September 20, 2017

Attorney  
Firm  
City, State

**Re: Elizabeth Donnelly**

Dear Mr. Attorney:

Thank you for the opportunity to provide a nurse observer at the IME of Elizabeth Donnelly. What follows is the report prepared by Inez Simpson RN.

**Independent Medical Exam**

**Elizabeth Donnelly**

October 18, 2013

Dr. Teofilo A. Sweeney Jr.

**Location**

The examination of the plaintiff was to occur in the office of Dr. Teofilo A. Sweeney Jr., 7000 JFK Blvd. East, Jersey City, NJ at 10:00 AM.

**Arrival**

Inez Simpson, RN arrived at the office at 9:35 AM and waited for the patient to arrive. Elizabeth Donnelly arrived at 9:50 AM. She wore no make-up and was wearing a loose-fitting fleece sweatshirt, jeans and sneakers. She walked slowly as she entered the office and had a tired, flat expression on her face. She was given a form to fill out. She sat down and filled in her name, address, phone number and social security number. She left insurance information section blank, saying she did not have any insurance. She signed the form. She was given a copy of the Patient’s Bill of Rights, looked at it and signed it.

**Medical history 10:20 AM**

Elizabeth and Inez were shown into an examination room. They were each given chairs to sit on. Dr. Sweeney came in right away and sat across from Elizabeth. He smiled and said that this first part was just a medical history and wouldn’t take long. He asked her if she had any medical problems and whether she was on any medications. He also asked her age. She said she was 59-years-old. She said that she took medication for her thyroid, for bladder control and for acid reflux. She also said that she takes vitamins. Elizabeth denied having any allergies or any history of smoking, alcohol or drugs. She spoke very softly. She did not remember the names of any of her medications.

Dr. Sweeney asked whether she was employed now or before the accident. She answered that she last worked as a cashier in 2004. She stated that she was single and had two adult children. Dr. Sweeney wanted to know whether she had any previous surgeries other than her two back surgeries. She said she had three C-sections. He asked whether one of her children was deceased and she said no and wouldn’t elaborate further. She said that she had a plantars wart removed from her foot when she was a child. Then she said she had a right mastectomy in 2006 and exclaimed, “How could I forget?” Dr. Sweeney asked if she also had chemotherapy and radiation treatments and she answered “yes.” Elizabeth wore glasses and stated that she had upper and lower dentures.

Dr. Sweeney asked Elizabeth what her main orthopedic problems are right now. She answered that she has pain in her lower back and her legs feel heavy when she walks. He wanted to know what happened to her in the accident. She stated that she was crossing the street as a pedestrian. A taxi hit her in the right side and knocked her to the ground. He asked her whether she hit her head or had any loss of consciousness. She denied both. He asked what parts of her were injured and she stated her back and right leg. Dr. Sweeney asked which hospital she was taken to and how she was taken. Elizabeth stated that she was taken to “St. Joe’s” by ambulance. She said they did x-rays and nothing was broken so they released her.

Dr. Sweeney wanted to know whose care she was under after being released from the hospital. Elizabeth answered that she was taken care of by Dr. Destin, a pain management specialist. When questioned about when she saw him and what he did for her Elizabeth could not recall. She finally said that she thought Dr. Destin was in an office in Patterson with several physicians in it.

Dr. Sweeney asked Elizabeth about what she had physical therapy for and for how long. Elizabeth answered that she was not sure. She was not able to remember. She seemed frustrated. Dr. Sweeney answered, “You’re here for this case - I’m not trying to be difficult.” He was looking through Elizabeth’s medical records. “Your neck, too? I see MRIs of your neck and lower back.” He described what an EMG test was and asked her if she had had one. She said no.

He asked whether the pain management physician gave her any injections. She said no. He noted “epidurals on 10/8 and 11/18/11 and discotomy surgery 7/11/12.” He asked, “Did they cut you open for surgery then?” She said yes. “When did they do surgery again?” She said, “August of 2013.”

