



# DAVID J. GLATTHORN CIVIL TRIAL LAWYER

AGGRESSIVE, ETHICAL REPRESENTATION FOR OVER 30 YEARS

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## The Trouble(s) with Vaping

E-cigarettes and other vaping products have been touted as less unhealthy alternatives to traditional cigarettes for over a decade. But they contain volatile organic compounds, diacetyl, and heavy metals (e.g., nickel, tin, and lead)—all harmful substances.

Nicotine is already known to cause harm to unborn babies, as well as teens' still-developing brains. In addition, recent research published in the American Journal of Preventive Medicine indicates that vaping is linked to chronic lung conditions such as asthma, bronchitis, and emphysema.

Vaping products are also in vogue among teenagers. Health professionals are concerned that their cool/fun factor will “renormalize” smoking and eventually lead to tobacco usage. Smoking is at an all-time low (percentage-wise) in this country since statistics have been kept. Vaping may reverse these hard-fought gains.

Defective vaping products have exploded in people's pockets, hands, and directly in the face, resulting in severe burns, fractures, visual injuries, and altered lives. One study spanning 2015 through 2017 reported 2,000+ visits to emergency rooms nationwide.

Vaping took it on the chin in 2019 with an outbreak of associated lung injuries and fatalities. The Centers for Disease Control and Prevention (CDC) has stated that the vast majority of these lung injuries are currently believed to be derived from black-market vaping products.

Until a definitive cause(s) of the lung injuries can be determined, the CDC recommends refraining from vaping altogether. At the very least, avoid vaping products containing THC (tetrahydrocannabinol); don't buy vaping products from informal sources such as friends, online distributors, or off the streets; and don't modify or add substances to vaping products.

If you suffer a vaping-related injury, contact a personal injury attorney for a consultation. •



# Tougher Penalties for Texting and Driving

Although it was passed in July 2019, Florida drivers have had a “grace period” through January 2020, to help the word get out as to the tougher penalties for texting and driving.

Now an officer can pull you over if they actually see you texting while the car is moving. The first offense will carry a thirty-dollar fine and a second offense will cost you sixty dollars.

Florida is one of the last states of the Union to make texting and driving a traffic violation in which an officer can stop you without any other cause.

REMEMBER: ARRIVE ALIVE!

DON'T TEXT AND DRIVE! •



## February 2020 Notable Dates

**February 1** – National Serpent Day   **February 4** – National Homemade Soup Day   **February 7** – National Bubble Gum Day   **February 15** – National Wisconsin Day   **February 20** – National Love Your Pet Day   **February 24** – National Tortilla Chip Day   **February 26** – National Tell a Fairy Tale Day   **February 28** – National Public Sleeping Day



## Not Everyone's an Expert ... Witness, That Is

Most personal injury cases are settled out of court, but when an agreeable settlement cannot be reached, the stage is set for a trial. It is incumbent upon the injured party to prove that the defendant's actions caused their injury and that they deserve compensation. In some circumstances, the services of an expert witness may bolster their case. The defendant also has that tool at their disposal.

An expert witness is a professional who has extensive training and knowledge in a specific subject area—for instance, medicine, mental health, auto accident reconstruction, economics, etc. Their job is to offer neutral, unbiased opinions on the matter for which they were retained. They are not to be advocates for one side or the other and are paid handsomely for their services.

An expert witness may be a *testifying* or *consulting* witness. A testifying expert witness delivers testimony in the courtroom and is expected to skillfully communicate their opinions and information in understandable, accessible terms. They are also subject to the rules of discovery. The opposing party must be notified of their identity, field of expertise, subject matter of their testimony, opinions to which they will testify, and the basis of their opinions so they can prepare for rebuttal and cross-examination.

A consulting expert witness offers behind-the-scenes clarification and explanation of key issues to the attorney who retained them. Consulting expert witnesses do not testify in court and are not subject to the rules of discovery.

