

# CrossRoads Medical Legal Consulting

## Newsletter February 2024

### **This Month's Question:**

### **Can an Auto Crash Cause a Diaphragmatic Hernia?**

CrossRoads Medical Legal consulting answer:

We recently had a case of a 59-year-old man who was a properly restrained driver when a company truck coming in the opposite direction swerved and collided head-on into his vehicle while he was traveling at about 30 mph. The client presented to the ER with complaints of chest pressure, right lower leg pain, neck pain, headache and left-hand pain. X-rays of his extremities were negative for any fractures. A chest x-ray and CT examination of the chest showed infiltrates of the left lower lobe, felt to be consistent with bruising secondary to trauma. The CT scan was not read until the following day and the abnormal results were never communicated to the patient.

On follow up with his primary care physician (PCP) One month later, the client continued to complain of chest pain and pressure, with symptoms of gastroesophageal reflux including heartburn, regurgitation of food and the inability to eat normal amounts of food at meals. The client continued to experience the same symptoms over the next 3 to 4 months and lost about 30 pounds. He was unable to work because of his severe symptoms and he was terminated by his employer. A second chest CT was performed five months after the accident because of continued symptomatology. The report stated that there was a large left diaphragmatic hernia with most of the stomach pushed up into the left chest cavity. Review of the first CT scan of the chest which was performed on the day of the crash revealed that there was a tear in the left diaphragm with the stomach slightly pushed up into the chest cavity. The conclusion was that the first CT scan was misread by the radiologist who did not make the diagnosis of a traumatic diaphragmatic hernia.

The client underwent surgical repair of his left diaphragmatic hernia, with reduction of the stomach back down into the abdominal cavity. He made an unremarkable coverage from that surgical procedure and was free of all the symptoms he had been experiencing since the motor vehicle accident.

The medical bills at this point were approximately \$75,000. The client also had loss of income of approximately \$30,000 after termination by his employer. His attorney filed a suit against the

radiologist who misinterpreted the original CT scan. He also filed a suit against the company and the company driver who caused the car crash.

Opposing counsel and opposing doctors raised the question if the diaphragmatic 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 that the diaphragmatic hernia was caused by the car crash. It was also our opinion that the misreading of the CT scan by the radiologist fell below the standard of care.

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)

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."

This case was subsequently settled with the company and with the radiologist.

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 812-604-6760 to schedule a time to talk.

### **Let Us Know How We Can Help You**

- Medical Summary Reports for Settlement Letters
- 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

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.

