

NY INJURY TIMES

DECEMBER 2011

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Shari saying goodbye to David after being dropped off at college in Maryland



Roslyn Duck Pond

- ☑ **MED MAL-WHAT'S IN THE NEWS?**
- ☑ **GERRY'S NEVER ENDING STORY**
- ☑ **NEW TRIVIA GAME**
- ☑ **PHOTO GALLERY**

2011 NYC MEDICAL MALPRACTICE PAYMENTS COME OUT TO \$135 MILLION

City records show that NYC has paid out \$135 million in malpractice payments this fiscal year for errors its public hospitals made in 246 cases. This value is up from the previous year's figure of \$128 million -- a 5% increase. Some of the lawsuits lasted more than a decade.

The city has responded that, despite the increased price last year, overall medical payments have decreased an average of \$65 million per year since 2003, thanks to increased focus on settling early, aggressive investigations, and other measures.

The Daily News reported on three striking cases that closed this year.

One was a 38-year-old Bronx woman, who visited a dentist for a cheek infection. He drained the infection but did not request a tissue culture, which would have revealed MRSA, a dangerous bacteria. 10 days later, the woman was admitted to a hospital in extreme pain. The bacteria had spread to her neck and spine and she was left paralyzed. She won... *continued on p. 5*

Seagull- Jones Beach



BIKE RIDER HITS PEDESTRIAN, THEN SUES HER

A bizarre lawsuit has been filed after a bicyclist hit a pedestrian earlier this year in Central Park, Upper East Side.

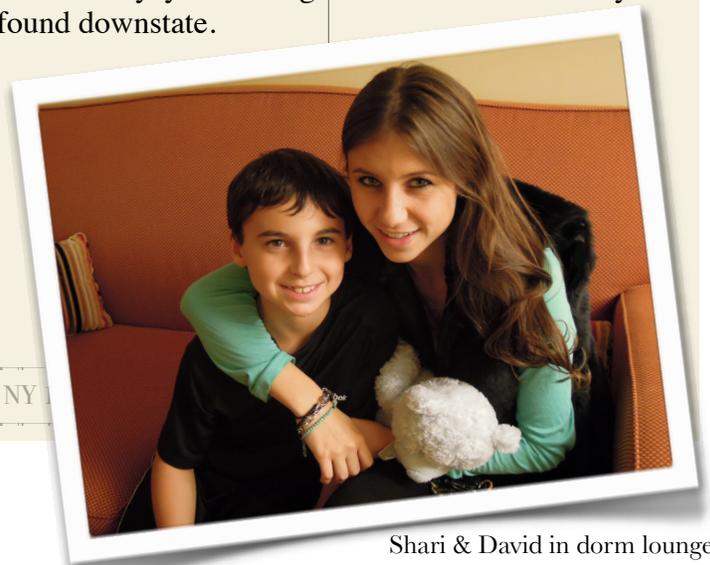
The incident occurred at 6:30am on June 15 on a bike lane near 69th Street and East Drive. Triathlete Sabine von Sengbusch, 46 -- a healthcare administrator by profession -- was bicycling along her bike path when Meghan Rohan, 28, a lawyer, walked into it -- 'recklessly,' according to Ms. von Sengbusch.

Although pedestrians have the right of way and Ms. Rohan suffered a broken elbow, she is now being sued for the collision. On the other hand, even though Ms. von Sengbusch finished second place in a triathlon out on Long Island on

October 1, she claims to have suffered "great physical pain and mental anguish" with "painful and permanent" injuries. She was allegedly unable to work after the crash.

This is the latest of many conflicts between cyclists and others in the city, and does not bode well for the Department of Transportation's proposed "bike-sharing program," in which bike stations, totaling around 10,000 bicycles, are set up throughout the city for rent from one bike station to another.

Hunter College recently released a study claiming over 1000 bicycle-pedestrian accidents occur every year throughout the state -- mostly found downstate.



Shari & David in dorm lounge

JIMMY CHANGA GOES TO THE FRENCH EMBASSY

Jimmy's next assignment was interrupted by news of a drone that went down in Iran, that mecca of patriotic American freedoms. Turns out Jimmy's new assignment was to meet the President of Iran, Ahmedinedjad. The U.S. Government wanted to know when he'd meet his maker.

