

An extraordinary case of
Catastrophic Injury Recovery

COMBINED
AOA/RACS/AMLC
MEDICO-LEGAL
ANNUAL SCIENTIFIC
MEETING 2022

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Venue: Sofitel, Darling Harbour

Chris Brigham, MD

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Christopher Brigham, MD
MMS, FACOEM, FIAIME, CIME, CIR

- Thought leader on human potential, impairment, and disability.
- Prior to medicine focus was information technologies (computer science).
- Board-certified in occupational medicine.
- Edited and co-authored several books, including being the Senior Contributing Editor to the *AMA Guides to the Evaluation of Permanent Impairment*, Sixth Edition) and authored over 300 peer-reviewed publications.
- Stephen Minister
- Licensed USCG Captain, with extensive sailing and boating experience
- Married, 3 daughters, 4 grandchildren
- Lives in Hilton Head Island, South Carolina and Falmouth, Maine
- Loves Australia and travelled here several times and delighted to be back.

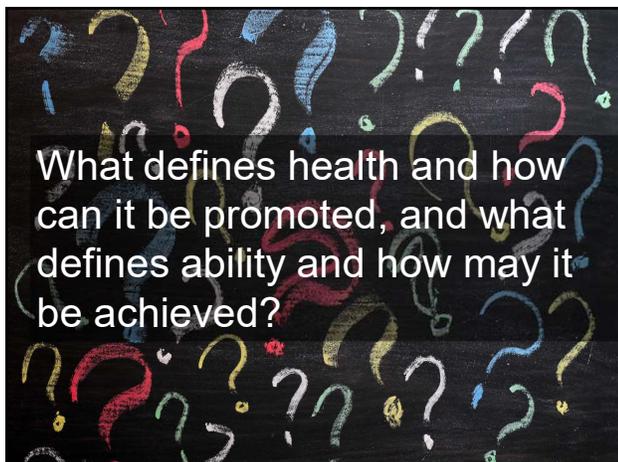
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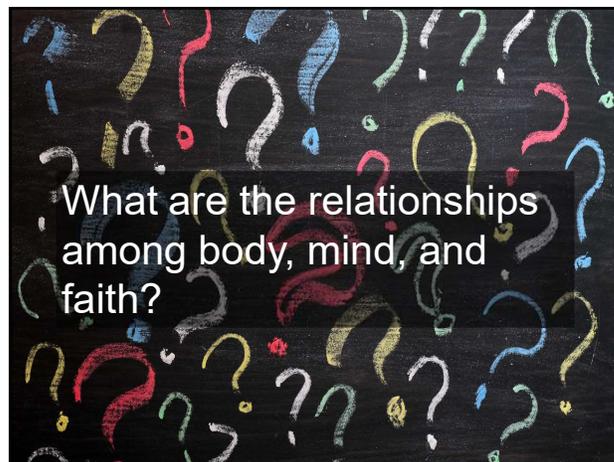
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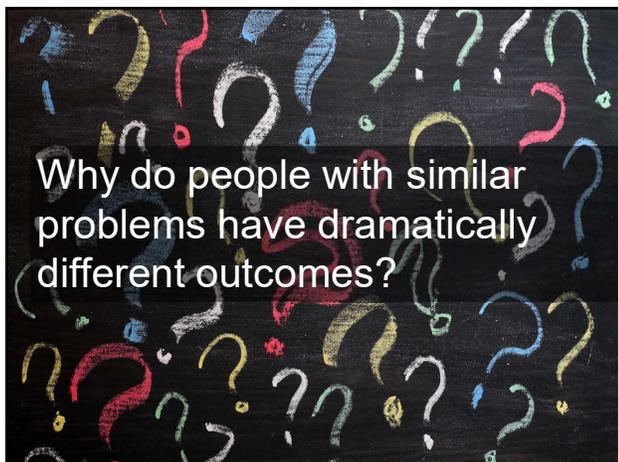
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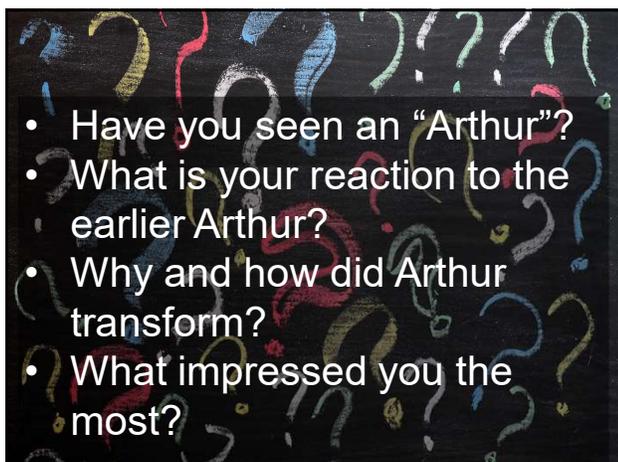
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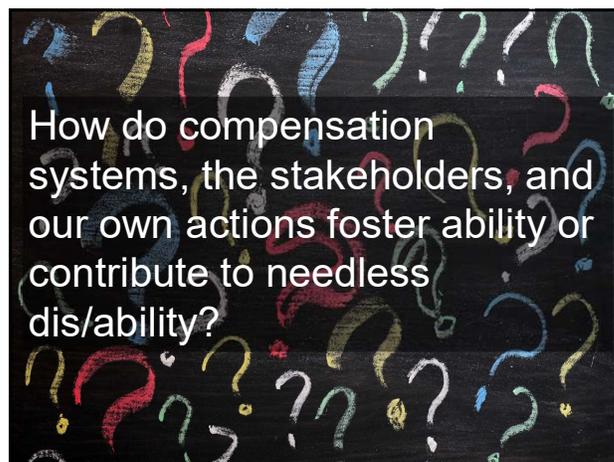
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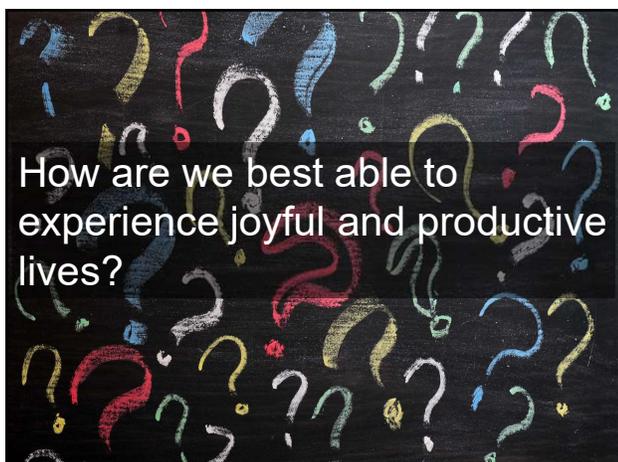
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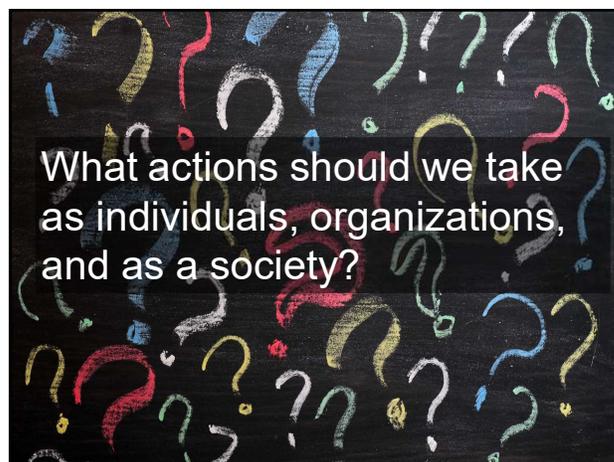
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Tertiary Prevention



The goal of tertiary prevention is to reduce the negative impact of an already-established disease by restoring function and reducing disease-related complications.

