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THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

ORIGINAL

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case No. 2011-CP-20-436

Case Tracking No. 2012-212898

James Clark, Jr.,

v.

Respondent,

Pyramid Masonry Contractors, Inc., and
Hartford Fire Insurance Company,

Appellants.

RECORD ON APPEAL

VOLUME I OF II

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SC Court of Appeals

VOLUME 1

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THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

James Clark, Jr.,

Appellant,

v.

Pyramid Masonry Contractors,
Inc., Employer and Hartford
Fire Insurance Company,
Carrier,

Respondents.

Appeal from Fairfield County
Brooks P. Goldsmith, Circuit Court Judge

Unpublished Opinion No. 2010-UP-332
Submitted June 1, 2010 - Filed June 28, 2010

REMANDED

Barry B. George, of Columbia, for Appellant.

Richard B. Kale, Jr., of Greenville, for Respondents.

PER CURIAM: In this workers' compensation action, James Clark appeals the denial of his claim for benefits arising out of injuries sustained in a motor vehicle accident while traveling to a job site for his employer, Pyramid Masonry Contractors (Pyramid). Here, the Workers' Compensation Commission (Commission) and the circuit court declined to address the effect of the findings and award of benefits to Clark's co-worker, Joey Horton, for injuries arising out of the same incident and under similar circumstances, reasoning that the decision in Horton's case was under appeal and was, therefore, not a final, valid judgment on the merits. Because the award of benefits to Horton was affirmed by this Court and has become a final decision, we find it appropriate to remand¹ the case to allow the Commission to consider Horton v. Pyramid Masonry Contractors, Inc., Op. No. 2008-UP-208 (S.C. Ct. App. filed March 27, 2008). See S.C. Code Ann. 1-23-380(5) (Supp. 2009) ("The court may affirm the decision of the agency or remand the case for further proceedings.") (emphasis added). On remand, the Commission shall also make findings of fact and conclusions of law on the issue of actual or apparent authority and the effect thereof.

REMANDED.

FEW, C.J., THOMAS and PIEPER, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

DECISION AND ORDER
OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 0427461

JAMES CLARK, JR.,

Employee/
Claimant,

-vs-

PYRAMID MASONRY CONTRACTORS, INC.,

Employer,

and

HARTFORD FIRE INSURANCE COMPANY,

Carrier,
Defendants.

HEARING: Held in Columbia, South Carolina on October 25, 2010.

APPEARANCES: Claimant represented by Barry B. George, Esquire and Gary W. Popwell, Jr., Esquire of Attorneys Lee, Eadon, Isgett, Popwell and Reardon, P.A., Columbia, South Carolina. Defendants represented by Richard B. Kale, Jr., Esquire of Willson, Jones, Carter & Baxley, PA, Greenville, South Carolina.

PURPOSE OF HEARING: To determine the issues as set forth in Form 50 and Form 51, pursuant to remand of this case from the South Carolina Court of Appeals as instructed by the South Carolina Court of Appeals.

DECISION AND ORDER: G. Bryan Lyndon, Commissioner.

FILE DATE: March 7, 2011.

STIPULATIONS

Counsel for the parties stipulated at the time of the hearing to the following:

1. That the South Carolina Workers' Compensation Commission has jurisdiction of the parties and issues involved.
2. That venue is properly placed in this case.
3. The Claimant's average weekly wage was Two Hundred Seventy-Four Dollars and Fifty Cents (\$274.50) at the time of the accident, making the compensation rate of One Hundred Eight Three Dollars and One Cent (\$183.01) applicable in this case.
4. That notice of the hearing was timely and properly served upon all parties of interest.

APA SUBMISSIONS

Pursuant to the Administrative Procedures Act (hereinafter "APA"), the following records were submitted into evidence at the time of the hearing.

Claimant's Submissions

<u>Exhibit No.</u>	<u>Description</u>	<u>No. of Pages</u>
APA#1	Record on Appeal, <i>Clark v. Pyramid Masonry Contractors, Inc.</i> <i>and Hartford Fire Insurance Company</i>	154
APA#2	The Court of Appeal Decision, <i>Clark v. Pyramid Masonry Contractors, Inc.</i> <i>and Hartford Fire Insurance Company</i>	3
APA #3	Single Commissioner's Hearing Transcript, <i>Joey Horton v. Pyramid Masonry Contractors, Inc.</i> <i>and Hartford Fire Insurance Company</i>	62
APA #4	Decision of the South Carolina Court of Appeals, <i>Joey Horton v. Pyramid Masonry Contractors, Inc.</i> <i>and Hartford Fire Insurance Company</i>	9

APA #5	Careforce Records	13
APA #6	Palmetto Health Richland	24
APA #7	Anesthesiology Consultants of Columbia	2
APA #8	Carolina Cardiac Surgery	14
APA #9	Palmetto Health Eye Center	6
APA #10	University Specialty Clinics - Department of Neuropsychiatry and Behavioral Science	6
APA #11	Ambulatory Services	10
APA #12	Palmetto Neurosurgery & Spine	3
APA #13	Lancaster Internal Medicine	49
APA #14	University Specialty Clinics - Ophthalmology	11
APA #15	Joseph W. Story, M.D.	8
APA #16	Pitts Radiology (Bills)	4
APA #17	I.F. Afulukwe, M.D.	11
APA #18	Springs Memorial Hospital	6
APA #19	Metroliner Neurosurgical	13

Defendants' Submissions

The Defendants did not submit additional APA Submissions for the purposes of this hearing; however did enter as exhibits their brief of respondents in the appeal of this case with the South Carolina Court of Appeals, the Order of the South Carolina Court of Appeals filed June 28, 2010, 2010-UP-332 and an additional copy of the Defendants' truck allowance policy referenced in their pre-hearing brief dated October 14, 2010.

Statement of the Case

This case was previously heard before me at a hearing held on October 11, 2006. An Order was issued which was filed January 25, 2007 which denied compensability pursuant to §42-1-160, S.C. Code Ann. (1976) on the basis that the Claimant had not proven that his injuries resulted from an accident which both arose out of and within the course of employment on the basis that the Claimant had not proven that Defendant Pyramid provided the means of transportation for the Claimant to go to and from work and thus fell under an exception to the "going and coming" rule. The Claimant appealed that Order and it was affirmed by the Appellate Panel of the South Carolina Workers' Compensation Commission on May 18, 2007 and by the Honorable Brooks P. Goldsmith by Order dated February 22, 2008. The Claimant then appealed to the South Carolina Court of Appeals. The South Carolina Court of Appeals issued its Opinion on June 1, 2010, *Clark v. Pyramid Masonry Contractors, Inc. and Hartford Fire Insurance Company*, 2010-UP-332. The Court remanded this case to the Commission to address the effect of the finding awarding benefits to Claimant's co-worker, Joey Horton, for injuries arising out of the same accident and under similar circumstances, which had been affirmed by the South Carolina Court of Appeals. The Court of Appeals specifically instructed the Commission to consider the effect of *Horton v. Pyramid Masonry Contractors, Inc.*, Op. No. 2008-CP-208 (S.C. Ct. App. filed March 27, 2008) on this case and instructed this Commission on remand to make Findings of Fact and Conclusions of Law on the issues of actual or apparent authority and the effect thereof in the instant case.

The Claimant contends that his injuries suffered in the automobile accident which occurred on November 17, 2004 arose from a compensable accident arising out of and in the

course and scope of his employment with Defendant Pyramid as it occurred while he was being transported to work by the Defendant, through its agent and servant Mark Hinson, and thus falls under the exception to the "going and coming" rule as Mr. Hinson had actual and/or apparent authority to provide transportation to the Claimant on behalf of the Defendant, Pyramid Masonry Contractors, Inc. Claimant avers that his position is supported by *Medlin v. Upstate Plaster Service*, 329 S.C. 92, 495, S.E.2d 447 (1998); *Eadie v. H.A. Sack Company*, 322 S.C. 164, 470, S.E.2d 397 (S.C. Ct. App. 1996); and the South Carolina Court of Appeals reasoning and ruling in *Horton v. Pyramid Masonry Contractors, Inc. and Hartford Accident Insurance Company*, 2008-UP-208 (S.C. Ct. App. filed March 27, 2007).

The Defendants contend that the Commission is not collaterally estopped from denying Claimant's claim by the Court of Appeals decision in *Horton, supra* and that under the facts of this case, Mark Hinson did not have actual and/or apparent authority to offer and provide transportation to and from the job site to the Claimant, and therefore Claimant's accident does not fall within an exception to the "going and coming" rule and is therefore not compensable.

In light of the instructions on remand from the South Carolina Court of Appeals, it is unnecessary to restate all of the evidence, Findings of Fact and Conclusions of Law which were enumerated in the prior Decision and Order issued in this case which was filed on January 25, 2007. Therefore, I adopt the Summary of Evidence, Findings of Fact and Conclusions of Law which were stated and enumerated in the prior Order of January 25, 2007 except as changed, reversed and/or supplemented as set forth below.

FINDINGS OF FACT

1. The facts and circumstances of this case, while very similar to the facts and circumstances as set forth in *Horton, supra*, are not identical as the Claimant and Horton were hired at different times for different positions and Horton had known Defendant's supervisor, Mark Hinson, for several years prior to the time Hinson hired him and the Claimant in the instant case did not know Mark Hinson prior to being hired by Hinson. Furthermore, the Claimant in this case was given a package containing a letter and job description and signed a receipt acknowledging receipt of the package. Horton never signed any document acknowledging receipt of the employment package.

2. While not identical, the relevant facts in *Horton, supra* and the instant case are very similar. Both were hired by Defendant's supervisor Mark Hinson. Hinson was the only employee of Defendant Pyramid with whom either the Claimant or Horton ever dealt concerning their hiring and employment. Neither Horton nor the Claimant in the instant case had a driver's license. Both informed Mr. Hinson of this fact. Both were told by Mr. Hinson that the company would provide transportation to and from the job site. Both were picked up for work and taken home from work by Mr. Hinson every day they worked for Pyramid Masonry Contractors, Inc. and both were severely injured when Mr. Hinson was transporting them to the job site on November 17, 2004 and had an automobile accident.

3. While the job description for a laborer contained in the employment package delivered to the Claimant states that prospective employees "must have means of transportation to and from project", the cover letter accompanying the job description states "if there is any item you do not understand, please ask the foreman or superintendent that you are making this application to for an explanation." See Defendants Exhibit #1, Hearing of October 11, 2006.

4. Mark Hinson had actual authority to offer the Claimant a wage at a negotiated rate, set his working hours and conditions and to answer any questions which the Claimant may have had concerning the job description for the job for which the Claimant was applying.

5. Defendant Pyramid Masonry Contractors, Inc. gave Mark Hinson, its supervisor, actual authority to hire masons and laborers to work on their projects and Hinson was expressly authorized to offer an hourly wage to crew members and to discuss the conditions of employment and to answer any questions prospective employees may have had concerning employment.

6. The Claimant believed that Mark Hinson had the authority to negotiate any and all terms of employment as Mark Hinson was the only employee of Defendant Pyramid with whom the Claimant dealt concerning the terms and conditions of his hiring and employment by Defendant Pyramid. Thus, Mark Hinson was placed in a position by Defendant Pyramid such that third parties such as the Claimant were reasonably led to believe that Mark Hinson had the authority to negotiate and set all of the terms of employment, including provision of transportation by the company for an employee without a driver's license such as the Claimant.

7. Mark Hinson had apparent authority to offer and provide transportation for the Claimant to and from the job sites on behalf of Defendant Pyramid.

8. To the extent that the evidence of the case and Findings of Fact cited in the prior Order state or infer that Mark Hinson did not have apparent authority to offer the Claimant transportation on behalf of Defendant Pyramid in light of all the facts and circumstances of this case, said statements and findings are reversed and/or modified and Mark Hinson did have apparent authority to offer and provide transportation on behalf of Defendant Pyramid for the Claimant to and from the job site.

CONCLUSIONS OF LAW

1. While the facts of this case are very similar to the facts in *Horton*, *supra*, they are not identical and, therefore, the Defendants are not collaterally estopped from arguing that Claimant's claim does not fall within an exception to the "going and coming" rule and is therefore not compensable. *Beal v. Doe*, 281 S.C. 363, 315 S.E.2d 186 (S.C. Ct. App. 1984). Exception to the Going and Coming Rule, See *Sola v. Sunny Slope Farms*, 244 S.C.6, 135 S.E.2d 321 (1964); *Byrd v. Stackhouse Sheet Metal Works*, 317 S.C. 35, 451 S.E.2d 405 (S.C. Ct. App. 1994).

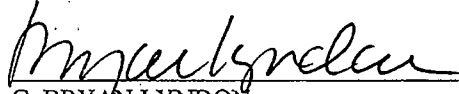
2. In light of the Court of Appeals' reasoning as set forth in *Horton*, *supra* and the cases cited therein and review of Defendant's Exhibit 1 which the Defendant introduced into evidence at the prior hearing which expressly authorizes Mark Hinson to answer any questions which the Claimant may have had concerning any of the terms and conditions of employment and the fact that Mark Hinson was expressly authorized to negotiate and offer other terms and conditions of employment with the Claimant, Mark Hinson had apparent authority to offer the Claimant transportation on behalf of the company in light of the fact that he was expressly authorized to offer and negotiate other terms of employment and the cover letter accompanying the job description expressly authorized Mark Hinson to answer any question which a prospective employee may have concerning the job description. Thus, Claimant reasonably believed that Mark Hinson had authority to offer transportation on behalf of Defendant Pyramid and Mark Hinson, acting with apparent authority, offered Claimant transportation on behalf of Defendant Pyramid and Claimant accepted the offer and went to work for Defendant Pyramid.

3. The Claimant's accident of November 17, 2004 while on his way to work at a job site in Columbia therefore comes within the exception to the "going and coming" rule in that the Claimant's transportation to the job site was provided by Defendant Pyramid, through its agent and servant Mark Hinson acting with apparent authority, and is therefore compensable under §42-1-160; pursuant to *Sola, supra* and *Byrd, supra*. This finding of compensability of the accident in question in light of the facts and circumstances of this case is made pursuant to the Court of Appeals' instructions on remand to "...consider *Horton v. Pyramid Masonry Contractors, Inc.*" and "on remand, the Commission shall also make Findings of Fact and Conclusions of Law on the issue of actual or apparent authority and the effect thereof." (emphasis added):

4. To the extent the Conclusions of Law in the prior Order found that the accident in question was not compensable, those Findings are reversed and I find this accident to be compensable under §42-1-160, S.C. Code Ann. (1976, as amended). As the Claimant has proven by the greater weight of the evidence that Mark Hinson, acting with apparent authority, offered transportation on behalf of Defendant Pyramid which was accepted by the Claimant, the accident in question falls under the exception of the "going and coming" rule and is therefore compensable.

Therefore, it is hereby ORDERED that the Defendants are ordered to pay the Claimant temporary total disability benefits at the stipulated compensation rate from the date of the accident through the date of this Order and continuing until terminated by Order of this Commission. It is further ORDERED that the Defendants pay all related medical expenses incurred by the Claimant in treatment of his injuries sustained in the accident in question.

AND IT IS SO ORDERED.



G. BRYAN LYNDON
South Carolina Workers'
Compensation Commissioner

3/7/ 2011.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the attorney or attorneys for said parties.

This 7th day of March, 2011
By Donna Thomas
Administrative Assistant to the Commissioner

GWP, Jr.
RBK Jr.

**APPELLATE PANEL
DECISION AND ORDER
OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE #0427461**

**JAMES CLARK, JR., CLAIMANT/RESPONDENT,
V.
PYRAMID MASONRY CONTRACTORS, INC., EMPLOYER,
AND HARTFORD FIRE INSURANCE COMPANY, CARRIER, APPELLANTS.**

FULL AFFIRMATION

Appellate Panel Review held in Columbia, South Carolina on June 20, 2011, per notices timely and properly served on all parties of interest.

Claimant/Respondent represented by Gary W. Popwell, Jr. and Barry B. George
Appellants represented by Richard B. Kalc, Jr.

Appellate Panel Decision and Order filed: 10-14, 2011

STATEMENT OF THE CASE

This case was heard by Commissioner G. Bryan Lyndon on October 25, 2010 pursuant to remand of this case by the South Carolina Court of Appeals. The case had originally been heard by Commissioner Lyndon on October 11, 2006. After the initial hearing, the Single Commissioner issued an Order dated January 25, 2007 which denied the workers' compensation claim of the Employee/Claimant. The Claimant subsequently appealed seeking a review by the South Carolina Workers' Compensation Commission. The Appellate Panel of the South Carolina Workers' Compensation Commission issued an Order on May 18, 2007 affirming the Order of the Single Commissioner. The Claimant then appealed the Decision of the Appellate Panel of the South Carolina Workers' Compensation Commission to the Fairfield County Court of Common Pleas. After a hearing which was held on January 10, 2008 before the Honorable Brooks P. Goldsmith, the Circuit Court issued an Order dated February 22, 2008 affirming the

Appellate Panel of the South Carolina Workers' Compensation Commission. The Claimant appealed that Order to the South Carolina Court of Appeals. The Court of Appeals issued an Order remanding the case to the Commission with instructions to consider this case in light of *Horton v. Pyramid Masonry Contractors, Inc.*, Op. No. 2008-UP-208 (S.C. Ct. App. filed March 27, 2008). The Single Commissioner was specifically instructed by the Court of Appeals to consider the instant case in light of *Horton, supra* and to make Findings of Fact and Conclusions of Law on the issue of actual or apparent authority and the effect thereof.

A hearing was held before Commissioner Lyndon on October 25, 2010 pursuant to the Court of Appeals' remand of the case. Commissioner Lyndon issued an Order on March 7, 2011 reversing his prior Order and finding the Claimant's accident to be compensable. Commissioner Lyndon ordered the Appellants to pay temporary total disability benefits to the Claimant from the date of the accident through the date of the Order and continuing until terminated by further order and to pay all related medical expenses. This appeal followed.

On appeal, the Appellants respectfully submit the following:

1. The Hearing Commissioner erred in finding that the facts of the present case were very similar to the facts and circumstances of *Horton v. Pyramid Masonry Contractors, Inc.*
2. The Hearing Commissioner erred in finding that Pyramid provided Claimant transportation to and from work.
3. The Hearing Commissioner erred in finding that the Claimant is entitled to all related medical expenses and to temporary total disability benefits from November 17, 2004 to the present and continuing.

In an appellate review, the Panel shall, pursuant to S.C. Code Ann. § 42-17-50(1976, as amended), review the award, weigh the evidence as presented at the hearing and if good grounds be shown therefore, make its own Findings of Fact and reach its own Conclusions of Law consistent with or inconsistent with those of the Hearing Commissioner.

After careful review of the evidence in the instant case, reflections upon the arguments of counsel, and review of *Horton v. Pyramid Masonry Contractors, Inc.* and application of the instructions of the South Carolina Court of Appeals on remand, the Commission, by unanimous vote, has determined that all of the Hearing Commissioners' Findings of Fact and Rulings of Law are correct as stated in his Order dated March 7, 2011.

FINDINGS OF FACT:

Specifically, we find the following:

1. The facts and circumstances of this case, while very similar to the facts and circumstances as set forth in *Horton, supra*, are not identical. The Claimant and Horton were hired at different times for different positions and Horton had known Employer's supervisor, Mark Hinson, for several years prior to the time Hinson hired him. The Claimant in the instant case did not know Mark Hinson prior to being hired by Hinson. Furthermore, the Claimant in this case was given a package containing a letter and job description. He signed a receipt acknowledging receipt of the package. Horton never signed any document acknowledging receipt of the employment package.

2. While not identical, the relevant facts in *Horton, supra* and the instant case are very similar. Claimant and Horton both were hired by Defendant's supervisor Mark Hinson. Hinson was the only employee of Defendant Pyramid with whom either the Claimant or Horton ever dealt concerning their hiring and employment. Neither Horton nor the Claimant in the instant case had a driver's license. Both informed Mr. Hinson of this fact. Both were told by Mr. Hinson that the company would provide transportation to and from the job site. Both were picked up for work and taken home from work by Mr. Hinson every day they worked for Pyramid Masonry Contractors, Inc. and both were severely injured when Mr. Hinson was transporting them to the job site on November 17, 2004 and had an automobile accident.

3. While the job description for a laborer contained in the employment package delivered to the Claimant states that prospective employees "must have means of transportation to and from project," the cover letter accompanying the job description states "if there is any item you do not understand, please ask the foreman or superintendent that you are making this application to for an explanation." See Defendants Exhibit #1, Hearing of October 11, 2006.

4. Mark Hinson had actual authority to offer the Claimant a wage at a negotiated rate, set his working hours and conditions and to answer any questions which the Claimant may have had concerning the job description for the job for which the Claimant was applying.

5. Defendant Pyramid Masonry Contractors, Inc. gave Mark Hinson, its supervisor, actual authority to hire masons and laborers to work on their projects and Hinson was expressly authorized to offer an hourly wage to crew members and to discuss the conditions of employment and to answer any questions prospective employees may have had concerning employment.

6. The Claimant believed that Mark Hinson had the authority to negotiate any and all terms of employment, as Mark Hinson was the only employee of Defendant Pyramid with whom the Claimant dealt concerning the terms and conditions of his hiring and employment by Defendant Pyramid. Thus, Mark Hinson was placed in a position by Defendant Pyramid such that third parties such as the Claimant were reasonably led to believe that Mark Hinson had the authority to negotiate and set all of the terms of employment, including provision of transportation by the company for an employee without a driver's license such as the Claimant.

7. Mark Hinson had apparent authority to offer and provide transportation for the Claimant to and from the job sites on behalf of Defendant Pyramid.

CONCLUSIONS OF LAW

1. While the facts of this case are very similar to the facts in Horton, supra, they are not identical. The Defendants are not collaterally estopped from arguing that Claimant's claim

does not fall within an exception to the "going and coming" rule and is therefore not compensable. *Beal v. Doe*, 281 S.C. 363, 315 S.E.2d 186 (S.C. Ct. App. 1984). Exception to the Going and Coming Rule, See *Sola v. Sunny Slope Farms*, 244 S.C.6, 135 S.E.2d 321 (1964); *Byrd v. Stackhouse Sheet Metal Works*, 317 S.C. 35, 451 S.E.2d 405 (S.C. Ct. App. 1994).

2. Upon review, we are mindful of the Court of Appeals' reasoning as set forth in *Horton*, *supra* and the cases cited therein. Defendant's Exhibit 1 expressly authorizes Mark Hinson to answer any questions which the Claimant may have had concerning any of the terms and conditions of employment. Mark Hinson was expressly authorized to negotiate and offer other terms and conditions of employment with the Claimant. Mark Hinson had apparent authority to offer the Claimant transportation on behalf of the company in light of the fact that he was expressly authorized to offer and negotiate other terms of employment and the cover letter accompanying the job description expressly authorized Mark Hinson to answer any question which a prospective employee may have concerning the job description. Thus, Claimant reasonably believed that Mark Hinson had authority to offer transportation on behalf of Defendant Pyramid. Mark Hinson, acting with apparent authority, offered Claimant transportation on behalf of Defendant Pyramid. Claimant accepted the offer and went to work for Defendant Pyramid.

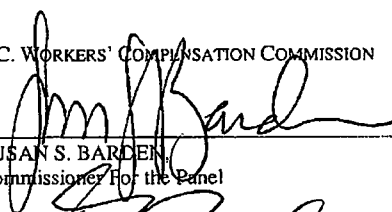
3. The Claimant's accident of November 17, 2004 while on his way to work at a job site in Columbia therefore comes within the exception to the "going and coming" rule in that the Claimant's transportation to the job site was provided by Defendant Pyramid, through its agent and servant Mark Hinson acting with apparent authority, and is therefore compensable under §42-1-160; pursuant to *Sola*, *supra* and *Byrd*, *supra*. This finding of compensability of the accident in question, in light of the facts and circumstances of this case, is made pursuant to the Court of Appeals' instructions on remand to "...consider *Horton v. Pyramid Masonry Contractors, Inc.*" and "on remand, the Commission shall also make Findings of Fact and

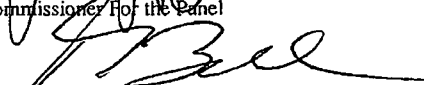
Conclusions of Law on the issue of actual or apparent authority and the effect thereof."
(emphasis added).

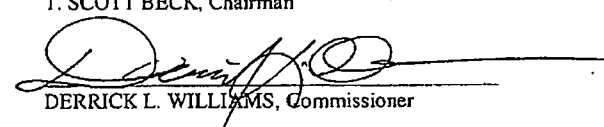
Therefore, it is hereby ORDERED that the Defendants are ordered to pay the Claimant temporary total disability benefits at the stipulated compensation rate from the date of the accident through the date of this Order and continuing until terminated by Order of this Commission. It is further ORDERED that the Defendants pay all related medical expenses incurred by the Claimant in treatment of his injuries sustained in the accident in question.

AND IT IS SO ORDERED.

S.C. WORKERS' COMPENSATION COMMISSION


SUSAN S. BARDEN,
Commissioner For the Panel


T. SCOTT BECK, Chairman


DERRICK L. WILLIAMS, Commissioner

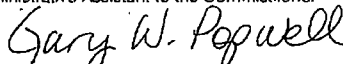
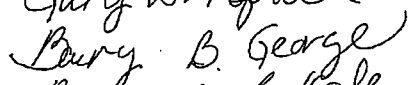
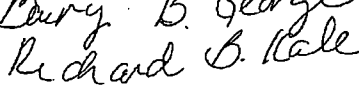
UNANIMOUSLY AFFIRMED.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the attorney or attorneys for said parties.

This 14 day of October, 2011
By Valerie D. Deller

Administrative Assistant to the Commissioner

6

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

JAMES CLARK, JR.,

Claimant/Respondent,

-vs-

PYRAMID MASONRY CONTRACTORS,
INC., Employer, and
HARTFORD FIRE INSURANCE
COMPANY, Carrier,

Defendants/Appellants.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2011-CP-20-0436

2012 JUL -6 A 10:50
FAIRFIELD COUNTY
CLERK OF COURT
JESSIE JO BECKHAM

**ORDER AFFIRMING
THE S.C. WORKERS' COMPENSATION
COMMISSION AS TO FINDING OF
COMPENSABILITY AND REMANDING THE
CASE FOR A SPECIFIC FINDING AS TO
TEMPORARY TOTAL DISABILITY**

This matter was before me for hearing on June 7, 2012 pursuant to the Defendants' appeal from the S.C. Workers' Compensation Commission. All parties, through their respective counsel, were present and fully argued their positions at the hearing as well as submitting briefs.

This case is an appeal from the S.C. Workers' Compensation Commission in which the Appellate Panel of the Commission unanimously affirmed the Single Commissioner and found that the Claimant's accident of November 17, 2004 was compensable. It also unanimously affirmed the Single Commissioner in ordering the Defendant to pay temporary total disability payments and causally related medical expenses.

This case had previously been tried before a Single Commissioner and the claim was found to be not compensable. The Appellate Panel of the Workers' Compensation Commission affirmed the decision of the Single Commissioner by vote of 2 to 1. The decision of the Appellate Panel was affirmed by the Circuit Court. The Court of Appeals remanded the case to the Commission with instructions to reconsider the case in light of *Horton v. Pyramid Masonry Contractors, Inc.*, Op. No. 2008-UP-208 (S.C. Ct. App. filed March 27, 2007) and make specific findings on the issues of actual or apparent authority and the effect thereof in the instant case.

The case was remanded to the Commission. Upon reconsideration, the Single Commissioner reversed his prior decision and found that the accident involving the Claimant fell within the exception to the "going and coming rule" because transportation was being provided by the company, through its agent and servant, Mark Hinson, acting with apparent authority. The Single Commissioner's second decision was unanimously upheld by the Appellate Panel of the Full Commission and Defendant's appeal to this Court followed. After review of the arguments of counsel, the briefs submitted by the parties and the evidence in the record, I make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. There is evidence in the record that the Claimant did not have a driver's license at the time he was hired by Mark Hinson to work for Defendant Pyramid Masonry Contractors, Inc. There is evidence that Mark Hinson was the only employee of the Defendant with whom the Claimant ever dealt and that Mark Hinson was specifically authorized to negotiate wages, working hours, conditions and other terms and conditions of employment with the Claimant. There is evidence that the Defendant specifically authorized Mark Hinson to answer any questions which the Claimant may have had at the time of his hiring concerning the terms and conditions of employment contained in the employment package which Claimant was given at the time he was hired. There is evidence that Mark Hinson specifically stated that the company would provide transportation when the Claimant asked him how he was supposed to get to work since he did not have a driver's license. There is evidence that the Claimant was in fact picked up and taken to work and brought home from work by Mark Hinson every day Claimant worked for the Defendant. There is evidence that Claimant's co-worker, Joey Horton, was also told the company would provide transportation for him since he also did not have a driver's license.

Horton had been hired several months prior to the Claimant's hiring. However, he was present at the Claimant's hiring. He testified that he heard Mark Hinson tell the Claimant that the company would provide transportation. There is evidence that Mark Hinson picked up both Joey Horton and the Claimant every day they worked for the Defendant and took them to work and brought them home from work.

2. There is evidence that Claimant suffered numerous serious injuries in the automobile accident which is the subject of this action. However, the Single Commissioner and the Appellate Panel of the Full Commission did not make a finding of fact concerning his temporary total disability from the time of the accident through the date of the hearing before the Single Commissioner on remand.

CONCLUSIONS OF LAW

1. For purposes of judicial review of the decision of the Workers' Compensation Commission, substantial evidence on which to affirm an agency decision is not a mere scintilla of evidence, nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach a conclusion the administrative agency reached in order to justify its action. *Etheridge v. Monsanto Co.*, 349 S.C. 451, 462 S.E.2d 679 (S.C. App. 2002).

2. In viewing the record as a whole in light of the instructions on remand for the Workers' Compensation Commission to consider this case in light of the court's holding in *Horton, supra* and the cases cited therein, there is substantial evidence in the record to support the decision of the Commission that the Claimant's case fell within the exception to the "going and coming rule" in that his transportation was being provided by the company, through its agent

and servant Mark Hinson acting within the course and scope of his employment, and acting with apparent authority.

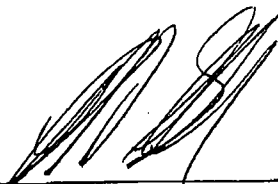
3. While there was evidence in the record that the Claimant had suffered numerous serious injuries in the accident which is the subject of this action, the Worker's Compensation Commission should have included in its order a specific finding of fact that the Claimant either was or was not temporarily totally disabled due to the injuries suffered in the accident from the time of the accident through the date of the hearing on remand before the Single Commissioner. The Claimant has been receiving temporary total disability benefits since expiration of the thirty day supersedeas from filing the appeal of the decision of the Appellate Panel of the Workers' Compensation Commission. It is unclear what the decision of the Workers' Compensation Commission will be concerning a specific finding of fact on the question of the Claimant's temporary total disability. Benefits should not cease upon remand during the pendency of the Workers' Compensation Commission's decision on the issue of temporary total disability. In the event that the Workers' Compensation Commission determines that the Claimant was not temporarily totally disabled from the date of the accident through the date of the hearing on remand, the Defendant/Appellant should be given an appropriate credit for temporary total disability payments made during a period of time in which the Commission determines the Claimant was not temporarily totally disabled, if it finds that the Claimant's temporary total disability ceased prior to the hearing.

Therefore, the order of the S.C. Workers' Compensation Commission concerning the compensability of the accident which is the subject of this case is AFFIRMED.

The order of the S.C. Workers' Compensation Commission concerning the issue of whether or not the Claimant has been temporarily totally disabled since the accident is remanded

for further findings concerning the duration and extent of the Claimant's temporary total disability. Upon remand to the Commission, a hearing shall be held and the Commission shall make specific findings concerning whether or not the Claimant is temporarily totally disabled, the duration of his temporary total disability, the body parts which were injured in the accident and entitlement to medical treatment for the injured body parts. Temporary total disability payments are to continue until such findings are made, with an appropriate credit to be given in the event that the Commission determines there has been an overpayment of temporary total disability benefits.

AND IT IS SO ORDERED.



BROOKS P. GOLDSMITH
PRESIDING JUDGE
FAIRFIELD COUNTY COURT OF COMMON PLEAS

Lancaster, South Carolina

July 5, 2012.

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

JAMES CLARK, JR., Employee,)
)
Claimant/Respondent,)
)
vs.)
)
PYRAMID MASONRY CONTRACTORS)
INC., Employer, and HARTFORD FIRE)
INSURANCE COMPANY, Carrier,)
)
Defendants/Appellants.)
_____)

CASE NO: 2011-CP-20-436

**ORDER DENYING DEFENDANTS'
MOTION TO ALTER OR
AMEND JUDGMENT**

This matter came before the Court on Defendants' *Motion to Alter or Amend Judgment* dated July 13, 2012, wherein Plaintiff requests that this Court reconsider its Order of July 5, 2012.

After careful consideration of said motion and memoranda submitted by the parties, the Court finds there is no basis for granting the motion and, therefore, Defendants' *Motion to Alter or Amend Judgment* dated July 13, 2012, is hereby denied.

AND IT IS ALL SO ORDERED.

August 3, 2012
Lancaster SC



BROOKS P. GOLDSMITH, JUDGE
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

JAMES CLARK, JR., Employee,
Claimant/Respondent,

CASE NO: 2011-CP-20-436

vs.

PYRAMID MASONRY CONTRACTORS
INC., Employer, and HARTFORD FIRE
INSURANCE COMPANY, Carrier,
Defendants/Appellants.

**ORDER DENYING DEFENDANTS'
MOTION TO ALTER OR
AMEND JUDGMENT**

2012 AUG - 8 P 2:09
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAW

This matter came before the Court on Defendants' *Motion to Alter or Amend Judgment* dated July 13, 2012, wherein Plaintiff requests that this Court reconsider its Order of July 5, 2012.

After careful consideration of said motion and memoranda submitted by the parties, the Court finds there is no basis for granting the motion and, therefore, Defendants' *Motion to Alter or Amend Judgment* dated July 13, 2012, is hereby denied.

AND IT IS ALL SO ORDERED.

August 3, 2012
Lancaster SC


BROOKS P. GOLDSMITH, JUDGE
SIXTH JUDICIAL CIRCUIT

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 0427461

JAMES CLARK,

CLAIMANT,



COPY

-VS-

PYRAMID MASONRY CONTRACTORS,

HEARING BEFORE
COMMISSIONER

EMPLOYER,

G. BRYAN LYNDON

AND

HARTFORD FIRE INSURANCE,

TRANSCRIPT

CARRIER,
DEFENDANTS.

THE WORKERS' COMPENSATION HEARING, TAKEN
BEFORE CORA ELLIS BRUTON, A NOTARY PUBLIC IN AND
FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE
HOUR OF 4:45 PM, MONDAY, OCTOBER 25, 2010, SOUTH
CAROLINA WORKERS' COMPENSATION COMMISSION, 1333
MAIN STREET, COLUMBIA, SOUTH CAROLINA 29202.

CORA ELLIS BRUTON - COURT REPORTER
131 BROWNING COURT
LEXINGTON, SOUTH CAROLINA 29073
803-397-0189

APPEARANCES**FOR THE CLAIMANT**

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FOR THE DEFENDANTS

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REPORTED BY

CORA ELLIS BRUTON
 COURT REPORTER
 131 BROWNING COURT
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 803-397-0189

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(Exhibits)

No Exhibits Proffered

CORA ELLIS BRUTON - COURT REPORTER
 131 BROWNING COURT
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 803-397-0189

1 Today's date is October the 25th, 2010. This is
2 South Carolina Workers' Compensation Case File No.
3 0427461. James Clark is the Claimant represented by
4 Attorney Gary Popwell versus the Employer, Pyramid
5 Masonry Contractors. Hartford Fire Insurance is the
6 Carrier and Dick Kale is the Attorney for the
7 Defendant in this case.

8 The purpose of this hearing is to determine the
9 issues regarding Remand as set forth by the Full
10 Commission Order and actually I believe the Court of
11 Appeals has Remanded this case to be heard on two --
12 my understanding, to specifically deal with the
13 exceptions of the going and coming rule. We've had a
14 fairly lengthy pre-hearing conference and quite a bit
15 of material has been passed up to be made a part of
16 the record and that has to do with -- this is a motor
17 vehicle accident in which another person was also
18 injured. And it's been asked that I make --
19 transcript and everything has been passed up by Mr.
20 Popwell, he's the Claimant's attorney, and most of the
21 APAs in this case. I do have a Brief from Mr. Kale
22 and also I have the appeal to the Court of Appeals.

23 Is this -- did you also turn it in?

24 MR. KALE: Yes, that's our --

25 THE COURT: Appellate Brief?

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1 MR. POPWELL: No, it's the Respondents Brief.
2 We'll give you the Respondent.

3 THE COURT: And I've given Mr. Popwell a couple
4 of weeks to file a reply Brief to the Brief that Mr.
5 Kale has already passed up. That being said, the -- I
6 don't believe I read in the record the Claimant's
7 average weekly wage is \$274.50, comp rate is \$183.01
8 and the date of accident was 11/17/04.

9 Are there any objections to APAs, jurisdiction,
10 venue or any other items?

11 MR. POPWELL: None from the Claimant, Your Honor.

12 THE COURT: Without objection the Commission's
13 file becomes a part of the record with the exception
14 of self-serving declarations and unstipulated medical
15 reports.

16 As I mentioned a minute ago we had a fairly
17 extensive pre-hearing conference regarding the issues
18 and more or less have narrowed them down to two
19 specific issues. One has to do with the -- and there
20 may be some disagreement on this, but one has to do
21 with collateral estoppel and the other with the
22 apparent authority. Those two specific areas
23 regarding this case and I'm going to let each -- I'm
24 asking each attorney to put their positions and this
25 can be done in a very lengthy or detailed opening

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1 statement, even citing the case law that you have
2 brought with you to back up your positions starting
3 with the moving party for the Claimant, Mr. Popwell.

4 BY MR. POPWELL: Thank you, Your Honor. May it
5 please the Commission. Your Honor, the Court of
6 Appeals has remanded this case to allow the Commission
7 to consider Horton v. Pyramid Masonry Contractors in
8 which the passenger in the same car as Mr. Clark, Joey
9 Horton, was awarded benefits and this was subsequently
10 upheld by the South Carolina Court of Appeals who held
11 that Eady versus H&A Sack Company was directly
12 controlling on the issue of the exception of the going
13 and coming rule, because the Employer had provided the
14 means of transportation and the Employer placed Mr.
15 Eady in a position, and I quote, "A position impliedly
16 manifesting his authority to dictate employment
17 terms." They also went on to say while the foreman,
18 Mr. Eady, while his offer of transportation may have
19 exceeded his scope of actual authority he had apparent
20 authority. This is exactly what we have here. It's
21 uncontested that Mark Hinson and Joey Horton went to
22 the Claimant's house and to offer him a job and he
23 told Mark Hinson he didn't have a driver's license or
24 means of transportation and Mr. Hinson told him that
25 the company would provide transportation. That's

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1 found in the transcript of the hearing before you,
2 pages 13, 26, 41, 42, 43 and 46. Mr. Hinson took him
3 to the jobsites every day he worked. That's in the
4 transcript, pages 12, 14 and 15. This testimony was
5 corroborated by Joey Horton, transcript pages 42 and
6 43. Joey Horton was there. Testimony was also
7 corroborated by Kimberly Ingram, transcript pages 50
8 and 51. The authority given to Mark Hinson was not
9 only apparent authority, it was actual authority. On
10 page 145 of the record on appeal which I have held up
11 -- which I have handed up, you will find the
12 Defendants' Exhibit 1 submitted in the first hearing
13 in front of you. The last sentence of the first
14 paragraph states, "If there is any item you do not
15 understand please ask the foreman or superintendent
16 that you are making this application to for an
17 explanation." So they give Mr. Hinson the authority,
18 the explicit actual authority to answer any questions.
19 Well, the question was asked and it was answered,
20 don't worry about transportation provision, the
21 company will provide you transportation. That
22 sentence is not only at a bare minimum apparent
23 authority, it is actual authority. They give the
24 foreman authority to answer any question and he had
25 the authority to bind them with his answer just as

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1 Eady did in Eady versus H&A Sack and just as Mark
2 Hinson did in Horton v. Pyramid Masonry Contractors.
3 Clearly the Court of Appeals in signaling that we --
4 is signaling. We can't have a situation in which two
5 workers, neither of whom have driver's licenses are
6 hired by the same foreman, for the same company, under
7 the same circumstances, both of them offered
8 transportation, both of them accept. They're both
9 taken to the jobsite every day, they get injured in
10 the same wreck and one is compensable and one is not.
11 And I think that's the message that the Court of
12 Appeals is -- is sending to us; that would be a
13 preposterous result.

14 THE COURT: All right, sir, thank you. Mr. Kale.

15 MR. KALE: Is it all right if I just sit down
16 here?

17 THE COURT: I don't mind if you sit down. You
18 don't have to stand up.

19 BY MR. KALE: Your Honor, basically the issue
20 that the -- clearly that the Court is remanding is --
21 is to the issue of whether collateral estoppel would
22 bar a finding that was not in conformity with the
23 Horton decision. It's not remanding it back down to
24 find whether this case falls within exception, because
25 your findings made a determination as to whether

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1 transportation was offered, whether it comes within
2 the exception, so that wouldn't have to be remanded
3 for that purpose. It was for the purpose of
4 determining the collateral estoppel, because that was
5 the only issue that wasn't addressed at the workers'
6 comp level and at the Circuit Court level because at
7 that point in time Horton was still pending. The
8 doctrine of collateral estoppel provides that a
9 judgment in an earlier action precludes re-litigation
10 in a later action of those issues actually and
11 necessarily litigated and determined in the earlier
12 suit. In the earlier suit the issue of transportation
13 -- the offer of transportation was with -- was found
14 and determined as to Horton, but the Horton situation
15 was totally different factually from the Clark case.
16 Horton's hiring took place in January 2004 at Horton's
17 home and in the presence of Mark Hinson, Joey Horton
18 and Horton's mother, Laura Miller. Mr. Clark was not
19 present, Kimberly Ingram was not present at that time.
20 Clark's hiring took place on November 1, 2004 at
21 Clark's house, so it's a ten months difference in the
22 time when the offer was made to Horton and the offer
23 was made to Clark. Now, one important fact is -- that
24 wasn't mentioned, according to Kimberly Ingram and Mr.
25 Clark, Mr. Hinson made two visits to the Clark

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1 residence. Horton was only present at one of those
2 visits, so Horton cannot testify what happened at the
3 second visit and at the second visit is when all of
4 the documents that were signed by Mr. Clark were
5 signed, and that included some payroll information and
6 a job description. And most importantly in Clark, the
7 job description down at the bottom says, "Employees
8 must provide their own means of transportation." This
9 was seen by Mr. Clark because he signed the statement
10 acknowledging that he had read the document. And in
11 Horton they didn't have a signed statement from Horton
12 saying that he had read the job description. And in
13 fact, Horton testified that he had never seen the job
14 description before the day of the hearing, so here
15 again are different facts in the Clark case versus the
16 Horton case.

17 Page 85, there's testimony, "So he, Hinson, came
18 back another day and he came with the paperwork and
19 told James" -- this is by Kimberly Ingram -- "told
20 James that the job position was available and he told
21 him if he wanted to work he had to go ahead and fill
22 out the paperwork." Then in Clark, Clark testified to
23 this. It says, "Answer":, "I told him I don't have no
24 car. I said, You'll be my transportation if I go."
25 "Question": "What did he say?" "Answer": "He said

1 I have transportation, I'll provide transportation for
2 you to go to work.. I said, Well, I'll take the job."
3 That's at pages 65 through 66 of the transcript. So
4 unlike Horton when Clark testifies he testifies that
5 he asked Hinson to provide him transportation and not
6 Pyramid and -- and basically these people lived
7 together in Lancaster and would all be driving to
8 jobsite at the same -- you know, the same route. So
9 Hinson provided Clark transportation and that had been
10 Clark's situation for many years; he had not had any
11 license or a car and so he had had to depend on rides
12 by co-workers to be able to get back and forth to
13 work.

14 Now as to actual or apparent authority, there --
15 there is absolutely no record -- no evidence in the
16 record that Pyramid had given Hinson actual authority
17 to provide transportation. In fact, the only evidence
18 in the record is that of David Mauny that testified
19 that Mr. Hinson did not have actual authority to offer
20 to provide transportation on behalf of Pyramid,
21 because Pyramid doesn't provide transportation for
22 employees going to and from work. Further, so -- I
23 think it's clear there's no actual authority. Now,
24 what I heard Mr. Popwell say is that because there's a
25 letter there that says, "If you have any questions you

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1 can ask a foreman or a superintendent" that doesn't
2 say that if you have, you know, that that gives the
3 superintendent or foreman authority to change company
4 policy, it just says you can ask them questions. So I
5 think his argument that because a letter says you can
6 ask foremen questions that gives the foreman authority
7 to do anything he wants to do just doesn't make any
8 sense whatsoever, and there's certainly no evidence in
9 the record that that is the case. It just says you
10 can ask questions and I think that's not tantamount to
11 saying that he has authority to offer anything he
12 wants to offer contrary to company policy. So,
13 clearly there's no actual authority; the question is
14 whether there's apparent authority. We would submit,
15 it says basically apparent -- I'm going to cite a case
16 that's in my brief. It's R&G Construction, says,
17 "Apparent authority of an agent results from conduct
18 or other manifestations of the principal whereby third
19 persons are justified in believing the agent is acting
20 within his authority. Such authority is implied where
21 the principal passively permits the agent to appear to
22 a third person to have authority to act on his behalf.
23 In this case it's clear that they did not passively
24 allow Hinson to have the apparent authority to offer
25 transportation because in the job description they

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1 provided to Mr. Clark it says specifically that the
2 employee must have his own means of transportation.
3 There's no evidence that Pyramid engaged in any
4 conduct that would allow Clark to believe that Pyramid
5 was going to provide transportation because, as I
6 said, in the job description it says basically, you
7 have to get your own ride to work, we don't provide
8 it.

9 So we think that the evidence establishes clearly
10 that not only that Hinson didn't have actual authority
11 to offer transportation, he didn't have apparent
12 authority either.

13 THE COURT: Anything else?

14 BY MR. POPWELL: Just -- are you talking to me or
15 Mr. Kale, Your Honor?

16 MR. KALE: That's mine.

17 THE COURT: Since this is important I'm going to
18 let Mr. -- I'll let y'all go back and forth if you'd
19 like. Mr. Popwell.

20 BY MR. POPWELL: Thank you, Your Honor. I would
21 just respond to say that the transcript which we've
22 handed up speaks for itself. Mr. Clark testified on
23 several different spots in the transcript that Mr.
24 Hinson told him the company will provide you
25 transportation. Now, you know, he can find one thing

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1 on cross examination he said "You", but he said in
2 several places, and I cited them earlier, that the
3 company will provide you transportation. Mr. Kale
4 says, well, it's different facts and circumstances.
5 As to esoteric things that's true, but the relevant
6 facts and circumstances are all exactly the same. The
7 same foreman hired Joey Horton who didn't have a
8 driver's license and took him to work every day, every
9 day that they worked and his case is found compensable
10 under the doctrine of apparent authority. Then a few
11 months later he goes and hires James Clark; Joey
12 Horton's there, and tells him the same thing he tells
13 Joey Horton because James Clark didn't have a driver's
14 license. I mean this --, this company has an interest
15 and Mr. Hinson has an interest in getting people who
16 know the brick mason business down to jobsites and if
17 that means picking them up then that's what they did.
18 And they can put all the job descriptions out there
19 that they want to, but then they give the man doing
20 all the hiring and able to set every other term of
21 employment; wage rate, hours, working conditions, he
22 can set all that, but he can't say, well, if you don't
23 have a driver's license we want you, we'll provide you
24 transportation. That's what happened in both cases.
25 Those are the relevant facts and they're exactly the

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1 same. Now you can say well, one was hired on Monday
2 and one was hired on a Friday, but that -- that's
3 neither here nor there. And I think the Court of
4 Appeals in referring us to Horton v. Pyramid is
5 sending us a clear signal here that, you know, Eady is
6 the law of -- of the State in situations like this;
7 Eady and Medlin. And take a look at this because, you
8 know, we can't be having this preposterous result
9 here.

10 BY MR. KALE: My simple response is --

11 THE COURT: All right.

12 BY MR. KALE: -- I need to hire Mr. Popwell to
13 advise me because he apparently can -- can read the
14 minds of the Court of Appeals when he says that
15 they're sending us a message. I don't see that in the
16 Remand Order. There's nothing -- it's an issue that
17 was not resolved, it was Briefed to the Court of
18 Appeals about the collateral estoppel and when they
19 saw it in Briefs they said, well, that was never ruled
20 upon by the lower Court so we're remanding it back
21 down to the lower Courts to determine if collateral
22 estoppel applies; let them determine it first and then
23 we'll take it up on Appeal.

24 As to the transportation, you know, people get
25 rides with people every day that just because they're

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1 giving rides to work every day to certain employees
2 doesn't mean that the company is providing
3 transportation. And you know, Horton is as it is, but
4 Horton had a different set of facts because there was
5 no way to refute what Horton said because Hinson was
6 dead, so he could say anything he wanted with
7 impunity. But here we have evidence that Clark was
8 told in the job description that the company does not
9 provide transportation and so he was on notice that
10 the company is not providing transportation. So if --
11 if he had no ability to rely, even if Hinson made
12 those statements that he said Hinson made, he had no
13 basis for relying upon that statement because clearly,
14 not only did Hinson not have actual authority to offer
15 transportation, he didn't even have apparent authority
16 because Pyramid was putting the world on notice
17 through the job description that they do not provide
18 transportation; the employee has to provide his own
19 means of transportation.

20 THE COURT: Are you saying in so many words that
21 the fact that he may have carried this person to work,
22 taken this person to work that that was not binding
23 the company?

24 MR. KALE: Yes. Just because he gave -- people
25 give rides to people all the time. They all lived in

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1 Lancaster, they were all driving -- in fact, Horton,
2 in his case testified that he had been given rides by
3 Hinson when he worked for another company. So -- so
4 just by the fact of giving a ride doesn't create the
5 presumption that the company was providing the
6 transportation.

7 THE COURT: Let me just look at the Order again,
8 the Court Order and see if I have any other questions.

9 I don't believe there's anything else I had to
10 add. I was just reading that Order again. It seemed
11 like there was something that stuck in my mind earlier
12 when I looked at it.

13 I don't think there's anything else. If there's
14 nothing else I have agreed to leave the record open
15 for a couple of weeks for a reply Brief from Mr.
16 Popwell and that concludes these proceedings.

17 (The hearing concluded at 5:30 p.m.)

18

19

STATE OF SOUTH CAROLINA)
) CERTIFICATE
 COUNTY OF LEXINGTON)

BE IT KNOWN THAT I TOOK THE FOREGOING
 WORKERS' COMPENSATION HEARING;

THAT I WAS THEN AND THERE A NOTARY PUBLIC IN
 AND FOR THE STATE OF SOUTH CAROLINA-AT-LARGE;

THE FOREGOING TRANSCRIPT CONSISTING OF 16
 TYPEWRITTEN PAGES REPRESENTS A TRUE, ACCURATE AND
 COMPLETE TRANSCRIPTION OF THE TESTIMONY SO GIVEN AT
 THE TIME AND PLACE AFORESAID TO THE BEST OF MY
 SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF
 ANY OF THE PARTIES HERETO, NOR A RELATIVE OR
 EMPLOYEE OF ANY ATTORNEY OR COUNSEL EMPLOYED BY THE
 PARTIES HERETO, NOR INTERESTED IN THE OUTCOME OF
 THIS ACTION.

WITNESS MY HAND AND SEAL THIS 5TH DAY OF
 NOVEMBER, 2010.

 CORA ELLIS BRUTON
 NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES JANUARY 18, 2015

CORA ELLIS BRUTON - COURT REPORTER
 131 BROWNING COURT
 LEXINGTON, SOUTH CAROLINA 29073
 803-397-0189

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
CASE NUMBER - 0427461

JAMES CLARK,	)	
	)	
CLAIMANT,	)	FULL COMMISSION HEARING
	)	
VS.	)	BEFORE
	)	
PYRAMID MASONRY	)	PANEL B
CONTRACTORS, INC.,	)	
	)	
EMPLOYER,	)	COMMISSIONER BARDEN
	)	
SEDGWICK,	)	COMMISSIONER WILLIAMS
	)	
CARRIER,	)	COMMISSIONER BECK
	)	
DEFENDANTS.	)	
	)	

WORKERS' COMPENSATION FULL COMMISSION HEARING
TAKEN BEFORE SARA L. QUATTLEBAUM, A NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE
HOUR OF 1:28 PM ON MONDAY, JUNE 20, 2011, WORKERS'
COMPENSATION COMMISSION, 1333 MAIN STREET, COLUMBIA,
SOUTH CAROLINA.

QUATTLEBAUM COURT REPORTING
148 LAKE HARBOR DRIVE
LEXINGTON, SC 29072
(803)447-0272

APPEARANCES**FOR THE DEFENDANT/APPELLANT**

RICHARD B. KALE, ESQUIRE
WILLSON, JONES, CARTER & BAXLEY
872 SOUTH PLEASANTBURG DRIVE
GREENVILLE, SOUTH CAROLINA 29607

FOR THE CLAIMANT/APPELLANT

GARY POPWELL, ESQUIRE
LEE EASDON ISGETT AND POPWELL
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SARA L. QUATTLEBAUM
INDEPENDENT COURT REPORTER
148 LAKE HARBOR DRIVE
LEXINGTON, SOUTH CAROLINA 29072
(803) 447-0272

SARA QUATTLEBAUM, Independent Court Reporter
(803) 447-0272

1 COURT REPORTER: Today is June 20, 2011. This is
2 South Carolina Workers' Compensation Case
3 No. 0427461.

4 This is the case of James Clark, Claimant versus
5 Pyramid Masonry, Employer. And Hartford is the
6 Carrier.

7 The Appellant is the Defendant represented by
8 Richard Kale. The Respondent is represented by Gary
9 Popwell.

10 Each side is allowed ten minutes for oral
11 argument and the Appellant three minutes in reply.
12 You are requested to argue the grounds of exception
13 and stay within the record.

14 COMMISSIONER BECK: Mr. Kale.

15 MR. KALE: May it please the panel. In the early
16 morning hours of November 17, 2004 the Claimant, a
17 coworker by the name of Joey Horton, and a foreman by
18 the name of Mark Hinson were riding on Interstate I77
19 to work. All three lived in Lancaster, South Carolina
20 and were working for Pyramid Masonry at a jobsite in
21 Columbia, South Carolina.

22 At the time of the accident they were riding in
23 Mr. Hinson's wife's Honda vehicle. The Claimant had
24 been working for Pyramid for about three weeks. Mr.
25 Horton had been working for Pyramid for about ten

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1 months. Hinson was a foreman at Pyramid.

2 The evidence showed that they would travel
3 together each day from Lancaster to Columbia in one of
4 Mr. Hinson's personal cars and that they would stop
5 for breakfast on the way into work.

6 On November 17 there was an accident. Mr.
7 Hinson, the foreman, was killed. Mr. Clark and Mr.
8 Horton were injured but survived the accident. Mr.
9 Clark filed a workers' comp claim arguing that he fell
10 within an exception to the going-and-coming rule in
11 that he claimed that the company, Pyramid, provided
12 transportation to and from work for him.

13 That case was heard on January 25 of 2007 by
14 Commissioner Lyndon. And he issued an order finding
15 that the Claimant had failed to prove by the greater
16 weight of the evidence that Pyramid was providing
17 transportation to and from work.

18 That was appealed to the Full Commission, and the
19 majority of the panel affirmed Commissioner Lyndon's
20 order. A further appeal was taken to the Court of
21 Common Pleas in Fairfield County. Judge Goldsmith
22 issued an order affirming the Commission's denial of
23 the claim. Then there was a further appeal to the
24 South Carolina Court of Appeals.

25 On June 28 of 2010 a panel of that Court issued

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1 an order remanding the case back to the Commission for
2 two issues; one, whether collateral estoppel from a
3 Companion case, the Joey Horton case, applied in this
4 case so that you couldn't retry the Clark case. The
5 second issue was they directed that the Commission
6 make specific findings of fact and conclusions of law
7 as to apparent authority of Mr. Hinson in this case;
8 in other words, whether he had apparent authority to
9 offer transportation to the employee.

10 The Court of Appeals did not remand the case.
11 And I've submitted to you their order so you could
12 have it right in front of you; did not remand it for a
13 de novo hearing nor did they reverse any of the prior
14 orders of the Commission.

15 A hearing was held before Commissioner Lyndon on
16 remand on October 25, 2010. No additional testimony
17 was taken at that time.

18 On March 7, 2011 Commissioner Lyndon issued an
19 order and basically found a couple of things. One, he
20 found that the facts of Horton and Clark were not the
21 same, they were not identical and therefore collateral
22 estoppel did not apply. There has been no appeal from
23 that order, so that is the law of the case; we do not
24 have collateral estoppel.

25 The second issue as to apparent authority,

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1 Commission Lyndon found that Hinson did have apparent
2 authority to offer transportation on behalf of
3 Pyramid.

4 Now, in this case there is no dispute that Hinson
5 did not have actual authority to offer transportation
6 because it was clear and undisputed that the policy of
7 Pyramid was not to provide its employees
8 transportation to and from work. And I have submitted
9 to you a job description, which was signed and
10 acknowledged that he read - by Mr. Clark had read the
11 job description that says that the employee must have
12 their own means of transportation to and from work.
13 So the issue boils down in this case to whether there
14 was sufficient evidence to show that Hinson had
15 apparent authority to offer transportation.

16 I would like to just review some of the original
17 findings of Commissioner Lyndon in his order in 2007.
18 Finding of Fact No. 4, Claimant only rode in Mark
19 Hinson's personal truck or car. In other words, there
20 was never a company vehicle involved in this case.
21 Finding of Fact No. 7, Claimant and other riders would
22 stop for breakfast on the trip from Lancaster to
23 Columbia. Finding of Fact No. 9, that Claimant had
24 gotten rides to work from friends in all of his
25 previous employments because the Claimant did not have

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1 a driver's license. So he had always had to catch
2 rides. Finding of Fact No. 12, witness David Mauney,
3 who was the vice president of Pyramid, testified that
4 Hinson was not being paid to transport the Claimant.
5 Finding of Fact No. 15, that the only testimony
6 presented - the only testimony that Pyramid provided
7 transportation was based on an alleged conversation
8 that the Claimant had with Mark Hinson, who was dead
9 from the accident, and was therefore unavailable to
10 testify. And that Mr. Hinson had offered to provide
11 the Claimant transportation to and from work. At that
12 time the Commissioner allowed the testimony but said
13 he gave it very little weight.

14 And finally, Finding of Fact No. 16, that
15 Claimant failed to prove by the greater weight of the
16 evidence that the employer provided transportation to
17 and from work.

18 Four years later, without any additional
19 testimony being presented, Commissioner Lyndon does a
20 180-degree turn and starts sprinting off in the
21 opposite direction. Basically, the only difference -
22 the main difference between the Horton case and the
23 Clark case is this: In Clark we were able to prove
24 that the Claimant received a job description. And on
25 that job description it indicated that the employee

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1 have his own means of transportation to and from work.
2 In Horton the company could not find that job
3 description that was signed by Horton. And the Court
4 of Appeals made a big deal of that in the Horton case,
5 that there was no evidence that he was aware of the
6 job description, and he denied that he had ever seen
7 it.

8 So we were able to prove in Clark that the
9 Claimant had received a job description, was aware of
10 it, was aware of the requirement that he had to have
11 his own means of transportation to and from work. I,
12 in fact, asked the Claimant on cross examination if
13 the statement in the job description, that the
14 employee must have their own means of transportation,
15 was a good indication that the Employer was not going
16 to provide transportation to employees to go to and
17 from work, and he agreed that that was a good
18 indication.

19 So we submit the evidence in Clark is different
20 than the evidence - as found by Commissioner Lydon
21 when he did not apply collateral estoppel in that the
22 employee was on notice from the job description that
23 he had to have his own means of transportation. The
24 company was not going to provide it.

25 Now, I was quite surprised by Commissioner

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1 Lyndon's 2011 order because he had made a finding that
2 he gave little weight to the testimony of the Claimant
3 based on an alleged conversation between the Claimant
4 and Mark Hinson. And in 2011 he does a 180 with no
5 new testimony and apparently gives that all the weight
6 in the world because he found that Hinson had apparent
7 authority to offer transportation based on that
8 conversation. And we submit that there is nothing new
9 that changes the original finding in Commissioner
10 Lyndon's order.

11 Another ground that we have alleged, he has
12 ordered Defendants to pay temporary disability
13 compensation when no testimony was presented regarding
14 the Claimant's disability. There is no slips from any
15 doctor taking the Claimant out of work during this
16 time period from 2004 to present. But he has ordered
17 us to pay temporary disability compensation from
18 November 17, 2004 to present and continuing.

19 COMMISSIONER BECK: You will have three minutes
20 to reply, sir.

21 Mr. Popwell?

22 MR. POPWELL: Thank you. May it please the
23 panel.

24 Your Honors, this case was remanded to the same
25 Commissioner considered in light of Horton v. Pyramid

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1 Masonry and to make findings on the issue of actual
2 and apparent authority and the effects thereof.

3 The issue of collateral estoppel is a red
4 herring. The Court of Appeals' opinion does not
5 mention collateral estoppel. It just says "Read
6 Horton." That is the applicable law to these facts
7 and do what you should have done the first time, make
8 a finding on the issue of actual and apparent
9 authority in light of the law set forth in Horton.

10 Interestingly, Mr. Kale in his brief and the
11 Employer's brief doesn't even mention necessarily the
12 facts of Horton or the legal determinations made in
13 Horton.

14 COMMISSIONER WILLIAMS: I was trying to find that
15 actual -

16 MR. POPWELL: That's in our APA submissions, Your
17 Honor.

18 COMMISSIONER WILLIAMS: Okay.

19 MR. POPWELL: I put a copy of Horton in there.
20 Horton controls - there are three cases which clearly
21 set forth the law that controls in this particular
22 case. That is Horton v. Pyramid Masonry Contractors,
23 Medlin v. Upstate Plaster Service Company and there is
24 Eadie v. H. A. Sack Company.

25 Now, Mr. Kale cites a whole bunch of cases in his

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1 brief, which are general propositions of law, but
2 they don't deal with acceptance of the going-and-
3 coming rule when transportation is provided by the
4 employer in a Workers' Compensation case. Those three
5 cases explicitly deal with those exact same facts.

6 Now, let's talk about the facts. Both Horton and
7 the Claimant in this case were hired by Mark Hinson,
8 the Employer's foreman. Neither Horton nor the
9 Claimant in this case had a driver's license. The
10 Employer was involved working out of town on various
11 jobsites. Both Horton and Clark asked Mr. Hinson how
12 they were going to get to work at the jobsites. Both
13 were told by Mr. Hinson the company would provide
14 transportation. I cite all the page numbers in the
15 APA submission in my brief, so I'm not going to
16 reinvent the wheel here. Mr. Hinson picked up both
17 Horton and Clark every day they worked for this
18 Employer. They took them to the jobsites out of town
19 and took them back home every day. Now, those were
20 uncontested facts. Neither one of them had a driver's
21 license, and he told them both the company would
22 provide transportation. He picked them up every day;
23 he took them home every day.

24 Now, Mark Hinson had the authority to negotiate
25 the terms of employment on behalf of Pyramid. Their

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1 own witnesses testified at the hearing he could
2 negotiate hours, wages, conditions of employment.

3 Now, Mr. Kale wants to make a big deal out of
4 this job description. Well, I'm sure he handed up the
5 very first page of that job description, which states,
6 "Please read the following job description. They are
7 the minimum standard for your accessibility as an
8 employee of Pyramid. If there is any item you do not
9 understand, please ask the foreman or superintendent
10 that you are making this application to for an
11 explanation." Horton and Clark both testified they
12 didn't understand the job transportation stuff. How
13 we going to get to work? We don't have a driver's
14 license. The company will take you. I'm going to
15 provide you transportation on behalf of the company.
16 How else are they supposed to get to the jobsite?
17 They don't have driver's licenses. Now, those are the
18 exact facts that the Supreme Court was presented with
19 in Medlin. And Justice Toal reversed the Single
20 Commissioner, the Appellate Panel and the Court of
21 Appeals and clearly said, look, if you hire somebody
22 that doesn't have a driver's license and you want him
23 to work out of town and you pick him up and take him
24 to work every day, you're stuck with him if he gets in
25 a wreck. She reversed everybody. Eadie clearly sets

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1 forth actual and apparent authority. And it was
2 adopted by Judge Anderson in the Horton case.

3 So, I mean, Mr. Kale doesn't like the law, that's
4 why he doesn't even mention the actual facts of Eadie
5 or Medlin or Horton in his case. He just references
6 the fact that we say they apply. Well, obviously the
7 Court of Appeals in the Clark case think they did,
8 too. They didn't say, is Mr. Clark estopped? They
9 said, look at Horton. They gave Commissioner Lyndon
10 an opportunity to apply the correct law to the facts
11 of the case. They were trying to give him a heads-up
12 to make the right decision.

13 The reason Mr. Kale doesn't cite those cases is
14 because there is no getting around it. They are
15 directly on point. Otherwise we have a situation
16 where the same supervisor for the same company hired
17 two men, neither of whom had a driver's license. He
18 took them both to work every day. He told them both,
19 the company will provide transportation for you. He
20 picked them up every day. He took them to work every
21 day. He's driving. He gets in a wreck. He gets
22 killed. Both of them are horribly injured, and one of
23 the cases is compensable and the other one isn't. So
24 the Court of Appeals was giving Commissioner Lyndon
25 and the Commission an opportunity to avoid a

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1 preposterous results and avoid a reversal by applying
2 the correct law to these facts as set forth in Eadie
3 and Horton and Midland, which were never even
4 mentioned in any of the prior decisions of the
5 Commission or the Circuit Court, for that matter.

6 Now, Mr. Kale references the fact that there was
7 no additional testimony. Well, we were ready to give
8 additional testimony. He was the one that didn't want
9 additional testimony at the second hearing in front of
10 Commissioner Lyndon. We submitted updated APA
11 submissions that listed Mr. Clark's injuries in this
12 particular case. And let's see, this only partially
13 includes some his dozens of injuries suffered; were
14 fractured sinuses, a fractured skull, a subdural
15 hematoma with subarachnoid hemorrhage, C-2 fracture, a
16 broken left femur, an aortic arch injury. He's been
17 on seizure medication since the accident due to his
18 complex partial seizures. And I cite all these page
19 numbers and APA submissions in my brief. The seizures
20 are due to the serious traumatic brain injury, which
21 he had suffered. And his latest medical records we
22 submitted to Commissioner Lyndon in your APA
23 submissions was for August of 2010. Well, the hearing
24 was in October. He had been under treatment for his
25 brain injury and resulting seizures and on seizure

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1 medication ever since.

2 Now, would it probably be a good idea for this
3 panel to make its own findings and make a specific
4 finding that yes, he's been disabled because of these
5 problems which are backed up by our APA submission of
6 October the 6th, 2010? It probably would be a good
7 idea. But, I mean, otherwise Mr. Kale can just appeal
8 this thing piecemeal again, particularly on the issue
9 of compensability with no finding of disability. And
10 Mr. Clark, with all these serious life-threatening
11 injuries will have to wait another three or four years
12 to get any benefits.

13 But the bottom line is is there is no escaping
14 the legal reasoning applied to these facts in Horton
15 or Eadie or in Medlin. That's why Mr. Kale doesn't
16 cite them or differentiate them in any way in his
17 brief because it can't be done.

18 COMMISSIONER BECK: Mr. Kale.

19 MR. KALE: May it please the panel.

20 For Mr. Popwell to say that collateral estoppel
21 was not an issue is just ridiculous because Barry
22 George, his co-counsel, raised it at every level
23 including in his brief to the Court of Appeals. And
24 if you look at the remand order that came down from
25 the Court of Appeals, it specifically cites, "Here the

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1 Workers' Comp Commission and Circuit Court declined
2 to address the effects of the findings and award of
3 benefits to Clark, coworker Joey Horton for injuries
4 because Horton's case was still under appeal." That
5 is the collateral estoppel issue that they raised.

6 COMMISSIONER WILLIAMS: Why did you only hand us
7 up the remand order, not the Horton case in full?

8 MR. KALE: Well, the only thing I was interested
9 in, and I'll be glad to give you the Horton - I mean,
10 I'm sure it's in there, was I wanted you to see what
11 the Court of Appeals remanded the case to. There is
12 no appeal on the collateral estoppel issue, so that's
13 the law of the case.

14 Now, let me read you real quickly because my time
15 is going, the testimony that was given in this case by
16 Mr. Clark. And this is his attorney cross examining.

17 "And when Mark Hinson came and offered you the
18 job, did you tell him that you didn't have a car?"

19 "I told him I didn't have no car. I said, you
20 will be my transportation if I go."

21 "What did he say?"

22 "He said, I have transportation I will provide
23 for you as you go to work. I said, well, I'll take
24 the job."

25 What was happening was Mr. Hinson was offering to

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1 give them a ride because he was going the same
2 direction and the same place they were going. So he
3 personally offered to give them a ride. It doesn't
4 say in here that Pyramid is offering to give it. And
5 in fact, the evidence is clear that Pyramid does not
6 offer employees - there is no evidence that they ever
7 provided a car or truck. And that's different than
8 Medlin. Let me tell you -

9 COMMISSIONER WILLIAMS: Did the court in Horton
10 find that Hinson had actual or either -

11 MR. KALE: Found actually.

12 COMMISSIONER WILLIAMS: Okay.

13 MR. KALE: And the reason they found - excuse me.

14 COMMISSIONER WILLIAMS: How can we not reach an
15 inconsistent conclusion if Commissioner Lyndon didn't
16 find that Hinson had actual authority to hire these
17 guys without having any license and therefore binding
18 Pyramid to this accident?

19 MR. KALE: I'm sorry, I'm not sure I understood
20 what you said.

21 COMMISSIONER WILLIAMS: If the court found and
22 ordered that Mr. Hinson had actual authority to bind
23 Pyramid to be the Employer for Mr. Horton, how can we
24 cannot find that in this case?

25 MR. KALE: They didn't find actual authority.

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1 They found apparent authority. And that's the
2 difference.

3 COMMISSIONER WILLIAMS: All right. I was asking
4 you that. I thought you said they found actual
5 authority.

6 MR. KALE: No, they found apparent authority.
7 And the difference between Horton and Clark is in
8 Horton we couldn't show that we had given that job
9 description to Horton, that he had seen it where it
10 says that employees have to have their own means of
11 transportation. And that's a big difference that was
12 noted by the Court of Appeals in Horton, but the
13 evidence didn't prove that he ever had that job
14 description.

15 Let me quickly mention about Medlin and Eadie.
16 What Gary fails to say is in Medlin they were being
17 driven in the Employer's truck. They were picking
18 them up in the Employer's truck and taking them to
19 work. That is not the facts of this case. In Eadie,
20 the Employer was paying a per mile - a mileage
21 reimbursement to Eadie for him to travel back and
22 forth to work. So those are - and there is no
23 evidence in this case that that - that the Employer
24 paid Hinson to take them back and forth.

25 COMMISSIONER BECK: Thank you. That concludes

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1 this proceeding.

2 (The hearing concluded at 1:50 PM)

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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF LEXINGTON)

BE IT KNOWN THAT I TOOK THE FOREGOING
WORKER'S COMPENSATION HEARING;

THAT I WAS THEN AND THEE A NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA-AT-LARGE;

THE FOREGOING TRANSCRIPT REPRESENTS A TRUE,
ACCURATE AND COMPLETE TRANSCRIPTION OF THE TESTIMONY SO
GIVEN AT THE TIME AND PLACE AFORESAID TO THE BEST OF MY
SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF
ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF
ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO,
NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

WITNESS MY HAND AND SEAL THIS 9TH DAY OF
SEPTEMBER, 2012.

SARA L. QUATTLEBAUM
NOTARY PUBLIC FOR SOUTH CAROLINA

SARA QUATTLEBAUM, Independent Court Reporter
(803)447-0272

1 STATE OF SOUTH CAROLINA
2 -----x
3 JAMES CLARK,
4 Respondent,
5 Case No.
6 -against- 2011-CP-20-00436
7 Pyramid Masonry,
8 Appellants.
9 -----x
10 June 7, 2012
11 Winnsboro, S.C.
12
13 B E F O R E:
14 HONORABLE BROOKS P. GOLDSMITH
15
16 A P P E A R A N C E S:
17 GARY WALTON POPWELL JR, Esquire
18 Attorney for the James Clark
19
20 MITCHELL K. BYRD, JR, Esquire
21 Attorney for the Pyramid Masonry
22
23 Aileen Butler
24 Official Court Reporter
25

1 THE COURT: Clerk versus Pyramid. Is this the case
2 that I got reversed on and everybody switched -- now
3 switched sides as to whether they agree with --

4 MR. POPWELL: This is the one where -- this is the
5 case where we appealed it to the Circuit Court and it
6 was upheld by you and then we appealed it to the Court
7 of Appeals and the Court of Appeals says well, go back
8 and look at Horton versus Pyramid Masonry. We sent it
9 back, take a look at and then the commission looked at
10 it and said, yeah, and they basically reversed
11 themselves and so now they appealed.

12 THE COURT: All right.

13 MR. BYRD: Judge, I think the benefit there, I
14 don't think you will need much of a refresher course on
15 the initial facts of this, so we might be able to move
16 this along a littler faster.

17 THE COURT: Well, I did remember it, believe it or
18 not.

19 MR. BYRD: Good. That is great judge.

20 I am Mitchell Byrd. I represent the defendants. I
21 am here also behalf of the Dick Kale, who has handled
22 this case throughout and I've also done a great deal of
23 work on the case and he asked me to step in here.

24 The Briefs were served fairly late.

25 (Document handed to counsel)

1 MR. POPWELL: I have one.

2 MR. BYRD: No, this is a reply Brief.

3 MR. POPWELL: Okay.

4 MR. BYRD: I read yours yesterday and it is just a
5 few pages and I will hand it to Your Honor, and a copy
6 to opposing counsel.

7 He hasn't had a chance to read this, so if there is
8 anything he wants to reply to in writing certainly we
9 don't oppose that, but the Briefs were served obviously
10 fairly late.

11 MR. POPWELL: I don't see any need to reply to it.
12 Judge, I did not e-mail a signed copy of my brief and
13 here is a signed copy. (Handed)

14 THE COURT: All right. Thank you. Well, lets
15 see.

16 Mr. Byrd.

17 MR. BYRD: Thank you, Your Honor.

18 Your Honor, did Pyramid Masonry provide
19 transportation to their employees to and from work and
20 the answer is a resounding no. They did not. The main
21 issue for you today and subject to this appeal is
22 whether the claimant in this case was reasonably led to
23 believe that Pyramid was going to provide him
24 transportation to and from work and the person who
25 allegedly told the claimant in this case that Pyramid

1 was going to provide him transportation to and from work
2 was a man named of Mark Henson. You will hear his name
3 a good bit here. Mark Henson. He was foreman at
4 Pyramid Masonry and he was also killed in the car wreck,
5 the accident that brought this claim initially.

6 The big issue here, Your Honor, is the question
7 about the legal principal of agency. And it is not just
8 a question about the actions of Mark Henson as the
9 foreman, it is also a question about the actions of
10 Pyramid Masonry itself and quite simply, what is it that
11 Pyramid Masonry did that supposedly led this claimant to
12 believe that Mark Henson had the authority to make an
13 agreement with him whereby Pyramid was going to provide
14 him, the claimant, transportation to and from work. And
15 again Your Honor, it is not just that Mark Henson was
16 going to give him a ride to and from work the question
17 is, the company itself, what did they do.

18 Your Honor, our position obviously is that there
19 not substantial evidence in the record to support the
20 commission's finding that this claimant was reasonably
21 led to believe that Pyramid Construction was going to
22 provide him transportation to and from work.
23 Everything about this case, all the evidence, shows that
24 it would be completely unreasonable for this claimant to
25 believe that Pyramid was going to carry him to and from

1 work. And I will just go over a few brief things.

2 We asked the claimant at the original hearing his
3 response was that Mark Henson was going to take him to
4 and from work. He testified that Mark Henson told him
5 he would drive him to and from work. And that is
6 exactly what Mark Henson did. He drove him to work in
7 his wife's personal Honda. Not in a Pyramid car. No
8 one else from Pyramid ever drove this claimant to and
9 from work. If Mark Henson didn't take him to work he
10 didn't go to work. He didn't get paid for the time he
11 spent in the car on the way to work. His work day
12 started and he started getting paid once he got to the
13 job site and his work day ended and he quit getting paid
14 whenever he left the job site.

