
TABLE OF CONTENTS

Preface	iii
Foreword by Mel Herbert	v
About the Authors	vi
Dedication, Thanks, Acknowledgements	vii

How to Spot the Well-Appearing Patient Who Will Soon Be Dead	1
---	----------

Michael B. Weinstock, MD

Clinical Associate Professor, Division of Emergency Medicine
The Ohio State University, College of Medicine, Columbus, Ohio
Attending ED physician, Director of Medical Education
Mt. Carmel St. Ann's Emergency Department, Columbus, Ohio

Case 1: A 39 Year-Old Woman with Multiple Complaints: Coughing during Cold and Flu Season	13
--	-----------

• **Medical**

Amal Mattu, MD, FAAEM, FACEP

Professor and Residency Director
Department of Emergency Medicine
University of Maryland School of Medicine

Emilie Cobert, MD, MPH

Department of Emergency Medicine
University of Maryland Medical Center

• **Legal**

Mark Jones, JD

Roetzel and Andress, LPA, Cleveland Ohio
(Actual defense attorney for this case)

Case 2: A 42 Year-Old Fireman with Shoulder Pain: When a Lifeline Becomes a Noose	37
--	-----------

• **Medical**

David Andrew Talan, MD, FACEP, FIDSA

Professor of Medicine, UCLA School of Medicine
Chair, Department of Emergency Medicine and Faculty, Division of Infectious
Diseases, Olive View-UCLA Medical Center

Editorial boards: *Annals of Emergency Medicine*, *Emergency Medicine News*,
and *Pediatric Emergency Care*
Reviewer: *Clinical Infectious Diseases*, *JAMA*, and *The Medical Letter*
(Actual expert witness for this case)

- **Legal**

Jennifer L'Hommedieu Stankus, MD, JD

Former medical malpractice defense attorney and military magistrate
ACEP Medical-Legal Committee and Ethics Committee
Contributing writer for *ACEP News*

Case 3: A 15 Year-Old Girl with Headache: A Grandmother's 9/11 Story . 71

- **Medical**

Jonathan Edlow, MD, FACEP

Associate Professor of Medicine, Department of Emergency Medicine,
Harvard Medical School
Chair, American College of Emergency Physicians (ACEP) Headache
Clinical Policy Task Force

- **Legal**

William Bonezzi, JD (Actual defense attorney for this case)

Bonezzi, Switzer, Murphy & Polito, Cleveland, Ohio

Case 4: A 36 Year-Old Man With Chest Pain: The Double Bounceback 95

- **Medical**

David Sklar, MD, FACEP

Professor of Emergency Medicine University, New Mexico School of Medicine
Associate Dean & Designated Institutional Officer Graduate Medical Education
Author, *Unanticipated Death After Discharge Home From the Emergency
Department, Annals of Emergency Medicine, June 2007*

Rob Rogers, MD, FACEP, FAAEM, FACP

Associate Professor of Emergency Medicine, Department of Emergency Medicine,
The University of Maryland School of Medicine
Director of Undergraduate Medical Education

- **Legal**

Diane Sixsmith, MD, MPH, FACEP

(Actual NY State Medical Board reviewer for this case)
Chairman, Dept. Emergency Medicine, New York Hospital Queens
Asst. Professor of Emergency Medicine,
Weill Medical College of Cornell University

Greg Rankin, JD

Managing partner at Lane, Alton, & Horst, Columbus, Ohio
The Best Lawyers in America, Medical malpractice, 2009

Case 5: A 38 Year-Old Woman with Abdominal Pain: CT out of Proportion to Examination 121

• **Medical**

Peter Rosen, MD, FACEP

Senior Lecturer, Emergency Medicine, Harvard University School of Medicine
Attending, Emergency Medicine Beth Israel/Deaconess Medical Center
Founding editor, Rosen's Emergency Medicine: Concepts and Clinical Practice

Gillian Schmitz, MD

Emergency Medicine Faculty, Georgetown University/Washington University
2010 AWAEM Early Career Faculty Award from the Academy for Women in Academic Emergency Medicine
(physician who actually cared for this patient)

• **Legal**

Karl Schedler, JD

Principal Attorney, Office of the Attorney General of Ohio
Court of Claims Defense Section, The Ohio State University