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Living Abled

There and Back Again: A Physician's Journey



Chris Brigham, MD

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East Coast Greenway – Savannah, GA to Titusville, FL



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Critical Condition

1. L1 and L2 vertebral body compression fractures; 30% and 40% loss
2. T12, L1, L2, L3, and L4 vertebral body transverse process fractures
3. T2 vertebral body superior endplate fracture
4. Left-sided rib fractures #4, #5, #6, #7, #8, and #11 with minimal displacement
5. Bilateral apical pneumothoraces
6. Atelectasis left lung (an incomplete collapse)
7. Pulmonary contusion
8. Subcutaneous emphysema left neck, left chest wall, and back
9. Splenic laceration
10. Retroperitoneal hematoma
11. Hemoperitoneum
12. Contusions and soft tissue and skin injuries
13. Acute stress disorder (later Post Traumatic Stress Disorder)

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Tertiary Prevention (i.e., post accident)

- Immediate
 - Emergency care
 - Legal / claims care
- Medical
- Legal
- Claims
- Recovery
 - Physical
 - Psychological
 - Spiritual (Life purpose)

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Recovery: Body, Mind, and Spirit

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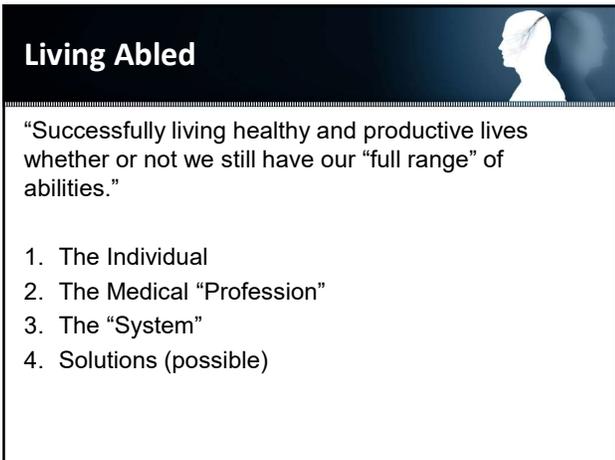
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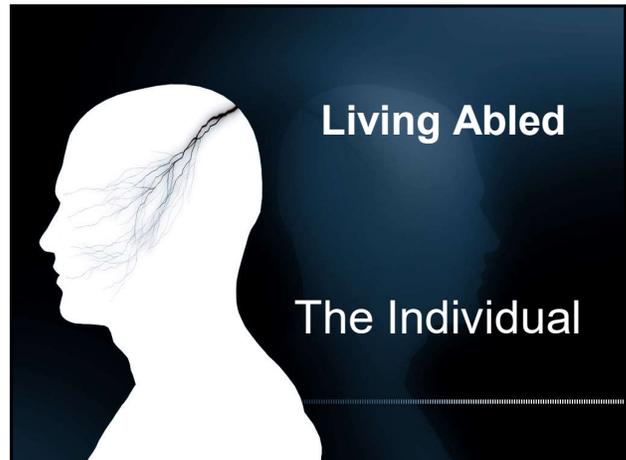


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“Successfully living healthy and productive lives whether or not we still have our “full range” of abilities.”

1. The Individual
2. The Medical “Profession”
3. The “System”
4. Solutions (possible)

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The Individual

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Contrasts

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Challenged and Empowered

- Live productive, vibrant, joyful lives despite challenges
- Inspirational

Marlon Shirley
Lost leg, not heart.
OVERCOMING
Pass It On.
VALUES.COM | 02 9270 0000

Bethany Hamilton
Me, quit? Never.
RISING ABOVE
Pass It On.
VALUES.COM | 02 9270 0000

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Resiliency

Ability to recover from or adjust easily to misfortune or change



"Have I not commanded you? Be strong and courageous. Do not be frightened, and do not be dismayed, for the LORD your God is with you wherever you go." Joshua 1:9

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Neuroplasticity

- Our brains and nervous systems change, structurally and functionally, as a result of input from the environment
- Positive – athletes (muscle memory) and musicians
- Negative – addiction, pain, and perhaps Post Acute COVID

