

Electronic Newsletter

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[The Law Firm of Stephen M. Reck, LLC](#)

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Estate of Norwich Woman Settles Wrongful Death Claim Against Nursing Home

The estate of an 86-year-old Norwich woman has settled a wrongful death claim against a local nursing home and its medical director for \$225,000 following mediation with Judge Robert A. Martin at New London Superior Court.

The woman was admitted to the nursing home on November 3, 2008 for short-term rehabilitation following surgery for a hip fracture. She fell the first night she was there, trying to get to the bathroom after no one answered her calls for assistance. From that point, her physical and emotional condition quickly deteriorated as she grew weaker, increasingly confused and more depressed, and she fell a second time just three days later on November 7th.

By November 11, 2008 she was suffering severe and life-threatening volume depletion. She was extremely weak, struggling to breathe, and her blood pressure was so low that nurses could not get a reading. She also experienced several mini-strokes and was incoherent at times. Nurses eventually reached the medical director, who was the on-call physician at the time, who told staff to notify the patient's attending physician of her condition in the morning. Nothing was done to relieve the woman's obvious suffering, when in fact she needed immediate medical help.

By the time the woman was sent to the hospital on the morning of November 12, 2008, it was too late. She was diagnosed as suffering dehydration, hypotension, respiratory failure, increasing shortness of breath, and renal failure, and died in the emergency room. [Attorney Scott D. Camassar](#) filed suit on behalf of the Estate and handled the mediation.

Attorney Spotlight



We are pleased to announce that [Atty. Michael McDonnell](#) has joined the Law Firm of Stephen M. Reck. Mike is a very talented trial attorney with a wealth of experience, and we're glad to have him on our team. To contact Mike directly, call the office (860-535-4040) or email him at mmcdonnell02@snet.net.

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Torts on HBO

Joint Commission: Wrong-Site Surgery Occurs 40 Times Per Week in U.S.



The [Washington Post](#) reported that "Based on state data, Joint Commission officials estimate that wrong-site surgery occurs 40 times a week in US hospitals and clinics." In 2010 alone, "93 cases were reported to the accrediting organization, compared with 49 in 2004." The Post points out, "Attention to the problem comes at a time of increased focus on the broader issue of medical errors, which a recent Health Affairs study found affected one-third of hospital patients." Recently, "the federal government recently rolled out its Partnership for Patients program aimed at reducing medical mistakes," while "Medicare requires reporting and does not pay for wrong-site surgery, and many insurers have followed suit." Next year, Medicaid will begin a similar policy.

Study: 52% of Safety-Related Malpractice Claims Occur in Outpatient Settings

[The Wall Street Journal](#) "Health Blog" reported that over half (52%) of malpractice payments made by US physicians involved adverse events related to outpatient care in 2009, according to an [analysis](#) published in the *Journal of the American Medical Association*. In an interview, lead study author Dr. Tara Bishop, of Weill Cornell Medical College, told the "Health Blog" that the researchers were astounded to find such a high number of outpatient-related claims, suggested that more focus be placed on that area. The Journal quotes from the analysis, in which the study authors surmised, "Many outpatient sites may be too small to have well-trained staff who devote significant attention to improving patient safety."

Treatment for Prescription Drug, Alcohol Abuse On the Rise



[USA Today](#) reported that "More people are getting treatment for prescription drug abuse than a decade ago, and alcohol treatment is on the rise after declining for several years, a new government analysis shows. The report, released this week by the Substance Abuse and Mental Health Services Administration (SAMHSA), found that the percentage of patients treated for opiates other than heroin, such as OxyContin and other prescription drugs, rose from 1% of all substance abuse admissions (to both outpatient and in-patient treatment programs) in 1999 to 7% in 2009. These prescription drugs made up 33% of opiate admissions in 2009, up from 8% in 1999." Alcohol treatment accounted for 44% of treatment admissions in 2009.

HHS's IG Questions FDA Oversight of Food Recalls

[Bloomberg News](#) reported that an [audit](#) by the HHS inspector general has found that "US regulators didn't take sufficient steps to protect the country from hazardous imported food." While "companies failed to initiate recalls or properly communicate essential information," the FDA "also didn't properly audit firms, waiting as long as three months after the recall of lead-contaminated pitchers to check whether Cost Plus Inc. (CPWM), with 300 stores in 35 states, pulled all the products. The report examined 17 of the 40 most serious recalls from July 1, 2007, to June 30, 2008, before the FDA gained congressional authority to mandate recalls through an overhaul of the food safety system."

