

## \$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.

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

## 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

### 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

The safety of another diet drug, Abbott's Meridia (sibutramine), is now in question. Meridia has been associated with 29 deaths and hundreds of serious adverse

## 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

#### 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.

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STUART 286.1000 ■ FORT PIERCE 888.419.3456

#### 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.

#### SERZONE

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

#### 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.

#### REZULIN

Rezulin's oral Type 2 diabetes drug, Rezulin (troglitazone), was withdrawn from the market because of liver problems.

#### medication errors

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

#### Medication Errors Happen

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.

#### Medication Errors Happen

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, duplicate medications and other potential problems.

When you buy over-the-counter medications, read the labels carefully because they might contain ingredients you do not want or should not take. Maybe they will interact with your other medications, cause an allergic reaction, or not be correct for your symptoms. Ask your pharmacist for help if you have trouble selecting the right product.

Before you leave the pharmacy, be sure your pharmacist gives you printed information about your medication. ■

“When you buy over-the-counter medications, read the labels carefully.”

#### Be An Informed Consumer

Be sure you understand the answers to these questions:

- What are the brand and generic names of the medications?
- What does it look like?
- Why am I taking it?
- How much should I take and how often?
- When is the best time to take it?
- How long will I need to take it?
- What side effects should I expect, and what should I do if they happen?
- What should I do if I miss a dose?
- Does this interact with my other medications or any foods?
- Does this replace anything else I was taking?
- Where and how do I store it?

CALL 464.8000 ■ OKEECHOBEE 467.7100

### COMMUNITY PROGRAMS

**Seminars:**  
• Employees at Dr. Joseph Gage's office on *Protecting Your Business From a Lawsuit*  
• Seminar for Nurses on the *Liability of Improper Documentation* at The Plaza Assisted Living Facility  
• Lecture at Indian River Community College on *Protect Your Business From a Lawsuit*

**Sponsorships:**  
Okeechobee Chamber of Commerce Koffee Klatch  
Okeechobee Baseball Team — American Division  
Children and Family Services Adopt a Family for the Holidays  
Project Graduation — Martin County High School



You Are One of a Kind Eagle Award Program, recognizing students for: • Their Christian witness and service • Following the "Golden Rule" within their classroom and throughout the community • Academic achievement • Overcoming obstacles in their life and progressing academically regardless of barriers

Winners for the 2001-2002 School Year from Morningside Academy, each of whom received a certificate of accomplishment and an engraved Bible:

Emily Adams	Amber Hopkins	Deona Muratore
Billy Donogh	Katherine Kirby	Sasha Nelson
Carlos Campo	William Kufly	Laura Olive
Ribeckah Castillo	Chelsea Lawson	Stephen Rotherbach
Christopher Coorell	Laura Long	Haley Schwinsky
Thomas Cunally	Cassidy Loulis	Johanna Williams
Courtney DiSandro	Courtney Mahan	Lillian Wu
Loraine Estline	Maghan Malton	
Tamara Goding	Steffen McGoorty	
Kindrey Harry	Erik Metzinger	

### REFER A FRIEND

If someone you know has been injured, we can help. At the ACCIDENT LAW OFFICES OF PHILIP DEBERARD, we have more than 25 years experience helping personal injury victims. We have successfully settled more than a thousand cases, helping our clients obtain quick and reasonable settlements.

We have several convenient phone numbers:  
Stuart.....286-1000 Jupiter.....748-8887  
Fort Pierce.....464-8000 Vero Beach.....770-0001  
Okeechobee.....467-7100

Outside of this area, our toll-free number is 800-299-8378

Our Email address is [deberard@flainjurylawyer.com](mailto:deberard@flainjurylawyer.com)

Please give our number to someone who might need our services. We appreciate the trust you have placed in us.

### RECENT SETTLEMENTS

**\$400,000 Settlement in Nursing Home Death**  
Due to a lack of medical supervision, an elderly woman was left untended and developed severe bed sores. She was sent to the hospital for treatment and returned to the nursing home for continuous care. Instead of the wounds improving, they worsened, and the client died from sepsis and gangrene. The nursing home was accused of neglect and agreed to settle.

**Youth Baseball Settlement**  
A youth baseball coach was accused of exposing himself to children, sexual photogaphic videos to minors, and engaging in sexual activities with children, using coaching time and gifts as inducements. The mother of the coach also was accused of failing to protect the children because some of the abuse occurred in her home. The athletic association was accused of failing to formulate rules, regulations and safety precautions to prevent sexual abuse. The settlement amount is being kept confidential by agreement.