He noted additional MRIs of Elizabeth’s shoulder and neck. Dr. Sweeney asked, “Did anything else happen in between the taxi accident and now?” Elizabeth answered that there had been company in the home in May 2012. She bent down to “help a little girl stand up” and was unable to stand up. “I was stuck.” She stated that she did not lift the girl, was just helping her to stand. Dr. Sweeney said that the emergency room record had a totally different story. He was reading an emergency room record. Elizabeth had to be taken there after this episode. He asked Elizabeth, “At no time did you lift that kid up?” She answered no, “It must be the wording.” He answered, “I don’t understand that. Why were you getting down there if you weren’t going to lift her up? That doesn’t make sense to me. So if you weren’t going to lift her up, why did you bend down to her? How old was the kid?” She answered that the child was 8 months old.

Dr. Sweeney was looking through the records. He saw that she had more therapy after the problem in May. “Why didn’t they just do surgery instead of endoscopic? It is very confusing.” He wanted to know how many shoulder injections she had and how much therapy after the first surgery. She said, “a few months.” “After the second surgery?” She answered that she had not started physical therapy yet after the second surgery. “And the second surgery was in August?” “Yes,” she answered.

Dr. Sweeney asked whether she was wearing a back brace now. She stated that she was wearing one. He wanted to know who is following her case now. She answered that Dr. Master is following her. He looked through the records and was reading about what else was done. “Therapy, two MRI’s, neck and back epidurals, discogram. Did they do anything else between the two surgeries? Accupuncture?” Elizabeth answered that she did have acupuncture treatments for about 2 months after the first surgery. Dr. Sweeney asked, “Any other specialist? Did you get a second opinion before having these surgeries?” Elizabeth answered that she had not gotten a second opinion.

Dr. Sweeney: No further neck pain or tingling?

Elizabeth: No

Dr. Sweeney: You had the bladder problem before the accident?

Elizabeth: Yes.

Dr. Sweeney: There were no changes in your bowel or bladder function since the accident?

Elizabeth: No.

Dr. Sweeney: Did you ever have neck problems before the accident?

Elizabeth: Not that I remember.

Dr. Sweeney: Is your lower back pain constant or intermittent?

Elizabeth: Constant.

Dr. Sweeney: Every second of every day? Out of 10-is there a range?

Elizabeth: Yes. Between 5 and 7.

Dr. Sweeney: Is there any pain, numbness or weakness in your legs?

Elizabeth: No. Heaviness.

Dr. Sweeney: Weakness, tingling, pain, feeling like you are going to fall?

Elizabeth: No.

Dr. Sweeney: Just overall heaviness.

Elizabeth: And numbness in my tailbone.

Dr. Sweeney: Did you ever have back problems before the accident?

Elizabeth: No.

Dr. Sweeney: In the incident when you bent over did that aggravate the problem?

Elizabeth: I was unable to stand up straight after that.

Dr. Sweeney: What did you tell the ER?

Elizabeth: I told them I bent down to pick up the kid and couldn’t get up.

Dr. Sweeney: You just got stuck?

Elizabeth: No, I was in pain and couldn’t stand up.

Dr. Sweeney: How is your shoulder? Any pain or feeling like it might pop out of the socket?

Elizabeth: No.

Dr. Sweeney: What aggravates or affects your back?

Elizabeth: Sitting too long. Walking more than a mile. I have to take rest periods.

Dr. Sweeney: How about coughing, sneezing or going to the bathroom?

Elizabeth: No.

Dr. Sweeney: Anything else?

Elizabeth: It has changed my life.

Dr. Sweeney: Did you do any athletics?

Elizabeth: I used to power walk and jog. It has affected my life.

**History review and health questions ended at 10:38 AM**

Lisa, Dr. Sweeney’s office assistant, came into the room and was present for the exam.