15 There is no evidence that the claimant thought Mark
16 Henson was getting paid to take him to and from work.
17 Mark Henson did not drive a company vehicle. They lived
18 in the same town in Lancaster, South Carolina and so,
19 they would have been going the same way to work anyway.
20 So that really supports, Your Honor, what really was
21 going on here, which was that Mark Henson was as a
22 personnel favor to this claimant, who didn't have a
23 license, was giving him a ride to and from work. And
24 most importantly, Your Honor, all of the employment
25 paperwork that the claimant read, completed and signed

1 off on clearly stated that Pyramid Masonry was not
2 providing transportation for their employees. The
3 claimant signed a document acknowledging that he read
4 this job description and as a result Your Honor, our
5 position is that he was on actual notice that Pyramid
6 was not providing him transportation to and from the job
7 site.

8 Your Honor, it's unreasonable to argue otherwise
9 and it was an error for the commission in this case to
10 find otherwise. It is not simply Your Honor, a question
11 about what Mark Henson said to this claimant when he
12 hired him. This is a question about whether it was
13 reasonable for the claimant to have thought that Mark
14 Henson had the authority to totally regard a company --
15 a Pyramid company policy that was clearly spelled out in
16 writing in which the claimant read and signed off on.

17 Your Honor, as you well know, this is a case that
18 has been going on for a long time. It has been through
19 the old proverbial ringer and rather than rehash a lot
20 of this stuff, Your Honor, I have been trying to find a
21 way to think about this that would let us look at this
22 with fresh eyes. So if you will bear with me for just a
23 minute here, I want to give you something with a
24 slightly different spin on the facts of this case.

25 THE COURT: All right.

1 MR. BYRD: What if Mark Henson had gone to this
2 claimant and said, I want to hire you a brick mason.
3 Pyramid is going to pay you \$150,000 a year and then
4 Mark Henson gives the claimant a written job
5 description. The job description says the brick mason
6 job pays \$10 an hour. Cover letter that goes along with
7 the job description says if you have any questions about
8 what is written hear please be sure to ask the person
9 hiring you. And the claimant says, a \$150,000 a year.
10 I have been a brick mason a long time and this job
11 description you just handed me says \$10 an hour. And
12 Mark Henson looks at him and says the job pays \$150,000
13 a year. Sign here if you want the job. The claimant
14 says all right. Signs right there.

15 Now, Your Honor, what did Pyramid Masonry do that
16 led that claimant to believe that he was going to get
17 paid \$150,000 a year to do that job? The answer to that
18 question is absolutely nothing. They did nothing that
19 would have led that person to believe that they would
20 get paid that money to do a \$10 an hour job. And, Your
21 Honor, this situation that you have here before you is
22 absolutely identical.

23 Pyramid did not do anything that would reasonably
24 lead Mr. Clark to believe that Mark Henson had the
25 authority to simply disregard written company policy if

1 he so choose to do so and basically do whatever he
2 wants, provide transportation, pay \$150,000 a year. The
3 only piece of evidence in this entire record and what
4 the commission has hung their hat on is the existence of
5 a document that Mr. Clark signed and it is referred to
6 in both Briefs obviously. But it is a cover letter from
7 the job description and it says if there is any item you
8 do not understand please ask the foreman or
9 superintendant that you are making this application to
10 for an explanation. But what the job -- what that
11 document also says, the sentence before that is, that
12 the items in the job description are the minimum
13 requirements for employment with Pyramid. And one of
14 those minimum requirements was the employee must provide
15 means of transportation. So if you take those together
16 what you have is a document that says if you don't
17 understand that these are the minimum requirements for
18 you to work here then you need to ask the person who you
19 are making this application to for an explanation.

20 Now, their entire case is based on this totally
21 benign statement in the cover letter and the allegation
22 is that equates to an action by the company that would
23 lead outside third parties to think that Mark Henson,
24 the foreman, had the authority to do anything that he
25 wanted in contradiction of the written company policies

1 that the person signed off on.

2 That is unreasonable interpretation of that
3 statement. It is not -- the ultimate notion of agency
4 here and what the commission decided is not supported by
5 substantial evidence.

6 I recounted effectively all the evidence for Your
7 Honor. It has been recounted in the Briefs. That
8 statement does not rise to substantial evidence to
9 support the idea that Mark Henson -- that Pyramid did
10 something that gave Henson the authority to disregard
11 everything that Pyramid had already put in writing and
12 that Henson himself handed to claimant and the claimant
13 signed off on it when he hired him.

14 I will leave you with this, Your Honor, that no
15 reasonable person would have thought that Pyramid did
16 something that led them to believe that they would get
17 paid \$150,000 a year to do that job. It is the exact
18 same situation, Your Honor. It is unreasonable for the
19 claimant to have thought that Pyramid did something that
20 led him to believe that he would provided, employer
21 provide transportation to and from work when he signed a
22 document that absolutely specified --

23 THE COURT: How long did he get the
24 transportation?

25 MR. BYRD: Well, he rode to and from work with

1 Mark Henson from Lancaster. They both live in the same
2 town.

3 THE COURT: For how long?

4 MR. BYRD: It is in the brief, Your Honor. I
5 think it was no more than a matter of months and the
6 other person who was in the car, Mr. Horton had been
7 riding with Mark Henson to work for much longer period
8 of time and the facts of those, Your Honor, as we
9 discussed in the Briefs ad nauseam on those are
10 different and that is why we are not here dealing with
11 an issue of collateral estoppel. What we are here
12 dealing is the facts surrounding how this claimant was
13 hired as a matter of agency.

14 THE COURT: The Court of Appeals remanded and told
15 with instructions to review at that time what was a
16 recent case of Horton versus Pyramid.

17 MR. BYRD: Correct. Two issues. The Court of
18 Appeals --

19 THE COURT: Wait.

20 MR. BYRD: Excuse me. I am sorry.

21 THE COURT: I am still going through your reply
22 Brief. Do you address the issue of what were the
23 holdings were in Horton versus Pyramid?

24 MR. BYRD: Absolutely. It is in the initial
25 Brief. In our appeal Brief. I got an extra copy if

1 Your Honor needs it. It was e-mailed.

2 THE COURT: I got it. Go ahead.

3 MR. BYRD: Would you like an extra copy?

4 THE COURT: Sure. Thank you.

5 MR. BYRD: And I will be quiet if you have another
6 question coming if you like.

7 THE COURT: No, that is fine.

8 THE COURT: I thought that one of the things that
9 you would really want to know today and of course these
10 are very well brief by the parties, but how is this
11 Horton case different then that this case. And what
12 happened was the Horton case was decided by the Court of
13 Appeals and the predominant issue in the Horton case was
14 this issue that we are dealing with today. Apparent
15 authority and agency, and authority related to the
16 agency issue. And the facts that led the Court of
17 Appeals to make the decision that they made in Horton
18 are significantly different then the facts that existed
19 in this case. It is not a question of were they riding
20 in different cars when the wreck came. The agency issue
21 -- and there is no question that that's what these cases
22 turn on, has to do with all of the facts surrounding the
23 hiring of the individual claimant's in the case. The
24 hiring of Mr. Horton is a totally different fact set
25 then the hiring of Mr. Clark. And if it wasn't we would

1 be dealing with a collateral estoppel issue. And when
2 the Court of Appeals remanded this case after Your Honor
3 first heard it, the remand was effectively this. We
4 just decided Horton, why don't you -- I will send it
5 back down to the commission to consider two issues in
6 light of our decision on Horton. Collateral estoppel
7 and apparent authority. Not to take new evidence. Not
8 to take new testimony. Not to make any determinations
9 on anything else. But read Horton and see if the
10 decision in Horton effects those two issues; collateral
11 estoppel and apparent authority. Well, the decision was
12 that collateral estoppel -- the Horton decision did not
13 effect this case from a collateral estoppel standpoint
14 because the facts are different. If the facts were the
15 same we would be estopped. But the facts are different.

16 What the issue is before Your Honor now, the
17 predominant issue here today is -- and not the only
18 issue, but the big issue is a question of apparent
19 authority. It is a question of agency. It is this
20 legal principal of whether or not the commission's
21 finding was legally correct. Whether there was an error
22 of law and whether there was substantial evidence to
23 support the decision that they did make. All the
24 evidence in our opinion points -- and again just looking
25 at it from a standpoint as if you never seen it before,

1 you know, their argument is that he believed based on
2 something that Pyramid Masonry did that this guy Mark
3 Henson had the authority to offer him Pyramid provided
4 transportation. Employer provided transportation. And
5 that simply is an unworkable argument given the fact
6 that not only do you have all of these other
7 corroborating facts, but the over arching fact that he
8 signed off on a job distribution and signed off on a
9 document that clearly stated employee must have means of
10 transportation. Employee must have. And that is a
11 significantly different factor from the Clark case to
12 the Horton case. That document does not exist in the
13 Horton case. And the relationship that Horton had with
14 Henson went back I believe it was 10 to 15 years. There
15 is a lot of history there. They worked together for
16 years. They knew each others families. Clark didn't
17 know Henson at all and Your Honor if I could just
18 briefly turn my attention back, just briefly to sort of
19 my hypothetical situation earlier, you know, the case
20 law requires that a person dealing with an agent use due
21 care. So in my example about the \$150,000 a year job
22 wouldn't due care have required that person in that fact
23 scenario to make a simple phone call to Pyramid
24 construction and say hey, I got an offer here to work
25 for a company as a brick mason, for \$150,000 a year but

1 all your paperwork says it pays \$10 an hour. Can you
2 tell me what that deal is. Wouldn't that be an
3 absolutely something reasonable due care. We don't have
4 that in this situation. What we have is somebody that
5 didn't exercise any due care and simply accepted
6 something that an agent allegedly said that was in
7 blatant contravention of the written company policy
8 document that he read and that he signed when he took
9 the job. So it is unreasonable, Your Honor. It is not
10 reasonable to believe that Pyramid did something or that
11 some action that the company took led him to believe
12 that the company was going to drive him too and from
13 work.

14 THE COURT: This is a guy who he did not know, who
15 gives him a free ride for 11 months.

16 MR. BYRD: This claimant.

17 THE COURT: In this case. If they were friends I
18 could see it the other way around. The other case you
19 said they were friends.

20 MR. BYRD: And there are other factors. They knew
21 each other and they had a relationship. They had worked
22 together many years in the past and the testimony in
23 that case was different. The evidence in that case is
24 different.

25 In that case, I believe in the Horton case one of

1 Mr. Horton's main arguments was that I knew that Mark
2 Henson was getting paid to take me to and from work.
3 Now that argument in the end may not have necessary
4 panned out as an argument about he actually was getting
5 paid to take people to work. But it is a totally
6 different factory. You don't have that in this case.
7 You don't have somebody like Clark here saying well, he
8 was getting paid to drive me to and from work. That is
9 not true. He wasn't driving a company vehicle. What
10 you have is Mr. Clark's own testimony at the original
11 hearing when we asked him about that relationship and he
12 said, yeah, Mark Henson was going to drive me to and
13 from work and that's exactly what he did. He gave
14 somebody a lift to work, and just because he is his
15 supervisor does not evoke automatic liability to the
16 company. Mark Henson had certain authority.

17 THE COURT: He is also the guy that hired him,
18 wasn't he?

19 MR. BYRD: He had the authority to hire him. He
20 had the authority to set his wages, but he did the not
21 have authority to offer transportation.

22 The question is if Mr. Clark thought that Mark
23 Henson had that kind of authority what was it that
24 Pyramid did that led the claimant to think that. Well,
25 it's in that Edie (phonetics) case that has been Briefed

1 you didn't have the document that you have in Clark. If
2 that document didn't exist we might be dealing with a
3 totally situation here. In fact in Edie that document
4 didn't exist. In Horton that document didn't exist.
5 But in this case the document does exist and that is a
6 huge fact. He signed off on it. He had notice of it.
7 He knew it. He didn't call Pyramid to say, you know,
8 does this guy have this authority to do this. And so it
9 leads us to where we are now. To this big legal issue
10 about agency. And it has been well briefed and so I
11 won't belabor it more for Your Honor, but there is
12 another issue in the Briefs that I need to briefly put
13 on the record here and that is the issue of whether it
14 was erred for the commission to award benefits. Actual
15 benefits to Mr. Clark as part of their Order, which is
16 on appeal now.

17 When this case was tried the only issue that was
18 litigated was compensability. There is nothing in the
19 record that would -- there is no findings of fact.
20 There is no conclusions of law. The issue that was
21 litigated was compensability only. Never been any
22 testimony about the issue of disability. What body
23 parts had been injured and so the defendant's position
24 is that it is a legal error to say, yes, he had apparent
25 authority, therefore the case is compensable. We are

1 going to award you benefits, temporary total disability
2 benefits from the date of injury forward to today, 2004
3 to 2012.

4 There is no evidence in the record that he has been
5 permanently disabled past the date of the original
6 hearing. There is no new evidence in the record at all.
7 There has never been any findings about what body parts
8 were injured. And again, this is well Briefed, so I
9 don't want to push it too far. But just to leave you
10 with, Your Honor disability has never been the
11 litigated. Body parts has never been litigated.
12 Without that it would be impossible for the commission
13 to make the decision that they made. And as a result
14 the commission effectively is speculating about a matter
15 of disability and a matter of what body parts are
16 involved and so Your Honor we would ask that it be
17 reversed or remanded for additional --

18 THE COURT: As to that issue you said it should be
19 remanded?

20 MR. BYRD: Well, Your Honor, we think it is legal
21 error because it is actually -- it is actually
22 irrelevant if Mark Henson did not have the apparent
23 authority, but in the event dot, dot, dot, what you have
24 is the commission speculating that this person has been
25 totally disabled to the present and speculating about

1 what body parts were injured such that all medical
2 expenses need to be paid for. There has never been any
3 findings about that. There is medical evidence in the
4 record, but the issue of disability and again, in the
5 Briefs you will see the commissioner and plaintiff's
6 first attorney on the record talking about we are just
7 litigating compensability at this time.

8 So that Your Honor, that has to be a legal error
9 because there is nothing in the record that would show
10 that he has been disabled past the date of the hearing
11 because there never has been any new evidence to my
12 knowledge.

13 THE COURT: Okay. Thank you.

14 MR. BYRD: All right. And again just for purposes
15 of clarity and to put on the record, we absolutely
16 object on legal, and substantial evidence grounds to all
17 the commission's findings and conclusions of law and ask
18 Your Honor to find that Pyramid Masonry didn't do - -
19 there is no substantial evidence that Pyramid Masonry
20 did something that would have reasonably led this
21 claimant to believe that Mark Henson had the authority
22 to go against Pyramid's written company policy.

23 THE COURT: Thank you.

24 MR. POPWELL: Very briefly, Your Honor. I am not
25 going to rehash everything I put in my Brief, but all

1 the evidence which directly contradicts what my opposing
2 counsel has said can be found primarily on pages three
3 and four of my Brief outside the record. I assume the
4 Court has the APA submission we made to Commissioner
5 Lyndon (phonetics).

6 I understand not liking what the commission did.
7 Horton went up and we were able to win Horton and now
8 they are put in a position of arguing well two men,
9 neither of whom had a driver's license. Both of them
10 hired by the same man, for the same company. He told
11 them both the company will provide the transportation
12 for you and the recitation to the record is clear.
13 First he hired Joey Horton and then Joey Horton takes
14 them to the James Clark's house after he worked there
15 several months. Then he hires James Clark. James Clark
16 doesn't have a driver's license either. Well, how am I
17 going to get to work man. Oh, the company will take
18 you. Don't worry about it. That is testified to by
19 Horton. It is testified to by Clark and Kimberly
20 Ingles, (phonetics) Mr. Clark's wife. It all
21 corroborates the whole thing. And then every day he
22 takes him to work. Every day. The course of conduct
23 backs up everything they say. And you know they --
24 Pyramid -- opposing counsel know what Pyramid did.

25 They sent Mr. Henson out there. God rest his soul.

1 And he in charge for finding employees for this brick
2 masonry company. Knowing these folks have to work out
3 of town he needs employees. He goes and hires employees
4 without driver's licenses. He takes them every day.

5 Now, this package, that Mr. Clark was given that
6 they are making such a big deal out of, clearly states
7 if there is any item that you do not understand please
8 ask the foreman or superintendent that you are making
9 this application to for an explanation.

10 Well, that is what James Clark did. He said, how
11 am I going to get to work? I don't have a driver's
12 license, and the explanation was the company will
13 provide transportation and they did provide
14 transportation. Every day.

15 James Clark's case is stronger than Joey Horton's
16 because he never met Mark Henson before in his life. He
17 didn't have a 20 year history. They weren't friends.
18 Mark Henson needed work. Mark Henson needed work
19 because Pyramid Masonry needed work and that's it.

20 Now, I understand being upset about it, but there
21 is no getting around Horton, Edie and what is the other
22 case --

23 MR. BYRD: Medlin.

24 MR. POPWELL: Medlin. I mean the facts in the
25 Medlin case, Justice Toal reversed the Court of Appeals.

1 Well, the Court, through Justice Toal reversed the Court
2 of Appeals and Circuit Court and the appellant panel and
3 the single commissioner and said look, the only way the
4 guy could get work is for him to take it so it is
5 covered. In Edie just as in this case and references to
6 the record are throughout my Brief, they focused in Edie
7 on the fact that the employee of the company was the
8 only person that the employee -- the supervisor was the
9 only person employee ever dealt with. Well, both Joey
10 Horton and James Clark testified both of them in their
11 separate cases, the only person they ever dealt with
12 from Pyramid was Mark Henson. So, I mean, there is just
13 no getting around these cases and Court of Appeals was
14 sending a clear signal when they sent it back down to be
15 evaluated on the issue of apparent authority in light of
16 Horton. And the word collateral estoppel was never
17 mentioned by the Court of Appeals when they sent it back
18 down. But they did make note it was very similar.

19 The other issue about compensability and temporary
20 total benefits. Obviously medical records are evidence
21 in front of the worker's compensation, Commissioner
22 Lyndon and the appellant panel both had our APA
23 submissions which revealed injuries among other things
24 suffered by Mr. Clark.

25 THE COURT: Did they make a finding that disability

1 continues?

2 MR. POPWELL: Commission Lyndon did not make a
3 specific finding, but he just said that it is
4 compensable and temporary total should be paid. They
5 could have filed a stop payment motion any time they
6 wanted after this was done. They've been paying. They
7 could have filed a stopped payment any time they wanted.
8 These are the injuries revealed in these medical
9 records. Closed head injury with left hemispheric
10 contusions and subdermal hematoma, right eye meningitis,
11 right maxillary sinus fracture, nasal bone fracture,
12 right orbit fracture with emphysema, frontal bone
13 fracture, subdermal hematoma, subarachnoid hemophage,
14 C-2 fracture, left femur fracture, ventilator associated
15 pneumonia, aorta arch injury, hypertension, subsequently
16 been suffering from seizure due to traumatic brain
17 injury. Was started on dilantin and just prior to the
18 hearing he had followed up with treatment for his
19 seizure disorder.

20 The last record submitted to Commissioner Lyndon,
21 our APA submissions, was August 13, 2010 in which he was
22 still following up for his seizure disorders and other
23 physical problems. So there is ample medical evidence
24 in the record for Commission Lyndon and subsequently the
25 appellant panel to determine he is entitled to --

1 THE COURT: Refresh my memory. I hate to admit it
2 has been too long.

3 MR. POPWELL: Yes, sir.

4 THE COURT: If they had filed a stop payment order
5 what would have happened?

6 MR. POPWELL: Well, they would be entitled to a
7 hearing in front of the commission on whether or not
8 they could cut off his temporary benefits right now on
9 the basis he is not disabled.

10 THE COURT: Okay. I mean that's what I thought.
11 I wasn't sure.

12 MR. POPWELL: Yes, sir. Thank you, judge.

13 MR. BYRD: Judge, I don't know if that is exactly
14 correct. This case has such an unusual posture
15 procedural history, but I don't know that I agree that
16 in this posture that we can file a stop pay any time we
17 want. The Form 21 has specific grounds to file for a
18 stop pay, and, I am not sure in this posture if the case
19 has been found compensable and disability benefits have
20 been awarded that we can file a stop pay at any time we
21 want. But that's not really the point.

22 I want to turn your attention to the couple of
23 things. One, all of that evidence that he recited would
24 be great evidence at a hearing on disability and issues
25 about what body parts have been injured. That has never

1 been litigated. It was never litigated in the first
2 place and it is still to this day never been litigated.
3 So I mean, if that is evidence that he had injuries to
4 specific body parts up to the date of the hearing that
5 is one thing. The hearing was in 2006. It is absolute
6 speculation for the commission to find that he has been
7 totally disabled and that he is entitled to costly
8 related medical treatment all the way up to the present
9 date when there never has been any findings about what
10 body parts were compensable. Whether he is still
11 currently disabled as a result of the work injury.

12 None of that has ever been litigated. We are
13 paying the benefits. We are doing it. That is what you
14 are suppose to do. But we are also appealing it and I
15 don't think the issue of whether we filed the stop pay
16 is the real issue here. The real issue here is still
17 the legal issue that ultimately may again have to be
18 looked at by the Court of Appeals and that is the agency
19 issue.

20 I want to tell you one other thing. I disagree
21 with their argument that their case is stronger because
22 he didn't know Henson. I think it is just the opposite,
23 Your Honor. Here is Mr. Clark's testimony at the
24 hearing, "And when Mark Henson came and offered you the
25 job did you tell him you didn't have a car? I told him

1 I didn't have no car. I said, you'll be my
2 transportation if I go. And what did he say? He said I
3 have transportation. I'll provide transportation for
4 you to go to work. I said, well, I'll take the job."
5 And that is Mark Henson offering to give the claimant
6 rides to and from work. And the claimant accepting.
7 That is not Pyramid Construction taking action to lead
8 the claimant to believe that Mark Henson had the
9 authority to offer employer provided transportation. It
10 is not just Mark Henson driving him to work. It is
11 literally Pyramid Construction being responsible for
12 getting him to and from work. The fact that Clark had
13 never even met Henson before it actually doesn't show
14 that he just had any, you know -- it doesn't make their
15 case stronger. It makes their case twice as weak
16 because it shows that Clark used absolutely no due care
17 at all as is required in dealing with an agent because
18 he was dealing with somebody that he did not know at
19 all. He didn't even lift up the phone to find out if
20 this guy has the authority to disregard written company
21 policy.

22 Henson handed him a paper saying employee must
23 provide all transportation. Sign off on here. If you
24 if you have any questions you can ask me. And he signed
25 everything.

1 That doesn't mean that Pyramid has authorized Mark
2 Henson to do whatever he wants. That is an reasonable
3 interpretation of the situation. And again that
4 document is paramount in this case. And I think I will
5 leave it at that.

6 THE COURT: All right. All right. I find that
7 there was a apparent authority. It did exist as argued
8 and as set forth by the claimant in the claimant's
9 brief.

10 However, I am going to remand for a finding as to
11 compensability.

12 MR. POPWELL: Did you --

13 MR. BYRD: You mean remand for finding as to
14 extent of disability. You said come compensability. I
15 just wanted the record to be clear.

16 THE COURT: I am sorry. We are talking across
17 each other.

18 MR. BYRD: Yes, sir.

19 MR. POPWELL: You are going to remand on the issue
20 of disability, temporary total disability. Not
21 compensability, but disability.

22 THE COURT: Yes, I guess that is right. Yes.

23 MR. POPWELL: All right.

24 THE COURT: All right. Who wants to volunteer?

25 MR. POPWELL: I will do it if you want me too. It

1 doesn't matter.

2 MR. BYRD: That is the predominant issue. It does
3 sort of beg the question as to, Your Honor, if -- if it
4 has been remanded for -- I don't know.

5 THE COURT: Is it appealable at this stage since
6 it's been remanded.

7 MR. POPWELL: My personnel opinion, I would have
8 to think about it, but if it is not appealable then my
9 question then becomes if it is remanded for testimony
10 that would -- or remanded for the issues that would give
11 rise to payment of medical benefits and temporary total
12 disability then at this point we ought not to be liable
13 for either one of them until such testimony takes place.

14 THE COURT: I don't know. I don't know about
15 that.

16 MR. POPWELL: Okay, if you reversed it and
17 remanded it -- if you reversed it and remanded it that
18 would be the law of case on that issue unless appealed.
19 And I think to remand it I don't know if you would need
20 to reverse it.

21 THE COURT: Just for additional testimony and
22 findings.

23 MR. BYRD: But in the meantime they can't cut him
24 off, can they?

25 THE COURT: It would not be my intention to have

1 him cut off.

2 MR. BYRD: Okay. All right. I will put that in
3 the Order.

4 THE COURT: I don't know whether that will mean
5 anything or not.

6 MR. POPWELL: Thank you, Your Honor.

7 MR. BOYD: Thank you.

8 * * * * *

9 (END OF TRANSCRIPT)

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C E R T I F I C A T E

I, the undersigned Aileen Butler, Official Court Reporter for the 16TH Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings in the captioned case, in the Circuit Court for Fairfield County, South Carolina, on the 7th day of June, 2012.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 27, 2012

A Butler

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 0427461

James Clark, Jr., Employee,	)	
	)	
Claimant,	)	
	)	<u>BRIEF OF CLAIMANT</u>
-v-	)	
	)	
Pyramid Masonry Contractors, Inc., Employer,	)	
And Hartford Fire Insurance Company, Carrier,	)	
	)	
<u>Defendants.</u>	)	

STATEMENT OF THE CASE

Claimant filed a Form 50 on May 24, 2006 alleging that he was injured in a motor vehicle accident on November 17, 2004, while acting within the course and scope of his employment. Employer filed a Form 51 on June 19, 2006 denying that Claimant suffered injuries in a compensable accident and asserting affirmative defenses. A hearing was held before the Honorable. G. Bryan Lyndon, Commissioner of the South Carolina Workers' Compensation Commission on October 11, 2006 to determine the issues as set forth in the Form 50 and Form 51. After the hearing, the Single Commissioner issued an Order dated January 25, 2007 which denied the workers' compensation claim of the Claimant. Claimant filed a Form 30, Request for Commission Review, on February 5, 2007 seeking review by the South Carolina Workers' Compensation Commission. The Appellate Panel of the South Carolina Workers' Compensation Commission issued an Order on May 18, 2007 affirming the Order of the Single Commissioner denying the claim by a vote of 2 to 1. The Claimant then appealed the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission to the Fairfield County Court of Common Pleas. A hearing was held on January 10, 2008 before the Honorable

Brooks P. Goldsmith at which Appellant and Respondents presented their briefs and argued their respective positions. The Circuit Court issued an Order dated February 22, 2008 and filed February 27, 2008 affirming the Appellate Panel of the South Carolina Workers' Compensation Commission. The Claimant appealed that Order to the South Carolina Court of Appeals which issued an opinion remanding the case to the Commission with instructions to consider this case in light of *Horton v. Pyramid Masonry Contractors, Inc.*, Op. No. 2008-UP-208 (S.C. Ct. App. filed March 27, 2007) and to make Findings of Fact and Conclusion of Law on the issue of actual or apparent authority and the effect thereof.

STATEMENT OF THE FACTS

The relevant facts of this case are not in dispute. It is uncontested that the Claimant was an employee of Employer Pyramid at all times material to this action. He did not have a driver's license at the time he was hired or any time thereafter. The employee supervisor of Pyramid, Mark Hinson, stated the company will provide transportation to and from work at the time of Claimant's hiring. Mark Hinson did in fact take the Claimant to and from work on every working day he worked for Pyramid. Claimant suffered multiple serious injuries as a result of a motor vehicle accident which occurred on November 17, 2004 while traveling to Pyramid's job site in Columbia, South Carolina in a vehicle driven by the supervisor who hired him, Mark Hinson, and also occupied by a co-employee, Joey Horton. The only knowledge Claimant had about transportation to and from his job sites with Pyramid and the only employee of Pyramid whoever dealt with and transacted with the Claimant about the terms and conditions of his employment was his supervisor Mark Hinson. (Decision and Order of the Single Commissioner, Findings of Fact No. 1, 3, 4, 5 and 8). Those Findings were never appealed by the Employer/Carrier.

The issues in dispute are the conclusions to be drawn from the facts and circumstances of Claimant's hiring by Mark Hinson, Mark Hinson's authority and the subsequent course of conduct of Mark Hinson as corroborated or non-corroborated by the record.

At his workers' compensation hearing before the Single Commissioner, the Claimant testified that he did not know Mark Hinson prior to being hired by Pyramid. (T.p. 17). He testified that when Mark Hinson came to his house to hire him, he told Mark Hinson he did not have a driver's license or transportation. Mark Hinson told him the company would provide transportation for him. (T.pp. 13, 26, 41, 42, 43, 46). He testified that subsequent to his hiring, Mark Hinson provided transportation to and from the job sites for him every day from the time of his hiring through the date of the accident. (T.p. 12, 14, 15).

Joey Horton, Appellant's co-employee at Pyramid, testified that Mark Hinson came to his home in Lancaster in January, 2004 and offered him a job as a brick mason despite Mr. Horton telling him that he did not own a car or have a driver's license, to which Mr. Hinson replied that Pyramid would provide transportation through Mark Hinson to and from work. (T.pp. 37-41). He testified further that he was present at Claimant's house when Mark Hinson offered Claimant a job with Pyramid despite being told by Appellant that he did not have a car or driver's license, to which Mr. Hinson replied that the company would provide transportation. (T.pp. 42-43). Mr. Horton testified that Mr. Hinson carried him to and from work every day that he was employed with Pyramid. (T.pp. 43-44).

Kimberly Ingram, the Claimant's wife, testified that she was present when Mark Hinson hired the Claimant and that she heard the Claimant ask Mark Hinson how he was supposed to get to and from work, and heard Mark Hinson reply that the Claimant was not to worry about that; the company would furnish transportation. (T.pp. 50-51). This is corroborated by Employer's

own paperwork which they introduced at the hearing which clearly authorizes Mark Hinson to answer any questions the Claimant may have concerning any item in the application. (Defendant's Exhibit 1).

David George Mauney testified for Pyramid that he was a 25 year employee of Pyramid and was its Regional Vice-President who hired Mark Hinson in January, 2004 as a foreman and paid him \$150.00 per month for the use of his vehicle during incidental trips made during the work day. (T.p. 59). He testified that it was not the employer's policy to provide transportation to its employees. (T.p. 60). He also testified that Mark Hinson was not given the form which stated the company's policy concerning \$150.00 a month reimbursement for use of his truck, and that he never told Mark Hinson that he could not offer employees whom he hired transportation and that Mark Hinson had the authority to hire employees, set their salaries, and set their job duties. (T.pp. 65-67). Mr. Mauney testified that he never told Mark Hinson that he could not offer employees transportation. (T.p. 66). He testified that he had no knowledge of the actions of Mark Hinson at Claimant's home when he hired Claimant and never discussed the terms and conditions of Claimant's hiring or Joey Horton's hiring with Mark Hinson, and had no personal knowledge of the facts and circumstances of the hiring of Claimant or Joey Horton. (T.pp. 71-72).

Donald George Williams testified for the employer that he was a foreman for the employer and received \$150.00 per month for incidental trips for gas, ice, etc., but that he never provided transportation for employees. (T.pp. 74-76). He testified that the employer did not provide transportation to and from work for its employees; however, he knew none of the facts and circumstances of the hiring of the Claimant by Mark Hinson, or the hiring of Joey Horton by Mark Hinson. (T.pp. 76-77).

ARGUMENT

I. THE CLAIMANT'S CLAIM IS COMPENSABLE GIVEN THE UNCONTESTED EVIDENCE IN THE RECORD AND THE CONTROLLING LAW OF SOUTH CAROLINA.

This is basically a case in which the Single Commissioner of the South Carolina Workers' Compensation Commission found all of the facts which mandate a conclusion of law that Pyramid, through its agent and servant Mark Hinson, provided transportation to the Claimant with either actual and/or apparent authority; however, the law as enunciated by our Supreme Court and the Court of Appeals was not applied.

In the testimony stated above, it is uncontested that Mark Hinson was hired by Pyramid in January, 2004 and given the authority to find brick masons and laborers so that Pyramid could carry on its business. He was given the authority to negotiate salaries, terms and conditions of employment, job duties and hours. It is uncontested that he approached Joey Horton in January, 2004 and was told that Joey Horton did not have a driver's license and did not have a car. It is uncontested that he told Joey Horton that the company would provide him with transportation. It is uncontested that he picked up Joey Horton for work and drove him to various job sites in North and South Carolina every day Joey Horton worked for Pyramid. It is uncontested that in October, 2004 Mark Hinson, accompanied by Joey Horton, went to the home of the Claimant in Lancaster, South Carolina and offered the Claimant a job. When Claimant told him he did not have a car or a driver's license, he told Claimant the same thing he told Joey Horton, that the company would provide transportation for him. This conversation was corroborated by Joey Horton and by the Claimant's wife, Kimberly Ingram. It was also corroborated by the subsequent course of conduct by Mark Hinson. He picked the Claimant up for work and drove him to job sites every day that Claimant, along with Joey Horton, worked for Pyramid. Despite

this uncontroverted evidence, the Single Commissioner did not recite a Finding of Fact that the Claimant did not even have a driver's license. Despite the uncontroverted evidence in the record, the Single Commissioner did not find that the Claimant was picked up from his home every day he worked for Pyramid by his supervisor, driven to the work site and then returned home. The Employer's own Exhibit expressly authorizes Mark Hinson to answer any question the Claimant may have concerning any item in the application package submitted to the Claimant.

At the hearing, counsel for the Claimant handed the Single Commissioner two cases which were directly on point concerning the issues involved in this case. (T.p. 5-6). Counsel for the Claimant cited and handed up *Medlin v. Upstate Plaster Service*, 329 S.C. 92, 495, S.E.2d 447 (1998) and *Eadie v. H.A. Sack Company*, 322 S.C. 164, 470, S.E.2d 397 (S.C. Ct. App.). The Single Commissioner and the Appellate Panel of the Workers' Compensation Commission were completely silent in their respective Orders as to those two cases and the clear law enunciated therein.

In *Medlin, supra*; an employee who installed stucco sidings on buildings for his employer was injured in a vehicle driven by a co-worker while returning from a job site in Rutherfordton, North Carolina. The employer, Keith Garris, had lent his personal truck to the co-worker so the co-worker could drive Medlin to Rutherfordton where the job site was located and back. At the hearing, Garris had testified that employees were responsible for getting themselves to work; however, Medlin could not provide his own transportation, so "we had to furnish him a ride". Garris stated that one of the men would take Medlin to the job sites. Medlin had testified that before he started work with the employer, he had told Garris he did not have a driver's license. The Single Commissioner concluded that Medlin did not sustain an injury arising out of and

within the course of his employment with the Employer. The Full Commission unanimously affirmed the Single Commissioner's Findings of Fact and Law. The decision was then affirmed by the Circuit Court. The matter was appealed and heard by the Court of Appeals which, in an unpublished Opinion, affirmed the Circuit Court.

The South Carolina Supreme Court reversed the Single Commissioner, the unanimous finding of the Full Commission, the Circuit Court and the Court of Appeals. In a unanimous Opinion, Justice Toal cited the standard of review in reviewing the decisions of an administrative agency. A Court may not substitute its judgment for that of an agency as to the weight of the evidence on questions of fact unless the agency's findings are clearly erroneous in view of the reliable, probative and substantial evidence on the whole record. *Medlin, supra* at p. 95. Justice Toal, writing for a unanimous Court, found the first exception to the "going and coming rule" as being the relevant exception in that particular case. The Supreme Court found, "The evidence is uncontradicted that Medlin needed transportation to work sites, and Employer had agreed to provide such transportation. Medlin testified that before starting work with Employer, he had informed Garris that he did not have a driver's license. Garris asked if Medlin could get to the office; Garris could then provide transportation from there. Garris's own testimony reveals that the employer had agreed to provide transportation. In response to the question, "But Mr. Medlin did not provide his own transportation, did he?"; Garris responded: "No. We had to furnish him a ride. One of the men would take him . . .". This admission by Garris clearly establishes that the provision of transportation to Medlin was not simply a gratuitous act by Garris, but was directly related to the work of the employer. As such, we find that Medlin clearly comes under the first exception to the "going and coming rule." *Medlin, supra* at p. 96, citing *Bailey v. Santee River Hardwood Co.*, 205 S.C. 433, 32 S.E.2d 365 (1944) (finding it easily inferable the

employees were furnished transportation to work by the company). Thus, the findings of the Single Commission, Full Commission, Circuit Court and Court of Appeals were set aside as they were unsupported by substantial evidence.

This is clear precedent, which is directly on point with the facts of this case. It is a clear statement that when an employee is hired who has no driver's license and no means of transportation to work and his employer provides him with transportation to and from job sites so the work of the employer can be completed, then that is a clear provision of transportation to the employee by the employer. Such cases clearly fall within the first exception to the "going and coming rule" as enunciated in *Sola v. Sunny Slope Farms*, 244 S.C.6, 135 S.E.2d 321 (1964). A Single Commissioner, the Appellate Panel of the Workers' Compensation Commission and the Circuit Court are not free to ignore clear precedent and cite all of the facts which mandate a finding of compensability under the first exception to the "going and coming rule" and then refuse to apply the law to such facts.

In *Eadie*, an employer appealed from an order of the Single Commissioner which was subsequently affirmed by the Workers' Compensation Commission and the Circuit Court which found that an automobile accident arose out of and within the course of the claimant's employment. Eadie was hired as a project superintendent for a construction project on Hilton Head Island. While Eadie had been provided with a company vehicle on two other occasions when he worked for the employer, on this particular project there were no company vehicles available. Therefore, the employer agreed to pay Eadie 22 cents per mile for the use of his personal vehicle in driving to and from the job site. Eadie was authorized to hire his own crew. Eadie hired two other employees and told them the company would pay the gas costs for driving to and from the work site. Eadie told the other two employees that the three of them could

alternate driving their vehicles to and from the job site and charge the gas on his personal credit card which Eadie would in turn pay with the money from the employer. While driving to the job site in one of the other employee's vehicle, Eadie and the two employees were involved in an automobile accident in which one employee was killed, and Eadie and the other employee were seriously injured. Eadie, the other injured employee and the deceased employee's estate each filed separate workers' compensation claims against the employer. The claims were consolidated for hearing before the Single Commissioner. The Single Commissioner found that the employer's payment of mileage equated to providing transportation for all three claimants to and from the job site and, therefore, qualified as exception to the "going and coming rule". The employer appealed to the Full Commission which fully affirmed and adopted the Commissioner's decision in each case. They then appealed to the Circuit Court which affirmed the decision of the Workers' Compensation Commission. While arguing whether the 22 cents per mile was deliberate and substantial enough to meet the exception, the employer also argued that the provision of transportation exception did not apply to the two other employees because Eadie lacked authority to obligate the company to pay transportation costs for his crew. The Commissioner found that Eadie had at least "assumed" authority to enter into the agreement with the two other employees. The Court of Appeals affirmed the Single Commissioner's decision on the grounds that Eadie had apparent authority. The Court stated: "The doctrine of apparent authority provides that a principal may be bound by the acts of its agent when the principal has placed the agent in a position such that third parties are reasonably led to believe the agent has certain authority and they in turn deal with the agent in reliance on this manifestation. *Eadie, supra* at p. 171, citing *Fernander v. Thigpen*, 278 S.C. 140, 293 S.E.2d 424 (1982). The Court found, "It is uncontested that Eadie was expressly authorized to hire his own crew and to offer

them hourly wages, within a reasonable range, based on Eadie's knowledge of each crew member's level of skill. Garrick admitted he never spoke with Stanley or Nix regarding what their employment arrangement was with Eadie. Because Eadie personally hired Stanley and Nix and set their wages, and because the two had no contact from any other H.A. Sack authority regarding the terms of their employment, they could have reasonably believed Eadie had complete authority to negotiate any and all employment terms including provisions for transportation. Because H.A. Sack, through Garris, placed Eadie in a position impliedly manifesting his authority to dictate the employment terms, we agree with the Commissioner that the company is estopped from denying the agency. (There is no true difference between apparent authority and agency by estoppel)." *Eadie, supra* at 171.

These are exactly the same facts we have in the instant case. The testimony of Pyramid's regional supervisor who hired Mark Hinson clearly states that Hinson was authorized to hire his own crew and offer them hourly wages, within a reasonable range, based on his knowledge of each crew member's level of skill. Mr. Mauney admitted he never spoke with Claimant or Joey Horton regarding what their employment arrangement was with Mark Hinson. Because Mark Hinson hired Claimant and Joey Horton and set their wage and working conditions, and because the two had no contact from any other Pyramid employee regarding the terms of their employment, they reasonably believed Mark Hinson had authority to negotiate any and all employment terms, including provisions for transportation. Pyramid, through Mauney, placed Mr. Hinson in a position impliedly manifesting his authority to dictate the employment terms. The cases could not be more analogous. Pyramid even expressly authorized Mark Hinson to answer any questions the Claimant had concerning any terms of employment or requirements of employment.

Upon admitted or established facts, the question of whether an accident is compensable is a question of law and review thereof is not an invasion of the fact finding field of the Commission on the part of the Court. *Jordan v. Dixie Chevrolet, Inc.*, 218 S.C. 73, 61 S.E.2d 654 (1950). The issue of whether a particular event constitutes a compensable accident is for the Court. *Sturkie v. Ballenger Corp.*, 268 S.C. 536, 235 S.E.2d 120 (S.C. 1977). If the evidence is all one way or if the findings of the Commissioner are based on surmise, speculation or conjecture, then the issue becomes one of law for the Court and not a fact for the Commission. *Herndon v. Morgan Mills, Inc.*, 246 S.C. 201, 143 S.E.2d 376 (S.C. 1965).

In the instant case, the undisputed facts fall squarely within the South Carolina Supreme Court's holding in *Medlin, supra* and the Court of Appeals' holding in *Eadie, supra*.

The case of *Horton v. Pyramid Masonry Contractors, Inc. and Hartford Accident Insurance Company* has been decided by the Court of Appeals. Unpublished Op. No. 2008-UP-208 (Ct. App. Filed March 27, 2008). The relevant facts in Horton are identical to the facts in this case and Horton testified in this case. In the Horton case, the Single Commissioner made a finding of compensability on the grounds that Horton's employer, Pyramid Masonry Contractors, Inc., provided transportation to Horton to and from work. The Commissioner found that Mark Hinson, acting with either actual and/or apparent authority, agreed to provide transportation to Horton as a condition of employment and, therefore, the claim was compensable. The Single Commissioner's decision was upheld by a vote of 2 to 1 by the Appellate Panel of the Workers' Compensation Commission. It was subsequently affirmed by the Circuit Court. The Court of Appeals affirmed the decision of the Workers' Compensation Commission and the Circuit Court in that case. It set forth the exception to the "going and coming rule" and fully set forth that *Eadie, supra* was controlling given the facts and circumstances of that case. The facts and

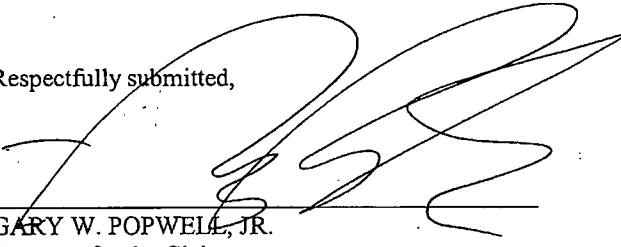
circumstances in the instant case are exactly the same as the facts and circumstances of the *Horton* case and Appellant, therefore, submits that *Eadie* and *Medlin* are clearly controlling.

The Court of Appeals in *Horton* clearly stated, "while Foreman's offer of transportation may have exceeded the scope of the actual authority Employer conferred upon him, there is sufficient evidence in the record to support Employee's belief that Foreman had apparent authority to negotiate terms of his employment, including Employer's provision of transportation. Employer is bound by Foreman's representations to Employee concerning the conditions of his employment." (*Horton, supra* at p. 6).

CONCLUSION

Horton, Medlin and *Eadie* could not be more clear and the facts of this case fall squarely within these cases. Applying binding precedent to the facts of this case mandates a find of compensability. Otherwise, these will be a preposterous result. Two employees were hired by the same man, for the same company. Neither employee had a diver's license and the hiring supervisor told both men the company will provide transportation. Both men were picked up and taken to the job site and taken home every day by the hiring supervisor. There was an accident on the way to the job site and both employees were severely injured. One employee's claim has been found to be compensable. It flies in the face of common sense and binding precedent for the other employee's claim to be found not compensable.

Respectfully submitted,



GARY W. POPWELL, JR.
Attorney for the Claimant

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November 5, 2010.

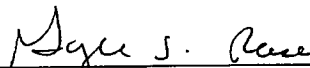
CERTIFICATE OF SERVICE

**Re: James Clark, Jr. -vs- Pyramid Masonry Contractors, Inc. and Hartford
Fire Insurance Company
W.C.C. File No.: 0427461**

I, the undersigned, do hereby certify that a copy of the *Brief of Claimant*, in the above captioned matter, has been served upon the following counsel of record for the Employer/Carrier, through the United States mail with sufficient postage affixed thereto.

COUNSEL OF RECORD:

Richard B. Kale, Jr., Esquire
WILSON, JONES, CARTER & BAXLEY
872 S. Pleasantburg Drive
Greenville, S.C. 29607-2454



Gayle S. Reese

November __, 2010.

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

JAMES CLARK, JR.,

Claimant/Respondent,

-vs-

PYRAMID MASONRY CONTRACTORS,
INC., Employer, and
HARTFORD FIRE INSURANCE
COMPANY, Carrier,

Defendants/Appellants.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2011-CP-20-0436

BRIEF OF
RESPONDENT/APPELLANTS

STATEMENT OF THE CASE

Claimant filed a Form 50 on May 24, 2006 alleging that he was injured in a motor vehicle accident on November 17, 2004, while acting within the course and scope of his employment. Employer filed a Form 51 on June 19, 2006 denying that Claimant suffered injuries in a compensable accident and asserting affirmative defenses. A hearing was held before the Honorable. G. Bryan Lyndon, Commissioner of the South Carolina Workers' Compensation Commission on October 11, 2006 to determine the issues as set forth in the Form 50 and Form 51. After the hearing, the Single Commissioner issued an Order dated January 25, 2007 which denied the workers' compensation claim of the Claimant. Claimant filed a Form 30, Request for Commission Review, on February 5, 2007 seeking review by the South Carolina Workers' Compensation Commission. The Appellate Panel of the South Carolina Workers' Compensation Commission issued an Order on May 18, 2007 affirming the Order of the Single Commissioner denying the claim by a vote of 2 to 1. The Claimant then appealed the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission to the Fairfield

County Court of Common Pleas. A hearing was held on January 10, 2008 before the Honorable Brooks P. Goldsmith at which Appellant and Respondents presented their briefs and argued their respective positions. The Circuit Court issued an Order dated February 22, 2008 and filed February 27, 2008 affirming the Appellate Panel of the South Carolina Workers' Compensation Commission. The Claimant appealed that Order to the South Carolina Court of Appeals which issued an opinion remanding the case to the Commission with instructions to consider this case in light of *Horton v. Pyramid Masonry Contractors, Inc.*, Op. No. 2008-UP-208 (S.C. Ct. App. filed March 27, 2007) and to make Findings of Fact and Conclusion of Law on the issue of actual or apparent authority and the effect thereof. A hearing was held before the Honorable G. Bryan Lyndon on October 25, 2010 pursuant to the Court of Appeals remand of the case. Commissioner Lyndon issued an order on March 7, 2011 reversing his prior Order and finding the Claimant's accident to be compensable. Commissioner Lyndon ordered the Appellants to pay temporary total disability benefits to the Claimant from the date of the accident through the date of the Order and continuing until terminated by further Order and all related medical expenses. The Defendants appealed to the Appellate Panel of the South Carolina Workers' Compensation Commission. The Appellate Panel unanimously affirmed the Single Commissioner on October 14, 2011. This appeal followed.

STATEMENT OF THE FACTS

The relevant facts of this case are not in dispute. It is uncontested that the Claimant was an employee of Employer Pyramid at all times material to this action. He did not have a driver's license at the time he was hired or any time thereafter. The employee supervisor of Pyramid, Mark Hinson, stated the company will provide transportation to and from work at the time of Claimant's hiring. Mark Hinson did in fact take the Claimant to and from work on every

working day he worked for Pyramid. Claimant suffered multiple serious injuries as a result of a motor vehicle accident which occurred on November 17, 2004 while traveling to Pyramid's job site in Columbia, South Carolina in a vehicle driven by the supervisor who hired him, Mark Hinson, and also occupied by a co-employee, Joey Horton. The only knowledge Claimant had about transportation to and from his job sites with Pyramid and the only employee of Pyramid whoever dealt with and transacted with the Claimant about the terms and conditions of his employment was his supervisor Mark Hinson. (Decision and Order of the Single Commissioner, Findings of Fact No. 1, 3, 4, 5 and 8). Those Findings were never appealed by the Employer/Carrier.

The issues in dispute are the conclusions to be drawn from the facts and circumstances of Claimant's hiring by Mark Hinson, Mark Hinson's authority and the subsequent course of conduct of Mark Hinson as corroborated or non-corroborated by the record.

At his workers' compensation hearing before the Single Commissioner, the Claimant testified that he did not know Mark Hinson prior to being hired by Pyramid. (APA of Claimant, p. 52). He testified that when Mark Hinson came to his house to hire him, he told Mark Hinson he did not have a driver's license or transportation. Mark Hinson told him the company would provide transportation for him. (APA of Claimant, pp. 48, 61, 76, 77, 78, 81). He testified that subsequent to his hiring, Mark Hinson provided transportation to and from the job sites for him every day from the time of his hiring through the date of the accident. (APA of Claimant, pp. 47, 49, 50).

Joey Horton, Appellant's co-employee at Pyramid, testified that Mark Hinson came to his home in Lancaster in January, 2004 and offered him a job as a brick mason despite Mr. Horton telling him that he did not own a car or have a driver's license, to which Mr. Hinson replied that

Pyramid would provide transportation through Mark Hinson to and from work. (APA of Claimant, pp. 72-76). He testified further that he was present at Claimant's house when Mark Hinson offered Claimant a job with Pyramid despite being told by Appellant that he did not have a car or driver's license, to which Mr. Hinson replied that the company would provide transportation. (APA of Claimant, pp. 77-78). Mr. Horton testified that Mr. Hinson carried him to and from work every day that he was employed with Pyramid. (APA of Claimant, pp. 78-79).

Kimberly Ingram, the Claimant's wife, testified that she was present when Mark Hinson hired the Claimant and that she heard the Claimant ask Mark Hinson how he was supposed to get to and from work, and heard Mark Hinson reply that the Claimant was not to worry about that; the company would furnish transportation. (APA of Claimant, pp. 85-86). This is corroborated by Employer's own paperwork which they introduced at the hearing which clearly authorizes Mark Hinson to answer any questions the Claimant may have concerning any item in the application. (Defendant's Exhibit 1; Claimant's APA, p. 145).

David George Mauney testified for Pyramid that he was a 25 year employee of Pyramid and was its Regional Vice-President who hired Mark Hinson in January, 2004 as a foreman and paid him \$150.00 per month for the use of his vehicle during incidental trips made during the work day. (Claimant's APA, p. 94). He testified that it was not the employer's policy to provide transportation to its employees. (Claimant's APA, p. 95). He also testified that Mark Hinson was not given the form which stated the company's policy concerning \$150.00 a month reimbursement for use of his truck, and that he never told Mark Hinson that he could not offer employees whom he hired transportation and that Mark Hinson had the authority to hire employees, set their salaries, and set their job duties. (Claimant's APA, pp. 100-101). Mr. Mauney testified that he never told Mark Hinson that he could not offer employees

transportation. (Claimant's APA, p. 101). He testified that he had no knowledge of the actions of Mark Hinson at Claimant's home when he hired Claimant and never discussed the terms and conditions of Claimant's hiring or Joey Horton's hiring with Mark Hinson, and had no personal knowledge of the facts and circumstances of the hiring of Claimant or Joey Horton. (Claimant's APA, pp. 106-107).

Donald George Williams testified for the employer that he was a foreman for the employer and received \$150.00 per month for incidental trips for gas, ice, etc., but that he never provided transportation for employees. (Claimant's APA, pp. 109-111). He testified that the employer did not provide transportation to and from work for its employees; however, he knew none of the facts and circumstances of the hiring of the Claimant by Mark Hinson, or the hiring of Joey Horton by Mark Hinson. (Claimant's APA, pp. 111-112).

ARGUMENT

I. THE CLAIMANT'S CLAIM IS COMPENSABLE GIVEN THE UNCONTESTED EVIDENCE IN THE RECORD AND THE CONTROLLING LAW OF SOUTH CAROLINA.

This is basically a case in which the Single Commissioner initially found all of the facts which mandate a conclusion of law that Pyramid, through its agent and servant Mark Hinson, provided transportation to the Claimant with either actual and/or apparent authority; however, the law as enunciated by our Supreme Court and the Court of Appeals was not applied. He was instructed by the Court of Appeals to reconsider this case in light of *Horton v. Pyramid Masonry Contractors, Inc.*, Op. No. 2008-UP-208 (S.C. Ct. App. filed March 27, 2008) and the issues of actual or apparent authority and the effect thereof in the instant case. Upon reconsideration, he correctly reversed his prior decision.

In the testimony stated above, it is uncontested that Mark Hinson was hired by Pyramid in January, 2004 and given the authority to find brick masons and laborers so that Pyramid could carry on its business. He was given the authority to negotiate salaries, terms and conditions of employment, job duties and hours. It is uncontested that he approached Joey Horton in January, 2004 and was told that Joey Horton did not have a driver's license and did not have a car. It is uncontested that he told Joey Horton that the company would provide him with transportation. It is uncontested that he picked up Joey Horton for work and drove him to various job sites in North and South Carolina every day Joey Horton worked for Pyramid. It is uncontested that in October, 2004 Mark Hinson, accompanied by Joey Horton, went to the home of the Claimant in Lancaster, South Carolina and offered the Claimant a job. When Claimant told him he did not have a car or a driver's license, he told Claimant the same thing he told Joey Horton, that the company would provide transportation for him. This conversation was corroborated by Joey Horton and by the Claimant's wife, Kimberly Ingram. It was also corroborated by the subsequent course of conduct by Mark Hinson. He picked the Claimant up for work and drove him to job sites every day that Claimant, along with Joey Horton, worked for Pyramid. In light of this uncontroverted evidence, the Single Commissioner found that the Claimant did not have a driver's license and was picked up from his home every day he worked for Pyramid by his supervisor, driven to the work site and then returned home. The Single Commissioner noted that the Employer's own Exhibit 1 expressly authorizes Mark Hinson to answer any question the Claimant may have concerning any item in the application package submitted to the Claimant.

At the initial hearing in this case on October 11, 2006, counsel for the Claimant handed the Single Commissioner two cases which were directly on point concerning the issues involved in this case. (Claimant's APA, pp. 40-41). Counsel for the Claimant cited and handed up

Medlin v. Upstate Plaster Service, 329 S.C. 92, 495, S.E.2d 447 (1998) and *Eadie v. H.A. Sack Company*, 322 S.C. 164, 470, S.E.2d 397 (S.C. Ct. App.). The Single Commissioner and the Appellate Panel of the Workers' Compensation Commission were completely silent in their respective Orders as to those two cases and the law enunciated therein.

In *Medlin, supra*, an employee who installed stucco sidings on buildings for his employer was injured in a vehicle driven by a co-worker while returning from a job site in Rutherfordton, North Carolina. The employer, Keith Garris, had lent his personal truck to the co-worker so the co-worker could drive Medlin to Rutherfordton where the job site was located and back. At the hearing, Garris had testified that employees were responsible for getting themselves to work; however, Medlin could not provide his own transportation, so "we had to furnish him a ride". Garris stated that one of the men would take Medlin to the job sites. Medlin had testified that before he started work with the employer, he had told Garris he did not have a driver's license. The Single Commissioner concluded that Medlin did not sustain an injury arising out of and within the course of his employment with the Employer. The Full Commission unanimously affirmed the Single Commissioner's Findings of Fact and Law. The decision was then affirmed by the Circuit Court. The matter was appealed and heard by the Court of Appeals which, in an unpublished Opinion, affirmed the Circuit Court.

The South Carolina Supreme Court reversed the Single Commissioner, the unanimous finding of the Full Commission, the Circuit Court and the Court of Appeals. In a unanimous Opinion, Justice Toal cited the standard of review in reviewing the decisions of an administrative agency. A Court may not substitute its judgment for that of an agency as to the weight of the evidence on questions of fact unless the agency's findings are clearly erroneous in view of the reliable, probative and substantial evidence on the whole record. *Medlin, supra* at p.95. Justice

Toal, writing for a unanimous Court, found the first exception to the "going and coming rule" as being the relevant exception in that particular case. The Supreme Court found, "The evidence is uncontradicted that Medlin needed transportation to work sites, and Employer had agreed to provide such transportation. Medlin testified that before starting work with Employer, he had informed Garris that he did not have a driver's license. Garris asked if Medlin could get to the office; Garris could then provide transportation from there. Garris's own testimony reveals that the employer had agreed to provide transportation. In response to the question, "But Mr. Medlin did not provide his own transportation, did he?"; Garris responded: "No. We had to furnish him a ride. One of the men would take him . . .". This admission by Garris clearly establishes that the provision of transportation to Medlin was not simply a gratuitous act by Garris, but was directly related to the work of the employer. As such, we find that Medlin clearly comes under the first exception to the "going and coming rule." *Medlin, supra* at p. 96, citing *Bailey v. Santee River Hardwood Co.*, 205 S.C. 433, 32 S.E.2d 365 (1944) (finding it easily inferable the employees were furnished transportation to work by the company). Thus, the findings of the Single Commission, Full Commission, Circuit Court and Court of Appeals were set aside as they were unsupported by substantial evidence.

This is clear precedent, which is directly on point with the facts of this case. It is a clear statement that when an employee is hired who has no driver's license and no means of transportation to work and his employer provides him with transportation to and from job sites so the work of the employer can be completed, then that is a clear provision of transportation to the employee by the employer. Such cases clearly fall within the first exception to the "going and coming rule" as enunciated in *Sola v. Sunny Slope Farms*, 244 S.C.6, 135 S.E.2d 321 (1964). A Single Commissioner, the Appellate Panel of the Workers' Compensation Commission and the

Circuit Court are not free to ignore clear precedent and cite all of the facts which mandate a finding of compensability under the first exception to the "going and coming rule" and then refuse to apply the law to such facts.

In *Eadie*, an employer appealed from an order of the Single Commissioner which was subsequently affirmed by the Workers' Compensation Commission and the Circuit Court which found that an automobile accident arose out of and within the course of the claimant's employment. Eadie was hired as a project superintendent for a construction project on Hilton Head Island. While Eadie had been provided with a company vehicle on two other occasions when he worked for the employer, on this particular project there were no company vehicles available. Therefore, the employer agreed to pay Eadie 22 cents per mile for the use of his personal vehicle in driving to and from the job site. Eadie was authorized to hire his own crew. Eadie hired two other employees and told them the company would pay the gas costs for driving to and from the work site. Eadie told the other two employees that the three of them could alternate driving their vehicles to and from the job site and charge the gas on his personal credit card which Eadie would in turn pay with the money from the employer. While driving to the job site in one of the other employee's vehicle, Eadie and the two employees were involved in an automobile accident in which one employee was killed, and Eadie and the other employee were seriously injured. Eadie, the other injured employee and the deceased employee's estate each filed separate workers' compensation claims against the employer. The claims were consolidated for hearing before the Single Commissioner. The Single Commissioner found that the employer's payment of mileage equated to providing transportation for all three claimants to and from the job site and, therefore, qualified as exception to the "going and coming rule". The employer appealed to the Full Commission which fully affirmed and adopted the

Commissioner's decision in each case. They then appealed to the Circuit Court which affirmed the decision of the Workers' Compensation Commission. While arguing whether the 22 cents per mile was deliberate and substantial enough to meet the exception, the employer also argued that the provision of transportation exception did not apply to the two other employees because Eadie lacked authority to obligate the company to pay transportation costs for his crew. The Commissioner found that Eadie had at least "assumed" authority to enter into the agreement with the two other employees. The Court of Appeals affirmed the Single Commissioner's decision on the grounds that Eadie had apparent authority. The Court stated: "The doctrine of apparent authority provides that a principal may be bound by the acts of its agent when the principal has placed the agent in a position such that third parties are reasonably led to believe the agent has certain authority and they in turn deal with the agent in reliance on this manifestation. *Eadie, supra* at p. 171, citing *Fernander v. Thigpen*, 278 S.C. 140, 293 S.E.2d 424 (1982). The Court found, "It is uncontested that Eadie was expressly authorized to hire his own crew and to offer them hourly wages, within a reasonable range, based on Eadie's knowledge of each crew member's level of skill. Garrick admitted he never spoke with Stanley or Nix regarding what their employment arrangement was with Eadie. Because Eadie personally hired Stanley and Nix and set their wages, and because the two had no contact from any other H.A. Sack authority regarding the terms of their employment, they could have reasonably believed Eadie had complete authority to negotiate any and all employment terms including provisions for transportation. Because H.A. Sack, through Garris, placed Eadie in a position impliedly manifesting his authority to dictate the employment terms, we agree with the Commissioner that the company is estopped from denying the agency. (There is no true difference between apparent authority and agency by estoppel)." *Eadie, supra* at 171.

These are exactly the same facts we have in the instant case. The testimony of Pyramid's regional supervisor who hired Mark Hinson clearly states that Hinson was authorized to hire his own crew and offer them hourly wages, within a reasonable range, based on his knowledge of each crew member's level of skill. Mr. Mauney admitted he never spoke with Claimant or Joey Horton regarding what their employment arrangement was with Mark Hinson. Because Mark Hinson hired Claimant and Joey Horton and set their wage and working conditions, and because the two had no contact from any other Pyramid employee regarding the terms of their employment, they reasonably believed Mark Hinson had authority to negotiate any and all employment terms, including provisions for transportation. Pyramid, through Mauney, placed Mr. Hinson in a position impliedly manifesting his authority to dictate the employment terms. The cases could not be more analogous. Pyramid even expressly authorized Mark Hinson to answer any questions the Claimant had concerning any terms of employment or requirements of employment. (Defendants' Exhibit 1, p. 145 Record on Appeal, APA of Claimant).

Upon admitted or established facts, the question of whether an accident is compensable is a question of law and review thereof is not an invasion of the fact finding field of the Commission on the part of the Court. *Jordan v. Dixie Chevrolet, Inc.*, 218 S.C. 73, 61 S.E.2d 654 (1950). The issue of whether a particular event constitutes a compensable accident is for the Court. *Sturkie v. Ballenger Corp.*, 268 S.C. 536, 235 S.E.2d 120 (S.C. 1977). If the evidence is all one way or if the findings of the Commissioner are based on surmise, speculation or conjecture, then the issue becomes one of law for the Court and not a fact for the Commission. *Herndon v. Morgan Mills, Inc.*, 246 S.C. 201, 143 S.E.2d 376 (S.C. 1965).

In the instant case, the undisputed facts fall squarely within the South Carolina Supreme Court's holding in *Medlin*, *supra* and the Court of Appeals' holding in *Eadie*, *supra*.

The case of *Horton v. Pyramid Masonry Contractors, Inc. and Hartford Accident Insurance Company* has been decided by the Court of Appeals. Unpublished Op. No. 2008-UP-208 (Ct. App. Filed March 27, 2008). The relevant facts in Horton are identical to the facts in this case and Horton testified in this case. In the Horton case, the Single Commissioner made a finding of compensability on the grounds that Horton's employer, Pyramid Masonry Contractors, Inc., provided transportation to Horton to and from work. The Commissioner found that Mark Hinson, acting with either actual and/or apparent authority, agreed to provide transportation to Horton as a condition of employment and, therefore, the claim was compensable. The Single Commissioner's decision was upheld by a vote of 2 to 1 by the Appellate Panel of the Workers' Compensation Commission. It was subsequently affirmed by the Circuit Court. The Court of Appeals affirmed the decision of the Workers' Compensation Commission and the Circuit Court in that case. It set forth the exception to the "going and coming rule" and fully set forth that *Eadie, supra* was controlling given the facts and circumstances of that case. The relevant facts and circumstances in the instant case are the same as the facts and circumstances of the *Horton* case and Appellant, therefore, submits that *Horton, Eadie* and *Medlin* are clearly controlling.

The Court of Appeals in *Horton* clearly stated, "while Foreman's offer of transportation may have exceeded the scope of the actual authority Employer conferred upon him, there is sufficient evidence in the record to support Employee's belief that Foreman had apparent authority to negotiate terms of his employment, including Employer's provision of transportation. Employer is bound by Foreman's representations to Employee concerning the conditions of his employment." (*Horton, supra* at p. 6, APA of Claimant p. 228). Given the instructions of the Court of Appeals on remand, the uncontroverted facts and the applicable law,

the Single Commissioner correctly ruled that the Claimant's claim was compensable. He had no other choice.

II. THE SINGLE COMMISSIONER CORRECTLY RULED THAT THE CLAIMANT'S CLAIM WAS COMPENSABLE AND THAT TEMPORARY TOTAL DISABILITY BENEFITS AND MEDICAL BENEFITS BE PROVIDED PURSUANT TO THE INSTRUCTIONS OF THE SOUTH CAROLINA COURT OF APPEALS ON REMAND.

The South Carolina Court of Appeals clearly instructed the Hearing Commissioner on remand to consider *Horton, supra* and "on remand, the Commission shall also make findings of fact and conclusions of law on the issue of actual or apparent authority and the effect thereof (*emphasis added*). Indeed that is the whole point of remanding the case, to determine the issue of compensability and the issue of Claimant's entitlement to benefits contained in the Workers' Compensation Act. Otherwise, this would be a futile exercise.

The Claimant submitted voluminous medical records documenting the injuries suffered by the Claimant in the accident in question. These include only partially the following:

Closed head injury with left hemispheric contusion and subdural hematoma (Claimant's APA, p. 246), Right eye hyphema; Meningitis; Right maxillary sinus fracture; Nasal bone fracture and right orbit fracture with emphysema; Frontal bone fracture; subdural hematoma; Subarachnoid hemorrhage; C2 fracture; Left femur fracture, Ventilator associated pneumonia; Aortic arch injury; and Hypertension (Claimant's APA, pp. 247-248). He has subsequently been suffering from seizures due to his traumatic brain injury and was started on Dilantin. (Claimant's APA, Discharge Summary, p. 253). He was also found to have suffered a C2 fracture. (Claimant's APA, Discharge Summary, p. 253). He has continued to be treated for his myriad injuries as best he could in light of the Appellant's refusal to authorize medical treatment. He has had continuous headaches since the accident and been assessed as having complex partial

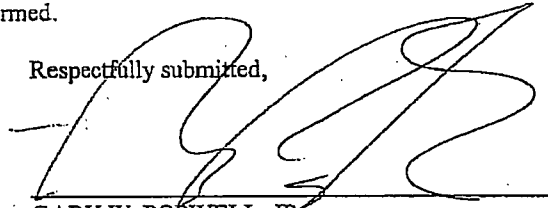
seizures with secondary generalization secondary to closed head injury. This is due to a severe closed head injury with left subdural hematoma and subarachnoid hemorrhage. (Claimant's APA, p. 339). He has continued to seek medical attention where he could for his myriad injuries and physical problems suffered as a result of the accident as shown in the voluminous medical records documenting these facts submitted by the Claimant. These include treatment and medication for his seizure disorder. (Claimant's APA, pp. 358-395). The last record submitted for treatment was a record of August 13, 2010 in which he was still following up for his seizure disorders and other physical problems. In light of the severe life threatening nature of his injuries, he has received relatively little medical follow-up since his hospitalization due to the refusal of the Appellant to authorize medical treatment. The medical records concerning the treatment which he has had speaks for themselves. In light of the nature of the Claimant's injuries and his continuing problems, it strains credibility that the Appellant would seriously argue that Claimant has not been disabled since the accident through the present date as fully documented in the medical records submitted at the hearing.

The Full Commission may make additional findings of fact in its discretion if the evidence submitted at the hearing warrants those findings of fact. If the Appellant seriously contests the Claimant's disability and desires for this Commission to make its own findings of fact concerning the nature of his injuries and whether or not he has been temporarily totally disabled since the accident then certainly this Commission may make such additional findings to supplement the Single Commissioner's Order based upon the medical records submitted at the hearing.

CONCLUSION

Horton, Medlin and Eadie could not be more clear and the facts of this case fall squarely within these cases. Applying binding precedent to the facts of this case mandates a finding of compensability. Otherwise, there will be a preposterous result. Two employees were hired by the same man, for the same company. Neither employee had a driver's license and the hiring supervisor told both men the company would provide transportation. Both men were picked up and taken to the job site and taken home every day by the hiring supervisor. There was an accident on the way to the job site and both employees were severely injured. One employee's claim has been found to be compensable. It flies in the face of common sense and binding precedent for the other employee's claim to be found not compensable. The decision of the Single Commissioner and the unanimous decision of the Appellate Panel of the Workers' Compensation Commission should be affirmed.

Respectfully submitted,



GARY W. POPWELL, JR.

Attorney for Claimant/Respondent

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June 6, 2012.

South Carolina Workers' Compensation Commission

P.O. Box 1715 • 1612 Marion Street
Columbia, South Carolina 29202-1715
(803) 737-5700

WCC File # 0427461

Carrier File # YMG-35644

Carrier Code # 322

Employer FEIN 581269808

James Clark, Jr.

Claimant's Name

P.O. Box 3011, Lancaster, SC 29720

Address City State Zip

Home Phone

Work Phone

Richard B. Kale, Jr.

Preparer's Name

Pyramid Masonry Contractors, Inc.

Employer's Name

3401 Service St., Charlotte, NC 28206

Address City State Zip

Hartford Fire Insurance Co.

Insurance Carrier

(864) 527-3272

Phone #

Request for Commission Review by ☐ claimant ☒ employer (check one)

Date of injury: 11/17/2004

The undersigned makes application for review of the findings of the Commissioner in the above captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages, if necessary).

SEE ATTACHED

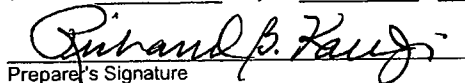
(Check one) Oral argument ☒ is ☐ is not requested. Appellant's request for oral argument is waived if not indicated on this form.

I certify that ☒ I have served this document pursuant to R.67-211 by delivering a copy to Gary W. Popwell, Esquire

Name

P O Box 1505, Columbia, SC 29202; Barry B. George, Esquire, 1419 Bull St., Columbia, SC 29201; and Virginia Crocker, Judicial Director, SC WCC, P.O. Box 1715, Columbia, SC 29202-1715

Address

on the 18th day of March, 2011 by ☒ first class mail; ☐ personal service; ☐ certified mail.

Preparer's Signature

Richard B. Kale, Jr.

Willson Jones Carter & Baxley, P.A.

872 S. Pleasantburg Drive

Greenville, SC 29607

Check this box if you are not represented by an attorney. ☐

Attorney for Defendants

Title

March 18, 2011

Date

If the claimant appeals and is representing himself or herself, the Judicial Department will prepare the additional copies of this form and serve this form on the opposing party. R.67-701 B. Otherwise, file the original and 4 copies of this form with the Judicial Department. The appeal must be postmarked no later than 14 days from the date of service of the Hearing Commissioner's decision. R.67-701 and R.67-205. Attach the filing fee to this form. Attach a Form 32 if you are unable to pay the filing fee. Refer to R.67-701 through R.67-711 for additional information.

GROUND'S FOR REVIEW

1. That the Hearing Commissioner erred in finding that Pyramid Masonry Construction Co. provided transportation to the Claimant, that error being that such finding was not supported by the greater weight of the evidence.
2. That the Hearing Commissioner erred in finding that Pyramid Masonry Construction Co. provided Claimant transportation to and from work, that error being that the greater weight of the evidence clearly proved that Pyramid neither provided the vehicle or paid travel expenses to Mark Hinson to drive to and from work.
3. That the Hearing Commissioner erred in finding that the facts and circumstances of the Clark case were very similar to the facts and circumstances of Horton v. Pyramid Masonry Construction Co., that error being such finding was not supported by the greater weight of the evidence in that there were substantial differences in the facts of the two cases.
4. That the Hearing Commissioner erred in finding that Hinson told the Claimant that Pyramid Masonry Construction Co. would provide transportation to and from the jobsite, that error being that such finding was not supported by the greater weight of the evidence.
5. That the Hearing Commissioner erred in finding that the cover letter accompanying the job description in any way altered the job requirement that the employee "must have means of transportation to and from project", that error being that such finding was not supported by the greater weight of the evidence.
6. That the Hearing Commissioner erred in finding that Mark Hinson had actual authority to offer Claimant transportation to and from work, that error being that such finding was not supported by the greater weight of the evidence.
7. That the Hearing Commissioner erred in finding that Mark Hinson in discussing the conditions of employment had the actual authority to change Pyramid's policy that it does not provide transportation to employees to and from work, that error being that such finding was not supported by the greater weight of the evidence.
8. That the Hearing Commissioner erred in finding that the Claimant believed that Mark Hinson had the authority to negotiate "any and all terms of employment", that error being that such finding was not supported by the greater weight of the evidence.
9. That the Hearing Commissioner erred in finding that Mark Hinson was placed in a position by Pyramid Masonry Construction Co. such that Claimant was reasonably led to believe that Mark Hinson had authority to negotiate and set all of the terms of employment, including provision of transportation by the Co. for an employee without a driver's license, such error being that such finding was not supported by the greater weight of the evidence.
10. That the Hearing Commissioner erred in finding that Mark Hinson had apparent authority to offer and provide transportation to the Claimant to and from jobsites on behalf of Pyramid Masonry Construction Co., that error being that such finding was not supported by the greater weight of the evidence.
11. That the Hearing Commissioner erred in finding and concluding that Mark Hinson had apparent authority to provide transportation to and from work on behalf of Pyramid Masonry Construction Co., that error being that there was no conduct by Pyramid Masonry which, reasonably interpreted, caused Claimant to believe Pyramid Masonry consented to Hinson providing transportation to the Claimant.
12. That the Hearing Commissioner erred in concluding as a matter of law that the facts of the Clark case were similar to the case of Horton v. Pyramid Masonry Construction Co., that error being that such conclusion was not supported by the greater weight of the evidence.

13. That the Hearing Commissioner erred in concluding as a matter of law that Mark Hinson was expressly authorized to negotiate and offer other terms and conditions of employment including transportation, that error being that such conclusion was not supported by the greater weight of the evidence.
14. That the Hearing Commissioner erred in concluding as a matter of law that Mark Hinson had apparent authority to offer Claimant transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was not supported by the greater weight of the evidence.
15. That the Hearing Commissioner erred in concluding as a matter of law that Claimant could reasonably believe that Mark Hinson had authority to offer transportation on behalf of Pyramid Masonry Construction Co., that error being that such conclusion was not supported by the greater weight of the evidence.
16. That the Hearing Commissioner erred in concluding as a matter of law that Mark Hinson offered Claimant transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was not supported by the greater weight of the evidence.
17. That the Hearing Commissioner erred in concluding as a matter of law that Claimant's injury on November 17, 2004 while on his way to work at a jobsite in Columbia falls within exception to the "going and coming" rule in that transportation was being provided by Pyramid Masonry Construction Co., that error being that such conclusion is not supported by the greater weight of the evidence.
18. That the Hearing Commissioner erred in concluding as a matter of law that Claimant suffered a compensable injury by accident arising out of and in the course of his employment under Section 42-1-160, S.C. Code Ann. (1976), that error being that such finding was not supported by the greater weight of the evidence.
19. That the Hearing Commissioner erred in concluding as a matter of law that Claimant had proven that he fell within an exception to the "going and coming" rule and that transportation was being provided by the employer, Pyramid Masonry Construction Co., that error being that such finding was not supported by the greater weight of the evidence.
20. That the Hearing Commissioner erred in ordering Defendants to pay temporary total disability compensation from November 17, 2004 to present and continuing, that error being that Claimant did not suffer a compensable injury by accident arising out of and in the course of his employment with Pyramid Masonry Construction Co.
21. That the Hearing Commissioner erred in ordering Defendants to pay temporary total disability compensation benefits from November 17, 2004 to present and continuing, that error being that the greater weight of the evidence does not establish that Claimant has been disabled from November 17, 2004 to present and continuing.
22. That the Hearing Commissioner erred in ordering Defendants to pay temporary total disability compensation from November 17, 2004 to present and continuing, that error being that the Hearing Commissioner made no findings of fact that Claimant has been disabled for that period of time.
23. That the Hearing Commissioner erred in ordering Defendants to pay Claimant temporary total disability compensation from November 17, 2004 to present and continuing, that error being that there is no medical evidence to establish that Claimant was disabled for that period of time.
24. That the Hearing Commissioner erred in ordering Defendants to pay all related medical expenses incurred by the Claimant in treatment for injuries received in the motor vehicle accident, that error being that Claimant did not suffer a compensable injury by accident arising out of and in the course of his employment with Pyramid Masonry Construction Co.

