

Electronic Newsletter

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Greetings!

The New Year is finally here. May it be one of health, happiness, peace and prosperity.

The Law Firm of Stephen M. Reck, LLC

2009



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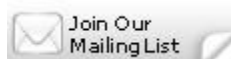
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Good Luck, Mr. Obama

The Law Firm of Stephen M.
Reck Files Claim Against John
Dempsey Hospital, Surgeon



[Attorney Scott D. Camassar](#) has filed a notice of claim with the Connecticut [Claims Commissioner](#) in order to file suit on behalf of a 26-year-old woman against the State of Connecticut, University of Connecticut Health System, John Dempsey Hospital and Malini Iyer, M.D. for injuries during a surgery last year to remove a small amount of excess tissue under the woman's arm.

On February 27, 2008, she underwent surgery for tissue excision, during which Dr. Iyer identified a "small tubular structure that appeared to be a nerve.... The exact nature of this nerve was not known ..., " but nevertheless the nerve was cut and removed. Only after the woman returned to Dr. Iyer complaining of post-operative pain and numbness was she informed that the doctor may have cut a sensory nerve during the surgery. Subsequent examination by a neurologist confirmed that she has sensory neuropathy in the distribution of the medial cutaneous nerve in her upper arm, which causes her residual pain and numbness affecting her left upper arm and occasionally her chest.

An expert hired by [the Law Firm of Stephen M. Reck](#) concluded that there was a deviation from the standard of care on the part of Dr. Iyer in the care and treatment of the claimant, in failing to obtain informed consent and failing to protect regional neural structures during the course of the surgery, and that this negligence caused the woman's injuries.

We're Proud to Support Some Worthy Causes



[The Law Firm of Stephen M. Reck](#) is a proud sponsor of the Connecticut Chapter of the [Special Olympics](#), as well as [Children International](#), [Little League Baseball](#), and the [North Stonington Education Foundation](#).

Hospital Errors Too High Despite Efforts to Increase Patient Safety

An article by Johns Hopkins critical care specialist Peter Pronovost, M.D., Ph.D., published in the Dec. 24 issue of the *Journal of the American Medical Association*, concludes that little progress has been made in making hospitals safer despite an increased emphasis on patient safety over most of the last decade. Dr. Pronovost, who blames high rates of hospital errors on physician autonomy and a lack of standardization of safety protocols, notes that an average hospitalized adult will receive recommended therapy only 53% of the time. "This accounts, in part, for the nearly 100,000 patients who die each year in the United States because of hospital error." Read [more](#).

Nursing Homes Frequently Cited for Serious Deficiencies

Rhode Island Doing Far Better Than Connecticut

The [HHS Office of Inspector General](#) has found that in each of the past three years, over 91% of nursing homes surveyed were cited for deficiencies, and a greater percentage of for-profit nursing homes were cited than not-for-profit and government nursing homes. The most common deficiency categories cited were quality of care, resident assessment, and quality of life. In 2007, 17% of nursing homes surveyed were cited for actual harm or immediate jeopardy deficiencies, and 3.6% were cited for substandard quality-of-care deficiencies. In Connecticut, a whopping 98.7% of nursing homes were cited, up from 97.4% the previous year and 95.6% in 2005. In Rhode Island, 76.3% were cited for deficiencies, down from 86.8% in 2006. The average number of deficiencies per home in Connecticut increased from 8 in 2005 to 9 in 2007, while in Rhode Island the average per home was only 2.5 in 2007, down from 3.5 in 2006 and 4.9 in

Website Updates



Be sure to check our [website](#) for new updates, including safety links and our newsletter archive.

UConn's Dempsey Hospital On Probation Again

The Conn. Department of Public Health (DPH) recently put the John Dempsey Hospital in Farmington on probation for two years. "It is the third time the health department has disciplined Dempsey, part of the University of Connecticut Health Center, in the past three years. ... The [DPH] [report](#) cited cases in which the hospital failed to ensure patient safety, document important information on clinical records, meet minimum staffing levels for nurses and mental health workers, keep medications properly safeguarded, and ensure the development of a system for identifying and controlling infections." Read [more](#).

Enormous Toll of Medical Errors

The Institute of Medicine (IOM) says "preventable medical errors kill as many as 98,000 people every year at a cost of \$29 billion." Medical errors kill far more people each year than auto accidents or guns, yet more than 85% of malpractice incidents are never compensated. Read [more](#).

Prevent Childhood Injuries

The [CDC](#) says each year, nearly 9.2 million children ages birth to 19 need emergency treatment for injuries, the leading cause of death in children ages 19 and younger. Get their [report](#).

Highway Fatalities Down

Officials from the [National Highway Traffic Safety Administration](#) say there were 31,110 auto fatalities in the first 10 months of this year, an almost 10 percent decline over the same period in 2007. If the trend continues for the last two months of the year, highway deaths would reach their lowest level since Lyndon Johnson was president.

Industry Decries New Nursing Home Rating System

Nursing home operators are worried about getting one or two stars under the new five-star rating system (five stars being the highest) for nursing homes. The Centers for Medicare and Medicaid Services recently introduced the system, which rates homes based on state inspections, staffing levels and quality measures, as well as overall quality. Almost immediately, the industry questioned the validity of the rankings. The system "is poorly planned, prematurely implemented and hamhandedly rolled out," said Larry Minnix, president and chief executive officer of the American Association of Homes and Services for the Aging. Federal officials insist the rankings will put nursing homes "on the path to improvement" because they know family members will hesitate to put someone in a one-star home.

But the [National Senior Citizens Law Center](#) calls the new five-star system "a beginning, not an end," and that when looking for a nursing home, consumers should talk to the staff about how they will meet their loved one's individual needs, and talk to existing residents and their family members to ask their opinions on quality of care. "It may not always be true that (for example) a four-star nursing home is better than a two-star nursing home."