A decision was made that Jimmy would impersonate Ayatollah Khomeini. He'd have the beard, the turban and the robes. Someone suggested he should be Osama Bin Laden and make a surprise appearance at a diplomatic party where Iran's president was to be.

That didn't go over very well with Jimmy. The Ayatollah it was. Jimmy was going into the French Embassy in NYC where they were hosting world leaders following the United Nations speeches. Jimmy was to be accompanied by an entire phalanx of Arabic-looking guards while inside.

The British ambassador was asked to invite the Iranian president to meet someone special who wanted to chat with him for a moment.

It took Jimmy 7 hours for the makeup crew to make him look like the real thing. He would have only seconds to shake hands since he didn't know a single word of Iranian and didn't want to learn.

What the NSA geniuses didn't realize is that in Middle Eastern tradition, you didn't shake hands. Instead, you grabbed each others' shoulders and gave air kisses on each cheek. Without the hand shake, this mission would bomb.

One of the Arabic guards realized this upon entering the French embassy. "Sheet, Mr. Jeemie. You haf a problem. See how they fake kees on da cheek. You must do too. Then you grab his hand and no let go."

The guard had a point. Jimmy and his crew were escorted by French security to the ambassador's library. Only one door in or out. Two windows that were sealed shut.

Two of Jimmy's guards stood by the door with their hands on their automatic weapons. Jimmy a/k/a the Ayatollah stood in the middle of the room waiting for his intended target. Two additional guards stood behind Jimmy but slightly off to the side of him.

Outside, the limo driver was eagerly waiting in front for Jimmy and crew to make their hasty escape.

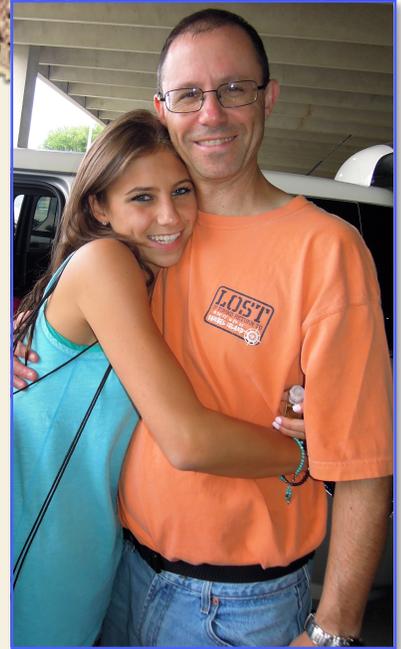
In two minutes, the target was to enter. Three minutes later, still no target. As a guard opened the door a crack, he saw the target approaching the stairs leading to the library. The door was immediately closed and everyone alerted.

The French ambassador was leading the target, unaware of the setup. Jimmy had decided that after shaking hands, he would proceed to cough, hack up fake packets of blood and vomit and be rushed out of the embassy by his guards. That was the plan anyway. He wouldn't have to talk to his target.

It would be like two mimes talking to each other.

A knock at the door. A guard opened the door and invited them in. The look on the Iranian president's face was worth the mission.

Join me next month when we follow Jimmy's antics in my never ending fictional story.



Shari giving me a goodbye hug after dropping her off at college



Shari & Mia heading to the dorm



Thanksgiving deserts baked by my wife. 16 dozen cookies for friends and family. That's a lot of cookies.

Smart Defibrillators (AED's) May Cause More Deaths Than Old Defibrilators



David wearing Joseph's gear

A new study reveals that a move among many hospitals to automated external defibrillators (AEDs) may be contributing to a higher rate of fatalities than would have been the case with older defibrillators. About 1000 patients are said to die annually thanks to AEDs.

Defibrillation is the stimulation of the heart with a therapeutic stream of current between two electrodes. The purpose is to recalibrate a normal heart beat for an individual suffering from cardiac arrhythmia or other similar conditions. Some arrhythmias are "nonshockable" rhythms, meaning they are not amenable to defibrillation. These include asystole, or flatlines. In the interest of telling between nonshockable and shockable rhythms, a professional would normally be required to use an external defibrillator. AEDs were invented to act as smart defibrillators, so anyone can use them in case of emergency. However, the results are not encouraging.