25. That the Hearing Commissioner erred in finding and concluding that the evidence of the case and findings of fact cited in the prior Order that state or infer Mark Hinson did not have apparent authority to offer Claimant transportation are reversed and/or modified, that error being that such finding is not supported by the greater weight of the evidence in the record.

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)
James Clark, Jr.,)
Employee,)
Claimant,)
- vs -)
Pyramid Masonry Contractors, Inc.,)
Employer,)
and Sedgwick CMS,)
Carrier,)
Defendants.)

IN THE COURT OF COMMON PLEAS

C.C. P. NO. 2011-CP-20-436

W.C.C. FILE NO. 0427461

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION
COMMISSION

NON-JURY

2011 NOV -4 A 11:10
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION,
P.O. BOX 1715, COLUMBIA, SC 29202-1715; AND
GARY W. POPWELL, ESQUIRE

YOU WILL PLEASE TAKE NOTICE that pursuant to the provisions of S.C. Code Ann. §42-17-60 (1976), as amended, defendants appeal from the Order of the Appellate Panel of the South Carolina Workers' Compensation Commission, filed October 14, 2011, upon the following grounds:

1. That the Commission erred in finding as a fact that Pyramid Masonry Construction Co. provided transportation to the Claimant, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.
2. That the Commission erred in finding that Pyramid Masonry Construction Co. provided Claimant transportation to and from work, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

3. That the Commission erred in finding that the facts and circumstances of the Clark case were very similar to the facts and circumstances of Horton v. Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole in that there were substantial differences in the facts of the two cases.

4. That the Commission erred in finding that Hinson told the Claimant that Pyramid Masonry Construction Co. would provide transportation to and from the jobsite, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

5. That the Commission erred in finding that the cover letter accompanying the job description in any way altered the job requirement that the employee "must have means of transportation to and from project", that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

6. That the Commission erred in finding that Mark Hinson had actual authority to offer Claimant transportation to and from work, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

7. That the Commission erred in finding that Mark Hinson in discussing the conditions of employment had the actual authority to change Pyramid's policy that it does not provide transportation to employees to and from work, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

8. That the Commission erred in finding that the Claimant believed that Mark Hinson had the authority to negotiate "any and all terms of employment", that error being that such

finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

9. That the Commission erred in finding that Mark Hinson was placed in a position by Pyramid Masonry Construction Co. such that Claimant was reasonably led to believe that Mark Hinson had authority to negotiate and set all of the terms of employment, including provision of transportation by the Co. for an employee without a driver's license, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

10. That the Commission erred in finding that Mark Hinson had apparent authority to offer and provide transportation to the Claimant to and from jobsites on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

11. That the Commission erred in finding and concluding that Mark Hinson had apparent authority to provide transportation to and from work on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

12. That the Commission erred in concluding as a matter of law that the facts of the Clark case were similar to the case of Horton v. Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

13. That the Commission erred in concluding as a matter of law that Mark Hinson was expressly authorized to negotiate and offer other terms and conditions of employment including

transportation, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

14. That the Commission erred in concluding as a matter of law that Mark Hinson had apparent authority to offer Claimant transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

15. That the Commission erred in concluding as a matter of law that Claimant could reasonably believe that Mark Hinson had authority to offer transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

16. That the Commission erred in concluding as a matter of law that Mark Hinson offered Claimant transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

17. That the Commission erred in concluding as a matter of law that Claimant's injury on November 17, 2004 while on his way to work at a jobsite in Columbia falls within exception to the "going and coming" rule in that transportation was being provided by Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

18. That the Commission erred in concluding as a matter of law that Claimant suffered a compensable injury by accident arising out of and in the course of his employment under Section 42-1-160, S.C. Code Ann. (1976), that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

19. That the Commission erred in concluding as a matter of law that Claimant had proven that he fell within an exception to the "going and coming" rule and that transportation was being provided by the employer, Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

20. That the Commission erred in ordering Defendants to pay temporary total disability compensation from November 17, 2004 to present and continuing, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

21. That the Commission erred in ordering Defendants to pay temporary total disability compensation benefits from November 17, 2004 to present and continuing, that error being that the reliable, probative, and substantial evidence in the record does not establish that Claimant has been disabled from November 17, 2004 to present and continuing.

22. That the Commission erred in ordering Defendants to pay temporary total disability compensation from November 17, 2004 to present and continuing, that error being that the Commission made no findings of fact that Claimant has been disabled for that period of time.

23. That the Commission erred in ordering Defendants to pay Claimant temporary total disability compensation from November 17, 2004 to present and continuing, that error being that there is no medical evidence to establish that Claimant was disabled for that period of time.

24. That the Commission erred in ordering Defendants to pay all related medical expenses incurred by the Claimant in treatment for injuries received in the motor vehicle

accident, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

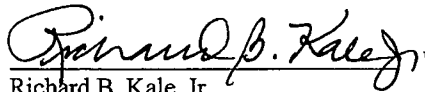
25. That the Commission erred in ordering Defendants to pay temporary disability compensation from November 17, 2004 to present, that error being that Claimant did not suffer a compensable injury by accident arising out of and in the course of his employment with Pyramid Masonry Construction Company.

26. That the Commission erred in ordering Defendants to pay all related medical expenses incurred by the Claimant in treatment for injuries received in the motor vehicle accident, that error being that Claimant did not suffer a compensable injury by accident arising out of and in the course of his employment with Pyramid Masonry Construction Co.

DATED: November 3, 2011

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.



Richard B. Kale, Jr.
872 S. Pleasantburg Drive
Greenville, SC 29607
(864) 527-3272
Counsel for Defendants
S.C. Bar #3264

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
6TH JUDICIAL CIRCUIT

James Clark, Jr.

Claimant/Respondent,

vs.

Pyramid Masonry Contractors, Inc.,
Employer, and Hartford Fire Insurance
Company

Defendants/Appellants.

Case No.: 2011-CP-2000436

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

Gary Popwell, Bar No. _____

Address:

Lee, Eadon, Isgett, Popwell & Reardon, P.A.,
1314 Lincoln St.; PO Box 1505, Columbia, SC
29202

Phone: (803) 799-9811 Fax (803) 779-8572.

E-mail: gary@leiplaw.com

Defendant's Attorney:

Mitchell K. Byrd, Jr., Bar No. 72543

Address:

Willson Jones Carter & Baxley, P.A.
872 S. Pleasantburg Dr., Greenville, SC 29607

Phone: 864-527-3295 Fax 864-235-6015

E-mail: mkbyrd@wjlaw.net

- ☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____

Court Reporter Needed: ☐ YES/☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☒ Defendant

07/13/2012

Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$ 25.00

☐ EXEMPT:

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCPP)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached
order.

☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: 313 Date Filed: 7/16/12

☐ MOTION FEE COLLECTED: \$ 25.00

☐ CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

James Clark, Jr., Employee,

Claimant-Claimant,

-vs-

Pyramid Masonry Contractors, Inc.,
Employer, and Hartford Fire Insurance
Company, Carrier,

Defendants-Appellants.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2011-CP-2000436

**MOTION
TO ALTER OR AMEND
JUDGMENT
PURSUANT TO SCRCP 59(E)**

Appellants Pyramid Masonry Contractors, Inc. and Hartford Fire Insurance Company (hereinafter "Appellants") would show unto this honorable Court that Appellants were served with a copy of the "Order Affirming the S.C. Workers' Compensation Commission As To Finding Of Compensability And Remanding The Case For A Specific Finding As To Temporary Total Disability" on July 5, 2012. Appellants respectfully request that this Court reconsider its decision to issue the aforementioned Order. Appellants offer the following in support of their request.

The compensability of this claim is unrelated to the circumstances of the accident itself. Rather, the compensability of this claim turns on the factual circumstances related to the hiring of the Claimant by Pyramid's foreman, Mark Hinson, and whether he had *actual* and/or *apparent* authority to provide Claimant with transportation to and from work on behalf of Pyramid.

Mark Hinson did not have *actual* authority to bind Pyramid in an agreement whereby Pyramid would provide transportation to the Claimant. There is no evidence that Pyramid ever gave Mr. Hinson actual authority to provide the Claimant with transportation to and from work. Defendants presented testimony from David Mauney, Regional Vice President of Pyramid, that Mr. Hinson had no authority to bind Pyramid into providing transportation for an

employee. (Tr. 64). When asked by Claimant's attorney on cross-examination whether it would be reasonable for Claimant to believe Mr. Hinson had authority to say Pyramid was going to provide him transportation, Mr. Mauney answered it would be reasonable for Hinson to have offered a ride as a personal courtesy but not in the scope of employment. (Tr. 67). In fact, Claimant's testimony indicates that Mr. Hinson provided him a ride as a personal courtesy and not on behalf of Pyramid:

Q: [Mr. George] And when Mark Hinson came and offered you the job, did you tell him you didn't have a car?

A: [Claimant] I told him I didn't have no car. I said, "you'll be my only transportation if I go."

Q: What did he say?

A: He said, "I have transportation. **I'll provide transportation** for you to go to work." I said, "well, I'll take the job."

(Tr. 30:21-31:3)(emphasis added). Claimant's own testimony indicates that Mr. Hinson would provide transportation as a personal favor. Claimant's testimony does not indicate that Mr. Hinson was providing transportation *on behalf of Pyramid*.

Moreover, Defendants introduced an exhibit titled "Labor-tender Job Description" at the hearing. (Defendants' Exhibit #1). The job description specifically provided that the employee "must have means of transportation to and from projects." (Defendants' Exhibit #1). This job description was included in the employment packet that contained the W-4 and the job safety rules and regulations. Claimant signed a statement acknowledging that he had read his job description. (Defendants' Exhibit #1).

Furthermore, the substantial evidence in the record does not support this Court's finding that Mark Hinson, who died in the accident on November 17, 2004, had *apparent*

authority to offer Claimant transportation to and from the job site on behalf of Pyramid. Instead, overwhelming evidence supports a finding that Mark Hinson did **not** have apparent authority to bind Pyramid to provide transportation to Claimant and the Commission should be reversed.

Generally, agency is a question of fact. Gathers v. Harris Teeter Supermarket, 282 S.C. 220, 317 S.E.2d 748 (Ct. App. 1984). Agency may be implied or inferred and may be proved circumstantially by the conduct of the purported agent exhibiting a pretense of authority with the knowledge of the alleged principal. Fernander v. Thigpen, 278 S.C. 140, 293 S.E.2d 424 (1982). If there are any facts tending to prove the relationship of agency, it then becomes a question for the jury. A party asserting agency as a basis of liability must prove the existence of the agency, and the agency must be clearly established by the facts. Orphan Aid Society v. Jenkins, 294 S.C. 106, 109, 362 S.E.2d 885, 887 (Ct. App. 1987)(quoting McCall v. Finley, 294 S.C. 1, 362 S.E.2d 26 (Ct. App. 1987)(emphasis added). **It is the duty of one dealing with an agent to use due care to ascertain the scope of the agent's authority. (Id.)**(emphasis added)

The doctrine of apparent authority provides that the principal is bound by acts of his agent when he has placed the agent in such a position that a person of ordinary prudence, reasonably familiar with business usages and custom, is led to believe the agent has certain authority and in turn deals with the agent based on that assumption. Muller v. Myrtle Beach Golf and Yacht Club, 303 S.C. 137, 399 S.E.2d 430 (Ct. App. 1990), rev'd on other grounds, 313 S.C. 412, 438 S.E.2d 248 (1993). Apparent authority to do an act is created as to a third person by written or spoken words or any other conduct of the principal which, reasonably interpreted, causes the third person to believe the principal consents to have the act done on his behalf by the person purporting to act for him. Restatement (Second) of Agency § 27 (1958); Muller v. Myrtle Beach Golf and Yacht Club, 303 S.C. at 142, 399 S.E.2d at 433. Either the principal must intend

to cause the third person to believe that the agent is authorized to act for him, or he should realize that his conduct is likely to create such belief. (Id.) Moreover, **an agency may not be established solely by the declarations and conduct of an alleged agent.** Muller at 142-43, 399 S.E.2d at 433 (emphasis added).

To establish apparent agency, it is not enough simply to prove that the purported principal by either affirmative conduct or conscious and voluntary inaction has represented another to be his agent or servant. Watkins v. Mobil Oil Corp., 291 S.C. 62, 352 S.E.2d 284 (Ct. App. 1986). In order for a third party to recover against the principal based upon this theory, it must be shown that he reasonably relied on the indicia of authority **originated by the principal** and such reliance must have effected a change of position by the third party. Beasley v. Kerr-McGee Chem. Corp., Inc., 273 S.C. 523, 257 S.E.2d 726 (1979).

This honorable Court should reconsider its decision in this case because there is no evidence offered to suggest that Pyramid engaged in any conduct that would lead Claimant to believe that Mark Hinson had authority, either actual or apparent, to provide transportation on behalf of the Employer. To the contrary, Pyramid's job descriptions affirmatively indicate that the company does not provide employees with rides to work. (Defendants' Exhibit #1). The Claimant signed an acknowledgement that he had read his job description. (Defendants' Exhibit #1). Therefore, he was on notice of the company's policy.

Claimant's entire argument for compensability has been based upon the notion that he was reasonably led to believe that Mark Hinson had the power to offer and provide transportation by the company for Claimant, who had no driver's license, as part of the terms and conditions of claimant's employment. There is not one shred of credible evidence to support this position, much less "substantial evidence." In fact, the overwhelming evidence in the record

indicates that it would be absolutely unreasonable for Claimant to believe that Mark Hinson had *apparent* authority to provide transportation to Claimant on behalf of Pyramid.

When asked about the job description that indicated he must provide his own means of transportation to the jobsite, Claimant admitted that the job description was a good indication that Pyramid was not going to provide transportation:

Q: [Mr. Kale] . . . I'm saying when a company gives you a job description and you sign that you have read it and the job description says you must have the means of transportation to and from the project, that's a pretty good indication the company isn't going to provide you transportation, isn't it?

A: [Claimant] I guess.

(Tr. 23:19-24:1). It is totally unreasonable for claimant to admit this at the hearing but still maintain the position that he "reasonably" believed that Mark Hinson had the authority to offer him transportation to and from work, to be provided by Pyramid. The Claimant's own job description specifically provided that the employee "must have means of transportation to and from projects," and Claimant acknowledged in writing that he had read the job description. It is unreasonable for claimant to make such acknowledgements and then proceed forward as if those acknowledgements are meaningless. To argue otherwise is for the Claimant to argue that his own word means nothing. Claimant clearly knew that Pyramid did not provide transportation for its employees.

Furthermore, even if Mark Hinson *had* offered the Claimant employer-provided transportation, **an agency may not be established solely by the declarations and conduct of an alleged agent**. Muller at 142-43, 399 S.E.2d at 433 (emphasis added). Claimant had the burden of proving that he reasonably relied on indicia of authority **originated by Pyramid**. *See Beasley v. Kerr-McGee Chem. Corp., Inc.*, 273 S.C. 523, 257 S.E.2d 726 (1979). There is no

substantial evidence to support the Commission's finding, to whatever extent, that Pyramid acted in some manner that would lead Claimant to reasonably believe that that Mark Hinson had the authority to offer employer-provided transportation. In fact, there is nothing contained in the Pyramid hiring materials, which claimant acknowledged that he read, that could be reasonably interpreted as Pyramid giving authority to Mark Hinson to provide transportation to Claimant on behalf of Pyramid.

The Pyramid job description, which also includes a cover letter with language instructing Claimant to ask the foreman or superintendent for an explanation if there are items that Claimant did not understand, does not represent substantial evidence supporting the Commission's findings on *apparent* authority. This language does nothing more than to instruct a potential employee to address any questions about the terms of employment with the supervisor or foreman. It is not, in any way, in conflict with the express written provisions found in the Claimant's job description, including the portion about employees providing their own means of transportation. Defendants would submit that this language is actually intended to clear up any possible confusion over the terms and conditions of employment *prior* to the hiring of the employee. To characterize this language as "indicia of authority" that Mark Hinson had the *apparent* authority to completely disregard Pyramid's written terms and conditions of employment in favor of providing Claimant with transportation to and from work is completely unreasonable and does not represent substantial evidence.

In further support of the fact that Mr. Hinson did not have apparent authority to offer transportation to Claimant on behalf of Pyramid, David G. Mauney, Regional Vice-President for Pyramid, testified that Pyramid did not furnish its employees rides to work. Mr. Mauney testified that employees would either have to drive their own vehicle or get rides with whomever they could get a ride. It was the employee's responsibility to find his own way to work. The job

descriptions for the positions of mason and labor-tender contain a provision that the employee "must have means of transportation to and from project." He further testified that it is the employee's responsibility to find their own way to work. Additionally, Donald G. Williams, a foreman for Pyramid for 18 years, also testified that Pyramid did not provide transportation for employees to the job site. He further testified that Pyramid does not provide its foremen with company trucks to drive. Mr. Williams testified that he drives his own personal truck to work, and it is undisputed that Mark Hinson was driving his personal Honda automobile at the time of the accident that gives rise to this claim.

At the hearing, Claimant's counsel also questioned Pyramid's Vice-President, David Mauney, regarding foreman Mark Hinson's authority to hire the Claimant and to tell him the wages he would receive. Mauney testified that Hinson had authority to hire Claimant and to tell him what his hourly rate would be within the company wage guidelines (Tr. 66-67), but Hinson did not have authority to tell Claimant that Pyramid would provide him transportation. (Tr. 66-67). That would have been outside the scope of Hinson's authority. Mauney's testimony regarding the company's policy of not providing transportation was corroborated by the company's job descriptions which indicated that the employee must have his own means of transportation to the job site. Moreover, Claimant presented no evidence that Hinson had been given authority, either actual or apparent, to go against company policy. In fact, the company had not provided Hinson with a company vehicle or even agreed to pay Hinson's transportation costs (mileage) to and from work. Since Pyramid manifested its "no transportation" policy in its job descriptions and actual practice, it is clear that Pyramid had not given Hinson apparent authority to negotiate transportation with Claimant. The overwhelming evidence in the record established that Claimant had always been given rides to work by friends before his employment with Pyramid. The provision of transportation to Claimant by Mark Hinson was strictly a personal

favor by Hinson and does not equate to employer-provided transportation based on *apparent* authority to offer the same.

There is one overarching issue that should compel this Court to reconsider its decision and Order. **The Claimant in this case had actual notice, in writing, that Pyramid did not provide transportation to and from the jobsite for any of its employees.** (APA #1, p. 145) No such facts exist in the case law cited by Claimant in support of his case or in the Horton case. Pyramid did absolutely nothing that impliedly manifested to Claimant that Mark Hinson had the authority to offer him employer-provided transportation to and from work. In fact, Pyramid overtly manifested to Claimant that they would not be providing him, or any other employee, transportation to and from work. (APA #1, p. 145) **It is unreasonable for Claimant to argue that Pyramid engaged in conduct that led him to believe that Mark Hinson had the authority to offer him employer-provided transportation, when Hinson himself handed Claimant Pyramid documents, which Claimant read and signed, that clearly stated that Claimant would need his own means of transportation to and from work.**

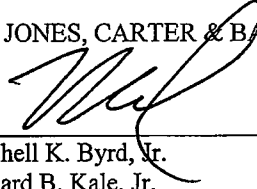
This Court should reconsider its Order because Pyramid took no action to lead Claimant to reasonably believe that Mark Hinson had the authority to completely disregard the clearly stated “minimum standards” for claimant’s acceptability as a Pyramid employee. It is not reasonable for Claimant to have believed that Mark Hinson had the authority to disregard Pyramid policy and offer him employer-provided transportation. If anything, it is a total disregard on Claimant’s part of his obligation to use due care when dealing with the agent of a third party. Orphan Aid Society v. Jenkins, 294 S.C. 106, 109, 362 S.E.2d 885, 887 (Ct. App. 1987)(quoting McCall v. Finley, 294 S.C. 1, 362 S.E.2d 26 (Ct. App. 1987).

Because of the foregoing, Appellants respectfully request that this Court reconsider its decision and alter or amend its Order to reflect the overwhelming evidence in the record that

supports a reversal of the SCWCC's Decision and Order finding that Mark Hinson was acting with apparent authority and thus an exception to the "going and coming" rule applied to the facts of this case. As such, the remaining issues related to Claimant's entitlement to temporary total disability compensation and causally related medical treatment would be rendered moot.

Respectfully submitted,

WILLSON, JONES, CARTER & BAXLEY, P.A.

BY: 

Mitchell K. Byrd, Jr.
Richard B. Kale, Jr.
872 S. Pleasantburg Drive
Greenville, South Carolina 29607

Attorneys for Defendants

July 13, 2012

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

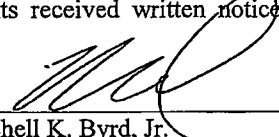
Case No. 2011-CP-20-436

James Clark, Jr., ...Plaintiff (Claimant/Respondent),
v.
Pyramid Masonry Contractors, Inc., and
Hartford Accident Insurance Company,.....Defendants (Employer/Carrier/Appellants),

NOTICE OF APPEAL

Pyramid Masonry Contractors, Inc. and Hartford Accident Insurance Company appeal the Order of the Honorable Brooks P. Goldsmith, dated July 5, 2012, on the attached grounds. Appellants received written notice of entry of this Order on July 5, 2012. Defendant's Motion to Alter or Amend Judgment was denied, and Defendants received written notice of same on August 6, 2012

September 4, 2012



Mitchell K. Byrd, Jr.
Willson Jones Carter & Baxley, P.A.
872 S. Pleasantburg Drive
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(864) 527-3295
Attorney for Appellants

Other Counsel of Record:
Gary W. Popwell
Lee, Eadon, Isgett, Popwell and Reardon, P.A.
1314 Lincoln St.; PO Box 1505
Columbia, South Carolina 29202
Attorney for Respondent
(803) 799-9811

As S.C. Code Ann. §42-17-60, as amended, provides that the "[n]otice of appeal must state the grounds of the appeal or the alleged errors of law," the following is provided as an attachment to the Notice of Appeal:

1. That the Circuit Court erred in finding, concluding, and Ordering that substantial evidence in the record supported the decision of the Commission that this case fell within an exception to the "going and coming rule," that error being that such a finding was clearly erroneous in view of the reliable, probative, and substantial evidence in the record as a whole.

2. That the Circuit Court erred in finding, concluding, and Ordering that the Commission's decision regarding the compensability of the claimant's accident was supported by substantial evidence, that error being that such a finding was clearly erroneous in view of the reliable, probative, and substantial evidence in the record as a whole.

3. That the Circuit Court erred in finding, concluding, and Ordering that claimant's ongoing temporary total disability compensation should not cease during the pendency of a remand of the claim to the Commission for a determination on whether claimant is or is not temporarily totally disabled, the duration of any temporary total disability, the body parts injured in the accident, and the entitlement to medical treatment for injured body parts, that error being that such a finding was clearly erroneous in view of the reliable, probative, and substantial evidence in the record as a whole.

4. That the Commission erred in finding as a fact that Pyramid Masonry Construction Co. provided transportation to the Claimant, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

5. That the Commission erred in finding that Pyramid Masonry Construction Co. provided Claimant transportation to and from work, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

6. That the Commission erred in finding that the facts and circumstances of the Clark case were very similar to the facts and circumstances of Horton v. Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole in that there were substantial differences in the facts of the two cases.

7. That the Commission erred in finding that Hinson told the Claimant that Pyramid Masonry Construction Co. would provide transportation to and from the jobsite, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

8. That the Commission erred in finding that the cover letter accompanying the job description in any way altered the job requirement that the employee "must have means of transportation to and from project", that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

9. That the Commission erred in finding that Mark Hinson had actual authority to offer Claimant transportation to and from work, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

10. That the Commission erred in finding that Mark Hinson in discussing the conditions of employment had the actual authority to change Pyramid's policy that it does not provide transportation to employees to and from work, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

11. That the Commission erred in finding that the Claimant believed that Mark Hinson had the authority to negotiate "any and all terms of employment", that error being that such

finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

12. That the Commission erred in finding that Mark Hinson was placed in a position by Pyramid Masonry Construction Co. such that Claimant was reasonably led to believe that Mark Hinson had authority to negotiate and set all of the terms of employment, including provision of transportation by the Co. for an employee without a driver's license, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

13. That the Commission erred in finding that Mark Hinson had apparent authority to offer and provide transportation to the Claimant to and from jobsites on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

14. That the Commission erred in finding and concluding that Mark Hinson had apparent authority to provide transportation to and from work on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

15. That the Commission erred in concluding as a matter of law that the facts of the Clark case were similar to the case of Horton v. Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

16. That the Commission erred in concluding as a matter of law that Mark Hinson was expressly authorized to negotiate and offer other terms and conditions of employment including transportation, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

17. That the Commission erred in concluding as a matter of law that Mark Hinson had apparent authority to offer Claimant transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

18. That the Commission erred in concluding as a matter of law that Claimant could reasonably believe that Mark Hinson had authority to offer transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

19. That the Commission erred in concluding as a matter of law that Mark Hinson offered Claimant transportation on behalf of Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

20. That the Commission erred in concluding as a matter of law that Claimant's injury on November 17, 2004 while on his way to work at a jobsite in Columbia falls within exception to the "going and coming" rule in that transportation was being provided by Pyramid Masonry Construction Co., that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

21. That the Commission erred in concluding as a matter of law that Claimant suffered a compensable injury by accident arising out of and in the course of his employment under Section 42-1-160, S.C. Code Ann. (1976), that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

22. That the Commission erred in concluding as a matter of law that Claimant had proven that he fell within an exception to the "going and coming" rule and that transportation was being provided by the employer, Pyramid Masonry Construction Co., that error being that

such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

23. That the Commission erred in ordering Defendants to pay temporary total disability compensation from November 17, 2004 to present and continuing, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

24. That the Commission erred in ordering Defendants to pay temporary total disability compensation benefits from November 17, 2004 to present and continuing, that error being that the reliable, probative, and substantial evidence in the record does not establish that Claimant has been disabled from November 17, 2004 to present and continuing.

25. That the Commission erred in ordering Defendants to pay temporary total disability compensation from November 17, 2004 to present and continuing, that error being that the Commission made no findings of fact that Claimant has been disabled for that period of time.

26. That the Commission erred in ordering Defendants to pay Claimant temporary total disability compensation from November 17, 2004 to present and continuing, that error being that there is no medical evidence to establish that Claimant was disabled for that period of time.

27. That the Commission erred in ordering Defendants to pay all related medical expenses incurred by the Claimant in treatment for injuries received in the motor vehicle accident, that error being that such finding was clearly erroneous in view of the reliable, probative and substantial evidence on the record as a whole.

28. That the Commission erred in ordering Defendants to pay temporary disability compensation from November 17, 2004 to present, that error being that Claimant did not suffer a

compensable injury by accident arising out of and in the course of his employment with Pyramid Masonry Construction Company.

29. That the Commission erred in ordering Defendants to pay all related medical expenses incurred by the Claimant in treatment for injuries received in the motor vehicle accident, that error being that Claimant did not suffer a compensable injury by accident arising out of and in the course of his employment with Pyramid Masonry Construction Co.

**BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION**

W.C.C. FILE NO.: 0427461

James Clark, Jr.,
Claimant,
- vs -
Pyramid Masonry Contractors, Inc.,
Employer,
and
Hartford Fire Insurance Company,
Carrier,
Defendants.

**NOTICE OF WITNESSES AND
MEDICAL REPORT(S) OR OTHER
EVIDENCE TO BE INTRODUCED
ON BEHALF OF CLAIMANT,
JAMES CLARK**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND RICHARD B. KALE, JR., ESQUIRE:

YOU ARE HEREBY NOTIFIED that the Claimant, pursuant to the provisions of the South Carolina Workers' Compensation Act and South Carolina Code Section 1-23-330 (1976) (as amended), herewith submits the following medical reports or other evidence on behalf of the Claimant, to wit:

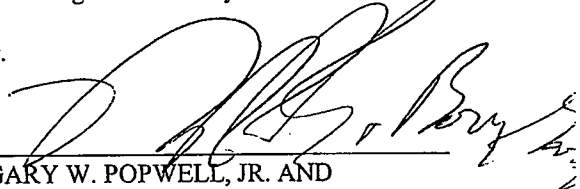
NAME OF REPORT(S)/PHYSICIAN OR OTHER EVIDENCE	DATE OF REPORTS	NUMBER OF PAGES
1. Record on Appeal	1/7/09	1-154
2. Court of Appeals Decision	6/28/10	155-157
3. Single Commissioner Hearing Transcript – Joey Horton vs. Pyramid Masonry Contractors	3/23/06	158-220
4. Court of Appeals Decision – Joey Horton vs. Pyramid Masonry Contractors	3/27/08-4/14/08	221-229
5. Careforce	11/17/04	230-242
6. Palmetto Health Richland	11/17/04-9/5/07	243-316
7. Anesthesiology Consultants of Columbia	11/30/04-4/12/05	317-318
8. Carolina Cardiac Surgery	12/30/04-11/25/09	319-332

9. Palmetto Health Eye Center	1/3/05-2/4/05	333-338
10. University Specialty Clinics- Dept. of Neuropsychiatry and Behavioral Science	1/19/05-8/16/05	339-344
11. Ambulatory Services	1/28/05-3/22/05	345-354
12. Palmetto Neurosurgery and Spine	1/31/05-2/2/05	355-357
13. Lancaster Internal Medicine	2/28/05-8/13/10	358-406
14. University Specialty Clinics - Ophthalmology	3/22/05-4/21/05	407-417
15. Joseph W. Story, M.D.	11/14/05-9/30/09	418-425
16. Pitts Radiology bills	1/18/06-11/25/09	426-429
17. I.F. Afulukwe, M.D.	1/31/06-2/1/10	430-440
18. Springs Memorial Hospital	3/10/06-5/26/06	441-446
19. Metrolina Neurosurgical	3/16/06-2/7/07	447-459

YOU ARE FURTHER HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the deposition(s) of any of the physicians or other person(s), whose reports are submitted, for the purposes of cross-examination.

YOU ARE FURTHER NOTIFIED that the originals of the documents referred herein, or photocopies received from said doctors and/or institutions are being herewith forwarded to the South Carolina Workers' Compensation Commission, for insertion in the file of the South Carolina Workers' Compensation Commission and inclusion into evidence on behalf of the Claimant.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the Claimant: Claimant, family member or co-worker.


 GARY W. POPWELL, JR. AND
 BARRY B. GEORGE
 Attorneys for Claimant
 ATTORNEYS LEE, EADON, ISGETT,
 POPWELL AND REARDON
 Post Office Box 1505
 Columbia, South Carolina 29202
 (803) 799-9811

October 6, 2010.

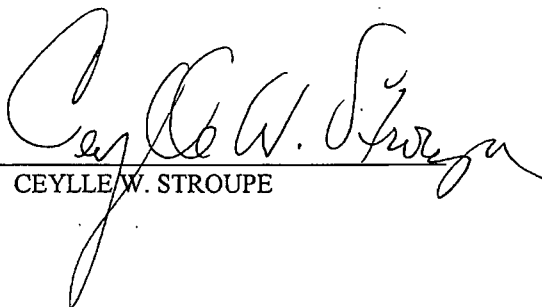
CERTIFICATE OF SERVICE

Re: James Clark, Jr. vs. Pyramid Masonry Contractors, Inc.
W.C.C. File No.: 0427461

I, the undersigned, do hereby certify that a copy of *Claimant's Pre-Hearing Brief (Form 58)* and *Notice of Witnesses and Medical Reports or Other Evidence to be Introduced on Behalf of Claimant*, in the above captioned matter, have been served upon the following counsel of record for the Employer/Carrier, through the United States mail with sufficient postage affixed thereto.

COUNSEL OF RECORD:

Richard B. Kale, Jr., Esquire
WILSON, JONES, CARTER & BAXLEY
872 S. Pleasantburg Drive
Greenville, South Carolina 29607


CEYLLE W. STROUPE

October 6, 2010.

Jun. 29. 2010 2:42PM

No. 2423 P. 2



The South Carolina Court of Appeals

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June 28, 2010

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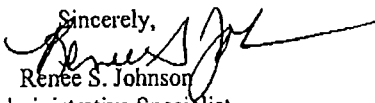
Re: Clark, James v. Pyramid Masonry

Dear Counsel:

Enclosed is the opinion of the Court of Appeals in this case.

Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Fairfield County after fifteen (15) days, exclusive of the date of filing of this opinion.

No extension for a petition for rehearing will be granted except in the most extraordinary circumstances and, except in the rarest cases, with seven days' notice.

Sincerely,

Renee S. Johnson
Administrative Specialist

TAG/rj

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SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
CASE NUMBER 0425180

JOEY HORTON,	)	
CLAIMANT,	)	
VS.	)	SINGLE COMMISSIONER
	)	HEARING
PYRAMID MASONRY	)	
CONTRACTORS, INC.,	)	
	)	
EMPLOYER/CARRIER,	)	
	)	
DEFENDANTS.	)	

A HEARING WAS HELD BEFORE COMMISSIONER
LISA C. GLOVER, THURSDAY, SEPTEMBER 8, 2005, AT THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, 1612
MARION STREET, COLUMBIA, SOUTH CAROLINA, IN THE ABOVE-
CAPTIONED MATTER; REPORTED BY PAULA JACKSON BLANDSHAW, A
CERTIFIED VERBATIM REPORTER AND NOTARY PUBLIC FOR THE
STATE OF SOUTH CAROLINA.

COPY

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R 153

APPEARANCES

FOR THE CLAIMANT: BARRY B. GEORGE, ESQUIRE
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 1419 BULL STREET
 COLUMBIA, SOUTH CAROLINA 29201

FOR THE DEFENDANTS: RICHARD KALE, ESQUIRE
 WILLSON JONES CARTER & BAXLEY, LLC
 200 EAST CAMPERDOWN WAY, SUITE D
 GREENVILLE, SOUTH CAROLINA 29601

COURT REPORTER: PAULA JACKSON BLANDSHAW, CVR
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 COLUMBIA, SOUTH CAROLINA 29221

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1 COMMISSIONER GLOVER: Today's date is
2 September 8, 2005. This is workers'
3 compensation claim number 0425180. Claimant
4 is Joey Horton, being represented by Barry
5 George. The employer is Pyramid Masonry
6 Contractors, being represented by Richard
7 Kale. This is a denied claim. The date of
8 accident is November 17, 2004; average weekly
9 wage \$601.67; compensation rate \$401.12.

10 Claimant seeks a finding of
11 compensability for injuries suffered in a
12 motor vehicle accident, further medical
13 treatment, temporary total benefits from the
14 date of accident through the present and
15 continuing; payment of all past, present, and
16 future causally related medical expenses, and
17 claimant relies on the case of Byrd vs.
18 Stackhouse as an exception to the coming-and-
19 going rule. Is that correct, Mr. George?

20 MR. GEORGE: That's correct, Your Honor.

21 COMMISSIONER GLOVER: The defendants have
22 denied the claim on the basis of the coming-
23 and-going rule; that this incident did not
24 arise out of or within the course of his
25 employment, and further that the defendant

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1 takes exception to the Byrd vs. Stackhouse
2 case in that defendant's position is that they
3 did not provide transportation. Is that
4 correct, Mr. Kale?

5 MR. KALE: That's correct, Your Honor.

6 COMMISSIONER GLOVER: Is there any
7 objection to jurisdiction or venue?

8 MR. GEORGE: No, Your Honor.

9 MR. KALE: None from the defendants.

10 COMMISSIONER GLOVER: Without objection
11 the Commission file becomes a part of the
12 record with the exception of any self-serving
13 declarations or unstipulated medical reports.

14 (WITNESS SWORN.)

15 COMMISSIONER GLOVER: Mr. George.

16 MR. GEORGE: Thank you, Your Honor.

17 JOEY HORTON, having been sworn or affirmed to
18 tell the truth, testified as follows:

19 DIRECT EXAMINATION BY MR. GEORGE:

20 Q What is your full name?

21 A Joey J. Horton.

22 Q How old are you, Mr. Horton?

23 A Thirty-six.

24 Q Where do you live?

25 A Lancaster, South Carolina.

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- 1 Q And who are you employed by?
- 2 A By Pyramid.
- 3 Q Pyramid, the defendants in this? And what is your
- 4 educational background?
- 5 A Tenth grade.
- 6 Q And what is your occupation?
- 7 A Brick mason.
- 8 Q And how long have you been working for Pyramid?
- 9 A Since the beginning of last year.
- 10 Q And were you hired as a brick mason?
- 11 A Yes, sir.
- 12 Q Who hired you?
- 13 A Mark Hinson.
- 14 Q Mark Hinson?
- 15 A Yes, sir.
- 16 Q And who is Mark Hinson?
- 17 A He's -- he was the foreman.
- 18 Q And who does he work for?
- 19 A Pyramid.
- 20 Q And tell me and the commissioner and Mr. Kale about
- 21 how you were hired by Mark Hinson. Where were you
- 22 when he came to hire you?
- 23 A At my house.
- 24 Q He came to your house?
- 25 A Yes.

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1 Q And who was he working for at that time?

2 A Pyramid.

3 Q What did he hire you as?

4 A Brick mason.

5 Q And how much was he going to pay you an hour?

6 A \$18.

7 Q And what were the conditions of him hiring you?

8 MR. KALE: Your Honor, I'm going to
9 object if he's going into anything that
10 Mr. Hinson said as being violative of the dead
11 man statute and hearsay rule.

12 COMMISSIONER GLOVER: Okay.

13 MR. GEORGE: Of course, the dead man
14 statute -- Your Honor, may I reply to that?

15 COMMISSIONER GLOVER: Yes.

16 MR. GEORGE: The deadman statute doesn't
17 apply to this case. I have cases here that
18 for the dead man statutes to apply, Mr. Hinson
19 would have to have some interest in the
20 outcome of this hearing.

21 COMMISSIONER GLOVER: Let me ask this
22 question. Is there any question about the
23 employment relationship?

24 MR. KALE: No, Your Honor, but we were
25 getting into some information that he's going

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1 to say Mr. Hinson told him, and the person who
2 would benefit is Mr. Horton. Basically what
3 he would be doing would be saying things that
4 Mr. Hinson said that would benefit him in this
5 case on the compensability issue. We would
6 say the dead man statute does apply, and I
7 would like to hand up the case of Brooks vs.
8 Woods, it looks like, on that issue. The
9 problem is Mr. Hinson is deceased and is not
10 available to testify or be cross-examined, so
11 we would object to anything that Mr. Hinson
12 told him.

13 MR. GEORGE: Your Honor, may I reply to
14 that?

15 COMMISSIONER GLOVER: Yes.

16 MR. GEORGE: In the case of Hanahan vs.
17 Simpson, it deals with the dead man statute.
18 Your Honor, and I also just call -- under the
19 deadman statute in the code, it says "The
20 interest must be held by the witness in his
21 individual capacity." In other words, for the
22 dead man statute to apply, this hearing must
23 have some -- Mr. Hinson must be affected by
24 it. If he's not affected by it, the dead man
25 statute does not apply.

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1 COMMISSIONER GLOVER: What code section
2 are you relying on for that so I can write it
3 down.

4 MR. GEORGE: Yes, ma'am. The code
5 section is 19-11-20, the deadman statute, and
6 it has all the things which they must show for
7 the dead man statute to apply, but the main
8 one is that the dead man must have an interest
9 in the outcome of this case, and the dead man
10 has no interest. Whatever the ruling is in
11 this case, it does not affect the dead man at
12 all.

13 MR. KALE: Your Honor, if you would, look
14 on page three. The witness is Mr. Horton, and
15 it says "No party to" -- and I'm quoting from
16 the deadman statute. It says "No party to an
17 actual proceeding, no person who has a legal
18 or equitable interest which may be affected by
19 the event of the action or proceedings shall
20 be examined in regard to any transaction or
21 communication between such witness and a
22 person at the time of such examination
23 deceased." So he is questioning Mr. Horton
24 regarding a transaction or conversation with
25 Mr. Hinson, who is deceased. So the witness

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1 that the statute is referring to would in this
2 case be Mr. Horton, not Mr. Hinson.

3 MR. GEORGE: I think that's not right.

4 MR. KALE: Your Honor, I think it's very
5 clear from the statute.

6 MR. GEORGE: Your Honor, and I also think
7 any statement that Mr. Hinson made in this
8 case is exception to the hearsay rule. It's a
9 declaration against interest. If he said
10 something against interest, that's an
11 exception to the hearsay rule. That's a rule
12 with that. Your Honor, I didn't ask him -- I
13 asked him what were the conditions on which he
14 was hired. That was the question. I
15 didn't --

16 MR. KALE: He just testified that
17 Mr. Hinson was the one who hired him, so if
18 his statement is what conditions Mr. Hinson
19 hired him, that's going into a transaction,
20 conversations between the claimant and
21 Mr. Hinson, and it would be clearly within the
22 dead man statute.

23 COMMISSIONER GLOVER: Mr. Kale, I'm going
24 to allow the testimony, and I will make a
25 ruling on it, I guess, when I issue my order

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1 instructions as to whether or not --

2 MR. GEORGE: Thank you, Commissioner.

3 Q Joey, when you were hired by Mr. Hinson, what were
4 the conditions on which you were hired?

5 MR. KALE: Subject to my objection, Your
6 Honor.

7 COMMISSIONER GLOVER: Subject to your
8 objection, Mr. Kale.

9 A He come to the house and asked me if I needed a
10 job, and I told him I didn't have a way back and
11 forth, and he said the company would provide
12 transportation.

13 Q So when he hired you at your house -- do you own a
14 car?

15 A No.

16 Q Do you have a driver's license?

17 A No, sir.

18 Q How could you get to work?

19 A I couldn't.

20 Q And he told you the company would provide you
21 transportation?

22 A Yes, sir.

23 Q Did the company provide you transportation?

24 A Yes.

25 Q When did you first go to work with Pyramid?

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1 MR. KALE: Your Honor, let it continue
2 through all this testimony, same objection.

3 COMMISSIONER GLOVER: All right.

4 Q When did you first go to work with Pyramid?

5 A I believe it was January.

6 Q And what was the first job site you worked on?

7 A It was in Charlotte.

8 Q And when you went to the job site in Charlotte, how
9 did you get there?

10 A Mr. Hinson.

11 Q And where did Mr. Hinson -- how did Mr. Hinson pick
12 -- where did he pick you up?

13 A At my house.

14 Q Did you ever go to work in Charlotte that you did
15 not go with Mr. Hinson?

16 A No, sir.

17 Q Was Mr. Hinson your boss?

18 A Yes, sir.

19 Q You worked under Mr. Hinson?

20 A Yes, sir.

21 Q At the job site that you had in Columbia, when did
22 you all start that job site?

23 A Believe it was March.

24 Q And where were you working in Columbia?

25 A At the hospital.

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1 Q And you all would go from Lancaster to the job site
2 every day?

3 A Yes, sir.

4 Q And how would you get to Columbia? Would you come
5 down 277, 77?

6 A I think so.

7 Q Is that the route you all took every day?

8 A Yes, sir.

9 Q On this date of -- let me ask you this. Was
10 Mr. Hinson being -- to your knowledge was
11 Mr. Hinson being paid to take you?

12 A Yes, sir.

13 MR. KALE: Continue my objection all
14 through this testimony, Your Honor.

15 COMMISSIONER GLOVER: So noted.

16 Q And how much was he being paid?

17 A 150. I seen a check was for 150.

18 Q He showed you the check?

19 A Yes, sir.

20 Q That he was given a check for \$150 to transport you
21 in his car?

22 A Yes, sir.

23 Q Tell us about the accident on November 17. Who was
24 driving the vehicle?

25 A Mr. Hinson.

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- 1 Q And what kind of vehicle was he driving?
- 2 A A Honda.
- 3 Q Was that his personal car?
- 4 A I guess.
- 5 Q And you all were going to the job site?
- 6 A Yes.
- 7 Q And how did the accident happen?
- 8 A Well, he run in back of another car.
- 9 Q And this happened in Fairfield County?
- 10 A Yes.
- 11 Q What happened to you in the accident?
- 12 A All my injuries?
- 13 Q Yes, just -- where were you seated in the car?
- 14 A In the front seat.
- 15 Q Were you thrown out of the car?
- 16 A Yes, sir.
- 17 Q And you all ran into the back of another car,
- 18 didn't you?
- 19 A Yes, sir.
- 20 Q And you were transported to Richland Memorial
- 21 Hospital?
- 22 A Yes.
- 23 Q And by -- I think that was by helicopter?
- 24 A Yes, sir.
- 25 Q And were you in intensive care there?

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- 1 A Yes, sir.
- 2 Q How long were you in intensive care?
- 3 A Three weeks.
- 4 Q Just tell us, starting with the top of your head
- 5 going to your foot, what injuries you received in
- 6 this accident.
- 7 A I got a concussion. I broke -- this bone right
- 8 here on my jaw.
- 9 Q Your jaw?
- 10 A Jaw bone, and they had to put steel in my mouth;
- 11 knocked all my teeth out. They had to take --
- 12 Q You might stand up and let the commissioner see the
- 13 scar that you have there.
- 14 A Had to take my spleen out and lacerated my arm.
- 15 They had to put steel rods in my leg.
- 16 Q You got scars on your leg there?
- 17 A Yes, sir. I got big, long scars. And I got nerve
- 18 damage in my foot. I can't move my foot up and
- 19 down.
- 20 Q What about your left leg? Can you straighten it
- 21 out?
- 22 A No, sir.
- 23 Q And your left foot, I think Dr. Carr was your
- 24 doctor?
- 25 A Yes, sir.

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1 Q What is the trouble you're having with your left
2 foot now?
3 A I can't pick it up this way or this way. I can't
4 get it this --
5 Q And you cannot -- that's why you walk with a cane?
6 A Yes, sir. It helps me a lot.
7 Q Are you able to do any kind of physical work now?
8 A No, I don't see how. I was having -- I was having
9 some seizures, too.
10 Q What doctor are you presently under care of?
11 A Dr. Livingston.
12 Q And what is Dr. Livingston treating you for?
13 A For my headaches and seizures.
14 Q And tell me about these headaches. How do they
15 affect you?
16 A It's like I'll be sitting and going into a long
17 daze and like -- it's like a black cloud, and it be
18 hurting the back of my head. It's like taking --
19 it's like going in a daze.
20 Q And how long do those dazes last?
21 A They vary.
22 Q And you have seizures, too?
23 A Yes.
24 Q Did you ever have any of those problems before, any
25 seizures or anything?

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1 A No, sir.
2 Q Did you break the bones under your eyes?
3 A Yes. I broke just above there.
4 Q You haven't worked since the accident?
5 A No, sir.
6 Q And you have -- I think you have to go back to see
7 Dr. Livingston at sometime?
8 A Yes, I have because -- I had -- I had missed one.
9 MR. GEORGE: Commissioner, I'll just
10 point out in the medical there that Dr. --
11 Dr. Carr referenced -- he said that he thought
12 he'd never be able to go back to doing any
13 kind of work again. It's in Dr. Carr's
14 record.
15 Q So let's just get this straight again. Have you
16 ever had a driver's license?
17 A Yes, sir.
18 Q When did you lose it?
19 A 1990 or '91.
20 Q So you haven't had a driver's license for something
21 like 15 years?
22 A Yes, sir.
23 Q Do you own a car?
24 A No, sir.
25 Q So your only way to get to work was with

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- 1 Mr. Hinson?
- 2 A Yes, sir.
- 3 Q Let me show you a form here that Mr. Kale showed
- 4 me. Did you fill out an application when you were
- 5 hired?
- 6 A Yes, taxes like.
- 7 Q Did you ever see anything like this? Was anything
- 8 like this shown to you, the job description for a
- 9 mason? Did you look at that?
- 10 A No, sir, I haven't seen it.
- 11 Q Did Mr. Hinson show you anything like that?
- 12 A No, sir, not while he was --
- 13 Q Mr. Hinson hired you?
- 14 A Yes.
- 15 Q Told you what your salary would be?
- 16 A Yes.
- 17 Q Told you where you would go to work?
- 18 A Yes, sir.
- 19 Q Told you what you'd be doing?
- 20 A Yes, sir.
- 21 Q Did you ever have any other contact with anybody
- 22 else from Pyramid Masonry about your job, getting
- 23 in to work or anything?
- 24 A No, sir.
- 25 Q Mr. Hinson was the only man?

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1 MR. KALE: Object to the leading, Your
2 Honor.

3 COMMISSIONER GLOVER: Don't lead,
4 Mr. George.

5 MR. GEORGE: All right. I have no
6 further questions.

7 COMMISSIONER GLOVER: Mr. Kale.

8 CROSS-EXAMINATION BY MR. KALE:

9 Q Mr. Horton, you have known the Hinson family for
10 many years, have you not?

11 A Yes, sir.

12 Q In fact, you've actually worked with the Hinsons
13 before, haven't you?

14 A I worked for his daddy.

15 Q How long did you work for his daddy?

16 A Very -- I mean, off and on, maybe, 10, 15.

17 Q Ten or 15 years?

18 A Uh-huh.

19 Q When you were working for Mark Hinson's father, how
20 did you get back and forth to work?

21 A He would drive, Hinson.

22 Q Friends took you or Mr. Hinson took you?

23 A Mr. Hinson.

24 Q Senior or junior?

25 A Senior.

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- 1 Q Did Mark Hinson work for his dad?
- 2 A Yes.
- 3 Q Did Mark Hinson take you to work when you were
- 4 working for his dad, too?
- 5 A Driving his daddy's truck. His daddy furnished all
- 6 vehicles, furnished all vehicles.
- 7 Q So he drove you to work then when you were working
- 8 for the Hinson family?
- 9 A Yes.
- 10 Q Did you work for Mark Hinson?
- 11 A Yes, sir.
- 12 Q And did Mr. Hinson give you a ride when he was
- 13 working with you at that time?
- 14 A His son.
- 15 Q Did Mr. Mark Hinson give you a ride when you were
- 16 working for Mark Hinson?
- 17 A When he had his own company?
- 18 Q Yes.
- 19 A Yes.
- 20 Q Did you ride to work with other employees on
- 21 occasions?
- 22 A No.
- 23 Q Never anybody other than the Hinsons?
- 24 A Just his father.
- 25 Q Pardon?

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1 A Just his daddy.
2 Q Never rode to work with any co-workers?
3 A No, because he picked up all of them.
4 Q And so you knew that you had available a ride if
5 you needed to ride with Mr. Hinson, correct?
6 A Do what now?
7 Q You knew if you were going to work, you could get a
8 ride with Mr. Hinson if you were working with him?
9 A Well, if he was going to work, the company was
10 providing --
11 Q I'm not saying what the company provided. Whether
12 the company provided it or not, you knew you could
13 ride with Mr. Hinson, didn't you?
14 A I did, yes.
15 Q How long had you been out of work before you
16 started working for Pyramid?
17 A Not too long.
18 Q And why were you out of work at that point in time?
19 A I can't remember.
20 Q Had they laid you off? Had they fired you?
21 A They didn't have enough work is what it was.
22 Q Who were you working for at that time?
23 A I was working for his dad.
24 Q Have you worked for anyone other than Hinson's
25 father?

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1 A Brick masonry?

2 Q Yes.

3 A (Pauses.) I worked for -- I can't remember his
4 name. He's a Mosley. What is his name?

5 Q Somebody named Mosley? He was a brick mason, too?

6 And did you catch rides with co-workers to work for
7 him?

8 A He furnished the ride.

9 Q He furnished you your ride?

10 A Yes.

11 Q So when Mr. Hinson came to you to ask you if you
12 needed work --

13 MR. KALE: Your Honor, this is subject to
14 my objections as to the admissibility of this.
15 I don't want to waive that --

16 COMMISSIONER GLOVER: Okay.

17 MR. KALE: -- but I just -- to protect
18 myself. I don't have I don't think have to
19 withdraw the objection, but --

20 Q He knew you were out of work, correct?

21 A Yes.

22 Q And so he offered you a job?

23 A Well, he said he needed some brick laid.

24 Q He offered you a job, didn't he?

25 A Yes.

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1 Q It's your understanding that he was paid \$150 how
2 often?
3 A He didn't say how often.
4 Q That he was paid \$150 to transport you? That was
5 the purpose of that payment?
6 A That's what he said.
7 Q That was your understanding of what --
8 A That's what I think.
9 Q That's what you think?
10 A That's what -- what I understood.
11 Q Is that what Mr. Hinson said or what you think?
12 A That's what he said.
13 Q You have always had to depend on people, friends,
14 whatnot to get around because you never had a
15 driver's license, correct?
16 A Oh, I had a driver's license.
17 Q Pardon?
18 A I had a driver's license.
19 Q You have a driver's license?
20 A I had a driver's license.
21 Q But not since age 14?
22 A No. I had one since 1991.
23 Q You've had a driver's license since --
24 A -- 1991.
25 Q So you can drive?

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- 1 A In 1991 I had a driver's licenses.
- 2 Q But you hadn't had one since then?
- 3 A Since then.
- 4 Q Since 1991 you've had to depend upon friends to get
- 5 around, correct?
- 6 A Yes.
- 7 Q Have you worked any place other than as a brick
- 8 mason?
- 9 A No.
- 10 Q From March of 2004 to November 17, 2004, the date
- 11 of your accident, you were working in Columbia,
- 12 correct?
- 13 A Yes, sir.
- 14 Q And you were working at Richland Memorial Hospital?
- 15 A Yes, sir.
- 16 Q And basically Mr. Hinson would come by and pick you
- 17 up, and then you all would drive together down
- 18 there?
- 19 A Yes.
- 20 Q Was there anybody else riding other than the two of
- 21 you at that time in March 2004?
- 22 A No.
- 23 Q Just the two of you?
- 24 A Yes, sir.
- 25 Q On the day of the accident, you were in

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1 Mr. Hinson's personal car; is that correct?
2 A Yes.
3 Q It was a Honda automobile?
4 A Yes, sir.
5 Q And Mr. Hinson ran into the rear of another car?
6 A Yes, sir.
7 Q How fast was that car in front going?
8 A They said 25.
9 Q So it was going real slow on the interstate?
10 A Yes, sir.
11 Q Did you see the car before it hit?
12 A No.
13 Q When you go to work, you start getting paid when
14 you get to the work site, correct?
15 A No, sir.
16 Q That's when you clock in?
17 A Yes, sir.
18 Q And when you're at work, you work from what time to
19 what time?
20 A 7:00 to four o'clock.
21 Q So you had to leave at what time from Lancaster to
22 get down there in time to clock in?
23 A We left early -- I think about 5:00 maybe.
24 Q And drove down and you clocked in at 7:00?
25 A Yes, sir.

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1 Q And when did you work to?
2 A Four o'clock.
3 Q And basically that was true whether you were
4 working at the job site down at Richland Memorial
5 Hospital in Columbia or whether you were up in
6 Charlotte, and I think you all were working on
7 Billy Graham --
8 A Yes.
9 Q -- Conference Center at that time?
10 A Yes.
11 Q Do you remember when you were employed, you had to
12 sign a bunch of documents for tax purposes and
13 other things, correct?
14 A I remember -- I remember signing a thing for taxes.
15 Q Do you remember a packet of papers that you were
16 given to sign?
17 A No, sir.
18 Q You don't remember that?
19 A I don't remember that.
20 Q You signed more than one thing, did you not?
21 A I don't remember.
22 Q You were paid hourly wages?
23 A Yes, sir.
24 Q Were not paid for your travel time from your home
25 to your job site?

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- 1 A (Shakes head.)
- 2 Q If Mr. Hinson was not able to go to work, did you
- 3 go to work?
- 4 A No.
- 5 Q So the company didn't provide you with any
- 6 additional transportation; the only person you
- 7 recall riding with is Mr. Hinson?
- 8 A Yes.
- 9 Q If Mr. Hinson wasn't available, you didn't have a
- 10 way to get to work, did you?
- 11 A No.
- 12 Q You've been treated here in Richland County, I
- 13 believe, for your injuries. Is that correct?
- 14 A Yes, sir.
- 15 Q How do you get from your home down here to doctor's
- 16 appointments?
- 17 A My mother.
- 18 Q So you had your mother -- have your mother
- 19 available to drive you around?
- 20 A Yes, sir.
- 21 Q Did your mother drive you around for other
- 22 purposes, too, before this accident?
- 23 A Yes, sir. Well, I have a moped.
- 24 Q You drove a moped?
- 25 A I have one, yes.

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1 Q Other than Mr. Hinson, did you ever talk to anyone
2 at Pyramid about them providing you with
3 transportation to and from?

4 A No.

5 Q Only Mr. Hinson?

6 A Yes.

7 Q And he is deceased as a result of that accident?

8 A Yes.

9 Q And is not here today; is that correct?

10 A Yes, sir.

11 Q Did you ever pay Mr. Hinson gas mileage?

12 A No, sir.

13 Q You never gave him anything for his gas?

14 A None whatsoever.

15 Q Your attorney has asked you about this job

16 description. Do you see what that description is
17 for?

18 A Looks like mason.

19 Q Can you read and write?

20 A Yes, sir.

21 Q Can you read that?

22 A (Witness views document.)

23 Q Does that describe the mason's job duties?

24 A Yes.

25 MR. KALE: Your Honor, we would like to

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1 introduce this into evidence.

2 COMMISSIONER GLOVER: Any objection,
3 Mr. George?

4 MR. GEORGE: No objection.

5 COMMISSIONER GLOVER: Defendant's #1.

6 (DEFENDANT'S EXHIBIT #1, CONSISTING OF 1
7 PAGE, MASON'S JOB DESCRIPTION, WAS MARKED AND
8 MADE A PART OF THE RECORD.)

9 MR. KALE: That's all we have, Your
10 Honor.

11 MR. GEORGE: I have just one thing.

12 REDIRECT EXAMINATION BY MR. GEORGE:

13 Q Defendant's #1 Mr. Kale showed you, had you ever
14 seen this before?

15 A No, sir.

16 Q Did Mr. Hinson when he hired you, did he go over
17 this with you?

18 A No, sir.

19 Q You've never seen this?

20 A No, sir.

21 MR. GEORGE: That's all I have.

22 COMMISSIONER GLOVER: Mr. George, do you
23 have another witness?

24 MR. GEORGE: Yes, ma'am.

25 COMMISSIONER GLOVER: Okay.

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1 JAMES CLARK, having been sworn or affirmed to
2 tell the truth, testified as follows:

3 DIRECT EXAMINATION BY MR. GEORGE:

4 Q What is your name?

5 A James Clark.

6 Q And where do you live, James?

7 A Lancaster.

8 Q And who were you employed by?

9 A Pyramid Masonry.

10 Q And what is your job with Pyramid Masonry?

11 A What's my job?

12 Q What were you hired as?

13 A Operator and laborer.

14 Q And who hired you?

15 A Joey, Joey, Pyramid Masonry.

16 Q Who was your boss?

17 A Joey.

18 Q This is Joey here. You're talking --

19 A I mean Mark.

20 Q You're talking about Mark Hinson?

21 A Right. Is that who you're talking about?

22 A Joey.

23 Q Okay. You were in this accident, right?

24 A Right.

25 Q Who was driving -- first of all, you were hurt

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1 pretty bad in this accident, right? You lost --

2 MR. KALE: Your Honor --

3 Q -- your eye and --

4 MR. GEORGE: Okay.

5 MR. KALE: -- his injuries are not
6 relevant, really, in this proceeding.

7 MR. GEORGE: I was just trying to see why
8 he was confused is all.

9 COMMISSIONER GLOVER: Okay.

10 Q Who was your boss at Pyramid? What was his last
11 name?

12 A Mark Hinson.

13 Q Right. Is he was the man that hired you?

14 A Yes.

15 Q And where did he come to hire you?

16 A At my house.

17 Q What was he wanting you to do for Pyramid?

18 A Operate machines and labor.

19 Q Did you take the job?

20 A Yes.

21 Q And where did you work? Do you work in Charlotte
22 sometimes?

23 A Yes. Most of the time I work in Charlotte, and I
24 work in Columbia.

25 Q How were you supposed to get to work?

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1 A The company provided transportation --

2 MR. KALE: Objection, Your Honor. Again
3 how he got to work if it's going into
4 conversations he had with Mark Hinson, we
5 would make the same objections under hearsay
6 and the dead man statute.

7 COMMISSIONER GLOVER: My ruling from the
8 previous, I guess, argument about that -- I
9 note your objection.

10 MR. KALE: If you would just allow my --

11 COMMISSIONER GLOVER: Continuous
12 objection.

13 MR. KALE: -- objection to continue
14 through this --

15 COMMISSIONER GLOVER: Okay. 

16 Q How were you supposed to get to work?

17 A The company provided me transportation to work.

18 Q Is that what Mark Hinson told you?

19 A Right. Right.

20 Q And did they provide it to you?

21 A Right.

22 Q Did you have a car?

23 A No.

24 Q Do you have a driver's license?

25 A No.

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- 1 Q If they didn't provide you transportation, could
2 you get to work?
- 3 A No.
- 4 Q On this day of November 17, 2004, you were in this
5 accident, right?
- 6 A Right.
- 7 Q And who was driving the car?
- 8 A Mark Hinson.
- 9 Q And where did he pick you up?
- 10 A At my house.
- 11 Q Is that what he did every day?
- 12 A Every day.
- 13 Q You all coming down 277, 77, and you had a wreck?
- 14 A Right.
- 15 Q And you were hurt pretty bad in it, which we won't
16 have to go into all that right now, but -- that's
17 all I have.
- 18 COMMISSIONER GLOVER: Mr. Kale.
- 19 CROSS-EXAMINATION BY MR. KALE:
- 20 Q Mr. Clark, did you know Mark Hinson before you had
21 any conversation with him about employment?
- 22 A No.
- 23 Q You never had met him before?
- 24 A Uh-uh.
- 25 Q Had you ever worked for his dad?

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1 A No.
2 Q Had you ever met him before?
3 A Uh-uh.
4 Q Do you know how he found you?
5 A Through Joey.
6 Q Joey told him about you, and he found out --
7 A Yes.
8 Q And let me ask you, did you ever work in Charlotte?
9 A I worked in Charlotte one time. We was down in
10 Charlotte one time.
11 Q One time. Do you remember when?
12 A I can't remember.
13 Q You didn't even start work until about three weeks
14 before this accident, did you?
15 A No, a month before that.
16 Q You started at the very end of October, right?
17 October 27?
18 A Right.
19 Q So you had only worked, as of November 17, for
20 about three weeks, correct?
21 A Three to four weeks.
22 Q And when you were working, you were working down
23 here in Columbia at Richland Memorial?
24 A We started in Charlotte -- we worked in Charlotte
25 one time, and then we started working in Columbia.

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- 1 Q Let me ask you this. Did Mr. Hinson get you to
2 sign some papers?
3 A No.
4 Q When you were hired?
5 A No.
6 Q You didn't sign anything?
7 A Uh-uh.
8 Q You don't recall having some tax papers to sign?
9 A I remember signing some tax papers. That's the
10 only thing I recall signing now.
11 Q Do you remember seeing a job description for a
12 laborer?
13 A No.
14 Q Let me show you this. Do you remember seeing that?
15 A No.
16 Q You never seen that before?
17 A No.
18 Q Let me ask you this. Do you remember signing that?
19 A (Witness views document.) It looks like it,
20 doesn't it?
21 Q Is that your signature?
22 A My signature.
23 Q Do you remember signing that?
24 A No, sir.
25 Q Okay. What does that say?

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1 A (Witness views document.)

2 Q Start right here where it says "Please."

3 A "Please read the following job description. This
4 is the" --

5 Q It says "Please read the following job
6 descriptions. They are the minimum standards,"
7 and you signed that?

8 A (Nods head.)

9 MR. KALE: I'd like to --

10 MR. GEORGE: Sure.

11 COMMISSIONER GLOVER: Defendant's #2 and
12 #3.

13 (DEFENDANT'S EXHIBIT #2, CONSISTING OF 1
14 PAGE, JOB DESCRIPTION, WAS MARKED AND
15 MADE A PART OF THE RECORD.)

16 (DEFENDANT'S EXHIBIT #3, CONSISTING OF 1
17 PAGE, STATEMENT OF HAVING READ JOB
18 DESCRIPTION, WAS MARKED AND MADE A PART OF THE
19 RECORD.)

20 MR. KALE: Again, subject to my
21 objection, Your Honor.

22 COMMISSIONER GLOVER: Okay.

23 Q Was it your understanding that Mr. Hinson was being
24 paid money to transport you?

25 A The company was providing me transportation because

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1 I ain't had -- I ain't had no license.

2 Q My question is, was it your understanding that the
3 company was paying Mr. Hinson to transport you?

4 A Right.

5 Q And that was what you were told?

6 A That's what I was told.

7 Q And who told you that?

8 A Who told me? Him. Mark told me.

9 Q Okay.

10 MR. KALE: That's all I have, Your Honor.

11 MR. GEORGE: I just have one thing, Your
12 Honor.

13 REDIRECT EXAMINATION BY MR. GEORGE:

14 Q James, did you ever see this job description
15 before? This document right here. Did you ever
16 see that before?

17 A No.

18 Q You had never seen that? You said no?

19 A No.

20 Q All right.

21 MR. GEORGE: That's all I have, Your
22 Honor.

23 COMMISSIONER GLOVER: You have any other
24 witnesses, Mr. George?

25 MR. GEORGE: I do have one in response.

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1 COMMISSIONER GLOVER: Okay.

2 RECROSS-EXAMINATION BY MR. KALE:

3 Q You signed a statement saying you read the job
4 description, did you not?

5 A Like I said, but I didn't read -- I didn't read
6 nothing.

7 Q So basically what you said on the statement was not
8 the truth?

9 MR. GEORGE: That's not what he said. He
10 said he signed it, but he didn't read it.

11 A I signed it. I didn't read it.

12 MR. KALE: It's cross-examination, Your
13 Honor.

14 COMMISSIONER GLOVER: I know. You can go
15 ahead, Mr. Kale.

16 Q So you're saying when you signed the document, you
17 weren't telling the truth that you had read the job
18 description?

19 A I hadn't read nothing. He just told me to sign it.

20 Q And you weren't telling the truth when you signed
21 it?

22 A Yeah, I was telling the truth.

23 Q But it says you read the job descriptions.

24 A I didn't read nothing. I didn't read nothing.

25 Q But you signed a statement saying you did; is that

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1 correct?

2 A Yeah.

3 FURTHER REDIRECT EXAMINATION BY MR. GEORGE:

4 Q Did you sign that because Mr. Hinson asked you to?

5 A Right.

6 Q Okay. Thank you.

7 MR. KALE: Your Honor; leading.

8 COMMISSIONER GLOVER: Okay. Don't lead.

9 Anything else of Mr. Clark?

10 MR. GEORGE: That's all we have, Your
11 Honor.

12 COMMISSIONER GLOVER: Okay.

13 MR. GEORGE: I have one more witness.

14 LAURA NOAH, having been sworn or affirmed to
15 tell the truth, testified as follows:

16 DIRECT EXAMINATION BY MR. GEORGE:

17 Q Would you give us your name, please.

18 A My name is Laura Noah.

19 Q Ms. Noah, what is your relationship to Mr. Joey
20 Horton?

21 A That is my son.

22 Q Does he live with you?

23 A Yes, he does.

24 Q And where do you all live?

25 A We stay on 1442 Hillcrest Avenue in Lancaster.

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1 Q And what is his occupation?

2 A A brick mason.

3 Q And was he employed by Pyramid Masonry?

4 A Yes, he was.

5 Q And were you present when he was hired?

6 A Yes, I was.

7 Q And who hired him?

8 A Mark Hinson.

9 Q Where did this hiring take place?

10 A In my living room.

11 Q What were the conditions on which he was hired?

12 A Mark came into my living room --

13 MR. KALE: Objection, Your Honor. Again,
14 the same basis, hearsay and the dead man
15 statute. If you'll allow my objection to go
16 through the testimony.

17 COMMISSIONER GLOVER: So noted. It's a
18 running objection.

19 MR. GEORGE: Your Honor, of course, I was
20 just going to --

21 COMMISSIONER GLOVER: Okay.

22 Q And what was the condition -- what did Mark Hinson
23 tell Joey?

24 A He came in and he told Joey that he'd get him a
25 job, and I asked Mark, I said, "Mark, how is Joey

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1 going to get back and forth to Charlotte and
2 Columbia with no car and no driver's license," and
3 Mark stated to me that Pyramid Masonry was going to
4 furnish transportation for Joey back and forth to
5 work.
6 Q Is that how he got back and forth to work?
7 A That is exactly how he got back and forth to work.
8 Q And does he own a car?
9 A No, sir.
10 Q Does he have a driver's license?
11 A No, sir.
12 Q Did he go to work every day? Did Mr. Hinson pick
13 him up?
14 A Yes, he did.
15 Q You're familiar with this accident on November 17.
16 You were at the -- I think he was taken to Richland
17 Memorial Hospital?
18 A Yes, he was. He was flew there in a helicopter.
19 Q And did anybody from Pyramid visit him there?
20 A Yes, they did.
21 Q And do you know who that was?
22 A It was Walt Johns and Arthur Daugherty -- Dodson.
23 Q And did they talk to you?
24 A They did.
25 Q And what was that purpose of being there?

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1 A They came by to see how Joey was doing, and I
2 talked to the tallest man. I -- I don't -- I can
3 point him out, but I talked to the tallest man, and
4 he told me to not to worry about it; that he
5 thought that workman's comp would --

6 MR. KALE: Object, Your Honor, to the
7 relevance of that. It doesn't make any
8 difference if he said it or not said it.

9 COMMISSIONER GLOVER: Okay.

10 MR. KALE: It's whatever the law is.

11 COMMISSIONER GLOVER: Correct.

12 MR. KALE: And that has no relevancy
13 whatsoever.

14 COMMISSIONER GLOVER: Mr. George, strike
15 that portion of her testimony.

16 Q What is the -- Joey lives with you now?

17 A Yes, he does.

18 Q Is he able to do any kind of work now?

19 A No, sir.

20 Q What is the problem, the main problems, that he is
21 having now?

22 A Joey's having seizures, he's having blackouts, and
23 he's having trouble with his foot. He cannot pick
24 his foot up. The doctor told him that he would
25 never be no better than he is now --

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1 MR. KALE: Objection, Your Honor.

2 COMMISSIONER GLOVER: You can't testify
3 as to what the doctor said.

4 A Okay.

5 COMMISSIONER GLOVER: I have all of his
6 medical records.

7 A But, anyway, he's not -- he cannot use his leg and
8 his back, and he's having blackout spells and
9 seizures.

10 Q Dr. Livingston is --

11 A And very bad headaches.

12 Q Does Dr. Livingston treat him for his conditions?

13 A Yes, he does.

14 Q He's still under his care?

15 A Yes, he is.

16 Q Okay. Thank you so much.

17 COMMISSIONER GLOVER: Mr. Kale.

18 CROSS-EXAMINATION BY MR. KALE:

19 Q Ms. Noah --

20 A Yes, sir.

21 Q -- correctly -- well, let me ask you. The person
22 who transported him to work was Mark Hinson,
23 correct?

24 A Mark Hinson did come by and pick him up.

25 Q And Mark Hinson transported him in Mark Hinson's

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1 personal truck or personal automobile, whichever,

2 correct?

3 A I have no idea about that. Mark Hinson told Joey
4 that the company was providing transportation.

5 Q My question to you is now -- and if you don't know,
6 say you don't know -- you never saw Mark Hinson
7 actually pick up your son?

8 A Yes, I have.

9 Q Did he pick him up in his personal truck or his
10 personal automobile?

11 A He would drive a car sometime. He would drive a
12 truck sometime..

13 Q Never had Pyramid Masonry on the side of it, did
14 it?

15 A It was dark when Mark would pick him up early in
16 the morning.

17 Q So you don't have any idea of whether this was Mark
18 Hinson's personal vehicle that he was
19 transporting --

20 A Well, I'm saying that it was.

21 Q Okay. And Mark Hinson died in the automobile
22 accident, correct?

23 A That's exactly right.

24 Q So he's not here to testify --

25 A That's right.

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1 MR. KALE: Nothing further.

2 MR. GEORGE: I have nothing further,
3 Commissioner.

4 COMMISSIONER GLOVER: Any other
5 witnesses?

6 MR. GEORGE: No, ma'am.

7 COMMISSIONER GLOVER: Mr. Kale, do you
8 have any witnesses?

9 MR. KALE: Yes, call Dave Mauney.

10 DAVID GEORGE MAUNEY, having been sworn or
11 affirmed to tell the truth, testified as follows:

12 DIRECT EXAMINATION BY MR. KALE:

13 Q State your full name for the record, please.

14 A David George Mauney.

15 Q And by whom are you employed?

16 A Pyramid Masonry Contractors.

17 Q And what is your position with Pyramid?

18 A Regional vice president.

19 Q And how long have you been with the company?

20 A Twenty-four years.

21 Q Did you know Mark Hinson?

22 A Yes, I did.

23 Q When was Mark Hinson hired by Pyramid?

24 A Early January -- I believe it was the 6th or the
25 7th of January of 2004.

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- 1 Q And what position was he hired for?
- 2 A He was a foreman on the job site.
- 3 Q And did you interview Mr. Hinson at the time he was
- 4 hired, prior to being hired?
- 5 A Prior to his -- his hiring, I spoke with him as did
- 6 his -- one of -- his supervisor Art Bostic, who did
- 7 interview him at our office in Charlotte.
- 8 Q Is a foreman a managerial position with the
- 9 company?
- 10 A Only to the extent of their particular job site.
- 11 Q And that basically is supervising?
- 12 A Supervising the masons and the laborers as far as
- 13 the installation of the -- the work that we do on a
- 14 construction site.
- 15 Q Mr. Hinson, what was he paid? Was he paid a salary
- 16 or was he paid wages?
- 17 A He was paid an hourly wage.
- 18 Q And do you recall how much that was?
- 19 A I believe it was \$23 an hour.
- 20 Q And was he paid anything in addition to that?
- 21 A He -- as all our foremen, received a \$150 monthly
- 22 truck allowance.
- 23 Q And what is the purpose of paying the foreman the
- 24 \$150 truck allowance?
- 25 A We don't give our foreman company vehicles, so

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1 during the course of the workday on the job site,
2 and if they have to go pick up incidentals, such as
3 ice or gasoline or small tools or something of that
4 nature, we give them that in order to reimburse
5 them for the use of their truck during the workday.

6 Q Is that \$150 intended to pay mileage to any of the
7 foremen for them going back and forth to work?

8 A No, it's not.

9 Q Was this truck allowance made pursuant to a written
10 policy the company had had for many years?

11 A Yes, sir.

12 Q They have been paying foremen \$150 for many years;
13 is that correct?

14 A We had been paying a truck allowance that had gone
15 up to \$150 some number of years ago, but it hasn't
16 been -- it was something less than that.

17 Q Initially?

18 A In years past, that's right.

19 Q Let me hand you that document and ask if that is
20 the truck allowance policy that is dated, I
21 believe, January 1, 1989.

22 A Yes, sir, that's correct.

23 MR. GEORGE: Your Honor, I would have to
24 -- my objection is that this is -- he said
25 they hired this gentleman in 2004. If he can

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1 testify that he saw Mr. Hinson or read this
2 document to him, that would be fine. If he
3 didn't, it would have no relevance to this
4 case, but we don't know whether Mr. Hinson was
5 aware of this policy or not.

6 MR. KALE: Your Honor, it doesn't matter
7 whether Mr. Hinson realized it or not. This
8 is what they were being paid -- he was being
9 paid \$150 for, and if Mr. Hinson had some
10 mistake of fact, that's his own problem.

11 MR. GEORGE: Your Honor, it does --

12 MR. KALE: Well, let me finish.

13 MR. GEORGE: Okay.

14 COMMISSIONER GLOVER: Okay. Go ahead.

15 MR. KALE: Okay. I mean, this is what
16 the truck allowance is being paid for, and his
17 testimony is this has been the policy this is
18 what it's paid for, and this is an official
19 document of the company which he has
20 identified, and we submit it into evidence.

