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Physician's Medical/Legal

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Physicians Helping Attorneys Helping People™

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Newsletter

November/December 2023

This Month's Question

Pre-existing pain and disabilities prior to a car crash:

How to address pre-existing conditions?

Treating doctors that won't link causation?

PMLCtex Answer:

One of our client attorneys recently asked us to consult on a case of a 66-year-old woman involved in a serious motor vehicle collision occurring when an offending vehicle failed to yield, causing a front-end collision while travelling approximately 35mph. The client suffered a fractured left hip and left humerus (upper arm). She underwent surgery to repair her hip and the arm/shoulder injury was treated with splinting.

The case was complicated by the client having a long-standing pre-existing condition. She had long suffered chronic back pain. The client had been treated in a pain clinic for over 2 years prior to this crash. She had moderate pain and reasonable limitations, although she could still babysit her grandchildren and go to the store.

Four months after the crash, the client was still experiencing such severe low back pain that she could barely walk more than 10-20 feet without requiring rest. Her treating orthopedic surgeon wrote that her limitations were NOT due to her hip fracture and that her surgery was a success. As true as this might be, the treating surgeon would not comment on her new low back pain.

Our attorney client was left unable to medically support the sudden and significant decline in her function since the car crash.

After interviewing the client and understanding her pre- and post-crash condition, it was easy to render an opinion within a reasonable degree of medical probability that she had not only aggravated previous back pain, but in fact, had multiple new significant injuries related to this crash that were responsible for her decline in function and low back symptoms.

Being part of a team that has written hundreds of reports, we have a good idea of exactly how to address pre-existing medical conditions. We understand not only will our reports be read by you, but also by adjustors, defense attorneys and perhaps others. Since most cases settle, we make sure our reports link the causation of injury to the event, include a detailed mechanism of injury, and paint the real-world picture of a client's functional losses.

After a full review of her prior treatment and MRI scans, it was obvious to us that there was a slight, but significant finding on a recent MRI that would explain her change in symptoms. In addition, we included recent peer-reviewed medical research that showed even minor car crashes commonly have a profound impact on persons over the age of 65, likely attributable to soft tissue damage that typically goes undetected in the emergency room.

It was our opinion that this client was going to require two additional surgeries, physical therapy, treatment at a comprehensive pain clinic, and ongoing medication for injuries directly caused by the car crash and that her settlement reflect the cost of this medical care.

We can explain pre-existing conditions and apportion what part of a client's pre-existing condition was exacerbated by the accident. In addition, it is not uncommon for a client to be in more than one accident. In this case the client may have experienced, for example, a low back injury in each accident. We will give our best estimation of apportionment regarding current symptoms and the accident in question.

Let Us Know How We Can Help You

Medical Summary Reports

- Help with strategies to promote medical theories
- Interpretation of meaning, or lack thereof, of medical reports & records
- Attendance at IME's
- Reviews of IME Reports
- Independent Record Reviews
- Assessment of case validity regarding medical issues
- Referral to appropriate expert medical witnesses
- Medical Research
- Facilitation of communication with clients, families, professionals and service & governmental agencies
- Case Coordination
- Facilitation of communication with treating doctors
- Table-side deposition assistance or deposition question preparation

As you know, **we have purposefully kept our fees exceptionally low; a fraction of typical expert witness fees** 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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P.S. ---Please pass this Newsletter along to your colleagues.