Case 6: A 32 Year-Old Woman with Headache: We Own this Diagnosis . 141

• **Medical**

Jonathan Edlow, MD, FACEP

Associate Professor of Medicine, Department of Emergency Medicine,
Harvard Medical School
Chair, ACEP Headache Clinical Policy Task Force

• **Legal**

Robert Bitterman, MD, JD, FACEP

President, Bitterman Health Law Consulting Group, Inc.
Chairman, ACEP Medical Legal Committee
Contributing Editor, Emergency Department Legal Letter

Case 7: A 52 Year-Old with a Cold: Why Vitals Signs Are Vital 173

• **Medical**

David Andrew Talan, MD, FACEP, FIDSA

Professor of Medicine, UCLA School of Medicine
Chair, Department of Emergency Medicine and Faculty, Division of Infectious Diseases, Olive View-UCLA Medical Center
Editorial boards: Annals of Emergency Medicine, Emergency Medicine News, and Pediatric Emergency Care
Reviewer: Clinical Infectious Diseases, JAMA, and The Medical Letter

- **Legal**

- **Daniel Malkoff, JD**

- Senior Assistant General Counsel, Attorney General of Ohio
Ohio State University Medical Center

Case 8: A 15 Year-Old Girl with RLQ Abdominal Pain: It *Is* an Appy ... *Right?*. 191

- **Medical**

- **Ryan Longstreth, MD, FACEP**

- Attending ED physician, Immediate Health Associates, Columbus, Ohio
Co-author, Bouncebacks!

- **David Andrew Talan, MD, FACEP, FIDSA**

- Professor of Medicine, UCLA School of Medicine
Chair, Department of Emergency Medicine and Faculty, Division of Infectious Diseases, Olive View-UCLA Medical Center
Editorial boards: Annals of Emergency Medicine, Emergency Medicine News, and Pediatric Emergency Care
Reviewer Clinical Infectious Diseases, JAMA, and The Medical Letter

- **Legal**

- **Karen Clouse, JD**

- (Actual defense attorney for this case)
Partner with Arnold, Todaro & Welch, Columbus, Ohio

**Case 9: A 46 Year-Old Male with Neck Pain: Pounding a Square Peg
into a Round Hole..... 223**

- **Medical**

- **Stephen Colucciello, MD, FACEP**

- Clinical Professor, Emergency Medicine, University of North Carolina Medical School, Chapel Hill, North Carolina
Assistant Chair, Director of Clinical Services, and Trauma Coordinator
Dept. of Emergency Medicine, Carolinas Medical Center
ACEP's National Speaker of the Year, 1992

- **Legal**

- **Jennifer L'Hommedieu Stankus, MD, JD**

- Former medical malpractice defense attorney and military magistrate
ACEP Medical-Legal Committee and Ethics Committee
Contributing writer for ACEP News

**Case 10: A 26 Year-Old Woman with Weakness and Falls: A Rough
Life, a Tough Prognosis 241**

• **Medical**

Michael Redd, MD, FACEP (name changed)

Emergency Physician
(Actual plaintiff's expert witness in this case)

Jerome Hoffman, MA, MD, FACEP

Professor of Medicine and Emergency Medicine, UCLA School of Medicine
Associate editor, Emergency Medical Abstracts

Michael Weintraub, MD, FACP, FAAN, FAHA

Clinical Professor of Neurology, Clinical Professor Internal Medicine
New York Medical College, Valhalla, NY

• **Legal**

Rich Milligan, JD

Medical malpractice defense attorney
Buckingham, Doolittle & Burroughs, LLP, Canton, Ohio

Mark Kitrick, JD

Medical Malpractice plaintiff's attorney
President of Kitrick, Lewis & Harris Co., LPA, Columbus, Ohio
Past President, Ohio Association of Trial Lawyers

Epilogue 281

Legal Considerations: Help! I Am Being Sued 283

Kevin M. Klauer, DO, EJD, FACEP

Chief Medical Officer, Emergency Medicine Physicians, Ltd.
Director, Center for Emergency Medical Education
Board member, Physicians' Specialty Limited Risk Retention Group
Board member, Emergency Medicine Physicians, Ltd.
Editor in Chief, Emergency Physicians Monthly
Director, High Risk EM course