1. **Physical Exam 10:39 AM**

Dr. Sweeney: I am going to examine your neck, back and right shoulder now. We will work around your clothes.

Dr. Sweeney proceeded to do the exam without having the patient remove her clothes. Elizabeth seated herself on the exam table. He asked for her to remove her shoes. Elizabeth asked Inez for help removing her shoes so she wouldn’t have to bend. Inez took off Elizabeth’s shoes.

Dr. Sweeney said that he wanted to check Elizabeth’s legs for muscle wasting. He helped her to roll up her jeans. They rolled up a few inches above her knees. He said there is no muscle wasting.

Elizabeth was sitting on the exam table with legs hanging off. He asked her to lift her lower legs, which she did. He pushed down on her toes, asking her to resist. He pushed up on her feet, asking her to resist. He touched her toes and calves with his hand and asked Elizabeth if she could feel that. She said that she did. He quickly checked reflexes in Elizabeth’s feet and knees.

Dr. Sweeney asked Elizabeth to look up. He said, “Ninety per cent.”

He asked her to put her chin to her chest. She did so. He had her put her arms straight out and then straight up. Then he instructed her to hold her arms forward with palms up and flexing arms and wrists in different directions.

Dr. Sweeney reached down through the neck of Elizabeth’s loose sweatshirt on both sides and said he was checking for shoulder wasting. He said, “No shoulder wasting. No popeye deformity of biceps.” He pressed on the top of her right shoulder and lifted her arm with her elbow bent.

Dr. Sweeney rolled up Elizabeth’s sleeves a few inches past the elbow. He asked her to push her hands out to him while he resisted, then to make a fist and push backwards. He asked her to squeeze his finger. She complied with his requests without expression. He checked reflexes in her elbows and wrists.

Dr. Sweeney touched Elizabeth’s neck and asked her if it hurt. She denied pain. He asked her to turn her head and look side to side and up and down. She did so. He asked if there was any tingling in her hands and she said there was not.

Dr. Sweeney said, “Now I want to measure your scars. “ Elizabeth raised her shirt and removed a soft brace closed with Velcro that was around her body. Dr. Sweeney asked if her doctor gave her a stimulator to use and she said he had not. Dr. Sweeney raised Elizabeth’s shirt and looked at her back while she was standing. He used a measuring tape to measure her scars. He dictated, “Nine centimeters from L-3 to L-5. No erythema, warmth or induration. Slight increased lordosis. Two punctate scars L-4 and L-5 level, right and left.”

Dr. Sweeney asked Elizabeth to put her feet together, asking her to bend “a little.” He pressed on her lower back and buttocks. He asked whether it hurt. Elizabeth said that it felt numb there. Dr. Sweeney dictated, “Decreased sensation in coccygeal region.”

Dr. Sweeney asked her to stand on her tippy toes and then her heels. She did so. He asked her to put her feet together and bend over. Elizabeth said that Dr. Massoud, her surgeon, told her not to bend. Dr. Sweeney said, “OK, no problem.” He had her rotate her upper body to the right and left. He dictated, “20 degrees to the right and 15 degrees to the left.”

Dr. Sweeney said, “We will measure your thighs and then we will be all done. “ At that point he asked Elizabeth to remove her jeans and put on a gown. He and his assistant left the room. Inez stayed in the room. Elizabeth put on the gown and was sitting on the exam table. The jeans were unbuttoned and partly down. Inez helped her to pull the jeans off the rest of the way so that she could avoid bending.

Dr. Sweeney and Lisa reentered the room. He had Elizabeth lay back on the table with her head on a pillow. He measured her thighs, then right above her knees, and then her calves.

Dr. Sweeney was finished with the exam at 10:48 AM. He said goodbye. He and Lisa left the room. Elizabeth put her jeans back on and Inez assisted her with her shoes. Elizabeth and Inez left the office at 10:50 AM.

Very truly,

Patricia Iyer MSN RN LNCC

President, Med League