



# JUSTICE FOR ALL

Quarterly Publication of Benjamin W. Glass, III, & Associates

Volume 4, No. 3

[www.injury-law-va.com](http://www.injury-law-va.com)

Fall 2001

## In This Issue...

PAGE 1

Medicare update

Laparoscopic surgery

PAGE 2

When dieting, stay healthy

Air travel caution

Medication side effects

PAGE 3

Tire safety

Home improvement contracts

Hotel security and safety

PAGE 4

Insurance tips



One individual's right to sue has delivered good news for all Medicare patients and their families.

For 20 years, the federal government has refused to release information on medical errors doctors or hospitals make during Medicare patient care. Ending this long-standing policy, federal officials will inform Medicare patients if health care fails to meet professionally recognized standards, and also inform them of any legal actions against doctors and hospitals.

The result? Patients, their families, or their estates can use information provided by federal investigators in complaints or lawsuits against physicians or medical institutions that provide substandard care.

This policy change came from one citizen's lawsuit. After his mother, a Medicare hospital patient, died of a stroke while under treatment for asthma and hypertension, he brought suit against the government. When a state medical peer review group denied his request for information, Department of Health and Human Services (HHS) officials ordered the state to disclose its secret findings. HHS also recommended modifying Medicare policy so patients in similar cases would have access to care information.

## Laparoscopic surgery

Laparoscopy is a medical procedure in which a surgeon inserts a thin telescoping tool into a patient's abdomen through a tiny incision to diagnose or treat a medical problem. Doctors can look at video images of interior organs using high-resolution television cameras. They then use laparoscopic surgical instruments or lasers to treat ovarian cysts or perform hysterectomies in women, or perform appendectomies and gallbladder surgeries in all patients. Patients who have undergone successful surgeries appreciate laparoscopy's benefits—small incisions, faster and smoother surgical recoveries, shorter hospital stays, and quicker returns to normal life and work.

Like all surgery, laparoscopy is a serious procedure. It involves anesthesia, side effects, and potential complications.

### One complication

When physicians make errors, patients have legal recourse. After his attorney demonstrated that the surgeon negligently misidentified a key cystic duct, a patient received a favorable jury verdict after he had suffered an injured common bile duct and a torn hepatic duct during a laparoscopic gall bladder surgery.



Justice for All is published by the law offices of Benjamin W. Glass, III, & Associates. It is for informational purposes only and no legal advice is intended. Each case is different and you are invited to discuss your legal question with Mr. Glass at no initial cost.

Tel: 703-591-9829

800-683-7427

email: [bglass@vamedmal.com](mailto:bglass@vamedmal.com)

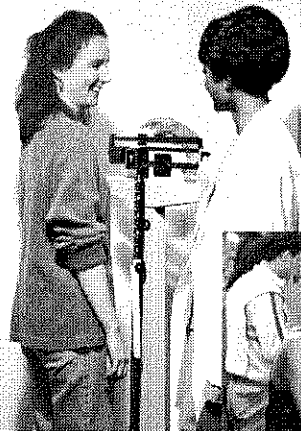
CHECK US OUT ON THE INTERNET!

[www.injury-law-va.com](http://www.injury-law-va.com)

Visit our Web site for lots of good information.

- How to Find An Attorney
- What's New in the Law
- Free Legal Research at over 400 Law Sites
- Sign up for our Free Electronic Newsletter

Protecting the future.



## When dieting, stay healthy

**S**ure, most people can probably afford to shed a few pounds. It's the "how to" that's the hard part. People who have lost weight, and kept it off, generally have some fairly simple guidelines that contribute to their success.

- Losing weight means improving health. So involve your doctor, who can make suggestions, provide support, and monitor progress from time to time.
- Adopt a positive, "can-do" attitude, and set sensible timetables and goals for losing weight.
- Most diets involve cutting

back on fats, sugars, and salt and eating more fresh vegetables and fruits. Some advocate consuming high-fiber fruits and whole-grain products. Your doctor can advise you on a good nutritional program for weight loss that is based on your personal health profile.

- Drink plenty of water and get lots of good, sound sleep.
- Add regular exercise, as suggested by your physician. Work out with a partner to help you remain faithful to resolutions to exercise.
- Avoid diets that promise fast weight loss, or fads that usually pop up just before the holidays or swimsuit season.

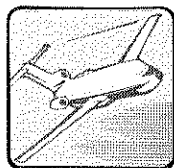
Good luck!

### Diet products

An Alaska Superior Court jury found a diet pill marketer liable for significant punitive and compensatory damages when a customer suffered an adverse physical reaction to an ingredient in its "all natural" product. The non-natural ingredient was synthetic ephedrine, which the Food and Drug Administration has implicated in hundreds of cases of adverse reactions ranging from simple nervousness to cardiac arrhythmia, stroke, and death.

The jury rendered its stern verdict because it felt the marketer was negligent in misrepresenting its product's ingredients and for failing to reformulate, despite warnings from state and federal authorities that synthetic ephedrine could cause serious illness and strokes.