21 MR. GEORGE: Your Honor, I don't think
22 there's nothing in that document about \$150.
23 There's not one mention in that document about
24 \$150.

25 MR. KALE: There's been testimony that

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1 the \$150 was a truck allowance and that
2 identifies a truck allowance and what it's
3 being paid for.

4 COMMISSIONER GLOVER: I'll allow it,
5 Mr. George.

6 MR. KALE: Pardon?

7 COMMISSIONER GLOVER: I said I will allow
8 it in.

9 MR. GEORGE: Thank you, Your Honor.

10 COMMISSIONER GLOVER: This is Defendant's
11 #4, I believe.

12 (DEFENDANT'S EXHIBIT #4, CONSISTING OF 1
13 PAGE, TRUCK ALLOWANCE POLICY, WAS MARKED AND
14 MADE A PART OF THE RECORD.)

15 Q Let me hand you Defendant's #4. Read the last
16 sentence of the truck allowance policy.

17 A "This pertains only for picking up or delivering
18 incidentals and not to be interpreted as mileage."

19 Q For example, if the company was paying Mr. Hinson
20 for mileage to transport employees, let's just use
21 the federal -- let me ask you this.

22 MR. GEORGE: Objection, Your Honor. This
23 is irrelevant and hypothetical. It's nothing
24 to do with this nothing --

25 MR. KALE: Haven't even gotten the

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1 question out.

2 MR. GEORGE: Got enough of it out to see
3 where he's going with it.

4 COMMISSIONER GLOVER: I'll allow it,
5 Mr. George.

6 Q How far was it from Mr. Hinson's residence to the
7 Charlotte work site?

8 A To the Charlotte work site, I think it was --

9 Q Excuse me, to the Columbia work site.

10 A To the Columbia work site, it was about 70 miles
11 from his home to the job site one way.

12 Q 140 round trip?

13 A Yes, sir.

14 Q And if you use 37 and a half cents per mile, how
15 many days would \$150 pay for mileage?

16 A I'll do the math in my head. I would say three or
17 four or five maybe.

18 Q Three, four, or five days?

19 A I would guess so, yes, sir.

20 Q Wouldn't pay him for even a week of transportation
21 if you were paying mileage back and forth to the
22 job site --

23 MR. GEORGE: On the record we object. It
24 has no relevance to what we're talking about
25 here.

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1 COMMISSIONER GLOVER: Okay.

2 MR. KALE: I think it does, Your Honor,
3 because it shows this is obviously not paying
4 him for mileage or transportation because \$150
5 wouldn't even pay for a week of travel.

6 COMMISSIONER GLOVER: I'll allow it,
7 Mr. George.

8 Q Did you discuss with Mr. Hinson that he would get
9 this truck allowance?

10 A When we interviewed Mark in my office prior to our
11 making a formal offer of him for employment, we
12 discussed the particulars of the job as far as the
13 responsibilities and as far as the definition and
14 that sort of thing, and we did discuss the truck
15 allowance.

16 Q At the time when Mr. Hinson was hired and you
17 discussed that he would get it -- and he would
18 immediately start getting the trucking allowance
19 from the day he started work, although he may be
20 paid at the end of the month, but it would start
21 accruing as soon as he was hired; is that correct?

22 A That's correct.

23 Q -- was Joey Horton even employed with Pyramid?

24 A No, sir, he was not.

25 Q He wasn't hired by Mr. Hinson until several weeks

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- 1 later after that?
- 2 A I believe it was just a week later that Mark hired
- 3 Joey.
- 4 Q Does Pyramid Masonry furnish rides to employees?
- 5 A No, sir, we do not.
- 6 Q And that's always been in your job descriptions,
- 7 has it not?
- 8 A Yes, sir, that's correct.
- 9 Q Let me show you the job descriptions for a mason
- 10 and a laborer. What do they provide as to
- 11 transportation?
- 12 A Item 10 on both descriptions says "Must have means
- 13 of transportation to and from project."
- 14 Q And that would be either they would provide their
- 15 -- drive their own automobiles or get rides with
- 16 whomever they could get a ride with?
- 17 A Yes, sir. It was their responsibility to find
- 18 their own way to -- to work.
- 19 MR. KALE: That's all the questions I
- 20 have.
- 21 COMMISSIONER GLOVER: Mr. George?
- 22 CROSS-EXAMINATION BY MR. GEORGE:
- 23 Q Sir, do you know Mr. Horton?
- 24 A I -- I did see Mr. Horton on one job site one day,
- 25 yes, sir. I don't know him personally, but I --

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- 1 I've seen him on the job site.
- 2 Q Defendant's #1, job description, do you know
- 3 whether or not Mr. Hinson ever showed that and went
- 4 over that with Mr. Horton?
- 5 A I believe that he did.
- 6 Q How do you know, sir? Were you there?
- 7 A I was not there.
- 8 Q When Mr. Hinson hired Mr. Horton, were you present?
- 9 A I was not.
- 10 Q Why would you say that you thought he went over
- 11 that?
- 12 A Because he -- in our employment packet is where we
- 13 had the tax form, the W-4, this information, and
- 14 out job safety rules and regulations, and it's all
- 15 in one packet, and he did return his W-4, as part
- 16 of -- it would come out of that same packet.
- 17 Q I noticed that there's a form that the lawyer
- 18 handed up by Mr. Clark about "Please read the
- 19 following job description."
- 20 A Right.
- 21 Q Do you have one of those for Mr. Horton?
- 22 A I do not.
- 23 Q So Mr. Horton never signed one of those forms
- 24 stating that he had ever read this form, did he?
- 25 A I've not seen one.

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1 Q And you were not present when Mr. Horton was --

2 A No, sir, I was not.

3 Q Did you personally go over this document that I
4 think is #4, Defendant's #4, "This expense is paid
5 monthly. It is intended use of reimbursement," so
6 forth. Did you personally go over this document
7 with Mr. Hinson?

8 A We went over the policy of that, yes, sir.

9 Q That's not what I asked you.

10 A I did not -- we did not personally go over that
11 specific --

12 Q You do not know --

13 MR. KALE: Let him answer.

14 Q Do you know whether Mr. Hinson knew about this
15 document or not?

16 A He knew of our policy, yes, sir.

17 Q Do you know whether he knew of this document?

18 A I do not know that.

19 Q Mr. Hinson was a foreman with your company; is that
20 correct?

21 A That's correct.

22 Q You hired him -- you knew of his hiring?

23 A Yes, sir.

24 Q Did Mr. Hinson have authority to hire Joey Horton?

25 A Yes, sir, he did.

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1 Q And you were not present when Mr. Hinson hired Joey
2 Horton?
3 A No, sir, I was not.
4 Q You do not know what condition he hired him under?
5 A I was not present.
6 Q You do not know what he told him?
7 A No, I don't.
8 Q But he had authority to hire Joey Horton?
9 A Yes, sir, he did.
10 Q He had authority to tell him what his hourly rate
11 would be?
12 A Yes, sir.
13 Q He was his boss?
14 A Yes, sir.
15 Q He could have told him "We will provide you with
16 transportation to work"?
17 A That would have been outside the scope of his
18 authority.
19 Q Why would that be? You mean he'd have to -- what
20 I'm saying, he could tell him how much he's going
21 to make, but he can't tell him he's going to
22 provide him with a way to get to work?
23 A No, sir.
24 Q The man has no car, has no driver's license. How
25 can he hire -- how could he get to work?

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1 A I have no knowledge of --

2 Q So you don't --

3 A -- the situation.

4 Q -- in other words, he had authority to hire him --

5 COMMISSIONER GLOVER: Mr. George, let him
6 finish answering his questions, okay?

7 MR. GEORGE: I'm sorry.

8 A I had no knowledge of the situation, if Mr. Hinson
9 was aware of the -- our policy as far as what the
10 truck allowance was for. If he interpreted that in
11 any way, that was contrary to what he had been
12 told.

13 Q You don't know how he interpreted it?

14 A I know what he was told.

15 Q We do seem to agree on one thing. He was paid \$150
16 a month for something. 

17 A Yes, sir.

18 Q There's no question about that?

19 A No, sir.

20 Q And he had authority to hire him?

21 A Yes, sir.

22 Q He had authority to tell him how much he was going
23 to make?

24 A Yes, sir.

25 Q He was his boss?

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1 A Yes, sir.

2 Q And he was acting on behalf of Pyramid when he did
3 that?

4 A Yes, sir.

5 MR. GEORGE: Thank you so much.

6 REDIRECT EXAMINATION BY MR. KALE:

7 Q Do we know what the \$150 was being paid for?

8 A Yes, sir, we do.

9 Q What was it?

10 A For use on the job, the truck on the job site
11 during the course of the business day, for running
12 errands, picking up incidentals.

13 Q What is the company's policy regarding furnishing
14 transportation to the employee to the job site?

15 A We do not provide transportation.

16 Q Did Mr. Hinson, and we don't know what Mr. Hinson
17 actually said because he is now deceased and cannot
18 testify. Did Mr. Hinson have authority to offer
19 transportation to Mr. Horton or to Mr. Clark, if he
20 did so?

21 A No, sir.

22 MR. KALE: That's all I have, Your Honor.

23 RECROSS-EXAMINATION BY MR. GEORGE:

24 Q When did you tell Mr. Hinson he did not have
25 authority to offer Mr. Horton and Mr. Clark

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1 transportation? What day did you tell him that?

2 A That was never discussed.

3 Q That was never discussed?

4 MR. GEORGE: Thank you very much.

5 FURTHER REDIRECT EXAMINATION BY MR. KALE:

6 Q But the company policy was that we couldn't offer
7 transportation?

8 A Company policy was just as I've stated. There was
9 nothing mentioned about transportation for any
10 employees beyond anything that we've discussed
11 here.

12 Q Did Mr. Hinson have authority to contradict company
13 policy?

14 A No, sir, he did not.

15 MR. KALE: That's all the questions I
16 have.

17 COMMISSIONER GLOVER: Okay. .

18 MR. GEORGE: I have nothing further.

19 COMMISSIONER GLOVER: Okay. Do you have
20 any other witnesses, Mr. Kale?

21 MR. KALE: Yes, one more witness.

22 DONALD GEORGE WILLIAMS, having been sworn or
23 affirmed to tell the truth, testified as follows:

24 DIRECT EXAMINATION BY MR. KALE:

25 Q Mr. Williams, give me your full name for the

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1 record, please.

2 A Donald George Williams.

3 Q And by whom are you employed?

4 A Pyramid Masonry.

5 Q And how long have you worked for Pyramid Masonry?

6 A Eighteen years.

7 Q And what is your position with them?

8 A Foreman.

9 Q And did you know Mr. Mark Hinson?

10 A No.

11 Q Did you know he was a foreman also?

12 MR. GEORGE: Objection, Your Honor. He
13 said he did not know Mr. Hinson. Now he is
14 leading him, trying to lead him into an
15 answer.

16 MR. KALE: Well, it's not. I just asked
17 if he as aware he was employed by Pyramid --

18 COMMISSIONER GLOVER: I'll allow it,
19 Mr. George.

20 MR. KALE: Pardon me?

21 COMMISSIONER GLOVER: I'm sorry. I'll
22 allow it, Mr. Kale.

23 Q Were you aware he was employed by Pyramid?

24 A I heard that they had hired some new foremen.

25 Q When you go back and forth to work, what kind of

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- 1 vehicle do you use?
- 2 A I drive an S-10, my personal --
- 3 Q It's your personal car?
- 4 A Yes, it is.
- 5 Q Does Pyramid provide their foremen with trucks to
- 6 drive?
- 7 A No.
- 8 Q As a foreman do you receive any amount for a truck
- 9 allowance?
- 10 A I receive \$150 a month.
- 11 Q How long have you been getting a truck allowance,
- 12 whether it was \$100 or \$150? How long have you
- 13 been getting that?
- 14 A I been getting it for 18 years.
- 15 Q What is your understanding of what the truck
- 16 allowance is being paid for?
- 17 A When I first was hired, a truck allowance is for
- 18 miscellaneous on-the-job, getting ice or anything
- 19 pertaining to the job.
- 20 Q Does Pyramid provide transportation --
- 21 MR. GEORGE: Objection, Your Honor. He's
- 22 not -- he wouldn't know that.
- 23 COMMISSIONER GLOVER: I'll allow him to
- 24 answer the question, Mr. George.
- 25 Q Does Pyramid provide transportation to employees to

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1 the job site?

2 A No.

3 Q Have you ever taken employees in your truck to the
4 work --

5 A No. No.

6 Q But you get the \$150?

7 A Yes, I do.

8 MR. KALE: That's all I have, Your Honor.

9 COMMISSIONER GLOVER: Okay.

10 CROSS-EXAMINATION BY MR. GEORGE:

11 Q Do you know what the conditions were under which
12 Mark Hinson hired Joey Horton?

13 A No, I don't even know -- I haven't -- this is the
14 first time I ever seen him.

15 Q You don't know Joey Horton?

16 A No. No, I don't.

17 Q You don't know Mark Hinson?

18 A No, I don't.

19 Q You don't know when Joey Horton was hired?

20 A No.

21 Q You don't know under what conditions Mark Hinson
22 hired him?

23 A No, I don't.

24 Q Thank you.

25 MR. KALE: Nothing further, Your Honor.

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1 COMMISSIONER GLOVER: Okay. Thank you.

2 That concludes this hearing.

3 MR. KALE: That's all we have, Your
4 Honor.

5 COMMISSIONER GLOVER: Thank you. That
6 concludes this hearing.

7 (WHEREUPON, THE HEARING WAS CONCLUDED AT

8 10:08 P.M.)

9 *

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BE IT KNOWN THAT I, PAULA JACKSON BLANDSHAW,
TOOK THE FOREGOING PROCEEDINGS IN WORKERS' COMPENSATION
CASE NUMBER 0425180 ON SEPTEMBER 8, 2005;

THAT BY VIRTUE THEREOF I WAS DULY COMMISSIONED
AND QUALIFIED TO ADMINISTER AN OATH;

THAT ANY WITNESS WAS FIRST DULY SWORN TO
TESTIFY THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
TRUTH, CONCERNING THE MATTER IN CONTROVERSY AFORESAID;

THE FOREGOING TRANSCRIPT OF 62 PAGES
REPRESENTS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPTION
OF THE TESTIMONY SO GIVEN AT THE TIME AND PLACE
AFORESAID TO THE BEST OF MY SKILL AND ABILITY:

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO, NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

WITNESS MY HAND AND SEAL THIS 23RD DAY OF
MARCH, 2006.*

Paula Jackson Blandshaw, CVR
PAULA JACKSON BLANDSHAW, CVR
CERTIFIED VERBATIM REPORTER
A NOTARY PUBLIC IN AND FOR THE
STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES OCTOBER 31, 2013.

*PURSUANT TO A REQUEST FROM ATTORNEY RICHARD B. KALE, JR., VIA U.S. MAIL, ON JANUARY 4, 2006, THIS TRANSCRIPT WAS PREPARED AND WILL BE DELIVERED IN AS TIMELY A MANNER ALLOWED BY THE CONSCIENTIOUS PERFORMANCE OF MY DUTIES AND RESPONSIBILITIES AS AN OFFICER OF THE COURT TO THE BEST OF MY SKILLS AND ABILITIES.

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The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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April 14, 2008

REMITTITUR

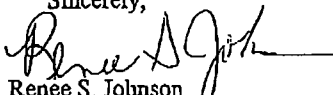
The Honorable Betty Jo Beckham
101 South Congress St
PO Drawer 299
Winnsboro, SC 29180-0299

Re: Horton, Joey v. Pyramid Masonry
2006-CP-20-00305

Dear Ms. Beckham:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Sincerely,


Renee S. Johnson
Administrative Specialist


KAR/rj

cc: Richard B. Kale, Jr, Esquire
L. Brenn Watson
Barry B. George, Esquire

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R 216



The South Carolina Court of Appeals

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March 27, 2008

Richard B. Kale, Jr, Esquire
L. Brenn Watson
Willson Jones Carter & Baxley
872 S. Pleasantburg Drive
Greenville, SC 29607

Barry B. George, Esquire
1419 Bull St.
Columbia, SC 29201

Re: Horton, Joey v. Pyramid Masonry

Dear Counsel:

Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Fairfield County after fifteen (15) days, exclusive of the date of filing of this opinion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Renee S. Johnson".

Renee S. Johnson
Administrative Specialist

KAR/rj

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 239(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Joey D. Horton,

Respondent

v.

Pyramid Masonry Contractors,
Inc. and Hartford Accident
Insurance Company,

Appellants.

Appeal From Fairfield County

Kenneth G. Goode, Circuit Court Judge

Unpublished Opinion No. 2008-UP-205

Submitted February 1, 2008 – Filed March 27, 2008

AFFIRMED

Richard B. Kale, Jr. and L. Brenn Watson, both of
Greenville, for Appellants.

Barry B. George, of Columbia, for Respondent.

After Employee started working for Employer, Foreman and Employee always traveled together in Foreman's personal vehicle to and from their homes in Lancaster to job sites in Charlotte and Columbia. Employee testified he worked for Employer only on the days he rode to job sites with Foreman. In November 2004, upon Employee's recommendation, Foreman hired another Lancaster man, James Clark, to work as a laborer for Employer. Clark testified he also worked for Employer only on days he rode to Employer's job sites with Foreman.

On the morning of November 17, 2004, Employee, Clark, and Foreman were traveling in Foreman's vehicle from Lancaster to a job site in Columbia. While driving on Interstate 77 in Fairfield County, Foreman's car slammed into the rear of a vehicle moving approximately twenty-five miles per hour. The impact threw Employee from the car; a helicopter transported him to Richland Memorial Hospital where he recovered until his release on December 10, 2004.⁴ As a result of the accident, Employee sustained injuries to his head, back, heart, spleen, pelvis, left leg, left hip, appendix, and teeth. Employee now walks with a cane and is under the continuing care of a physician for injuries sustained in the accident, including headaches, seizures, and an inability to control his left foot. Employee has not worked since the accident, and his physician indicates Employee's physical limitations will prevent him from working as a brick mason in the future.

PROCEDURAL HISTORY

In May 2005, Employee filed a Form 50 claiming entitlement to workers' compensation benefits for injuries he sustained in the November 17, 2004 accident. Employee alleges his injuries are compensable because he "was performing services arising out of and in the course of employment at the time of the accident." Employer filed a Form 51 denying Employee's injuries were compensable.

On September 8, 2005, a single commissioner conducted a hearing. The commissioner found "[t]he provision of transportation to and from work

⁴ Foreman died from the injuries he sustained in the accident.

testifying against a survivor of the now-deceased Foreman. The Panel also (1) ruled Foreman had "either actual authority or apparent authority to both hire [Employee] and provide transportation" and (2) overruled Employer's hearsay objections under Rule 801(d)(2) of the South Carolina Rules of Evidence.

Following a hearing on January 4, 2007, the circuit court, applying the substantial evidence standard of review, found the Panel did not err in finding Employee's case fell within an exception to the going and coming rule because testimony in the record could "reasonably be viewed as establishing [Employee] had been hired by a supervisor [Hinson] who was driving the automobile in which [Employee] was injured at the time of the accident when [Foreman] had actual and/or apparent authority to hire [Employee] and negotiate the terms of his employment, including the provision of transportation to and from the job site, especially in light of the fact that [Employee] did not have a driver's license." Additionally, the circuit court affirmed the Panel's conclusion that testimony regarding Foreman's statements to Employee was properly admitted because the statements were neither hearsay nor barred by the Dead Man's Statute. The circuit court affirmed the Panel's order in its entirety. This appeal followed.

STANDARD OF REVIEW

The Administrative Procedures Act governs judicial review of all non-jurisdictional decisions of the workers' compensation commission. Gray v. Club Group, Ltd., 339 S.C. 173, 182, 528 S.E.2d 435, 440 (Ct. App. 2000). "The [reviewing] court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings." S.C. Code Ann. § 1-23-380(A)(5) (Supp. 2006). However, the reviewing court

may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (a) in violation of constitutional or

sustains while traveling to and from the workplace are not compensable. Eadie v. H.A. Sack Co., 322 S.C. 164, 168, 470 S.E.2d 397, 399 (Ct. App. 1996); see also Gray v. Club Group, Ltd., 339 S.C. 173, 188, 528 S.E.2d 435, 443 (Ct. App. 2000) (“As a general rule, an employee going to or coming from the place where his work is to be performed is not engaged in performing any service growing out of and incidental to his employment, and, therefore, an injury sustained by accident at such time does not arise out of and in the course of his employment.”).

South Carolina recognizes five exceptions to the going and coming rule: 1) the employer provides the means of transportation or pays travel time; 2) the employee performs duties during his commute; 3) the route used is inherently dangerous; 4) the place where the injury occurs is in such close proximity to the workplace that it is brought within the scope of employment; and 5) the injury occurs while the employee is on a special errand for the employer. Eadie, 322 S.C. at 168-69, 470 S.E.2d at 400.

Here, Employee’s injuries are compensable, under an exception to the going and coming rule, only if substantial evidence supports the Panel’s finding that Employer either (1) provided the means of Employee’s transportation, or (2) paid Employee for his travel time to and from work. Employee’s own testimony confirmed Employer did not pay for his travel time to and from the job site. Accordingly, Employee’s injuries will be compensable only if substantial evidence supports the Panel’s finding that Employer, *through its agent, Foreman*, provided the means of Employee’s transportation to work.

An agency relationship may be established by evidence of actual or apparent authority. R & G Const., Inc. v. Lowcountry Reg’l Transp. Auth., 343 S.C. 424, 432, 540 S.E.2d 113, 117 (Ct. App. 2000). In a principal - agent relationship, “apparent authority is considered to be a power which a principal holds his agent out as possessing or permits him to exercise under such circumstances as to preclude a denial of its existence.” Id. at 433, 540 S.E.2d at 118.

provided transportation for Eadie; however, H.A. Sack alleged Stanley's and Nix's injuries were not compensable because "Eadie lacked authority to obligate the company to pay transportation costs for his crew." *Id.* at 170, 470 S.E.2d at 400. Our court affirmed the Panel, finding Eadie had apparent authority to offer transportation to Stanley and Nix on behalf of H.A. Sack and this authority was binding upon H.A. Sack. *Id.* at 171, 470 S.E.2d at 401.

Here, as in Eadie, Employee testified regarding the circumstances under which he was hired: "[Foreman] c[a]me to the house and asked me if I needed a job, and I told him I didn't have a way back and forth, and [Foreman] said the company would provide transportation." Employee stated Foreman picked him up at home and drove him to and from job sites in Charlotte and Columbia. Employee testified he only went to work when Foreman went to work and if Foreman had to stay home, Employee stayed home as well. Employee also testified Foreman showed him a check for \$150 that Foreman said Employer was paying him to transport Employee to work in Foreman's personal vehicle.

Laura Noah, Employee's mother, testified to being present when Foreman offered a job to Employee. She testified she asked Foreman: "[h]ow is [Employee] going to get back and forth to Charlotte and Columbia with no car and no driver's license?" She also testified Foreman answered: "Pyramid Masonry was going to furnish transportation for [Employee] back and forth to work."

David Mauney, a regional vice president with Employer for twenty-four years, testified Employer does not provide transportation to its employees and that it is the employee's "responsibility to find [his] own way to work." He stated Employer's job description for a mason specifically states the employee "must have means of transportation to and from project." However, Employee testified he had not seen the job description prior to the hearing. When asked whether Foreman could have told Employee that Employer would provide his transportation to work, Mauney responded: "That would have been outside the scope of his authority."

Employer argues the facts in Eadie distinguish it from the facts of this case because in Eadie, the employer paid Eadie a mileage allowance for his travel to and from work. We find this distinction to be unpersuasive. The Eadie court affirmed that Stanley's and Nix's injuries were compensable because substantial evidence in the record supported its finding that H.A. Sack had "placed Eadie in a position impliedly manifesting his authority to dictate the employment terms" to the crew members he hired. The court's decision turned on its finding that Eadie acted with actual or apparent authority when he offered crew members transportation to and from work. That authority bound H.A. Sack to the terms Eadie negotiated with the crew members.

Here, there is evidence to support the Commission's decision that Employer's agent, Foreman, acting with actual or apparent authority, told Employee that Employer would provide transportation as a condition of his employment. While Foreman's offer of transportation may have exceeded the scope of the actual authority Employer conferred upon him, there is sufficient evidence in the record to support Employee's belief that Foreman had apparent authority to negotiate the terms of his employment, including Employer's provision of transportation. Employer is bound by Foreman's representations to Employee concerning the conditions of his employment. Accordingly, the Commission's decision that Employee's injuries are compensable because they fall within an established exception to the going and coming rule is supported by substantial evidence and is therefore affirmed.

II. Admission By Party Opponent

Employer additionally argues testimony regarding Foreman's alleged statements to Employee concerning the conditions of his employment offer constituted inadmissible hearsay. We disagree.

may exceed his authority." Crittenden v. Thompson-Walker Co., Inc., 288 S.C. 112, 116, 341 S.E.2d 385, 388 (Ct. App. 1986).

CONCLUSION

For the foregoing reasons, the decision of the circuit court is

AFFIRMED.

HEARN, C.J., PIEPER, J., and CURETON, A.J., concur.

Careforce Communications
Five Richland Medical Park Dr.
Columbia, SC 29203
(803) 434-2264

Transport Request: Division: Careforce

Request #: 0411-2357-A
Priority: Emergent
Aircraft: N911RC
Type: Scene
Location: FAIRFIELD COUNTY
Ridgeway, SC 29130
Disposition: Patient Transported
Ref Agency: Fairfield Co Ems
Requestor: Fairfield County
Callback: (803)635-5511/
Call Rcvd: 11/17/04 @ 06:14
Notify Plt: 11/17/04 @ 06:15
Wx Confirm: 06:15
Dispatch: 06:15
Liftoff: 06:21 HOSP
Arrive 1: 06:31 SCENE
* Depart 1: 06:52 SCENE
* Arrive 2: 07:06 HOSP

Req Unit:
Units at Scene: UNIT 2/3

Rec Agency: Richland Mem Hspt
Columbia, SC 29203
Rec MD: Raymond Bynoe
Rec MD Tel: (803)765-7000/
Rec Unit:
Rec U Tel: (803)434-7000/

Crew 1: Bell, Kirsten
Crew 2: Stonehill, Paul
Crew 3: Carson, Tammy

Pilot 1: Twomey, Micheal

Comm 1: Hanson A, Peggie

In Service: 07:06
Completed: 07:06 11/17/04

Ar Bedside:
Dp Bedside:
Total Miles: 46 sm
Loaded Miles: 23 sm

Weather: VFR, Day

Patient Information

Patient 1: History: 29130

Name: ,
Address: ,

Next of Kin:
Contact:
Pers. MD:

Med. Info:

Account: 5879

DOB: / / Age: Race:
Sex: Wgt: SS: - -
Cat: Trauma (Adult)
Dx: Multiple Trauma

TRAUMA, MD41047
523-1

Patient Consent Form

Patient: Clark, James Jr. Flight Number: 5879 Date: 11-19-04

I, the undersigned, have been advised of and consented to all treatment and transport rendered to me or my dependents by Careforce air medical service.

I hereby assign to Careforce all of my rights and benefits for ambulance transport and treatment provided by any and all of my insurers, Medicare, and third party agencies. I further authorize Medicare, my insurers, and any third party agencies to pay directly to Careforce air medical service whatever benefits or payments may be available for services rendered to me or my dependents by Careforce. These shall not exceed the regular charges of Careforce for services provided.

I hereby authorize any holder of such medical, hospital, or other records or information about me or my dependents to release now or in the future to the Health Care Financing Administration, its intermediaries, other carriers, as well as to Careforce, any such information needed to determine insurance and other third party benefits payable for any services as provided to me or my dependents by Careforce.

I give permission for Careforce and its agents to disclose to any appropriate insurance company and its contracted review organization, and to other persons who may become legally obligated to pay all or part of my treatment and transportation bill any information to allow them to pay for that part of my treatment for which they are obligated. My consent to this disclosure with respect to each payer will only expire upon final settlement of the amount due. I also give permission to release any information to other healthcare providers involved in my care such as referring physicians, EMS agencies, trauma registries, and hospitals.

In addition to any expiration of permission to give out information stated above, permission will automatically expire in 30 months. To the extent information has not been already released, I can revoke all or part of this consent by giving Careforce a written instruction signed and dated by me.

I understand that any refusal to release information or revocation of this consent may result in improper diagnosis or treatment, denial of health insurance or other benefits, or other adverse consequences.

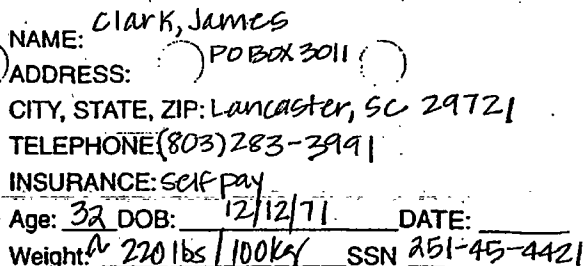
I permit a copy of this authorization to be used in place of the original.

Signed: pt. unable to sign -
φ family present
per crew. Date: _____

INSURANCE INFORMATION			
MEDICARE #		MEDICAID #	
Primary Insurance	Name:	Policy #	Group #
	Address:		
	Telephone:		
Secondary Insurance	Name:	Policy #	Group #
	Address:		
	Telephone:		
EMPLOYMENT RELATED		AUTO ACCIDENT INFORMATION	
Employer	<u>claim: 0400584276</u>	Owner's Name	<u>Martin and Marissa Hinson</u>
Address	<u>Ady: Barry Horn</u>	Auto Insurance Company	<u>Ally Auto Insurance</u>
City	<u>Phone: 407-829-7576</u>	Agent	<u>Policy # 6513450 Comp # 32220</u>
Occupation	<u>Coverage:</u>	Agent Address or Telephone	<u>1-800-433-0880</u>
Contact	<u>Fax:</u>	Investigating Police Dept.	<u>One Ally Center P.O. Box 1520</u>
Telephone		<u>SCHP-Trooper Lamb</u>	<u>Wilmington, DE 19850-5510</u>

Vehicle: 2000 Honda

231



a division of Medserv

TM 041047

R 227

TM 041047

partial evulsion
scalp

deformity

The image contains two hand-drawn sketches of a human figure, one from the front and one from the back. The front view shows a head with a bandage, a torso with a horizontal line, and legs. The back view shows a head, torso, and legs. Handwritten text 'partial evulsion scalp' is near the head of the front view, and 'deformity' is near the leg of the back view.

0637) Pt. still $\bar{s}$ effect of Etomidate. Extremely combative. (10 0638) Sux 200mg IV given. (10 0641) No effect $\bar{s}$ Sux dosage. Pt. still extremely combative. (10 0645) 2nd IV site initiated - (10 0646) Given Nordron 10mg IV. (10 0648) Pt. orally intubated $\bar{z}$ 8.0 cm, 1st attempt by P. Stonehill. (10 0650) Visualization of cords, (10 0651) condensation in tube, (10 0652) BBS present & auscultated in epigastric area. Tube secured. Ventilation easy, assisted $\bar{z}$ 20-24 bpm. Spinal precautions taken & pt. being secured to long spine board. (10 0652) Pt. secured in aircraft; monitor - SR, sats 100% - pt. finally paralyzed chemically. ETT @ 30's. IV's intact. Comm. center alerted Trauma 911. (10 0653) Fluids warmed, A/C warmed blankets on pt. Pupils fixed - (10 0654) 7/7. Chest $\bar{s}$ deformity. Arms $\bar{s}$ deformity. Belly soft, obese. (10 0655) Hip unstable? (10 0656) Femur largely deformed. (10 0657) Pedal pulses. Forehead lacerated from medial aspect of OS to lateral aspect of OS lacerated $\bar{z}$ large amt of bleeding; dry drsg applied. Partial scalp avulsion. Crepitus of skull palpated. (10 0659) Sx'd ETT for small amt bloody frothy secretions. Pt. still paralyzed ^{chemically} - no sig Δ in VS or condition - sats remain 100%. (10 0710) Pt. to TR1, report to team. No Δ in assessment. ETT remains secured. VS $\bar{s}$ sig Δ . IV's intact. T. Larson, EN.

Trauma, MOH047

DHEC PATIENT CARE FORM

O.A. NO.

TRIP NO. 5879

PATIENT IDENTIFICATION (Please Print)			DISPOSITION (110-111)		TYPE OF INCIDENT		CALL TYPE		PATIENT STATUS			
LAST NAME (10-29) Clark, James	FIRST NAME (30-45) PO BOX 3011	MI (46) LA	01 ☐ TREAT/NO TRANS.	02 ☐ DOA AT SCENE	03 ☒ HOSPITAL ER	04 ☐ HOSP. DIR. ADMIT.	05 ☐ PATIENT'S HOME	06 ☐ NURSING HOME	07 ☐ DR.'S OFFICE	08 ☐ OUTPATIENT	09 ☐ PT. REFUSED TREAT.	10 ☒ EMS TRANSFER
CITY (47-51) Lancaster			STATE (52-53) SC		ZIP CODE (54-57) 29721		TRAUMA (112) MEDICAL (113)		TO SCENE (114) ON SCENE (115) FROM SCENE (116)			
SSN (95-103) 151 454421			SEX (104) Male		RACE (105) White		AGE (106-109) 33 YRS.		1 ☒ EMERGENCY 2 ☐ NON-EMERGENCY			
1 ☒ Male 2 ☐ Female 3 ☐ Undetermined			1 ☐ White 2 ☐ Black 3 ☐ Am. Indian 4 ☐ Hispanic 5 ☐ Asian 6 ☐ Other		1 ☐ 1-10 2 ☐ 11-20 3 ☐ 21-30 4 ☐ 31-40 5 ☐ 41-50 6 ☐ 51-60 7 ☐ 61-70 8 ☐ 71-80 9 ☐ 81-90 10 ☐ 91+		1 ☐ 1-10 2 ☐ 11-20 3 ☐ 21-30 4 ☐ 31-40 5 ☐ 41-50 6 ☐ 51-60 7 ☐ 61-70 8 ☐ 71-80 9 ☐ 81-90 10 ☐ 91+		1 ☒ URGENT 2 ☐ NON URGENT 3 ☐ NON URGENT			
ST. OR HWY. NAME OR NO. I-77-5			CITY Ridgeway, SC		County (117-118) 20		Zip Code (119-123) 29721		INCIDENT LOCATION			
SAFETY EQP (124)			SITE OF INCIDENT (125)		TREATMENT PROCEDURES (141-174)		DRUGS USED (226-241)		REVISED TRAUMA SCORE			
1 ☐ Seatbelts 2 ☐ Helmets 3 ☐ Airbags 4 ☐ Child Seat 5 ☐ None 6 ☐ Unknown			1 ☐ ROADWAY 2 ☐ RESIDENCE 3 ☐ INDUSTRIAL 4 ☐ RECREATIONAL 5 ☐ AGRICULTURAL 6 ☐ OTHER		01 ☐ Dressing Applied 02 ☐ Limb Splinted 03 ☐ Spine Immobilized 04 ☐ Neck Immobilized 05 ☐ CB Assistance 06 ☐ Oral Airway Used		07 ☐ Oxygen Given 08 ☐ Suction Used 09 ☐ Antishock Trousers 10 ☐ Airway Maintained 11 ☐ Antishock Treatment 12 ☐ Artificial Resp.		13 ☐ Cardiac Massage 14 ☐ Bleeding Controlled 15 ☐ Cold Application 16 ☐ Patient Restrained 17 ☐ Other (Use Comments) 18 ☐ Ventilator			
PRELIMINARY IMPRESSIONS (MARK NO MORE THAN 4) (126-137)			PRIMARY IMPRESSION (138-140)		TREATMENT PROCEDURES (141-174)		DRUGS USED (226-241)		REVISED TRAUMA SCORE			
003 ☐ Seizure 004 ☐ Diabetic 011 ☐ Abrasion/Contusions 013 ☐ Laceration 023 ☐ Fracture			024 ☒ Multitrauma/Shock 030 ☒ Head Injury 032 ☐ Spinal Injury 064 ☐ Stroke 051 ☐ G.I. Problems		074 ☐ Respiratory Distress 080 ☐ Coronary Problems 083 ☐ Cardiac Arrest		01 ☐ Dressing Applied 02 ☐ Limb Splinted 03 ☐ Spine Immobilized 04 ☐ Neck Immobilized 05 ☐ CB Assistance 06 ☐ Oral Airway Used		07 ☐ Oxygen Given 08 ☐ Suction Used 09 ☐ Antishock Trousers 10 ☐ Airway Maintained 11 ☐ Antishock Treatment 12 ☐ Artificial Resp.			
HCFA CODES (175-180)			ADVANCED PROCEDURES (180-223)		DRUGS USED (226-241)		REVISED TRAUMA SCORE		VITAL SIGNS			
1 ☐ Head 2 ☐ Face 3 ☐ Neck 4 ☐ Chest 5 ☐ Abdomen 6 ☐ Hip/Pelvis 7 ☐ Upper Ext. 8 ☐ Lower Ext. 9 ☐ Back			1 ☐ External FACING 2 ☐ External BACK 3 ☐ External FRONT 4 ☐ External SIDE 5 ☐ External OTHER 6 ☐ Internal FACING 7 ☐ Internal BACK 8 ☐ Internal FRONT 9 ☐ Internal SIDE 10 ☐ Internal OTHER		BP 110/70 PULSE 60 RESPIRATIONS 20 PUPIL 4 REG. 4 REG. LEVEL OF CONSC. P 0640		GCS: (242) EYES 2 (243) VERBAL 3 (244) MOTOR 5 (245-246) GLASGOW 10-3 (253) ANATOMICAL INJ. YES NO		TIME 0640			
EXPOSURE TO PT'S BODY FLUIDS (258)			1 ☐ YES 2 ☐ NO		1 ☐ YES 2 ☐ NO		1 ☐ YES 2 ☐ NO		1 ☐ YES 2 ☐ NO			
1st Responder (257) 1 ☒ YES Name Fairfield Co EMS 2 ☐ NO			COMMENTS (INCLUDE CHIEF COMPLAINTS, OBSERVATIONS AT SCENE, RESPONSE TO STIMULI)		DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)			
It found supine on spine board being restrained by several EMS & Fire Personnel - R is extremely combative. Responds to pain & extremity withdrawal, inappropriate verbal & opens eyes to pain. GCS 10. Per EMS, pt was rear seat pass of small veh traveling @ high rate of speed. Pt was thrown from rear seat to front striking windshield & was entrapped. Skin - Cold & dry. Unable to assess pupils or breath sounds at this time due to combativeness. Pt spontaneously moves all extremities. Unable to complete pt assessment @ this time due to uncontrollable pt. With help of many			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
Patient Care Form Left In (258): 1 ☐ ED 2 ☐ ICU 3 ☐ OTHER EMS personnel, 12911 LR to (R)AC			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
TIME RECORD			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
RUN DATE (259-266)			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
MONTH DAY YEAR			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
1 2 04			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
Call Received: (270-274)			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
Call Dispatched: (271-274)			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
Dispatched: (275-279)			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
Arrive Scene: (279-282)			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
Departed Scene: (283-286)			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
Arrive Destination: (287-290)			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			
CAUSE OF DELAY			DHEC PERMIT NO. (291-295)		ATTENDANT'S SIGNATURE & CERTIFICATION NO.		RECEIVING AGENCY (296-299)		SENDING AGENCY (300-303)			

DHEC 1050 REV. (01/2004)

EMS PROVIDER COPY

REPORT NO. (1-9) 785897

Trauma, MOA1047

		South Carolina Patient Care Report Supplemental Form Division of Emergency Medical Services	
Report Number: <u>285827</u>		Provider Number: <u>14501</u> Trip Number: <u>5879</u> Date: <u>11/17/04</u>	
Patient Name: _____			
Address: _____			
Time	Notes		
	WD rate. CF crew elected to utilize RSI Protocol prior to Placement into helo. Pt is approx 100 kg. Pt given 30 mg Etomidate IV for induction. Effect p 3 min. Pt given 200 mg Anectine IV for Temp. Paralysis. Effect p 3-5 min. 2nd v-lb given (C)AC & help of Personnel. Pt given 10mg Narcuron for paralysis. Pt finally completely relaxed. Pt orally intubated on 1st attempt by P Stonehill EMT P 6 tube (8.0) visualized passing through vocal cords. Good bbs. Condensation in tube. & epigastric sounds. Tube inflated, Secured w/22 teeth & Thomas holder. Head's Pt moved to helo. SpO2 100% SpO2 on 100% O2 via bvm. Sr. on Monitor. IV fluids A'd to warmed cr d. gns. Head/Face Stable. Partial degloving int. to scalp & multiple lacerations & abrasions to face. Pupils un- (R) Pupil 7mm & non react & (L) Pupil 2mm & non react. (C) Jvd. Trachea midline. Chest Stable & Symmetrical, Abd Soft, Poss Pelvic/Hip Fx (L) Ext Shortened & externally rotated. (C) Femur Fx. All other extremities Stable. Strong per pulses to all. Pt transported to Partner's further A's. Breath sounds re confirmed upon Placement to EV Stretcher. Taken to TR #1 & oral report to Trauma Team. ET Confirmed By Dr.		
Signatures & Numbers Attendant A: <u>[Signature]</u> <u>81961</u> Name No. Attendant B: <u>T. Larson, RN</u> <u>X</u> Name No.			

DHEC 1060 (01/1/998)

235

Patient Id La

TRAUMA, M041047
0432200255
MR 012373576 EMS, EMS
08/08/80 24Y M
0000000000000000

CAREFORCE

Medical Necessity Form

Date: 11/17/04 Patient Name: Clark, James Flight # 5879
From: Fairfield Co EMS To: PRMH
Requested by (name): Fairfield Co EMS DHEC # _____ Initials FN/FM: _____

Complete For All Patients

General Criteria for Air Transport:

- ☐ Required therapeutic regimen must be initiated within limited time frame.
- ☐ Safe and legal transfer requires nurse and/or paramedic, at minimum.
- ☐ Land transport would be hazardous and delayed due to road and/or traffic conditions.
- ☒ Critical care/ALS environment required during transfer.
- ☐ Time of transfer between critical care units must be minimized.
- ☐ Complicated medical history required transfer to patient's primary physician.
- ☐ Equipment and/or personnel to care for injury/illness not available.
- ☐ Patient required specialized interventions/tests not available at referring facility.
- ☐ Disaster/Triage decision.
- ☐ No other mode of transportation available.
- ☐ Other: _____

Adult Medical Criteria

- ☐ Acute poisoning: ☐ Carbon Monoxide
☐ Other: _____
- ☐ Cardiopulmonary arrest and cardiopulmonary cerebral resuscitation
- ☐ Cardiac Failure
 - ☐ Acute MI
 - ☐ Anticoagulation/TPA
 - ☐ Balloon pump
 - ☐ Dysrhythmias not responsive to standard therapies
 - ☐ Open heart surgery/PTCA
 - ☐ Unstable angina
- ☐ Central Nervous System illness, requires intracranial pressure monitor
- ☐ Hematologic Condition: ☐ D/C
☐ Other: _____
- ☐ Infectious Disease: _____
- ☐ Metabolic or Fluid and Electrolyte Imbalance:
 - ☐ Diabetic Ketoacidosis
 - ☐ Refractory Acidosis
 - ☐ Renal failure
- ☐ Multi-System failure:
 - ☐ Near Drowning
 - ☐ Septic Shock
- ☐ Respiratory failure, Pulmonary complications:
 - ☐ ARDS ☐ Edema
 - ☐ COPD ☐ Pulmonary emboli
- ☐ Other: _____

Adult Surgical Criteria

- ☐ Neurosurgical: space-occupying lesion
 - ☐ Diffuse cerebral edema
 - ☐ Surgery urgently required
- ☐ Replantation/Microsurgery
- ☐ Thoracic/abdominal aneurysm requiring repair
- ☐ Transplantation
- ☐ Other: _____

Perinatal Criteria

Maternal: Obstetrical

- ☐ Condition resulting in probable birthweight less than 2000 gm or gestation less than 34 weeks
 - ☐ Intrauterine growth retardation
 - ☐ Multiple gestation
 - ☐ Premature dilation of cervix
 - ☐ Rh iso-immunization
 - ☐ Severe pre-eclampsia
 - ☐ Other hypertensive complication
 - ☐ 3rd trimester bleeding
 - ☐ Other: _____
- ☐ Premature labor (expected birthweight less than 2000 gm or gestation less than 34 weeks)
- ☐ Premature rupture of membranes (as above)

(next page for Maternal Medical, Surgical, Neonatal, Pediatric, Trauma and Signature)

236

Clark, James
Trauma, M041047

Perinatal (continued)

Maternal: Medical

- ☐ Diabetes mellitus, poorly controlled
- ☐ Drug Overdose
- ☐ Infection that may cause premature birth:
 - ☐ Hepatitis
 - ☐ Influenza
 - ☐ Other: _____
- ☐ Pneumonia
- ☐ Pyelonephritis

Maternal: Surgical

- ☐ Acute abdominal injury, gestation less than 34 weeks, fetus less than 2000 gms
- ☐ Thoracic emergency. Intensive care or surgery required.
- ☐ Trauma:
 - ☐ May cause premature onset of labor
 - ☐ Personnel/equipment not available locally

Neonatal Clinical Criteria

- ☐ Congenital malformation(s) requiring surgery or observation
- ☐ Gestation less than 34 weeks or weight less than 2000 gms
- ☐ Hemolytic disease
- ☐ Hypoglycemia
- ☐ Mother is: ☐ Diabetic ☐ Taking dangerous drugs
- ☐ Neonatal blood loss
- ☐ Neonatal cardiac disorder with persisting cyanosis
- ☐ Progressive respiratory distress syndrome
- ☐ Respiratory distress or metabolic acidosis persisting 2 hours after birth
- ☐ Seizures
- ☐ Sepsis, infection or meningitis
- ☐ Shock or asphyxia persisting beyond 2 hours
- ☐ Ventilatory support required more than 1 hour
- ☐ Other condition requiring more than routine care: _____

Pediatric Clinical Criteria

- ☐ Cardiopulmonary arrest and cardiopulmonary cerebral resuscitation
- ☐ Cardiovascular System: ☐ CHF
 - ☐ Shock
 - ☐ Other: _____
- ☐ Central Nervous System
 - ☐ Increased Intracranial Pressure
 - ☐ Meningitis
 - ☐ Status Epilepticus
 - ☐ Reyes Syndrome
 - ☐ Unconsciousness
- ☐ Hematologic Condition ☐ D/C
- ☐ Other: _____

Comments: _____

In my opinion, air transport is required for this patient for the reasons indicated above.

Date

11/17/04

Physician Signature

Print Full Name

- ☐ Metabolic and Electrolyte Disturbances:
 - ☐ Dehydration
 - ☐ Glucose, Ca++, K+, Na++, Mg+++ derangement
- ☐ Multi-System Complication:
 - ☐ Acute poisoning
 - ☐ Asphyxia
 - ☐ Diabetic ketoacidosis
 - ☐ Near drowning
- ☐ Pediatric team and/or specialized equipment required
- ☐ Respiratory failure or other respiratory condition:
 - ☐ Alveolar/Interstitial Disease
 - ☐ Lower Airway Obstruction
 - ☐ Upper Airway Obstruction
- ☐ Trauma, less than 14 years old (see trauma checklist)
- ☐ Condition complicated by congenital anomalies and/or chronic illness
- ☐ Other: _____

Trauma Clinical Criteria

- ☐ Age less than 14 or greater than 55 years
- ☐ Amputation or near amputation; requires rapid transport for replantation
- ☐ Blunt thoracic or abdominal injury with respiratory compromise or hemodynamic instability
- ☐ Burns:
 - ☐ More than 25% of body surface area
 - ☐ Major burns of face, hands, feet, or perineum
- ☐ Fall from height greater than 20 feet
- ☒ M.V.A.:
 - ☐ Associated fatalities
 - ☒ Patient ejected from vehicle
 - ☐ Extrication time greater than 15 minutes
 - ☒ Speed greater than 55 m.p.h.
 - ☐ Structural intrusion into victim's space
- ☐ Multiple orthopedic injuries
- ☒ Orofacial trauma requiring placement of airway
- ☐ Paralysis of extremities
- ☐ Pedestrian, struck by vehicle and thrown more than 15 feet
- ☐ Penetration injury, any part of body between mid-thigh and head
- ☒ Scalping or "degloving" injury
- ☐ Spinal immobilization and rapid, smooth transport necessary due to worsening motor sensory status
- ☒ Time by land to Trauma Center greater than 15 minutes
- ☐ Champion Trauma Score of 12 or less
- ☒ Glasgow Coma Score of 10 or less
- ☐ Other Serious Risk factor(s): _____
- ☐ Other: _____

TRAUMA M041047
0432200255
MR 012373576 247
09/08/80
EMS/EMS

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**MedServ AMT
Charge Sheet**

Patient Name: Clark, James

Address: _____

Date of Service: _____ Flight # 5079

Description	Quantity
Base Lift Off Fee	✓
Loaded Mileage Fee (statute miles = nautical miles X 1.15)	23 statute miles
Waiting Time (per 1/2 hour after first 1/2 hour)	
Pharmaceuticals (put check under Quantity and attach Pharmacy Charge Sheet)	✓
IV Start	✓
IV Pump Cassette	
Intraosseous	
Ambu Bags	✓
Intubation Supplies	✓
Ventilator Supplies	
Ventilator	
ETCO2 Probe	✓
Oxygen	✓
O ₂ Mask	
Suction Supplies	✓
Protective Gear/Universal Precautions	
Cardiac Monitor Supplies	✓
Pacing Pads	
O2 Saturation Probe	✓

Completed by: T. Carson, Jr.

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**MedServ Air Medical Transport
Pharmacy Charge Sheet**

Patient Name: Clark, James

Date of Service: _____ Flight # 5879

Description	Concentration	Quantity
Adenosine	3mg/ml (2ml)	
Albuterol Sulfate Sol.	2.5mg/3ml	
Amiodarone Vial	150mg/3ml	
Atropine Abboject	1mg/10ml	
Brethium Tosylate Vial	500mg/10ml	
Calcium Chloride Vial 10%	1gm/10ml	
DSW-1/4 NS Bag	500 ml	
Dextrose Bag 5%	250ml	
Epinephrine 1:1,000	30ml	
Epinephrine Abboject 1:10,000	1mg/10ml	
Etonidazole	40mg/20ml	①
Fentanyl Amp	100mcg/2ml	
Fentanyl	250mcg/5ml	
Flumazenil Vial (Romazicon)	0.5mg/5ml	
Furosemide Vial (Lasix)	10mg/ml (10ml)	
Haldol Amp	5mg	
Heparin Vial	10,000units/ml (4ml)	
Ketamine	10mg/ml	
Lactated Ringers	1000ml	①
Lidocaine Abboject 2%	100mg/5ml	
Lidocaine Premix Bag	1gm/250ml	
Lorazepam Vial	2mg/ml-10ml	
Magnesium Sulfate Vial	5gm/10ml	
Mannitol Vial 25%	50ml	
Meperidine Inj (Demerol)	50mg/ml	
Methylprednisolone Vial (Solu-Medrol)	2gm	
Midazolam Vial (Versed)	10mg/2ml	
Midazolam Vial	1mg/ml-10ml	
Mivacurium Vial (Mivacron)	40mg/20ml	
Morphine Sulfate Vial	10mg/ml	
Naloxone Vial (Narcan)	10mg/10ml	
Nitroglycerine Vial (Pro-mix)	50mg/10ml	
Phenobarbital	130mg/1ml	
Phenobarbital	65mg/ml	
Procainamide Vial	1gm/10ml	
Promethazine Amp	25mg/ml	
Racopinephrine Sol.	2.25% (1.5ml)	
Sodium Nitroprusside Vial (Nitropress, Nipride)	50mg/2ml	
Sodium Bicarbonate Abboject (8.4%)	1mEq/ml (50ml)	①
Succinylcholine Vial (Anectine)	20mg/ml (10ml)	①
0.9% NaCl (Sodium Chloride) for Inj	50ml	①
0.9% NaCl Bag (Sodium Chloride) for Inj	1000ml	
0.9% NaCl Bag (Sodium Chloride) for Inj	250ml	
0.9% NaCl (Sodium Chloride) for Inhalation	15ml	
3% NaCl Bag	500 ml	
Sterile Water	20ml	
Vecuronium Vial	10mg/10ml	①

Pediatric Transport Medication List

Description	Concentration	Quantity
Adenosine	6mg/2ml	
Amiodarone	150mg/3ml	
Ampicillin	1gm	
Atropine Abboject	1mg/10ml	
Calcium Chloride 10% Abboject		
Cefotaxime	1gm	
Dexamethasone	4mg/ml-5ml	
Dextrose 50% Abboject		
Furosemide	20mg/2ml	
Inulin, Regular	1000ml-10ml	
Magnesium Sulfate 50%	2ml	
Mannitol (with filter needle) Vial	12.5gm/50ml	
Methylprednisolone	125mg/2ml	
Naloxone Adult	2mg/2ml	
Phenytoin	100mg/2ml	
Phytonadione Ped	1mg/0.5ml	
Sodium Bicarbonate Pediatric (4.2%) Abboject		
Tylenol Suppository	650mg	
Tylenol Suppository	120mg	

Careforce Communications
Five Richland Medical Park Dr.
Columbia, SC 29203
(803) 434-2264

Activity Log for Request # 0411-2357-A

Print Date: 11/17/04

Page 3

11/17/04

06:14 New request from Fairfield Co Ems
06:15 N911RC: Plt Notified : FAIRFIELD COUNTY
06:15 N911RC: Wx Confirmed
06:15 Queued Page Aall Call E-Mail: CAREFORCE RESPOND N911RC 6DG 17nm Scene Fairfield Co Ems
Winnsboro, SC LAT: 34-18.47'N LON: 081-00.00'W FLIGHT # 5879
06:15 N911RC: Dispatched from Richland Mem Hspt
06:21 Depart: 34°01.67'N 081°01.99'W ETE: :12 Fuel:2:10 Souls: 4
06:31 Arrive: 34°21.52'N 080°59.84'W FAIRFIELD COUNTY
06:52 Depart: 34°21.52'N 080°59.84'W ETE: :10 Fuel:1:20 Souls: 5
07:06 Arrive: 34°01.67'N 081°01.99'W Richland Mem Hspt
07:06 Request Completed

CAREFORCE

303 MARSHALL ROAD, BOX 170
PLATTE CITY, MO 64079
(866) 271-4100

Patient name: CLARK, JAMES

Run number: 04-20094
Date of call: 11/17/2004
Incident Number: 737-045879

JAMES CLARK
PO BOX 3011 - 1603 RUTH STREET
LANCASTER, SC 29721

From: SCENE
To: Palmetto Richland Memorial Hospital

Primary payor: AIG
CLM # 0400584276
Secondary payor: Private Payment

Description	Check #	Quantity	Unit price	Payment date	Amount
Base Lift Fee		1	5,500.00		5,500.00
Statute Mileage		23	65.00		1,495.00
Oxygen		1	35.00		35.00
Ambu Bags		1	40.00		40.00
Suction		1	25.00		25.00
O2 Sat. Probe		1	30.00		30.00
Cardiac Monitor		1	45.00		45.00
Normal Saline 0.9% 1000ml		1	5.00		5.00
Succinylcholine 20mg/ml		1	5.00		5.00
Vecuronium Vial 10mg		1	19.00		19.00
Etomidate 40mg/vial		1	180.00		180.00
IV Start		1	40.00		40.00
Lactated Ringers Bag		1	5.00		5.00
Intubation		1	25.00		25.00
ETC02 Probe		1	40.00		40.00

PLEASE PAY THIS AMOUNT: **\$7,489.00**

DETACH ALONG ABOVE LINE AND RETURN STUB WITH YOUR PAYMENT. THANK YOU.

Patient name: CLARK, JAMES

Run number: 04-20094
Current date: 09/16/2005
Incident Number: 737-045879

Amount enclosed: \$
Due on: 9/26/2005

Remit to: **CAREFORCE**
303 MARSHALL ROAD
BOX 170
PLATTE CITY, MO 64079

T.I.N.: 43-1853924

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R 236

CareForce Intubation Documentation

(Patient Identification Sticker / Stamp Pad)

TRM 041047

Date: 11/17/04

Intubated By: P Stonehill

Intubated due to:

- ☐ Respiratory Distress
- ☒ Combativeness
- ☐ Glasgow Coma Scale 8 or less
- ☒ Other: Multi System Trauma

Intubation:

- ☒ Proper Placement
- ☐ Right Mainstem
- ☐ Left Mainstem
- ☐ Esophageal Intubation
- ☐ Comments:

Tube Placement Confirmed By:

(Name—Please Print)

(Signature)

Pamh
(Facility)



OUTPATIENT REGISTRATION

PATIENT ACCOUNT NO. 0432200255		SERVICE DATE & TIME 11/17/04 09:08		DISCHARGE DATE & TIME		REG. BY KCT	PRG IPR	AGE SUR7	DOB 01	STATION STU	ROOM ...	BED ...	MEDICAL RECORD NO. 012373578
DATE OF BIRTH 12/12/71	SEX M	RACE B1	AGE M	32Y	PREV. ADMIT DATE								
NAME AND ADDRESS LANCASTER SC 29721		SOCIAL SECURITY NUMBER 251-45-4421		COUNTY EMPLOYER LANCASTER PYRAMID									
CLARK, JAMES P.O BOX 3011 LANCASTER SC 29721		PHONE											
DENOMINATION		CHURCH		ADVANCE DIRECTIVE		DISCHARGE DATE & TIME							
NAME AND ADDRESS CLARK, JAMES P.O BOX 3011 LANCASTER SC 29721		SOCIAL SECURITY NUMBER 251-45-4421		REL Q	EMPLOYER PYRAMID								
		PHONE (803)283-3991		PHONE									
NOTIFY IN CASE OF EMERGENCY CLARK, KIMBERLY P.O BOX 3011 LANCASTER SC 29721		SPOUSE		REL	NEXT OF KIN								
		PHONE (803)263-3981		PHONE									
SELF-PAY TRAUMA, M041047		3rd IN5											
ADMITTING DIAGNOSIS/REF COMPLAINT TRAUMA MVC/911					PHYSICIAN MORRISON, JAMES E SUR (803)256-2657								
					REFERRING PHYSICIAN								

**INPATIENT
ADMISSION FORM**

CHART COPY

PATIENT ACCOUNT NO. 0432200255		SERVICE DATE & TIME 11/17/04 09:06		DISCHARGE DATE & TIME 11-17-04		REG. BY KCT	PT TYPE IPR	AC BY CODE P SUR 7	ADMT SOURCE 1	TYPE N	PLAN CLASS 26	STATION ROOM BED 7E 0748-01	MEDICAL RECORD NO. 012373576
ACCIDENT YES	ACCIDENT TYPE 1	ACCIDENT DATE & TIME 11/17/04 06:12		DENOMINATION		CHURCH			PUBLICITY - LIVING WILL NO				
NAME AND ADDRESS CLARK, JAMES PO BOX 3011 LANCASTER SC 29721		SOCIAL SECURITY NUMBER 251-45-4421		COUNTY LANCASTER	EMPLOYER PYRAMID	OCCUPATION			STATUS PHONE				
MOTHER'S NAME LANCASTER		PLACE OF BIRTH LANCASTER	SEX M	RACE 81	MS M	DATE OF BIRTH 12/12/71	AGE 33Y	PREVIOUS ADMIT Unk	PREVIOUS ADMIT DATE		PREVIOUS NAME		
NAME AND ADDRESS CLARK, JAMES PO BOX 3011 LANCASTER SC 29721		SOCIAL SECURITY NUMBER 251-45-4421		REL Q		EMPLOYER PYRAMID			OCCUPATION PHONE				
NOTIFY IN CASE OF EMERGENCY CLARK, KIMBERLY PO BOX 3011 LANCASTER SC 29721		REL SPOUSE		NEXT OF KIN REL			PHONE						
DSS/MIAP CLARK, JAMES PENDING FIVE RICHLAND MEDICAL PK COLUMBIA SC 29203 3rd INS													
ADMITTING DIAGNOSIS/CHIEF COMPLAINT TRAUMA MVC/911						PHYSICIAN MORRISON, JAMES E SUR (803)256-2657							
COMMENT						REFERRING PHYSICIAN							

THIS SECTION FOR INPATIENT USE (ER/OUTPATIENT OPTIONAL)

DRG DATA

HX OF RESISTANT ORG		GENERAL CONSENT SIGNED		ORGAN DONOR		CODE NUMBER	PROVISIONAL DRG:
FINAL DIAGNOSIS							ALOS:
							DATE ASSIGNED
							FINAL DRG:
							(WP 1318)
							DISCHARGE STATUS:
							PROJECTED
							1. HOME/CARE (ROUTINE)
							2. ANOTHER SHORT TERM GENERAL HOSPITAL
							3. SNF
							4. CHF
							5. HOSPITAL OTHER THAN SHORT TERM
							6. HOME WITH HOME HEALTH CARE SERVICE AD
							FINAL
							1. HOME/CARE (ROUTINE)
							2. ANOTHER SHORT TERM GENERAL HOSPITAL
							3. SNF
							4. CHF
							5. HOSPITAL OTHER THAN SHORT TERM GENERAL
							6. HOME WITH HOME HEALTH CARE SERVICE AD
							7. LEFT AMA
							20. EXPIRED
							A - AUTOPSY
							B - IN OP. ROOM
							C - ANESTHESIA
							D - CORONARY CASE
							E - POST OP.
RESULTS OVERLOOKED NOT TREATED DIED UNDER 48 HOURS DIED OVER 48 HOURS NOT IMPROVED AUTOPSY		INFECTIONS ONOSOCOMIAL POST-OP OTHER COMMUNITY ACQUIRED		I certify that the narrative descriptions of the principal and secondary diagnoses and the major procedures performed are accurate and complete to the best of my knowledge.			
DATE		ATTENDING PHYSICIAN					

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Consultation Report

57770
CLARK JR, JAMES - R012373576

Result Type: Consultation Report
Result Date: Thursday, November 18, 2004 3:11 PM
Result Status: Auth (Verified)
Encounter info: R0432200255, Richland, IPR-Inpatient, 11/17/2004 - 12/17/2004

*** Final Report ***

Transcription

DATE OF CONSULTATION: 11/17/2004
REASON FOR CONSULTATION: Head injury.

HISTORY OF PRESENT ILLNESS: This young black male who is status post MVC ejection. Apparently, he was combative at the scene fighting with officers and paramedics. He was intubated prior to arrival. Reported best GCS score as 10. Since arrival to Richland Memorial Hospital he has been chemically paralyzed for radiographic workup and stabilization.

CT scan of the brain shows substantial left to right shift with a thin layer of subdural blood and possible cortical contusions underlying subdural hematoma. () midline shift effacement greatly exceed what is expected from the subdural collection which is approximately 3 mm thick in most regions in the left temporal and frontal lobes.

Past medical history, allergies, and review of systems are all unobtainable.

PHYSICAL EXAMINATION:

GENERAL: Black male who appears to be in his mid 20s, lying supine on the ICU bed attached to mechanical ventilator.

HEENT: He has a right lid lag which penetrates down to the upper ridge of the orbit. He has a right hyphema. He also has significant scalp laceration with blood covering the bulk of his frontal area.

NECK: Cervical collar is in place.

HEART: Tachycardiac.

PULMONARY: Rhonchi bilaterally.

ABDOMEN: Flat and soft.

EXTREMITIES: Shows a left tibia traction.

NEUROLOGIC: Comatose on ventilator support. He had received 5 mg IV morphine shortly before attending exam. Moves 4 limbs to sternal rub. He flexes arms. He is not opening his eyes. Pupillary exam: Left pupil is 2 mm, hard to discern any reaction. He has injury to the right eye. The patient blinks and tries to close his left eye.

LABORATORY DATA: CT scan of the cervical spine appears to be negative by our interpretation. Also there is a left femur fracture and aortic injury.

PT 15, sodium 139, blood sugar 211, hemoglobin 12.6.

IMPRESSION: Closed head injury with left hemispheric contusion; subdural hematoma appears too small to warrant surgery at this time.

Printed by: Chaffins, Connie L
Printed on: 12/21/2004 11:03 AM

Page 1 of 2
(Continued)

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Consultation Report

CLARK JR, JAMES - R012373576

RECOMMENDATIONS: We will attempt to place ventricular drain for ICP monitoring, and place on mannitol.

Russell McMurry, MD

Dictated by: Russell D.
McMurry, ACNP

RM:hs

D: 11/17/2004 5:25 P T: 11/18/2004 3:11 P

Job #: 000687437 T Job #: 457402 Doc #: 607626

cc: Raymond P Bynoe, MD
Russell D. McMurry, ACNP
James E Morrison, MD

Completed Action List:

Printed by: Chaffins, Connie L
Printed on: 12/21/2004 11:03 AM

Page 2 of 2
(End of Report)

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R 241

PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

TRANSFER SUMMARY

PATIENT:	Clark, James, Jr	DICT:	Gregory Barefoot
MR #:	01-23-73-57-6	DOB:	12/12/1971
ADMITTED:	11/17/2004	PT.LOC:	PC2062501
DISCHARGED:	12/09/2004		

ADMISSION DIAGNOSES:

1. Head injury, status post motor vehicle collision.
2. Aortic injury.
3. Left femur fracture.
4. C2 fracture.
5. Hyphema lid injury to the right eye.
6. Left pulmonary contusion.

TRANSFER DIAGNOSES:

1. Status post motor vehicle collision with rollover and ejection.
2. Right eye hyphema.
3. Anemia secondary to blood loss.
4. Thrombocytopenia.
5. Hypernatremia.
6. Increased blood urea nitrogen.
7. Hypocalcemia.
8. Increased total bilirubin.
9. Increased alkaline phosphatase.
10. Increased aspartate aminotransferase/alanine aminotransferase.
11. Hypomagnesemia.
12. Meningitis.
13. Hypocalcemia.
14. Protein energy malnutrition.
15. Thyroid dysfunction.
16. Right maxillary sinus fracture.
17. Nasal bone fracture and right orbit fracture with emphysema.
18. Frontal bone fracture.
19. Hyperglycemia.
20. Subdural hematoma.
21. Subarachnoid hemorrhage.
22. C2 fracture.
23. Left femur fracture.

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6
Patient Type: IPR

TRANSFER SUMMARY
Page 1 of 5

— 247

PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

24. Bibasilar atelectasis.
25. Ventilator-associated pneumonia.
26. Respiratory failure.
27. Aortic arch injury.
28. Hypertension.
29. Agitation.

ATTENDINGS: Dr. James Morrison and Dr. Raymond Bynoe.

CONSULTANTS:

1. Neurosurgery, Dr. Narayan.
2. Ophthalmology, USC Consultants.
3. Orthopedics, Dr. Koon.
4. Cardiothoracic surgery, Dr. Petit.
5. Plastics, Dr. Wassermann.

PROCEDURES:

1. Interventricular drain placement, November 17, 2004.
2. Tracheostomy, November 24, 2004.
3. Tibial traction, November 22, 2004.
4. Fiberoptic bronchoscopy, November 25, 2004.
5. Left subclavian vein central line placement, November 28, 2004.
6. Small bowel feeding tube placement, November 29, 2004.
7. Left femur IM nail placement, November 30, 2004.
8. Decannulation of a tracheostomy tube, December 8, 2004.

PHYSICAL EXAMINATION:

VITAL SIGNS: Blood pressure 111/60, pulse 93 and regular, respirations 20 and unlabored, O2 saturation 97%.

NEUROLOGIC: The patient was awake and alert. He was oriented to person only. Conversation was appropriate otherwise. C-collar was in place.

LUNGS: Clear to auscultation bilaterally without any wheezes, rales, or rhonchi. He was on room air.

CARDIOVASCULAR: S1, S2, a regular rhythm and rate without any murmurs, rubs, or gallops. Normal sinus rhythm on monitor.

ABDOMEN: Soft, nontender, nondistended with normoactive bowel sounds.

EXTREMITIES: Without edema, cyanosis, or clubbing.

GENTOURINARY: Condom cath to bedside drainage with good urinary output was noted.

MUSCULOSKELETAL: Moved all extremities equally except for left leg secondary to guarding.

HOSPITAL COURSE: The patient is a 45-year-old African American male involved in an MVC on the interstate with rollover and ejection. In the field, his GCS was 10. He was agitated. He was intubated via rapid

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6

TRANSFER SUMMARY
Page 2 of 5

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PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

sequence intubation with Norcuron. He was then brought in as a trauma alert 911 on November 17, 2004 to Palmetto Richland Emergency Department. Condition on arrival here: His blood pressure was 189/121. Pulse was 127. O2 saturations were 100% on 100% FIO2. GCS was 3, intubated. Primary survey airway. The patient was intubated. There was no C-collar in place.

Breathing was equal bilaterally. Circulation: There was palpable pulses in all extremities. There was positive bleeding noted from the facial injuries. Disability GCS: The patient was 3T. Pupils were fixed bilaterally. The patient was chemically paralyzed. He did move all 4 extremities in CT scan. The patient received 3 liters normal saline via peripheral access.

Rectal tone was not present. There was no gross blood noted in the rectal vault. There was no blood noted at the urinary meatus and the prostate was at normal station. A Foley was placed in the trauma bay. There was good urine return, which was clear to yellow with no obvious blood noted. In the CT scanner, the patient's blood pressure was 126/44. Otherwise, the patient was hemodynamically acceptable throughout the entire survey.

Secondary survey: HEENT: There was obvious facial trauma as well as lacerations. Pupils were 4 mm and fixed bilaterally. There was a 90% hyphema of the right eye. Maxillofacial large complex laceration/evulsion of right eyelid as well as the bridge of the nose. Neck: C-collar was placed. Trachea was midline. There was no JVD. No thyromegaly noted. Chest and lungs: Breath sounds were equal bilaterally. There was no obvious chest trauma. Heart: Sinus tachycardia. S1, S2 were present. Cardiovascular: Palpable distal pulses x4, only obvious bleeding from facial injuries. The abdomen was soft and nondistended with normoactive bowel sounds. Pelvis was stable to compression, AP as well as laterally.

Back: There were no wounds. No crepitation to palpation. There were no step-off deformities noted. Extremities: There was obvious deformity to the left femur. It was short and externally rotated with palpable crepitation noted. Left shoulder was also somewhat deformed with a questionable dislocation. There were abrasions noted bilateral anterior tibias. Neurologic: The patient was GCS 3T. Pupils were fixed bilaterally. The patient did move all 4 extremities in the CT scanner.

Secondary data that was gathered included a chest/pelvis as well as upper extremity, left shoulder, left humerus, left hip, left femur, left knee, and left tib-fib as well as CAT scans of the head, chest, abdomen, pelvis, and C-spine as well as a FAST exam. The FAST exam was negative. A CT scan of the head showed left subdural and left subarachnoid hemorrhage with left to right midline shift with numerous facial fractures. Abdomen and pelvis was grossly negative. C-spine: There was a T2 teardrop fracture anteriorly. Chest: There was injury to the thoracic aortic arch as well as left pulmonary contusion. An angiogram was performed and there was an obvious aortic tear at the ligamentum arteriosum. The patient was transferred to the surgical trauma ICU for further evaluation and management and the aforementioned consultants were paged.

Cardiothoracic surgery service under Dr. Petit saw the patient initially and felt that the blood pressure should ideally be kept with systolic less than 120. However, due to the fact that the patient had an obvious head injury and mean arterial pressure needed to be higher, he stated that it was okay to allow a systolic blood pressure of 140s to 150s. Also, at that time he was felt to have a C2 fracture and he was placed in an Aspen collar. The patient was also given Mannitol to decrease the ICPs.

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6

TRANSFER SUMMARY
Page 3 of 5

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PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

Upon November 17, 2004, the patient was put in tibial traction with 20 pounds of traction by Dr. Koon and his residents. Also, on November 17, 2004, ophthalmology evaluated the patient, repaired right lid laceration as well as evaluated the hyphema. They also felt that he had commotio retinae of the right eye and gave him eyedrops for this. A CT was ordered to rule out expansion of the subdural hematoma and a ventricular drain was placed and a facial laceration was closed by the trauma service.

On November 19, 2004, the patient's ICPs came under better control. The patient did develop respiratory failure as well as multiple electrolyte abnormalities, which were addressed with ventilator management as well as replacement respectively. On November 20, 2004, the head CT was obviously better as per neurosurgical service and the patient started being titrated off paralytics as well as sedatives such as the Ativan, morphine, and the Norcuron.

On November 24, 2004, due to the patient's respiratory failure, the patient underwent a tracheostomy and a #8 Shiley was placed. On November 25, 2004, the patient did develop a febrile illness and to help shed light on the situation, a fiberoptic bronchoscopy was performed. Also, prior to this, the patient had a CSF culture performed for the febrile illness, which did come back as strep pneumoniae. He was empirically started on Rocephin for this as well as possible earlier ventilator-associated pneumonia.

On November 28, 2004, for hemodynamic compromise, the patient underwent a left subclavian vein central line as well as his ventricular drain was pulled. On November 30, 2004, the patient underwent a left femur IM nail with orthopedics. Also, during this timeframe he continued to improve as far as his respiratory function and on November 7, 2004, the patient was placed on a trach collar and transferred to PCU2 for some agitation that had developed.

On December 8, 2004, the patient's tracheostomy tube was decannulated and the patient's diet was advanced from tube feedings to a pureed diet with thickened liquids. Today, the patient is to be transferred to 7 East. He still remains agitated. His blood pressure has been optimized with his current regimen. His Aspen collar remains in place and he still has a condom catheter. Staples of his left hip are clean, dry, and intact, although he complains of pain in this area. He is currently still on D5-1/2 normal saline at 100 mL per hour.

Also of particular note, the patient's facial fractures have not been addressed up until this point. It may behoove the trauma service to contact Dr. Wassermann who was originally consulted for this for reconsultation or an appropriate oromaxillofacial surgeon otherwise.

CONDITION AT TRANSFER: Stable, but agitated. The patient would require a sitter.

DISPOSITION: The patient is to be transferred to 7 East.

TRANSFER MEDICATIONS: Rocephin 2 mg IV q.12h. Last dose to be given this p.m. at 2100 hours. Colace 100 mg p.o. 2 times daily, Dulcolax 1 PR q.48h. p.r.n., Catapres patches 0.2 mg topically q.week, Maxitrol ophthalmic drops to be applied to the right eye t.i.d. and nightly, Lopressor 10 mg IV q.6h., Apresoline 10 mg IV q.6h. p.r.n., and Valium 5 mg IV q.4h. p.r.n. He is also on p.r.n. morphine 2 mg IV push q.2h. p.r.n.

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6

TRANSFER SUMMARY
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PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

mild pain and Lortab elixir 15-30 mL q.4h. p.r.n. pain. He also has a p.r.n. order for Tylenol 650 mg p.o. q.4h. p.r.n.

Raymond P Bynoe, MD

Dictated by: Gregory Barefoot

GB:hs

D: 12/09/2004 4:36 P T: 12/09/2004 5:14 P

Job #: 000708157 T Job #: 977278 Doc #: 615388

cc:: Gregory Barefoot
Raymond P Bynoe, MD
James E Morrison, MD

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6

TRANSFER SUMMARY
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R 246

PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

DISCHARGE SUMMARY

PATIENT:	Clark, James, Jr	DICT:	Francesco Standoli, MD
MR #:	01-23-73-57-6		
ADMITTED:	11/17/2004	DOB:	12/12/1971
DISCHARGED:	12/17/2004	PT.LOC:	

ADMISSION DIAGNOSES:

1. Head injury, status post motor vehicle collision.
2. Aortic injury.
3. Left femur fracture.
4. C2 fracture.
5. Hyphema injury, right eye.
6. Left pulmonary contusion.

DISCHARGE DIAGNOSES:

1. Status post motor vehicle collision with rollover ejection.
2. Aortic injury.
3. Status post fixation of left femur fracture.
4. C2 fracture.
5. Hyphemia with injury, right eye.
6. Hypertension.
7. Seizure.

PROCEDURES PERFORMED:

1. Intraventricular drain placement, November 17, 2004.
2. Tracheostomy, November 24, 2004.
3. Tibial traction, November 22, 2004.
4. Fiberoptic bronchoscopy, November 25, 2004.
5. Left subclavian vein central line placement, November 28, 2004.
6. Small bowel feeding tube placement, November 20, 2004.
7. Left femur nail placement, November 30, 2004.
8. Placement of tracheostomy tube, December 8, 2004.

SERVICE: The patient was admitted to the trauma service, attendings Dr. Morrison and Dr. Bynoe.