To compare nursing homes in your area and check ratings, click [here](#).

Are Escalators "Inherently Dangerous?"

Some Say Yes, While Others Blame Crocs

The [CPSC](#) estimates that nationwide, escalators carry about 90 billion riders a year. Last year, nearly 11,000 people were treated in hospitals for injuries involving



escalators. A number of highly publicized cases involved children wearing Crocs, the spongy, colorful shoes that can easily get stuck in the gaps along the sides of escalator stairs. But some safety advocates say escalators "are inherently dangerous and question the blame recently heaped on Crocs-type shoes" "If escalators were designed properly and met all the standards, it wouldn't matter that they were wearing Crocs," argues Scott Anderson, a Houston engineer who petitioned the CPSC in 1997 to require closing the gaps along the sides of escalators. "In 1996 - long before Crocs were on the market - Anderson's 4-year-old son lost three toes when his tennis shoe was sucked into an escalator." Read [more](#).

Kids' Hearing Loss Rising

Cranked Up MP3's May Be a Reason

Experts say hearing loss among children and young adults is rising in the U.S., and that one third of the damage is caused by noise. The American Academy of Audiology found that one child in eight has noise-induced hearing loss. "That means some five million children have an entirely preventable disability that will stay with them for life." Research shows that noise-induced hearing loss is caused by a brief exposure to a very loud noise or from consistent exposure to moderate-level noise, leading to concern about the lasting effects of MP3 players that are turned up loud enough to block out street noise or other surrounding sound. "An MP3 player at maximum volume produces about 105 decibels -- 100 times as intense as 85 decibels, where hearing damage begins." Read [more](#).

Americans Not Getting Enough Exercise



The U.S. Department of Health and Human Services (HHS) has released a report, *2008 Physical Activity Guidelines for Americans* ("2008 Guidelines"), which provides new

Diabetes Group Says Resolutions Can Be Healthy and Inexpensive

When it comes to your New Year's Resolutions this year, the American Diabetes Association suggests investing 15 minutes a week to plan your grocery shopping and menus rather than spending on an expensive gym membership. Read [more](#).



Anesthesia Linked to Risk for Childhood Developmental Disorders

A recent study indicates "a possible link between childhood exposure to general anesthesia and an increased risk of behavioral and developmental disorders in young children." Read [more](#).

Study: Childhood Obesity Fixed By Age 5

A study by researchers in the UK indicates that childhood obesity is fixed by the age of five, suggesting that health initiatives should focus on children's home environment and not just their school environment. Read [more](#).

OSHA Unconstitutional?

Cass Sunstein, the Felix Frankfurter Professor of Law, Harvard



Law School, argues that OSHA is unconstitutional in an [article](#) published in the *Virginia Law Review*.

CPSC Recalls

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

NHTSA Recalls

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

guidelines for aerobic physical activity (defined as activity that increases breathing and heart rate) and muscle strengthening physical activity. Under the *2008 Guidelines*, the minimum recommended aerobic physical activity required to produce substantial health benefits in adults is 150 minutes of moderate-intensity activity per week, or 75 minutes of vigorous-intensity activity per week, or an equivalent combination of moderate- and vigorous-intensity physical activity. Researchers found that approximately one third of American adults did not report meeting minimum levels of aerobic physical activity as recommended by the *2008 Guidelines*. Read [more](#).

Escaping Accountability for Bad Products

Prof. Andrew Popper of American University, Washington College of Law, writes: "There is no mystery regarding the flood of dangerous and even deadly consumer products manufactured abroad and sold in the United States. Foreign manufacturers are not naïve. They understand the effect of state and federal laws that limit or eliminate tort liability, known, oddly enough, as tort reform. They understand the difficulty of securing a product liability judgment against a domestic wholesaler or manufacturer - and they understand that as foreign producers, they are not only shielded by tort reform but also protected by the complex web of laws, policies, and practices that make it difficult if not impossible to sue successfully foreign manufacturers in domestic courts. Stripped of the incentive value the tort system provided, it should come as no surprise that domestic consumers have been exposed to tens of millions of defective products produced by foreign suppliers." Read his [white paper](#), *Defective Foreign Products in the United States: Issues and Discussion*.

Actress, Scientist Promote Vaccine Safety



Movie star Amanda Peet and Paul Offit, chief of infectious diseases at Children's Hospital of Philadelphia, have teamed up to reassure the public that childhood vaccines are

safe and do not cause autism. Peet, who investigated vaccines when she was pregnant, says she was "bewildered and frustrated by 'the disparity between what I was hearing from other moms here in Hollywood and what I was hearing from the doctors.'" Offit hopes Peet's celebrity will lead more parents to investigate the facts about vaccine safety. Read [more](#).

It's That Time of Year Again

Prevent the Flu and Other Infections

Get the CDC [recommendations](#) for avoiding the flu and the National Patient Safety Foundation [tips](#) for preventing hospital infections.



About Our Firm

At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and professional malpractice cases in Connecticut and Rhode Island. Call us today or visit us on the web at www.stephenreck.com.

The Law Firm of Stephen M. Reck, LLC

*** Advertising Material ***

FSIS Recalls

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

FDA Recalls

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

Mixed Martial Arts Illegal in CT

Attorney General Richard Blumenthal has issued an [opinion](#) that Connecticut statutes do not allow Mixed Martial Arts fighting techniques, which allow fighters to hit opponents who are down, strike the part of the body that is over the kidneys, and use backhanded blows.

Good Luck, Mr. Obama



We're counting on you.

Proudly Serving Connecticut and Rhode Island

The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

Referrals Welcome

