

MD Consulting Services LLC

Physicians Helping Attorneys Helping People™

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Newsletter

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This Month's Question:

Can an Auto Crash Cause a Hiatal Hernia?

MD Consulting Services Answer:

We recently had a case of a 59-year-old man who was a properly restrained driver when a car coming in the opposite direction swerved and collided head-on into his vehicle while he was traveling at about 40 mph. The client presented to the ER with complaints of chest pressure, right lower leg pain, neck pain, headache and left hand pain.

On follow up with his primary care physician (PCP) the client continued to have chest pain and symptoms of gastroesophageal reflux disease including heartburn, regurgitation of food and the inability to eat normal amounts of food at meals. The client was diagnosed with a new hiatal hernia. A hiatal hernia occurs when the stomach bulges up into the chest cavity through an opening or tear in the diaphragm. The hernia required a surgical repair, where it was also documented that the client's "whole stomach was in his chest."

Unfortunately, the first surgery resulted in the client continuing to have significant symptoms including being unable to tolerate food. He lost nearly 40 pounds. The client also had chronic nausea and difficulty swallowing, feeling food getting stuck in his esophagus. In fact, he had to stop eating solid food. Due to these continuing problems a second hiatal hernia repair was performed. Although the client had some improvement with the second surgery, he continues to have significant problems related to his hiatal hernia which started immediately after the auto crash.

Opposing counsel and opposing doctors raised the question if the hiatal hernia was pre-existing even though there was no evidence of this problem in the client's medical records. We argued against the idea that the hernia was pre-existing and quoted medical literature to back up our

opinion. It was our opinion to a reasonable degree of medical probability the hiatal hernia was traumatic and the auto crash was the immediate & proximate cause.

In the July 2004 European Journal of Radiology, Eren et al. published a paper titled *Diaphragmatic hernia: diagnostic approaches with review of the literature*, and stated “Traumatic diaphragmatic hernias (TDH) usually result from blunt or penetrating injuries or iatrogenic causes. The most common **cause of TDH is blunt thoraco-abdominal trauma, such as road traffic accident** (our emphasis) and falls from height.”

In the same paper, Eren et al. suggested the following mechanism of injury – “In blunt trauma, **the raised pressure within the abdominal cavity during trauma causes the tear of the diaphragm** (our emphasis), and the suddenly raised pressure difference forces the abdominal organs through the defect”. The author also noted that “the diagnosis and management of traumatic diaphragmatic hernias still presents a problem, because some cases may not present with symptoms for months to years following the injury.”

The client’s hiatal hernia was included as a medical damage in the subsequent settlement.

This situation is another example of how we can assist you with all the medical issues in your cases. **If you have a case**, please reply to this email or call 303-619-0777 to schedule a time to talk.

Let Us Know How We Can Help You

- Medical Summary Reports for Settlement Letters
- IME Observation & IME Rebuttal Reports
- Reports Answering Specific Medical Questions
- Standard of Care Reviews
- Liaison with Treating Doctors
- Help with Strategies to Promote Medical Theories
- Interpretation of Meaning, or lack thereof, of Medical Reports & Records
- Independent Record Reviews
- Assessment of Case Validity Regarding Medical Issues
- Referral to Expert Medical Witnesses
- Medical Research
- Facilitation of Communication with Clients, Families, Professionals and Service & Governmental Agencies
- Case Coordination
- Deposition & Trial Question Preparation
- Table-side Deposition & Trial Assistance

As you know, **we have purposefully kept our fees exceptionally low** allowing you the opportunity to have us review your cases early in your representation while controlling your expenses.

CONTACT US for information or fee schedule.

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