CONSULTANTS:

1. Neurosurgery, Dr. Narayan.
- PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6
Patient Type: IFR

DISCHARGE SUMMARY
Page 1 of 3

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PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
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2. Ophthalmology, USC consultants.
3. Orthopedics, Dr. Carr.
4. Thoracic surgery, Dr. Petit.
5. Plastics, Dr. Wassermann.

HISTORY OF PRESENT ILLNESS: The patient is a 45-year-old African-American male involved in an MVC with rollover and ejection. In the field, Glasgow Coma Scale was 10. The patient was agitated and was consequently intubated with Norcuron. He was brought in as trauma alert 911. Blood pressure on arrival was 189/121, pulse 127, O2 saturation 100% on 100% FIO2. Glasgow Coma Scale was 3 intubated.

Primary survey, and secondary survey were performed, and patient was taken to the STU for further care.

HOSPITAL COURSE: Please refer to the transfer summary December 9, 2004, for the events during his stay in the STU.

The patient was transferred during the day to a regular floor. During his stay the patient remained in an Aspen collar for a C2 fracture. He was started on regular nutrition, which he tolerated well. He also had a course of Rocephin for () cultures. He was also found to have four episodes of seizures, for which neurology, Dr. Hwang, was consulted, and patient was started on Dilantin in that regard. EEG was performed, results pending at the time of dictation. The patient has also been followed for his aortic injury by Dr. Petit, for which blood pressure has been managed medically. USC Ophthalmology has been following the lesions on the left eye.

The patient is discharged on December 16, 2004, in good stable condition.

FOLLOWUP: He is to follow up with neurology, Dr. Hwang, on January 19, 2005. Phone number 434-4260, for followup of seizure disorder. Patient please obtain Dilantin level prior to appointment. Patient also is to follow up with Dr. Tribble of cardiovascular on December 30, 2004, 3:20 in the afternoon. Phone number 765-0871. Patient as well needs to follow up on January 3, 2005, at 9 a.m. ophthalmology, 434-7919. Orthopedics will call patient for followup on December 21, 2004.

ACTIVITY: As tolerated. Return to school or to work will be determined on the followup appointments.

DIET: Mechanical soft.

MEDICATIONS:

1. Dilantin 100 mg tablet one tab by mouth three times a day.
2. Lopressor 100 mg every 12 hours.
3. Clonidine patch, one patch every week.
4. Lortab 1 to 2 tabs every 6 hours as needed for pain.

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6

DISCHARGE SUMMARY
Page 2 of 3

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PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

DISCHARGE INSTRUCTIONS: Other instructions: For any questions or concerns, please call the trauma resident on-call, 434-6000. Absolutely no drinking alcohol or using street drugs, as well as driving.

James E. Morrison, MD

Dictated by: Francesco Standoli, MD

FS:hs

D: 12/16/2004 2:07 P T: 12/17/2004 1:31 P

Job #: 000715010 T Job #: 248577 Doc #: 618761

cc: James E Morrison, MD
Francesco Standoli, MD

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6

DISCHARGE SUMMARY
Page 3 of 3

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Trauma History & Physical

Page 1 of 4

TRAUMA, M041047
0432200255
MR 012373576 EMS, EMS
08/08/80 24Y M.
[Barcode]

Date: 11/17/09Time: 0720

Trauma M F #: _____

Name: _____

- ☒ Trauma Alert (911)
☐ Pediatric Trauma Alert (711)
☐ Trauma Notification (811)
☐ Pediatric Trauma Notification (611)
☐ Consult
☐ Transfer: Referring MD/Hospital

☐ Other: _____

ADDRESSOGRAPH

Team

Attending: Morrison

Fellow: _____

Senior Resident: ReightConsultants ☒ Ophthalmology

- ☒ Neurosurgery Dubuisson
☒ Orthopaedics Watford
☐ Plastics

- ☒ Facial Trauma Warren
☐ Pediatric Surgery

☒ Other: CT Surgery (Petit)

I. PRE-HOSPITAL (MECHANISM OF INJURY, RESTRAINTS, AIRBAG, HELMET, MODE OF TRANSPORTATION, RTS, GCS, VITAL SIGNS, TREATMENT)

45 y.o. male involved in MVC on interstate, @ rollover @ ejection
GCS-10 in field, agitated, RTD in field, paralyzed & Nonverbal

II. CONDITION ON ARRIVAL (VITAL SIGNS, RTS, GCS)

189/121, P-127, Sat-100% on 100% FiO₂, GCS-3T

III. COMORBID FACTORS

ALLERGIES: ☐ NKDA UnknownMEDICATIONS: ☐ NONE UnknownPAST MEDICAL / SURGICAL HISTORY: Unknown

IV. PRIMARY SURVEY

A. AIRWAY: (C-SPINE PROTECTION)

intubated, no C-collar in place

B. BREATHING: (BREATH SOUNDS/RESPIRATORY EFFORT)

Equal bilaterally

C. CIRCULATION: (DISTAL PULSES, HEMORRHAGE CONTROL)

Palpable pulses in all extremities (Radial, PT, radial), @ bleeding from facial

D. DISABILITY: (GCS, PUPIL RESPONSE, MOVEMENT OF EXTREMITY)

GCS-3T, Pupils fixed bilaterally, chemically paralyzed, did move all 4

E. EXPOSE: (ENVIRONMENTAL CONTROL)

Clothing removed, warm blankets applied

V. RESUSCITATION PHASE

A. O₂ / PULSE OXIMETRY/INTUBATION:

O₂ @ 100% via ambu-bag / vent.

B. IV ACCESS / FLUIDS

☒ PERIPHERAL ☐ SUBCLAVIAN ☐ FEMORAL ☐ IJ

☒ CRYSTALLOID (TYPE & VOLUME) 2L NS ☐ PACKED CELLS: TYPE SPECIFIC ☐ (VOLUME) _____

UNIVERSAL ☐ (VOLUME) _____

☐ FFP (VOLUME) _____

☐ PLATELETS (VOLUME) _____

76018888 (3/99)

11/17/09 0740
DATE & TIME

Chris Cameron MD
RESIDENT SIGNATURE

[Signature]
ATTENDING SIGNATURE

255

R 250

Date: 12/18/04 Name: CLARK, JAMES Acct. #: 0432200255 Financial Class: 26 - PENDING MEDICA
Sex: Birth Date: 12/12/71 Age: 32Y Adm Date: 11/17/04 Dsch Date: 12/17/04 LOS: 30
Attending Physician: MORRISON, JAMES E Discharge Status: 01 - 01-DIS HOME OR SELF CARE
Coder: WL

DC: 17 MYELOPROLIFERATIVE DISEASES & POORLY DIFFERENTIATED NEOPLASMS
ORG: 541 TRACH MV96+/EXC FACE W/MJ

OUTLIER STATUS: N/A

DIAGNOSIS	DESCRIPTION	DIAGNOSIS	DESCRIPTION
1. (P) 801.21	CL SKUL BASE FX W/O COMA	9. 285.1	AC POSTHEMORRHAG ANEMIA
2. 821.01	FX FEMUR SHAFT-CLOSED	10. 263.9	PROTEIN-CAL MALNUTR NOS
3. 805.02	FX C2 VERTEBRA-CLOSED	11. 486	PNEUMONIA, ORGANISM NOS
4. 780.39	CONVULSIONS NEC	12. 320.2	STREPTOCOCCAL MENINGITIS
5. 901.0	INJURY THORACIC AORTA	13. 802.6	FX ORBITAL FLOOR-CLOSED
6. 518.5	POST TRAUM PULM INSUFFIC	14. 800.01	CL SKULL VLT FX W/O COMA
7. E849.5	ACCID ON STREET/HIGHWAY	15. 861.21	LUNG CONTUSION-CLOSED
8. E819.9	TRAFFIC ACC NOS-PERS NOS		

PROCEDURE	DESCRIPTION	DATE	SURGEON NAME
1. (P) 79.15	CLOSED RED-INT FIX FEMUR	11/30/04	KOON, DAVID E JR
2. 31.1	TEMPORARY TRACHEOSTOMY	11/24/04	BYNOE, RAYMOND P
3. 01.18	OTHER BRAIN DX PROCEDURE	11/17/04	DUBUISSON, DAVID
4. 33.21	BRONCHOSCOPY THRU STOMA	11/25/04	MORRISON, JAMES E
5. 38.93	VENOUS CATH NEC	11/28/04	BYNOE, RAYMOND P
6. 96.6	ENTRAL INFUS NUTRIT SUB	11/18/04	BYNOE, RAYMOND P
7. 96.04	INSERT ENDOTRACHEAL TUBE	11/17/04	BYNOE, RAYMOND P
8. 96.72	CONT MECH VENT 96+ HRS	11/17/04	BYNOE, RAYMOND P
9. 03.31	SPINAL TAP	11/23/04	BYNOE, RAYMOND P
10. 99.07	SERUM TRANSFUSION NEC	11/17/04	BYNOE, RAYMOND P
11. 99.15	PARENT INFUS NUTRIT SUB	11/20/04	BYNOE, RAYMOND P
12. 99.04	PACKED CELL TRANSFUSION	11/20/04	BYNOE, RAYMOND P

CLARK, JAMES
012373576 01328379
12/18/04

ATTESTATION FORM

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Trauma History & Physical
Page 2 of 4

TRAUMA M F #: _____

ADDRESSOGRAPH

C. CARDIAC MONITOR/EKG:

D. GASTRIC DECOMPRESSION ☐ NG ☐ OG

E. RECTAL / URINARY MEATUS:
Rectal - ϕ tone, ϕ gross blood, normal prostate, ϕ blood @ meatus

F. CHEST TUBE:

G. FOLEY - placed in bag, @ urine return, clear yellow
 ϕ blood

H. PATIENT'S RESPONSE TO RESUSCITATION:
In CT scan, OP - 126/44, P-101

VI. SECONDARY SURVEY

A. HEENT: @ obvious facial trauma, lacerations, pupils 4mm fixed PL,
90% hyphema @ eye

B. MAXILLOFACIAL: Large complex laceration/avulsion @ eyelid and
bridge of nose

C. NECK: C-collar placed, trachea midline, ϕ JVD, ϕ thyromegaly

D. CHEST / LUNGS:
Breath sounds equal bilaterally, ϕ obvious chest trauma
Heart - sinus tach 5.5

E. CARDIOVASCULAR: Palpable distal pulses x 4, only obvious bleeding
from facial injuries

F. ABDOMEN: soft, nondistended, @ RT
Pelvis stable to compression AP/lateral

G. BACK: ϕ wounds, ϕ crepitus & palpation, ϕ step-off noted

H. EXTREMITIES: @ obvious deformity, (2) femur (shortened, ext. rotated,
@ palpable crepitus), @ shoulder dislocation?
abrasions @ l. anterior @ tibial

I. NEUROLOGIC: GCS-3T, pupils fixed-bilaterally, pt. did move
all four in CT

J. SKIN:

11/17/04

DATE & TIME

Чунгачин, на

RESIDENT SIGNATURE

257

ATTENDING SIGNATURE

R 252

Trauma History & Physical
Page 3 of 4

TRAUMA M F #:

ADDRESSOGRAPH

K. GU:		INJURIES:
VII. SECONDARY DATA (RECORD RESULTS)		
A. X-RAYS:	B. CAT SCAN	
1. SPINE	1. HEAD: <u>subdural / subarachnoid</u>	
A. CERVICAL:	2. ABDOMEN / PELVIS: <u>blood, L to R medial shift; Numbness</u>	
B. DORSAL:	3. SPINE: <u>grossly negative</u>	
C. LUMBAR:	A. CERVICAL: <u>T2 tearing fr anterior</u>	
4. CHEST:	B. DORSAL:	
5. PELVIS:	C. LUMBAR:	
6. RADIOLOGY (OTHER):	4. CHEST: <u>thoracic aortic arch injury, 2 pulm. contusions</u>	
7. EXTREMITIES:	5. ULTRASOUND:	
A. UPPER EXTREMITY:	☒ NO FLUID ☐ FLUID	
B. LOWER EXTREMITY:	LOCATION	
C. LABORATORY DATA:	PERICARDIUM	
ABG - 7.34/41.7/568.1/22.0/-3.1/99%	MORRISON'S POUCH	
Angiogram (Aorta/cavalids): <u>aortic tear @ ligamentum arteriosum</u>	SPLENORENAL RECESS	
VIII. PROBLEM LIST AND MANAGEMENT PLAN	PELVIS	
1. Head injury - subdural / subarachnoid hemorrhage, NSG4 aware - burn hole?		LEGEND 1. ABRASION 2. AMPUTATION 3. BLEEDING 4. BURN 5. FRACTURE 6. GUNSHOT 7. INTERNAL INJURY 8. LACERATION 9. PAIN 10. PARALYSIS 11. PENETRATING WOUND 12. SPRAIN 13.
2. Aortic injury - angiogram done, monitor BP (SBP < 140)		
3. 2 femur fx - hard traction in place, ortho called, likely need skeletal traction		
4. C2 fx - C-collar on, NSG4 aware		
5. hyperemia / lid injury - ophtho called, primarily closed		
6. 2 pulm. contusion - keep paralyzed / sedated on vent		

11/17/04

DATE & TIME

Chris Cunningham MD

RESIDENT SIGNATURE

ATTENDING SIGNATURE

R 253

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Trauma History & Physical
Page 4 of 4

TRAUMA M F #: _____

ADDRESSOGRAPH

VII: Attending Physician Statement

I was present during this Evaluation and directed the decision making: (Y) N

Review of above Resident note: Lamorne Critical Care Time: In _____ Out _____

History: $\pm$ w/o slip m/c, eyelids, yellow.

very complete = Gov. of police, intelligence

BIB CR 64110-3

Past Medical History:

Review of Systems:

Allergies:

Social History:

Family History:

Examination: h_{eff} - free loss, mult. (N) but degrees

Report time

04 0

NR 42 of 10

 $m \quad m$

UNC BJR

[illegible]

rehi stob

6. not read

Rece (✓) from day

603

Laboratory Values/Diagnostic Studies:

CT NEW 7 50 H. SON, June KY

Coches - auto m

Plan of Care reviewed with the resident. Confirm or revise the resident's diagnosis/plan of care.

1) $T_3 \rightarrow$ NH cond

1) controls self

2) Reinforcement M-R harm wound

37 bit der / Hypothese 3 unter 10

4) α and γ are

1) Form Re 7 with work

c) Nach Punkt 7 werden angerechnet

Discharge	Admit to:	Trauma	Ortho	Neuro	Other

Disposition:	OR	ICU	PICU	Floor	Death	HOME	TRANSFER TO:

Adkins	Bell	Brown	Bynoe	Glasser	Kerwin	Krantz	Manktelow	Nottingham	Reddy
252-1009	954-1590	954-1733	954-1541	252-1009	698-7157	954-7171	252-1009	698-7156	252-1009

11-17-2017 / 09:00
DATE & TIME

J. J. Morris 259
ATTENDING PHYSICIAN SIGNATURE

R 254

PALMETTO HEALTH RICHLAND

CLARK, JAMES JR
0432200255
MR 012373576 MORRISON, JAMES E
12/12/71 33Y M

ESOGGRAPH

Discharge Date: _____

Discharge Diagnosis: _____

REFERRAL/FOLLOW-UP APPOINTMENTS:

MD	DATE/TIME	PHONE NUMBER
Neurology - Dr. Suong - January 19 th 10am	1/19/05 10am	434-4260
↳ Please obtain Dilantin level prior to appointment		
Cardiothoracic - Dr. Trindle - December 30 th 3:20pm	12/30/04 3:20pm	765-0871
Ophthalmology - Jan 3 rd 9am	1/3/05 9am	434-7919
HOME HEALTH OR HOSPICE		
OTHER		
Orthopedics will call patient with time of follow up on Dec 21 st		434-4100

DISCHARGE INSTRUCTIONS:

ACTIVITY: *as tolerated*

RETURN TO WORK/SCHOOL: *to be determined @ follow up appts.*

DIET: *mechanical soft*

MEDICATIONS: (Physician: This does not constitute a valid prescription.)

1 Dilantin 100 mg tabs - one tab by mouth 3x/day.

2 Leprazole 100mg every 12 hrs.

3 Clonidine patch - apply 1 patch weekly

4 Lortab 1-2 tabs every 6 hrs. as needed for pain

OTHER INSTRUCTIONS: (Wound/dressing care, appliances/durable medical equipment)

1 For any questions/concerns - call Trauma Resident on call 434-6000

2 absolutely No drinking alcohol, using "street drugs", or DRIVING

Physician's Signature: _____

Nurse's Signature: _____

Patient/Care Giver: _____

Verbalizes Understanding:

☒ Yes ☐ No

Patient/Care Giver Signature: _____

Demonstrates Understanding:

☒ Yes ☐ No ☐ N/A

Relationship to Patient: _____

PALMETTO HEALTH RICHLAND
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

OPERATIVE REPORT

PATIENT:	Clark, James, Jr	DICT:	Faranak Vossoughi, MD
MR #:	01-23-73-57-6	DOB:	12/12/1971
ADMITTED:	11/17/2004	PT.LOC:	STU052301

DATE OF OPERATION: 11/24/2004

PREOPERATIVE DIAGNOSES:

1. Closed head injury.
2. Respiratory failure.

POSTOPERATIVE DIAGNOSES:

1. Closed head injury.
2. Respiratory failure.

OPERATIVE PROCEDURE: Tracheostomy, #8 Shiley.

ATTENDING: Raymond P. Bynoe, MD (present)

RESIDENT SURGEON: Faranak Vossoughi, MD, Roland Craft, MD

ANESTHESIA: General.

COMPLICATIONS: None.

INDICATIONS: The patient has severe closed head injury, C2 fracture. He has respiratory failure and has been on vent for 8 days. There is indication for a tracheostomy.

DESCRIPTION OF OPERATION: The area of the neck and upper chest were prepped and draped in a sterile manner. A transverse skin incision was placed about 2 fingers above the supraclavicular notch on the second tracheal ring. The subcutaneous tissue was dissected sharply with Bovie. The jugular vein was dissected and was ligated. The strap muscles raphe was dissected in the midline. The tracheal rings were visualized. The second tracheal ring was dissected free from the tissue that was covering it. Two stay sutures with Ethibond were placed on each side of the ring. A small box of cartilage tissue was removed on the second tracheal ring with the knife. At this time the endotracheal tube was removed slowly, and after suction was applied, a trach tube was placed immediately. A change of CO2 color was visualized. The trach was connected to a vent immediately. We made sure again that there was no bleeding and no ongoing hemorrhage. The trach was

PATIENT: Clark, James, Jr

MR #: 01-23-73-57-6

Patient Type: IPR

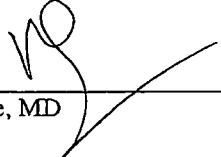
OPERATIVE REPORT

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PALMETTO RICHLAND MEMORIAL HOSPITAL
5 Richland Medical Park Drive
Columbia, SC 29203
(803)434-7000

secured towards the skin with 2 sutures on each side. The patient tolerated the procedure well and maintained oxygen saturation above 98% at all times.



Raymond P Bynoe, MD

Dictated by: Faranak Vossoughi, MD

FV:hs

D: 11/24/2004 3:21 P T: 11/24/2004 8:41 P

Job #: 000694319 T Job #: 631345 Doc #: 610043

cc:: Raymond P Bynoe, MD

James E Morrison, MD

Faranak Vossoughi, MD

PATIENT: Clark, James, Jr
MR #: 01-23-73-57-6

OPERATIVE REPORT
Page 2 of 2

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R 257



Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Name: TRAUMA, M041047
Patient Address: XXXX
COLUMBIA, SOUTH CAROLINA 29202
Patient Telephone:

Morrison MD, James E
2 RICHLAND MEDICAL PARK
SUITE 300
COLUMBIA, SC 29203

Date of Birth: 8/8/1980
SSN:
Medical Record Number: R012373576
Account Number: R0432200255
Location: R STU, Patient Type: IPR-Inpatient
Room Number: 0523
Ordering Physician: Morrison MD, James E
CC:

RADIOLOGY SERVICES

Exam:
CT Chest Abdomen Pelvis W/ Contrast

Exam Date/Time:
11/17/2004 8:10:00

Accession Number:
CT-04-084202

Ordering Physician:
Morrison MD, James E

Reason for Exam:

trauma mvc

Findings:

CT OF THE CHEST, ABDOMEN, AND PELVIS WITH CONTRAST:

CLINICAL HISTORY:

Trauma male with ejection during MVC.

Contrast-enhanced CT of the chest, abdomen, and pelvis was performed, using 5x5-mm thin contiguous axial sections.

FINDINGS:

CT of the thorax shows an endotracheal tube above the carina. There is no pneumothorax. There is minimal subpleural fluid noted in the left posterior inferior pleura area, associated with probable contusion of the left mid posterior lung. There is gross patency of the main and proximal pulmonary arteries. A descending thoracic aortic arch subintimal tear of the descending thoracic aorta, beyond the left subclavian artery and in the mid-to-proximal left descending thoracic aorta. There is adjacent adventitial hematoma noted. There is preserved antegrade flow in the thoracic arch area. Subclavian vertebral arteries are grossly patent. The subclavian, left carotid and right carotid arteries are patent. Images of the thyroid appear normal. Trachea mainstem bronchi are patent. There is no pericardial effusion.

IMPRESSION:

Patient Name : TRAUMA, M041047
Chart ID: 1647646

Page 1 of 2

PHR IP Distribution-RAD
Print Date/Time: 11/17/2004 8:07 PM

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R 258

Patient Name: TRAUMA, M041047
Medical Record Number: R012373576

Ordering Physician: Morrison MD, James E

RADIOLOGY SERVICES

Exam:
CT Chest Abdomen Pelvis W/ Contrast

Exam Date/Time:
11/17/2004 8:10:00

Accession Number:
CT-04-084202

Ordering Physician:
Morrison MD, James E

AORTIC SUBINTIMAL LACERATION, CONFIRMED ON CORONAL AND SAGITTAL RECONSTRUCTIVE IMAGES. SMALL, FOCAL, CONTAINED, ADVENTITIAL HEMATOMA AT THE SITE OF SUBINTIMAL TEAR, IN THE MID-TO-PROXIMAL DESCENDING THORACIC ARCH.

CT OF THE ABDOMEN:

CT of the abdomen showed homogeneous liver and spleen, without laceration. Gallbladder is present, without obvious cholelithiasis. Images of the pancreas appear normal. No adrenal or renal lacerations or masses are seen. There is no abdominal aortic injury. There is gross patency of the celiac and superior mesenteric arteries. There is no free fluid within the abdominal cavity.

CT OF THE PELVIS:

CT of the pelvis shows no free fluid within the pelvis. Normal-appearing bladder that is intact. There is an indwelling Foley catheter. There is minimal bilateral inguinal lymphadenopathy, slightly worse on the left side. Delayed images show excretion of contrast into the collecting system and into the bladder, without extravasation.

IMPRESSION:

CT OF THE ABDOMEN AND PELVIS SHOWS NO EVIDENCE OF ACUTE INJURY. INCIDENTAL NOTE IS MADE OF BONE MARROW CALCIFICATIONS IN THE AREA OF THE LEFT ILIAC BONE, NONSPECIFIC AND OF UNKNOWN CLINICAL SIGNIFICANCE.

*** Final ***

Read by: Dejesus MD, Dennis
Released By: Dennis Dejesus
on: 11/17/2004 17:42

Transcriptionist: PLS
Trans Date/Time: 11/17/2004 08:59
Technologist: Brown, Steven



Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Name: CLARK JR, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721
Patient Telephone: (803) 283-3991

Bynoe MD, Raymond P
2 RICHLAND MEDICAL PARK
SUITE 400
COLUMBIA, SC 29203

Date of Birth: 12/12/1971
SSN: 251-45-4421
Medical Record Number: R012373576
Account Number: R0432200255
Location: R STU, Patient Type: IPR-Inpatient
Room Number: 0510
Ordering Physician: Bynoe MD, Raymond P
CC:

RADIOLOGY SERVICES

Exam:
CR Chest 1 View PA/AP

Exam Date/Time:
11/29/2004 5:49:27

Accession Number:
CR-04-166049

Ordering Physician:
Bynoe MD, Raymond P

Reason for Exam:

follow-up

Findings:

CHEST, PORTABLE:

There is a small irregular hazy opacity in both lower lungs with increased markings. Heart size is normal. Tracheal-stomach tube is in good position. CVP catheter is in the superior vena cava. There is no evidence of any effusion or pneumothorax. Ribs are partially seen.

IMPRESSION:

FINDINGS SUGGESTIVE OF PNEUMONIA AND ATELECTASIS IN THE LOWER LOBE. THIS COULD REPRESENT SOME LUNG CONTUSION. COMPARED TO PREVIOUS STUDY DONE ON 11/28/04, THERE IS NO APPARENT CHANGE.

*** Final ***

Read by: Shah MD, Paresh P
Released By: Paresh P. Shah
on: 12/02/04

Transcriptionist: CMS
Trans Date/Time: 11/29/04
Technologist: Spreeuwiers, Jennifer E

Patient Name : CLARK JR, JAMES
Chart ID: 1678463

Page 1 of 1

PHR IP Distribution-RAD
Print Date/Time: 12/3/2004 9:23 AM

265

R 260



Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Name: CLARK JR, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721
Patient Telephone: (803) 283-3991

Vossoughi MD, Faranak

Date of Birth: 12/12/1971
SSN: 251-45-4421
Medical Record Number: R012373576
Account Number: R0432200255
Location: R STU, Patient Type: IPR-Inpatient
Room Number: 0510
Ordering Physician: Vossoughi MD, Faranak
CC:

RADIOLOGY SERVICES

Exam:
CR Chest 1 View PA/AP

Exam Date/Time:
11/28/2004 10:14:27

Accession Number:
CR-04-166076

Ordering Physician:
Vossoughi MD, Faranak

Reason for Exam:

line placement

Findings:

CHEST, PORTABLE:

Lungs are grossly clear. Heart size is normal. Tracheal-stomach tube is in good position. CVP catheter is in the superior vena cava from the left side. From the right side, it is in the left jugular vein. There is no evidence of any effusion or pneumothorax. Ribs are partially seen.

IMPRESSION:

NO EVIDENCE OF ANY ACUTE LUNG DISEASE. THERE IS NO OBVIOUS EVIDENCE OF ANY TRAUMA TO THE CHEST.

*** Final ***

Read by: Shah MD, Paresh P
Released By: Paresh P. Shah
on: 12/02/2004 13:35

Transcriptionist: CMS
Trans Date/Time: 11/28/2004 12:28
Technologist: Vitali, Christina L

Patient Name : CLARK JR, JAMES
Chart ID: 1676132

Page 1 of 1

PHR IP Distribution-RAD
Print Date/Time: 12/27/2004 3:08 PM

266

R 261



Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Name: CLARK JR, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721
Patient Telephone: (803) 283-3991

Morrison MD, James E
2 RICHLAND MEDICAL PARK
SUITE 300
COLUMBIA, SC 29203

Date of Birth: 12/12/1971
SSN: 251-45-4421
Medical Record Number: R012373576
Account Number: R0432200255
Location: R STU, Patient Type: IPR-Inpatient
Room Number: 0523
Ordering Physician: Morrison MD, James E
CC:

RADIOLOGY SERVICES

Exam:
CR Chest 1 View PA/AP

Exam Date/Time:
11/24/2004 3:58:00

Accession Number:
CR-04-164736

Ordering Physician:
Morrison MD, James E

Reason for Exam:

dx

Findings:

CHEST, PORTABLE:

There is some increased perihilar markings. There is a small opacity in the left lower chest. Heart size is normal. Tracheostomy tube in good position. CP catheter in the left innominate vein. There is no pleural effusion or pneumothorax. The ribs are partially seen.

IMPRESSION:

SMALL OPACITY IN THE LEFT LOWER CHEST COMPATIBLE WITH ATELECTASIS OR PNEUMONIA.

*** Final ***

Read by: Shah MD, Paresh P

267

R 262



Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Name: TRAUMA, M041047
Patient Address: XXXX
COLUMBIA, SOUTH CAROLINA 29202
Patient Telephone:

Morrison MD, James E
2 RICHLAND MEDICAL PARK
SUITE 300
COLUMBIA, SC 29203

Date of Birth: 12/12/1970

SSN:

Medical Record Number: R012373576

Account Number: R0432200255

Location: R STU, Patient Type: IPR-Inpatient

Room Number: 0523

Ordering Physician: Morrison MD, James E

CC:

RADIOLOGY SERVICES

Exam:
CR Chest 1 View PA/AP

Exam Date/Time:
11/21/2004 3:05:32

Accession Number:
CR-04-162458

Ordering Physician:
Morrison MD, James E

Reason for Exam:

dx

Findings:

CHEST, ONE VIEW - 11/21/04 @ 03:06 HOURS:

CLINICAL HISTORY: Blunt trauma, respiratory insufficiency.

Comparison is made with 11/20/04.

There is no change in position of tubes or lines. Changes of pulmonary venous congestion are present which is somewhat increased since the last study. Increase in bibasilar pulmonary opacities are identified consistent with atelectasis.

IMPRESSION:

1. MILD INCREASE IN BIBASILAR ATELECTASIS.

Patient Name: TRAUMA, M041047
Medical Record Number: R012373576

Ordering Physician: Morrison MD, James E

R A D I O L O G Y S E R V I C E S

Exam:
CR Chest 1 View PA/AP

Exam Date/Time:
11/21/2004 3:05:32

Accession Number:
CR-04-162458

Ordering Physician:
Morrison MD, James E

2. MILD PULMONARY VENOUS CONGESTION.

*** Final ***

Read by: Bayard MD, Walter J
Released By: Walter J. Bayard
on: 11/21/2004 16:16

Transcriptionist: AJC
Trans Date/Time: 11/21/2004 15:19
Technologist: Smith, Michael A

CLARK, JAMES JR
0432200255
MR 012373576 MORRISON, JAMES E
12/12/71 32Y M

PALMETTO HEALTH RICHLAND

(ADDRESSOGRAPH)

DATE	NOTES SHOULD BE SIGNED BY PHYSICIAN
11/24/74	OSW @ ICP elevations into the 40's through the night. - requiring freq. CSF drainage (+) T mannitol @ Tm 100.6 Ta 97.9 P 120 R 10 BP 130/70 SpO₂ 100% * ICP 30's - 40's & CPP 40's - 40's mainly. IV gtt MSO₄, vand, Norcuron, mannitol. - CSF drainage: 24, 25, 29 cc - Exam: Sedated & paralyzed. @ pupil is 2.5 mm & brisk. @ pupil is 4 mm & NR No exam otherwise. - (s/p) @ Severe TBI - & ICP - #5 are sustaining in the 30's & sometimes 40's & consequent CPP < 60 mmHg must be lower for acute injury) - despite our efforts. Prognosis is very poor. Cont. current Rx - we probably need to meet w family. Agree to above. <i>[Signature]</i>

PROGRESS NOTE

10160mr R 7/03

270

R 265

PALMETTO HEALTH RICHLAND

CLARK, JAMES JR
0432200255
MR 012373576 MORRISON, JAMES E
12/12/71 32Y M

(ADDRESSOGRAPH)

DATE	NOTES SHOULD BE SIGNED BY PHYSICIAN
11/24/04 0609	Ortho no new ortho issues. intubated / sedated 98% 125 126/98 pin sites clean superficial lacer over anterior tibia - stable traction - low well elevated off leg ch peaks distally A/C cont traction - plan use of C padding when stable from trauma standoff - was early next week. J. Phillips
11/24 915	N3 a / I met 2 family @ bed side I told them he had a very severe injury and was not likely to survive. K



Clark, James
5230

TRAUMA STAFF ICU FOLLOW-UP

Stamp with addressograph

Date	Notes should be signed by Physician
11/24/04	Pt seen and examined, plan discussed with trauma team. See resident/fellow documentation.
	C.C.: <i>low dph - // t45</i>
	24-Hr Course: <i>und</i>
	Interval PMH/PSH/FH/SH: ☒ No change from yesterday
	Interval ROS: ☒ No change from yesterday
P.E.:	VS: Tmax: <i>100</i> HR: <i>80-90</i> BP: <i>111/58</i> RR: <i>und</i>
	HEART: <i>in 3 @ in Anticipation Inten down 2g (arter)</i>
	PA CATH: <i>2</i> CVP: <i>10</i> <i>in right (low)</i>
	LUNG: <i>right 2/3</i>
	VENT SETTINGS: <i>APRV - 32/0</i> <i>5/0.8 / 40%</i>
	ABG: <i>7.50</i> pH <i>7.35</i> PCO2 <i>33</i> <i>161</i> SAT <i>88</i> ETCO2
	ABDOMEN: <i>soft</i>
	EXTREMITIES: <i>und</i> LABS
	NEURO/GCS SCORE: <i>(15-20-40)</i> <i>chelly analyzed</i> <i>Salt</i>
A/P:	<i>8 P in</i> <i>(catheter right arm)</i> 1. <i>TPN</i> <i>ICU</i> <i>CDH</i> <i>SAH</i> <i>ICU</i> <i>(CSF culture neg)</i> 2. <i>hypert</i> <i>und</i> <i>und</i> <i>und</i> 3. <i>multit</i> <i>TPN</i> 4. <i>thru</i> 5. <i>hypert</i>
	<i>Raymond P. Bynoe, M.D.</i>
	<i>James E. Morrison, MD</i>
	Pg 5-1048 Pg 5-4762 272

7600000

PROGRESS NOTE

PALMETTO HEALTH RICHLAND

CLARK, JAMES JR
0432200255
MR 012373576 MORRISON, JAMES E
12/12/71 32Y M
[Barcode]

(ADDRESSOGRAPH)

DATE	NOTES SHOULD BE SIGNED BY PHYSICIAN
11/24/04	Trauma
11/24/04	No new issues last night
11/24/04	Trauma today: 101 HP: 110-120
	BP: 110-120/60s ICP: 20-40s
	CPP: 40-50s
	CI: RAR
	Ramp Rader on (R), ABG: 7.48/30.2/20.2/24.2 APRV: 34/0, 5.0/0.8, 40%
	Arterial: 80 St, ND.
	Medes: Nipride, Versed, MSO4, Norcuron
	FEAT IPN, SBT not in correct place yet.
	Lab: Osmid: 313, S-Na: 139, CBC: (P)
	Impr: TBS
	Aortic arch tear
	High ICP and low CPPs - No great hope for survival per NS.
	Plan: 1) V CBC
	2) Cultures
	3) Trache
	4) ↓ pH to 32
11/24/04	Trauma Brief op note
11/24/04	Preop dx: CHT, Resp Failure
11/24/04	Postop dx: Same
	Proc: Tracheostomy, Scler #8
	Act: Dr. Byrnes (Present)
	Res: Versafl / Craft
	Anesthesia: General
	Complications: None

PROGRESS NOTE

10160mr R 7/03

273

R 268

PALMETTO HEALTH RICHLAND

CLARK, JAMES JR
0432200255
MR 012373576 MORRISON, JAMES E
12/12/71 32Y M
[Barcode]

(ADDRESSOGRAPH)

DATE	NOTES SHOULD BE SIGNED BY PHYSICIAN
11-28-04 1640	NSS Note: Am. abd xray shows feeding tube remains in stomach. Repositioned - repeat xray shows tube remains unchanged. will obtain xray to Am Shirley A. Myers RN
11/28/04 0530	① Prior Nats Permal ② T 102.6 P 88 R 12 AP B 17.0 CUP 20 S-Dated / Paralyzed - limited exam Lt foot reactive Pop even Abd soft C-collon Intubated ~~scattered~~ Foot pink LLF in Traction Temp low 72.5. Spikes to stimulation. Respiratory Regard Drainage to maintain lung pressure, Thresh not small amount obtained at a time CPP 72.5 mm Hg 50-70. - On Meds, Vased. Narcan etc. Monitored at Lab: 19.2 / 10.0 (320 Osmol 318 $\frac{140}{111} \frac{108}{21} \frac{34}{10} \frac{174}{9.2}$ Meds Permal. Reslan. Lopressor added over 20 L's ① NOX 9 mls of Mt ② Some CHE/TBE - slo FNA ③ Intracranial H/W ④ chest Trauma / aortic Tear ⑤ Facial / Rt eye Trauma ⑥ Lt Fem Fr in Traction ⑦ Pop Failure Lat ⑧ Fibrile illness

PROGRESS NOTE

10160mr R 7/03

274

PALMETTO HEALTH RICHLAND

CLARK, JAMES JR
0432200255
MR 012373576 MORRISON, JAMES E
12/12/71 32Y M
[Barcode]

(ADDRESSOGRAPH)

DATE	NOTES SHOULD BE SIGNED BY PHYSICIAN
11/26/01	p Reglan 10mg given IVP, Corpak feeding tube repositioned. Abd film: Corpak tube near ligament of Treitz. 23 cm exposed. Tube ready for use. Thank you. JMSmith RT 1843
26 Nov	The pathologic process in this pt's course is unclear to me. He has been in hosp x 10 d. His ICP has been elevated this entire time despite a ventricular drain & standard medical treatment. His head scan is from the 20 th . It doesn't look like the ICP would be 40. I will get a new CT. I think that he has post traumatic hydrocephalus or the ventricles are pressing in wrong. I ~~do not~~ A CT might show an infarction or another mass lesion. I do not think that he can ~~have~~ still have diffuse cerebral edema this far out. I will stop his n-muscular blockade. I expect that it will take a while for the Rx to be metabolized.
	LPSmith

PROGRESS NOTE

275

CLARK, JAMES JR
0432200255
MR 012373576 MORRISON, JAMES E
12/12/71 32Y M
[Barcode]

(ADDRESSOGRAPH)

DATE	NOTES SHOULD BE SIGNED BY PHYSICIAN	(ADDRESS ONLY)
11/26/04 9:50 pm	N3- Ct head today sl in post E vent size sl &. TTP remains elevated 2.08mo 3005-3205. PE stable. off warren gtt. resting quietly. — A. Ashworth, MD	

276

PALMETTO RICHLAND PO BOX 402121 ATLANTA GA 30384-2121 (803) 296-5098				2 IPR 251454421				3 PATIENT CONTROL NO. R0432200255				1111																																																							
5 FED. TAX NO. 001				6 STATEMENT COVERS PERIOD FROM 111704 THROUGH 121704				7 COVD. 30		8 N-C.D.		9 C.D.		10 L.R.D.		11 541																																																			
12 PATIENT NAME CLARK, JAMES				13 PATIENT ADDRESS PO BOX 3011				LANCASTER SC 29721																																																											
14 BIRTHDATE 12121971				15 SEX M		16 MS		17 DATE 111704		18 HR 03		19 TYPE 1		20 SRC 04		21 D HR 01		22 STAT 01		23 MEDICAL RECORD NO. 012373576		24		25		26		27		28		29		30		31																															
2 OCCURRENCE DATE 01 111704				34 OCCURRENCE DATE 42 121704				35 CODE A1				36 OCCURRENCE SPAN FROM 121271				37				38				39				40				41				42				43				44				45				46				47				48				49			
PALMETTO HEALTH RICHLAND FIVE RICHLAND MEDICAL PK COLUMBIA SC 29203				39 CODE 01				VALUE CODES AMOUNT 52500				40				41 CODE 45				VALUE CODES AMOUNT 600				42				43				44				45				46				47				48				49															
12 REV. CD.				43 DESCRIPTION				44 HCPCS / RATES				45 SERV. DATE				46 SERV. UNITS				47 TOTAL CHARGES				48 NON-COVERED CHARGES				49																																							
0110				ROOM AND BOARD				530.00												371000																																															
0200				INTENSIVE CARE				1740.00												3480000																																															
0206				INTENSIVE CARE/POST ICU				1220.00												366000																																															
0250				PHARMACY/GENERAL																11527000																																															
0255				DRUGS/INCIDENT/RAD																127800																																															
0270				MED/SUR SUPPLIES																650100																																															
0272				STERILE SUPPLY																248200																																															
0278				SUPPLY IMPLANTS																419126																																															
0300				LABORATORY																54900																																															
0301				LAB/CHEMISTRY																1913100																																															
0302				LAB/IMMUNOLOGY																247200																																															
0305				LAB/HEMATOLOGY																520400																																															
0306				LAB/BACT-MICRO																118900																																															
0320				DX X-RAY																516500																																															
0328				DX X-RAY/ARTER																180400																																															
0324				DX X-RAY/CHEST																232800																																															
0351				CT SCAN/HEAD																602700																																															
0352				CT SCAN/BODY																528800																																															
0353				CT SCAN/OTHER																109800																																															
0360				OR SERVICES																775900																																															
0361				OR SERVICES/MINOR																177000																																															
0390				BLOOD/STOR-PROG																347800																																															
(PAGE 1 OF 2)																																																																			
50 PAYER 603 DSS/MIAP				51 PROVIDER NO. 582296052001				52 REL. 53 ASG INFO BEN				54 PRIOR PAYMENTS				55 EST. AMOUNT DUE				56																																															
57				DUE FROM PATIENT																																																															
58 INSURED'S NAME CLARK, JAMES				59 P. REL. 60 CERT. - SSN - HIC - ID NO. 01 PENDING				61 GROUP NAME				62 INSURANCE GROUP NO.																																																							
63 TREATMENT AUTHORIZATION CODES				64 ESC 65 EMPLOYER NAME PYRAMID				66 EMPLOYER LOCATION																																																											
67 PRIN. DIAG. CD. 80121				68 CODE 82101				69 CODE 80502				70 CODE 78039				71 CODE 9010				72 CODE 5185				73 CODE E8199				74 CODE 2851				75 CODE 2639				76 ADM. DIAG. CD. 80121				77 E-CODE E8495				78 29																							
79 P.C. 80 7915				81 PRINCIPAL PROCEDURE DATE 113004				82 CODE 311				83 DATE 112404				84 OTHER DIAG. CODES 0118				85 DATE 111704				86 ATTENDING PHYS. ID 566-33-4763				87 F92320				88 MORRISON JAMES E				89 OTHER PHYS. ID 251-39-4655				90 D05532				91 KOON DAVID E JR				92 277																			
84 REMARKS 486 3202 8026 80001 9604 1117 9672 1117 0331 1123				85 OTHER PROCEDURE DATE 112504				86 CODE 3893				87 DATE 112804				88 OTHER PROCEDURE DATE 111804				89 CODE 966				90 OTHER PHYS. ID -				91 -				92 -				93 -				94 -				95 -																							
85 PREVIOUS PRESENTIAL X VINSON KENNETH C				86 DATE 06/15/05				87 122204				88				89				90				91				92				93				94				95																											

JB-92 CMS-1450

I CERTIFY THE CERTIFICATIONS ON THE REVERSE APPLY TO THIS BILL AND ARE MADE A PART HEREOF.

OUTPATIENT REGISTRATION

PATIENT ACCOUNT NO. 0436300320		SERVICE DATE & TIME 12/28/04 08:18		DISCHARGE DATE & TIME		REG. BY VLF	PT. TYPE CLN	AC. CODE ORT2	ADMIT. TYPE 01	STATION CLN	ROOM	BED	MEDICAL RECORD NO. 012373576
DATE OF BIRTH 12/12/71	SEX M	RACE M	AGE 33Y	PREVIOUS ADMIT	PREV. ADMIT DATE 11/17/04								
NAME AND ADDRESS CLARK, JAMES PO BOX 3011 LANCASTER SC 29721		SOCIAL SECURITY NUMBER 251-45-4421		COUNTY LANCASTER	EMPLOYER PYRAMID								
DENOMINATION		CHURCH		ADVANCE DIRECTIVE		DISCHARGE DATE & TIME							
NAME AND ADDRESS CLARK, JAMES PO BOX 3011 LANCASTER SC 29721		SOCIAL SECURITY NUMBER 251-45-4421		REL Q	EMPLOYER PYRAMID								
PHONE (803)283-3991		PHONE (803)283-3991											
NOTIFY IN CASE OF EMERGENCY CLARK, KIMBERLY PO BOX 3011 LANCASTER SC 29721		SPOUSE		REL	NEXT OF KIN								
PHONE (803)283-3991		PHONE (803)283-3991											
SELF-PAY CLARK, JAMES 251454421		12/12/71											
ADMITTING DIAGNOSIS/CHIEF COMPLAINT 959.8-INJURY MLT SITE/SITE NEC		PHYSICIAN VOSS, FRANK R		ORT (803)434-6812									
REFERRING PHYSICIAN		972-61-		96/5f									

33yo ♂ slip multi trauma, now 4 weeks slip (C) femur IM nail, initially tried to traction x 2 weeks. this been PWB to cane. No PR.

PE: wounds well healed, non-Ⓢ, comp soft, +2 DP/PT. ROM 5-90°

ⓈTTP fx site

xr: excellent callus formation, hardware stable

Imp: doing well, WBAT, f/u 4 weeks for VROM -PR for ROM/stre

Attending

Case and radiographs reviewed c Dr. Forna. I agree that he could WBAT.

Client Name: Palmetto Health Richland
Client Address: 5 Richland Medical Park
Columbia, SC 29203

Admitting Physician: Voss MD, Frank R
Attending Physician: Voss MD, Frank R

Patient Name: CLARK, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721
Age: 34 years
Date of Birth: 12/12/1970

MRN: R012373576
FIN: R0436300320
Financial Class: Medicaid
Admit Date: 12/28/2004
Admit Time: 8:18:00 AM
Discharge Date: 12/28/2004
Discharge Time: 11:59:00 PM

A l l e r g i e s

Substance: aspirin	
Update Dt Tm	Updated By
11/26/2004 1:21:12 AM	Worley, Katherine E
Reaction Status: Active; Type: Allergy; Category: Drug Allergy;	
11/26/2004 3:01:05 AM	Worley, Katherine E
Reaction Status: Canceled;	

Substance: NKA	
Update Dt Tm	Updated By
11/17/2004 6:24:35 PM	Basily RN, Russell T
Reaction Status: Active; Type: Allergy; Category: Drug Allergy;	
11/26/2004 1:21:12 AM	Basily RN, Russell T
Reaction Status: Canceled;	
11/26/2004 3:01:48 AM	Worley, Katherine E
Reaction Status: Active;	

Client Name: Palmetto Health Richland
Client Address: 5 Richland Medical Park
Columbia, SC 29203

Admitting Physician: Voss MD, Frank R
Attending Physician: Voss MD, Frank R

Patient Name: CLARK, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721
Age: 34 years
Date of Birth: 12/12/1970

MRN: R012373576
FIN: R0436300320
Financial Class: Medicaid
Admit Date: 12/28/2004
Admit Time: 8:18:00 AM
Discharge Date: 12/28/2004
Discharge Time: 11:59:00 PM

Order Details

Order Date/Time:	12/28/2004 8:44:00 AM			
Mnemonic:	CR Femur Left			
Department Status:	Type of Order:	Order Status:		
Completed	Radiology	Completed		
Action Date/Time	Action	Ordering Physician	Action Personnel	Communication Type
12/29/2004 8:57:26 AM	Complete	Voss MD, Frank R	Deuskar MD, Sudan	N/A
12/28/2004 8:58:20 AM	Status Change	Voss MD, Frank R	Robinton, Lynn E	N/A
12/28/2004 8:54:01 AM	Status Change	Voss MD, Frank R	Robinton, Lynn E	N/A
12/28/2004 8:46:07 AM	Order	Voss MD, Frank R	Mayo, Janet T	Written (includes fax)
Review Information: N/A				
Order Details: 12/28/04 08:44:00, Reason: injury, Transport: Walk, R Ortho Clinic, OTHER AND UNSPECIFIED INJURY TO OTHER SPECIFIED SITES, INCLUDING MULTIPLE				

Patient Name: CLARK, JAMES
MRN: R012373576

Page 2 of 4

Print Date/Time 5/14/2008 9:10 AM

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R 276

Client Name: Palmetto Health Richland
Client Address: 5 Richland Medical Park
Columbia, SC 29203

Admitting Physician: Voss MD, Frank R
Attending Physician: Voss MD, Frank R

Patient Name: CLARK, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721
Age: 34 years
Date of Birth: 12/12/1970

MRN: R012373576
FIN: R0436300320
Financial Class: Medicaid
Admit Date: 12/28/2004
Admit Time: 8:18:00 AM
Discharge Date: 12/28/2004
Discharge Time: 11:59:00 PM

o r d e r s

Order Date/Time 12/28/2004 8:46:07 AM

Mnemonic CR Femur Left	Action Order	Order Status Completed	Type of Order Radiology
Ordering Physician Voss MD, Frank R		Order Placed By Mayo, Janet T	
Review Information N/A			
Order Details 12/28/04 08:44:00, Reason: injury, Transport: Walk, R Ortho Clinic, OTHER AND UNSPECIFIED INJURY TO OTHER SPECIFIED SITES, INCLUDING MULTIPLE			

Client Name: Palmetto Health Richland

Client Address: 5 Richland Medical Park

Columbia, SC 29203

Admitting Physician: Voss MD, Frank R

Attending Physician: Voss MD, Frank R

Patient Name: CLARK, JAMES

Patient Address: PO BOX 3011

LANCASTER, SOUTH CAROLINA 29721

Age: 34 years

Date of Birth: 12/12/1970

MRN: R012373576

FIN: R0436300320

Financial Class: Medicaid

Admit Date: 12/28/2004

Admit Time: 8:18:00 AM

Discharge Date: 12/28/2004

Discharge Time: 11:59:00 PM

R a d i o l o g y R e p o r t s

Ordering Provider:

Voss MD, Frank R

Ordered Test Name:

CR Femur Left

Accession Number:

CR-04-181003

Exam Date/Time:

12/28/2004 8:57:28 AM

injury

Findings:

LEFT FEMUR, TWO VIEWS - 12/28/04:

HISTORY: Injury.

Callus formation indicates progressive healing without significant change in alignment of fracture fragments of shaft of femur compared to 11/30/04. Intramedullary rod remains in place.

IMPRESSION:

HEALING FRACTURE OF FEMORAL SHAFT WITH CONTINUED SATISFACTORY ALIGNMENT.

*** Final ***

Read by: Deuskar MD, Sudan

Released By: Sudan Deuskar

on: 12/29/2004 08:54

Transcriptionist: AJC

Trans Date/Time: 12/28/2004 17:49

Technologist: Robinton, Lynn E

UB-92 CMS-1450

I CERTIFY THE CERTIFICATIONS ON THE REVERSE APPLY TO THIS BILL AND ARE MADE A PART HEREOF

**ITEMIZED STATEMENT
OF CHARGES**

TYPE OF BILL	DATE OF BILL	PAGE NO.
D1-CLN	01/04/05	1

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK JR	0436300320	M	33Y	12/28/04	12/28/04	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER	PLEASE RETAIN FOR YOUR RECORDS			
190619 MEDICAID		2780397510				
190660 1500 MEDICAID		2780397510				
010600 SELF-PAY		251454421				

PATIENT NAME AND ADDRESS	PATIENT NUMBER	FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO RICHLAND MEMORIAL HOSPITAL FOR QUESTIONS CALL (803) 434-2900 or 1-800-499-5962
JAMES CLARK JR PO BOX 3011 LANCASTER SC	29721	

DATE	ITEM NO.	DESCRIPTION	CLM. CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGES
12/28/04	765	CR FEMUR LEFT	0520		1	245.00	245.00
		TOTAL DX X-RAY					\$245.00
12/28/04	23342	NEW PATIENT LEVEL 1	0510		2	76.00	76.00
		TOTAL CLINIC					\$76.00
		TOTAL CHARGES					\$321.00
		TOTAL PAYMENTS/ADJUSTMENTS					0.00
							285

PATIENT NUMBER
0436300320

PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.

ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PARED, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.

TOTAL AMOUNT DUE \$321.00

CT Head Without Contrast

CLARK, JAMES - R012373576

* Final Report *

Result type: CT Head Without Contrast
Result date: 02 February 2005 13:50
Result status: Auth (Verified)
Verified by: Hudson MD, Edwin R on 05 February 2005 17:03
Encounter info: R0503300834, Richland, 3MP-Op Registration, 2/2/2005 - 2/2/2005

* Final Report *

Reason For Exam
F/U Head Injury

Finding:
CT BRAIN, 2/2/05:

CLINICAL HISTORY: 33-YEAR-OLD MALE WITH HISTORY OF HEAD INJURY. STUDY REQUESTED IN FOLLOWUP.

TECHNIQUE: 5 MM CONTIGUOUS AXIAL IMAGING OF THE BRAIN WAS PERFORMED FROM THE BASE OF THE SKULL TO THE VERTEX. BRAIN AND BONE WINDOWED IMAGES ARE REVIEWED.

FINDINGS:

Correlation is made with the previous study performed 12/11/04. Acute hemorrhage is not identified. Small left parietal temporal subdural collection was reported on the previous study. This has essentially resolved on the current exam.

Ventricular system is within normal limits in size for age and stable. No shift of midline. Basilar cisterns remain defined.

Review of the bone windows show further opacification of the right maxillary sinus. Right orbital floor and medial wall fracture is again identified. Distortion of the nasal bone is again seen.

IMPRESSION:

1. NO ACUTE HEMORRHAGE OR INTRACRANIAL EVENT.
2. RESOLUTION OF VERY SMALL LOW DENSITY SUBDURAL COLLECTION NOTED ON THE PREVIOUS STUDY.
3. RIGHT ORBITAL/NASAL BONE FRACTURES AS PREVIOUSLY DOCUMENTED.

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:59

Page 1 of 2
(Continued)

286

CT Head Without Contrast

CLARK, JAMES - R012373576

* Final Report *

Signature Line

*** Final ***

Read by: Hudson MD, Edwin R

Released By: Edwin R. Hudson

on: 02/05/2005 17:03

Transcriptionist: KML

Trans Date/Time: 02/02/2005 15:03

Technologist: Alcorn, Erin K, Motorwalla, Shirin R, Butler, Pamela

Completed Action List:

- * Perform by Hudson MD, Edwin R on 02 February 2005 13:50
- * Assist by Marchand MD, Arturo E on 02 February 2005 13:50
- * Assist by Alcorn, Erin K on 02 February 2005 13:50
- * Assist by Motorwalla, Shirin R on 02 February 2005 13:50
- * Assist by Butler, Pamela R on 02 February 2005 13:50
- * VERIFY by Hudson MD, Edwin R on 05 February 2005 17:03

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:59

Page 2 of 2
(End of Report)

287

R 282

CR Cervical Spine 2 Views Flex+Ext Only

CLARK, JAMES - R012373576

* Final Report *

Result type: CR Cervical Spine 2 Views Flex+Ext Only
Result date: 02 February 2005 13:47
Result status: Auth (Verified)
Verified by: Kantsiper MD, Alan B on 02 February 2005 18:29
Encounter info: R0503300834, Richland, 3MP-Op Registration, 2/2/2005 - 2/2/2005

*** Final Report ***

Reason For Exam
c2 fx

Finding:
CERVICAL SPINE, FLEXION AND EXTENSION:

HISTORY: Follow-up C2 fracture.

Lateral views were obtained demonstrating the spine in neutral, flexion and extension.

Neutral demonstrates the spine down to C7 with a prominent anterior osteophytic spur on the anterior inferior aspect of C2. Flexion visualizes the spine down to C6-7, as well. Extension visualizes the spine down to the upper border of C7. No evidence of subluxation is demonstrated. Prevertebral space is normal. No obvious fracture sites are identified.

CONCLUSION:

PROMINENT SPUR-LIKE AREA NOTED FROM THE ANTERIOR INFERIOR ASPECT OF C2. NO SUBLUXATION IS DEMONSTRATED. THERE APPEARS TO BE WIDENING AT THE C2-3 DISC SPACE ON EXTENSION AND FLEXION, ANTERIORLY. WIDENING OF DISC SPACE APPEARS TO INCREASE SOMEWHAT IN EXTENSION.

Signature Line

*** Final ***

Read by: Kantsiper MD, Alan B
Released By: Alan B. Kantsiper
on: 02/02/2005 18:29

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:59

Page 1 of 2
(Continued)

288

CR Cervical Spine 2 Views Flex+Ext Only

CLARK, JAMES - R012373576

* Final Report *

Transcriptionist: SEE

Trans Date/Time: 02/02/2005 16:32

Technologist: Alcorn, Erin K, Motorwalla, Shirin R

Completed Action List:

- * Perform by Alcorn, Erin K on 02 February 2005 13:47
- * Assist by Motorwalla, Shirin R on 02 February 2005 13:47
- * VERIFY by Kantsiper MD, Alan B on 02 February 2005 18:29

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:59

Page 2 of 2
(End of Report)

— 289

R 284

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Result type: CT Chest W/ Contrast
Result date: 02 February 2005 13:50
Result status: Auth (Verified)
Verified by: Marchand MD, Arturo E on 03 February 2005 11:46
Encounter info: R0503300834, Richland, 3MP-Op Registration, 2/2/2005 - 2/2/2005

* Final Report *

Reason For Exam
aortic tear

Finding:
HISTORY: Status post aortic injury.

CT OF CHEST:

TECHNIQUE: Consecutive sections were obtained from lung apices through the upper abdomen during intravenous injection of 100 cc of Optiray 320 contrast material.

FINDINGS:
The previously described, traumatic dissection of the descending aorta at the insertion of the ligamentum arteriosum is less apparent in the present examination. There is no evidence of extravasation of contrast material. The aorta is otherwise unremarkable and unchanged since the previous examination. No infiltrates or pleural effusions are present. Vascularity is within normal limits. The heart is normal in size.

IMPRESSION:

INTERVAL HEALING OF THE PREVIOUSLY DESCRIBED TRAUMATIC DISSECTION OF THE AORTA SINCE 11/17/04. MINIMAL IRREGULARITY OF CONTOUR STILL REMAINS. NO OTHER CHANGE. NO OTHER SIGNIFICANT ABNORMALITY PRESENT.

Signature Line
*** Final ***
Read by: Marchand MD, Arturo E
Released By: Arturo E. Marchand

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:59

Page 1 of 2
(Continued)

290

R 285

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

on: 02/03/2005 11:46

Transcriptionist: SEE

Trans Date/Time: 02/02/2005 20:33

Technologist: Alcorn, Erin K, Motorwalla, Shirin R, Butler, Pamela

Completed Action List:

- * Perform by Hudson MD, Edwin R on 02 February 2005 13:50
- * Assist by Marchand MD, Arturo E on 02 February 2005 13:50
- * Assist by Alcorn, Erin K on 02 February 2005 13:50
- * Assist by Motorwalla, Shirin R on 02 February 2005 13:50
- * Assist by Butler, Pamela R on 02 February 2005 13:50
- * VERIFY by Marchand MD, Arturo E on 03 February 2005 11:46

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:59

Page 2 of 2
(End of Report)

— 291

R 286

Oct-09-09 04:40pm From-

T-710 P.004/012 F-972

PALMETTO HEALTH
RICHLAND293 Graystone Blvd.
Columbia, SC 29210STATEMENT
OF CHARGES

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK	0503300834	M	30Y	02/02/05	02/02/05	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER	PLEASE RETAIN FOR YOUR RECORDS			
190619 MEDICAID 190660 1500 MEDICAID		2780397510 2780397510				
JARANTOR NAME AND ADDRESS	JAMES CLARK PO BOX 3011 LANCASTER SC 29721		FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO PALMETTO HEALTH RICHLAND FOR QUESTIONS CALL (803) 296-5098 or 1-800-243-7711			

DATE	ITEM NO.	DESCRIPTION	CLM CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGE
		0255 DRUGS/INCIDENT/RAD					270.00
		0320 DX X-RAY					247.00
		0351 CT SCAN/HEAD					1083.00
		0352 CT SCAN/BODY					1561.00
		TOTAL CHARGES					3161.00
02/02/05	P0002	225 PERSONAL PAYMENT-CASH					-3.00
02/22/05	I2302	205 MEDICAID PAYMENT					-272.90
02/22/05	A2306	205 MEDICAID ADJ					-2888.10
03/15/05	A2700	0 SMALL BALANCE WRITE OFF ADJ					3.00
		TOTAL PAYMENTS/ADJUSTMENTS					-3161.00

HOSPITAL BENEFITS ASSIGNED TO
PALMETTO HEALTH
PLEASE SHOW ACCOUNT HISTORY
NO. ON REMITTANCE CHECK

PATIENT NUMBER

0503300834

PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PARED, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.TOTAL AMOUNT
DUE

0.00

PLEASE RETAIN FOR YOUR RECORDS

292

75018406

R 287

Client Name: Palmetto Health Richland
Client Address: 5 Richland Medical Park
Columbia, SC 29203

Admitting Physician: Koon MD, David E
Attending Physician: Koon MD, David E

Patient Name: CLARK, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721

Age: 34 years
Date of Birth: 12/12/1970

MRN: R012373576
FIN: R0503900473
Financial Class: Medicaid

Admit Date: 2/8/2005
Admit Time: 9:46:00 AM
Discharge Date: 2/8/2005
Discharge Time: 11:59:00 PM

A l l e r g i e s

Substance: aspirin	
Update Dt Tm Updated By	
11/26/2004 1:21:12 AM Worley, Katherine E	Reaction Status: Active; Type: Allergy; Category: Drug Allergy;
11/26/2004 3:01:05 AM Worley, Katherine E	Reaction Status: Canceled;

Substance: NKA	
Update Dt Tm Updated By	
11/17/2004 6:24:35 PM Basily RN, Russell T	Reaction Status: Active; Type: Allergy; Category: Drug Allergy;
11/26/2004 1:21:12 AM Basily RN, Russell T	Reaction Status: Canceled;
11/26/2004 3:01:48 AM Worley, Katherine E	Reaction Status: Active;

Patient Name: CLARK, JAMES
MRN: R012373576

Page 1 of 4

Print Date/Time 5/14/2008 9:08 AM

- 293

R 288

Client Name: Palmetto Health Richland

Client Address: 5 Richland Medical Park

Columbia, SC 29203

Admitting Physician: Koon MD, David E

Attending Physician: Koon MD, David E

Patient Name: CLARK, JAMES

Patient Address: PO BOX 3011

LANCASTER, SOUTH CAROLINA 29721

Age: 34 years

Date of Birth: 12/12/1970

MRN: R012373576

FIN: R0503900473

Financial Class: Medicaid

Admit Date: 2/8/2005

Admit Time: 9:46:00 AM

Discharge Date: 2/8/2005

Discharge Time: 11:59:00 PM

Order Detail

Order Date/Time:	2/8/2005 11:03:00 AM			
Mnemonic:	CR Femur Left			
Department Status:	Type of Order:	Order Status:		
Completed	Radiology	Completed		
Action Date/Time	Action	Ordering Physician	Action Personnel	Communication Type
2/9/2005 10:53:42 AM	Complete	Koon MD, David E	Shah MD, Paresb P	N/A
2/8/2005 11:55:46 AM	Status Change	Koon MD, David E	Robinton, Lynn E	N/A
2/8/2005 11:54:43 AM	Status Change	Koon MD, David E	Robinton, Lynn E	N/A
2/8/2005 11:04:22 AM	Order	Koon MD, David E	Pearson RN, Jacqueline K	Written (includes fax)
Review Information: N/A				
Order Details: 02/08/05 11:03:00, Reason: PAIN, Transport: Walk, R Ortho Clinic, OTHER AND UNSPECIFIED INJURY TO OTHER SPECIFIED SITES, INCLUDING MULTIPLE				

Patient Name: CLARK, JAMES
MRN: R012373576

Page 2 of 4

Print Date/Time 5/14/2008 9:08 AM

294

R 289

Client Name: Palmetto Health: Richland
Client Address: 5 Richland Medical Park
Columbia, SC 29203

Admitting Physician: Koon MD, David E
Attending Physician: Koon MD, David E

Patient Name: CLARK, JAMES
Patient Address: PO BOX 3011
LANCASTER, SOUTH CAROLINA 29721
Age: 34 years
Date of Birth: 12/12/1970

MRN: R012373576
FIN: R0503900473
Financial Class: Medicaid
Admit Date: 2/8/2005
Admit Time: 9:46:00 AM
Discharge Date: 2/8/2005
Discharge Time: 11:59:00 PM

O r d e r s

Order Date/Time 2/8/2005 11:04:22 AM

Order Date/Time 2/8/2005 11:04:22 AM			
Mnemonic CR Femur Left	Action Order	Order Status Completed	Type of Order Radiology
Ordering Physician Koon MD, David E		Order Placed By Pearson RN, Jacqueline K	
Review Information N/A			
Order Details 02/08/05 11:03:00, Reason: PAIN, Transport: Walk, R Ortho Clinic, OTHER AND UNSPECIFIED INJURY TO OTHER SPECIFIED SITES, INCLUDING MULTIPLE			

Client Name: Palmetto Health Richland
Client Address: 5 Richland Medical Park
Columbia, SC 29203

Admitting Physician: Koon MD, David E
Attending Physician: Koon MD, David E

Patient Name: CLARK, JAMES

Patient Address: PO BOX 3011

LANCASTER, SOUTH CAROLINA 29721

Age: 34 years
Date of Birth: 12/12/1970

MRN: R012373576
FIN: R0503900473
Financial Class: Medicaid

Admit Date: 2/8/2005
Admit Time: 9:46:00 AM
Discharge Date: 2/8/2005
Discharge Time: 11:59:00 PM

R a d i o l o g y R e p o r t s

Ordering Provider:
Koon MD, David E

Ordered Test Name:
CR Femur Left

Accession Number:
CR-05-019794

Exam Date/Time:
2/8/2005 11:55:29 AM

PAIN

Findings:

LEFT FEMUR:

The patient has an old healing fracture of the lower and mid shaft of the left femur. This fracture has been immobilized with intramedullary rod. There is exuberant callus formation present. Left hip joint and knee joints are grossly normal. Compared to previous study, there is much more callus formation.

*** Final ***

Read by: Shah MD, Paresh P
Released By: Paresh P. Shah
on: 02/09/2005 10:50

Transcriptionist: CMS
Trans Date/Time: 02/09/2005 08:27
Technologist: Robinton, Lynn E

CT Orbits W/O Contrast

CLARK, JAMES - R012373576

* Final Report *

Result type: CT Orbits W/O Contrast
Result date: 24 March 2005 12:49
Result status: Auth (Verified)
Verified by: Richmond MD, G Eddie on 25 March 2005 11:10
Encounter info: R0508300777, Richland, 3MP-Op Registration, 3/24/2005 - 3/24/2005

*** Final Report ***

Reason For Exam
orbital fx

Finding:

CLINICAL INFORMATION: Facial fracture follow up.

CT scan of the orbits were done with 2.5 mm axial and coronal images through the orbits and images reviewed in bone and soft tissue windows.

There is a "trap door" type fracture of the floor of the right orbit. The inferior rectus muscle is displaced inferiorly but no below the fracture. There is mucoperiosteal thickening in the right maxillary sinus compatible with chronic sinusitis. Fracture appears to be old. There also is a medial compressed fracture of the medial wall of the right orbit, this is probably also old. Left orbit is intact and the left maxillary sinus is clear. There is deviation of the nasal septum to the left.

IMPRESSION: OLD TRAP DOOR TYPE FRACTURE OF THE FLOOR OF THE RIGHT ORBIT WITHOUT MUSCLE ENTRAPMENT. CHRONIC RIGHT MAXILLARY SINUSITIS.

Signature Line

*** Final ***

Read by: Richmond MD, G Eddie
Released By: G E. Richmond
on: 03/25/2005 11:10

Transcriptionist: KWB
Trans Date/Time: 03/25/2005 10:24
Technologist: Butler, Pamela R

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 1 of 2
(Continued)

297

R 292

CT Orbits W/O Contrast

CLARK, JAMES - R012373576

* Final Report *

Completed Action List:

- * Perform by Richmond MD, G Eddie on 24 March 2005 12:49
- * Assist by Butler, Pamela R on 24 March 2005 12:49
- * VERIFY by Richmond MD, G Eddie on 25 March 2005 11:10

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 2 of 2
(End of Report)

298

R 293

Oct-08-09 04:40pm From-

T-710 P.005/012 F-872

PALMETTO HEALTH RICHLAND

293 Graystone Blvd.
Columbia, SC 29210

**ITEMIZED STATEMENT
OF CHARGES**

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK	0508300777	M	28Y	03/24/05	03/24/05	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER		PLEASE RETAIN FOR YOUR RECORDS		
190619 MEDICAID 190660 1500 MEDICAID		2780397510 2780397510				

JARANTOR NAME AND ADDRESS	JAMES CLARK PO BOX 3011 LANCASTER SC	29721	FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO PALMETTO HEALTH RICHLAND FOR QUESTIONS CALL (803) 296-5098 or 1-800-243-7711

DATE	ITEM NO.	DESCRIPTION	CUM. CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGE
		0351 CT SCAN/HEAD					2258.00
		TOTAL CHARGES					2258.00
04/12/05	I2302	958 MEDICAID PAYMENT					-180.78
04/12/05	A2306	958 MEDICAID ADJ					-2077.22
		TOTAL PAYMENTS/ADJUSTMENTS					-2258.00

HOSPITAL BENEFITS ASSIGNED TO
PALMETTO HEALTH
PLEASE SHOW ACCOUNT HISTORY
NO. ON REMITTANCE CHECK

PATIENT NUMBER
0508300777

PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.

ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PARED, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.

TOTAL AMOUNT DUE 0.00

PLEASE RETAIN FOR YOUR RECORDS

299

78018406

Operative Report

CLARK, JAMES - R012373576

Result type: Operative Report
Result date: 12 April 2005 18:20
Result status: Auth (Verified)
Result title: 4
Encounter info: R0510000292, Richland, OSR-Outpatient Surgery, 4/12/2005 - 4/12/2005

Transcription

DATE OF OPERATION: 04/12/2005

PREOPERATIVE DIAGNOSIS: Right orbital floor and medial wall fracture.

POSTOPERATIVE DIAGNOSIS: Right orbital floor and medial wall fracture.

OPERATIVE PROCEDURE: Repair of right orbital floor fracture, and medial wall fracture with orbital implant.

SURGEON: Dr. Josh Frankel, who was present during the entire procedure.

RESIDENT SURGEON: Dr. Jeremiah Tao and Dr. Kris Pugh.

ANESTHESIA: General endotracheal and local.

COMPLICATIONS: None.

ESTIMATED BLOOD LOSS: 300 cc.

INDICATIONS: This is a 34-year-old African-American male who is approximately 1 month status post facial lacerations and injury. A CT scan did reveal a large medial floor fracture and medial wall fracture.

DESCRIPTION OF OPERATION: The patient was brought to the operative suite location where he was placed under general anesthesia. Lidocaine 1% with 1:100,000 epinephrine was injected into the inferior papilla conjunctival space and the lateral canthal region. The right eye was prepped and draped in the usual standard sterile fashion, and then a No. 11 blade was used to initiate a lateral canthotomy. Inferior cantholysis was achieved using a tenotomy scissor and the conjunctivae was dissected off the inferior tarsal border. Next the conjunctivae was incised at the inferior tarsal border and dissection was carried down to periosteum. The periosteum was incised with a No. 15 Bard-Parker blade and then reflected anteriorly with a periosteal elevator. The periosteum was then reflected into the orbit until the large medial floor fracture was identified. Tissue was extracted from the fracture site in a hand over hand technique. Next a Lorenz lactosorb right orbital implant was introduced over the defect. The implant was trimmed slightly on the lateral aspect. Two Lorenz lactosorb push screws were used to secure the orbital implant with

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 1 of 2
(Continued)

300

R 295

Operative Report

CLARK, JAMES - R012373576

holes drilled previously. During this drilling process one of the bits did break off of the screw and was lodged into the inferior orbital rim. This was secured and left in place. Next the overlying conjunctivae was closed using 3 buried 7-0 Chromic gut sutures. A lateral tarsal strip was fashioned and then the tarsus was secured to the inner aspect of the lateral orbital periosteum using a single 5-0 Vicryl suture. The upper and lower gray line were approximated at the lateral canthus using a 5-0 Vicryl suture. Then a single 5-0 Vicryl was used to close the deep tissue lateral to the canthus. The overlying skin was closed using a running 6-0 nylon suture. The wounds were dressed with Maxitrol ointment and an eye patch was placed. The patient was awakened from general anesthesia in stable condition, and taken to recovery. He tolerated this procedure well and there were no complications.

Joshua Frankel, MD

Dictated by: Jeremiah P. Tao,
MD

JT:hs

D: 04/12/2005 10:08 A T: 04/12/2005 6:20 P

Job #: 000831094 T Job #: 527436 Doc #: 668983

cc:: Joshua Frankel, MD
Jeremiah P. Tao, MD

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 2 of 2
(End of Report)

— 301

R 296

Operative Report

CLARK, JAMES - R012373576

Result type: Operative Report
Result date: 19 May 2005 15:36
Result status: Auth (Verified)
Result title: 4
Encounter info: R0510000292, Richland, OSR-Outpatient Surgery, 4/12/2005 - 4/12/2005

Transcription

DATE OF OPERATION: 04/12/2005

PREOPERATIVE DIAGNOSIS: Orbital fracture of the floor and entrapped right inferior rectus muscle, right side.

POSTOPERATIVE DIAGNOSIS: Orbital fracture of the floor and entrapped right inferior rectus muscle, right side.

OPERATIVE PROCEDURE:

1. Repair of right orbital floor fracture with implantation of plate.
2. Reconstruction and freeing of right inferior rectus muscle trapped in the fracture.

SURGEON: Dr. J. Frankel

ASSISTANT: Dr. J. Tao

ANESTHESIA: General.

DESCRIPTION OF OPERATION: The patient was brought to the operating room and general anesthesia was administered. After the patient was fully asleep, the right periorbit was prepped and draped in the sterile manner. A () wire lid speculum was temporarily placed between the lid margins of the right eye and a forced duction test was then performed, providing a positive forced duction test to elevation, which was limited due to the entrapped right inferior rectus muscle. The speculum was removed and the lids were closed. Subconjunctival injection of Xylocaine with epinephrine then ensued in the lower lid and right lateral canthus. A right lateral cantholysis and canthotomy was then performed with scissors separation of the inferior conjunctiva from the overlying right lower lid down to approximately the orbital margin. Where then tunneling into the right lower lid and reaching the anterior aspect of the right maxillary area and the right inferior lid was done. Using a #15 Bard Parker knife, an incision was made down through the periosteum of the right lower lid margin onto the bony margin. This was elevated using both Cottle and Freer periosteal elevators, first inferiorly and then superiorly, gradually raising the entire orbital periosteal substance off of the bony floor. The orbit was then entered under the periosteum and it was noted that the entrapped area and the fracture was present medially.

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 1 of 2
(Continued)

302

Operative Report

CLARK, JAMES - R012373576

This tissue was gradually freed using hand over hand movements and separation and removing the entrapped inferior muscle periorbita from the fracture. This fracture area was then stented using the absorbable plate, which was laid over the area and trimmed so as to encompass the entire fractured area and it was satisfactorily found to have a much improved forced duction test when this was then performed after the placement of the plate. The periorbita were then repositioned. The periosteum was repositioned. The conjunctiva was closed using multiple interrupted 6-0 Vicryl and 5-0 Vicryl sutures. The lateral canthotomy was repaired using a nylon suture and Vicryl sutures laterally. The eye was watched throughout the procedure and the pupil was noted to be steady with no pupillary dilatation. At the end of the procedure, a small Telfa pad underlain by erythromycin ointment was placed laterally. The patient tolerated the procedure well and was awakened from general anesthesia and moved from the operating room in good condition.