Part of the reason for AEDs' weak performance is the time it takes to apply the AED's pads to the patient from the moment the AED is accessed: 46 to 52 seconds. With only a few minutes to save a patient's life, this has proven to be too long of a time span.



Joseph at a call in town

The study, published in the Journal of the American Medical Association, tracked 11,700 patients with cardiac arrests across the United State from 2000 to 2008. Patients survived 16.3% of the time when AEDs were used, but survived 19.3% of the time when AEDs were not used. When controlling for just shockable rhythms, AEDs saved 38.4%, compared with the 39.8% survivability rate without AEDs.

COMMENT

Although AED's have been responsible for saving lives, the study above gives a fascinating look at some harsh statistics. The next time you learn of someone having a heart attack find out whether an AED was available and if it was, whether it was applied. If so, did it convert their cardiac rhythm and did the person survive. If no AED was available, the question will arise whether an AED would have helped.

We all like to believe that if the equipment was available that it would have helped. That's why it was developed and is now commonplace in schools, airports and businesses.

Two years ago, I had the privilege to see my son, a firefighter, jump into action and use an AED while we were waiting for a flight from Florida back home to New York. At the airport gate we were waiting to board our flight. An elderly man had been sitting in his seat by the gate and literally keeled over. My son dropped his backpack, ran over, announced he was a first responder, found no pulse or breathing and immediately began CPR.

He was joined by a JetBlue gate attendant who called for an ambulance. This was a witnessed arrest. Within minutes multiple police officers were on scene and one of them had an AED. My son opened the AED and then applied it to the elderly man. I had never seen one in use.

...continued from p. 4

Once the pads are attached to the patient, you press a button and the AED determines automatically if the heart rhythm is one it can and should convert by applying a shocking voltage to the patient.

It announced initially that it was not able to apply a shock and they should continue CPR. Minutes later they tried again to apply a shock with the AED. This time the emergency responders were told to step away from the patient and gave a countdown to when the electrical shock would be triggered. The crowd

surrounding this emergency could see exactly when the AED had triggered.

The patient's body involuntarily jumped even though he was still not responsive.

CPR continued. The AED automatically detected a slight heart rhythm and advised it would shock the patient again. It directed the emergency personnel to move away, shocked the patient and finally, a heart rhythm was restored. The patient was not yet responsive and it was initially unknown whether he suffered

any brain damage from this cardiac event.

After returning home to New York, my son followed up with the Port Authority police to learn the patient's status. He was thrilled to learn that this elderly man was discharged from the hospital one week after suffering a heart attack. This was a great result where the AED did make a difference. It also mattered that it was a witnessed cardiac arrest and my son and others were able to immediately help.

I felt really proud of my son that day watching him help save this man's life.

Continued from page 1

She won \$8 million in a settlement, the largest in NYC this year.

In 1998, a 10-year-old Brooklyn girl was suffering an asthma attack. The doctor put her on a ventilator at 40 breaths per minute, even though small children are supposed to receive only 8-10 bpm. The girl was tied to the bed when she expressed agitation and died three hours later after the excess oxygen 'blew her lungs out.' The city paid her family \$4 million and lost hundreds of thousands in appeals.

Finally, in 2007, a 43-year-old Brooklyn man suffered a stroke after being forced to wait in the waiting room, despite displaying early symptoms of a stroke. He was left almost completely paralyzed and eventually settled for \$5.5 million.