**Pranks Lead to \$290,000 Settlement**  
A 19-year-old girl was at a party at a friend's house when the friend's parents were not home. Alcohol was being consumed by people ranging in age from 16 to 23. A boy who had consumed quite a lot of alcohol came up behind the girl, picked her up, and put her over his shoulders. However, he faltered and dropped the girl on her back, fracturing her back in three places. The boy's family's homeowners insurance paid \$240,000 for his prank, and the homeowner's policy where the party was hosted paid \$50,000.

**\$200,000 Paid by Nursing Home**  
This nursing home neglect case involved the death of an 82-year-old woman with multiple medical conditions. The nursing home violated the woman's rights under Florida Statutes Chapter 400 when the staff failed to develop an adequate care plan and to properly monitor and supervise her care. As a result, the woman developed several broken bones and numerous bed sores which deteriorated and became gangrenous, requiring an above-the-knee amputation. After the amputation, she suffered a fall, resulting in a fractured femur, due to further failures of the nursing home staff to provide adequate care. The woman died soon after these traumatic events.

**\$250,000 for Nursing Home Resident**  
A patient, now deceased, at a nursing home fell more than 50 times, breaking her hip and leg in several places on multiple occasions. No precautions were taken by the nursing home to protect the woman, even though the family signed a document allowing it to use restraints to prevent future falls. In fact, the nursing home never discussed a care plan with the family over more than 16 months, though a plan is supposed to be drawn up within a few days of admission. In addition, the woman and her family reported several items missing, including clothes, false teeth, glasses and personal items.

## Signing on for Safety Program for Teen Drivers

Parents now have a new way to help their teenagers become safer and more responsible drivers. A free teen/parent education program called **SOS Signing on for Safety** was created by Attorney Philip DeBerard.

free copy of the **SOS Signing on for Safety** contract from the Accident Law Offices of Philip DeBerard by contacting:

Due to inexperience, risk-taking behavior and immaturity, young drivers have poor driving performance. Working together, parents and teens can make teen driving a safer experience.

The key element to **SOS Signing on for Safety** is a teen "driving contract" that encourages parents and their teen drivers to agree on "house" rules to govern the teen's right to drive. The teens and their parents all sign the agreement, which clearly spells out the rules governing the teen's driving privileges. The goal is to make it easy for parents to create and enforce responsible driving policies.

by email: [deberard@flainjurylawyer.com](mailto:deberard@flainjurylawyer.com) or  
Robin DeBerard at (772) 286-1000

Community partners, such as C.O.R.E., the Treasure Coast Driving School, St. Lucie County Public Schools, and the Treasure Coast Safety Council, all are utilizing the contracts.

"My main objective with this program is to teach our teen drivers and show them steps they can take to ensure responsible driving and reduce the number of accidents, injuries and even deaths in our community," DeBerard said.

**Parents should:**

- Present the agreement and the criteria to the teenager
- Negotiate the details
- Sign the contract with the teenager and parent at a visible place

The contract encourages parents and/or guardians to openly discuss with their teenage drivers what is expected of them before they get behind the wheel.

Prior to allowing a teenager access to a car, and certainly before obtaining a teenager a car, parents can buy a

Young Driver/Parent Driving Contract

Signing on for Safety

**Law Firm Wins State Award for SOS Program**  
The Accident Law Offices of Philip DeBerard earned a state and regional awards for its SOS Program. The law firm was honored with an award at the annual conference of the Florida Public Relations Association (FPRA), and Community Relations Coordinator Robin Delgado was recognized with two prestigious awards — an Image Award and a Grand Image Award — by FPRA's Treasure Coast chapter.

The filing of an attorney is an important decision and should not be based solely upon advertisements. Before you decide, ask us to send you a free written information about qualifications and experience.

ACCIDENT LAW OFFICES OF  
**Philip DeBerard**  
P.O. Box 3326 ■ Stuart, FL 34995

STUART: 286-1000

FORT PIERCE: 464-8000

OKEECHOBEE: 467-7100

[www.flainjurylawyer.com](http://www.flainjurylawyer.com)

[www.nursinghomeneglect.com](http://www.nursinghomeneglect.com)

EMAIL: [deberard@flainjurylawyer.com](mailto:deberard@flainjurylawyer.com)

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