner and operator - New York State Department of Health, has no public statement, ruling, or regulation banning bare feet in hospitals or in any other premise open to the public. A non-issue? I'm pretty sure.

I've also done a fairly exhaustive search of the CDC website. The Center for Disease Control apparently has no information concerning bare feet by anyone in hospitals. One can infer from this that bare feet are of no concern in regards to infection control. Also, from what I read, on their site, there is no mention that parasites can be transmitted by bare feet – only acquired, in certain areas of the country and world, mostly by standing in feces contaminated soil for a period of time. There certainly is no feces contaminated soil on the floors of RPCI.

>**Liability issues?**

I will admit that this is an area you have more expertise than I. However, if you look at it from the perspective of **requiring** footwear be worn inside the hospital, you would have to determine what footwear should be worn. Far more people wear flip-flops or spike/high heels than you would ever see barefoot. I believe it's been proven that wearing those types of footwear result in a relatively high injury rate compared to a regular shoes. They would be a higher liability risk than regular shoes or bare feet. Habitually barefooted persons have a higher awareness of their surroundings especially under foot.

The top of next page is quoted from a book - Howell, L. Daniel (2011-01-01). The Barefoot Book: 50 Great Reasons to Kick Off Your Shoes (Kindle Location 1890). Hunter House. Kindle Edition.

“While businesses can find themselves getting sued over just about anything, we as a nation have found ourselves in a very gloomy position if we’re really willing to give up even the simplest of freedoms for the fear that a lawsuit might ensue. Although it is prudent for a business to do all it can to avoid a suit, it is extremely unlikely that a barefoot patron would or could successfully sue a business for injuries incurred to their bare feet. Four conditions must be met in order to do so:

1. A duty of care to the customer must be established.
2. A breach of that duty must be demonstrated.
3. A causal link between breach and harm must be made.
4. Actual harm or damage must be assessed.

In general, a business owner is not responsible for a customer’s safety beyond safeguarding the customer from hazards he or she would normally not be aware of. According to one thoughtful critique of the situation, requiring footwear on a customer may actually increase the risk of liability for the business because by doing so, the business assumes a higher duty of care to the customer.¹ According to this line of reasoning, a shod customer who sustains an injury now has a ready avenue for suing the business. Flip-flops are notoriously slippery when wet and more than one-third of women wearing high heels experience falls, putting more than 20,000 women in the hospital each year.² Given the dangers of high heels and flip-flops, assuming duty of care over footwear by requiring shoes to be worn doesn’t seem to accomplish what the business owner desires. Furthermore, the claim that shoes are required “for your safety” seems bogus: If the business is truly concerned about customer safety, it should insist that women remove their high-heel shoes upon entering! If a person does injure a foot while being barefoot in a place of business, the injured person must be able to demonstrate a real breach of duty and a causal link between their injury and the company’s breach of the existing duty-of-care to the customer. It will be hard to convince a jury or judge that an injury from stepping barefoot on broken glass or a thumbtack is a breach of the business owner’s duty. The judge will likely say, “What did you expect? You were barefoot!” What’s more, hazards on the floor are usually open and obvious to the customer. Even if both a breach of duty and a causal link could be shown, the business is only liable for actual damages. In other words, the business will have to pay for the bandage. Any injury more severe than requiring a simple bandage would likely have been incurred regardless of the bare or shod condition of the foot. (How much protection, after all, do flip-flops really offer?) Furthermore, in many instances the cost of damages is shared between the plaintiff and the defendant according to a court determined share in culpability. It should also be mentioned that people who enjoy walking about barefoot are generally not likely to sue a business, even if the business is genuinely at fault (unless the injury is truly severe). I base this conclusion on the many discussions I’ve had with people who enjoy going barefoot. Those individuals cherish the right to walk unshod and would not carelessly behave in a way that would threaten that freedom.”

Howell, L. Daniel (2011-01-01). *The Barefoot Book: 50 Great Reasons to Kick Off Your Shoes* (Kindle Locations 1893-1902). Hunter House. Kindle Edition.

In summary:

Many people, when confronted with an unusual situation, fall back on learned myths and misconceptions to deal with such situations. I had that feeling when, on Oct 28, the lady introduced to me as a representative of RPCI administration said I needed shoes on to be in the hospital. Her first reason why was that there are needles all over the floor. Even she, on second thought, saw that was pretty silly. Her second reason was that bare feet track in infection causing organisms...I pointed to a

guard's shoes and she said for me not to mentions shoes. She finally said that this was their house and I had to follow their rules. Since I knew I would have to have shoes on at that point (because there is no sense talking to a wall), I walked out and got some slippers from my car in the ramp. I could see that she didn't know what she was talking about and making up policy on the spot. BTW, after a little research, I found out that RPCI is NOT their/your house, it is OUR house. You are there by the grace of the people of New York State.

I am sure that when I talked to you on November 1, that I asked for a copy of the document prohibiting bare feet inside RPCI. Your reply was similar to the above lady's; mainly that bare feet are a liability and health issue for RPCI, but provided no documentation. I believe I provided a rebuttal to those points above.

I am still requesting a copy of the documentation, dated prior to 10-28-2012, prohibiting bare feet within the hospital proper. If you can not find such documentation, I request that you reconsider the ban you imposed on me. Also, if you do find documentation, I request that you reconsider the over-all ban on bare feet. I base this request on the premise that such a ban is rooted in misconceptions, myths, and prejudice, not on fact.

Respectfully submitted,

Lee Parker
716-679-8544

P.S. If you wish a meeting to discuss this, I am more than willing to attend, depending on my work schedule.