The stakes can be enormous in personal injury cases. Expert witnesses don't come cheap, but they may mean the difference between obtaining fair compensation and receiving no compensation at all. •



# West Palm Beach is Dangerous for Pedestrians

West Palm Beach is one of the most dangerous places in Florida when it comes to pedestrian safety. South Florida suffered over 5,400 pedestrians killed in traffic in the period from 2008 to 2017.

The West Palm Beach Police have increased their enforcement through a campaign that will focus on these following areas of West Palm Beach: 1) Broadway from 36th Street to 59th Street; 2) Okeechobee Boulevard; 3) Palm Beach Lakes Boulevard and; 4) Banyan Boulevard from Dixie Highway to Tamarind Avenue.

Pedestrians have rights, and in fact, depending on the circumstances, may have the right of way over a vehicle. However, every pedestrian should pay attention to their environment (not their cell phone!) as every driver should be paying close attention to pedestrians. •



## The Short-Lived but Historic Pony Express

“Thank Your Mailman Day” on February 4 honors postal workers who brave obstacles and the elements to deliver our mail. Despite this special day, today’s mail carriers likely have never received as much acclaim as those who rode for the Pony Express from April 1860 to October 1861.

In the mid-1800s the burgeoning population in California (gold strikes will do that) and pioneer migration to the Northwest necessitated a longer, quicker postal reach. Rough terrain, harsh weather, and none-too-pleased American Indian tribes made stagecoach delivery from the eastern United States a hazardous venture that could take a month or more to complete. Travel-by-sea options took even longer.

Enter the Pony Express, a horse-and-rider relay system emanating from St. Joseph, Missouri. Roughly two hundred bare-bones relief stations were built along a route covering eight states. Individual riders rode at breakneck speed for 10 to 15 miles, then switched mounts at a relief station. Every 75 to 100 miles, they would hand off their payload to a new rider. Delivery time was cut by roughly two-thirds.

Mail was carried in a special saddlebag called a “mochila,” a leather cover draped over the saddle and held in place by the rider’s weight. It contained four padlocked pockets for cargo and could be transferred from horse to horse simply and quickly.

The Pony Express was too expensive for the average person. It typically transported newspaper reports, government dispatches, and business documents. Rising North-South tensions and affiliated political developments made expediting important news to the West Coast imperative.

Although the Pony Express had financial issues from its inception, its fate was sealed by the completion of the transcontinental telegraph line. Its run was brief, but it played an important role in our nation’s history. •

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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

## For Medicare Patients, Status Is Everything

A physician may deem a patient's condition severe enough for admission to the hospital as an "inpatient" to receive treatment only a hospital can provide. Medicare inpatients fall under Medicare Part A.

In other cases, a physician may want to observe a patient in the hospital, run tests, etc., to get a better handle on their condition. In theory, an "observation patient" (a type of outpatient) should only be categorized that way for a short spell—and then either admitted as an inpatient or given the all-clear to go home—but it may be days, occasionally even weeks. Medicare observation patients fall under Medicare Part B.

Hospital status matters ... a lot. Medicare Part A covers an inpatient stay of up to 60 days with one flat-rate charge. Part B observation patients pay a **20-percent copay on all services** after paying their deductible, with no cap on out-of-pocket charges (Medicare supplement insurance will help).

In addition, if inpatients need post-hospital rehab at a Medicare-certified skilled nursing facility, Part A will cover it for a limited period of time, provided their inpatient hospital stay was three days or more. Part B does not cover this service (a.k.a. the "Medicare loophole"). **Observation patients are on the hook for the entire cost.**

Medicare has issued complex guidelines for hospitals/physicians to follow and scrutinizes their every decision. Patients have no right to appeal their designation.

Many observation patients who thought they were inpatients receive jaw-dropping medical bills months after a hospital stay. Medical bills can be burdensome; surprise medical bills pack an even bigger wallop. Inquire about your or a family member's patient status early on to avoid a rude awakening down the road. •