Mia, Mia

Great Neck,



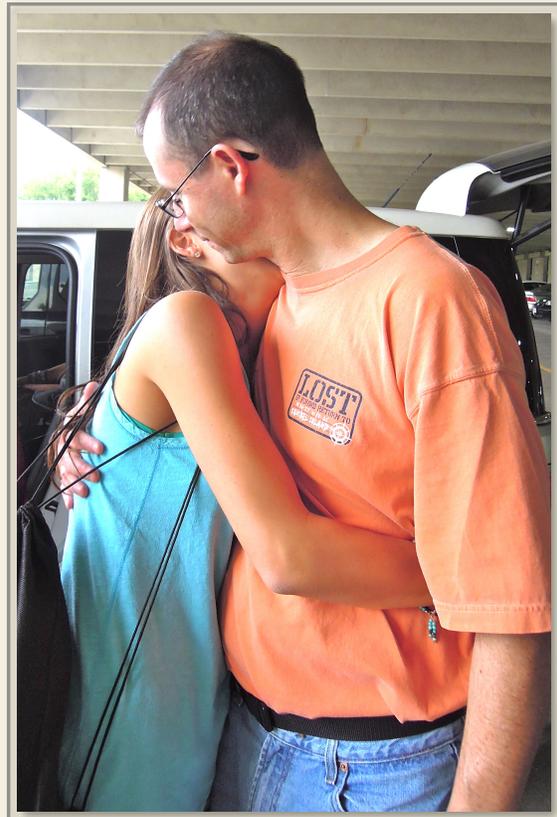
GERRY'S PHOTO GALLERY



Shari & Mia at Shari's dorm in Maryland, not Amherst as Mia's sweatshirt would have you believe.



Wendy searching for sea shells at Jones Beach



"Bye Daddy"



Lunch in Baltimore Harbor where they make fun of you and insult you all during your meal. Hilarious place to go.



David having a ball in Baltimore Harbor

Gerry's Trivia Game

TEST YOUR KNOWLEDGE OF NEW YORK LAW

TRUE OR FALSE?

1. AVASTIN, a breast cancer treatment drug was just pulled off the market by the FDA. Just because you took that drug, that means you have a valid case against the manufacturer.
2. Your case is on for trial. It can be adjourned (pushed back) a maximum of three times before being dismissed.
3. Your attorney has the final say about whether you accept a settlement offer.
4. The trial scheduling judge is usually not the one who will be trying your case.
5. Jury tampering in a civil case is a criminal act and punishable by jail time.
6. In a car accident, you have only 30 days within which to file a claim with your no-fault insurance company in order to have your medical bills paid.
7. A defense lawyer who comes into your deposition to ask you questions with a thick stack of typewritten questions usually means you'll be stuck there all day.
8. A "Consent Policy" means that the doctor who is being sued must give his consent in order for the insurance company to begin to negotiate and/or settle your case.
9. A defense motion to dismiss your case can be made right after you finish your opening statement to the jury.
10. A defense motion to dismiss your case can be made after you have put on all your evidence and have rested your case.

BONUS QUESTION

In a medical malpractice case, the attorney's fee for any money recovered above \$1.25 million is only 10%.

Answers are on the back page



David is King of the sand hill at Jones Beach on a cool Fall day.

NEW YORK INJURY TIMES



Car show, Manhasset, NY

Give this newsletter to your best friend. They'll thank you for it, and so will I.

----- *Answers to Trivia Game* -----

1. False, 2. False, 3. False, 4. True, 5. True, 6. True, 7. True, 8. True, 9. True, 10. True, BONUS: True

HAVE LEGAL QUESTIONS?

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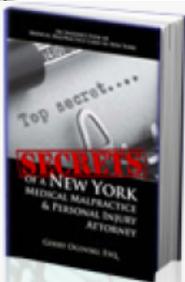
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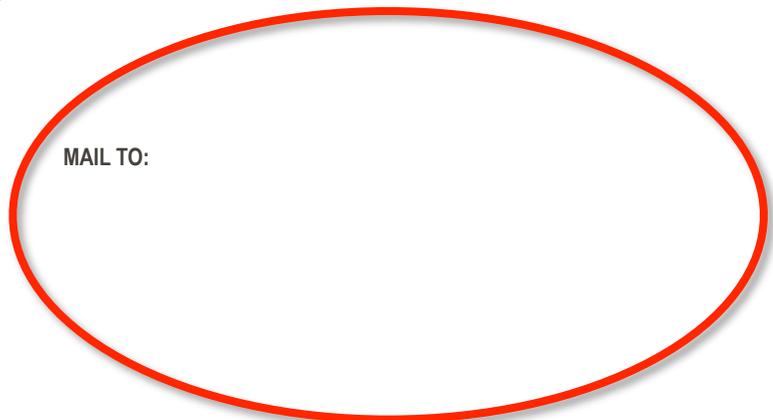


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