

\$2.6 Million Verdict for Local Family

An Indiantown baby with a high fever was taken by family members to a local clinic's emergency room. The baby was kept waiting for several hours, and the E.R. staff and the physicians never performed a spinal tap. Finally, after several hours, the baby was sent by ambulance to the hospital, where he died of spinal meningitis. An expert stated that if the child had been placed on antibiotics immediately, he would have survived.

\$2 Million for Okeechobee Client

A man was a back seat passenger in an automobile that collided with a semi-trailer that ran a stop sign. The man's injuries were massive, including a closed-head trauma. A \$2 million settlement was obtained from the semi-trailer's insurance company.

\$1 Million Settlement

The combination of an inexperienced racetrack flagman and a lack of supervision resulted in serious injury to a teenager. The boy, an inexperienced driver, was practicing his motorcycle skills on a motorcross track when an experienced rider jumped a hill, landing on top of the teen. The injured boy required several neck and back surgeries and is now a quadriplegic. He also will need multiple surgeries and treatment for years to come. A settlement was reached with Lloyds of London for the policy limits.

\$555,000 for Nursing Home Patient

An 86-year-old nursing home patient was found by his family with severe bed sores on his heels and buttocks as a result of the staff's "failure to turn" him. The bed sores were so severe that bones were protruding through his skin. After many attempts to get the attention of the staff and after ringing the call button for hours, the man was found lying in his own urine and feces. Due to multiple injuries, the man died.

Amusement Parks Are Fun, But Are They Safe?

Theme parks are not required to publish injury reports or the results of safety inspections, though they must report any serious ride related injuries or fatalities to the Florida Department of Agriculture or Consumer Services.

amusement rides, not those which result from "the operation of" amusement rides.

Mobile rides, such as rides at traveling carnivals or fairs, are subject to federal regulation, but there is no federal regulation of fixed-site rides and no federal reporting requirement for injuries. Rather, regulation of amusement parks is left to each state. When a person is injured at a park, the park's own security personnel are likely to take charge.

If you are injured at an amusement park:

- Be careful what you tell the park. Anything you say can be used against you later.
- Record the name of the park, the ride, and the operator, and note the time and date you were injured as well as any details.
- Report your injury to the ride operator and the appropriate state agency.



However, a serious injury is defined as one that results in a park guest's

"immediate admission and hospitalization in excess of 24 hours." In Florida, parks only have to report serious injuries and fatalities that occur "while on"

ACCIDENT LAW OFFICES OF PHILIP DEBERARD

VOLUME X

UNSAFE DRUG ALERT

Several drugs that are or were on the market have been linked to serious problems, resulting in lawsuits. If you or a loved one has had problems with any of these drugs, please contact the Accident Law Offices of Philip DeBerard at (772) 286-1000.

OXYCONTIN

OxyContin (oxycodone) is a narcotic analgesic made by Purdue Pharma and co-marketed by Abbott Laboratories. It is used to relieve intractable pain and is particularly useful for cancer patients. However, OxyContin also is very popular on the black market and among drug addicts because it produces a euphoric high seldom achieved with illicit drugs.

More than a dozen local deaths in the past year have been linked to OxyContin. The Law Firm represents six clients and their families against local doctors, including one who was arrested for manslaughter, drug trafficking, racketeering, and allegedly inappropriate prescribing of OxyContin. A conditional settlement already has been reached on some of these cases.

BAYCOL

Bayer voluntarily withdrew Baycol (cerivastatin), a cholesterol-lowering drug, from the market because of life-threatening muscle deterioration (rhabdomyolysis) and kidney failure.

FEN-PHEN

In the mid-1990s, dieters commonly took Fen-Phen, a combination of two drugs Ponderin (fenfluramine) or Redux (dexfenfluramine) plus phentermine (ionamin) — to lose weight. Ponderin and Redux worked by altering serotonin levels in the brain to suppress appetite. Phentermine, an amphetamine-like drug, stimulated the weight loss.

More than six million men and women took Fen-Phen before the combination was found to be linked to heart valve damage. In 1997, American Home Products (now Wyeth) took both Ponderin and Redux off the market.

MERIDIA

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13 Questions to Ask a Nursing Home

1. Is the facility licensed and what is its state rating?
2. When was the facility last inspected and what deficiencies were cited, if any?
3. Does the facility have an arrangement with a nearby hospital?
4. Are special medical services, such as dialysis and ventilators, available?
5. Does the facility provide free transportation to the doctor or adult day care?
6. Is there a dedicated Alzheimer's or dementia unit?
7. Is there a fire safety-training program?
8. How many residents does each nurse and nurse's aide care for during the day, evening or night?
9. What are the policies for deposits and refunds?
10. How much advance notice is provided before charges are increased for regular or additional services?
11. What are the policies about holding a bed during a hospital stay or other absence?
12. Does the nursing home have a program to restrict the use of physical restraints?
13. Does the staff have special training to care for dementia patients?

