

## Case Study: Auto Accident While On the Job

### Case Study: Private investigator sustains 2 separate injuries while on the job

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"Mr. L," a private investigator, received significant injuries when he was working a case in bad weather. He was involved in a serious automobile accident when he lost control of his vehicle and crashed into a large pine tree. His airbags deployed and his vehicle was damaged on both sides. As a result, he incurred injuries to his cervical spine, chest, left arm, right elbow, and right shoulder.

He would be treated for his injuries in the local ER and then released into the care of two doctors (Doctors M and N) where he would receive necessary follow-up care. The condition of his cervical spine could not be treated by Doctors M and N, so he was referred to Dr. S for specialized care and further testing. Dr. S performed a CT scan and an EMG. During this time, Mr. L continued to work his PI job when he was confronted by a police officer, arrested, and then handcuffed in the process.

As the arresting officer handcuffed him, he forced the man's neck and shoulder into a position which resulted in further injury to Mr. L, therefore creating further problems for him! At this time, Mr. L went into the care and treatment of Dr. P, an orthopedist. Dr. P immediately discovered the injuries that Mr. L received during the arrest and diagnosed them as "a right C 6-7 radiculopathy; herniated disc and stenosis at C5-6; as well as a partial rotator cuff tear of the right shoulder."

In September of 2005, he was referred to a surgeon who would perform "anterior cervical discectomy and fusion with plating." The surgeon also placed him on what is called a "no work" status. In other words, he was forbidden from working since he was always in pain and movements that were typically performed on the job could no longer be made. He began receiving regular TTD payments of \$394.52. Additionally, he was treated with a bone stimulator to assist with the fusion part of his treatment.

In addition to the bone stimulator, Mr. L was also being treated by having to wear a hard neck brace for the ensuing several months. Additionally, he was prescribed numerous medications including Celebrex, Reglan, and Ultracet because of his intense pain and his limited ROM or Range of Motion. To this day, Mr. L continues to live with neck pain and according to Dr. D, the extent of the damage to the man's cervical spine is now a source for the chronic pain he has been diagnosed with.

Mr. L continued living in pain and a restricted ROM because of the torn rotator cuff in his right shoulder. He continues to be under the care of Doctors A and P. At that time, arthroscopic surgery was performed on the injured shoulder which didn't relieve his pain or his symptoms. Despite the fact that Mr. L attempted to go back to work as a PI, it was immediately apparent that the injuries to his right arm and shoulder would cause significant pain so he could not properly perform his job any longer.

At this time, Dr. P also performed another surgical procedure wherein Mr. L was anesthetized and the doctor tried to manipulate his shoulder in order to relieve his pain. To this date, he still encounters pain and discomfort when driving. Everything to this point had failed to ease Mr. L's symptoms despite his continued medication and therapy. He was then referred (again) to Dr. A for a consult and then a decided-upon treatment. At that point in time, a post-surgical MRI revealed the full extent of Mr. L's injuries.

Dr. A performed three different procedures including surgery to repair his torn rotator cuff. After this time, Mr. L went to Dr. M for an IME (independent medical examination) where several things were documented such as:

- constantly aching shoulder
- pain encountered with movement overhead
- rotator cuff issues

Mr. L continues to need medication and ongoing pain management. Neither post-surgery medications nor therapies have helped Mr. L live without pain or limited ROM. He is restricted with the amount of hours that he can perform functions including:

- standing
- walking
- sitting
- reaching overhead
- lifting
- pushing
- pulling

He can occasionally bend, crouch, kneel, or stoop; drive no more than 30 minutes at one time; and cannot operate dangerous machinery because of his pain medications.

Since his last surgery, Mr. L's medical condition has not changed very much and after reading through the medical records I discussed with Mr. L the advisability of settlement. Mr. L had indicated to me that while he would not be resuming his career as a private investigator, he was exploring other avenues to earn money. Because he had been a private investigator, he readily understood that the insurance company would likely put him under surveillance and that if he was seen engaging in any significant activity, the insurer would move to cut off his benefits. We

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decided that this was a good time to settle and after several weeks of negotiation the insurance company agree to pay well over six figures.