

FOR THE RECORD

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"The attorneys at Bailey & Greer always explained things to me, kept me informed, and gave me good advice. The work they did and the outcome was more than I expected. I would and have recommended Bailey & Greer to others."

R.Y. — Memphis, TN

PRESCRIPTION FOR DISASTER: PREVENTING A MEDICATION INJURY

Prescription drugs are common in society today. From the myriad of television commercials to the constant debate by federal and state governments on how to insure Americans' prescriptions, prescription drugs are never far from the public consciousness.

It is with good reason, too, as the National Center for Health Statistics reports that 48 percent of all Americans were on at least one prescription in 2008. The use of these drugs ranges across the demographics – 1 in 5 children takes a prescription drug, while 9 out of 10 older Americans are medicated. The use of prescriptions is beneficial for sure, and it is no surprise that so many people are using drugs.



But with such widespread use, there are dangers to consider. Some of the most common dangers associated with prescription drugs include unknown side effects, unforeseen drug interactions between two or more substances and misuse of medication.

Here are some tips to keep in mind to ensure you are using prescription medication safely:

- Keep a list of all medications.
- Make sure your doctor or other health care provider has a copy of the list when treating you.
- When starting a new prescription, talk with your doctor about the risks and side effects of the new drug, and make sure that it will not adversely interact with any other medication you are taking.
- Follow all medication instructions. Do not take more than is safely recommended and finish prescriptions according to your doctor's orders.
- To prevent injury from an error by the pharmacist, check the prescription insert on your medication. People often do not know the name of the drug they are prescribed, so by checking the insert a patient can ensure that the drug provided by the pharmacist is appropriate for his or her diagnosis.
- Check the pill that is in the prescription bottle and confirm that it is indeed the drug that has been prescribed. This can be accomplished by researching the name of the drug prescribed online and comparing an image to the pill in the patient's possession.
- If you are not responding to the medication or experiencing side effects, contact your doctor.
- With diligence and a willingness to contact one's health care provider, many of the dangers of prescription drugs can be eliminated.

Source: www.thesafetyreport.com





"There are common misconceptions about how the proceeds of a wrongful death claim are distributed"

For answers to more frequently asked questions visit our website
www.baileygreer.com

WHO CAN FILE A WRONGFUL DEATH LAWSUIT AND WHERE DOES THE MONEY GO?



By R. Sadler Bailey

Wrongful death causes pain, emotional turmoil, and even financial distress for the survivors of a loved one. When a loved one dies due to the negligence or intention of another, Tennessee law allows a personal representative of the decedent to sue on behalf of the survivors.

WHO CAN ACT AS A PERSONAL REPRESENTATIVE?

In general, the following rules apply to Tennessee wrongful deaths:

- A spouse, estate administrator or executor can file a lawsuit.
- When wrongful death occurs to a single person, his or her adult children may file. If there are no adult children, then the parents are next in line.
- When the decedent is a minor and unmarried, his or her parents or estate administrator may file suit.
- If the victim's parents are deceased and he or she has no children, Tennessee law allows a sister or brother to file suit.

No matter what your situation, legal representation is your best choice. A wrongful death attorney can advise you of your rights and the best way to approach a wrongful death case.

WHERE DO THE PROCEEDS GO?

There are common misconceptions about how the proceeds of a wrongful death claim are distributed. For instance, if one child was closer with the deceased parent than his siblings or if the deceased parent's will leaves everything to one child, the favored child may believe that he or she should receive all of the proceeds. However, this is not the case. Although there are exceptions, wrongful death proceeds are generally distributed under the law of intestate succession, for instance:

- Decedent leaves wife and two children, all beneficiaries share equally.
- Decedent leaves husband and four children, wife receives 1/3 and children share 2/3 equally.
- Decedent leaves no wife and five children, all children share equally.
- Decedent leaves no husband and no children, parents share equally.
- Decedent leaves no spouse, no children, and no parents, siblings share equally.

Q: HOW LONG DO I HAVE TO FILE A WORKER'S COMPENSATION CLAIM?



By John Zuck

The answer to this question depends on whether the injured employee has received workers' compensation benefits from

his or her employer or not. Keep in mind, "workers compensation benefits" can be medical benefits or financial compensation.

WORKERS WHO HAVE NOT RECEIVED BENEFITS

In cases where an employee has **not** received any compensation benefits, the employee's workers compensation claim will be barred after one (1) year from the date of injury. The only way to stop this limitation

period from taking effect is for the employee to:

- a) give the employer proper notice of the injury, and;
- b) file a formal request for a Benefit Review Conference (BRC) from the Department of Labor.

Both of these notices must be filed within one (1) year from the date of the injury.

