



Brought to you by

CARSEN & ASSOCIATES

Attorneys At Law



SPRING
2012

Shorter shifts haven't reduced medical errors in hospitals

Allowing doctors shorter shifts and time to sleep seems like a no-brainer when it comes to preventing medical errors in hospitals. Residents who pull 30-hour shifts become fatigued—physically and mentally. In controlled studies, doctors working 30-hour shifts made 36 percent more major medical errors than those working 16-hour shifts. Since 2003, residents have been limited to 80 hours of work per week, and in July 2011, rules detailing shift-length restrictions and rest-period requirements came into effect.

So why hasn't the incidence of medical errors fallen in the wake of these changes?

It's a classic case of plugging up one leak in a dam only to see several others spring in its place. A recent article in the *New York Times* said shorter shifts lead to better-rested doctors, but result in more patient handoffs. When a patient sees multiple doctors, the chance of miscommunication, misdiagnosis, and medical errors increases.

Experts also cite poor enforcement of new regulations, lack of communication, and outdated modes of communication, such as handwritten notes, as trouble areas that can result in medical errors and, ultimately, patient injury or death.

If you or a loved one has been the victim of a medical error or negligence, contact our office to discuss your rights.

If you need our services, please contact us at...

717-393-1000 or 800-000-0000

www.carsenlaw.com



Carsen & Associates Attorneys At Law

136 North Charlotte Street
Lancaster, PA 17603

717-393-1000

800-000-0000

FAX: 717-393-4702

e-mail:

gcarsen@carsenlaw.com

Web site:

www.carsenlaw.com

OFFICE HOURS

Monday-Friday

8:00 a.m.-5:00 p.m.

Saturday

9:00 a.m.-Noon

Are you signing away your child's rights when they go on a field trip?

Spring fever affects students and teachers alike, and it's a popular time for field trips. These trips require parents or guardians to sign a liability-release form. Parents may briefly wonder if they are truly signing away their child's rights but sign anyway, as it's required for participation.

According to the Web site TotsnTorts.com, "The Iowa Supreme Court noted that a majority of states who have examined the issues have concluded that a parent's pre-injury waiver of her child's cause of action is a violation of public policy."

A parent cannot sign a waiver that states that their child has no right to seek recovery. If a child is injured, the child can seek recovery, even if a parent has signed away their own right to make a claim. In the case of death, the child's estate can sue to recover for injuries and damages, even when a parent has signed away their own right to do so.

If your child was injured on a school field trip due to negligence, don't assume you have no legal recourse if you signed a form or waiver. Call us to discuss your child's rights.



PERSONAL INJURY PRACTICE

- Free consultation
- Home appointments available
- 24-hour emergency service
- No recovery, no fee.
We do not get paid unless you do.
- Trial attorneys

We take your family's safety and security personally.

Protect your rights!

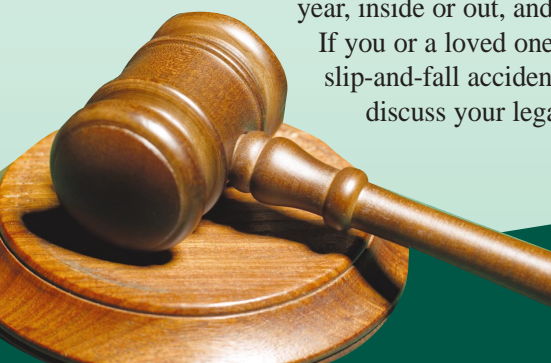


SLIP-AND-FALL ACCIDENTS— *no laughing matter*

Slip-and-fall accidents often get a bad rap. Maybe because we tend to make light of people who fall down. “America’s Funniest Home Videos” has been capitalizing on humorous trips, slips, and falls for over 20 years. People may think a victim clumsy and frivolous when they file suit. But did you know that slip-and-fall accidents account for more than 1 million injuries a year and 16,000 deaths?

The fact is, most accidents of this nature are absolutely not caused by clumsy or opportunistic individuals, but by an unexpected change in the walking surface. If the change in surface is caused by negligence—not using a “wet floor” sign or not repairing a broken step—a victim has a right to be reimbursed for damages, such as lost wages and medical expenses.

Remember, slip-and-fall accidents can happen at any time of the year, inside or out, and on any type of surface. If you or a loved one has been injured in a slip-and-fall accident, call our office to discuss your legal rights.



Did you know that slip-and-fall accidents account for more than 1 million injuries a year and 16,000 deaths?