## Air travel caution Blood clot threat



**F**requent long-distance air travelers face a serious health risk known as "economy-class syndrome." More accurately called *deep-vein thrombosis*, this potentially serious medical condition starts when blood clots

form in the lower legs as passengers sit stationary in airline seats for prolonged periods of time. Several hours after deplaning, and as passengers become active, the clot may enter the circulatory system as blood flows and cause medical emergencies. The condition is very serious and may require extensive treatment.

British Airways is now warning passengers about the problem, and other airlines are suggesting movement and stretching exercises. Unfortunately, no one really knows why the syndrome occurs.

After well-publicized deaths in Japan, Great Britain, and Australia, a Sydney law firm has announced that it may sue 20 airlines, and more than 800 airline customers have joined the suit, including the families of 36 passengers who have died from the condition. The passengers feel that airlines are not providing sufficient warnings about the condition's risk.

## Medication side effects

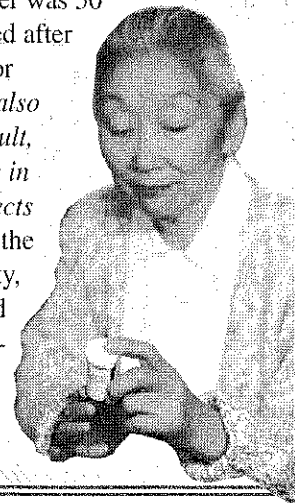
**W**hat should a person do if a prescription medication causes side effects?

**If the reaction seems mild**, reread the label and fact sheet. Make sure you are taking the correct dosage at the right time and that the side effect is normal. If in doubt, contact a physician.

**If the reaction is severe**, call the doctor immediately, call 911 for help, or go to an emergency room and bring the medication with you.

### Inform your doctor

A court said a drug manufacturer was 50 percent at fault when a patient died after using a prescription medication for migraine headaches. *However, it also found the patient 30 percent at fault, since she failed to report changes in intensity and the types of side effects to her doctor.* The court assigned the manufacturer greater responsibility, since it felt the patient was misled by confusing manufacturer's side-effect warnings, which led to her not informing her physician about her symptoms.



# TIRE SAFETY

**D**rivers put faith in their cars' tires, particularly when driving at high speeds. To keep your family safe, have your service center pay attention to four tire-safety points. Follow vehicle owner's manual for tire maintenance.

**Pressure.** Manufacturers design tires to operate at specific pressures and running temperatures for maximum safety and gas mileage. A vehicle's weight also affects steering.

**Alignment.** Your service center will periodically use a computerized device to check your tires' wear and spin to make sure their alignment is true so that acceleration and braking are safe.

**Rotation.** Rotating the tires on your vehicle helps them to wear evenly.

**Tread.** Your service center has tools to tell you when you should replace your car's tires.

## THE FORD/FIRESTONE RECALL

When it saw their irresponsible behavior, America's civil justice system forced Ford and Firestone to compensate those who had been injured by the companies' unheeding behavior with regard to truck and tire design. Settlements paid by the companies have already helped devastated victims get their lives back in order and have given them a measure of justice. Lawsuits helped force a recall of dangerous tires and redesign of Ford SUVs.



## SMART TIRES

Although Congress has mandated the auto industry to equip new cars with tire-pressure warning devices within the next three years, inventors have been working on "smart" tire concepts for a long time. In the not-too-distant future, we may see tires that, via a dashboard light signal, warn the driver if pressure is too low or high, the tread is thin, or a tire has gone flat. Other tires may even be able to self-inflate on the fly and then digitally leave a message on the driver's cell phone and at the dealer's service desk.

## Home improvement contracts

**I**mprovements add space, comfort, convenience, and value to any home. But a botched contracting job can cost owners lots of money and time to correct. That's why it's always smart to sign an agreement with contractors.

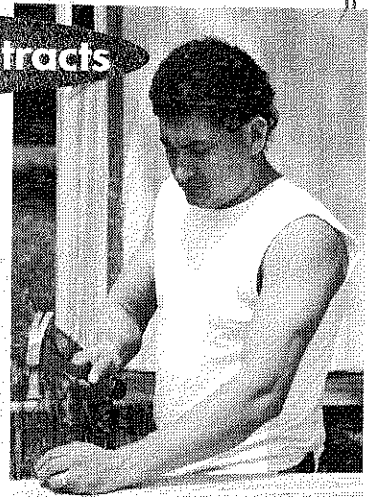
What are the elements of a good home-improvement contract?

- ✓ The consumer's name, address, and phone.
- ✓ The contractor's name, address, and phone.
- ✓ A highly specific description of the work to be done, materials to be used, etc.
- ✓ Time frames for work startup and completion.