WORKERS WHO HAVE RECEIVED BENEFITS

In cases where an employee **has** received workers compensation benefits within one (1) year of sustaining a workplace injury, the employee's claim can still be barred. In

this situation, the only way to stop the limitation period from taking effect is for the employee to file a formal request for a BRC with the Department of Labor, within one (1) year from:

- a) the last authorized medical treatment or;
- b) the last paid compensation from the employer, *whichever occurred later*.

Remember, if the statute of limitations runs, an injured employee's claim can be forever barred. This means that an injured employee who does not act in a timely fashion could be barred from receiving any medical benefits or financial compensation by the law of Tennessee.

DISTRACTED DRIVING: FACTS AND STATISTICS

The U.S. Department of Transportation, the Pew Research Center and several other universities have studied the effects of distracted driving. Here are some of the most troubling findings:

- ◆ 5,474 people were killed in crashes involving driver distraction, and an estimated 448,000 were injured.
- ◆ 16% of fatal crashes involved reports of distracted driving.
- ◆ 20% of all injury crashes involved reports of distracted driving.
- ◆ Talking on a cell phone makes a driver 4 times more likely to have a crash or near crash event.
- ◆ Texting makes a driver 23 times more likely to have a crash or near crash event.
- ◆ Texting slows driver reaction time even more than alcohol.
- ◆ Teens are more likely than other age groups to be involved in a fatal crash where distraction is reported.
- ◆ 40% of all American teens say they have been in a car when the driver used a cell phone in a way that put people in danger.
- ◆ Sending or receiving a text takes a driver's eyes off the road for an average of 4.6 seconds, the equivalent—at 55 mph—of driving the length of a football field, blind.
- ◆ Headset cell phone use is not substantially safer than hand-held use.

**ONE TEXT OR CALL COULD
WRECK
IT ALL**



TAKE THE PLEDGE TO STOP DISTRACTED DRIVING

In honor of National Distracted Driving Awareness Month, the lawyers and staff at Bailey & Greer have all taken the pledge to end distracted driving. Will you join us? You can take the pledge to end distracted driving by visiting www.enddd.org.

TAKE THE PLEDGE TO END DISTRACTED DRIVING

Yes, I can:

1. Drive without texting.
2. Drive without making or receiving calls or texts.
3. Call/Text before I start driving to let parents or friends know when I'll arrive.
4. When I am alone, I can turn my cell phone off/on vibrate when I start to drive.
5. Pull over to safe location
6. Deputize my passenger to make/receive calls/texts while I am driving.
7. Wait until I have finished driving to eat.
8. Wait until I am finished driving to adjust music—change CD's, scroll through iPod or iPhone or similar device.
9. Put makeup on before I start to drive or wait until I am finished to reach for objects in the back seat.
10. Wait to text/call others until they have finished driving.
11. Ask my driver to drive safer if I am a passenger in their car.
12. Be a driver who cares about

the safety of others and is not selfish.

DON'T HAVE ENOUGH WILL POWER? THERE'S AN APP FOR THAT

www.drivesafe.ly — Automatically reads texts and emails and sends an auto response with no driver involvement.

www.getizup.com — Holds incoming and outgoing calls, texts, and e-mail when users are moving faster than 5 mph.

www.cellsafety.com — Disables cell phone and blocks text messages while you're driving.

www.textecution.com — Disables texting while driving. If the user removes the application, it notifies the parents by text.

We Support



Tennessee Citizen Action works in the public interest as Tennessee's premier consumer rights organization. Their mission is to work tirelessly to improve the overall health, well-being, and quality of life for all people who live and work in Tennessee.

GET INVOLVED

www.tnca.org

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FIRM INFORMATION

At Bailey & Greer, we take only a limited number of serious injury, wrongful death, and professional malpractice cases. While some law firms work to settle, we work to get the best possible result for you. We have the experience, expertise and financial resources to carry each and every case to court. We have been involved in numerous multi-million dollar verdicts and settlements, including birth injury, medical malpractice, premises liability and auto accident cases.

When you choose us to represent you, you will always be able to speak to a lawyer and you will always be treated as a person, not just a case. In addition to our attorneys, we are also proud of our courteous, knowledgeable office team, which includes a full-time nurse.

Practice Areas:

- ◇ Medical Malpractice
- ◇ Birth Injuries
- ◇ Legal Malpractice
- ◇ Auto Accidents
- ◇ Trucking Accidents
- ◇ Nursing Home Abuse
- ◇ Wrongful Death
- ◇ Premises Liability
- ◇ Workers' Compensation
- ◇ Dangerous Drugs and Devices



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*The greatest compliment we
can receive is the referral of a
friend or family member*