Collecting evidence from an accident

Whether you are a victim of a slip-and-fall or auto accident, collecting and preserving evidence is crucial.

Take photos

Go back to the scene as soon as possible and take photographs of anything that may have contributed to an accident. If outside, try to photograph the area at the same time of day and, regardless of location, take photos from multiple angles. Likewise, if you have physical injuries, take plenty of photos of cuts, bruises, swelling, and medical devices used, such as casts, braces, and bandages.

Eyewitnesses

Find out if any neighbors, business owners or patrons, or pedestrians saw the accident or know of other similar accidents that may have occurred in the same spot. Someone may have seen or heard something before, during, or after the accident that could help your case. Look for witnesses as soon as possible to ensure the best recollections of an accident.

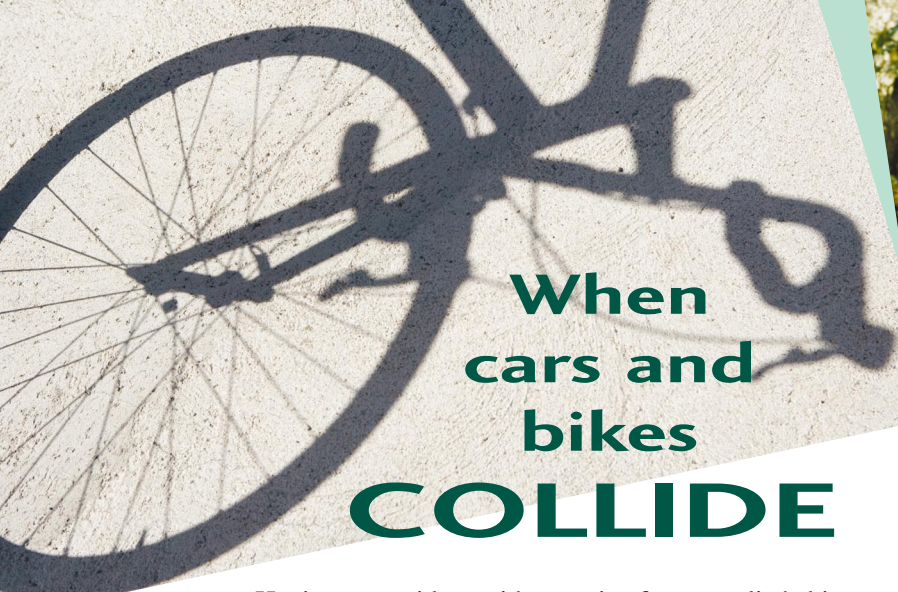
Physical evidence

Don’t throw away or wash bloody clothing or broken personal belongings, or try to improve the condition of a damaged car or bicycle. These things help tell the story of the extent of damages suffered in an accident. If you can’t preserve evidence, take photographs.

Document injuries

In addition to photographs, the best way to prove injury is to see a doctor so you have an official medical record. A visit to the doctor will also help prevent injuries from becoming infected or causing scars or disfigurement.





When cars and bikes COLLIDE

Having an accident with a car is often a cyclist's biggest fear. Fortunately, these accidents are rare. When a car and bike are involved in a collision, the bike will almost certainly be damaged and the rider may sustain injuries. If a motorist caused the accident, a cyclist should be compensated for damages to their property and injuries.

Bicyclists who are involved in an accident with a car should call the police. An officer will usually file an accident report and might ticket a negligent driver at the scene, both of which are valuable evidence. An accident report includes statements from those in the accident and witnesses. A bicyclist who is able should always be sure that they give a statement. According to Bob Mionske, a nationally known cycling lawyer, when an officer doesn't request a cyclist's statement, they have made the assumption that the cyclist was at fault.

Before leaving the scene of an accident, get the name and contact information of the driver and witnesses. If you are injured, get medical treatment immediately. Take photos of the accident scene, property damage, and injuries. Be sure to call an attorney before communicating with the driver's insurance company.

If you have suffered damages or injury by a motorist while riding a bicycle, we can help you get the compensation you deserve.

DENIED

Are you eligible for Medicaid or not?

You may have heard about a recent case involving a young man denied Medicaid coverage because he had breast cancer. Widespread publicity and outrage led the state of South Carolina to reverse its decision and provide this man with the same coverage given to females.

Medicaid is a joint federal and state assistance program that helps with medical costs for individuals and families with low incomes, and few assets and resources. The acceptance process seems pretty cut and dry, but many of the regulations and rules are confusing, and there are special circumstances and allowances. For example, the man cited above, who would not typically qualify, was eligible through Medicaid's Breast and Cervical Cancer Prevention and Treatment Act.