Joshua Frankel, MD

JF:hs

D: 05/19/2005 1:28 P T: 05/19/2005 3:36 P

Job #: 000871839 T Job #: 655344 Doc #: 685777

cc:: Joshua Frankel, MD

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 2 of 2
(End of Report)

303

R 298

Oct-09-09 04:41pm From-

T-710 P.006/012 F-872

**PALMETTO HEALTH
RICHLAND**293 Greystone Blvd.
Columbia, SC 29210**OF CHARGES**

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK	0510000292	M	38Y	04/12/05	04/12/05	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER		PLEASE RETAIN FOR YOUR RECORDS		
190619 MEDICAID 190660 1500 MEDICAID		2780397510 2780397510				
PARANTOR NAME AND ADDRESS	JAMES CLARK PO BOX 3011 LANCASTER SC		29721	FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO PALMETTO HEALTH RICHLAND FOR QUESTIONS CALL (803) 296-5098 or 1-800-243-7711		

DATE	ITEM NO.	DESCRIPTION	CLM CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGE
		0250 PHARMACY/GENERAL					1809.00
		0270 MED/SUR SUPPLIES					307.51
		0272 STERILE SUPPLY					102.00
		0278 SUPPLY IMPLANTS					1725.00
		0301 LAB/CHEMISTRY					61.00
		0305 LAB/HEMATOLOGY					110.00
		0360 OR SERVICES					7759.00
		0370 ANESTHESIA					1765.00
		0636 EPO/DRUGS REQUIRING DET CODE					63.00
		0637 SELF ADMINISTERED DRUGS					131.00
		0710 RECOVERY ROOM					1045.00
		0964 PRO FEE/ANES RN					1386.00
		TOTAL CHARGES					16263.51
05/30/05	I2302	551 MEDICAID PAYMENT					-570.00
06/22/05	I2300	822 MEDICAID PRO FEE PAYMENT					-80.40
05/30/05	A2306	551 MEDICAID ADJ					-7189.00
06/13/05	A2306	917 MEDICAID ADJ					-7118.51
06/22/05	A2300	822 MEDICAID PRO FEE ADJ					-1305.60
		TOTAL PAYMENTS/ADJUSTMENTS					-16263.51

HOSPITAL BENEFITS ASSIGNED TO
PALMETTO HEALTH
PLEASE SHOW ACCOUNT HISTORY
NO. ON REMITTANCE CHECK

PATIENT NUMBER

0510000292

PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PAID, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.TOTAL AMOUNT
DUE

0.00

PLEASE RETAIN FOR YOUR RECORDS

304

76018406

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Result type: CT Chest W/ Contrast
Result date: 11 May 2005 11:00
Result status: Auth (Verified)
Verified by: Caldwell MD, Jacquette L on 11 May 2005 14:52
Encounter info: R0513100466, Richland, 3MP-Op Registration, 5/11/2005 - 5/11/2005

*** Final Report ***

Reason For Exam
thoracic annurysm

Finding:
CT CHEST

TECHNIQUE: Axial images from thoracic inlet through upper abdomen with the use of 100 cc's Optiray 320.

There are no enlarged hilar or mediastinal axillary lymph nodes. There are no focal intraparenchymal pulmonary opacities or nodules. There is no pleural or pericardial effusion. There has been interval decrease in size of the descending thoracic aorta just distal to the aortic arch (image 20) compatible with previous subintimal tear. There is no extravasation of contrast or mediastinal hematoma.

IMPRESSION:

DECREASE IN LINEAR HYPODENSITY OF THE DESCENDING THORACIC AORTA
COMPATIBLE WITH SUBINTIMAL TEAR SINCE LAST EXAMINATION OF 11/17/04.

THIS EXAMINATION HAS BEEN COMPARED WITH PRIOR EXAMINATION IF AVAILABLE.

Signature Line

*** Final ***

Read by: Caldwell MD, Jacquette L
Released By: Jacquette L. Caldwell
on: 05/11/2005 14:52

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 1 of 2
(Continued)

305

R 300

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Transcriptionist: KWB

Trans Date/Time: 05/11/2005 13:40

Completed Action List:

- * Order by Petit MD, Scott J on 04 May 2005 11:53
- * Perform by Kantsiper MD, Alan B on 11 May 2005 11:00
- * Assist by Butler, Pamela R on 11 May 2005 11:00
- * VERIFY by Caldwell MD, Jacquette L on 11 May 2005 14:52

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:58

Page 2 of 2
(End of Report)

- 306

R 301

Oct-09-09 04:41pm From-

T-710 P.008/012 F-972

PALMETTO HEALTH
RICHLAND293 Greystone Blvd.
Columbia, SC 29210

OF CHARGES

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK	0513100466	M	30Y	05/11/05	05/11/05	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER		PLEASE RETAIN FOR YOUR RECORDS		
190619 MEDICAID 190660 1500 MEDICAID		2780397510 2780397510				

INSURANT NAME AND ADDRESS	JAMES CLARK PO BOX 3011 LANCASTER SC	29721	FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO PALMETTO HEALTH RICHLAND FOR QUESTIONS CALL (803) 296-5098 or 1-800-243-7711

DATE	ITEM NO.	DESCRIPTION	CLM. CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGES
		0255 DRUGS/INCIDENT/RAD					273.00
		0352 CT SCAN/BODY					1577.00
		TOTAL CHARGES					1850.00
05/30/05	I2302	551 MEDICAID PAYMENT					-154.42
05/30/05	A2306	551 MEDICAID ADJ					-1695.58
		TOTAL PAYMENTS/ADJUSTMENTS					-1850.00

HOSPITAL BENEFITS ASSIGNED TO
PALMETTO HEALTH
PLEASE SHOW ACCOUNT HISTORY
NO. ON REMITTANCE CHECK

PATIENT NUMBER
0513100466

 PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.

 ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PARED, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.

TOTAL AMOUNT DUE 0.00

PLEASE RETAIN FOR YOUR RECORDS

307

78018408

R 302

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Result type: CT Chest W/ Contrast
Result date: 18 January 2006 14:16
Result status: Auth (Verified)
Verified by: Cort Jr MD, Samuel F on 19 January 2006 9:07
Encounter info: R0601801514, Richland, 3MP-Op Registration, 1/18/2006 - 1/18/2006

*** Final Report ***

Reason For Exam
aortic tear

Finding:
CT OF THE CHEST WITH CONTRAST PERFORMED ON 1/18/06:

Compared to 5/11/05 and 11/17/04.

TECHNICAL FACTORS:

5 mm axial images were taken from the lung apices through the adrenal glands after the administration of intravenous contrast.

FINDINGS:

Review of the mediastinal windows again demonstrates a small aortic tear. It is less pronounced than on the prior study. There is no significant hilar, mediastinal, or axillary lymphadenopathy noted.

Review of the lung windows is unremarkable. The airways are patent.

Limited axial imaging through the upper abdomen demonstrates focal fatty infiltration adjacent to the falciform ligament.

IMPRESSION:

STABLE-TO-MILDLY DECREASED INTIMAL TEAR INVOLVING THE PROXIMAL DESCENDING THORACIC AORTA.

Signature Line

*** Final ***

Trans On: 01/18/2006 18:1by: JAH

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:57

Page 1 of 2
(Continued)

308

R 303

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Read by: Cort Jr MD, Samuel F

Released By: Samuel F. Cort

Released on: 01/19/2006 09:07

Completed Action List:

- * Order by Petit MD, Scott J on 18 January 2006 13:47
- * Perform by Motorwalla, Shirin R on 18 January 2006 14:16
- * Assist by Javers, Traci T on 18 January 2006 14:16
- * VERIFY by Cort Jr MD, Samuel F on 19 January 2006 9:07

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:57

Page 2 of 2
(End of Report)

— 309

R 304

Oct-09-09 04:41pm From-

T-710 P.008/012 F-872

PALMETTO HEALTH
RICHLAND

293 Graystone Blvd.
Columbia, SC 29210

OF CHARGES

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK	0601801514		28	01/18/06	01/18/06	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER		PLEASE RETAIN FOR YOUR RECORDS		
L90619 MEDICAID		2780397510				
L90660 1500 MEDICAID		2780397510				

ARANTOR
NAME
AND
ADDRESS

JAMES CLARK
PO BOX 3011
LANCASTER SC

29721

FOR PATIENT INFORMATION ONLY.
ALL BENEFITS ASSIGNED TO
PALMETTO HEALTH RICHLAND
FOR QUESTIONS CALL (803) 296-5098
or 1-800-243-7711

DATE	ITEM NO.	DESCRIPTION	SLM CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGES
		0255 DRUGS/INCIDENT/RAD					298.00
		0352 CT SCAN/BODY					1719.00
		TOTAL CHARGES					2017.00
01/30/06	I2302	777 MEDICAID PAYMENT					-154.42
01/30/06	A2306	777 MEDICAID ADJ					-1859.58
02/27/06	A2700	0 SMALL BALANCE WRITE OFF ADJ					-3.00
		TOTAL PAYMENTS/ADJUSTMENTS					-2017.00

HOSPITAL BENEFITS ASSIGNED
PALMETTO HEALTH
PLEASE SHOW ACCOUNT HISTORY
NO. ON REMITTANCE CHECK

PATIENT NUMBER

0601801514

PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.

ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PARED, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.

TOTAL AMOUNT DUE 0.00

PLEASE RETAIN FOR YOUR RECORDS

310

76010406

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Result type: CT Chest W/ Contrast
Result date: 30 August 2006 12:25
Result status: Auth (Verified)
Verified by: Jakes MD, Derek P on 31 August 2006 17:20
Encounter info: R0624201301, Richland, 3MP-Op Registration, 8/30/2006 - 8/30/2006

*** Final Report ***

Reason For Exam
thoracic aneurysm

Finding:
CT OF THE CHEST WITH CONTRAST DATED 8/30/06:

CLINICAL INDICATION:
Thoracic aneurysm.

FINDINGS:
Heart, mediastinum and aorta are normal. There is no evidence of thoracic aneurysm or dissection. Lungs are clear without infiltrates or effusions. Bony thorax is normal. Mild gynecomastia seen bilaterally. Superficial soft tissues otherwise unremarkable. Visualized upper abdomen normal.

IMPRESSION:

MILD GYNECOMASTIA. NO THORACIC ANEURYSM.

Signature Line

*** Final ***

Trans On: 08/31/2006 08:1by: JAH

Read by: Jakes MD, Derek P

Released By: Jakes MD, Derek P

Released on: 08/31/2006 17:20

Technologist: Javers, Traci T

Completed Action List:

* Order by Petit MD, Scott J on 16 August 2006 12:09

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:57

Page 1 of 2
(Continued)

311

R 306

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

* Perform by Javers, Traci T on 30 August 2006 12:25

* VERIFY by Jakes MD, Derek P on 31 August 2006 17:20

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:57

Page 2 of 2
(End of Report)

312

R 307

Oct-09-09 04:41pm From-

T-710 P.010/012 F-972

PALMETTO HEALTH
RICHLAND

OF CHARGES

293 Greystone Blvd. Columbia, SC 29210		PATIENT NAME		PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK				0624201301			08/30/06	08/30/06	
INSURANCE COMPANY NAME		GROUP NUMBER		POLICY NUMBER					
190619 MEDICAID				2780397510		PLEASE RETAIN FOR YOUR RECORDS			
190660 1500 MEDICAID				2780397510					

PATIENT NAME AND ADDRESS	JAMES CLARK PO BOX 3011 LANCASTER SC		29721	FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO PALMETTO HEALTH RICHLAND FOR QUESTIONS CALL (803) 296-5098 or 1-800-243-7711	

DATE	ITEM NO.	DESCRIPTION	CLM CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGE
		0352 CT SCAN/BODY					1719.00
		0636 EPO/DRUGS REQUIRING DET CODE					500.00
		TOTAL CHARGES					2219.00
08/30/06	P0002	456 PERSONAL PAYMENT-CASH					-3.00
09/26/06	I2302	28 MEDICAID PAYMENT					-154.42
09/26/06	A2306	28 MEDICAID ADJ					-2061.58
		TOTAL PAYMENTS/ADJUSTMENTS					-2219.00

HOSPITAL BENEFITS ASSIGNED TO
PALMETTO HEALTH
PLEASE SHOW ACCOUNT HISTORY
NO. ON REMITTANCE CHECK

PATIENT NUMBER	PLEASE REFER TO PATIENT NUMBER ON ALL INQUIRIES AND CORRESPONDENCE.	ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE- PAID, OR IF ANY INSURANCE CARRIERS DO NOT PAY ANY AMOUNT OF THE AMOUNTS SHOWN.	TOTAL AMOUNT DUE	0.00
0624201301				

PLEASE RETAIN FOR YOUR RECORDS

313

78015408

R 308

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Result type: CT Chest W/ Contrast
Result date: 05 September 2007 14:15
Result status: Auth (Verified)
Verified by: McConnell MD, Douglas M on 05 September 2007 23:10
Encounter info: R0724801344, Richland, 3MP-Op Registration, 9/5/2007 - 9/5/2007

* Final Report *

Reason For Exam
thoracic aneurysm

Finding:
CT OF THE CHEST WITH CONTRAST, 9/5/07:

INDICATION: Thoracic aortic aneurysm.

TECHNIQUE: Axial imaging was performed from the thoracic inlet through the upper abdomen following administration of IV contrast. Multiplanar reconstructions were also viewed on the work station.

COMPARISON: 8/30/06.

FINDINGS:

A small outpouching is again demonstrated from the anterolateral aspect of the proximal descending thoracic aorta. This has a maximal thickness of approximately 1 cm. This is stable since the prior study. No intraluminal filling defect is seen. The aorta is otherwise normal in caliber. The heart and great vessels are otherwise unremarkable. Some mild mediastinal and right hilar calcifications are stable.

No abnormal opacity is seen throughout the lungs. The included chest wall, osseous structures, and upper abdominal structures are within normal limits.

IMPRESSION:

THERE IS A STABLE APPEARANCE OF A SMALL DESCENDING THORACIC AORTIC ANEURYSM WITH SMALL OUTPOUCHING OF CONTRAST EXTENDING BEYOND THE NORMAL CONTOUR OF THE AORTA, BEST SEEN ON AXIAL IMAGE #20. THIS IS ALSO MORE CLEARLY DEMONSTRATED ON MULTIPLANAR RECONSTRUCTED IMAGES.

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:57

Page 1 of 2
(Continued)

314

R 309

CT Chest W/ Contrast

CLARK, JAMES - R012373576

* Final Report *

Signature Line

*** Final ***

Trans On: 09/05/2007 15:1by: SEE

Read by: Douglas M McConnell, MD

Released By: Douglas M McConnell, MD

Released on: 09/05/2007 23:10

Technologist: Shirin M Hook, Traci T Javers

Completed Action List:

- * Order by Petit MD, Scott J on 30 August 2006 13:49
- * Perform by Shirin M Hook on 05 September 2007 14:15
- * Assist by Traci T Javers on 05 September 2007 14:15
- * VERIFY by McConnell MD, Douglas M on 05 September 2007 23:10

Printed by: Mabus, Adrian L
Printed on: 5/14/2008 8:57

Page 2 of 2
(End of Report)

315

R 310

Oct-08-08 04:41pm From-

T-710 P.011/012 F-872

PALMETTO HEALTH
RICHLAND

OF CHARGES

283 Greystone Blvd.
Columbia, SC 29210

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK	0724801344	M	38Y	09/05/07	09/05/07	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER		PLEASE RETAIN FOR YOUR RECORDS		
80618 MEDICARE PART A 80650 1500 MEDICARE		251454421A 251454421A				

ARANTOR NAME AND ADDRESS	PATIENT INFORMATION
JAMES CLARK PO BOX 3011 LANCASTER SC 29721	FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO PALMETTO HEALTH RICHLAND FOR QUESTIONS CALL (803) 296-5098 or 1-800-243-7711

DATE	ITEM NO.	DESCRIPTION	CLM CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGES
		0352 CT SCAN/BODY					2115.00
		0636 EPO/DRUGS REQUIRING DET CODE					500.00
		TOTAL CHARGES					2615.00
09/25/07	I2002	835 MEDICARE PART A PAYMENT					-92.81
09/10/07	A2002	376 MEDICARE PART A ADJ					-2334.63
09/25/07	A2002	835 MEDICARE PART A ADJ					-7.36
		TOTAL PAYMENTS/ADJUSTMENTS					-2434.80

HOSPITAL BENEFITS ASSIGNED TO
PALMETTO HEALTH
PLEASE SHOW ACCOUNT HISTORY
NO. ON REMITTANCE CHECK.

PATIENT NUMBER
0724801344

PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.

ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PARED, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.

TOTAL AMOUNT DUE 180.20

PLEASE RETAIN FOR YOUR RECORDS

76010408

316

R 311

MAY-06-2008 08:13

Resource One

8037651732 P.02

***** INSTANT BILL *****

ACCT: 188692 DATE: 05/06/08

ANESTHESIOLOGY CONSULT OF COLA
POST OFFICE BOX 60314
CHARLOTTE, NC 28260-0314

LAST PAYMENT YTD PAY

\$0.00 \$0.00

OFFICE PH:8037792133

HOME PH:803-283-3991 BUSINESS PH:

EXT:

JAMES CLARK
PO BOX 3011
LANCASTER, SC 29721

PAT NAME

JC JAMES CLARK

APPOINTMENT

DIAGNOSIS

1-821.00

NUM DOCTOR

TAX ID

66 CHRIS A YEAKEL,MD

57-0910405

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
11/30/04	66	JC	1	01230	QKP4	SERVICES (DAYS/UNITS = 13)	1260.00		1260.00
04/26/05- 11/30/04	66	JC		900C		CAB CREDIT ADJ.		1260.00	0.00

MESSAGES REF PHYS : KOON, DAVID E.
REF STATE: NC

TAX ID:
LIC # :

TOTAL: -----
\$0.00

-- 317

R 312

MAY-06-2008 08:13

Resource One

8037651732 P.03

***** INSTANT BILL *****

ACCT: 197243 DATE: 05/06/08

ANESTHESIOLOGY CONSULT OF COLA
POST OFFICE BOX 60314
CHARLOTTE, NC 28260-0314

LAST PAYMENT YTD PAY

05/02/05 \$83.19 \$0.00

OFFICE PH:8037792133

HOME PH:8032852620

BUSINESS PH:

EXT:

PAT NAME

APPOINTMENT

JAMES CLARK
613 HAMPTON ROAD
POB 3011
LANCASTER, SC 29721

JC JAMES CLARK

DIAGNOSIS

1-802.B

NUM DOCTOR

TAX ID

70 DR.JOHN A.ZELISKO,MD 57-0910405

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
04/12/05	70	JC	1	00190	QK	SERVICES (DAYS/UNITS = 14)	1140.00		1140.00
** INS. FILED:04/21/05									
05/02/05	70	JC		23		MEDICAID (XMIT)		83.19	1056.81
** APPLIES TO CHARGES ON: 04/12/05 CHK#:4467805									
05/02/05-	70	JC		506		MEDICAID WRITEOFF		1056.81	0.00
04/12/05									

MESSAGES

TOTAL: \$0.00

318

TOTAL P.03

R 313

15998

CAROLINA CARDIAC SURGERY

12/30/04

JAMES CLARKE

INTERVAL HISTORY: James Clarke, Jr. returns to the office today for follow-up of his torn aorta. He was seen by Dr. Petit while in the hospital. He had a head injury, aortic injury, left femur fracture, C2 neck fracture, eyelid injury to the right eye, and pulmonary contusion. He had a list of 29 discharge diagnoses on his transfer summary when he left the hospital. He is ambulatory now. He is at home. He is still wearing a rigid neck collar. He has a patch over his right eye.

PHYSICAL EXAMINATION: His blood pressure is 104/70. Heart rate is 72. Chest is clear. There are no murmurs. His general appearance is described above.

IMPRESSION: A 33-year-old man with an aortic tear. He needs follow-up with a CT scan.

PLAN: Return in three weeks with CT scan of the chest.


Reid W. Tribble, M.D.

TrUSA0222-162984

cc: Dr. Raymond Bynoe
Dr. Scott Petit

319

P. 09

FAX NO. 8037659215

MAY-09-2008 FRI 03:03 PM Carolina Cardiac Surgery

R 314

CAROLINA CARDIAC SURGERY

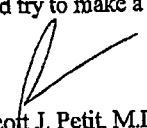
15998

02/02/05

JAMES CLARK

HISTORY OF PRESENT ILLNESS: Mr. Clark is patient who was in multiple trauma, having aortic injury last fall. He comes back today. His rigid collar is off. He seems to be doing pretty well. He is ambulatory. He is oriented. There was a repeat CT scan done today. The CT scan shows in one slice a small pseudo aneurysm for his aortic tear that is, if anything, smaller from his last CT.

PLAN: We will plan to bring him back in three months and repeat a CT scan to try and follow this and try to make a decision about the best disposition for this gentleman.


Scott J. Petit, M.D.

TrUSA0217

cc: Dr. Raymond Bynoe

320

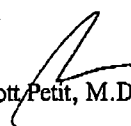
15998

CAROLINA CARDIAC SURGERY

05/11/05

JAMES J. CLARK

HISTORY OF PRESENT ILLNESS: Mr. Clark is a patient who has an aortic injury, a small pseudoaneurysm at the isthmus of the aorta. He is asymptomatic and progressing. He still needs one eye operation. Given Mr. Clark's age and otherwise good health and recovery from this injury, I think he will best be served by operative repair of the pseudoaneurysm. I have discussed this with him. He seems to understand. We will plan to bring him back in July to schedule him for surgery.


Scott Petit, M.D.

TrUSA0222

cc: Raymond Bynoe, M.D., 2 Medical Park Road, #402, Columbia, SC 29203-6874

- 321

CAROLINA CARDIAC SURGERY

07/20/05

JAMES J. CLARK

INTERVAL HISTORY: The patient has aortic injury at the isthmus and the aorta that is either a small pseudoaneurysm or an intimal tear. He has been stable on previous CAT scans. I originally thought that we would be operating, but it looks like it had decreased when comparing two previous scans.

PLAN: I think for now, we are going to wait, repeat the scan and see what it looks like in six months. I have talked with Mr. Clark at length. I think he is at low risk for any significant complication from this right now.

Scott J. Petit, M.D.

SJP/TrUSA0086

322

P. 06

FAX NO. 8037659215

MAY-09-2008 FRI 03:03 PM Carolina Cardiac Surgery

R 317

CAROLINA CARDIAC SURGERY

15998

01/18/06

JAMES J. CLARK

INTERVAL HISTORY: Mr. Clark is a patient who suffered an injury at the isthmus of his aorta that looks to be a small intimal tear. We brought him back for a repeat CT scan today and again it looks somewhat smaller than previous and quite unimpressive. He is doing well overall. I think we will just continue to watch this.

PLAN: I am going to check him again six months and then possibly stretch him out to a yearly scan.



Scott J. Petit, M.D.

SJP/TrUSA0211-193716

323

P. 05

MAY-09-2008 FRI 03:03 PM Carolina Cardiac Surgery FAX NO. 8037659215

R 318

CAROLINA CARDIAC SURGERY

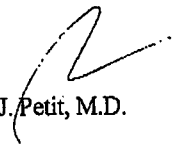
15998

08/30/06

JAMES J. CLARK

INTERVAL HISTORY: Mr. Clark is a young man who suffered trauma last year with a small questionable internal defect, which we have been followed. He has been stable since his original injury which I believe was in the latter part of 2004. CT scan appears unchanged today.

PLAN: We will continue to follow him. We will see him back in a year for repeat CT.


Scott J. Petit, M.D.

SJP/TrUSA0019

cc: Raymond P. Bynoe, M.D.

324

MAY-09-2008 FRI 03:03 PM Carolina Cardiac Surgery FAX NO. 8037659215 P. 04

R 319

CAROLINA CARDIAC SURGERY

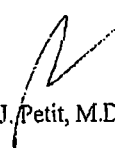
15998

09/05/07

JAMES J. CLARK

INTERVAL HISTORY: Mr. Clark is a patient who has a small intimal defect from trauma that has been stable since 2004. We are following him on a yearly basis. CT scan today shows that it continues to be stable. He is asymptomatic.

PLAN: To follow him next year with a MRI would decrease his radiation dose. I suspect we will follow him for about five years and if it is stable then we will probably stop following him.


Scott J. Petit, M.D.

SJP/TrUSA0071

cc: Raymond Bynoe, M.D.

325

MAY-09-2008 FRI 03:03 PM Carolina Cardiac Surgery FAX NO. 8037659215 P. 03

R 320

CAROLINA CARDIAC SURGERY

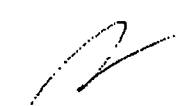
11/06/08

JAMES J. CLARK

15998

INTERVAL HISTORY: Mr. Clark is a patient who has had a traumatic aortic injury several years ago now that we have been following. It is a small pseudoaneurysm vs. intimal flap at the isthmus of the aorta, suffered in November of 2004. It does not appear to have changed any.

PLAN: This year an MRI was asymptomatic. We will check it again in a year and likely release him from followup at that point.


Scott J. Petit, M.D.

SJP/TrUSA0366

cc: Raymond P. Bynoe, M.D.

326

R 321

CAROLINA CARDIAC SURGERY

15998

11/25/09

JAMES J. CLARK

INTERVAL HISTORY: Mr. Clark is a patient who had a small intimal injury in November of 2004 after trauma. We have been following him. This is a repeat MRI done today. It does not show any change in the injury. It appears extremely stable. I think the likelihood of this bothering Mr. Clark in the future is very small.

PLAN: We will plan to keep following him. We will see him in two years with a repeat MRI.


Scott J. Petit, M.D.

SJP/TrUSA0071-298138

cc: Raymond P. Bynoe, M.D.

- 327

R 322

192

***** INSTANT BILL *****

ADCT: 15998

DATE: 05/26/08

CAROLINA CARDIAC SURGERY ASSOC
EIGHT MEDICAL PARK, 400
COLUMBIA, SC 29203

LAST PAYMENT

YTD PAY

07/21/05 \$2.00 \$0.00

OFFICE PH:803-765-0671

HOME PH:804-5768

BUSINESS PH:

EXT:

PAT NAME

APPOINTMENT

MR. JAMES J. CLARK
P O BOX 3011
LANCASTER, SC 29721

JC JAMES J. CLARK

DIAGNOSIS

1-901.0 AORTA, THORACIC INJURY
2-441.2 THORACIC ANEURYSM
3-442.3 ANEURYSM, LOWER EXTREMITY

NUM DOCTOR	SSN#	TAX ID	MEDICAID	PROVIDER
6 REID W. TRIBBLE, M.D.	247192202	570786867	177686	570786867
15 SCOTT J. PETIT, M. D.	435455536	570786867	224242	570786867

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
12/30/04	6	JC	1	99211		*OFFICE VISIT-LEV	39.00		39.00
** INS. FILED:02/09/05									
01/31/05	6	JC	1	MED R		*CHARGE FOR MEDICA	15.00		54.00
01/31/05	6	JC		9		*PRIVATE INSURANCE		15.00	39.00
** APPLIES TO CHARGES ON: 01/31/05 CHK#:45962									
02/02/05	15	JC	2	99214		*OV, LEVEL 4	100.00		139.00
** INS. FILED:02/02/05									
02/14/05	15	JC		6		*MEDICAID PAYMEN		52.92	86.08
** APPLIES TO CHARGES ON: 02/02/05									
02/14/05-	15	JC		6C		*MEDICAID WRITE-OF		45.08	41.00
02/02/05									
02/21/05-	6	JC		6C		*MEDICAID WRITE-OF		25.00	16.00
12/30/04									
02/21/05-	6	JC		626C		*MEDICAID OFFSET		14.00	2.00
12/30/04									
05/04/05	15	JC	12	RESCH		*PT RESCHEDULED OV	0.00		2.00
05/11/05	15	JC	3	99213		*ESTABLISHED OFFIC	72.00		74.00
** INS. FILED:05/11/05									
05/25/05-	15	JC		6C		*MEDICAID WRITE-OF		72.00	2.00
05/11/05									
05/11/05	15	JC	23	99211		*OFFICE VISIT-LEV	39.00		41.00
** INS. FILED:06/03/05									
06/13/05	15	JC		6		*MEDICAID PAYMEN		14.00	27.00

328

CONTINUED ON NEXT FORM

R 323

***** INSTANT BILL *****

ACCT: 15998 DATE: 05/26/08

CAROLINA CARDIAC SURGERY ASSOC
EIGHT MEDICAL PARK, 400
COLUMBIA, SC 29203

LAST PAYMENT	YTD PAY
07/21/05 \$2.00	\$0.00

OFFICE PH:803-765-0871

HOME PH:804-5768

BUSINESS PH:

EXT:

PAT NAME

APPOINTMENT

MR. JAMES J. CLARK
P O BOX 3011
LANCASTER, SC 29721

JC JAMES J. CLARK

DIAGNOSIS

NUM DOCTOR	SSN#	TAX ID	MEDICAID	PROVIDER
15 SCOTT J. PETIT, M. D.	435455536	570786867	224242	570786867

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
** APPLIES TO CHARGES ON: 05/11/05									
06/13/05	15	JC	6C			*MEDICAID WRITE-OF		25.00	2.00
05/11/05									
07/21/05	15	JC	1			*CASH PAYMENT		2.00	0.00
** APPLIES TO CHARGES ON: 02/02/05									

REF PHYS : SELF REFERRAL
MESSAGES REF STATE: SCTAX ID:
LIC # :

TOTAL: \$0.00

329

R 324

SEP-16-2009 WED 09:42 AM Carolina Cardiac Surgery FAX NO. 8037659215
INSTANT BILL *****

P. 04/10

ACCT:15998

DATE:09/16/09

PAGE 1 OF

CAROLINA CARDIAC SURGERY ASSOC
8 RICHLAND MEDICAL PARK #400
COLUMBIA, SC 29203

LAST PAYMENT
09/15/09 \$15.00

YTD PAY
\$15.00

OFFICE PH:803-765-0871

HOME PH:803-285-1073

BUSINESS PH:
EXT:

MR. JAMES J. CLARK
P O BOX 3011
LANCASTER, SC 29721

PAT NAME
JC JAMES J. CLARK

APPOINTMENT
11/11/09 1:00P

DIAGNOSIS

441.2 THORACIC ANEURYSM
901.0 AORTA, THORACIC INJURY
442.3 ANEURYSM, LOWER EXTREMITY

NUM DOCTOR

DR. SCOTT PETIT

SSN#

435455536

TAX ID

582296052

MEDICAID

224242

PROVIDER

582296052074

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
07/20/05	15	JC	1	99213		ESTABLISHED OFFICE	72.00		72.00
* INS. FILED:07/21/05									
08/01/05	15	JC	6			MEDICAID PAYMENT		37.46	34.54
* APPLIES TO CHARGES ON: 07/20/05									
08/01/05	15	JC	6C			MEDICAID WRITE-OFF		32.54	2.00
07/20/05	15	JC	2	MED R		CHARGE FOR MEDICAL	15.00		17.00
09/26/05	15	JC	9			PRIVATE INSURANCE		15.00	2.00
* APPLIES TO CHARGES ON: 09/26/05									
01/18/06	15	JC	1	99213		ESTABLISHED OFFICE	72.00		74.00
* INS. FILED:01/19/06									
01/11/06	15	JC	6			MEDICAID PAYMENT		37.46	36.54
* APPLIES TO CHARGES ON: 01/18/06									
01/11/06	15	JC	6C			MEDICAID WRITE-OFF		32.54	4.00
04/19/06	15	JC	213	MED R		CHARGE FOR MEDICAL	15.00		19.00
* INS. FILED:04/19/06									
06/20/06	15	JC	27			VOC REHAB PAYMENT		15.00	4.00
* APPLIES TO CHARGES ON: 04/19/06									
08/30/06	15	JC	1	99213		ESTABLISHED OFFICE	72.00		76.00
* INS. FILED:08/30/06									
08/30/06	15	JC	1			CASH PAYMENT		6.00	70.00
* APPLIES TO CHARGES ON: 08/30/06									

CONTINUED ON NEXT FORM

330

R 325

SEP-16-2009 WED 09:42 AM Carolina Cardiac Surgery FAX NO. 8037859215

P. 05/10

INSTANT BILL *****
CAROLINA CARDIAC SURGERY ASSOC
8 RICHLAND MEDICAL PARK #400
COLUMBIA, SC 29203

ACCT:15998

DATE:09/16/09

PAGE 2 OF

LAST PAYMENT

YTD PAY

09/15/09 \$15.00

\$15.00

OFFICE PH:803-765-0871

HOME PH:803-285-1073

BUSINESS PH:

PAT NAME

EXT:

JC JAMES J. CLARK

APPOINTMENT

11/11/09 1:00P

MR. JAMES J. CLARK
P O BOX 3011
LANCASTER, SC 29721

DIAGNOSIS

1-441.2 THORACIC ANEURYSM
2-442.3 ANEURYSM, LOWER EXTREMITY

NUM DOCTOR

SSN#

TAX ID

MEDICAID

PROVIDER

15 DR. SCOTT PETIT

435455536

582296052

224242

582296052074

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
09/12/06	15	JC		6		MEDICAID PAYMENT		37.46	32.54
09/12/06	15	JC		6C		MEDICAID WRITE-OFF			
09/27/06	15	JC	12		MED R	*CHARGE FOR MEDICA	15.00	32.54	0.00
09/27/06	15	JC		25		*PAYMENT BY CREDIT			
10/06/06	15	JC	1		MED R	*CHARGE FOR MEDICA	15.00	15.00	0.00
10/06/06	15	JC		11		*PAYMENT BY CHECK#			
09/05/07	15	JC	12		99213	CHK#:48863	15.00	15.00	0.00
09/05/07	15	JC		1		ESTABLISHED OFFICE	72.00		
09/05/07	15	JC		1		CASH PAYMENT			
11/06/07	15	JC		4		MEDICARE PAYMENT		2.00	70.00
11/06/07	15	JC		4C		CHK#:880228530	44.76		25.24
09/05/07	15	JC		6C		MEDICARE WRITE-OFF		16.05	9.19
09/05/07	15	JC		9		MEDICAID WRITE-OFF		9.19	0.00
05/09/08	15	JC	1		MED R	CHARGE FOR MEDICAL	15.00	15.00	0.00
05/09/08	15	JC		9		PRIVATE INSURANCE		15.00	0.00

CONTINUED ON NEXT FORM

331

SEP-16-2009 WED 09:43 AM Carolina Cardiac Surgery FAX NO. 8037659215

P. 06/10

***** INSTANT BILL *****

ACCT:15998

DATE:09/16/09

PAGE 3 OF 3

CAROLINA CARDIAC SURGERY ASSOC
8 RICHLAND MEDICAL PARK #400
COLUMBIA, SC 29203

LAST PAYMENT

YTD PAY

09/15/09 \$15.00

\$15.00

OFFICE PH:803-765-0871

HOME PH:803-285-1073

BUSINESS PH:

PAT NAME

EXT:

APPOINTMENT

MR. JAMES J. CLARK
P O BOX 3011
LANCASTER, SC 29721

JC JAMES J. CLARK

11/11/09 1:00PM

DIAGNOSIS

-441.2 THORACIC ANEURYSM

PHYSICIAN

15 DR. SCOTT PETIT

SSN#

435455536

TAX ID

582296052

MEDICAID

224242

PROVIDER

582296052074

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
10/08/08	15	JC	1	NO SH		*NO SHOW FOR APPOI	0.00		0.00
11/05/08	15	JC	1	99213		ESTABLISHED OFFICE	95.00		95.00
** INS. FILED:11/05/08				SECONDARY:11/26/08					
11/05/08	15	JC	1			CASH PAYMENT			
** APPLIES TO CHARGES ON: 11/05/08				4				2.00	93.00
11/26/08	15	JC	4			MEDICARE PAYMENT			
** APPLIES TO CHARGES ON: 11/05/08				4C		CHK#:880434057		45.06	47.94
11/26/08	15	JC	4C			MEDICARE WRITE-OFF		38.68	9.26
11/05/08	15	JC	626C			MEDICAID OFFSET		0.25	9.01
11/05/08	15	JC	6C			MEDICAID WRITE-OFF		9.01	0.00
09/15/09	15	JC	1	MED R		CHARGE FOR MEDICAL	15.00		15.00
** INS. FILED:09/15/09				9		PRIVATE INSURANCE		15.00	0.00
09/15/09	15	JC	9			CHK#:46614			
** APPLIES TO CHARGES ON: 09/15/09									

MESSAGES REF PHYS : BYNOE, RAYMOND P.
REF STATE: SC

TAX ID: 570686289
LIC # : 9985

TOTAL: \$0.00

332

R 327

Family Member verbalized
patient name and DOB

Unk record number and DOB
verified on ID bracelet and chart

Palmetto Health Eye Center

CLARK, JAMES

00492

M. 2373576 BOYD, WILLIE LEWIS

12/12/71

33Y M

CC: 33 yo AAM s/p MVC 11/17/04

HPI: was discharged on 12/16/04 from Palmetto Hosp.

but Pt last seen by Dphth on 12/13/04. Wearing patch since

Pain Complains No

Yes

Clo

FBS, photophobia, ↓ vision → OD.

Pain

Date 1/10/05

EYE: Eye continues

Night eye

Daily

VA

20/20

PH

20/

W

+

X

Add

N/Y

CMR

+

X

20/

T

14

mmHg

Pupils

Dilated, NR

3-2 mm

Other Meds:

Bp pill

Pratol as

needed for p

* Full *

3 diplopia/pain

Pretay Blyd n m

Signature

Difficult to assess

intire cone hazy

for C & F

Lab & Special Studies Results:

B. scan - OD retina attached

Last: (today in clinic)

Dil.

VF

Gonio

Photo

↓ vision 20/400 = OD

A/P

① Corneal surface ds of stromal scarring of edema

② RUL ptosis - from patching for 3 weeks?

③ RUL laceration s/p repair - contributing to #2 possi

④ Traumatic mydriasis suspected OD

Others: Plan: stop patching & continue ephedrine

treatment OHS, will likely need PR OD in future.

Rx:

M - Mydrilacyl 1%

N - Neosynephrine 2.5%

C - Cyclogel 1%

S - Scopolamine 0.25% PF

N10 - Neosynephrine 10%

CM - Cyclomydril

Attending Addendum:

① Atropine B.D. OD

② Erythromycin oint. TID OD. S/P MUA 11/17/04 multiple

③ C. loxin 400 OD

SH consent Abandonment Right. On exam. Traumatic

phobia & vision Right. On exam. Traumatic

ptosis Right. On exam. Traumatic

Staring defect v2. Traumatic

Epithelial edema & structural edema. No new

OPIC on fundus. Discussed & Resident

agree to assessment & Rx

Signature: Kari Rugh MD, Whayd MD

Resident

Attending

M	N	C	S	CM	N10	one gtt	45 min x 2	Date
Right Eye	Left Eye	Both Eyes						
Studies:								
Return: T D W M Y PRN								

**ITEMIZED STATEMENT
OF CHARGES**

TYPE OF BILL	DATE OF BILL	PAGE NO.
D1-CLN	01/12/05	1

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK JR	0500300492	M	33Y	01/03/05	01/03/05	
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER	PLEASE RETAIN FOR YOUR RECORDS			
190619 MEDICAID 190660 1500 MEDICAID		2780397510 2780397510				

INSURANT NAME AND ADDRESS	PATIENT INFORMATION ONLY
JAMES CLARK JR PO BOX 3011 LANCASTER SC 29721	ALL BENEFITS ASSIGNED TO RICHLAND MEMORIAL HOSPITAL FOR QUESTIONS CALL (803) 434-2900 or 1-800-499-5962

DATE	ITEM NO.	DESCRIPTION	CLM CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGES
01/03/05	22079	OPHTHAMATIC B-SCAN	0510	4	1	101.00	101.00
01/03/05	22250	NEW PATIENT LEVEL 1 TOTAL CLINIC	0510	3	1	76.00	76.00 \$177.00
01/03/05	22124	CONTACT B-SCAN PF TOTAL PRO FEE	0960	2	1	101.00	101.00 \$101.00
01/03/05	99204	OPH LEVEL 4 NEW PT PRO TOTAL PRO FEE/CLINIC	0983	1	1	279.00	279.00 \$279.00
		TOTAL CHARGES					\$557.00
		TOTAL PAYMENTS/ADJUSTMENTS					0.00
HOSPITAL BENEFITS ASSIGNED TO RICHLAND MEMORIAL HOSPITAL PLEASE SHOW ACCOUNT HISTORY NO. ON REMITTANCE CHECK							

PATIENT NUMBER	PLEASE REFER TO PATIENT NUMBER ON ALL INQUIRIES AND CORRESPONDENCE.	ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE- PAID, OR IF ANY INSURANCE CARRIERS DO NOT PAY ANY AMOUNT OF THE AMOUNTS SHOWN.	TOTAL AMOUNT DUE	\$557.00
0500300492				

334

Patient/Family Member verbalizes
patient name and DOB

Unit record number and DOB
verified on ID bracelet and chart

Palmetto Health Eye Center

CLARK, JAMES

01052

2373578

BOYD, WILLIE LEWIS

12/18/71

33Y M

Asthma ☒ N

History Reviewed

☒ N ☒ New

CC:

HPI:

Pain Complaint: ☒ No

☒ Yes

20/200 PM MI

Date: 1/10/05

EYE: Atrypine

VA cc 20/400

PH 20/175

W

+

X

Add

N/Ψ

MR. + X 20/

CMR + X 20/

+

X

20/

20/

16

Mood Appropriate ☒ N

P < 15 mmHg

00 P Dilated, consensual

APD

Other Meds:

25' 3-2

CVF: ☒ ☒

BOM: ☒ ☒

Full

Signature

ExuAdnexa Exam:

Nml: Y N

LLA: ☒ Phos

CS: ☒

K: ☒

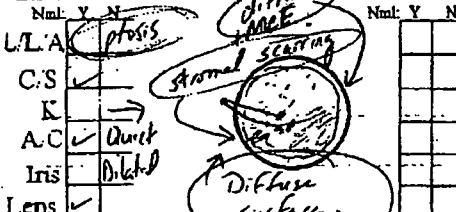
AC: ☒ Quiet

Iris: ☒ Dilated

Lens: ☒

Right Eye

Left Eye



Lab & Special Studies Results:

Last:

Dil:

VF:

Gonio:

Photo:

- slp mvc & prolonged biophtalmia
1. K. surface ds & scanning
 2. limiting vision with red PK
 3. - api defects healing; still E
 4. - mvc & stromal haze
- Others: PKC Phosis - traumatic dehiscence
- IR restriction vs sup division
- MR: CN III palsy - v. orbital CT?

Rx: M - Mydrilacyl 1% S - Scopolamine 0.25%

N - Neosynephrine 2.5% N10 - Neosynephrine 10%

C - Cyclogel 1% CM - Cyclomydriol

M	N	C	S	CM	N10	one gtt	q5 min x 3	Date
Right Eye	Left Eye	Both Eyes						
Time	Time	Time						
Initials	Initials	Initials						

Return: ☒ D ☒ W ☒ M ☒ Y ☒ PRN

Called in Refill to CVS 803-286-8421

1/31/05 4:25 PM N. Menzies

Attending Addendum:

33yr ophthalmic exam in ED for eye exam. Hx of Corneal Scarring & epithelial defect. On Exams: Corneal. Mild stromal haze. Right eye. Right lens pigment staining and opacities. Fundus: Disc: Anterior 0.35. Discussed & Resident. Agree to assessment.

Signature: Kris Paul MD Resident

Attending

**ITEMIZED STATEMENT
OF CHARGES**

TYPE OF BILL	DATE OF BILL	PAGE NO.
D1-OPR	01/12/05	1

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
JAMES CLARK JR	0501001252	M	33Y	01/10/05	01/10/05	5
INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER	PLEASE RETAIN FOR YOUR RECORDS			
190619 MEDICAID		2780397510				
190660 1500 MEDICAID		2780397510				

VARANTOR NAME AND ADDRESS	JAMES CLARK JR PO BOX 3011 LANCASTER SC 29721	FOR PATIENT INFORMATION ONLY. ALL BENEFITS ASSIGNED TO RICHLAND MEMORIAL HOSPITAL FOR QUESTIONS CALL (803) 434-2900 or 1-800-499-5962

DATE	ITEM NO.	DESCRIPTION	CLM. CODE	ORDER NO.	QTY.	UNIT PRICE	TOTAL CHARGES
01/10/05	11410	DILANTIN/PHENYTOIN	0501	1	1	77.00	77.00
		TOTAL LAB/CHEMISTRY					\$77.00
		TOTAL CHARGES					\$77.00
01/10/05	P0002	891 PERSONAL PAYMENT-CASH					-3.00
		TOTAL PAYMENTS/ADJUSTMENTS					-3.00
		HOSPITAL BENEFITS ASSIGNED TO RICHLAND MEMORIAL HOSPITAL PLEASE SHOW ACCOUNT HISTORY NO. ON REMITTANCE CHECK					
							337

PATIENT NUMBER
0501001252

PLEASE REFER TO PATIENT
NUMBER ON ALL INQUIRIES
AND CORRESPONDENCE.

ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR
ANY CHARGES NOT POSTED WHEN THIS BILL IS PRE-
PARED, OR IF ANY INSURANCE CARRIERS DO NOT PAY
ANY AMOUNT OF THE AMOUNTS SHOWN.

**TOTAL AMOUNT
DUE** \$74.00

Unit record number and DOB verified on ID bracket and chart

Palmetto Health Eye Center

Allergies:

MRK JAMES

0503500502

MR 012373576

12/12/71

33Y M

History

Y H New

BOYD, WILLIE LEWIS

CC: blurry vision

asthma

HPI: 73 y.o. BM in MCC had eye

Pain Complaints: No

Date: 2/10/05

EYE:

VA cc 20/20-1 PH 20/20 W + X Add + N/Ψ
MR + X 20/20 CMR + X 20/20 T A 21 P 16 mmHg
Right Eye Left Eye Pupils 4/2 4/2

Ext. Adnexa Exam:

Nml	Y	N	Nml	Y	N
L.L.A.			3ptosis/scarring		
C.S.			scarring		
K					
A.C.					
Iris					
Lens			ant. capsule defect		

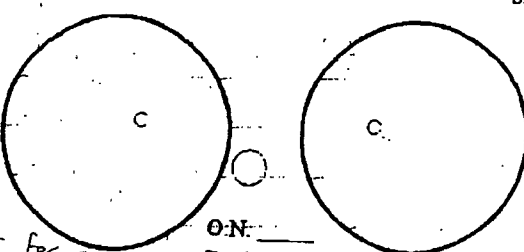
Other Meds:

Bp pill

Dr. Bradley M. Signature

Lab & Special Studies Results:

Last: _____
Dil: _____
VF: _____
Gonio: _____
Photo: _____



1. ptosis 2° scarring OD - refer for surgery
2. corneal scarring OD - PK eventually
3. epib. defect - healed, d/c ciloxan/atropine
4. _____

O.N:

Fundus:

Vit 33y o NML seen in FLO. R.
Mac. epib. of Ciliocuticular Pili.
Vels Right and Corneal Scarring
Peri O.C. EXAM. Anterior
Pili Right. Stromal Edema.
Right

Others:

Rx: Refer to Dr. Fink for p-l-sts

Attending Addendum:

M - Mydracyl 1% S - Scopolamine 0.25%
N - Neosynephrine 2.5% N10 - Neosynephrine 10%
C - Cyclogel 1% CM - Cyclopentolate

M	N	C	S	CM	N10	one gtt	q5 min x 3	Date
Right Eye	Left Eye	Both Eyes						
Studies								Time
								am / pm
								Initials

Return: D W M Y PRN

March 2 9:30 AM
info given to Dr. Bradley M.
referred male. Pili Right.
Discussed to resident + agree to
Assessment + Rx. Will refer for
Surgery + Management
of Lid + Cornea.
Signature: _____ Resident
Signature: _____ Attending

JAMES CLARK

Date of Service: 1/19/05

Mr. Clark is a 32-year-old African-American male who was admitted to Richland Memorial Hospital from 11/17/04 through 12/16/04 after a motor vehicle collision. Apparently, he suffered from a severe closed head injury with a left subdural hematoma and subarachnoid hemorrhage. His initial Glasgow coma scale was 10 and he was intubated. During the hospitalization, he developed four seizures. The seizure was described as a profuse sweating, loss of consciousness, staring of both eyes, tongue-biting, and urinary incontinence lasting for approximately one minute followed by tiredness and confusion. He was treated with Dilantin 300 mg q.d. He has not had any recurrent seizure. However, patient told me that he was taking two pills every day and ran out of the medicine a week ago. The Dilantin level from January 10, 2005 was 2.7 (too low). Patient is returned here for follow-up of complex partial seizure.

Patient also complains of headache ever since the accident. The headache was described as a throbbing pain, mainly involving the occipital area, made worse by noise. Denied photophobia, nausea and vomiting associated with a headache.

His wife also mentioned that he has been talking nonsense from time to time. At times he was talking about something that did not exist.

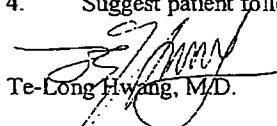
EXAMINATION: At this time patient was alert and oriented and communicated well. Right ptosis was noted. No other cranial nerve abnormality. No focal weakness or sensory change. No evidence of cerebellar ataxia. His gait was normal. Cervical collar in place.

ASSESSMENT:

1. Complex partial seizure with secondary generalization secondary to closed head injury.
2. Severe closed head injury with left subdural hematoma and subarachnoid hemorrhage.

RECOMMENDATIONS:

1. Trileptal 150 mg b.i.d. for nine days, then increase to 300 mg b.i.d.
2. Follow up in five weeks.
3. Discontinue Dilantin.
4. Suggest patient follow up with his primary physician.


Te-Long Hwang, M.D.

TLH/dmc

D&T: 1/19/05

JAMES CLARK

Date of Service: 3/24/05

Mr. Clark was brought in by his uncle. His uncle said that he has been sleeping too much ever since the head injury. He goes to bed at 10:00 PM and sleeps until 1:00 PM in the early afternoon. He has been like that even when he started Trileptal. His memory has been poor and family has been helping him with his medication (giving him medication). He has not had any recurrent seizures. He has not had headache after taking Trileptal.

REVIEW OF SYSTEMS: From time to time he will talk nonsense. His memory has been poor. There has been no fever, loss of consciousness, jerking activity, hearing loss, infection, chest pain, breathing problem, nausea, vomiting, walking difficulty, loss of bowel or bladder control since last visit.

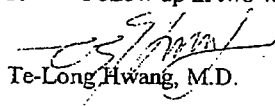
EXAMINATION: The examination today revealed patient was alert but disoriented to time and place. Mini Mental Status Exam score was 9/30 (see the separate Mini Mental Status Exam report). There was no cranial nerve abnormality, no focal weakness or sensory change. No evidence of cerebellar ataxia. His gait was normal. No carotid bruit. Heartbeat was regular without murmur or gallop. Lungs were clear to auscultation.

ASSESSMENT:

1. Complex partial seizure with secondary generalization secondary to closed head injury.
2. Severe closed head injury with left subdural hematoma and subarachnoid hemorrhage.
3. Probable depression.

RECOMMENDATIONS:

1. EEG to rule out recurrent complex partial seizure with staring spell.
2. Psychiatry consultation.
3. Continue Trileptal 300 mg b.i.d.
4. Try Zoloft 50 mg q. AM for depression.
5. Follow up in two weeks.


Te-Long Hwang, M.D.

TLH/dmc

TLH:TrUSA186

D&T: 3/24/05



Patient: Clark, James
Date: April 11, 2005

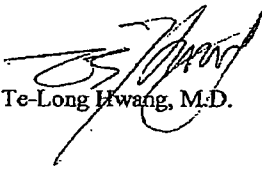
DEPARTMENT OF NEUROPSYCHIATRY AND
BEHAVIORAL SCIENCE
SCHOOL OF MEDICINE

Patient has a history of complex partial seizure with secondary generalization. This is EEG is to assess the possibility of recurrent seizure with staring spells.

This is a 16-channel EEG recording using the XL-Tek machine, using both bipolar and referential montages. The electrode placement is in accordance with the standard international 10-20 system.

While patient is awake, the background activity is relatively well organized with dominant posterior frequency of 9 Hz. The voltage of the dominant frequency is relative low but still within normal range. Photic stimulation shows no significant abnormality. Some movement artifacts are noted. Eye opening attenuates the dominant frequency. There is no evidence of epileptiform activity or focal slowing.

Impression:
This EEG shows no evidence of epileptiform activity.


Te-Long Hwang, M.D.

JAMES CLARK, JR.

Date of Service: 8/16/05

Mr. Clark has been stable since his last visit. His fiancée came in with him today and she stated that he often talks out of his mind. At times he also sees dogs and cats that are not there. Currently, he is taking Trileptal 300 mg b.i.d. and Zoloft 50 mg q. AM. He has not had any recurrent seizure.

REVIEW OF SYSTEMS: His memory has been poor. Frequently he talks nonsense and out of his mind. He has not had any agitation or violent behavior. There has been no fever, no jerking activity, no hearing loss, no chest pain, no breathing problem or difficulty walking. His bowel and bladder control has been normal.

EXAMINATION: The examination today revealed that patient was alert but disoriented to time and place. He was able to answer simple questions, but his memory and cognitive function are impaired. His right palpebral fissure appears to be smaller than that on the left. Extraocular muscle movement was intact. No nystagmus. No facial weakness or facial sensory impairment. There was no focal weakness or sensory impairment of extremities. No evidence of cerebellar ataxia. His gait was normal. No carotid bruit. Heartbeat was regular without murmur. Lungs were clear to auscultation. Blood pressure 136/80 mmHg, pulse rate 69/min.

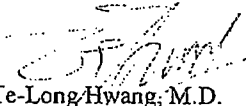
EEG: An EEG was done on April 11, 2005 and showed no evidence of epileptiform discharge.

ASSESSMENT:

1. Complex partial seizure with secondary generalization secondary to closed head injury, no recurrent seizure.
2. Severe closed head injury with left subdural hematoma and subarachnoid hemorrhage.
3. Psychotic behavior secondary to #2.
4. Depression.

RECOMMENDATIONS:

1. Psychiatry consultation for psychotic behavior.
2. Increase Trileptal to 600 mg b.i.d.
3. Continue Zoloft 50 mg q. AM.
4. Continue Catapres for high blood pressure.
5. Neurology follow-up in three months.


Te-Long Hwang, M.D.

TLH/dmc

D. 8/16/05

T. 8/17/05

05/21/2008 14:56 8034343792

USC NEUROLOGY

PAGE 03/04

Department of Neuropsychiatry and Behavioral Science
 University Specialty Clinics
 15 Medical Park Drive, Suite 300
 Columbia, SC 29203-6845
 803-255-3400

LOCATION: DEPT OF NEUROPSYCHIATRY PT-0066 PAGE: 1

JAMES CLARK JR
 PO BOX 3011
 LANCASTER SC 29721

BILLING DATE: 05/21/08

AMOUNT DUE : 0.00

DISCHARGE DATE: 12/17/04

BILL TO: CLARK JR JAMES CHART #: 52677

DATE	POS	PROC	DESCRIPTION	CHARGES	CREDITS	BALANCE
12/15/04	95819		J CLARK JR TE LONG HWANG MD ELECTROENCEPHALOGRAPH (EEG), AWA	185.00		185.00
02/07/05			MEDICAID OF SC # 176781 Filed J CLARK JR TE LONG HWANG MD			
01/19/05	99212		OFFICE/OUTPATIENT VISIT, EST, B	55.00		240.00
02/08/05			MEDICAID OF SC # 178351 Filed J CLARK JR TE LONG HWANG MD			
12/13/04	99253		INITIAL INPATIENT CONSULT, INTE	150.00		390.00
12/14/04	THRU					
12/15/04	99261		FOLLOWUP INPATIENT CONSULT, BRI	110.00		500.00
02/11/05			MEDICAID OF SC # 181671 Filed J CLARK JR TE LONG HWANG MD			
11/22/04	95819		ELECTROENCEPHALOGRAPH (EEG), AWA	185.00		685.00
02/26/05			MEDICAID OF SC # 188861 Filed			
03/16/05			PMT MEDICAID OF SC c# 176781		38.71-	646.29
03/16/05			W/O MEDICAID OF SC c# 176781		146.29-	500.00
03/16/05			PMT MEDICAID OF SC c# 178351		24.00-	476.00
03/16/05			W/O MEDICAID OF SC c# 178351		31.00-	445.00
03/16/05			PMT MEDICAID OF SC c# 181671		71.00-	374.00
03/16/05			W/O MEDICAID OF SC c# 181671		79.00-	295.00
			J CLARK JR			

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05/21/2008 14:56 8034343792

USC NEUROLOGY

PAGE 04/04

Department of Neuropsychiatry and Behavioral Science
 University Specialty Clinics
 15 Medical Park Drive, Suite 300
 Columbia, SC 29203-6845
 803-255-3400

LOCATION: DEPT OF NEUROPSYCHIATRY PT-0066 PAGE: 2

JAMES CLARK JR
 PO BOX 3011
 LANCASTER SC 29721

BILLING DATE: 05/21/08

AMOUNT DUE : 0.00

DISCHARGE DATE: 12/17/04

BILL TO: CLARK JR JAMES CHART #: 52677

DATE	POS	PROC	DESCRIPTION	CHARGES	CREDITS	BALANCE
03/24/05	99213		TE LONG HWANG MD OFFICE/OUTPATIENT VISIT, EST, I	65.00		360.00
04/08/05			MEDICAID OF SC # 207781 Filed J CLARK JR TE LONG HWANG MD			
04/11/05	95819		ELECTROENCEPHALOGRAM (EEG), AWA	380.00		740.00
04/11/05	95957		EEG DIGITAL ANALYSIS	350.00		1090.00
04/30/05			MEDICAID OF SC # 218251 Filed			
05/03/05			PMT MEDICAID OF SC c# 207781		32.88-	1057.12
05/03/05			W/O MEDICAID OF SC c# 207781		32.12-	1025.00
05/23/05			PMT MEDICAID OF SC c# 218251		102.93-	922.07
05/23/05			W/O MEDICAID OF SC c# 218251		627.07-	295.00
			J CLARK JR TE LONG HWANG MD			
08/16/05	99213		OFFICE/OUTPATIENT VISIT, EST, I	76.00		371.00
08/26/05			MEDICAID OF SC # 268001 Filed			
09/09/05			*PMT MEDICAID OF SC c# 268001		37.46-	333.54
09/09/05			*W/O MEDICAID OF SC c# 268001		36.54-	297.00
01/10/06			DENIED MEDICAID OF SC c# 188861		0.00	297.00

CURRENT/30-60 DAYS/60-90 DAYS/	>90 DAYS/	TOTAL	INS PENDING	TOTAL DUE
0.00	0.00	0.00	0.00	0.00

NEUROPSYCHIATRY & BEHAVIORAL S
 15 MEDICAL PK DR 300
 COLUMBIA SC 29203

LOCATION : DEPT OF NEUROPSY

*PHONE : 803 255 3400

REFERRING DOCTOR : BYNOE

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Ambulatory Services

1801 Sunset Drive Columbia, SC 29203
803-434-2173 Fax: 803

May 14, 2008

Page 1

Chart Document

JAMES CLARK JR Home: (803) 285-2620 Office: 803-
Male DOB: 12/12/1974 R012373576 Ins: MEDICAID (0619)

01/28/2005 - Office Visit: New Pt. Follow Up Hospital Discharge

Provider: Francesco Standoli, MD

Location of Care: Palmetto Health Richland Family Medicine Center

Nursing Intake**Vital Signs**

Ht: 66 in. Wt: 165 lbs. T: 97.7 Deg F. T site: oral P: 55 BP: 99/61

Above BP taken with L Adult cuff

Body Mass Index in-lb

Height (in): 66

Weight (lb): 165

BMI (in-lb) 26.73

Patient is here to day for a F/U

Comments: New Pt. Follow Up Hospital Discharge

Continuity Provider is: Francesco Standoli

Team: Green

Are you experiencing any pain or discomfort? Yes

Latex Risk: No

Ethnicity: Not Hispanic or Latino

Race: Black

Patient has completed some college

Risk Factors

Tobacco use: never

Passive smoke exposure: yes

Alcohol use: no

Drug use: No

HIV high risk behavior: no

Caffeine use (drinks/day): 1

Exercise (times/week): 0

Seatbelt use: 100 %

Sun exposure: occasionally

Latex Screening Tool

1. Do you have or think you have an allergy to natural rubber latex?

(Examples: balloons, condoms, pacifiers) No

2. Do you have spina bifida* or bowel/bladder problems that have required you to have any surgeries or procedures? No

3. If your work requires you to wear rubber gloves or to handle rubber products, have you had any problems? No

4. Did you have more than 3 operations or medical procedures before you were 1 year old? No

5. Have you ever had an allergic reaction during a medical or dental procedure? No

6. Do you have an allergic reaction to any of the following foods: Avocado, banana, potato, peach, kiwi, chestnut, or tomato? No

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Ambulatory Services

1801 Sunset Drive Columbia, SC 29203
803-434-2173 Fax: 803

May 14, 2008

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Chart Document

JAMES CLARK, JR

Male DOB 12/12/1971

R012373576

Home: (803)285-2620 Office: 803

Ins: MEDICAID (0619)

Pain Assessment**Are you experiencing pain:**

Yes

Location: Neck, Shoulders

Pain Scale Used:

Wong Baker

Intensity: 1

Description:

Subjective Aching, Constant

Non-Verbal Cues Guarding, Facial Expressions

Duration of pain: 1 Month

What relieves your pain? Just Tolerating

Are you taking pain medications? No

Nursing Intervention: MD notified

.....Sandra D McLean LPN January 28, 2005 10:32 AM

Attending Participation: Present and Discussed

Dr Jason Stacy discussed the patient with me and was present while the patient was in clinic.

History of Present Illness:

Visit Type: New H&P

Chief Complaint: Hospital F/U and gynecomastia.

PCP: Francesco Standoli

General History:

Pt is a 33 yo AAM here for Hospital F/U. Was admitted in December 04 for MVC. Had C2 fracture, thoracic aortic tear, multiple LL fractures and new onset of seizures. States that since home have noticed a painful Lt Breast lump on the medial side of his areola. Also states decline in his libido. For his multiple medical problems, currently followed by Orthopaedics, Neurosurgery, Neurology and Cardio thoracic surgery.

Past Medical History:

Hx of seizure disorder

Family History:

Reviewed and no changes required:

FH of Hypertension:

Social History:

Reviewed and no changes required:

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Ambulatory Services

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May 14, 2008

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Chart Document

JAMES CLARK JR

Male DOB: 12/12/1971

Home: (803) 285-2620 Office: 803

MR012373576

Ins: MEDICAID(0619)

Lives with girl frined; 2 daughters
Denies tobacco, etoh or illicit drugs

Review of Systems**General**

Denies fever, chills, fatigue, weakness, weight loss, and sleep disorder.

Eyes

Denies blurring, diplopia, and eye pain.

ENT

Denies earache and tinnitus.

CV

Denies chest pains and syncope.

Resp

Denies cough and excessive sputum.

GI

Denies nausea, vomiting, and constipation.

GU

Denies dysuria and hematuria.

General Medical Physical Exam:**General Appearance:**

Well developed, well nourished, in no acute distress

Head:

Inspection: normocephalic without-obvious abnormalities
Other: Multiple healed scars over forehead

Eyes:

Pupils: equal, round, and reactive to light and accommodation
Fundus: discs sharp and flat; no a/v nicking, hemorrhages, or exudates

Ears, Nose, Throat:

Otoscopic: canals clear; tympanic membranes intact with normal light reflex
Nasal: mucosa, septum, and turbinates normal
Dental: good dentition
Pharynx: tongue normal; posterior pharynx without erythema or exudate

Neck:

Pt in an Aspen Collar

Respiratory:

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Ambulatory Services

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May 14, 2008
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Chart Document

JAMES CLARK, JR Home: (803) 285-2620 Office: 803-
Male DOB: 12/12/1971 R012373576 Ins: MEDICAID (0619)

Percussion: no dullness
Auscultation: no rales, rhonchi, or wheezes

Chest Wall:

Chest wall: gynecomastia L > R
Axilla: no axillary adenopathy

Cardiovascular:

Palpation: no thrill or displacement of PMI
Auscultation: normal S1 and S2; no murmur, rub, or gallop
Peripheral circ: no cyanosis, clubbing, or edema

Gastrointestinal:

Abdomen: soft and non-tender with normal bowel sounds; no masses
Liver/spleen: normal to percussion; no enlargement or nodularity

Musculoskeletal:

Gait/station: normal gait; no ataxia
Head/neck: unable to assess for Aspen Collar
RUE: normal range of motion and strength
RLE: normal range of motion and strength
LUE: normal range of motion and strength
LLE: normal range of motion and strength

Lymphatic:

Neck: no cervical adenopathy
Axilla: no axillary adenopathy

Skin:

Healed scars forehead

Neurological:

Cranial N: II - XII grossly intact
Reflexes: 2+ and symmetric with no pathological reflexes
Sensory: intact to touch

Assessment & Plan:

Problem: BREAST HYPERTROPHY (ICD-611.1)

Assessment: Unsure about etiology at this point. Will draw HCG, LH, Estradiol, Prolactin levels today

Problem: SEIZURE DISORDER (ICD-780.39)

Assessment: Stable. Currently followed by Dr Wahun

The patient was started on the following medications:

Trileptal 300 Mg/5ml Susp (Oxcarbazepine) 1 tab twice a day

Problem: MOTOR VEHICLE ACCIDENT, HX OF (ICD-V15.9)

Assessment: Recovering well. Will schedule PT per orthopaedics recommendations.

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Ambulatory Services

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May 14, 2008
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Chart Document

JAMES CLARK JR Home: (803)285-2620 Office: 803
Male DOB: 12/12/1971 R012373576 Ins: MEDICAID (0619)

Problem: INJURY, THORACIC AORTA (ICD-901.0)

Assessment: Managed medically. BP well controlled. Followed by Dr Petit.

.....Francesco Standoli, MD January 28, 2005 1:59 PM

Signed by Jason J Stacy MD on 01/31/2005 at 9:56 AM

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Ambulatory Services

1801 Sunset Drive Columbia, SC 29203
803-434-2173 Fax: 803

May 14, 2008

Page 1

Chart Document

JAMES CLARK JR Home: (803) 285-2620 Office: 803
Male DOB: 12/12/1971 R012378576 Ins: MEDICAID (0619)

02/18/2005 - Office Visit

Provider: Francesco Standoli, MD

Location of Care: Palmetto Health Richland Family Medicine Center

Nursing Intake**Vital Signs**

Ht: 66 in. Wt: 175 lbs. P: 69 BP: 132/71

Above BP taken with M Adult cuff

Body Mass Index in-lb

Height (in): 66

Weight (lb): 175

BMI (in-lb) 28.35

Patient is here to day for a F/U

Continuity Provider is: Francesco Standoli

Team: Green

Latex Risk: No (01/28/2005 10:28:40 AM)

Ethnicity: Not Hispanic or Latino (01/28/2005 10:28:40 AM)

Race: Black

Patient has completed some college

.....Dale L Reaves LPN February 18, 2005 9:41 AM

Risk Factors

Seatbelt use: 100 %

Attending Participation: Present and Available

Dr Rachel Hall was present and available for consultation while the patient was in the clinic.

History of Present Illness:

Visit Type: New pt.--problem only

Chief Complaint: confusion.

PCP: Francesco Standoli

General History:

Pt is a 33 yo AAM here for f/u. S/p MVC with intracranial injury and aortic tear, and new onset of seizures, currently followed by Dr Petit (Cardiothoracic S), Dr. Narayan (Neuro S) and Dr. Wahun (neurology). Wife staets pt with no seizures, but still acting confused most of the day, disoriented at times and making up facts in regards of the accident. Pt denies HA, blurred vision, CP, diaphoresis, SOB, cough, difficulty walking.

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Ambulatory Services

1801 Sunset Drive Columbia, SC 29203
803-434-2173 Fax: 803

May 14, 2008

Page 2

Chart Document

JAMES CLARK, JR Home: (803)285-2620 Office: 803
Male DOB: 12/12/1971 R012373576 Ins: MEDICAID (0619)

Review of Systems

See HPI

General Medical Physical Exam:**General Appearance:**

Well developed, well nourished, in no acute distress

Eyes:

Fundus: discs sharp and flat; no a/v nicking, hemorrhages, or exudates

Respiratory:

Auscultation: no rales, rhonchi, or wheezes

Cardiovascular:

Auscultation: normal S1 and S2; no murmur, rub, or gallop
Peripheral circ: no cyanosis, clubbing, or edema

Gastrointestinal:

Abdomen: soft and non-tender with normal bowel sounds; no masses

Musculoskeletal:

Gait/station: normal gait; no ataxia
Head/neck: normal alignment and mobility
Trunk: normal alignment and mobility; no deformity
RUE: normal range of motion and strength
RLE: normal range of motion and strength
LUE: normal range of motion and strength
LLE: normal range of motion and strength

Neurological:

Cranial N: II - XII grossly intact
Reflexes: 2+ and symmetric with no pathological reflexes
Sensory: intact to touch

Psychiatric:

Judgement: intact
Orientation: oriented to time, place, and person
Memory: intact for recent and remote events
Mood/affect: no appearance of anxiety, depression, or agitation

Assessment & Plan:

Problem: Minor dx of MENTAL CONFUSION (ICD-298.9)

Assessment: Not sure about exact etiology at this point. Repeat Head Ct scan on Feb 05 showed no acute events and resolution of small dura hematoma. Followed by neurosurgery and cleared from their standpoint. Will follow expcantly for now. F/U in one month; Although symptoms started after MVC, if symptoms unchanged, may considerwork up to r/o organic cause at next visit.

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Ambulatory Services

1801 Sunset Drive Columbia, SC 29203
803-434-2173 Fax: 803

May 14, 2008

Page 3

Chart Document

JAMES CLARK JR

Male DOB 12/12/1971

R012373576

Home (803) 285-2620 Office 803

Ins: MEDICAID (0619)

Problem: INJURY, THORACIC AORTA (ICD-901.0)

Assessment: Stable - BP adequately controlled - Followed by Dr Petit.

Problem: SEIZURE DISORDER (ICD-780.39)

Assessment: Stable - Followed by Dr. Waheed

His updated medication list for this problem includes:

Trileptal 300 Mg/5ml Susp (Oxcarbazepine) 1 tab twice a day

.....Francesco Standoli, MD February 18, 2005 1:08 PM

Signed by Rachel E Hall MD on 02/18/2005 at 1:32 PM

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Ambulatory Services

1801 Sunset Drive Columbia, SC 29203
803-434-2173 Fax: 803

May 14, 2008
Page 1
Chart Document

JAMES CLARK JR Home: (803)285-2620 Office: 803-
Male DOB: 12/12/1971 R012373576 Ins: MEDICAID(0619)

03/22/2005 - Office Visit

Provider: Francesco Standoli, MD

Location of Care: Palmetto Health Richland Family Medicine Center

Nursing Intake**Vital Signs**

Ht: 66 in. Wt: 176 lbs. P: 72 Rhythm: regular BP: 110/70

Body Mass Index in-lb

Height (in): 66

Weight (lb): 176

BMI (in-lb) 28.51

Patient is here to day for a F/U

Continuity Provider is: Francesco Standoli

Team: Green

Latex Risk: No (01/28/2005 10:28:40 AM)

Ethnicity: Not Hispanic or Latino (01/28/2005 10:28:40 AM)

Race: Black

Patient has completed some college

.....Linda D Searles PCA March 22, 2005 1:55 PM

Risk Factors

Seatbelt use: 100 %

Attending Participation: Present and Discussed

Dr Patricia Witherspoon discussed the patient with me and was present while the patient was in clinic.

History of Present Illness:

Visit Type: Est. pt.--problem only

Chief Complaint: confusion.

PCP: Francesco Standoli

General History:

Pt s/p MVC here for f/u. Caregiver states no changes , still with confusion most of the time during the day. Denies any particular pattern, or relation with stress. Also states that now pt gets easily tired. Pt admits occasional HA, but no changes from before, no blurred vision, no CP, SOB ,cough Abd pain, dyspnea, change in bm or change in appetite.

Review of Systems

See HPI

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Ambulatory Services

1801 Sunset Drive Columbia, SC 29203
803-434-2173 Fax: 803

May 14, 2008

Page 2
Chart Document

JAMES CLARK JR

Male DOB: 12/12/1971

R012373576

Home: (803) 285-2620 Office: 803

Ins: MEDICAID (0619)

General Medical Physical Exam:**General Appearance:**

Well developed, well nourished, in no acute distress

Eyes:

Pupils: equal, round, and reactive to light and accommodation
Fundus: discs sharp and flat; no a/v nicking, hemorrhages, or exudates

Neck:

Neck: supple; no masses; trachea midline

Respiratory:

Auscultation: no rales, rhonchi, or wheezes

Cardiovascular:

Auscultation: normal S1 and S2; no murmur, rub, or gallop

Gastrointestinal:

Abdomen: soft and non-tender with normal bowel sounds; no masses
Liver/spleen: normal to percussion; no enlargement or nodularity

Assessment & Plan:

Problem: CONFUSION (ICD-298.9)

Assessment: Most likely form MVC, CT scan normal; watchful wait.

Problem: SEIZURE DISORDER (ICD-780.39)

Assessment: Stable. Followed by Dr Wuhan

His updated medication list for this problem includes:

Trileptal 300 Mg/5ml Susp (Oxcarbazepine) 1 tab twice a day

Problem: INJURY, THORACIC AORTA (ICD-901.0)

Assessment: Stable. BP under good control. Followed By Dr Petit.

..... Francesco Standoli, MD March 23, 2005 7:31 AM

Signed by Patricia W Witherspoon MD on 03/23/2005 at 1:12 PM

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R 349

PALMETTO NEUROSURGERY AND SPINE
3 Richland Medical Park Drive, Suite 320
Columbia, SC 29203
(803)434-8323
Fax (803) 434-8326
PROGRESS NOTE

PATIENT: Clark, James
VISIT DATE 01/31/2005

Chart #57770.

Mr. Clark is a 45-year-old male who was admitted to the hospital between November 17, 2004, and December 17, 2004, with multiple injuries. From a neurosurgical standpoint, he had a C2 fracture and a severe closed-head injury.

He is also light perception only in his right eye where he has a fixed and dilated pupil.

His neurological exam is otherwise unremarkable.

I discontinued use of his cervical collar and have sent him for flexion/extension x-rays of his cervical spine, as well as noncontrast CT of his brain. He will drop these off and I will call him if there is a problem.


Kailash Kumar Narayan, MD

KKN:hs
D: 01/31/2005 3:46 P T: 02/01/2005 2:15 P
Job #: 000757750 T Job #: 419622 Doc #: 636695
cc: Kailash Kumar Narayan, MD

CC: Kailash Kumar Narayan, MD

355

R 350

PALMETTO NEUROSURGERY AND SPINE
3 Richland Medical Park Drive, Suite 320
Columbia, SC 29203
(803)434-8323
Fax (803) 434-8326
PROGRESS NOTE

PATIENT: Clark, James
VISIT DATE: 02/02/2005

Chart #57770.

Mr. Clark dropped off his CT scan of the brain and flexion/extension x-ray of his cervical spine. The CT scan of his brain is normal and the flexion/extension x-ray of the cervical spine show no instability. He has an anterior osteophyte at C2 which is of incidental note. He needs no further followup as far as neurosurgery is concerned.

Kailash

Kailash Kumar Narayan, MD

KKN:hs
D: 02/02/2005 4:41 P T: 02/03/2005 2:57 P
Job #: 000760258 T Job #: 486454 Doc #: 637785
cc: Kailash Kumar Narayan, MD

CC: Kailash Kumar Narayan, MD

356

R 351

Feb-10-05 15:17 From-Neuro Surgery and Spine

803-434-8326

T-608 P.002/002 F-355

***** INSTANT BILL *****
PALMETTO NEUROSURGERY & SPINE
P O BOX 751176
CHARLOTTE, NC 28275-1176

ACCT: 12570
Last Pmt

Date: 02/10/05

01/31/05 \$2

Office PH: (803) 434-8383 Home Ph: (803) 283-3991

PAT NAME

57770

JAMES CLARK JR.
PO BOX 3011

0 JAMES

LANCASTER, SC 29721

DIAGNOSIS CODES

1 - 854.00

DOCTORS

1 - DAVID DUBUISSON, MD
2 - BURKE DIAL, MD
3 - KAILASH NARAYAN, MD
4 - LENWOOD SMITH JR, MD

SSN

44388874
250869746
217043703
242066215

STATE ID

LL4225
8345
21262
15420

EMPL ID

5822960523011067
5822960523010067
5822960523015067
5822960523017067

SERVICE DATE	DATE POSTED	PAT D NUM R	D G	PROC	MOD	DESCRIPTION	CHG/PMT
11/17/04	12/30/04	0	1	1	99254 57	INIT INPT CONS NEW/EST MO	315.95
11/17/04	12/30/04	0	1	1	61107	TWIST DRILL HOLE; IMPLNT	1455.44
11/18/04	12/30/04	0	1	1	99233	SUBSQT HOSP-DA E&M SIG CO	173.00
11/19/04	12/30/04	0	2	1	99233	SUBSQT HOSP-DA E&M SIG CO	519.00
11/22/04	12/30/04	0	3	1	99233	SUBSQT HOSP-DA E&M SIG CO	692.00
11/26/04	12/30/04	0	4	1	99232	SUBSQT HOSP-DA E&M MINR C	369.81
11/29/04	12/30/04	0	2	1	99232	SUBSQT HOSP-DA E&M MINR C	246.54
01/31/05	01/31/05	0	3	1	99213	OFFIC/OUTPT E&M ESTAB LOW	93.47
01/31/05	01/31/05				PMT	Cash from Patien-14949	-2.00

Total \$3,863.21

REF PHYS : MORRISON, JAMES E
REF STATE: SC

TAX ID:
LIC # :

MESSAGE:

357

Received Time Feb. 10. 4:30PM

R 352

Patient Name: Clark, James
Patient #: 590
Date of Service: 02/28/2005
Date of Birth: 12/12/1971

HISTORY OF PRESENT ILLNESS: Mr. Clark is a 33-year-old male with history of hypertension, seizure disorder, status post MVA November 2004 at which time he suffered multiple injuries including brain injury, tear of the aorta, fractured neck, facial bones, broken femur, and damage to his right eye and at which time he was hospitalized for one month. The patient presents for evaluation and treatment and to establish with MD.