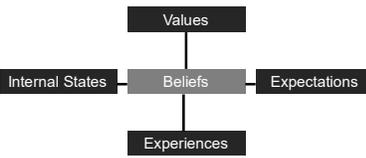


"And be not conformed to this world: but be ye transformed by the renewing of your mind." – Romans 12:2

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Beliefs Are Powerful

- Expectations that we have concerning a situation
- Define how we see the world
- Many are formed in childhood
- Adopt beliefs conveyed by an authority figure



Profound impact on injury, illness and disability

"And all things you ask in prayer, believing, you will receive." Matthews 21:22

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Mindfulness

Paying attention to present moment experience without judgment.



"Set your minds on things that are above, not on things that are on earth". Colossians 3:2

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Compassion

Concern for the alleviation of suffering



"Therefore, as God's chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience.—Colossians 3:12

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Work is Healthy

- Work is of central importance to human existence.
- Lack of work is detrimental to a person's physical, mental and social well-being.
- Do we consider the risk/benefit of working?
- Do we assess workability by defining risk, capacity, and tolerance?

"For even when we were with you, we would give you this command: If anyone is not willing to work, let him not eat. For we hear that some among you walk in idleness, not busy at work, but busybodies. Now such persons we command and encourage in the Lord Jesus Christ to do their work quietly and to earn their own living" (2 Thessalonians 3:10-12).

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Gratitude



Community Faith Thank You Guidance
 Oneness Spirit Family Soul Peace
 Believe Abundance Divine Seek
GRATITUDE
 Healing Health Purpose Create
 Journey Receive Emotion
 Grateful Appreciation Kindness

"Give thanks in all circumstances; for this is the will of God in Christ Jesus for you." 1 Thessalonians 5:18

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The Medical Profession

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Medicalization is Harmful



- Process by which conditions and problems come to be defined in treated as medical conditions and therefore subject to medical study, diagnosis, and treatment.
- Permits health care providers and drug companies with an income opportunity.



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How (Some) Physicians Can Contribute to the Problem?




- Inappropriate and Unnecessary Diagnostic Evaluation
- Inappropriate Diagnoses and Labeling
- Inappropriate Treatment (opioids, physician dispensing, unnecessary therapies, and surgeries)
- Faulty Causation Analysis
- Faulty Work Ability Assessment
- Faulty Impairment and Disability Assessment
- Failure to Educate and Empower Patient
- Failure to Work Cooperatively

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The "System"

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Complex Web




- Injured / Ill Person
- Employer
- Physician(s)
- Health care providers
- Claims Adjuster
- Case manager
- IME physicians
- Co-workers
- Labor
- Lawyer – Plaintiff
- Lawyer – Defense
- Hearing Officers / Judge
- Drug Companies
- Device Manufacturers
- Bill Review Company
- Food Companies

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What Are Possible "Solutions"?

- Society
 - Recognize the problems and the drivers.
 - Approach health from the perspective of body-mind-spirit.
 - Shift focus from disability to ability, disease to function, and the medical model to the bio-psycho-social-spiritual model.
 - Encourage faith and prayer.
 - Prevent childhood adverse experiences.
 - Promote the concept of personal accountability.
 - Promote the concept that "Work is Healthy."
 - Hold all stakeholders accountable for their actions.
 - Ban advertisements by pharmaceutical and device manufacturers, physicians, and attorneys.

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What Are Possible "Solutions"?

- System
 - Provide universal health care coverage vs. employer-based.
 - Pay physicians and other participants for outcomes, not for procedures.
 - Avoid litigation and unnecessary attorney involvement.
 - Involvement of ombudspersons and alternative dispute resolution processes.
 - "Restructure" workers' compensation – define "injury" benefits with 24-hour coverage.

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What Are Possible "Solutions"?

- Employers
 - Provide a "healthy" workplace, both in terms of culture and safety.
 - Treat workers fairly and value them.
 - Focus on health productivity with a stay at work and early return to work interventions.
 - Engage actively in proactive claims management, with education and empowerment of injured / ill employees.



