

# Maloney Group Consulting LLC

Physicians Helping Attorneys Helping People™

[www.mdlegalcs.com](http://www.mdlegalcs.com) 402-915-1393

## Newsletter

February 2024

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

**Can a Medical/Legal Consultant find Overlooked Medical Damages in Cases?**

### **MD Consulting Services Answer:**

The answer is absolutely yes!

Frequently, there is more to a case than first meets the eye. This is just as true in the realm of medical damages as it is in other situations. Sometimes what appears to be a mild injury blossoms into health issues far beyond what one would expect. This issue was discussed in a previous newsletter with respect to Traumatic Brain Injury (TBI). Delayed onset of symptoms are common and may be debilitating. Such is also the case with Complex Regional Pain Syndrome (CRPS).

We recently consulted on a case involving a penetrating injury of an extremity. With diabetes as a pre-existing condition, a wound infection required multiple surgical procedures. At first, symptoms were as one might expect centering on pain at the sight of the wound. Within weeks, there appeared to be tendon and muscle involvement likely as a result of cellulitis (infection of the skin & underlying tissue). More surgery followed. Symptoms at first were limited to pain and swelling in proportion to the injury and secondary infection. The initial area of involvement was limited to the associated muscles and tendinous structures.

Through the course of care however, pain not only worsened but changed in character evolving into pain mixed with other neurological symptoms. The client's reported pain was out of proportion to what would normally be expected. The pain had a more regional distribution as opposed to following expected neurological patterns (dermatomes). The client also complained of sensations of heat alternating with sensations of cold. At times, his skin would be abnormally dry and at other times, he would sweat abnormally consistent with autonomic nervous system (part of the nervous system responsible for control of the bodily functions not consciously directed) dysfunction.

Over time, other extremities became involved. This situation expanded to the point that one would be tempted to suspect that the client was exaggerating symptoms for personal or financial gain. However, this was not the case.

In this client's history, one can see the development of a symptom pattern diagnosed as Complex Regional Pain Syndrome (CRPS). Symptoms may vary greatly, but the pattern here is one starting with (sometimes mild) trauma. Eventually dysesthesias (abnormal sensations) involving both the peripheral nerves as well as the central nervous system develop.

To back up just a bit, the nervous system is basically divided between the peripheral system and central nervous system. The peripheral nervous system involves primarily sensation (touch, pain, hot, cold) and movement. The central nervous system (the brain and spinal cord) deals with more automatic responses in blood pressure, heart rate, respiration, temperature regulation and more.

For those afflicted with CRPS, both branches of the nervous system may be affected. Typical symptoms include allodynia (pain from a stimulus not expected to provoke pain), so the pain is unexpected and inconsistent. Also common is hyperalgesia (pain that is more intense and lasts longer than the stimulus would predict). Disruptions in temperature sensitivity and sweating are often involved.

The pathologic mechanisms range from physical alteration of nerve fibers to chemical alterations in nerve transmission as well as alterations of chemistry inside the cells. To complicate matters more, such mechanisms can be found in all parts of the nervous system, including the brain. Disruption of the immune system may also play a role in some individuals. As one might expect, the prognosis in such cases varies greatly however treatment, especially if started late, is often unsatisfactory.

In the case just outlined, we were acting as a Medical/Legal Consultant to the attorney. Through our review of the case including reviewing the medical records & interviewing the client, *we were the first* to suspect the diagnosis of CRPS and recommended the attorney direct his client to the appropriate treating doctors who confirmed our diagnosis.

In cases like this, the Medical/Legal Consultant can help clarify symptom causation and actually verify the credibility to the client's case. This is also an example where your Medical/Legal Consultant, through our unique view of the entire case, can find diagnoses previously overlooked.

## Let Us Know How We Can Help You

- Medical Summary Reports
- IME Observation and IME Rebuttal Reports
- Reports answering specific medical questions
- Help with strategies to promote medical theories

- Interpretation of meaning, or lack thereof, of medical reports & records
- Facilitation of communication & liaison with treating doctors
- 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
- Medical Case Coordination
- Table-side deposition assistance or deposition question preparation

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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**P.S. ---Please pass this Newsletter along to your colleagues.**