REVIEW OF SYSTEMS: The patient denies chest pains or shortness of breath. No fever, chills or upper respiratory symptoms. No weakness but complaints of occasional numbness in the left lower extremity. He does complain of neck and shoulder pain along with headaches but no dizziness. No recent seizures. Denies nausea, vomiting, diarrhea or abdominal pain. No hematuria. No hematemesis or hematochezia.

PAST MEDICAL HISTORY: Hypertension, seizure disorder, and status post MVA.

PAST SURGICAL HISTORY: He is status post surgery, status post MVA for neck injury, and also broken femur in the left knee.

FAMILY HISTORY: Hypertension.

SOCIAL HISTORY: Denies smoking or alcohol use. Single and has three children.

MEDICATIONS: Metoprolol 100 mg p.o. b.i.d., Trileptal 300 mg p.o. b.i.d., Catapres patch once weekly, and Lortab p.r.n.

ALLERGIES: No known drug allergies.

PHYSICAL EXAMINATION:

General:

Vital signs: Blood pressure 128/82, heart rate 72, temperature 97.5 degrees, and weight 175 lbs.

HEENT: Normocephalic. Right pupil is dilated 4 to 5 mm, sluggish. Left pupil normal and reactive to light. There is no ear, nose or throat discharge. Oral mucosa is moist. He does have sunken right orbit.

NECK: Supple. No jugular venous distention. No lymphadenopathy. No thyroid enlargement. No carotid bruits.

Cardiovascular system: S1, S2 present. Regular rate and rhythm. No murmur or gallops.

Respiratory system: Lungs – bilateral air entry present. No rales or rhonchi.

Abdomen: Soft. Bowel sounds present. Nontender.

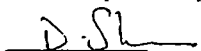
Central nervous system: The patient is awake, alert, and oriented to person and place; with regards to time he knows the year but not the month. No obvious focal deficits. Power 5/5 times four extremities.

Extremities: Peripheral pulses present bilaterally. No edema.

ASSESSMENT AND PLAN:

DIAGNOSES AND PLAN:

1. Pain, localized to the neck and shoulder: The patient is status post motor vehicle accident. Will continue pain medications p.r.n. and obtain records from Palmetto Richland County Hospital.
2. Headaches: Advised Tylenol p.r.n.
3. Hypertension: The patient is on metoprolol.
4. Seizure disorder: No recent episodes. The patient is to continue Trileptal.
5. Decreased vision right eye: The patient is scheduled for surgery. We will follow up.
6. Family history of hypertension:
7. Followup: Further plan is to refill medications and followup in three weeks.


Deovyaas Sharma, M.D.

D: 06/18/05 T: 06/19/05
mt/msb

(33)

Name James Clark Jr Chart # 590
Date 2/28/05 DOB 12/13/71

40 New patient. to get established.
MVA on November 17th 2004
serious concussions. Pt also request
pain med
OB: ☒
TCH: ☒
JB: ☒

☐ 322758 BMP	HT
☐ 322000 CMP	WT <u>175</u>
☐ 322755 LFT's	BP <u>128/82</u>
☐ 235010 LIP PANEL	TEMP <u>97.9</u>
☐ 005009 CBC	PULSE <u>72</u>
☐ 000810 B12/FOLATE	FSBS
☐ 001453 HGBA1C	O2 Sat
☐ 001321 IRON/IBC	URINE
☐ 010322 PSA	SPEC. Grav
☐ 005199 PT	PH
☐ 005215 SED RATE	Leukocytes
☐ 001149 T4	Nitrates
☐ 001156 T3 UPTAKE	Protein
☐ 004259 TSH	Glucose
☐ 000620 THYROID PANEL	Ketones
☐ 162289 H-PYLORI	Urobilinogen
☐ 007401 DILANTIN	Bilirubin
☐ 001180 K+	Blood
	HGB

CC: MVA. Nov 2004 - suffered
multiple injuries. Brain injury, aortic tear
broken femur, broken neck, broken facial
bones, Damage to eye - hospitalized with
Currently is Neck and shoulder pain
Headaches, p.d. 3 times.
No recent injuries
p CP, p SOB, p fever of chills,
p weakness, no numbness or tingling
p NIV p tracheal pain

Med Hx: HTN, Seizure disorder
(after MVA)

Medx - Metoprolol 100mg po BID
Trileptal 300mg po BID
Catapres Patch q week.

All. NKA

Soc Hx - 1 smoke, 1 pet dog, single, 3 kids
Surg Hx - ? sk surgery for neck 1 knee
Fam Hx - HTN (M) (Broken femur)

PHENT - (P) Pupil Dilated w/ some sluggish
(P) Pupil Normal reaction

PE:

Smoker (P) (NKA)
CNS - 1/10/04
Went - 1512 NKA
ADN - 1512 NKA
CNS - 1512 NKA

Dr. D Pain - Neck / Shoulder

- (2) Headaches
- (3) HTN med
- (4) Seizure Disorder
- (5) 1/10/04 Eye - For surgery

- Refill Meds
- Release of records
from Palmetto Richland Hwy
- Fill 3 vials

359

Patient Name: Clark Jr., James
Patient#: 590
Age of the patient: 33 years
DOB: 12/12/71
DOS: 03/21/05

HISTORY OF PRESENT ILLNESS: The patient is a 33-year-old male patient with a past medical history of hypertension, seizure disorder, on medications following up with Dr. Sharma. He came today for a followup visit and also for refills of his medication. He denies any complaint. No history of recent seizures. No history of headache or dizziness. No history of chest pain or shortness of breath.

PHYSICAL EXAMINATION:

Vital Signs: Blood pressure is 120/88. Temperature is 97.9. Pulse is 84. Weight is 175 pounds.

Cardiovascular System: S1, S2 present. Regular.

Respiratory System: Lungs clear bilaterally.

Abdomen: Soft. Bowel sounds are present. Nontender.

Extremities: No edema.

ASSESSMENT/PLAN:

1. Hypertension stable. Continue current medications. Refills being given.
2. History of seizure disorder, on medication, stable. No history of recent seizures.
3. Status post MVA, stable. We will continue current medications. Refills being given for blood pressure medications. Fasting labs before the next visit and follow up with Dr. Sharma in two months.

Q P
Kumari Ramesh, M.D.

D: 04/18/05 T: 04/20/05

Patient Name: Clark, James
Patient #: 590
Date of Service: 05/12/2005
Date of Birth: 12/12/1971

CHIEF COMPLAINT: Followup visit.

HISTORY OF PRESENT ILLNESS: Mr. Clark presents complaining of feeling depressed. He states he is having problems with his sex thrive. Denies any recent seizure episodes. No syncope, headaches or dizziness. Denies chest pain or shortness of breath. No nausea, vomiting, diarrhea or abdominal pain. No dysuria. No upper respiratory symptoms. Denies other complaints.

PHYSICAL EXAMINATION:

General:

Vital signs: Blood pressure 116/82, heart rate 90, and weight 184 lbs.

HEENT: Right pupil dilated. Left pupil normal.

Cardiovascular system: S1, S2 present. Regular rate and rhythm. No murmur.

Respiratory system: Lungs – clear to auscultation bilaterally.

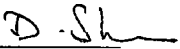
Abdomen: Soft. Bowel sounds present. Nontender.

Central nervous system: The patient is awake, alert, and oriented times three. No focal deficits.

ASSESSMENT AND PLAN:

DIAGNOSES AND PLAN:

1. **Depression:** He has been started on Zoloft. We will continue Zoloft. Titrate dose as needed.
2. **Erectile dysfunction:** We gave him trial of Viagra.
3. **Hypertension:** Blood pressure stable; continue medications.
4. **Seizure disorder:** No recent episodes. The patient is to continue Trileptal.
5. **Followup:** We will follow up in two months.


Deovyaas Sharma, M.D.

D: 06/18/05 T: 06/19/05
mt/msb

Name James Clark Chart # 590

Date 5/12/03 DOB 12/12/71

CC: Flu Vial

Tsb - ϕ

EToH - ϕ

Job - ϕ

CC: c/o feeling depressed
- started on Zolofe
- states problems to sex drive,
denies recent seizure episode
 ϕ Syncope, ϕ HA, ϕ dizziness
 ϕ C/P, ϕ SOB, ϕ n/v/d ϕ Abd Pain
 ϕ dyspnea ϕ Hematemesis, ϕ Hematochezia
 ϕ fever ϕ chills

PE (2) Pupils Dilated
(2) Pupils Normal
CNS - S/D/E
Lungs - B/L A/C
H&A - B/C Soft
CNS - AAOX3

Dx (1) Depression - Cont Zolofe
(2) Erectile Dysfunction - Trial
(3) HTN - Stable - Met w/ Vioagra
(4) Seizure Disorder - Tr. up list

☐	322758 BMP	HT	
☐	322000 CMP	WT	184
☐	322755 LFT's	BP	116/82
☐	235010 LIP PANEL	TEMP	
☐	005009 CBC	PULSE	90
☐	000810 B12/FOLATE	FSBS	
☐	001453 HGBA1C	O2 Sat	
☐	001321 IRON/IBC	URINE	
☐	010322 PSA	SPEC.Grav	
☐	005199 PT	PH	
☐	005215 SED RATE	Leukocytes	
☐	001149 T4	Nitrates	
☐	001156 T3 UPTAKE	Protein	
☐	004259 TSH	Glucose	
☐	000620 THYROID PANEL	Ketones	
☐	162289 H-PYLORI	Urobilinogen	
☐	007401 DILANTIN	Bilirubin	
☐	001180 K+	Blood	
		HGB	

Refel Cataplexy, TTS-2 i q wk
- Vioagra 50mg i P= PAN
(Sample sent given) (HIS)
- Continue other meds
- Flu 2 wks
(July 8th 10:00 am)

- 363

Name James Clark Chart # 590

Date 7-19-05 DOB 12/12/71

4/4/05: 40 lbs
sometimes
has not been taking
BP meds.

TOB: ϕ
ETOH: ϕ

Refills
Catapres
Patch

☐	322758 BMP	HT	
☐	322000 CMP	WT	<u>187</u>
☐	322755 LFT's	BP	<u>126/78 (R)</u>
☐	235010 LIP PANEL	TEMP	
☐	005009 CBC	PULSE	<u>64</u>
☐	000810 B12/FOLATE	FSBS	
☐	001453 HGBA1C	O2 Sat	
☐	001321 IRON/IBC	URINE	
☐	010322 PSA	SPEC.Grav	
☐	005199 PT	PH	
☐	005215 SED RATE	Leukocytes	
☐	001149 T4	Nitrates	
☐	001156 T3 UPTAKE	Protein	
☐	004259 TSH	Glucose	
☐	000620 THYROID PANEL	Ketones	
☐	162289 H-PYLORI	Urobilinogen	
☐	007401 DILANTIN	Bilirubin	
☐	001180 K+	Blood	
		HGB	

cc c/o Headaches, occ Dizziness
c/o Posterior Neck Pain
+ fever & chills
+ CP, + SOB
+ Dyspnea + Hematuria
+ Blood
c/o Fatigue, Tires easily
denies SR Complaints

PE $\odot$

AMP D Fatigue - CBC, TSH

- (2) HTN
- (3) Headache
- (4) Neck Pain
- (5) Erectile Dysfunction - Dic Ret Blocker
- (6) Hx Insulin disease
- (7) Depression

- Refill Catapres
- Dic Metoprolol
- Norvasc 1mg qd
- Cialis 10mg po (sample given)
- ✓ CBC, TSH Today

- Tylenol 1 Adult po q 4h

- For Flu & Infection in
Columbus for repair of
Toen in Anso

✓ Flu 6 wks

364

Name James Clark Jr. Chart # 590
Date 8-30-05 DOB 12-12-71 (33)

gluc ✓ denies complaints

TOB ✓
ETOH ✓

Refill
captopress
patch

☐ 322758 BMP	WT <u>190</u>
☐ 322000 CMP	BP <u>126/78</u> <u>(C)</u>
☐ 322755 LFT's	TEMP _____
☐ 235010 LIP PANEL	PULSE <u>64</u>
☐ 005009 CBC	FSBS _____
☐ 000810 B12/FOLATE	O2 Sat _____
☐ 001453 HGBA1C	URINE _____
☐ 001321 IRON/IBC	SPEC Grav <u>1.025</u>
☐ 010322 PSA	PH <u>5</u>
☐ 005199 PT	Leukocytes _____
☐ 005215 SED RATE	Nitrates _____
☐ 001149 T4	Protein _____
☐ 001156 T3 UPTAKE	Glucose _____
☐ 004259 TSH	Ketones _____
☒ 000620 THYROID PANEL	Urobilinogen _____
☐ 162289 H-PYLORI	Bilirubin _____
☐ 007401 DILANTIN	Blood _____
☐ 001180 K+	HGB _____

CC: States doing okay.
denies CP, SOB

States saw surgeon re: repair
of tear in Aorta - no surgery
at this time.

no OCHA, no dizziness
denies seizures
Denies other complaints

PE (=)

- AIP
- ① HTN - stable
 - ② Headache
 - ③ ED
 - ④ Depression
 - ⑤ No seizure disorder

- Captopress Patch TTS-2
- Captopress Patch
- Tylenol prn
- TriLipTox 300 mg po BID
- U/A today
✓ F1 - 2 mtr.
10-25 130 MR

- 365

Name James Chrck JR. Chart # 590

Date 10-25-05 DOB 12-12-71 (33)

Sup v: Clo mid,
back pain -
hard to sleep
@ HS

☐ 322758 BMP	WT <u>198</u>
☐ 322000 CMP	BP <u>104/74</u> <u>(L)</u>
☐ 322755 LFT's	TEMP <u> </u>
☐ 235010 LIP PANEL	PULSE <u> </u>
☐ 005009 CBC	FSBS <u> </u>
☐ 000810 B12/FOLATE	O2 Sat <u> </u>
☐ 001453 HGBA1C	URINE <u> </u>
☐ 001321 IRON/IBC	SPEC. Grav <u> </u>
☐ 010322 PSA	PH <u> </u>
☐ 005199 PT	Leukocytes <u> </u>
☐ 005215 SED RATE	Nitrates <u> </u>
☐ 001149 T4	Protein <u> </u>
☐ 001156 T3 UPTAKE	Glucose <u> </u>
☐ 004259 TSH	Ketones <u> </u>
☐ 000620 THYROID PANEL	Urobilinogen <u> </u>
☐ 162289 H-PYLORI	Bilirubin <u> </u>
☐ 007401 DILANTIN	Blood <u> </u>
☐ 001180 K+	HGB <u> </u>

TOB: ϕ
ETOH: ϕ

* girl friend called
wants the doctor
to know!
He was in car accident
+ head trauma -
he forgets alot
& he gets SOB @
times & "can't catch
his breath"

Cc. Doing Okay but
clo Back Pain (Lower)
+ Dysrhythmia + Hematuria
+ Blood in stool
clo Problem sleeping
clo occ SOB, dcp
+ mild + Abd Pain
+ yr symptoms + few changes

PE
WS - 2/20
Lungs - 3/4 clear, clear
ABD - 3/4 soft NT
CVS - Aortic & Mitral

ADT 1) Lower Back Pain - Local
2) Insomnia - Low
3) SOB - Low
4) ...

- Lorazepam (5/1500)
- 10/1/20 (4/30)
- Lorazepam 2mg qd
- Albuterol MDI

☒ CXR
re: SOB
SIC Trach

☒ Fric 6 wks
12/6/05 1:30

366

5) Depression
6) No Depression
7) ED

Name James C. ClarkChart # 590Date 12-13-05DOB 12-12-71

follow up visit
 compliant
 refill on pain
 meds!

☐ 322758 BMP	WT <u>201</u>
☐ 322000 CMP	BP <u>114/68</u>
☐ 322755 LFT's	TEMP <u> </u>
☐ 235010 LIP PANEL	PULSE <u>72</u>
☐ 005009 CBC	FSBS <u> </u>
☐ 000810 B12/FOLATE	O2 Sat <u> </u>
☐ 001453 HGBA1C	URINE <u> </u>
☐ 001321 IRON/IBC	SPEC. Grav <u> </u>
☐ 010322 PSA	PH <u> </u>
☐ 005199 PT	Leukocytes <u> </u>
☐ 005215 SED RATE	Nitrates <u> </u>
☐ 001149 T4	Protein <u> </u>
☐ 001156 T3 UPTAKE	Glucose <u> </u>
☐ 004259 TSH	Ketones <u> </u>
☐ 000620 THYROID PANEL	Urobilinogen <u> </u>
☐ 162289 H-PYLORI	Bilirubin <u> </u>
☐ 007401 DILANTIN	Blood <u> </u>
☐ 001180 K+	HGB <u> </u>

CC: C/O Pain Lower Back

denies weakness / numbness
in LEStill having C/O SOB
worse w/ activityCXR @, denies dx
denies incontinence.C/O Problems sleeping
Problems w/ erection

PE C/O - S/S 2P
 Lungs - BIL AEP
 ABD - BXP bph N7
 C/O - Ankle edema

ATP ① Lower Back Pain
 ② SOB - 1 Pulmonary Embolism
 ③ Insomnia
 ④ ED

pt wanted to make appt
 - Referral to himself
 Dr. Aflawake
 re: SOB

- Restoril 15mg HS/Pam

- Coelax 10mg PM

~~Nonoase~~

- Catapres 7.5 - 2 T qid

- Lorazepam (5/50) T qid 1 PM

- Albuterol MDI (#30) OR

- Fin 6-8 mg

HTN - stable - 367

Seizure Disorder

Name James Clark Chart # 590
 Date 2/17/06 DOB 12/12/71 (34)

RX Refill

Tob - denies
 EtoH - occ

CC: C/O Lower Back

Pain, & Pain in LE

& H/A, & dizziness

& CP & SOB

& n/v & Abd Pain

& Dysuria, & Hematuria

& Blood in Stool

Medx Reviewed

PE CVS - S, J, LCE

Lungs - Bil ACP

ABD BSC soft NT

& mild Tenderness Lower

CNS - Awake & Alert

SLR 3 bil

AP D Lower Back Pain

(2) HTN

(3) h/o Seizure Disorder

(4) ED

(5) Depression

☐	322758 BMP	HT
☐	322000 CMP	WT <u>201</u>
☐	322755 LFT's	BP <u>120-80</u>
☐	235010 LIP PANEL	TEMP <u>97.7</u>
☐	005009 CBC	PULSE <u>76</u>
☐	000810 B12/FOLATE	FSBS
☐	001453 HGBA1C	O2 Sat
☐	001321 IRON/IBC	URINE
☐	010322 PSA	SPEC.Grav
☐	005199 PT	PH
☐	005215 SED RATE	Leukocytes
☐	001149 T4	Nitrates
☐	001156 T3 UPTAKE	Protein
☐	004259 TSH	Glucose
☐	000620 THYROID PANEL	Ketones
☐	162289 H-PYLORI	Urobilinogen
☐	007401 DILANTIN	Bilirubin
☐	001180 K+	Blood
		HGB

- Refill medx

- 1) Trilipital 300mg TID
- 2) Coto-pres Pate (TTS-2) qwk
- 3) Loraz (5/500) OD 1 PM
- 4) Zolge 50mg OD
- 5) Norvasc 10mg OD
- 6) Gabap 200mg BID

- Flu 2 mths

368

AMERICAN SYSTEMS 1-800-845-9895

OFFICE VISITS

NAME James ClarkMARITAL STATUS
S M W D T SEPDATE OF
BIRTH12/12/71

Formedic

ADDRESS

PHONE (H)

(34) (0)OCCUPATION /
EMPLOYER

REFERRED BY

MEDICATIONS

INSURANCE

medicaid

DRUG ALLERGIES

DATE
DIAGNOSIS
CPT CODE

HT

WT

BMI

BP

P

T

°

7/18/04 HTN, refill on blood pressure & patches
something stronger than Nexium

CC: C/o Lower Back Pain

4 pain in LE

4 Numbness / weakness in LE

4 Problems sleeping

denies chest pain 4 SOB

4 HA, 4 dizziness

4 mild 4 ABD Pain

4 fever 4 chills

4 UR Symptom

4 Dysuria 4 Hematuria

4 Blood in stool

Med Review - Refill

PE IDENT

CVS - J, J, R

Lungs - BIL ACP

ABD - GSP Left UT

CNS - AAX

4 tenderness lower Back

SLR 3 BIL

Ext - 4 edema

Hx 1 ① Lower Back Pain

② HTN - Stable

③ Seizure Disorder

④ Depression

⑤ 4 months Med

⑥ Five 2 months Sept 18 @ 2:45 TH

369



#1 prescribed PPI

IMS, National Prescription Audit Plus, June 2005 through September 2005, based on TRT

Please see Important Information on reverse side and accompanying full Prescribing Information.



CLARK, JAMES

35 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC-29720

Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: Medicaid South
Carolina

11/30/2006

Progress Note: Deovyaas S. Sharma, MD

Reason for Appointment

1. FOLLOW UP

History of Present Illness

Lower back:

35 year old male presents with c/o low back pain: lumbar, intermittent, mild, denies pain, numbness or weakness in lower extremities. c/o trauma/injury: involved in MVA.

Denies: radiation of pain: tingling/ numbness: bowel and bladder incontinence.

Erectile Dysfunction:

c/o ERECTILE DYSFUNCTION unable to sustain erection, requests samples.

Psychology:

c/o SLEEP DISTURBANCE difficulty falling asleep.

Hypertension:

c/o HYPERTENSION F/U controlled, doing well and without complaints.

Current Medications

Trileptal 300 mg 2 tab(s) BID

Zoloft 50 mg 1 tab(s) once a day

Cialis 1 tab(s) once a day

Norvasc 10 mg 1 tab(s) once a day

Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W

Past Medical History

Hypertension

Seizure disorder

STATUS POST MVA

Surgical History

STATUS POST MVA FOR NECK INJURY

BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Review of Systems

ALLERGY:

no Nasal Congestion. no Sore Throat. no Itchy Eyes. no Ear Symptoms. no Facial Pressure. no Sneezing. no Post-nasal Drip. no Cough. no Rash. no Angioedema.

CONSTITUTIONAL:

no Weight Gain. no Loss of Appetite. no Fever. no Weak. no Weight Loss. no Fatigue. no Night Sweats. no Chills. no Sweats. no Body Aches.

CARDIOLOGY:

no Chest Pain. no Palpitations. no Leg Edema. no Dizziness. no Shortness of Breath, none. no PND (paroxysmal nocturnal dyspnea). no Orthopnea. no Fatigue.

ENDOCRINOLOGY:

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 11/30/2006

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

no Fatigue. no Polydipsia. no Polyuria. no Weight Loss. no Cold Intolerance. no Heat Intolerance. no Polyphagia. no Weight Gain. no Bowel Changes. no Palpitations.

ENT:

no Cough. no Epistaxis. no Hoarseness. no Sore Throat. no Sinus Pain. no Otagia. no Post-nasal Drip. no Rhinorrhea. no Teeth Pain.

MALE REPRODUCTIVE:

c/o Difficulty with Erection, c/o problems maintaining erections, tried cialis, helpful. no Dysuria. no Urgency/Frequency.

GASTROENTEROLOGY:

no Dysphagia. no Abdominal Pain. no Nausea. no Vomiting. no Constipation. no Diarrhea. no Blood in Stool. no Heartburn. no Bloating. no Indigestion.

MUSCULOSKELETAL:

no Joint Swelling. no Joint Pain. no Leg Cramps. no Joint Stiffness. c/o Back Pain, lower, intermittent, chronic.

NEUROLOGY:

no Tingling/Numbness. c/o Sleep Problems, difficulty falling asleep. no Dizziness. no Weakness. no Speech Abnormality. no Visual Changes. no Headache.

RESPIRATORY:

no Shortness of Breath. no Chest Pain. no Chest Congestion. no Persistent Cough. no Orthopnea. no PND (paroxysmal nocturnal dyspnea). no Wheezing. no DOE (dyspnea on exertion). no Hemoptysis.

UROLOGY:

no Blood in Urine. no Urinary Frequency. no Urinary Incontinence. no Urinary Urgency. no Dysuria.

Vital Signs

HR 81, BP 116/77, Wt 199.

Examination

General Examination:

General Appearance: NAD, alert and oriented. HEENT: Head - NC/AT, PERRLA, EOMI, TM's clear and flat bilaterally, Oropharynx clear with MMM. Oral cavity: clear, moist mucus membranes. Neck, Thyroid: supple, no thyromegaly, no lymphadenopathy, no JVD, no carotid bruit. Heart: RRR, no murmurs. Lungs: clear to auscultation bilaterally, no wheezes/rhonchi/rales. Abdomen: soft, NT/ND, BS present. Extremities: no clubbing, no edema. Neurologic Exam: non-focal exam.

Assessments

1. HTN [Hypertension] - 401.9 (Primary)
2. Low back pain - 724.2
3. Insomnia - 780.52
4. Erectile Dysfunction / Impotence - 302.72
5. Seizures (unspecified) - 780.39
6. Depression - 311

Treatment

1. HTN [Hypertension]

Continue Norvasc tablet, 10 mg, 1 tab(s), orally, once a day, 30 day(s), 30
Continue Catapres-TTS-2 film, extended release, 0.2 mg/24 hr, 1 PATCH, applied topically, 1X/W, 28 day(s), 4.00008

2. Low back pain

Start Lortab 5/500 tablet, 500 mg-5 mg, 1 tab(s), orally, prn, 30.

3. Insomnia

Start Restoril capsule, 15 mg, 1 cap(s), orally, once a day (at bedtime), 30 day(s), 30

4. Erectile Dysfunction / Impotence

Continue Cialis tablet, 1 tab(s), orally, prn, samples given

5. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, 2 tab(s), orally, BID, 30 day(s), 120

6. Depression

Continue Zoloft tablet, 50 mg, 1 tab(s), orally, once a day, 30 day(s), 30

Follow Up

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 11/30/2006
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

3 Months

Electronically signed by Deovyaas Sharma on 09/10/2010 at 10:04 AM EDT
Sign off status: Pending

Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
Tel: 803-285-8777
Fax: 803-285-8776

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 11/30/2006

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

**CLARK, JAMES**

36 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC-29720
Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: Medicaid South
Carolina

02/08/2007

Progress Note: Deovyaas S. Sharma, MD

Reason for Appointment

1. FOLLOW UP

History of Present IllnessInterim History:

Patient here for f/u visit, c/o low back pain - had bullet wounds 3 weeks ago, seen in ER at CMC and had x-rays done which were negative, given antibiotics and pain meds and released.

Hypertension:

c/o HYPERTENSION F/U stable, doing well and without complaints. c/o MED COMPLIANCE compliant with meds.

Erectile Dysfunction:

c/o ERECTILE DYSFUNCTION unable to sustain erection.

Depression:

c/o DEPRESSION F/U stable with meds.

Current Medications

Lortab 5/500 500 mg-5 mg 1 tab(s) prn
Restoril 15 mg 1 cap(s) once a day (at bedtime)
Cialis 1 tab(s) prn
Zolof 50 mg 1 tab(s) once a day
Trileptal 300 mg 2 tab(s) BID
Norvasc 10 mg 1 tab(s) once a day
Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W

Past Medical History

Hypertension
Seizure disorder
STATUS POST MVA

Surgical History

STATUS POST MVA FOR NECK INJURY
BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Hospitalization/Major Diagnostic Procedure

Denies Past Hospitalization

Review of SystemsCONSTITUTIONAL:

no Loss of Appetite. no Fever. no Weak. no Fatigue. no Chills.

CARDIOLOGY:

no Chest Pain. no Palpitations. no Leg Edema. no Dizziness. no Shortness of Breath. no Orthopnea. no Fatigue.

ENDOCRINOLOGY:

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 02/08/2007
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

no Polydipsia. no Polyuria. no Weight Loss. no Polyphagia. no Weight Gain.

ENT:
no Cough. no Epistaxis. no Sore Throat. no Sinus Pain. no Post-nasal Drip. no Rhinorrhea.

GASTROENTEROLOGY:
no Abdominal Pain. no Nausea. no Vomiting. no Constipation. no Diarrhea. no Blood in Stool. no Heartburn.
no Indigestion.

MUSCULOSKELETAL:
c/o Back Pain, lower, mild.

NEUROLOGY:
no Tingling/Numbness. no Dizziness. no Weakness. no Speech Abnormality. no Visual Changes. no Headache.

RESPIRATORY:
no Shortness of Breath. no Chest Pain. no Chest Congestion. no Persistent Cough. no Orthopnea. no PND
(paroxysmal nocturnal dyspnea). no Wheezing. no DOE (dyspnea on exertion). no Hemoptysis.

UROLOGY:
no Blood in Urine. no Urinary Frequency. no Urinary Incontinence. no Urinary Urgency. no Dysuria.

Vital Signs

HR 73, BP 128/76, Wt 203.

Physical Examination

GENERAL:
General Appearance: well-appearing, no acute distress. Mental Status: alert and oriented.

HEENT:
Head: normocephalic, atraumatic. Eyes: unremarkable. Nose: unremarkable. Throat: clear, no erythema or exudate. Mouth: moist mucous membranes. Ears: unremarkable, TM's normal bilaterally.

NECK:
General: supple. Thyroid: unremarkable. Cervical lymph nodes: unremarkable. JVD: none.

HEART:
Rhythm: regular. Murmurs: none. Heart sounds: normal S1S2. Rate: regular.

LUNGS:
Auscultation: CTA bilaterally, no wheezing/rhonchi/rales.

ABDOMEN:
General: soft. Tenderness: none. Bowel sounds: normoactive. Distention: none.

BACK:
Tenderness: lumbar tenderness, mild, healed bullet wounds lower back - no evidence of infection.

EXTREMITIES:
Edema: none. Pulses: 2+ bilateral.

NEUROLOGICAL:
Sensory: normal sensation. Motor: normal strength bilaterally. Gait: normal. Cranial Nerves: CN's II-XII grossly intact. Orientation: alert and oriented x 3. Cognition: normal.

Assessments

1. HTN [Hypertension] - 401.9 (Primary)
2. Low back pain - 724.2
3. Erectile Dysfunction / Impotence - 302.72
4. Seizures (unspecified) - 780.39
5. Depression - 311

Treatment

1. HTN [Hypertension]
Continue Norvasc tablet, 10 mg, 1 tab(s), orally, once a day, 30 day(s), 30
Continue Catapres-TTS-2 film, extended release, 0.2 mg/24 hr, 1 PATCH, applied topically, 1X/W, 28 day(s), 4.00008
2. Low back pain
Start Percocet-5/325 tablet, 325 mg-5 mg, 1 tab(s), orally, Q6H, 10 day(s), 40
3. Erectile Dysfunction / Impotence
Continue Cialis tablet, 1 tab(s), orally, prn, samples given
4. Seizures (unspecified)
Continue Trileptal tablet, 300 mg, 2 tab(s), orally, BID, 30 day(s), 120

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 02/08/2007
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

5. Depression

Continue Zoloft tablet, 50 mg, 1 tab(s), orally, once a day, 30 day(s), 30

Follow Up

2 Months

Electronically signed by Deovyaas Sharma on 09/10/2010 at 10:04 AM EDT

Sign off status: Pending

Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
Tel: 803-285-8777
Fax: 803-285-8776

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 02/08/2007

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CLARK, JAMES

36 Y old Male, DOB: 12/12/1970
PO BOX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC-29720
Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: Medicaid South
Carolina
PCP: Deovyaas S. Sharma, MD

04/24/2007

Progress Note: Deovyaas S. Sharma, MD

CC

1. FOLLOW UP

HPI

Hypertension:

36 year old male presents with c/o HYPERTENSION F/U stable, doing well and without complaints.
Denies: MED SIDE EFFECTS. CHEST PAIN. DIZZINESS. ORTHOPNEA. PALPITATIONS.
MED COMPLIANCE states compliant with meds.

Lower back:

c/o low back pain: lumbar, intermittent, chronic condition.
Denies: tingling/ numbness: bowel and bladder incontinence.

Psychology:

c/o SLEEP DISTURBANCE difficulty falling asleep, difficulty staying asleep.

Current Medications

Norvasc 10 mg 1 tab(s) once a day
Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W
Cialis 1 tab(s) prn
Trileptal 300 mg 2 tab(s) BID
Zolof 50 mg 1 tab(s) once a day

Past Medical History

Hypertension
Seizure disorder
STATUS POST MVA

Surgical History

STATUS POST MVA FOR NECK INJURY
BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Hospitalization/Major Diagnostic Procedure

Denies Past Hospitalization

Review of Systems

CONSTITUTIONAL:

no Fever. no Chills. no Weight Loss. no Weight Gain. no Loss of Appetite. no Weak. no Fatigue.

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 04/24/2007
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

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CARDIOLOGY:

no Chest Pain. no Shortness of Breath. no Palpitations. no Dizziness. no Leg Edema. no Fatigue. no Orthopnea.

ENT:

no Ear Pain. no Rhinorrhea. no Sore Throat. no Cough. no Sinus Pain. no Epistaxis. no Post-nasal Drip.

GASTROENTEROLOGY:

no Abdominal Pain. no Nausea. no Vomiting. no Heartburn. no Indigestion. no Diarrhea. no Constipation.
no Blood in Stool.

NEUROLOGY:

c/o Headache, occasional. no Weakness. no Tingling/Numbness. no Speech Abnormality. no Visual Changes.
no Dizziness.

RESPIRATORY:

no Shortness of Breath. no Persistent Cough. no Chest Congestion. no Chest Pain. no Wheezing. no Hemoptysis.
no Orthopnea.

UROLOGY:

no Dysuria. no Urinary Frequency. no Urinary Urgency. no Blood in Urine.

Vital Signs

HR: 74, BP: 142/87, Wt: 203.

Examination

General Examination:

General Appearance: NAD, alert and oriented. HEENT: Head - NC/AT, PERRLA, EOMI, TM's clear and flat bilaterally, Oropharynx clear with MMM. Oral cavity: clear, moist mucus membranes. Neck, Thyroid: supple, no thyromegaly, no lymphadenopathy, no JVD, no carotid bruit. Heart: RRR, no murmurs. Lungs: clear to auscultation bilaterally, no wheezes/rhonchi/rales. Abdomen: soft, NT/ND, BS present. Back: mild tenderness lower back. Extremities: no clubbing, no edema. Neurologic Exam: non-focal exam.

Assessments

1. HTN [Hypertension] - 401.9 (Primary)
2. Back pain - 724.5
3. Insomnia - 780.52
4. Seizures (unspecified) - 780.39

Treatment

1. HTN [Hypertension]

Continue Norvasc tablet, 10 mg, orally, 30, 1 tab(s), once a day, 30 day(s)
Continue Catapres-TTS-2 film, extended release, 0.2 mg/24 hr, applied topically, 4.00008, 1 PATCH, 1X/W, 28 day(s)

2. Back pain

Start Lortab 5/500 tablet, 500 mg-5 mg, orally, 30, 1 tab(s), daily/prn

3. Insomnia

Start Restoril capsule, 15 mg, orally, 30, 1 cap(s), once a day (at bedtime), 30 day(s)

4. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, orally, 120, 2 tab(s), BID, 30 day(s)

Follow Up

3 Months

Electronically signed by Deovyaas Sharma on 09/10/2009 at 10:55 AM EDT

Sign off status: Pending

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 04/24/2007
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

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Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
Tel: 803-285-8777
Fax: 803-285-8776

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 04/24/2007

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

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CLARK, JAMES

36 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC 29720
Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: MEDICARE
SOUTH CAROLINA
PCP: Deovyaas S. Sharma, MD

10/10/2007

Progress Note: Deovyaas S. Sharma, MD

CC

1. FOLLOW UP-CK UP, MED REFILLS

HPI

Hypertension:

36 year old male presents with c/o HYPERTENSION F/U stable, doing well and without complaints.
Denies : CHEST PAIN. DIZZINESS. LEG EDEMA. ORTHOPNEA. PAROXYSMAL NOCTURNAL DYSPNEA.

PALPITATIONS.

MED COMPLIANCE states compliant with medication.

Seizure Disorder:

c/o SEIZURE DISORDER F/U stable, no recent seizure episodes.
Denies : DIZZINESS. HEADACHE. MENTAL STATUS CHANGE. PARESTHESIAS. TREMOR. WEAKNESS.
MEDICATIONS current meds: trileptal.

Lower back:

c/o low back pain: lumbar, chronic condition. c/o trauma/injury: involved in MVA.
Denies : tingling/ numbness: . bowel and bladder incontinence.

Depression:

c/o DEPRESSION F/U stable with current medication. c/o MOOD stable. c/o SLEEP DISTURBANCE difficulty falling asleep, difficulty staying asleep.
Denies : ENERGY CHANGE. WEIGHT CHANGE. APPETITE CHANGE. SUICIDAL IDEATIONS.

Erectile Dysfunction:

c/o ERECTILE DYSFUNCTION helped with meds.
Denies : TESTICULAR PAIN. TESTICULAR SWELLING. TESTICULAR MASS. PENILE DISCHARGE.

Current Medications

Norvasc 10 mg 1 tab(s) once a day
Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W
Lortab 5/500 500 mg-5 mg 1 tab(s) daily/prn
Restoril 15 mg 1 cap(s) once a day (at bedtime)
Trileptal 300 mg 2 tab(s) BID
Cialis 1 tab(s) prn
Zoloft 50 mg 1 tab(s) once a day

Past Medical History

Hypertension
Seizure disorder
STATUS POST MVA

Surgical History

STATUS POST MVA FOR NECK INJURY
BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 10/10/2007
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

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Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Hospitalization/Major Diagnostic Procedure

SEE SURGICAL HISTORY

Review of Systems**ALLERGY:**

no Cough. no Ear Symptoms. no Facial Pressure. no Itchy Eyes. no Nasal Congestion. no Post-nasal Drip. no Sneezing. no Sore Throat.

CONSTITUTIONAL:

no Fever. no Chills. no Weight Loss. no Weight Gain. no Loss of Appetite. no Weak. no Fatigue.

CARDIOLOGY:

no Chest Pain. no Palpitations. no Dizziness. no Leg Edema. no Fatigue. no Orthopnea.

DERMATOLOGY:

no Bruising. no Rash. no Dry or Sensitive Skin.

ENDOCRINOLOGY:

no Polyuria. no Polydipsia. no Polyphagia. no Cold Intolerance. no Heat Intolerance. no Bowel Changes.

ENT:

no Ear Pain. no Rhinorrhea. no Sore Throat. no Hoarseness. no Cough. no Sinus Pain. no Teeth Pain. no Epistaxis.

GASTROENTEROLOGY:

no Abdominal Pain. no Nausea. no Vomiting. no Heartburn. no Indigestion. no Diarrhea. no Constipation. no Change in Bowel Habits. no Blood in Stool.

HEMATOLOGY/LYMPH:

no Fatigue. no Loss of Appetite. no Easy Bruising.

NEUROLOGY:

no Headache. no Weakness. no Tingling/Numbness. no Speech Abnormality. no Visual Changes. no Dizziness.

RESPIRATORY:

no Shortness of Breath. no Persistent Cough. no Chest Congestion. no Chest Pain. no Wheezing. no Hemoptysis. no Orthopnea. no PND (paroxysmal nocturnal dyspnea).

UROLOGY:

no Dysuria. no Urinary Frequency. no Urinary Urgency. no Blood in Urine.

Vital Signs

HR: 77, BP: 101/73, Wt: 202.

Physical Examination**GENERAL:**

General Appearance: well-appearing, no acute distress. Mental Status: alert and oriented.

HEENT:

Head: normocephalic, atraumatic. Eyes: unremarkable. Ears: unremarkable, TM's normal bilaterally. Nose: unremarkable. Mouth: moist mucous membranes. Throat: clear, no erythema or exudate.

NECK:

General: supple. Cervical lymph nodes: unremarkable. Thyroid: unremarkable. JVD: none.

HEART:

Rate: regular. Rhythm: regular. Heart sounds: normal S1S2. Murmurs: none.

LUNGS:

Auscultation: CTA bilaterally, no wheezing/rhonchi/rales.

ABDOMEN:

General: soft. Bowel sounds: normoactive. Tenderness: none. Distention: none.

BACK:

Tenderness: lumbar tenderness, mild.

EXTREMITIES:

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovraas S. Sharma, MD 10/10/2007
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

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Edema: none.

NEUROLOGICAL:

Orientation: alert and oriented x 3. Cognition: normal. Cranial Nerves: CN's II-XII grossly intact.
Sensory: normal sensation. Motor: normal strength bilaterally. Gait: normal.

Assessments

1. HTN [Hypertension] - 401.9 (Primary)
2. Seizures (unspecified) - 780.39
3. Back pain - 724.5
4. Depression - 311
5. Insomnia - 780.52
6. Erectile Dysfunction / Impotence - 302.72

Treatment

1. HTN [Hypertension]

Continue Norvasc tablet, 10 mg, orally, 30, 1 tab(s), once a day, 30 day(s)
Continue Catapra-TTS-2 film, extended release, 0.2 mg/24 hr, applied topically, 4.00008, 1 PATCH, 1X/W, 28 day(s)
Low salt diet.

2. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, orally, 120, 2 tab(s), BID, 30 day(s)

3. Back pain

Continue Lortab 5/500 tablet, 500 mg-5 mg, orally, 30, 1 tab(s), daily/prn

4. Depression

Continue Zoloft tablet, 50 mg, orally, 30, 1 tab(s), once a day, 30 day(s)

5. Insomnia

Continue Restoril capsule, 15 mg, orally, 30, 1 cap(s), once a day (at bedtime), 30 day(s)

6. Erectile Dysfunction / Impotence

Continue Cialis tablet, 10 mg, orally, 10, 1 tab(s), prn

7. Others

Check fasting labs prior to next visit.

Follow Up

2 Months

Electronically signed by Deovyaas Sharma on 09/10/2009 at 10:56 AM EDT

Sign off status: Pending

Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
Tel: 803-285-8777
Fax: 803-285-8776

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 10/10/2007

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)



CLARK, JAMES

37 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC 29720
Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: MEDICARE
SOUTH CAROLINA
PCP: Deovyaas S. Sharma, MD

01/09/2008

Progress Note: Deovyaas S. Sharma, MD

CC

1. FOLLOW UP-SHAKING X 4 DAYS, GIVEN WRONG MEDS AT DETENTION CENTER, MEDICATION REFILLS

HPI

Interim History:

Patient here for f/u visit states released from detention center/prison on Saturday and given wrong medications (digoxin and coreg per patient) after which he developed shaking and had seizure episode, subsequently went to the Emergency Room at Springs Memorial Hospital where he was evaluated and had digoxin level done and was discharged home. Currently, c/o shaking but denies any further seizure episode, however c/o chest pains, left sided associated with mild shortness of breath.

Current Medications

Norvasc 10 mg 1 tab(s) once a day
Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W
Trileptal 300 mg 2 tab(s) BID
Lortab 5/500 500 mg-5 mg 1 tab(s) daily/prn
Zolof 50 mg 1 tab(s) once a day
Restoril 15 mg 1 cap(s) once a day (at bedtime)
Cialis 10 mg 1 tab(s) prn

Past Medical History

Hypertension
Seizure disorder
STATUS POST MVA

Surgical History

STATUS POST MVA FOR NECK INJURY
BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Hospitalization/Major Diagnostic Procedure

SEE SURGICAL HISTORY

Review of Systems

ALLERGY:

no Cough. no Ear Symptoms. no Facial Pressure. no Itchy Eyes. no Nasal Congestion. no Post-nasal Drip.
no Sneezing. no Sore Throat.

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 01/09/2008
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CONSTITUTIONAL:

no Fever. no Chills. no Weight Loss. no Weight Gain. no Loss of Appetite. no Weak. no Fatigue.

CARDIOLOGY:

c/o Chest Pain, left-sided, sharp, non-radiating. c/o Shortness of Breath, mild. no Palpitations. no Dizziness. no Leg Edema. no Orthopnea. no PND (paroxysmal nocturnal dyspnea).

ENT:

no Ear Pain. no Rhinorrhea. no Sore Throat. no Hoarseness. no Cough. no Sinus Pain. no Teeth Pain. no Epistaxis.

GASTROENTEROLOGY:

no Abdominal Pain. no Nausea. no Vomiting. no Heartburn. no Dysphagia. no Diarrhea. no Constipation. no Blood in Stool.

NEUROLOGY:

no Headache. no Weakness. no Tingling/Numbness. no Speech Abnormality. no Visual Changes. no Dizziness.

RESPIRATORY:

c/o Shortness of Breath, mild. no Persistent Cough. no Chest Congestion. no Chest Pain. no Wheezing. no Hemoptysis. no Orthopnea. no PND (paroxysmal nocturnal dyspnea).

UROLOGY:

no Dysuria. no Urinary Frequency. no Urinary Urgency. no Blood in Urine.

Vital Signs

HR: 71, BP: 115/56, Wt: 203.

Examination

General Examination:

General Appearance: alert and oriented, mild shaking/tremors of upper extremities and hands. HEENT: Head - NC/AT, PERRLA, EOMI, TM's clear and flat bilaterally, Oropharynx clear with MMM. Oral cavity: clear, moist mucus membranes. Neck, Thyroid: supple, no thyromegaly, no lymphadenopathy, no JVD, no carotid bruit. Heart: RRR, no murmurs. Lungs: clear to auscultation bilaterally, no wheezes/rhonchi/rales. Abdomen: soft, NT/ND, BS present. Extremities: no clubbing, no edema. Neurologic Exam: non-focal exam.

Assessments

1. CHEST PAIN NOS - 786.50 (Primary)
2. HTN [Hypertension] - 401.9
3. Seizures (unspecified) - 780.39
4. Tremor - 781.0

Treatment

1. CHEST PAIN NOS

Patient with c/o chest pain - will check EKG.

2. HTN [Hypertension]

Continue Norvasc tablet, 10 mg, orally, 30, 1 tab(s), once a day, 30 day(s)
Continue Catapres-TTS-2 film, extended release, 0.2 mg/24 hr, applied topically, 4.00008, 1 PATCH, 1X/W, 28 day(s)
Encouraged low sodium diet and regular exercise. Pt. instructed to call office if home BP regularly > 140/90.

3. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, orally, 120, 2 tab(s), BID, 30 day(s)

4. Tremor

Recheck Digoxin level.

Procedure Codes

VENIPUNCT, ROUTINE*

Follow Up

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 01/09/2008
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

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2 Months

Electronically signed by Deovyaas Sharma on 09/10/2009 at 10:56 AM EDT
Sign off status: Pending

Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
Tel: 803-285-8777
Fax: 803-285-8776

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 01/09/2008

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CLARK, JAMES

37 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC-29720
Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: MEDICARE
SOUTH CAROLINA
PCP: Deovyaas S. Sharma, MD

06/18/2008

Progress Note: Deovyaas S. Sharma, MD

CC

1. FOLLOW UP-BACK PAIN

HPI

Hypertension:

37 year old male presents with c/o HYPERTENSION F/U stable.
Denies : CHEST PAIN. DIZZINESS. LEG EDEMA. ORTHOPNEA. PAROXYSMAL NOCTURNAL DYSPNEA.

PALPITATIONS:

MED COMPLIANCE states compliant with medication.

Lower back:

c/o low back pain: lumbar, intermittent, chronic condition. c/o previous back problems: h/o MVA.
Denies : radiation of pain: tingling/ numbness: bowel and bladder incontinence.

Psychology:

c/o MOOD stable. c/o SLEEP DISTURBANCE difficulty falling asleep, difficulty staying asleep, helped with

Restoril:

Denies : ENERGY CHANGE. RACING THOUGHTS. HALLUCINATIONS. PARANOIA.

Current Medications

Norvasc 10 mg 1 tab(s) once a day
Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W
Trileptal 300 mg 2 tab(s) BID
Lortab 5/500 500 mg-5 mg 1 tab(s) daily/prn
Zolof 50 mg 1 tab(s) once a day
Restoril 15 mg 1 cap(s) once a day (at bedtime)
Cialis 10 mg 1 tab(s) prn

Past Medical History

Hypertension
Seizure disorder
STATUS POST MVA

Surgical History

STATUS POST MVA FOR NECK INJURY
BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 06/18/2008
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Hospitalization/Major Diagnostic Procedure
SEE SURGICAL HISTORY

Review of Systems

ALLERGY:

no Cough. no Ear Symptoms. no Facial Pressure. no Itchy Eyes. no Nasal Congestion. no Post-nasal Drip.
no Sneezing. no Sore Throat.

CONSTITUTIONAL:

no Fever. no Chills. no Weight Loss. no Weight Gain. no Loss of Appetite. no Weak. no Fatigue.

CARDIOLOGY:

no Chest Pain. no Palpitations. no Dizziness. no Leg Edema. no Orthopnea. no PND (paroxysmal nocturnal dyspnea).

ENT:

no Ear Pain. no Rhinorrhea. no Sore Throat. no Hoarseness. no Cough. no Sinus Pain. no Teeth Pain. no Epistaxis.

GASTROENTEROLOGY:

no Abdominal Pain. no Nausea. no Vomiting. no Heartburn. no Dysphagia. no Diarrhea. no Constipation. no Blood in Stool.

NEUROLOGY:

no Headache. no Weakness. no Tingling/Numbness. no Speech Abnormality. no Visual Changes. no Dizziness.

RESPIRATORY:

no Shortness of Breath. no Persistent Cough. no Chest Congestion. no Chest Pain. no Wheezing. no Hemoptysis.
no Orthopnea. no PND (paroxysmal nocturnal dyspnea).

UROLOGY:

no Dysuria. no Urinary Frequency. no Urinary Urgency. no Blood in Urine.

Vital Signs

HR: 67, BP: 125/82, Wt: 201.

Examination

General Examination:

General Appearance: NAD, alert and oriented. HEENT: Head - NC/AT; PERRLA, EOMI, TM's clear and flat bilaterally, Oropharynx clear with MMM. Oral cavity: clear, moist mucus membranes. Neck, Thyroid: supple, no thyromegaly, no lymphadenopathy, no JVD, no carotid bruit. Heart: RRR, no murmurs. Lungs: clear to auscultation bilaterally, no wheezes/rhonchi/rales. Abdomen: soft, NT/ND, BS present. Back: lumbar tenderness, mild. Extremities: no clubbing, no edema. Neurologic Exam: non-focal exam.

Assessments

1. HTN [Hypertension] - 401.9 (Primary)
2. Back pain - 724.5
3. Insomnia - 780.52
4. Seizures (unspecified) - 780.39

Treatment

1. HTN [Hypertension]

Continue Norvasc tablet, 10 mg, orally, 30, 1 tab(s), once a day, 30 day(s)
Continue Catapres-TTS-2 film, extended release, 0.2 mg/24 hr, applied topically, 4.00008, 1 PATCH, 1X/W, 28 day(s)
Encouraged low sodium diet and regular exercise. Pt. instructed to call office if home BP regularly > 140/90.

2. Back pain

Continue Lortab 5/500 tablet, 500 mg-5 mg, orally, 30, 1 tab(s), daily/prn
heating pad/warm compresses, massage

3. Insomnia

Continue Restoril capsule, 15 mg, orally, 30, 1 cap(s), once a day (at bedtime), 30 day(s)

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyas S. Sharma, MD 06/18/2008
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4. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, orally, 120, 2 tab(s), BID, 30 day(s)

Follow Up

2-3 Months

Electronically signed by Deovyaas Sharma on 09/10/2009 at 10:57 AM EDT

Sign off status: Pending

Lancaster Internal Medicine
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Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 06/18/2008

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CLARK, JAMES

38 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC 29720

Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: MEDICARE
SOUTH CAROLINA

06/10/2009

Progress Note: Deovyaas S. Sharma, MD

Reason for Appointment

1. ER F/U, MEDICATION REFILLS, PROBLEMS WITH ZOLOFT

History of Present Illness

Interim History:

Patient here for f/u visit and medication refills, recently seen in ER with abscess/cellulitis in right groin and treated with antibiotics, currently better but still with mild swelling and infection, also c/o feeling depressed.

Hypertension:

c/o HYPERTENSION F/U stable.

Denies: CHEST PAIN. DIZZINESS. LEG EDEMA. ORTHOPNEA. PAROXYSMAL NOCTURNAL DYSPNEA.

PALPITATIONS.

MED COMPLIANCE states compliant with medication.

Seizure Disorder:

c/o SEIZURE DISORDER F/U no recent seizure episode. c/o HEADACHE occasional.

Denies: DIZZINESS. GAIT ABNORMALITY. MENTAL STATUS CHANGE. PARESTHESIAS. TREMOR. VISUAL CHANGES. WEAKNESS.

Depression:

c/o DEPRESSION F/U feels depressed. c/o STRESSORS increased. c/o MOOD depressed.

Denies: APPETITE CHANGE. SUICIDAL IDEATIONS. RACING THOUGHTS. HALLUCINATIONS. PARANOIA.
MEDICATIONS current meds -, zoloft.

Current Medications

Norvasc 10 mg 1 tab(s) once a day
Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W
Restoril 15 mg 1 cap(s) once a day (at bedtime)
Trileptal 300 mg 2 tab(s) BID
Zoloft 50 mg 1 tab(s) once a day
Cialis 10 mg 1 tab(s) prn

Past Medical History

Hypertension
Seizure disorder
STATUS POST MVA.
Depression

Surgical History

STATUS POST MVA FOR NECK INJURY
BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Hospitalization/Major Diagnostic Procedure

SEE SURGICAL HISTORY

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 06/10/2009 -
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

Review of Systems

ALLERGY:

no Nasal Congestion. no Sore Throat. no Itchy Eyes. no Ear Symptoms. no Facial Pressure. no Sneezing. no Post-nasal Drip. no Cough.

CONSTITUTIONAL:

no Weight Gain. no Loss of Appetite. no Fever. no Weak. no Weight Loss. no Fatigue. no Chills.

CARDIOLOGY:

no Chest Pain. no Palpitations. no Leg Edema. no Dizziness. no PND (paroxysmal nocturnal dyspnea). no Orthopnea.

DERMATOLOGY:

no Rash. no Swelling. no Bruising.

ENDOCRINOLOGY:

no Polydipsia. no Polyuria. no Weight Loss. no Cold Intolerance. no Heat Intolerance. no Polyphagia. no Weight Gain. no Bowel Changes. no Palpitations.

ENT:

no Cough. no Epistaxis. no Hoarseness. no Sore Throat. no Sinus Pain. no Rhinorrhea. no Teeth Pain. no Ear Pain.

GASTROENTEROLOGY:

no Dysphagia. no Abdominal Pain. no Nausea. no Vomiting. no Constipation. no Diarrhea. no Blood in Stool. no Heartburn. no Bloating. no Change in Bowel Habits. no Indigestion.

MUSCULOSKELETAL:

no Joint Swelling. no Joint Pain. no Leg Cramps. no Joint Stiffness. no Myalgias. no Back Pain.

RESPIRATORY:

no Shortness of Breath. no Chest Pain. no Chest Congestion. no Persistent Cough. no Orthopnea. no PND (paroxysmal nocturnal dyspnea). no Wheezing. no Hemoptysis.

UROLOGY:

no Blood in Urine. no Urinary Frequency. no Urinary Urgency. no Dysuria. no Discharge.

Vital Signs

HR 77, BP 101/71, Wt 194.

Physical Examination

GENERAL:

General Appearance: well-appearing, no acute distress. Mental Status: alert and oriented.

HEENT:

Head: normocephalic, atraumatic. Eyes: unremarkable. Nose: unremarkable. Throat: clear, no erythema or exudate. Mouth: moist mucous membranes. Ears: unremarkable, TM's normal bilaterally.

NECK:

General: supple. Thyroid: unremarkable. Cervical lymph nodes: unremarkable. JVD: none.

HEART:

Rhythm: regular. Murmurs: none. Heart sounds: normal S1S2. Rate: regular.

LUNGS:

Auscultation: CTA bilaterally, no wheezing/rhonchi/rales.

ABDOMEN:

General: soft, presence of tenderness with mild swelling, redness and infection in right groin, no discharge. Tenderness: none. Bowel sounds: normoactive. Distention: none.

EXTREMITIES:

Edema: none. Pulses: present bilaterally.

NEUROLOGICAL:

Sensory: normal sensation. Motor: normal strength bilaterally. Gait: normal. Cranial Nerves: CN's II-XII grossly intact. Orientation: alert and oriented x 3. Cognition: normal.

Assessments

1. Abscess of groin - 682.2 (Primary)
2. HTN [Hypertension] - 401.9
3. Depression - 311
4. Seizures (unspecified) - 780.39

Treatment

1. Abscess of groin

Start Cipro tablet, 500 mg, 1 tab(s), orally, Q12H, 10 day(s), 20

Patient with infection in right groin - will treat with antibiotics but advised patient he may need I&D by Surgeon if abscess worsens.

2. HTN [Hypertension]

Continue Norvasc tablet, 10 mg, 1 tab(s), orally, once a day, 30 day(s), 30, Refills 3

Continue Catapres-TTS-2 film, extended release, 0.2 mg/24 hr, 1 PATCH, applied topically, 1X/W, 28 day(s), 4.00008

3. Depression

Increase Zoloft tablet, 100 mg, 1 tab(s), orally, once a day, 30 day(s), 30, Refills 3

Patient feels depressed - will increase dose of Zoloft.

4. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, 2 tab(s), orally, BID, 30 day(s), 120, Refills 3

5. Others

Medications refilled.

Follow Up

2 Months

Electronically signed by Deovyaas Sharma on 09/10/2010 at 09:38 AM EDT

Sign off status: Pending

Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
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Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 06/10/2009

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**CLARK, JAMES**

39 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC-29720

Home: 803-285-1073
Guarantor: CLARK, JAMES Insurance: MEDICARE
SOUTH CAROLINA

01/13/2010

Progress Note: Deovyaas S. Sharma, MD

Reason for Appointment

1. C/O-MID BACK AND LT LEG PAIN, REFILLS

History of Present Illness**INTERIM HISTORY:**

Patient here for f/u visit and medication refills, currently c/o back pain and left leg pain, denies any recent injury or trauma.

Hypertension:

c/o HYPERTENSION F/U stable.

Denies : CHEST PAIN. DIZZINESS. LEG EDEMA. ORTHOPNEA. PAROXYSMAL NOCTURNAL DYSPNEA.
PALPITATIONS.

MED COMPLIANCE states compliant with medication.

Erectile Dysfunction:

c/o ERECTILE DYSFUNCTION unable to sustain erection, helped with medication.

Denies : TESTICULAR PAIN. TESTICULAR SWELLING. TESTICULAR MASS. PENILE DISCHARGE.

HEMATURIA.**Depression:**

c/o DEPRESSION F/U helped with medication. c/o MOOD stable.

Denies : ANHEDONIA. SUICIDAL IDEATIONS. RACING THOUGHTS. HALLUCINATIONS. PARANOIA.

MEDICATIONS current meds -, zolof.

Current Medications

Norvasc 10 mg 1 tab(s) once a day
Catapres-TTS-2 0.2 mg/24 hr 1 PATCH 1X/W
Zolof 100 mg 1 tab(s) once a day
Trileptal 300 mg 2 tab(s) BID
Restoril 15 mg 1 cap(s) once a day (at bedtime)
Cialis 10 mg 1 tab(s) prn

Past Medical History

Hypertension
Seizure disorder
STATUS POST MVA
Depression

Surgical History

STATUS POST MVA FOR NECK INJURY
BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Hospitalization/Major Diagnostic Procedure

SEE SURGICAL HISTORY

Review of Systems

ALLERGY:

no Nasal Congestion. no Sore Throat. no Itchy Eyes. no Ear Symptoms. no Facial Pressure. no Sneezing. no Post-nasal Drip. no Cough.

CONSTITUTIONAL:

no Weight Gain. no Loss of Appetite. no Fever. no Weak. no Weight Loss. no Fatigue. no Chills.

CARDIOLOGY:

no Chest Pain. no Palpitations. no Leg Edema. no Dizziness. no PND (paroxysmal nocturnal dyspnea). no Orthopnea.

ENT:

no Ear Pain. no Rhinorrhea. no Sore Throat. no Hoarseness. no Cough. no Sinus Pain. no Teeth Pain. no Otagia. no Epistaxis.

GASTROENTEROLOGY:

no Abdominal Pain. no Nausea. no Vomiting. no Heartburn. no Indigestion. no Bloating. no Dysphagia. no Diarrhea. no Constipation. no Change in Bowel Habits. no Blood in Stool.

NEUROLOGY:

no Headache. no Weakness. no Tingling/Numbness. no Speech Abnormality. no Visual Changes. no Dizziness. c/o Seizures, no recent seizure episodes.

RESPIRATORY:

no Shortness of Breath. no Chest Pain. no Chest Congestion. no Persistent Cough. no Orthopnea. no PND (paroxysmal nocturnal dyspnea). no Wheezing. no Hemoptysis.

UROLOGY:

no Discharge. no Dysuria. no Urinary Frequency. no Urinary Urgency. no Blood in Urine. no Urinary Incontinence.

Vital Signs

HR 78, BP 132/75, Wt 202.

Physical Examination

GENERAL:

General Appearance: well-appearing, no acute distress. Mental Status: alert and oriented.

HEENT:

Head: normocephalic, atraumatic. Eyes: unremarkable. Nose: unremarkable. Throat: clear, no erythema or exudate. Mouth: moist mucous membranes. Ears: unremarkable, TM's normal bilaterally.

NECK:

General: supple. Thyroid: unremarkable. Cervical lymph nodes: unremarkable. JVD: none.

HEART:

Rhythm: regular. Murmurs: none. Heart sounds: normal S1S2. Rate: regular.

LUNGS:

Auscultation: CTA bilaterally, no wheezing/rhonchi/rales.

ABDOMEN:

General: soft. Bowel sounds: normoactive. Tenderness: none. Distention: none.

BACK:

Tenderness: lumbar tenderness, moderate.

EXTREMITIES:

Edema: none. Pulses: present bilaterally.

Assessments

1. HTN [Hypertension] - 401.9 (Primary)
2. Seizures (unspecified) - 780.39
3. Depression - 311
4. Back pain - 724.5
5. Erectile Dysfunction / Impotence - 302.72

Treatment

1. HTN [Hypertension]

Continue Norvasc tablet, 10 mg, 1 tab(s), orally, once a day, 30 DAYS, 30, Refills 3
Continue Catapres-TTS-2 film, extended release, 0.2 mg/24 hr, 1 PATCH, applied topically, 1X/W, 28 DAYS, 4, Refills 3
low salt diet

2. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, 2 tab(s), orally, BID, 30 DAYS, 120, Refills 3

3. Depression

Continue Zoloft tablet, 100 mg, 1 tab(s), orally, once a day, 30 DAYS, 30, Refills 3

4. Back pain

Start Lortab 5/500 tablet, 500 mg-5 mg, 1 tab(s), orally, DAILY/PRN, 30 day(s), 30, Refills 1
Ibuprofen prn.

5. Erectile Dysfunction / Impotence

Continue Cialis tablet, 10 mg, 1 tab(s), orally, prn, 12, Refills 2

Follow Up

2 Months

Electronically signed by Deovyaas Sharma on 09/10/2010 at 09:38 AM EDT

Sign off status: Pending

Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
Tel: 803-285-8777
Fax: 803-285-8776

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 01/13/2010

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CLARK, JAMES

39 Y old Male, DOB: 12/12/1970
PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER,
SC-29720

Home: 803-285-1073

Guarantor: CLARK, JAMES Insurance: MEDICARE
SOUTH CAROLINA

08/13/2010

Progress Note: Deovyaas S. Sharma, MD

Reason for Appointment

1. C/O-BACK PAIN

History of Present Illness

INTERIM HISTORY:

Patient here for f/u visit and medication refills, c/o back pain radiating down left leg.

Hypertension:

c/o HYPERTENSION F/U stable.

Denies : CHEST PAIN. DIZZINESS. LEG EDEMA. ORTHOPNEA. PAROXYSMAL NOCTURNAL DYSPNEA. PALPITATIONS.

MED COMPLIANCE states compliant with medication.

Seizure Disorder:

c/o SEIZURE DISORDER F/U no recent seizure episode. c/o HEADACHE occasional.

Denies : DIZZINESS. GAIT ABNORMALITY. MENTAL STATUS CHANGE. SLEEP PROBLEMS. SPEECH ABNORMALITY. TREMOR.

MEDICATIONS current meds: , trileptal.

Depression:

c/o DEPRESSION F/U helped with medication. c/o MOOD stable.

Denies : ANHEDONIA. SUICIDAL IDEATIONS. RACING THOUGHTS. HALLUCINATIONS. PARANOIA.

MEDICATIONS current meds -, zoloft.

Erectile Dysfunction:

c/o ERECTILE DYSFUNCTION unable to sustain erection, helped with medication.

Denies : TESTICULAR PAIN. TESTICULAR SWELLING. TESTICULAR MASS. PENILE DISCHARGE.

HEMATURIA.

Current Medications

Zoloft 100 mg 1 tab(s) once a day

Norvasc 10 mg 1 tab(s) once a day

Trileptal 300 mg 2 tab(s) BID

Lortab 5/500 500 mg-5 mg 1 tab(s) DAILY/PRN.

Restoril 15 mg 1 cap(s) once a day (at bedtime)

Past Medical History

Hypertension.

Seizure disorder

STATUS POST MVA

Depression

Surgical History

STATUS POST MVA FOR NECK INJURY

BROKEN FEMUR IN THE LEFT KNEE

Family History

FAMILY HISTORY OF HYPERTENSION

Social History

DENIES SMOKING OR ALCOHOL USE. SINGLE AND HAS THREE CHILDREN

Allergies

N.K.D.A.

Hospitalization/Major Diagnostic Procedure
SEE SURGICAL HISTORY

Review of Systems

ALLERGY:

no Nasal Congestion. no Sore Throat. no Itchy Eyes. no Ear Symptoms. no Facial Pressure. no Sneezing. no Post-nasal Drip. no Cough.

CONSTITUTIONAL:

no Weight Gain. no Loss of Appetite. no Fever. no Weak. no Weight Loss. no Fatigue. no Chills.

DERMATOLOGY:

no Swelling. no Bruising. no Rash.

ENDOCRINOLOGY:

no Polyuria. no Polydipsia. no Polyphagia. no Weight Loss. no Weight Gain. no Cold Intolerance. no Heat Intolerance. no Bowel Changes.

ENT:

no Ear Pain. no Rhinorrhea. no Sore Throat. no Hoarseness. no Cough. no Sinus Pain. no Teeth Pain. no Oralgia. no Epistaxis.

GASTROENTEROLOGY:

no Abdominal Pain. no Nausea. no Vomiting. no Heartburn. no Indigestion. no Bloating. no Dysphagia. no Diarrhea. no Constipation. no Change in Bowel Habits. no Blood in Stool.

HEMATOLOGY/LYMPH:

no Swollen Glands. no Fatigue. no Loss of Appetite. no Easy Bruising.

MUSCULOSKELETAL:

no Joint Pain. no Joint Stiffness. no Joint Swelling. c/o Back Pain, intermittent, chronic. no Myalgias. no Leg Cramps.

RESPIRATORY:

no Shortness of Breath. no Chest Pain. no Chest Congestion. no Persistent Cough. no Orthopnea. no PND (paroxysmal nocturnal dyspnea). no Wheezing. no Hemoptysis.

UROLOGY:

no Discharge. no Dysuria. no Urinary Frequency. no Urinary Urgency. no Blood in Urine. no Urinary Incontinence.

Vital Signs

HR 80, BP 127/96, Wt 201.

Physical Examination

GENERAL:

General Appearance: well-appearing, no acute distress. Mental Status: alert and oriented.

HEENT:

Head: normocephalic, atraumatic. Eyes: unremarkable. Nose: unremarkable. Throat: clear, no erythema or exudate. Mouth: moist mucous membranes. Ears: unremarkable, TM's normal bilaterally.

NECK:

General: supple. Thyroid: unremarkable. Cervical lymph nodes: unremarkable. JVD: none.

HEART:

Rhythm: regular. Murmurs: none. Heart sounds: normal S1S2. Rate: regular.

LUNGS:

Auscultation: CTA bilaterally, no wheezing/rhonchi/rales.

ABDOMEN:

General: soft. Bowel sounds: normoactive. Tenderness: none. Distention: none.

BACK:

Tenderness: lumbar tenderness, moderate.

EXTREMITIES:

Edema: none. Pulses: present bilaterally.

NEUROLOGICAL:

Orientation: alert and oriented x 3. Cognition: normal. Sensory: normal sensation. Motor: normal strength bilaterally.

Assessments

1. HTN [Hypertension] - 401.9 (Primary)
2. Seizures (unspecified) - 780.39
3. Depression - 311

4. Back pain - 724.5
5. Erectile Dysfunction / Impotence - 302.72
6. Insomnia - 780.52

Treatment**1. HTN [Hypertension]**

Continue Norvasc tablet, 10 mg, 1 tab(s), orally, once a day, 30 DAYS, 30, Refills 3
Counselled patient regarding importance of compliance with BP medication and low salt diet.

2. Seizures (unspecified)

Continue Trileptal tablet, 300 mg, 2 tab(s), orally, BID, 30 DAYS, 120, Refills 3

3. Depression

Continue Zoloft tablet, 100 mg, 1 tab(s), orally, once a day, 30 DAYS, 30, Refills 3

4. Back pain

Start Lortab 5/500 tablet, 500 mg-5 mg, 1 tab(s), orally, DAILY/PRN, 30 day(s), 30, Refills 1
Ibuprofen prn.

5. Erectile Dysfunction / Impotence

Continue Cialis tablet, 10 mg, 1 tab(s), orally, prn, 12, Refills 2

6. Insomnia

Start temazepam capsule, 15 mg, 1 cap(s), orally, once a day (at bedtime), 30 day(s), 30, Refills 1

7. Others

Patient's medical, surgical, social and family history reviewed, also medications reviewed and refills given.

Follow Up

2 Months

Electronically signed by Deovyaas Sharma on 09/10/2010 at 09:38 AM EDT

Sign off status: Pending

Lancaster Internal Medicine
834 W. Meeting Street
Lancaster, SC 29720
Tel: 803-285-8777
Fax: 803-285-8776

Patient: CLARK, JAMES DOB: 12/12/1970 Progress Note: Deovyaas S. Sharma, MD 08/13/2010

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

396

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 06/06/2007 **Encounter Date:** 10/01/2006
Provider: Sharma, Deovyaas S

Total Amount: \$ 2.00 **Payments/Adjustments:** \$ 2.00 **Balance:** \$ 0.00
Filing Status: Done

ICD-9 Codes:

484.8 BALANCES FROM MY SIS.

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units	Billed Fee
66665	BALANCE FROM MY SIS	10/01/2006	10/01/2006	11-OFFICE	1-Medical	\$2.00	1.00	\$2.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment

Claim Data:

Symptom Indicator: No Symptom Date

Claim Header:

Residence Type:

Student Status: Not a student

Employment Status: Unknown

Primary Insurance:

Claim Type: Medical

Claim Log:

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 12/01/2006 **Encounter Date:** 11/30/2006
Provider: Sharma, Deovyaas S

Total Amount: \$ 65.00 **Payments/Adjustments:** \$ 65.00 **Balance:** \$ 0.00
Filing Status: Done

ICD-9 Codes:

401.9 HTN [Hypertension].
724.2 Low back pain.
780.52 Insomnia.
302.72 Erectile Dysfunction / Impotence.
780.39 Seizures (unspecified).
311 Depression.

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units Billed	Fee
99213 Office Visit, Est Pt., Level 3		11/30/2006	11/30/2006	11-OFFICE	1-Medical	\$65.00	1.00	\$65.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment
Medicaid South Carolina	12/16/2006	Check	4869345	\$0.00
Medicaid South Carolina	12/16/2006	Check	4869345	\$39.81

Claim Data:

Symptom Indicator: No Symptom Date
Referring Provider: Sharma, Deovyaas S NPI 1790891547

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

12/07/2006 08:35 AM Electronic Submission to MEDICAID SOUTH CAROLINA
12/04/2006 05:03 PM Electronic Submission to MEDICAID SOUTH CAROLINA

398

Patient: CLARK, JAMES DOB: 12/12/1970 Phone: 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 04/02/2007 Encounter Date: 02/08/2007
Provider: Sharma, Deovyaas S

Total Amount: \$ 98.00 Payments/Adjustments: \$ 98.00 Balance: \$ 0.00
Filing Status: Done

ICD-9 Codes:

401.9 HTN [Hypertension].
724.2 Low back pain.
302.72 Erectile Dysfunction / Impotence.
780.39 Seizures (unspecified).
311 Depression.

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units	Billed Fee
99214 Office Visit, Est Pt., Level 4		02/08/2007	02/08/2007	11-OFFICE	1-Medical	\$98.00	1.00	\$98.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment
Medicaid South Carolina	04/11/2007	Check	4940587	\$63.70

Claim Data:

Symptom Indicator: No Symptom Date
Referring Provider: Sharma, Deovyaas S NPI 1790891547

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

04/02/2007 09:27 AM Electronic Submission to MEDICAID SOUTH CAROLINA

300

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 05/21/2007 **Encounter Date:** 04/24/2007
Provider: Sharma, Deovyaas S

Total Amount: \$ 65.00 **Payments/Adjustments:** \$ 65.00 **Balance:** \$ 0.00
Filing Status: Done

ICD-9 Codes:

401.9 HTN [Hypertension].
724.5 Back pain.
780.52 Insomnia.
780.39 Seizures (unspecified).

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units Billed	Fee
99213 Office Visit, Est Pt., Level 3		04/24/2007	04/24/2007	11-OFFICE	1-Medical	\$65.00	1.00	\$65.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment
Patient	04/24/2007	Cash		\$2.00
Medicaid South Carolina	06/01/2007	Check	4969873	\$39.81

Claim Data:

Symptom Indicator: No Symptom Date
Referring Provider: Sharma, Deovyaas S NPI 1790891547

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

05/21/2007 09:47 AM Electronic Submission to MEDICAID SOUTH CAROLINA

400

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 11/27/2007 **Encounter Date:** 10/10/2007
Provider: Sharma, Deovyaas S

Total Amount: \$ 135.00 **Payments/Adjustments:** \$ 135.00 **Balance:** \$ 0.00
Filing Status: Done

ICD-9 Codes:

401.9 HTN [Hypertension].
780.39 Seizures (unspecified).
724.5 Back pain.
311 Depression.
780.52 Insomnia.
302.72 Erectile Dysfunction / Impotence.

