

FOR THE RECORD

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

QUICK TIPS FOR FINDING THE RIGHT DOCTOR

A fifty-four year old wife and mother of two goes in for a routine hip replacement and dies on the operating table. Her doctor carelessly cut an artery and refused to call for assistance to repair it until it was too late to save her. These are the disturbing facts of a case we recently settled on behalf of the family for a confidential amount. Even more disturbing is that, unbeknownst to the victim, the surgeon had been successfully sued for medical malpractice eight (8) previous times in two different states.

Although most consumers today will not even buy a toaster without first reading dozens of online reviews, we often choose our doctor with little or no information about the doctor's skills and abilities. Why is this? Don't patients have the right to know about prior disciplinary actions, suspension, and lawsuits before undergoing a medical procedure? Unfortunately, finding authoritative information about doctors can be extremely difficult. Here are a few tips patients can use to protect and educate themselves about their doctor.

Check the Doctor's Licensure Information with the State

Each state maintains basic information about doctors and makes at least some of the information available to the public, such as whether the doctor is board certified or has ever been suspended. Some states even provide information on the number of settlements or verdicts against the doctor, as well as a dollar range. In Tennessee, visit <http://health.state.tn.us/Licensure/>. Most states have similar websites.

Check Online Review Websites

Finding helpful online reviews for doctors

can prove difficult. Disciplinary actions and lawsuit settlements involving doctors are almost always kept confidential, and people are often reluctant to post information about their private medical conditions. Still others are afraid to post negative reviews for fear of being sued by their doctor or blackballed by other providers. Nonetheless, there are a few websites that you may find helpful:



RateMDs.com - The purpose of this site is to be a resource for people who want to find a good doctor, dentist, chiropractor, or other medical provider.

AngiesList.com - This site provides reviews for all types of professionals, not just doctors. The reviews cannot be anonymous and each review is checked for authenticity before publication.

Vitals.com - Provides search tools and comprehensive information on doctors to help consumers choose the right doctor.

HealthGrades.com - This website seeks to be an online resource for comprehensive information about physicians and hospitals. It provides detailed information about most doctors, including patient reviews.

Ask Another Doctor

Perhaps the best way to find a competent and skilled doctor is to consult with a doctor that you already trust and respect. Doctors practicing in one specialty will almost always know the best doctors in other specialties. Don't hesitate to ask your doctor for a recommendation.

"I was in the dark about my case and I was depressed before hiring Bailey & Greer. However, Mr. Greer shined a light on the situation, kept me informed about everything, and genuinely cared about my well-being. I loved the way the firm listened, gave good advice, and in general made me feel comfortable talking about my loss.

I would recommend Bailey & Greer and I would tell anyone that if they want the best results for their case and to feel 100% comfortable throughout the trial come to Bailey & Greer."

Randy Blackburn - Memphis



“Whoever you choose as a representative should be dependable, trustworthy, and calm under pressure.”

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

Q. WHAT IS A LIVING WILL AND HEALTH CARE POWER OF ATTORNEY?



By Thomas Greer

Given a choice, most people prefer to make their own health care decisions. Consulting with your doctor and close family members is critical to making important decisions. But what if you are not mentally or physically able to make a decision for yourself? Unless you have the proper documents in place, your healthcare decisions will be made by someone—even someone you do not know and who does not know your desires.

The Purpose of a Living Will and Health Care Power of Attorney

A living will is a legal document that tells your doctor and other healthcare providers what type of treatment you do or do not want should you become incapacitated due to an illness or injury. A living will is primarily designed to instruct a doctor about what type of life saving measures, if any, you want toward the end of your life, such as mechanical breathing devices, heart resuscitation, and feeding tubes.

A power of attorney for health care is a document that appoints a trusted family member or

friend to help oversee your care and to make sure your directives are followed when you cannot make decisions yourself.

If you do not have a living will or health care power of attorney and you become incapacitated, health care decisions are commonly made by a family member. This can be problematic, especially when the family member is estranged or does not know your true desires. Even for close family members, making decisions without a living will may cause them to feel guilty, uncomfortable, and confused.