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What Are Possible "Solutions"?

- Claims Professionals (Insurers and TPAs)
 - Manage claims proactively, efficiently, and with integrity.
 - Educate and empower claimants.
 - Involve quality health care providers.
 - At the outset, focus on meeting reasonable needs and building relationships of trust
 - Listen and avoid unnecessary adversarial positioning.
 - Systematically identify early risk factors for delayed recovery and intervene.



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What Are Possible "Solutions"?

- Attorneys
 - Educate attorneys, judges, and commissioners about the adverse impact of litigation.
 - Use advocates or publically employed attorneys versus private attorneys.
 - Limit settlements.
 - Change fee basis to flat fee with incentives for return to function.



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What Are Possible "Solutions"?

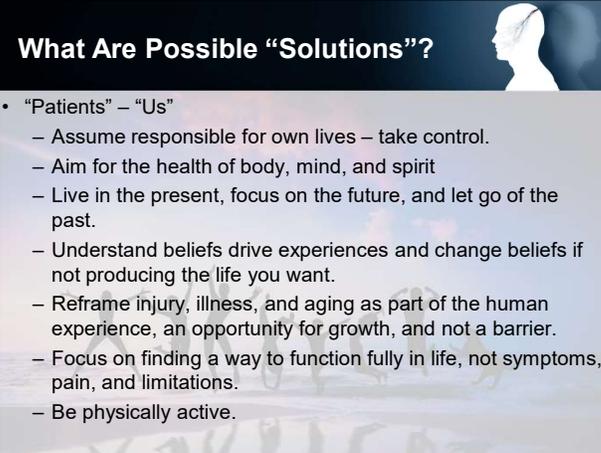
- Health Care Professionals
 - Use evidence-based practice guidelines.
 - Educate patients and avoid "medicalization."
 - Do not provide harmful testing and treatment.
 - Assess workability on consideration of risk, capacity, and tolerance.
 - Assess impairment and disability only if qualified.
 - Work cooperatively, let go of "ego," and control and communicate.



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What Are Possible "Solutions"?

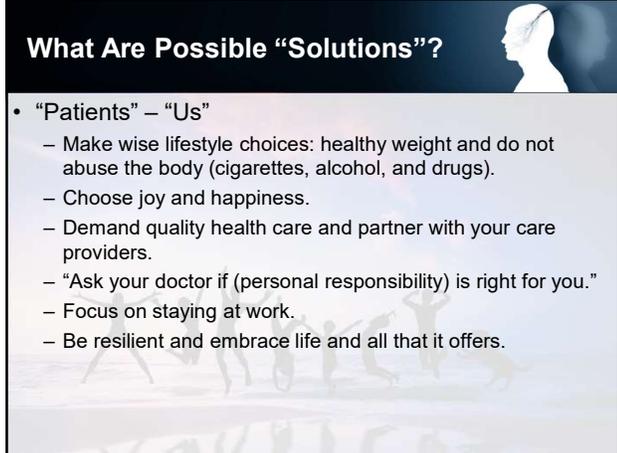
- "Patients" – "Us"
 - Assume responsible for own lives – take control.
 - Aim for the health of body, mind, and spirit
 - Live in the present, focus on the future, and let go of the past.
 - Understand beliefs drive experiences and change beliefs if not producing the life you want.
 - Reframe injury, illness, and aging as part of the human experience, an opportunity for growth, and not a barrier.
 - Focus on finding a way to function fully in life, not symptoms, pain, and limitations.
 - Be physically active.



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What Are Possible "Solutions"?

- "Patients" – "Us"
 - Make wise lifestyle choices: healthy weight and do not abuse the body (cigarettes, alcohol, and drugs).
 - Choose joy and happiness.
 - Demand quality health care and partner with your care providers.
 - "Ask your doctor if (personal responsibility) is right for you."
 - Focus on staying at work.
 - Be resilient and embrace life and all that it offers.



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