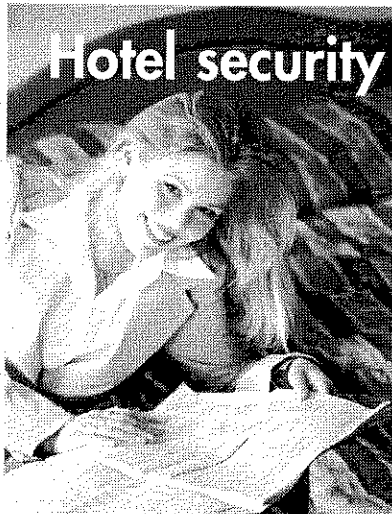
Some contracts include penalties for missed deadlines.

✓ The project's cost. A contract may specify several payments on project completion dates, or withhold final payment pending inspection or satisfaction.

✓ Review by an attorney, since most standard builder's contracts are written to protect the builder. Often, they set no project completion dates, nor do they give the homeowner any way to require a builder to correct deficiencies.



## Hotel security and safety



**W**hen traveling for business or pleasure, we expect hotels or motels to provide lodging that is comfortable, secure, and safe. We want parking facilities and entry doors that are well-lighted. As guests, we assume management and housekeeping staff will keep guest rooms clean, well-equipped, and lighted. Bath facilities must be spotlessly clean and safe. If anything fails to meet our expectations, we can call the front desk and have staff make corrections.

For peace of mind, we can take steps for security by:

- locking and bolting room doors at all times
- securing slider doors with locks
- using security peepholes to check out visitors
- never opening doors to strangers
- calling the front desk to verify employees who knock at the door.

## A damaging slip and fall

When a lodging facility seriously fails in its duty to care for guests, our courts will provide a remedy. When a guest at a Wisconsin hotel slipped and fell while showering, she fractured several front teeth. Her injuries necessitated extensive crown and bridge procedures to restore her mouth to full dental health. Her attorney brought a premises safety lawsuit against the hotel, and a jury awarded her damages for the hotel's negligence in failing to comply with state laws requiring that it maintain a shower protected with nonslip surfaces, bath mats, and grab bars.

LAW OFFICES  
BENJAMIN W. GLASS, III, & ASSOCIATES  
SUITE 22-B  
3915 OLD LEE HIGHWAY  
FAIRFAX, VA 22030

JUSTICE FOR ALL

PRESORTED  
STANDARD  
U.S. POSTAGE PAID  
MAILED FROM ZIP CODE 17604  
PERMIT NO. 242

### Return Service Requested

MEDICAL MALPRACTICE  
AUTOMOBILE ACCIDENTS  
SERIOUS PERSONAL INJURY  
DISABILITY LAW  
INSURANCE DISPUTES  
WRONGFUL DEATH  
LEGAL MALPRACTICE  
TAX MALPRACTICE

*Representing Individuals Against Insurance Companies, Corporations, and the Government*

## INSURANCE TIPS

### *Child off to college?*

If you have recently sent a child off to college, you may be able to save a lot of money on automobile insurance. If your child is on your family automobile policy, many insurance companies will discount the premium while they are away at college and without a car. Most require that the student be a certain minimum number of miles away. As long as they are not home for more than 30 consecutive days, they are still covered while they drive any car, including their own. You should contact your agent and discuss this matter with them. Most companies do not openly advertise this discount. Above all, be honest. If you misrepresent the facts, your child may find him or herself without any coverage at all.

### *Disability insurance*

We have represented many people with long-term disability insurance claims. Through that work we have discovered that there are really two types of disability insurance: the good and the worthless. In our opinion, most

employer-sponsored disability policies are not worth the paper they are written on. Virtually all such policies pay only if you are totally disabled from doing any work whatsoever. We have seen many claim denials based on the fact that the insurance company believes that there is some job, somewhere, that the insured could do. Moreover, all of these policies require you to apply for social security benefits, and then they apply those benefits against what they are supposed to pay. If the Social Security Administration provides benefits to your family because of your disability, those benefits are also applied against your long-term disability claim!

In our view, you would be far better off to reject this type of insurance, take any money your employer will pay you instead, and buy a private long-term disability policy. Such policies are not inexpensive but provide far better coverage than employer-sponsored policies. If you have a question about which policy may be best for you, call us **before** you have a claim.

### *Umbrella policies—worth the cost?*

Many insurance companies will offer to sell you an “umbrella” policy. These policies will cover you if you are sued beyond the limits of your automobile or homeowner’s policies. Coverage can usually be purchased for protection up to \$1 million for a price of \$200 or so. Is this a good deal?

It’s not a bad deal, but there is probably a better way to spend your money. For full protection for your family, you should simply increase your automobile coverage to \$1 million of liability and uninsured motorist coverage. You will be covered for up to \$1 million if you hurt someone, but, **more importantly**, your family will be covered for up to \$1 million if someone without insurance (or with limits less than \$1 million) injures someone in your family. You don’t get this type of family protection with an umbrella policy. The additional cost? Usually about \$75 to \$100, depending on what amount of automobile insurance you already have.