Who Can Be Appointed to Make Decisions

Whoever you choose as a representative should be dependable, trustworthy, and calm under pressure. Ideally the person should live nearby or be able to travel to be near the injured person. The following individuals cannot be named:

- Treating health care providers.
- Employees of treating providers, unless you are related.
- An operator of a health care institution.
- Employees of an operator of a health care institution, unless related.

Q. My friend received a call from a law firm a few days after being in a wreck. Is this proper?

Most states, including Tennessee, prohibit lawyers from directly contacting people who have been injured in a wreck when the contact is motivated by financial gain. There are exceptions, however, such as when the person contacted:

- Is a lawyer;
- Has a family, close personal, or prior professional relationship with the lawyer; or
- Has initiated a contact with the lawyer

Employees and agents of attorneys are also prohibited from making such contact with the prospective client. Despite the clear prohibition, there are many law firms that push the boundaries of this rule and even

blatantly violate the rule.

Other forms of solicitation are limited as well

- There is a 30 day waiting period for mailing information concerning a personal injury, workers' compensation, or wrongful death case
- Mailings must contain the words "Advertising Material."
- Mailed contracts must state "SAMPLE" and "DO NOT SIGN"
- Written communications should not be in the form of pleadings or formal legal documents
- Information can only be sent by regular mail, not certified, express delivery or

by courier.

What you should do if you are improperly contacted

First and foremost, don't talk to or hire the lawyer who improperly calls or solicits your case. Any attorney who solicits clients in an unethical manner is probably not the type of lawyer you want handling a serious and life changing case. Competent and skilled attorneys do not need to solicit clients through unethical means.

Second, report the lawyer to your state's Board of Professional Responsibility. In Tennessee, complaints can be made by visiting www.tbpr.org or calling (615) 361-7500.

IMPORTANT STEPS TO PREVENT HOSPITAL FALLS



By R. Sadler Bailey

Year after year I see cases in Tennessee, Arkansas and Mississippi where a patient falls and sustains serious injuries while in the hospital.

Hospital falls take a heavy toll on patients, especially elderly patients.

In 20-30% of all falls the patient suffers severe to moderate injuries. The most common injuries are broken hips and traumatic brain injuries. Hospital falls can also lead to other injuries and complications as well, such as additional falls, longer hospital stays, and bed sores due to the person's immobility. Fortunately there are simple safety measures that all hospitals can undertake to help prevent falls.

Fall Risk Assessment – Every patient who is admitted to the hospital should be evaluated for his or her risk of falling. Depending on the degree of risk, hospitals can then institute additional safety measures to prevent falls. Considerations include:

- Age
- History of prior falls
- Mental and emotional status
- Medications

- Symptoms of dizziness
- Use of ambulatory aids such as a cane or walker
- Continence status
- Vision and hearing issues
- Predisposing diseases or conditions

Fall Precautions – Once the patient's relative risk of falling has been thoroughly assessed, then hospitals should institute safety precautions consistent with the patient's risk. Here are some procedures that can help ensure that a high risk patient is safe from falling:

- Regular toileting regimens for cognitively impaired and incontinent patients
- Bed alarms that alert the staff when the patient is trying to get out of bed
- Bedrails and other restraint devices
- Floor mats
- Lowering the hospital bed
- Increasing nurse monitoring
- Patient education and training

If you or a loved one is injured from a preventable hospital fall, please let our Memphis, Tennessee legal team, which includes an in-house registered nurse, provide a free and confidential case review. Call us today at 1-888-470-9143.



Recent Verdicts and Settlements

Confidential Settlement. Medical malpractice settlement involving the death of a fifty-four year old wife and mother of two while undergoing a routine hip replacement

\$500,000 Verdict. Wrongful death auto accident jury verdict.

\$340,000 Settlement. Medical malpractice bed sore settlement.

Attention: Current and Former Clients

We need your help! If we provided a valuable service to you and your family, please take a few minutes to provide an online review. You don't have to mention any details about your case. Just visit:

www.baileygreer.com/reviews

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

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 trial. We have been involved in numerous multi-million dollar verdicts and settlements, including birth injury, medical malpractice, auto accident, product liability, and premises liability cases.

When you choose us as your attorneys, 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.

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