YOU & the LAW

GREGORY P. DiLEO
Law Offices of Gregory P. DiLeo, APLC
300 Lafayette St., Suite 101
New Orleans, LA 70130
Phone: 504-522-3456 Fax: 504-522-3888
Toll free: 866-522-3456
Email: contact@gregdileo.com
www.gregdileo.com

When children are the victims of medical errors

Children are particularly vulnerable to medical errors. Their risk starts at birth when injuries such as fractures, spinal cord injuries and brain damage can occur during delivery.

In addition, the practice in neonatal intensive care units of designating infants as "Babyboy" or "Babygirl" has been shown to lead to a high incidence of such medical errors as assigning medical orders to the wrong patient or misidentifying lab tests.

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Older children are also susceptible to medical malpractice. According to a 2016 study reported in *JAMA Pediatrics,* roughly one in 10 parents spotted safety concerns that their child's physician missed. Over 60 percent of those safety incidents reported by parents were medical mistakes, and almost a third of those medical mistakes were preventable.

Some medical errors noted by parents in that study were a result of miscommunication, such as failure to note a medication change in the patient's record or recording patient information in the wrong medical record.

Children may be too young to communicate clearly or to notice when something does not seem right. Even older children may not feel confident challenging decisions of their adult health-care professionals.

What happens to the injured child?

Very few patients injured by medical malpractice file a claim, and only about one in five instances of harm to a patient results in a lawsuit. Based on national data that tracks medical malpractice payments, most deaths caused by medical negligence go uncompensated.

Those who survive a life-threatening medical error may face a lifetime of special care. For children, that can mean the need for around-the-clock care, as well as loss of the chance to engage in typical childhood activities or to become a productive, self-supporting adult.

Because many states cap the amount of compensation victims of medical malpractice can receive, children who are permanently injured may receive little or no payment, beyond medical expenses, for their losses.

Adults who are unable to return to work because of damages caused by medical malpractice can be paid, subject to limits, funds for income they will lose in the future. Because children have no work history, there is no way to prove what they might have earned.

The parents of a child permanently injured by medical negligence suffer as well. A parent may have to give up gainful employment to care for an injured child, and the physical and emotional demands of caring for a child with special medical needs can strain health and relationships.

The medical malpractice compensation system often fails to take into consideration the full extent of the special losses experienced by children permanently damaged by medical errors.

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Stay healthy during the holidays

The fall holiday season, beginning in November and continuing into January, is also the heart of the cold and flu season. Parties, family gatherings and travel increase the chances for germs to spread. There is also a greater risk of certain types of injuries related to holiday activities.

Consumer Reports offers tips for keeping your holidays healthier and safer.

Practice hygiene. Germs spread easily when many people are in shopping malls, at holiday parties and having family dinners. The best defense against them is to wash your hands with soap and water, especially before eating and after using the bathroom.

When soap and water aren't available, use a hand sanitizer with at least 60 percent alcohol.

Keep germs at a distance. Avoid touching your face since germs on your hands can spread to your eyes, nose or mouth. Try not to get too close to others who are sick. Coughing and sneezing spreads germs to those nearby.

Because hospitals may be shorthanded and it may take longer to be seen by a doctor if you have a complication, postpone elective surgeries or procedures until after the holidays.

If you are traveling during the holidays, be sure to pack your medications. It's a good idea to take enough for the trip, plus a little extra in case your return is delayed.

When flying, keep medications with you, not in your checked bag, in case your luggage is lost. Also bring a list of your prescriptions, the dosages, and your physician's name and contact information.

Take symptoms seriously. Fatal heart attacks increase during the holidays. If you think you are having a heart attack, stroke or other serious health problem, go to an emergency room right away.

There may be a connection between heart attacks and large holiday meals. Try eating smaller portions, especially with rich foods and desserts; chew food slowly; and look for healthy, lower calorie options.

Don't play with fire. Place candles well away from flammable materials such as paper or holiday decorations. Closely monitor young children in a busy kitchen with a hot stove, and always put boiling pots on the back burner.

Exercise caution when hanging holiday lights and decorations, particularly when using a ladder.

Follow these simple precautions and don't let an accident or illness mar your holiday fun.