If you have a question about Medicaid eligibility, believe you've been unfairly denied Medicaid coverage, or need help protecting your assets from long-term care costs, call our office to discuss your needs.



RECALL ROUNDUP

Keep your family safe by making sure none of these recalled products are in your garage or toy box.

2011 KTM and Husaberg off-road/ competition motorcycles

The handlebar clamp can develop cracks, causing it to move from its set position, posing a fall or crash hazard.

Contact a KTM or Husaberg dealer, or call KTM North America Inc. at (888) 985-6090, weekdays, 8 a.m. to 5 p.m.

Pottery Barn Kids Chloe, Sophie, and Audrey dolls

Hair on the Chloe and Sophie dolls may contain loops large enough to fit around a child's head and neck. The headband on the Audrey doll, if loosened, can form a loop that fits around a child's head and neck. The loops pose a strangulation hazard.

Contact Pottery Barn Kids at (855) 880-4504, any day, 4 a.m. to 9 p.m., or visit www.potterybarnkids.com.

Playsafe Dartmouth Swing Set

The sling-style swing seats can crack or split prematurely, posing a fall hazard. The set was sold exclusively at Toys R Us.

Contact Pacific Cycle at (877) 564-2261, weekdays, 8 a.m. to 5 p.m. CT, or visit www.pacific-cycle.com.

Fiskars SmartPower String Trimmers

Engine vibration can cause wear on the fuel line, leading to a propane leak. The Straight Shaft Trimmers' propane canister can crack during use. High temperatures may develop near the Curved Shaft Trimmers' cutting guard, causing it to deform and fall off. These issues pose burn, fire, and laceration hazards.

Contact Fiskars Brands anytime at (877) 495-6645, or visit www.fiskars.com.

To enable us to communicate more easily
with you, please send your e-mail address
to us at gcarsen@carsenlaw.com.



The Trial Law Newsletter™, P.O. Box 4008, Lancaster, PA 17604-4008. (800) 379-5585 or (717) 393-1000, FAX: (717) 393-4702.
© Copyright 2012. Newsletters, Ink. Corp. Printed in the U.S.A. www.NewslettersInk.com No portion of these printed materials may be reproduced for any purpose without permission.
This material may be used only by active, current customers of Newsletters Ink. The information included in this newsletter is not intended as a substitute for professional legal advice.
For your specific situation, please consult the appropriate legal professional.

Waiter, there's a fly in my soup...



CONSUMER RIGHTS AND RESTAURANTS

Almost everyone has a story about something disgusting they found in their food at a restaurant: hair, bugs, a piece of paper. It happens.

Unfortunately, things such as needles, condoms, human flesh, and tapeworm eggs also find their way into food, and some are gross—excuse the pun—negligence on the part of the restaurant. Objects like these can result in serious physical and mental harm.

Though many people think finding an object in their food—even a potentially dangerous or disgusting one—is reason enough to file suit against a restaurant, it is not. A patron must have suffered injuries or damages.

Often more harmful than the objects is the unseen bacteria or toxins that can cause serious illness, disease, or death. If you suspect food poisoning is the result of restaurant food, ask your doctor to file a report with the Department of Health, contact the restaurant, and keep medical evidence and documents. In 2006, a woman won a \$3.25 million jury verdict when she suffered a rare condition that occurs as a result of food poisoning, which she acquired from a sushi restaurant.

If you have suffered injury or sickness caused by restaurant contamination, contact our office immediately to discuss your legal rights.

***Often more harmful than the
objects is the unseen
bacteria or toxins that can
cause serious illness,
disease, or death.***

Dog bites are serious business

According to the Centers for Disease Control and Prevention, 4.5 million Americans are bitten by dogs every year.

Dog bites and attacks can result in damaged property, lacerations, infections, broken bones, disfigurement, and death. In most cases, dog owners can be held liable for damages caused by their pets. Damages can be covered by homeowner or rental insurance policies, so dog owners are encouraged to make sure their coverage is adequate.

Awards in dog-bite cases can be high. Recently, the State Court of Douglas County, Georgia, awarded \$700,000 damages—over \$50,000 more than the amount sought—against the owner of a pit bull that mauled an 8-year-old neighbor. The girl required several surgeries and suffers a permanent drooping eyelid. According to the Insurance Information Institute, the average cost of a dog-bite claim was \$24,511 in 2007.

If you have been bitten by a dog or your dog has bitten someone, seek legal help immediately.

