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October 2024

Special Newsletter for
Attorneys

This Month's Topic:

Can a Treating Doctor's Medical Opinion on Causation be Incorrect and Potentially Hurt Your Case?

GO MD Review Answer:

We were recently asked to review a case where the treating physician opined that the client's episode of left lower leg deep vein clot was related to enlarged uterine fibroids when she had, in fact, had a work-related injury to her leg that led to her deep vein clot.

This is a case of a 49-year-old woman who while working at a department store, had boxes containing merchandise fall from a top of a shelf onto her legs. She injured both legs, more so on the left. She was able to ambulate after the incident and at that time, did not seek medical attention. She had a lingering ache in her left calf which she managed with over the counter Tylenol. The ache never went away, and within 3 weeks, she developed slight left lower leg swelling. Soon after, she developed acute, substantial pain and swelling in her left lower leg, resulting in a visit to the Emergency Room. The client was confirmed to have a left lower deep vein thrombosis (blood clot) within the "popliteal vein" [vein behind the knee]. She received appropriate follow-up treatment for the clot by her treating doctor including the use of blood thinners.

This client coincidentally had been consulting with her gynecologist for known massive uterine fibroids (benign tumors of the uterus), which had been causing ongoing mild lower abdominal discomfort. She had

intended to have an elective hysterectomy. On a visit to gynecologist, which was within the week of her clot diagnosis, the gynecologist opined that her clot was the result of her massive uterine fibroids. The physician's rationale was that the uterine fibroids were large enough to compress circulating venous blood flow thereby causing an increased risk for clots.

Further medical work-up with a hematologist to determine the cause of her clot ruled-out any hereditary risks or other hypercoagulable risks. The hematologist, who had read the gynecologist opinion, stated that clot was "likely related to massive uterine fibroids" echoing the gynecologist's opinion.

The client experienced significant disability from her left lower leg clot resulting in significant time off work. She had long-term sequelae from her clot episode with chronic thrombophlebitis [inflammation of her leg veins]. Her symptoms included leg pain, leg redness as well as mild leg swelling and impaired ambulation.

The client applied for Workers Compensation pointing out that her clot occurred as a consequence of her injury at her workplace. Certainly, she felt that from the timeline, i.e. from her leg injury, to her leg swelling, and eventually to her diagnosis of the clot, that her clot was related to her work accident and subsequent work-related leg injury.

When we researched the client's case, we found that clots resulting from uterine fibroids were exceptionally rare and in fact, reportable [i.e. rare enough to report it as a case report]. In addition, these rare cases that have been published reveal that the point of origin for uterine fibroid-related clots are more proximal (i.e. in the iliac, femoral or pelvic veins) due to uterine fibroid compression of adjacent veins within the pelvis. Uterine fibroid-related clots are highly unlikely to rise from the lower extremity such as behind the knee as it was in this case. Certainly, in this client's case, trauma to the client's leg directly caused venous vascular endothelial injury (injury to the vein wall), which led to her higher risk for clot formation.

We provided the client's attorney with a complete summary report of our review and findings supported by medical literature. This is a cautionary tale, which should increase awareness that not all treating physician opinions on causation are necessarily correct and could adversely affect your case.

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- * Answering Specific Medical Questions
- * Interpretation of Meaning, or lack thereof, of Medical Reports & Records
- * Standard of Care Reviews
- * Deposition & Trial Question Preparation

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As you know, **we have purposefully kept our fees exceptionally low** allowing you the opportunity to have us review your cases early in your representation while controlling your expenses.

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P.S.---Please reply if you have a case to discuss!

P.S. ---Please pass this Newsletter along to your colleagues if you found it helpful.

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