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Stay warm and safe this winter

Cooler days can be a welcome relief after the heat of summer, but precautions are necessary when temperatures drop too low.

- **Clothing.** Wear several layers of lightweight clothing to keep warm. Add gloves and a hat when spending time outdoors.
- **Pets.** If possible, bring pets inside during freezing weather. Or, make sure they have warm shelter outside and access to unfrozen water.
- **Space heaters.** Always place them on a flat, hard surface and keep anything flammable — paper, clothing, bedding, curtains, rugs — at least 3 feet away. Turn heaters off before leaving the room, and never sleep with a space heater running.
- **Fireplace.** Use a glass or metal fire screen to catch sparks or rolling logs. Don't leave the fire unattended unless all embers are put out.

- **Plumbing.** Let water trickle through the pipes to help prevent freezing. Open cabinet doors beneath sinks to let warmer room air circulate around the plumbing. If there are water lines in the garage, keep its doors closed.
- **Plumbing.** Keep heating units at the same temperature day and night. A higher heating bill can save in the long run by avoiding costly repairs to burst water pipes.
- **Stoves.** Never use a stove or oven to heat your house.
- **Generators.** Always operate generators outdoors. A running generator should never be placed inside, including in a garage or basement.

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The hidden cost of 'free trial' offers

Trying a product for free before you purchase it sounds like a good idea, but too often, a "free trial" comes with unexpected, hidden costs. You may be signed up for a membership or subscription that obligates you to unexpected monthly purchases. Sometimes the online checkout process for your free trial may contain fine print that obligates you to purchase other products by accepting the free offer.

If you don't cancel before the free trial period ends, you could be obligated to pay for the product or service you have been trying. It may be difficult to stop future shipments and charges to your account.

The Federal Trade Commission offers tips to avoid unexpected costs of free trial offers:

- ✓ Research the company. Online complaints can tip you off to what is hidden in the fine print.
- ✓ Know the terms and conditions before you sign up for offers, whether online, on TV, in the newspaper or on the radio. If you can't find them or don't understand them, don't sign up.
- ✓ When buying online from one company, you may get an on-screen offer from another company. A free offer or pop-up ad that appears on a website doesn't mean the offer is from the same company. Look carefully at the name on the trial offer.
- ✓ If you sign up for a free trial online, look carefully to see if any of the boxes on the screen are pre-checked so you don't unintentionally commit to additional products or future purchases.
- ✓ A free trial probably has a time limit. Be sure you cancel before the deadline or you may be obligated to buy more products.
- ✓ Learn whether you have to pay anything if you don't want the free product or service, and find out how much time you have to respond and how you can cancel future purchases.
- ✓ Check your credit and debit card statements. You'll want to know right away if you were charged for something you didn't order.

You can also file a complaint with the Federal Trade Commission, your local consumer protection agency or the local Better Business Bureau.

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Is there something 'phishy' about that email?

Phishing is an online scam to trick you into giving out personal, sensitive information. A phishing email appears to come from someone you know and trust. The sender usually requests immediate action, urging you to reply to the email, open an attachment or click on a link within the email. The message suggests you must act quickly to help your friend or protect access to your account.

The scammer may ask for banking or credit card account numbers, your user ID, and password or other identification. The phisher can use that information to steal your identity and your money.

But there's good news. There are steps you can take to avoid being caught by a phishing expedition.

If the email appears to be from a friend, but the story doesn't sound right or the email is vague about the nature of the problem, phone the sender. Do not call the number in the email.

If it's a business, look up the business website and call that number. Don't use a link in the email to find the business website or the phone number. Scammers can make a fake website look real.

Proceed with caution. Don't open any attachments from an email that seems fishy. If it looks like it's from a friend, call first to be sure it was your friend who sent it.

Never click a link in a suspicious email. Instead, open a new window in your browser and type in the address of the suspicious link. While the address displayed in the email may be the address of a real business, that address may be actually linked to a scam site.

You often can get additional information about the real sender by hovering your mouse or cursor over the email's "From" line. It should show the actual address of the sender.

Compare that address to the email address that you know is the correct one for your friend or business contact.

Never reply or click an unsubscribe link in a suspicious email. This will verify that yours is a valid email address and will subject you to even more scam emails.

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