WHO TO CONTACT IF YOU SUSPECT NEGLECT OR ABUSE

Local Law Enforcement.....	911
Agency for Health Care Administration (AHCA).....	(888) 419-3456
Area Agency on Aging of Palm Beach Treasure Coast.....	(772) 694-7601
Elder Abuse Hotline.....	(800) 96-ABUSE
Department of Insurance.....	(800) 342-2762
Elder Helpline.....	(800) 262-2243
Long-term Care Ombudsman Council.....	(888) 831-0424
Department of Elder Affairs.....	(800) 96-ELDER
Medicare and Medicaid Fraud Hotline.....	(800) 447-8477

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The Accident Law Offices of Philip DeBerard received inquiries from more than 50 people in Florida who believe they suffered strokes while taking PPA-containing products.

REZULIN

Rezulin's oral Type 2 diabetes drug, Rezulin (troglitazone), was withdrawn from the market because of liver problems.

Serzone (nefazodone), an SSRI antidepressant made by Bristol-Myers Squibb, has been associated with severe, often life-threatening cases of liver failure. In December 2001, the FDA ordered the company to warn users about the increased risks with this drug and a "black box" warning was added to the label to alert doctors and patients to the risk.

VIOXX and CELEBREX

Merck's popular and heavily advertised Cox-2 inhibitor for arthritis, Vioxx (rofecoxib), has been linked by researchers to an increase in the risk of blood clots, heart attacks and strokes, and possibly

meningitis. The FDA has not yet recalled Vioxx, but its safety is being closely

watched. Some questions also have been raised about the safety of another Cox-2, Pharmacia's Celebrex (celecoxib).

HRT: PREMPRO, PROVERA OR PREMARIN

The government has halted a large trial of hormone replacement therapy, citing an unacceptably high risk of stroke, heart attack and breast cancer. In addition, a National Cancer Institute study found an increased risk of ovarian cancer with estrogen use in women who had a hysterectomy but still have at least one ovary. If you or a loved one has had any of these adverse events while taking Prempro, Provera or Premarin, please contact our law firm.

Medication Errors Happen

Unfortunately, medication errors happen. They happen in hospitals, in pharmacies, and even at home. Sometimes people get hurt because of these errors.

The more information you have, the better your ability to prevent or catch errors. If you have a chronic illness, pick up a consumer guide to

medications at a bookstore or the library. Find out all you can about your illness and the medications you are taking. Your doctors, nurses and pharmacists work hard to keep you healthy, but you also are responsible. Learn what questions to ask, and demand answers.

Remember, it's your life and your health!

Your pharmacist can be your partner, helping to prevent medication errors. Find one who offers services like monitoring your therapy and keeping a

complete list in the pharmacy computer of all your medications and chronic medical conditions. Be sure over-the-counter medications, vitamins, nutritional supplements and herbal products are included — even if you

bought them somewhere else. With this information all in one place, your pharmacist can help protect you from harmful drug interactions.

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Devoted to excellence, justice and maximum compensation for victims of serious injuries, neglect and wrongful death.

Uninsured Motorist (UM) Coverage PAYS

If you own a vehicle, it must be insured. That's the law, BUT too many people don't comply with the law and drive a vehicle that is not insured. That's the primary reason for carrying UM coverage.

If you don't have UM coverage and are hit by an uninsured motorist, your only recourse is to sue the driver in court to recover your costs. BUT uninsured drivers tend to lack insurance because they can't afford the premiums, so your chances of collecting are not good.

Yes, your health insurance generally will pay for medical bills you incur as a result of a car crash if the other driver is uninsured, BUT your health plan won't reimburse you for lost wages if you miss work or for pain and suffering.

Thus, UM coverage is a smart purchase. With UM coverage, it's as if your coverage limits are being transferred to the other driver as liability limits. In other words, this other driver is getting liability coverage but from your own insurance company.

UM coverage pays for your permanent injuries and damages if it's proven that the other driver was at fault and that he/she did not have auto insurance.

PPA and EPHEDRA

Both Ephedra and PPA (pharmylpropranolamine) are chemicals commonly used in over-the-counter and prescription medications, including nasal decongestants and cough medications, such as Dimetapp, Robitussin, Alka Seltzer Cold, Comtrex, Triaminic, and Daxatrim.

The FDA found PPA to be unsafe, and it has been voluntarily removed from most OTC products and replaced with alternatives such as pseudoephedrine.

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