[The New York Times](#) reported FDA Acting Deputy Commissioner David Dorsey responded "that the landmark food safety law signed in January by President Obama would fix some of these problems. For instance, the law for the first time gave the F.D.A. the authority to order companies to withdraw foods suspected of being contaminated." Dangerous "products included cantaloupes from Honduras contaminated with salmonella, frozen mussel meat from New Zealand infected with listeria and frozen fish from Korea that contained the bacterium that causes botulism."



A pro-plaintiff documentary called "[Hot Coffee](#)" premiered on [HBO](#) last month, using the infamous McDonald's "hot coffee" case of Stella Liebeck as a lens to view topics of tort reform, judicial elections, and mandatory arbitration.

Hospitals Run by Doctors Have Better Quality Scores

The [New York Times](#) examined new [research](#) published in the journal *Social Science & Medicine* that found that "overall hospital quality scores were about 25% higher" when doctors rather than business administrators ran hospitals, and "for cancer care, doctor-run hospitals posted scores 33 percent higher." The research is "based on a review of 300 top-ranked American hospitals in the specialties of cancer, digestive disorders and heart surgery" and was done by senior researcher Amanda Goodall of the Institute for the Study of Labor in Bonn, Germany. She "said the finding was consistent with her research in other fields, which has shown, among other things, that research universities perform better when led by outstanding scholars and that basketball teams perform better when led by former top players." Still, she "was surprised by the strength of the finding."

Recall Central

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

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

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

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

For updates on the peanut products recall click [here](#).

NTSB: Culture of

Study: SUV Drivers Less Likely to Die in Crashes

SUVs have gone from carrying a stigma for being unsafe because they were prone to rollovers in a crash due to their higher



center of gravity to being considered one of the safest vehicle types on the road. A new study by the Insurance Institute for Highway Safety (IIHS) finds that people driving modern-designed SUVs today are among the least likely to die in a crash and much of that is credited to the availability of electronic stability control (ESC). Previously, the increased rollover risk for SUVs offset the size and weight protection they afforded drivers and passengers in a crash. The widespread availability of ESC has changed that dynamic, and now when comparing cars and SUVs of similar weight, SUVs have lower death rates. ESC is on 96% of SUVs and is now mandated by the government to be included in all new passenger vehicles. With this new data, IIHS has now changed its position on SUVs and teenagers. According to a New York Times report, it is no longer telling parents to not buy SUVs for their teenagers because of their rollover risk. Read [more](#).

NHTSA Head Discusses

Distracted Driving



Autoweek reported: "David Strickland has been championing safer, distraction-free driving since the beginning of his tenure at NHTSA in January 2010.

Strickland has been working tirelessly toward this goal alongside stakeholders such as Transportation Secretary Ray LaHood, private-sector executives, automobile manufacturers and safety advocacy groups." More research is needed before moving forward with federal guidelines, he said. "For us, guidelines are a stepping-off point," said Strickland. "[Auto manufacturers] have a strong obligation to do research and find that some applications are OK in the car--such as navigation, streaming Internet radio--what's suitable for a driver while they're operating a vehicle. I recognize everyone wants to be connected on the go, but if you're creating a business model in the market and it doesn't have its roots in safety, then that business model will ultimately fail." Read [more](#).

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 today or visit us on the web at www.stephenreck.com.

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Driving with Phones Must Change

"The nation risks a surge in deadly accidents unless it makes distracted driving - talking, texting and surfing the Internet while operating cars, boats and trains - as taboo as drunken driving, members of the National Transportation and Safety Board said" last month. Read [more](#).

Study: Cell Phone Bans Don't Reduce Crashes

A new study on distracted driving found no conclusive evidence that hands-free cell phone is any safer than hand-held cell phone use. The study also found that bans on talking or texting have failed to reduce crashes (read [more](#)). We're not surprised by these findings, because [research](#) shows that using hands-free devices does nothing to eliminate the **cognitive distraction** caused by talking or texting. Crashes will be reduced when drivers stop being distracted.

Don't Drive Distracted!

It Kills



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Referrals Welcome

Remember we are here if you need a referral to an attorney in a different area of law.