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units	Billed Fee
99214 Office Visit, Est Pt., Level 4		10/10/2007	10/10/2007	11-OFFICE	1-Medical	\$135.00	1.00	\$135.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
MEDICARE SOUTH CAROLINA		251454421A	MB	
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment
Patient	10/10/2007	Cash		\$2.00
MEDICARE SOUTH CAROLINA	12/14/2007	Check	880244380	\$67.86

Claim Data:

Symptom Indicator: No Symptom Date
Referring Provider: Sharma, Deovyaas S NPI 1790891547

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

11/27/2007 03:03 PM Electronic Submission to MEDICARE SOUTH CAROLINA

401

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 03/12/2008 **Encounter Date:** 01/09/2008
Provider: Sharma, Deovyaas S

Total Amount: \$ 107.00 **Payments/Adjustments:** \$ 107.00 **Balance:** \$ -0.00
Filing Status: Done

ICD-9 Codes:

786.50 CHEST PAIN NOS.
401.9 HTN [Hypertension].
780.39 Seizures (unspecified).
781.0 Tremor.

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units	Billed Fee
99213 Office Visit, Est Pt., Level 3		01/09/2008	01/09/2008	11-OFFICE	1-Medical	\$89.00	1.00	\$89.00
36415 VENIPUNCT, ROUTINE*		01/09/2008	01/09/2008	11-OFFICE	1-Medical	\$18.00	1.00	\$18.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
MEDICARE SOUTH CAROLINA		251454421A	MB	
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment
MEDICARE SOUTH CAROLINA	03/29/2008	Check	880290511	\$48.06

Claim Data:

Symptom Indicator: No Symptom Date
Referring Provider: Sharma, Deovyaas S NPI 1790891547

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

03/12/2008 09:50 AM Electronic Submission to MEDICARE SOUTH CAROLINA

402

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 09/19/2008 **Encounter Date:** 06/18/2008
Provider: Sharma, Deovyaas S

Total Amount: \$ 89.00 **Payments/Adjustments:** \$ 89.00 **Balance:** \$ -0.00
Filing Status: Done

ICD-9 Codes:

401.9 HTN [Hypertension].
724.5 Back pain.
780.52 Insomnia.
780.39 Seizures (unspecified).

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units	Billed Fee
99213 Office Visit, Est Pt., Level 3		06/18/2008	06/18/2008	11-OFFICE	1-Medical	\$89.00	1.00	\$89.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
MEDICARE SOUTH CAROLINA		251454421A	MB	
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment
Patient	06/18/2008	Cash		\$2.00
MEDICARE SOUTH CAROLINA	11/03/2008	Check	880402341	\$45.06

Claim Data:

Symptom Indicator: No Symptom Date
Referring Provider: Sharma, Deovyaas S NPI 1790891547

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

09/19/2008 08:16 AM Electronic Submission to MEDICARE SOUTH CAROLINA

403

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 07/20/2009 **Encounter Date:** 06/10/2009
Provider: Sharma, Deovyaas S

Total Amount: \$ 135.00 **Payments/Adjustments:** \$ 135.00 **Balance:** \$ 0.00
Filing Status: Done

ICD-9 Codes:

682.2 Abscess of groin.
401.9 HTN [Hypertension].
311 Depression.
780.39 Seizures (unspecified).

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units Billed	Fee
99214 Office Visit, Est Pt., Level 4		06/10/2009	06/10/2009	11-OFFICE	1-Medical	\$135.00	1.00	\$135.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
MEDICARE SOUTH CAROLINA		251454421A	MB	
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment
MEDICARE SOUTH CAROLINA	08/30/2010	Check	880600192	\$70.11

Claim Data:

Symptom Indicator: No Symptom Date
Referring Provider: Sharma, Deovyaas S NPI 1790891547

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

08/31/2009 04:01 PM Paper Submission to Medicaid South Carolina
07/20/2009 09:59 AM Electronic Submission to MEDICARE SOUTH CAROLINA

404

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 03/22/2010 **Encounter Date:** 01/13/2010
Provider: Sharma, Deovyaas S

Total Amount: \$ 75.00 **Payments/Adjustments:** \$ 51.34 **Balance:** \$ 23.66
Filing Status: MCD SEC DENIED

ICD-9 Codes:

401.9 HTN [Hypertension].
 780.39 Seizures (unspecified).
 311 Depression.
 724.5 Back pain.
 302.72 Erectile Dysfunction / Impotence.

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units Billed	Fee
99213 Office Visit, Est Pt., Level 3.		01/13/2010	01/13/2010	11-OFFICE	1-Medical	\$75.00	1.00	\$75.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
MEDICARE SOUTH CAROLINA		251454421A	MB	
Medicaid South Carolina		2780397510	MC	

Payments:

From	Date	Type	Check No	Payment
MEDICARE SOUTH CAROLINA	03/30/2010	Cash	301745241	\$0.00
MEDICARE SOUTH CAROLINA	04/05/2010	Check	880784976	\$37.43
Medicaid South Carolina	07/28/2010	Check	6473196	\$0.00

Claim Data:

Symptom Indicator: No Symptom Date

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

04/12/2010 08:07 PM Paper Submission to Medicaid South Carolina
 03/22/2010 11:14 PM Electronic Submission to MEDICARE SOUTH CAROLINA
 03/22/2010 11:11 PM Electronic Submission to MEDICARE SOUTH CAROLINA

405

Patient: CLARK, JAMES **DOB:** 12/12/1970 **Phone:** 803-285-1073
Address: PO BX 3011, 1401 PHIL THURMAN DRIVE, LANCASTER, SC, 29720
Claim Date: 09/09/2010 **Encounter Date:** 08/13/2010
Provider: Sharma, Deovyaas S

Total Amount: \$ 105.00 **Payments/Adjustments:** \$ 0.00 **Balance:** \$ 105.00
Filing Status: Submitted

ICD-9 Codes:

401.9 HTN [Hypertension].
780.39 Seizures (unspecified).
311 Depression.
724.5 Back pain.
302.72 Erectile Dysfunction / Impotence.
780.52 Insomnia.

CPT Codes:

Code	Modifiers	Start Dt	End Dt	POS	TOS	Unit Fee	Units	Billed Fee
99214 Office Visit, Est Pt., Level 4		08/13/2010	08/13/2010	11-OFFICE	1-Medical	\$105.00	1.00	\$105.00

Insurances:

Name	Group No	Subscriber No	Type	File Status
MEDICARE SOUTH CAROLINA		251454421A	MB	
Medicaid South Carolina		2780397510	MC	

Payment:

From	Date	Type	Check No	Payment

Claim Data:

Symptom Indicator: No Symptom Date

Claim Header:

Residence Type:
Student Status: Not a student
Employment Status: Unknown
Primary Insurance:
Claim Type: Medical

Claim Log:

09/10/2010 00:03 AM Electronic Submission to MEDICARE SOUTH CAROLINA

406

Chart No. 514586

University Specialty Clinics - Ophthalmology

DR. J.F.

Medical Park - Suite 100 Columbia, SC 29203 Tel. 434-4836 Fax 434-157

Patient: James Clark

Age: 33 yo

Allergies: NA

Date 3/22/05

CC: Referred by Dr. Lillie Boyd for

Asthma Y/N

Meds

HPI: Surfer evaluation (lids & Cornea)

History Reviewed: Y/N New

EYE:

Rx w/ HVA 11/17/04 - 14% Horizontal diplopia in R

Rev pt Hy

VA CS 20/20 PH 20/20 W + X Add +

MR 20/20 X 20/20 CMR + X 20/20

Ext/Adnexa Exam:

Nml: Y/N

JL/A

C/S

K

A/C

Iris

Lens

Endophthalmitis
Mild Opacity
Intraocular Shunt
white
pig line
active conjunct

Had full
slacks in
Had Infected

Appropriate: Y/N

1600 25 mmHg

APD

CVF:

EOM:

DFE:

Tech Sig. CW

time:

am / pm

gtts: 41

Lab & Special Studies Results:

K's <

PAM < 20/20

Color <

Pachy < um

Gonio:

X X

A/P

1.

2.

3.

4.

Others:

Rx:

Pt. wishes to undergo recommended Procedure: Y/N

Risks/Benefits/Options of Procedure explained: Y/N

Dictation: Y/N

Resident:

Enophthalmos R R/o Entropion
RIR Polyp vs Entropion? CT done
Ptosis R

Studies:

Return: 1 D W M Y PRN

Signed:

I have reviewed the patient's history and I examined the patient. I discussed the patient with the resident and I agree with the resident's note. My clinical summary is documented.

Attending Physician 07

MRI/CT SCAN REFERRAL FORM

Scheduling: 803-296-8888

Fax: 803-434-3155 (PRMH)

803-434-3154 (3 Med)

PLEASE SEND COPY OF SCANS WITH PATIENT

Patient Name: James Clark Jr Chart: 514586
 D.O.B. 12/12/71 SSN# 251-45-4421
 Home phone# 803-285-2620 Alternate# 803-283-8463
 Insurance Company: McClell ID# 278039750
 Diagnosis: Orb Fx R
 Requesting physician: Frankel - Ophthalm

- ☒ Is the patient Claustrophobic? YES NO
☒ Does the patient have pacemaker? YES NO
☒ Is there metal in patient's body? YES NO *don't know for sure*
 If so, where? _____ How long has metal been there?
 _____ and is it MRI compatible? YES or NO

Appointment Date/Time Given:

3-24-05 @ 1230

LOCATION: 3 Med Park/Suite 440 Palmetto Richland-1st floor
 ❖ Patient must call (803) 434-2006 to pre-register.

Tech initials: W

R. Davis, M.D.
 K. Elder, M.D., M.S.
 J. Frankel, M.D.

University Specialty Clinics
 Department of Ophthalmology
 Four Richland Medical Park
 Suite 100, Columbia, SC 29203
 (803) 434-6836

J. Oakman, M.D.
 A. Pakalnis, M.D.

SC James Clark Jr DEA# _____
 Name _____ Age _____
 Address _____ Date _____

R Coronal CT Orbits
Orb Fx R

☒ Label

Refill _____ times

Dr. _____
 DISPENSE AS WRITTEN

Dr. _____
 SUBSTITUTION PERMITTED
 86290/07/04

R 403

108

PALMETTO HEALTH RICHLAND MEMORIAL HOSPITAL

FAXED
03/31/05

Pre-op Orders For: Joshua Frankel, M.D.

Patient: James Clark, Jr.

1. Admit to Outpatient Surgery for

Surgery Date: April 12, 2005

2. Diagnosis: Enophthalmos, entrapped right inferior rectus

3. Obtain consent form signed for the following procedure:

orbital fracture repair of the
right eye

4. Scheduled anesthesia: LIVA

GENERAL

LOCAL

5. Allergies: NKDA

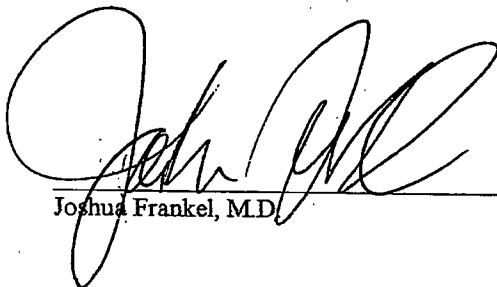
6. Vital signs routine, unless otherwise noted.

7. Pre-op per anesthesia, unless otherwise noted.

8. NPO after midnight

9. LABS, Tests, and IV fluids per anesthesia. Fax results to 434-1581.

10. Please allow patient to use bathroom 30 minutes prior to procedure.


Joshua Frankel, M.D.

3 30 05
Date

410

PALMETTO HEALTH RICHLAND MEMORIAL HOSPITAL

FAXED
03/31/05

Pre-op Orders For: *Joshua Frankel, M.D.*

Patient: *James Clark, Jr.*

1. Admit to Outpatient Surgery for

Surgery Date: *April 12, 2005*

2. Diagnosis: *Enophthalmos, entrapped right inferior rectus*

3. Obtain consent form signed for the following procedure:

orbital fracture repair of the right eye

4. Scheduled anesthesia: LIVA GENERAL LOCAL

5. Allergies: *NKDA*

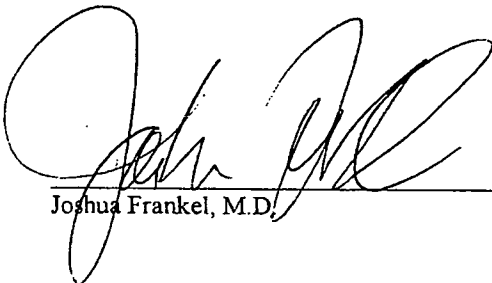
6. Vital signs routine, unless otherwise noted.

7. Pre-op per anesthesia, unless otherwise noted.

8. NPO after midnight

9. LABS, Tests, and IV fluids per anesthesia. Fax results to 434-1581.

10. Please allow patient to use bathroom 30 minutes prior to procedure.


Joshua Frankel, M.D.

3 30 05
Date

411

Chart No. 514586
Patient: James Clark Jr. Age: yo Allergies: Date: 4/19/05
CC: Asthma Y / N
HPI: History Reviewed: Y N New

Meds
EYE:
VA cc 20/ PH 20/ W + X Add + N / Ψ
sc 20/ + X
MR + X 20/ CMR + X 20/ T A P < mmHg
+ X 20/ + X 20/ P
OD OS Pupils | | APD

Mood Appropriate: Y / N
Other Meds:

Ext/Adnexa Exam:
Nml: Y N
L/L/A

C/S

K

A/C

Iris

Lens

Nml: Y N

CVF:

EOM: * *
DFE: Tech Sig.:
time: am / pm
gtts:

Lab & Special Studies Results:
K's <
PAM < 20/ Color <
20/
Pachy < μm Gonio:
NS
A/P

1.
2.
3.
4.
Others:
Rx:
Studies:
Return: D W M Y PRN
Date last performed:
Dil.
VF
Gonio
Photo

Pt. wishes to undergo recommended Procedure: Y / N
Risks/Benefits/Options of Procedure explained: Y / N
Dictation: Y / N Resident:
Signed: 412
Attending Physician
☐ I have reviewed the patient's history and I examined the patient. I discussed the patient with the resident and I agree with the resident's note. My clinical summary is documented.

Chart No: 514586

University Specialty Clinics - Ophthalmology

DR. JF

Patient: James Clark

Age: 33yo

Allergies: None

Date: 04/2/12

CC: S/P MVA

Asthma Y N

Meds

HPI: pt states eyes hurt in sun/light

History Reviewed: Y N New

EYE: φ

VA cc 20/200 PH 20/12

W + X Add + N/ψ

MR + X 20/

CMR + X 20/

Mood Appropriate Y N

Other Meds:

Ext/Adnexa Exam:

Nml: Y N

Nml: Y N

L/L/A

C/S

K

A/C

Iris

Lens

Small nodules/beliefs



some flashes & floaters

Pupils 5-4

3-2

CVF: φ

EOM:

*

*

Hurtels 15/17

DFE:

Tech Sig: UP

time: 107

am / pm

gts:

Lab & Special Studies Results:

K's <

PAM < 20/

Color <

Pachy <

μm

Gonio:

X

X

A/P

- S/P Orb Ex Repair OD
- Trachoma OD
- Keratopathy OD
- Cat OD

Others:

Rx:

Pt. wishes to undergo recommended Procedure: Y N

Risks/Benefits/Options of Procedure explained: Y N

Dictation: Y N

Resident:

Studies:

Return: 4 D W M Y PRN

I have reviewed the patient's history and I examined the patient. I discussed the patient with the resident and I agree with the resident's note. My clinical summary is documented. 413

Signed:

Attending Physician

SOUTH CAROLINA EYE FOUNDATION
PO BOX 75
4 MEDICAL PARK STE 100
COLUMBIA, SC 29202-0075
803 434 6836

[CQFMAIN] Inquiry
Date 09/27/2005
Time 1:31p
User TINAS
Page 1

Patient #: 514586 JAMES CLARK JR

Birthdate: 12/12/1971 Age: 33 Sex: M SSN: 251-45-4421
Dr: 27 FRANKEL MD JOSHUA
RDr:
Date Registered: 02/04/2005

Bill To #: 514586 JAMES CLARK

PO BOX 3011

H/Ph #: 803 285 2620
W/Ph #: 000 0000

LANCASTER, SC 29721

Patient Type: 3 MEDICAID Bill Cycle #: 1 Credit Status: 0

-----Last Transactions-----

		Billed Through Dates
Charge:	06/14/2005 1,620.00	
Personal:	04/22/2005 2.00	00/00/0000
Insurance:	06/28/2005 462.61	00/00/0000
		00/00/0000
		00/00/0000

Location: 2 PALMETTO HEALTH
Diagnosis: 802.6 ORBITAL FLOOR (

-----Current Coverages-----

Cov	Insurance Company	Insurance Plan	Subscriber
1	8 MEDICAID	1 STANDARD MCAID	JAMES CLARK
	2780397510		

-----Balances-----

Total Bal:	194.00	0 - 30:	.00	Budget Due:	.00
- Pending:	194.00	31 - 60:	.00	Non-bud Due:	194.00
= Pat Bal:	.00	61 - 90:	.00	Total Due:	.00
		91 - 120:	.00	Bud Balance:	.00
		121 - 150:	194.00	Bud Payment:	.00
		151+ :	.00		

Debit mode details

Posting Date: 05/18/2005 Batch: 0003 Patient: 514586 JAMES CLARK JR
Debit #: 10599 U RDr: 11BOYD MD SCOTT B
Dr: 27 J FRANKEL MD Loc: 1 SC EYE FOUNDATI Total Amount: 86.00
Original Pending Amount: 86.00

-----Line Detail-----

03/22/2005-03/22/2005	99202	OFFICE/OUTPATIE	376.52	ENOPHTHALMOS
PRT: YYY	Unit Chg: 86.00	Units: 1	Line Chg: 86.00	
03/22/2005-03/22/2005	ADX	ADDITIONAL DX	374.30	UNSPECIFIED
PRT: NNN	Unit Chg: .00	Units: 1	Line Chg: 419.00	

SOUTH CAROLINA EYE FOUNDATION
PO BOX 75
4 MEDICAL PARK STE 100
COLUMBIA, SC 29202-0075
803 434 6836

[CQFMAIN] Inquiry
Date 09/27/2005
Time 1:31p
User TINAS
Page 2

03/22/2005-03/22/2005 ADX ADDITIONAL DX E929.0 LATE EFFECTS
PRT: NNN Unit Chg: .00 Units: 1 Line Chg: .00

-----Claim Information-----
Claim #: 105991 Ins Co: 8 MEDICAID
Filed: 05/19/2005 Plan: 1 STANDARD MCAID
Prior Auth: BA:Y PB: N Status: Pending

-----Receipts-----

-----Payment & Balance Summary-----
1 8 MEDICAID Paid .00 Write-off .00 Status Pending
Ins Totals Personal Paid: .00 *Total Bal* 86.00
Paid: .00 Other Paid .00 Pending: 86.00
Write-off: .00 Pat Paid On Form: .00 Pat Bal: .00

Posting Date: 05/18/2005 Batch: 0003 Patient: 514586 JAMES CLARK JR
Debit #: 12381 U RDr: 2FRANKEL MD JOSHUA
Dr: 27 J FRANKEL MD Loc: 1 SC EYE FOUNDATI Total Amount: 110.00
Original Pending Amount: 110.00

-----Line Detail-----
03/29/2005-03/29/2005 99214 OFFICE/OUTPATIE 802.6 ORBITAL FLOC
PRT: YYY Unit Chg: 110.00 Units: 1 Line Chg: 110.00
03/29/2005-03/29/2005 ADX ADDITIONAL DX 376.52 ENOPHTHALMOS
PRT: NNN Unit Chg: .00 Units: 1 Line Chg: .00

-----Claim Information-----
Claim #: 123811 Ins Co: 8 MEDICAID
Filed: 05/19/2005 Plan: 1 STANDARD MCAID
Prior Auth: BA:Y PB: N Status: Pending

-----Receipts-----

Posting Date: 04/22/2005 Allocation Date: 05/18/2005 Batch #: 3
Type: 1000001 COPAY CASH PAYMENT T Receipt #: 12137 U Claim #:
Total Receipt: 2.00 Applied: 2.00-

-----Payment & Balance Summary-----

1 8 MEDICAID Paid .00 Write-off .00 Status Pending
Ins Totals Personal Paid: 2.00 *Total Bal* 108.00
Paid: .00 Other Paid .00 Pending: 108.00
Write-off: .00 Pat Paid On Form: .00 Pat Bal: .00

115

R 410

SOUTH CAROLINA EYE FOUNDATION
PO BOX 75
4 MEDICAL PARK STE 100
COLUMBIA, SC 29202-0075
803 434 6836

[CQFMAIN] Inquiry
Date 09/27/2005
Time 1:31p
User TINAS
Page 3

Posting Date: 06/14/2005 Batch: 0003 Patient: 514586 JAMES CLARK JR
Debit #: 14114 U RDr: 2FRANKEL MD JOSHUA
Dr: 27 J FRANKEL MD Loc: 1 SC EYE FOUNDATI Total Amount: .00
Original Pending Amount: .00

-----Line Detail-----
04/21/2005-04/21/2005 99024 POSTOP FOLLOWUP V67.09 FOLLOWING OT
PRT: YYY Unit Chg: .00 Units: 1 Line Chg: .00

-----Receipts-----

-----Payment & Balance Summary-----
Paid Write-off Status
Ins Totals Personal Paid: .00 *Total Bal* .00
Paid: .00 Other Paid .00 Pending: .00
Write-off: .00 Pat Paid On Form: .00 Pat Bal: .00

Posting Date: 06/14/2005 Batch: 0003 Patient: 514586 JAMES CLARK JR
Debit #: 17267 U RDr: 2FRANKEL MD JOSHUA
Dr: 27 J FRANKEL MD Loc: 2 PALMETTO HEALTH Total Amount: 1,620.00
Original Pending Amount: 1,620.00

-----Line Detail-----
04/12/2005-04/12/2005 21407-1 OPEN TRMT OF FR 802.6 ORBITAL FLOC
PRT: YYY Unit Chg: 1,620.00 Units: 1 Line Chg: 1,620.00

-----Claim Information-----
Claim #: 172671 Ins Co: 8 MEDICAID
Filed: 06/16/2005 Plan: 1 STANDARD MCAID
Prior Auth: BA:Y PB: N Status: Paid

-----Receipts-----
Posting Date: 06/28/2005 Allocation Date: 06/28/2005 Batch #: 2
Type: 2000008 PMT MEDICAID Receipt #: 18171 U Claim #: 172671
Total Receipt: 462.61 Applied: 462.61-
Posting Date: 06/28/2005 Allocation Date: 06/28/2005 Batch #: 2
Type: 4000008 W/O MEDICAID Receipt #: 18172 U Claim #: 172671
Total Receipt: 1,157.39 Applied: 1,157.39-

-----Payment & Balance Summary-----

416

SOUTH CAROLINA EYE FOUNDATION
PO BOX 75
4 MEDICAL PARK STE 100
COLUMBIA, SC 29202-0075
803 434 6836

[CQFMAIN] Inquiry
Date 09/27/2005
Time 1:31p
User TINAS
Page 4

		Paid	Write-off	Status	
1	8 MEDICAID	462.61	1,157.39	Paid	
Ins Totals					
	Personal Paid:	.00	*Total Bal*	.00	
Paid:	462.61	Other Paid	.00	Pending:	.00
Write-off:	1,157.39	Pat Paid On Form:	.00	Pat Bal:	.00

Story Eye

Account no. 10377 Birthdate 12-12-71 Patient's name James Clark GR Date 11-14-05

Hx B.M. Age 33 X OD Burns when I'm in sun X 2 men
cln car accident 11/04 - being on OD 4/05

Present RX OD				OS	Style	Add	Tri
CTL	Base Curve	/	Dia	/	Pwr	/	
Va	sc	cc	Best cc	Manifest	Cycloplegic	K's	
OD	20/20	5	20/100	-1.25-100 X 180	30BD		
OS	20/20	2	20/20	+0.50-0.75 X 85			
OU							
Near	51+						

Visual Fields: CVF 118

Adnexa and Eyelids: Ptosis Vertical diplopia & red cover
emopthalma OD Scars LUL
 Ocular Motility: free poor lid closure

Pupils: Equal Size 4/2 Shape round Reactive 1 MG OD

Conjunctiva: injected, watery

Tear Film: 11

Cornea: Scars central & retinal FB material DFB stain

AC: Deep - trace R & OD, Quiet OS

Iris: NI sphincter tears OD

Lens: PSC OD clan OS

TA OD 17 OS 23 Time 43r

Vitreous

Disc: pink 6 cup OD pink 5 cup OS vi. Mod AS OD vi. Mod OS

Macula: find RPE atrophy between disc & mac OD
nd OS

Periph Retina: old vitreous blood in OD
AS OS cycloid degeneration, lattice in

- Imp: 1. S/P Orbital fx Repair
2. Poor lid closure
(Burning sensation)

- Plan: 1. Reas
2. long ghs

Case No. 10377

Patient's Name

James Clark, Jr.

Date			Subsequent Visits and Findings
Mo.	Day	Yr.	
5	15	04	6 mos ✓ OD SP orbital Ex repair - Poor lid closure C/O OD burns in the sun - Some sun Hott Not using UNG or tears - 'ran out of ung' ✓ OD 20/200 C.NI - 1.50-1.00 X 180 OS 20/25- in v. a. n. s. C. SCAMM: retained Fib. inf PEIL TA 17 4/4 I peaked my hand sphincter AC Deep Stage 2x CA Mild AS d+PSC OD Disc prol. (cup V. 2.2) Old, manip. (P. 4/4) old vitreous blood in retinal attached pig clumping in retinal near equator raised pig clumping sup. (to dex) A: 1. Cataract worse P. disc. 2. Poor blinking OD 2. disc. 2. long tears & ung Septane
11	13	06	X- Sometimes he hurting - Aches like Cold hitting them. ✓ 20/200 CNI - 1.25 - 1.00 X 180 ✓ 20/20 - 1.50 - 0.75 X 85 P. m. 600 1/4 P. m. 600 1/4 XT CNI 4/4 C. quiet lids re. tears re. C. (5.) epith. EB or cor. OD ALC. D. 1/4 I S/P trauma OD 3+PSC OD cl. as TA 11/2/16 2 3:17 p.m.
			OD Disc prol. 5 cup V. re. manip. sup. retinal membrane PR pig clumping OS Disc prol. 5 cup V. re. manip. sup. retinal membrane A: Cataract OD - traumatic P. disc. using ung 9/15/05

R 414

Case No. 10377.

Patient's Name

James Clark, Jr.

Date			Subsequent Visits and Findings
Mo.	Day	Yr.	
10	23	07	Pt. called & can't exam due to illness & resch. 40 11/2/08
1	2	08	BA for exam which was cancelled by pt (dw card mailed to him)
3	3	08	X Fk Cat OD traumatic & Problem 5/20/200 CNL -1.75-1.00 X 180 20/25 20/20 +0.50 0.75 X 85 J1+(-2) P ⊕ MG OD. Ext faint Eom RXT CNFR Cong. faint Subconj. side re Jealousy C. Occasional OD debris A/C D + P I reas Pent 12+ PSC OD extropia TA 19/16 ⊕ Prg cells in vitreous OD R. Pink 0.6 cup OD V: Mild AS M: healthy M. Mild pig clumpy sup & disc OS R. Pink 0.5 cup OS V: Mild AS M: healthy Pig scar rhy Jealousy OS AT Traumatic Cataract OD Debris imbedded in Cornea P: Discussed Cataract options/benefits risks discussed Discussed uncertainty of visual outcome 2° trauma - Discussed & pt elects Cat 0/1A OD 2P 4 14 08 WU for cat/1A OD K 4450/4450 BP 130/90 P 60/90 K 43/44 4350 24mm P/F 4 15 08 Plant 16.00 Bt L OD 4 15 08 Bausch & Lomb Model: LI61A0V Power: +16.00 Length (ØT): 13.00mm Optic (ØB): 6.00mm SN: 4800724036 PC Exp. Date: 2012-12 DCE = 0.67 420

Case No. 10377 Patient's Name James Clark Jr.

Date			Subsequent Visits and Findings
Mo.	Day	Yr.	
4	16	08	1 day PO OD doing fine 5/26/70-1 C. tunnel edema ^{at rearing} AC/C + acc 2+flam 2 ne PC IOL stable TA 16 @ 2:10 AI PO OD P. PO Instn Zymox PF gel Acute 15 bid Tel out Rn 2 days of
4	21	08	BA for 5 Day RC, card mailed (dt)
4	27	08	2 wk Posty Catted OD 5/OD 20/80 PH 20/70- Urg 9/13 23 X 9d "3 different knots"
			C. old scars + sub epith delm AC Deep 1-2+flam TA 15 @ 2:30 AI Stable Posty OD P. Cont 9/13 B OD PF TID Rn 2 wk life
5	22	08	BA 2wk RC, card sent OP
8	27	09	BA with exam, lady compl. Card sent to-day. OP
9	30	09	X followup TOL OD I see it Failed followup S/P Catted OD X 3/OD 20/50-20/40 +0.75-1.00 X 15 AI OS 20/25-20/30 +0.50-0.50 X 90 51+ OMG OD Com w/ S/P order to (dt) Rn 1:11 I ECA

421

***** INSTANT BILL *****

ACCT: 10377 DATE: 05/05/08

JOHN W. STORY, M.D.
209 SOUTH WYLIE STREET
LANCASTER, SC 29720-2353

LAST PAYMENT

04/30/08 \$54.54 \$625.34

OFFICE PH: (803) 285-7400 HOME PH: 803-285-1073 BUSINESS FH: 803-285-1073

EXT: KIM

PAT NAME APPOINTMENT

JC JAMES CLARK, JR. 05/22/08 2:02PM

MR. JAMES CLARK, JR.
P.O. BOX 3011
LANCASTER, SC 29721

DIAGNOSIS

1-379.99 OTHER ILL-DEFINED DISORDER
2-921.9
3-366.14 CATARACT, POSTERIOR SUBCAP

NUM DOCTOR	SSN#	TAX ID	MEDICAID	PROVIDER
1 JOHN W. STORY, M.D.	251-98-0791	431999858	010512	431999858

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
11/14/05	1	JC	123	99204		E/M SERVICES; NEW	130.00		130.00
11/14/05	1	JC	123	92015		REFRACTION	20.00		150.00
** INS. FILED: 11/22/05									
12/06/05	1	JC		6		MEDICAID PAYMENT		120.90	29.10
** APPLIES TO CHARGES ON: 11/14/05 CHK#: 00000									
12/06/05-	1	JC		6C		S.C. HEALTHY CONNE		29.10	0.00
11/14/05									
05/15/06	1	JC	3	92014		COMPREHENSIVE, EST	95.00		95.00
** INS. FILED: 05/16/06									
05/15/06	1	JC	3	92015		REFRACTION	12.00		107.00
** INS. FILED: 05/16/06 REFILED: 05/30/06									
ERROR REJECTION 713 SAYING THEY DO NOT RECOGNIZE THE MOD. AND THERE WAS NOT A MODIFIER ON IT RESUBMIT CLM MS									
05/30/06	1	JC		6		MEDICAID PAYMENT		70.10	36.90
** APPLIES TO CHARGES ON: 05/15/06 CHK#: 4744278									
05/30/06-	1	JC		6C		S.C. HEALTHY CONNE		24.90	12.00
05/15/06									
06/12/06-	1	JC		6C		S.C. HEALTHY CONNE		12.00	0.00
05/15/06									

CONTINUED ON NEXT FORM

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***** INSTANT BILL *****

ACCT: 10377 DATE: 05/05/08

JOHN W. STORY, M.D.
209 SOUTH WYLIE STREET
LANCASTER, SC 29720-2353

LAST PAYMENT	YTD PAY
-----	-----
04/30/08 \$54.54	\$625.34

OFFICE PH: (803) 285-7400 HOME PH: 803-285-1073 BUSINESS PH: 803-285-1073

EXT: KIM

MR. JAMES CLARK, JR.
P.O. BOX 3011
LANCASTER, SC 29721

PAT NAME	APPOINTMENT
-----	-----
JC JAMES CLARK, JR.	05/22/06 2:00PM

DIAGNOSIS

1-366.14 CATARACT, POSTERIOR SUBCAP
2-379.91 EYE PAIN
3-366.20 CATARACT, TRAUMATIC

NUM DOCTOR	SSN#	TAX ID	MEDICAID	PROVIDER
-----	-----	-----	-----	-----
1 JOHN W. STORY, M.D.	251-98-0791	431999858	010512	431999858

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
-----	---	---	---	---	---	-----	-----	-----	-----
11/13/06	1	JC	12	92014		COMPREHENSIVE, EST	95.00		95.00
11/13/06	1	JC	12	92015		REFRACTION	25.00		120.00
** INS. FILED: 11/14/06									
11/13/06	1	JC		1		CASH PAYMENT		2.00	118.00
** APPLIES TO CHARGES ON: 11/13/06									
12/11/06	1	JC		6		MEDICAID PAYMENT		99.38	18.62
** APPLIES TO CHARGES ON: 11/13/06 CHK#: 0									
12/11/06-	1	JC		6C		S.C. HEALTHY CONNE		18.62	0.00
11/13/06									
03/03/08	1	JC	13	92014		*COMPREHENSIVE, ES	100.00		100.00
03/03/08	1	JC	13	92015		*REFRACTION	25.00		125.00
** INS. FILED: 03/04/08 SECONDARY: 03/25/08									
03/03/08	1	JC		1		*CASH PAYMENT		2.00	123.00
** APPLIES TO CHARGES ON: 03/03/08									
03/20/08	1	JC		4		*MEDICARE PAYMEN		76.54	46.46
** APPLIES TO CHARGES ON: 03/03/08 CHK#: 140250037									
03/20/08-	1	JC		4C		*MEDICARE WRITE-OF		4.32	42.14
03/03/08									
04/07/08	1	JC		6		*MEDICAID PAYMEN		19.60	22.54
** APPLIES TO CHARGES ON: 03/03/08 CHK#: 5161117									
04/07/08-	1	JC		6C		*S.C. HEALTHY CONN		22.54	0.00
03/03/08									
04/14/08	1	JC	3	76519		*A-SCAN/IOL CALCUL	250.00		250.00

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CONTINUED ON NEXT FORM

R 419

- Patient's Charges histor

***** INSTANT BILL *****

ACCT: 10377 DATE: 05/05/08

JOHN W. STORY, M.D.
209 SOUTH WYLIE STREET
LANCASTER, SC 29720-2353

LAST PAYMENT	YTD PAY
04/30/08 \$54.54	\$625.34

OFFICE PH: (803) 285-7400 HOME PH: 803-285-1073 BUSINESS PH: 803-285-1073
EXT: KIM

PAT NAME	APPOINTMENT
MR. JAMES CLARK, JR. P.O. BOX 3011 LANCASTER, SC 29721	JC JAMES CLARK, JR. 05/22/08 2:00PM

DIAGNOSIS

1-365.20 CATARACT, TRAUMATIC
2-V43.1 PSEUDOPHAKIA

NUM DOCTOR	SSN#	TAX ID	MEDICAID	PROVIDER
1 JOHN W. STORY, M.D.	251-98-0791	431999858	010512	431999858

DATE	DR	FAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
04/15/08	1	JC	1	66984	RT	*ECCE WITH IOL, RI	2200.00		2450.00
** INS. FILED: 04/15/08 SECONDARY: 05/02/08									
04/16/08	1	JC	2	99024		*POSTOP VISIT	0.00		2450.00
04/28/08	1	JC	2	99024		*POSTOP VISIT	0.00		2450.00
04/30/08	1	JC		4		*MEDICARE PAYMEN		472.66	1977.34
** APPLIES TO CHARGES ON: 04/15/08 CHK#: 040278599									
04/30/08-	1	JC		4C		*MEDICARE WRITE-OF		1609.17	368.17
04/15/08									
04/30/08	1	JC		4		*MEDICARE PAYMEN		54.54	313.63
** APPLIES TO CHARGES ON: 04/14/08 CHK#: 040278599									
04/30/08-	1	JC		4C		*MEDICARE WRITE-OF		181.83	131.80
04/14/08									

MESSAGES

TOTAL: \$131.80

425

THANK YOU FOR ALLOWING US TO PROVIDE YOUR EYE CARE.

R 420

PITTS RADIOLOGICAL ASSOC., P.A.
P. O. BOX 2427
COLUMBIA SC 29202-2427

Patient
Ss# 251-45-4421 Sx M DoB 12-12-1971
CLARK JAMES
613 HAMPTON ROAD
LANCASTER, SC 29721

Billing Tel# 803-772-0198
Federal Id# 57-0553185
03:15:49 19 Jan 2008

Insurance
Ins 1300 Eff (Primary)
Car 3-SC MEDICAID
PO BOX 1412
COLUMBIA SC 29202-1.12

Acct# 3601801514
JAMES CLARK
613 HAMPTON ROAD
LANCASTER, SC 29721

Pol 2780397510 Grp
Sub CLARK, JR JAMES Rel 1
Emp

Ins Eff (Secondary)
Car

--
Tel 8032852620
Mr# 12373576 Crp 1 Loc 31 Dr 77
Refdr 40954-PETIT SCOTT J
Cond I Dt
Ptype 20 Adm Dis
Attr

Pol Grp Rel
Sub
Emp

Pc 13 Bs 1 Dq -16 Ba.. 0.00

Rf#	Date	Code	Description	Diag	P S	Amount	Le	Dr	Batch
1	01-18-06	71260	CT THORAX W/CONTRAST	902.0	+	196.00	31	77	MM0131
			Mod: Q6						
1	02-09-06	0730	MCAID/MCAID HMO PYMT			49.47	31	77	ep6261
1	02-09-06	0830	MCAID/MCAID HMO ADJ			146.53	31	77	ew6261
1	02-09-06	0430	MCAID/MCAID HMO ALLOWED				31	77	am6261
			Amt 49.47						
	02-01-06	0055	MEDICAID SUBMITTED				31	77	Chg
			C16515713						

0.00

PITTS RADIOLOGICAL ASSOC., P.A.
P. O. BOX 2427
COLUMBIA SC 29202-2427

Patient
Ss# 251-45-4421 DoB 12-12-1971
CLARK, JR JAMES
613 HAMPTON ROAD
LANCASTER, SC 29721

Billing Tel# 803-772-0198
Federal Id# 57-0553185
07:28:41 06 May 2008

Insurance
Ins 1300 Eff: (Primary)
Car 3-SC MEDICAID
Pol 278039750 Grp
Sub
Emp Rel 1

Acct# 3624201301
JAMES CLARK
613 HAMPTON ROAD
LANCASTER, SC 29721

Ins Eff: (Secondary)
Car
Pol Grp
Sub
Emp Rel

--
Tel 8032859196

Mr# 12373576

Loc 31-RH Dr 26

Refdr 40954-PETIT SCOTT J

Ptype 20 Adm

Dis

Pc 13 Bs 1 Dq -11 Bal 0.00

Ref#	Date	Code	Cpt	Description	Diag	P S	Amount	Lc	Dr
1	08-30-06	71260	71260	CT THORAX W/CONTRAST	441.2	+	196.00	31	26
1	09-21-06	0730		MCAID/MCAID HMO PYMT			49.47	31	26
1	09-21-06	0830		MCAID/MCAID HMO ADJ			146.53	31	26
1	09-21-06	0430		MCAID/MCAID HMO ALLOWED				31	26
	09-12-06	0055		Medicaid Submitted					
				C21665473	Pri-E	+		31	26

Transactions to be Posted

0.00

0.00

427

R 422

PITTS RADIOLOGICAL ASSOC., P.A.
P. O. BOX 2427
COLUMBIA SC 29202-2427

Patient
Ss# 251-45-4121 DoB 12-12-1970
CLARK JAMES
PO BOX 3011
LANCASTER, SC 29721

Billing Tel# 803-772-0198
Federal Id# 57-0553185
07:28:49 06 May 2008

Insurance
Ins 1200 Eff: (Primary)
Car 2-MEDICARE
Pol 25145442A Grp
Sub
Emp RETIRED Rel 1

Acct# 3724801344
JAMES CLARK
PO BOX 3011
LANCASTER, SC 29721

Ins 1300 Eff: (Secondary)
Car 3-SC MEDICAID
Pol 2780397510 Grp
Sub
Emp Rel 1

Tel 8032838784

Mr# 12373576

Loc 31-RH Dr 31

Refdr 40954-PETIT SCOTT J

Ptype 20 Adm

Dis

Pc 12 Bs 1 Dq -1 Bal 0.00

Ref#	Date	Code	Cpt	Description	Diag	P S	Amount	Lc	Dr
1	09-05-07	71260	71260	CT THORAX W/CONTRAST	4:1.2	+	196.00	31	31
1	10-01-07	0720		MCARE/MCARE HMO PYMT			45.38-	31	31
1	10-01-07	0820		MCARE/MCARE HMO ADJ			139.27-	31	31
1	10-01-07	0420		MCARE/MCARE HMO ALLOWED				31	31
1	10-01-07	0302		Amt 56.73					
1	03-12-08	0730		MCARE/MCARE HMO CO-INS				31	31
1	03-12-08	0830		Amt 11.35					
1	03-12-08	0430		MCAID/MCAID HMO PYMT			6.99-	31	31
1	03-12-08	0430		MCAID/MCAID HMO ADJ			4.36-	31	31
	09-18-07	0052		MCAID/MCAID HMO ALLOWED				31	31
	10-05-07	0030		Amt 6.99					
	11-06-07	0030		SUBMITTED TO MEDICARE	Pr.-E	+		31	31
	12-06-07	0035		C29984323					
	03-08-08	0055		STATEMENT MAILED				31	31
				STATEMENT MAILED				31	31
				FINAL NOTICE				31	31
				MEDICAID SUBMITTED	Sec.-E	+		31	31
				C33457353 Ref# 1					
							0.00		
03-11-08	0830			Transactions to be Posted					
				MCAID/MCAID HMO ADJ			11.35-	31	31
							11.35-		

09/23/2010

09:20 AM

Page: 3

RESPONSIBLE PARTY	ACCOUNT #	BILL DATE
JAMES CLARK	80594-PITT	

PITT'S RADIOLOGY
PO BOX 7457
COLUMBIA, SC 29202-7457

JAMES CLARK
PO BOX 3011
LANCASTER, SC 29721

DOS	Patient	Physician	Phys Tax ID	Charge Description	ICD9	Amt	Patient Pmt	Adj	Bal
11-05-2008	CLARK, JAMES	26-SAVOCA, WILLIAM		71555 - MRI ANGIO CHEST W OR W/O DYE	441.2	295.00	0.00	295.00	0.00
11-25-2009	CLARK, JAMES	26-SAVOCA, WILLIAM		71550 - MRI CHEST W/O DYE	441.2	235.00	0.00	235.00	0.00

Account Balance \$0.00

Collection information
Receivable Solutions
1-803-790-0446

Account Number: 80594-PITT

FOR BILLING QUESTIONS PLEASE CALL (866) 481-7572

1 of 1

ALOPE

429

R 424

CAROLINA PULMONARY & CRITICAL CARE PHYSICIANS, P.A.

822 W. Meeting Street, P.O. Box 1036, Lancaster, SC 29721

Tel: 803 286 8433

Fax: 803 286 8431

I.F. AFULUKWE, MD, FCCP.

R. SURESH, MD, FCCP.

January 31, 2006

Re: James Clark

DOB: 12-12-1971

Subjective: He was referred by Dr. Sharma for pulmonary evaluation regarding problems with breathing. He has done well since then, but recently he has noticed having some difficulty breathing with activity. He denies cough, denies chest pain and denies having problems with sleep. He does not smoke and he does not drink alcohol. This problem has persisted and he was sent for evaluation. His medical history is positive for high blood pressure which started when he was involved in a motor vehicle accident in November 2004. He is on some blood pressure medication but he cannot recall the name.

Objective: Young man who is not in apparent distress. He weighed 201 lbs and his BP was 120/74 mmHg. His room air oxygen at rest was 98% with resting pulse of 75 bpm.

ENT: normal oropharyngeal passage. Scar of tracheostomy in the mid anterior neck. He tells me that he had tracheostomy and was on life support as part of his trauma management.

Chest: clear breath sounds

Cardiac: regular S1 and S2.

Abdomen: full, soft and non tender

Extremities: no edema, clubbing or cyanosis.

Assessment: I strongly suspect that this patient's shortness of breath may be related to tracheomalacia or tracheal stenosis due to previous tracheostomy. There is nothing else in his history or physical that would provide an alternative explanation.

Plan:

1. He will have PFTs with flow volume loop to assess for fixed or variable extrathoracic airflow limitation which will support the diagnosis of tracheal obstruction.
2. He will also have exercise oximetry to see if he desaturates with exercise.
3. He may need bronchoscopy to inspect his airways based on the test results of #1 and #2.

Thank you very much for asking me to assist with the care of Mr. Clark. I greatly appreciate the kind referral. I will keep you informed on our findings.

I. F. Afulukwe, MD.



Copy: Deovyaas Sharma, MD. Lancaster Internal Medicine.

PHYSICAL EXAMINATION				Formedic	
GENERAL APPEARANCE		T	WT	201	
VITAL SIGNS		B.P. (SITTING) (R)	(L)	109/74	B.P. (SUPINE) (R) (L) PULSE (RATE) RHYTHM
RESP. RATE		BREATHING -			
1) ENT ☐		☒ ABN / POS Consult from Dr. D. Sharma for breathing			
2) EYES ☐ PERLA ☐ ARCUS ☐		Nov 2004 - BP smoke & etc			
FUNDI ☐ XANTH ☐		SAB = actually sleep well			
3) THYROID ☐		- beer none			
4) CAROTIDS ☐ JVP ☐		BP 125/74 MVA Nov 2004			
5) HEART ☐ APEX ☐		O2 98%			
H. SOUNDS		Chest clear			
THRILLS / RUBS		Neck scan 2			
6) CHEST / LUNGS ☐ PERCUS ☐		Tenderness			
WHEEZE ☐ RALES ☐					
RHONCHI ☐ PL. RUB ☐					
8) ABDOMEN ☐ BRUITS ☐					
LIVER ☐ SPLEEN ☐					
9) HERNIA ☐					
10) RECTAL ☐					
11) EXTREMITIES ☐ EDEMA ☐					
CLOBBING ☐ CYANOS ☐					
12) PULSES ☐ BRACHIAL ☐					
RADIAL ☐ FEM ☐					
DP ☐ PT ☐					
13) GENITALIA ☐					
14) M. SKELETAL ☐					
15) NEUROLOGICAL ☐					
16) SKIN ☐					
INVESTIG.					
C.X-RAY ☐		P.P.D. ☐			
SPIROMETRY ☐		ALT ☐ AST ☐			
ASSESSMENT		PLANS			
Vocable to handle		FVA			
Stem		SADW/Ex O2			
		1/3 to 6			
		f/h 4 weeks			
		NEXT APPOINTMENT			
		May Wed 10:00			



In COPD Maintenance Therapy... May Wed 10:00

ATROVENT IS THE CORNERSTONE

(ipratropium bromide) INHALATION AEROSOL

Visit the website at www.thebreathingspace.com for free patient information.

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LITHO IN CANADA

431

GENERAL APPEARANCE		VITAL SIGNS		PHYSICAL EXAMINATION		Formedic	
T		WT 362		B.P. (SITTING) (R) 136/6		PULSE (RATE) 72 RHYTHM	
RESPIRATORY RATE		BREATHING		B.P. (SUPINE) (R)		PULSE (RATE)	
1) ENT ☐ 2) EYES ☐ PERLA ☐ ARCUS ☐ FUNDI ☐ XANTH ☐ 3) THYROID ☐ 4) CAROTIDS ☐ JVP 5) HEART ☐ APEX H. SOUNDS THRILLS / RUBS 6) CHEST / LUNGS ☐ PERCUS. WHEEZE ☐ RALES ☐ RHONCHI ☐ PL. RUB ☐ 7) ABDOMEN ☐ BRUITS ☐ LIVER ☐ SPLEEN ☐ 8) HERNIA ☐ 9) RECTAL ☐ 10) EXTREMITIES ☐ EDEMA ☐ CLUBBING ☐ CYANOS. ☐ 11) PULSES ☐ BRACHIAL ☒ ☐ RADIAL ☒ ☐ FEM ☒ ☐ DP ☒ ☐ PT ☒ ☐ 12) GENITALIA ☐ 13) M. SKELETAL ☐ 14) NEUROLOGICAL ☐ 15) SKIN ☐		☒ ABN / POS (back up) SOB more & then several & choke sleep he snuffles w/ v Bfr Chest Vesical clear - Neck 2 stn (278)					
INVESTIG.		ASSESSMENT w/ chs, spm / pfc & c					
		PLANS Incl 2/28/06 P/A					
		NEXT APPOINTMENT 2/28/06 P/A					

In COPD Maintenance Therapy...

ATROVENT IS THE CORNERSTONE

(ipratropium bromide) INHALATION AEROSOL

Visit the website at www.thebreathingspace.com for free patient information.

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JTHO IN CANADA

432

200320

CAROLINA PULMONARY & CRITICAL CARE PHYSICIANS

CARDIO-PULMONARY REHABILITATION REPORT

Quinton Session Report

Name: JAMES CLARK ID: 251454421 Date: 2/22/06
 Age: 34 DOB: 12/12/1971 Session: _____
 Physician: Albukawa Diagnosis: _____
 Medications: _____

Goal: _____

Resting Data:

Weight: 204 Height: 68 BP: 118/74 HR: 78 O2 Sat: 96%

Exercise Data:

Activity	Time	Workload	Max HR	METS	RPE	BP	O2 Sat
Rest:	11:47	0	87				98%
6min walk:	1:05	1.0	100				94%
Cool Down:	1:05	0	76			102/78	95%

Comments:

He walked on treadmill for 6 mins at a distance of 220 feet in difficulty.
 COP 685B. 1:45 - 95% HR 103. 2:15 - 95% HR 106. 2:45 - 92% HR 108.
 3:15 - 91% HR 106. 3:45 - 93% HR 105. 4:15 - 93% HR 99. 4:45 - 91% HR 103.
 5:15 - 94% HR 107. 5:45 - 95% HR 104.

Signature: _____

Licia Gribble RPT

good exercise
test

(PA)
2/22/06

Carolina Pulmonary & Critical Care Physicians, LLC
 Dr. Afulukwe & Dr. Suresh
 Lancaster, SC

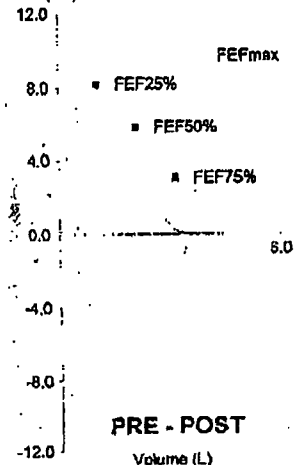
Name: CLARK, JAMES	Hazard:	Age: 34	Smoke Time:
Birth Date: 12/12/1971	Weight: 92.7 kg, 203.9 lbs	Smoke What:	
Technician: P.GRIBBLE, RRT	Height: 172.7 cm, 68.0 in	Smoke Per Day:	
Occupation:	Race: Black or African American	Pack years:	
Physician: AFULUKWE		Quit Time:	
Diagnosis:		Patient ID: 251451421	

Study Date and Time: 2/22/2006 04:32 PM

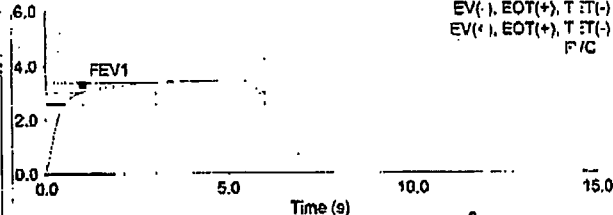
Spirometry

	Units	Predicted	Pre Drug Results	Pre Drug % Predicted	Post Drug Results	Post Drug % Predicted	% Change
FVC	L, btps	4.23	3.50	83	3.51	83	0
FEV1	L, btps	3.32	3.05	92	3.08	93	1
FEV1/FVC	%	78.43	87.14	111	87.80	112	1
FEFmax	L/s	9.20	7.46	81	6.70	73	-10
FEF50%	L/s	5.80	5.89	103	6.14	106	2
FEF25-75%	L/s	4.18	4.66	112	4.89	112	0
FVC	L, btps		2.76		3.07		11
FIFmax	L/s		3.76		3.76		0
FIF50%	L/s		3.75		3.71		-1
FEF50/FIF50	%		159.88		165.33		4
TET	s		5.84		5.36		-5
MVV	L/min, btps	140.26					
Duration	s						

Flow Volume Loop
Flow (L/s)



Volume Time
Volume (L)



PRE - POST

EV(-), EOT(+), T ET(-)
EV(+), EOT(+), T ET(-)
F/C

Tech Notes

Normal Pre & Post Spirometry
 (1FA) 2/25/06

CAROLINA PULMONARY & CRITICAL CARE PHYSICIANS, P.A.

822 W. Meeting Street, P.O. Box 1036, Lancaster, SC 29721

Tel: 803 286 8433

Fax: 803 286 8431

I. F. AFULUKWE, MD, FCCP.

R. SUNDERR, MD, FCCP.

April 26, 2006

Re: James Clark

SS#: 251-45-4421

NARRATIVE MEDICAL REPORT FOR PERIOD 11-17-04 TO PRESENT

Subjective: He was referred by his primary care physician for pulmonary evaluation because of breathing difficulties. He was involved in a motor vehicle crash in 2004 and sustained substantial trauma. He was on a respirator and required tracheostomy. He had done well since then, but recently he has been having some shortness of breath. He was seen in the office and evaluated with pulmonary function tests and bronchoscopy.

His medical history is significant for the motor vehicle crash in 2004 and high blood pressure.

He takes some medication for blood pressure but he could not recall the name. He has no known drug allergies.

He does not smoke and he does not drink alcohol.

Objective: Young man who is well developed and well nourished. He was not in apparent distress during his visits. His oxygen saturations have been in the high 90s.

At his last visit, his blood pressure was 123/76 mmHg.

ENT: normal oropharyngeal passage

Neck: supple with healed tracheostomy scar

Chest: clear breath sounds

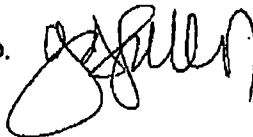
Cardiac: regular S1 and S2

Abdomen: full, soft and non tender with normal bowel sounds

Bronchoscopy: He was noted to have significant scarring of the vocal cords which is responsible for his upper airway obstruction with resulting difficulty breathing. He showed hypervascularity of his bronchial mucosa.

Assessment: Mr. Clark was involved in a motor vehicle crash in 2004 and has developed vocal cord scarification with upper airway obstruction and resulting dyspnea. He will need further evaluation with exercise testing and full PFTs to assess the intensity of functional impairment imposed by this condition.

I. F. Afulukwe, MD.



435

R 430

CAROLINA PULMONARY & CRITICAL CARE PHYSICIANS, LLC

IFEDIORA F. AFULUKWE, M.D., F.C.C.P.

822 West Meeting St. * Lancaster, SC 29720 * Tel: (803) 286-8433

Patient ID: 200320JC

Patient Name: JAMES CLARK, JR

Date of Birth: 12/12/1970

Date of Service: 02/01/2010

CHIEF COMPLAINT: Seen as a new patient. Pt is here to be evaluated for pain in his lower back and L leg he was involved in a MVA 6 years ago he have a steel rod in his L leg.

HISTORY OF PRESENT ILLNESS: He complains as noted above with LLE pain. He has a rod in the re sp MVA. This happened in Columbia, SC. He has had pain since then and had surgery across his L knee. He has pain in his back and LLE. He is depressed and feels bad due to this condition. He has nothing else new at this time that is bothering him. He looks familiar and I think I saw him in Lancaster many years ago.

PAST MEDICAL HISTORY: Hypertension, Depression

CURRENT ALLERGY LIST: NKDA

CURRENT MEDICATION LIST:

ZOLOFT ORAL TABLET 100 MG, 1 QD; NORVASC ORAL TABLET 10 MG, 1 QD
TRILEPTAL TABLET 300 MG, 1 B.I.D.; CATAPRES-TTS-2 PATCH WEEKLY 0.2 MG/14HR,

SOCIAL HISTORY:

MARITAL STATUS: Single.

OCCUPATION: Unemployed, disabled.

TOBACCO USE: Has no smoking history.

ALCOHOL: Occasionally

CAFFEINE: Consumes a minimal amount of caffeinated beverages daily.

PHYSICAL EXAM:

VITAL SIGNS:

VS-HEIGHT: 5ft 8in

VS-WEIGHT: 201lbs

VS-TEMPERATURE: 98°F Oral

VS-PULSE: 77 Right Radial, Regular

VS-BLOOD PRESSURE: 134/84 Left Arm Sitting

CONSTITUTIONAL:

GENERAL APPEARANCE: Well developed, well nourished. In no acute distress.

HEAD/FACE: Sinuses are not tender, red or swollen.

NECK AND THYROID: Symmetrical with no obvious masses. Trachea midline. No enlargement, tenderness, or mass of the thyroid noted.

RESPIRATORY: Normal respiratory effort. Normal to auscultation. Clear to percussion. Normal to palpation with no fremitus.

CARDIOVASCULAR:

PALPATION & AUSCULTATION: PMI not displaced. No thrills, lifts, or palpable M3 or S4.

CAROLINA PULMONARY & CRITICAL CARE PHYSICIANS, LLC

IFEDIORA F. AFULUKWE, M.D., F.C.C.P.

822 West Meeting St. * Lancaster, SC 29720 * Tel: (803) 286-8433

PatientID: 200320JC

Patient Name: JAMES CLARK, JR

Date of Birth: 12/12/1970

Date of Service: 02/01/2010

Regular rate and rhythm with no murmurs, gallops, rubs or abnormal heart sounds.

ARTERIAL PULSES: Normal carotid pulses with no bruits. No palpable enlargement or bruit of the abdominal aorta. Normal femoral pulses with no bruits or enlargements. Normal pedal pulses and capillary refill.

EDEMA/VARICOSITIES OF EXTREMITIES: No edema or varicosities of the extremities.

GASTROINTESTINAL:

ABDOMEN: No hernias. No masses.

LIVER/KIDNEY/SPLEEN: Liver is smooth, firm, and nontender. No hepatomegaly. hepatojugular reflex or pulsations noted. No splenomegaly or tenderness.

MUSCULOSKELETAL EXAM:

GAIT/STATION: Gait intact. Station, posture normal. Romberg negative.

DIGITS/NAILS: No clubbing, cyanosis, inflammation, hemorrhages, infection, ischemia or deformities noted.

EXTREMITIES:

LEFT LOWER: Patellar tenderness noted. He has scars of surgery from above to below the knee anteriorly.

NEUROLOGIC:

CRANIAL NERVES: CNs II-XII grossly intact.

DEEP TENDON REFLEXES: Deep tendon reflexes 2+/4+ and symmetrically. No Babinski or clonus.

ASSESSMENT/PLAN:

Chronic Back and LLE pain. He had MVA some years back sp surgery with rod in place. I hope it is not moving. I will get xrays. I will give him Relafen 500mg bid and Flexeril 10mg bid. This should hold him until he comes back. He was getting some medication that starts with H from the doctor in Columbia, SC that was treating him in the past.

RETURN VISIT: I will see him back in four to six weeks.

Electronically Signed by: Ifediora Afulukwe, MD on Monday, February 01, 2010

200320

09/30/10

METROLYNA HEALTHCARE LLC
PO BOX 45089
CHARLOTTE NC 28277

04/09/10 113.43 115.41

803-273-4018

803-285-1073

MR. JAMES CLARK, JR
1751 FLAT CRBEK RD
LANCASTER SC 29720

1-748.A UPPER RESPIRATORY OBSTRUCT JC JAMES CLARK, JR
2-999.39 UNSPECIFIED

3-IPR. FOSTER AFULUKWE
3-IFE. FOSTER AFULUKWE

562169902

562169902

01/31/06	3 JC	1	99244	CONSULTATION	160.00	160.00
** INS. FILED:02/15/06						
02/27/06	01/31/06	3 JC	6	MEDICAID PAYMENT (XM)	127.68	32.32
02/27/06	01/31/06	3 JC	6C	MEDICAID WRITE-OFF	32.32	0.00
02/28/06	1 JC	1	99211	EST. PT. MIN.	30.00	30.00
** INS. FILED:03/09/06 REFILED:07/25/06						
03/10/06	1 JC	1	31622	BRONCH. W/WO WASHING O	700.00	730.00
** INS. FILED:04/06/06						
02/22/06	1 JC	1	94620	SIMPLE STRESS TEST	150.00	880.00
02/22/06	1 JC	1	94060	BRONCHOSPASM EVAL. PRB	75.00	955.00
02/22/06	1 JC	1	94761	OXIMETRY (DURING EXERC	25.00	980.00
** INS. FILED:04/11/06 REFILED:05/25/06						
04/18/06	03/10/06	1 JC	6	MEDICAID PAYMENT (XM)	115.54	864.46
04/18/06	03/10/06	1 JC	6C	MEDICAID WRITE-OFF	504.46	280.00
06/19/06	02/22/06	1 JC	6	MEDICAID PAYMENT (XM)	130.74	149.26
06/19/06	02/22/06	1 JC	6C	MEDICAID WRITE-OFF	119.26	30.00
05/18/06	3 JC	1	99214	EST. PT. PROH. COMPLEX	100.00	130.00
** INS. FILED:06/21/06						
07/03/06	05/18/06	3 JC	6	MEDICAID PAYMENT (XM)	59.99	70.01
07/03/06	05/18/06	3 JC	6C	MEDICAID WRITE-OFF	40.01	30.00
08/08/06	02/28/06	1 JC	6	MEDICAID PAYMENT (XM)	15.89	14.11
08/08/06	02/28/06	1 JC	6C	MEDICAID WRITE-OFF	14.11	0.00
02/15/06	1 JC	2	MED/R		19.55	19.55

CONTINUED ON NEXT FORM

200320 09/30/10

METROLINA HEALTHCARE LLC
PO BOX 49089
CHARLOTTE NC 28277

04/09/10 113.43 115.43

803-273-4038 803-285-1073

MR. JAMES CLARK, JR
1751 FLAT CREEK RD
LANCASTER SC 29720

1-719.46 KNEE PAIN
2-724.5 BACK PAIN UNSP.

JC JAMES CLARK, JR

1-IPE. FOSTER APULURWE

562169902

01/10/07	12/15/06	1	JC	MRSCP	INSURANCE MEDICAL RECO	19.55	0.00
02/01/10		1	JC	99204	NEW PT. MOD. COMPLEX	150.00	150.00
** APPLIED TO DEDUCTIBLE: 140.70							
** INS. FILED: 02/02/10 SECONDARY: 03/04/10							
02/01/10	02/01/10	1	JC	1	CASH PAYMENT	2.00	148.00
03/04/10	02/01/10	1	JC	4C	MEDICARE WRITE-OFF	9.30	138.70
04/09/10	02/01/10	1	JC	6	MEDICAID PAYMENT (XM)	113.43	25.27
04/09/10	02/01/10	1	JC	6C	MEDICAID WRITE-OFF	25.27	0.00

EF PHYS : SHARMA, MD, DEOVYAAS TAX ID: 270080347 \$0.00
EF STATE: SC LIC # :

VOICE WILL NOW BE MAILED ON THE EVEN NUMBERED MONTHS.

440

R 435

SPRINGS MEMORIAL HOSPITAL

PATIENT NAME: CLARK, JAMES JR
DATE OF BIRTH: 12/12/71
UNIT NUMBER: M000452797

PT STATUS: REG SDC
RM NUMBER:
ADM DATE: 03/10/06
D/C DATE:

DICTATING PHYSICIAN: I. F. Afulukwe, MD

PROCEDURE NOTE

DATE OF PROCEDURE: 03/10/06

PROCEDURE PERFORMED: Bronchoscopy.

PROCEDURE PERFORMED BY: I. Foster Afulukwe, MD

INDICATIONS FOR PROCEDURE:

DESCRIPTION OF PROCEDURE: Informed consent was obtained from the patient after the risks, benefits and alternatives were discussed with patient.

The patient was brought to the Bronchoscopy Suite with a functional IV line. Usual monitoring for heart rate, blood pressure and pulse oximetry was done. Oxygen supplementation was given by nasal cannula and adjusted to maintain saturation about 90% during the procedure. Conscious sedation was achieved with Versed 2 mg intravenously and Demerol 25 mg intravenously given in incremental fashion. Subsequent to this, a bite block was placed in his mouth and secured in position. Topical Lidocaine was used to anesthetize the upper airways.

A small Olympus bronchoscope was introduced through the bite block into the oropharynx. This patient had a very long uvula which actually made contact with the upper portion of the epiglottis. The epiglottis was normal. Cobblestoning was noted in the posterior pharyngeal wall. Beyond the epiglottis the vocal cords were noted to be quite abnormal. Both vocal cords were thick and areas of leukoplakia were noted on the posterior aspects. The left vocal cord was especially thicker than the right one and showed evidence for scar tissue formation, significant hypertrophy and distortion. Topical Lidocaine was used to anesthetize the cords and the bronchoscope was advanced beyond the cords into the trachea. No epiglottic stenosis was seen. The area of previous thoracostomy was seen to be healing nicely. No granulation tissue was seen. Inspection was carried down to the carina and the right and left bronchial tree. The patient had a significant submucosal hypervascularity in the right and left bronchial tree. No other lesions were noted. After inspection of all the various bronchial segments and pictures taken, the bronchoscope was withdrawn. The patient tolerated the procedure well. He will be observed and discharged home when he is more stable. I will discuss his case with ENT to

Springs Memorial PCI *LIVE* (PCI: OE Database ELW)

RUN: 03/28/06-08:22 by MCANALLY, AMY R.

Page 1 of 2

441

R 436

SPRINGS MEMORIAL HOSPITAL

PATIENT NAME: CLARK, JAMES JR
DATE OF BIRTH: 12/12/71
UNIT NUMBER: M000452797

PT STATUS: REG SDC
RM NUMBER:
ADM DATE: 03/10/06
D/C DATE:

DICTATING PHYSICIAN: I. F. Afulukwo, MD

PROCEDURE NOTE

see if he will require any further evaluation for his vocal cord abnormalities.

PHYSICIAN: I. F. Afulukwo, MD
ELECTRONICALLY SIGNED

AFUI :89
REPORT #: 0312-0028
DATE/TIME DICTATED: 03/11/06 - 1000
DATE/TIME TRANSCRIBED: 03/12/06 - 0609
DATE/TIME ELECTRONICALLY SIGNED: 03/12/06 - 0807

CC:

Springs Memorial PCI -LIVE* (PCI: OS Database ELW)

Run: 03/28/06-08:22 by MCANALLY, AMY R.

Page 2 of 2

442

R 437

1

FINAL

CLARK, JAMES	D005887618	03/10/06	03/15/06
CLARK, JAMES JR	MEDICAID OF SC	2780397510	
PO BOX 3011			
LANCASTER SC 29721			

DATE	TIME	DESCRIPTION	QTY	PRICE
*** PHARMACY ***				
03/10/06	2512900	LIDOCAINE 2% 20 ML VIAL; LIDOCAINE 2% 20 ML VIAL	6	302.51
03/10/06	2513006	XYLOCAINE (LIDOCAINE) 2% VI; LIDOCAINE VISCOUS 2% 20 ML UDC	1	10.23
03/10/06	2700074	FLUID 2F7124 SODIUM CHLORIDE; SOL .9% NACL IRRIG 1000ML	1	46.95

				359.69
*** IV SOLUTIONS ***				
03/10/06	2580109	FLUID 2B1323Q 9% SOD CHL; SOL 9% NACL 500ML L8001	1	103.52

				103.52
*** MEDICAL/SURGICAL SUPPLIES ***				
03/10/06	4100012	DAILY OXYGEN CHARGE	1	313.89

				313.89
*** STERILE SUPPLY ***				
03/10/06	2700390	IV START PACK; KIT IV START KIT W/BIOCLUSIVE	1	0.00
03/10/06	2700621	IV CATHETER JELCO 20GA; CATHETER IV PROTECTIVE 20GA	1	0.00
03/10/06	2704756	SET PRIMARY CONTINUFLUO NF3447; SET PRIMARY CONTINUFLUO US3485	1	0.00
03/10/06	2700287	NON-CONDUCTIVE TUBING 72IN; TUBING NON-CONDUCTIVE 72"	1	22.00
03/10/06	2700425	SUCTION CANNISTER KIT 2000CC; KIT SUCTION CANNISTER 2000CC	1	49.27

				71.27
*** OPERATING ROOM SERVICES ***				
03/10/06	4100116	BRONCHOSCOPY	1	1791.70

				1791.70
*** RESPIRATORY THERAPY ***				
03/10/06	4100029	HHN TX, INITIAL	1	229.74

				229.74

D00588761B

443

No. 7664 P. 2

Oct. 5. 2010 2:54PM

R 438

Springs Memorial Hospital
P.O. Box 198108
Atlanta, GA 30384-8108
Phone: (803)286-1445 Fax: (803)286-1368

2

FINAL

CLARK, JAMES D005887618 03/10/06 03/15/06
CLARK, JAMES JR MEDICAID OF SC 2780397510
PO BOX 3011
LANCASTER SC 29721

*** DRUGS DETAIL CODES ***			
03/10/06	2513770	MEPERIDINE HYDROCHLORIDE 25MG;	1 45.83
		MEPERIDINE HCL 25 MG TUBEX	
03/10/06	2514785	MIDAZOLAM (VERSED) 2ML VIAL;	1 64.98
		MIDAZOLAM 2 MG/2 ML VIAL	

			110.81
*** RECEIPTS, ADJUSTMENTS, ETC. ***			
03/10/06	P199	POS PATIENT PAYMENT	1 -3.00
03/24/06	AMCDOP	ADJ. MEDICAID OP	1 -2630.62
03/24/06	PMCD	FYMT. MEDICAID	1 -350.00
03/31/06	WRITEOFF	SMALL BALANCE WRITEOFF	-1 3.00

			-2980.62

D005887618

2980.62

-2980.62

0.00

0.00

0.00

444

No. 7664 P. 3

Oct. 5. 2010 2:54PM

R 439

SPRINGS MEMORIAL HOSPITAL

PATIENT NAME: CLARK, JAMES JR
DATE OF BIRTH: 12/12/71
UNIT NUMBER: M000452797

PT STATUS: REG CLI
RM NUMBER:
ADM DATE: 05/26/06
D/C DATE:

DICTATING PHYSICIAN: D. M. Gettelfinger, MD

PROCEDURE NOTE

DATE OF STUDY: May 26, 2006

STUDY PERFORMED: Electroencephalogram.

DESCRIPTION OF STUDY: The electroencephalogram is obtained on a 34 year old patient who is initially awake in the recording. Biposterior background activity is seen to be symmetrically organized and at a predominant frequency of 7 to 8 hertz. Eye movement and muscle contraction potentials are noted. Electrocardiogram is monitored on a separate channel. Intrinsic activity is symmetrically organized. There is normal attenuation of background activity to eye opening from closure. No epileptiform discharge is noted. No clinical seizure activity is reported. No focal or lateralized slowing is present. A Stage II sleep pattern does not appear. Photoc stimulation does not demonstrate any definite posterior driving response and is not activating.

IMPRESSION: This is a mildly to moderately abnormal electroencephalogram because of generalized slowing and disorganization. The tracing indicates a generalized neuronal disturbance as might be associated with a variety of degenerative or toxic or metabolic abnormalities of brain. There are no typical findings of a focal destructive lesion or any epileptic abnormality.

PHYSICIAN: D. M. Gettelfinger, MD

GETD :LS
REPORT #: 0601-0075
DATE/TIME DICTATED: 06/01/06 - 0647
DATE/TIME TRANSCRIBED: 06/01/06 - 0809
DATE/TIME ELECTRONICALLY SIGNED:

CC:

Springs Memorial PCI *LIVE* (PCI: OE Database ELW) DRAFT COPY

Run: 06/06/06-14:40 by RYDER-COOK, ALLAN

Page 1 of 1

445

R 440

Springs Memorial Hospital
P.O. Box 198108
Atlanta, GA 30384-8108
Phone: (803)286-1446 Fax: (803)286-1368

1

FINAL

CLARK, JAMES

D005889820 05/26/06

06/01/06

CLARK, JAMES JR
PO BOX 3011
LANCASTER SC 29721

MEDICAID OF SC

2780397510

05/26/06	4100091	*** EEG *** EEG AWAKE & DROWSY	1	2421.29

				2421.29
06/09/06	AMCDOP	*** RECEIPTS, ADJUSTMENTS, ETC. *** ADJ. MEDICAID OF	1	-2312.29
06/09/06	PMCD	PYMT. MEDICAID	1	-106.00
06/30/06	WRITEOFF	SMALL BALANCE WRITEOFF	1	-3.00

				-2421.29
		ESTIMATED INSURANCE DUE MEDICAID OF SC		3.00

D005889820

~~2421.29~~ total
-2421.29
0.00
3.00
-3.00 446

No. 7664 P. 4

Oct. 5. 2010 2:55PM

R 441

Name James ClarkSS# 251-45-4421

Page #

Name

PRIOR SURGERIES / HOSPITALIZATIONS

Richard Memorial

REASON

Pregnant now? ☐ Yes ☒ No

REVIEW OF SYSTEMS - GENERAL

☐ Fatigue	☐ Cardiac	☐ Genitourinary
☐ Weight loss	☐ Respiratory	☐ Musculoskeletal
☐ Fevers	☐ Peripheral vascular	☐ Dermatologic
☒ Depression <u>2010/14</u>	☐ Gastrointestinal	☐ Hematologic
☐ Ear / Nose / Throat	☐ Other	☐ Other

REVIEW OF SYSTEMS - NEUROLOGIC

☒ Headache	☒ Blurred vision	☐ Weakness - arms
☐ Dizziness	☐ Diplopia	☐ Weakness - legs
☐ Syncope	☐ Amaurosis	☐ Numbness - arm
☒ Confusion	☐ Other visual changes	☐ Numbness - legs
☐ Concentration	☐ Difficulty chewing	☐ Paresthesias
☒ Memory	☐ Facial numbness / Tingling	☐ Stiffness
☐ Lethargy	☐ Drooling	☐ Clumsiness
☐ Personality change	☐ Difficulty tasting	☒ Pain
☐ Hallucinations	☐ Tinnitus	☐ Poor balance
☐ Speech difficulty	☐ Vertigo	☐ Poor coordination
☐ Spells	☐ Decreased hearing, R/L	☐ Trouble walking
☐ Nausea	☐ Dysphagia	☐ Incontinence - bladder
☐ Vomiting	☐ Hoarseness	☐ Incontinence - bowel
☐ Trouble with smell	☐ Choking	☐ Other

FAMILY HISTORY

	Father	Mother	Father's Parents	Mother's Parents	Siblings	Children
Heart Disease	☐	☐	☐	☐	☐	☐
Hypertension	☐	☐	☐	☐	☐	☐
Diabetes	☐	☐	☐	☐	☐	☐
Cancer	☐	☐	☐	☐	☐	☐
Arthritis	☐	☐	☐	☐	☐	☐
Bleeding disorder	☐	☐	☐	☐	☐	☐
Kidney Disorder	☐	☐	☐	☐	☐	☐
Thyroid disease	☐	☐	☐	☐	☐	☐
CNS tumors	☐	☐	☐	☐	☐	☐
Epilepsy	☐	☐	☐	☐	☐	☐
Stroke	☐	☐	☐	☐	☐	☐
Mental illness	☐	☐	☐	☐	☐	☐
Dementia	☐	☐	☐	☐	☐	☐
Neuromuscular	☐	☐	☐	☐	☐	☐
Other	☐	☐	☐	☐	☐	☐

ASSESSMENT / PLANS

Table 1: Clinical Forms ©1999 N015 800-969-7237

ARE YOUR PATIENTS SATISFIED?

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March 2005

Printed in USA

Pfizer U.S. Pharmaceuticals

RELPAK®
(eletriptan HBr)40 mg
447

R 442



Metrolina Neurological Associates P.A.
NEUROLOGY

Implex / Cliniforms
HISTORY & PHYSICAL

Name James Clark Jr. SS# 251-45-4421 Date 3-16-06
Clinic # _____ Hospital # _____
Address P.O. Box 3011 Lancaster S.C. 29721 Occupation _____
Phone (home) (803) 320-4733 (work) _____ Date of birth 12-12-70 Age 35
Referring physician Dr. Huang
CHIEF COMPLAINT _____

Name James Clark Jr.

HISTORY OF PRESENT ILLNESS

Very bad car accident, suffered major head trauma
groin tear, broken bones + etc

CURRENT MEDICATIONS

	Changes	Date
	☐	
	☐	
	☐	
	☐	
	☐	

MEDICAL HISTORY

☐ Headache/Migraine	☐ Murmur	☐ Genitourinary disease
☐ Headache/Tension	☐ Hypertension	☐ Venereal disease
☒ Epilepsy/Seizures	☐ COPD	☐ Arthritis
☐ Cerebro vascular	☐ Pneumonia	☐ Cancer
☐ Other neuromuscular	☐ Asthma	☐ Tuberculosis
☒ Head injury	☐ Peptic ulcer disease	☐ HIV
☐ Spinal cord injury	☐ Colonic polyps	☐ E+OH abuse
☐ Cervical spine disease	☐ Bleeding disorder	☐ Smoking
☐ Lumbar spine disease	☐ Anemia	☐ Drug use
☐ Peripheral nerve	☐ Diabetes	☐ Exposures
☐ CNS malignancy	☐ Peripheral vascular disease	☐ Mumps
☒ Depression	☐ Thyroid disease	☐ Measles
☐ Coronary artery Disease	☐ Menstrual/Sexual dysfunction	☐ Polio
☐ MI	☐ Other Endocrine	☐ Rheumatic fever
☐ Arrhythmias	☐ Liver disease / Hepatitis	☐ Allergy / Hat fever
☐ Congestive heart failure	☐ Renal disease	☐ Other

DRUG ALLERGIES

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U.S. Pharmaceuticals

RELPA[®]
(eletriptan HBr)
40 mg
448

R 443

Dennis M. Gettelfinger, M.D.
Howard Mandell, M.D.
Allan S. Ryder-Cook, M.D.
Mark A. Porter, M.D.
Michael T. Leddy, PA-C
Muhammad I. Akhtar, M.D.

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10620 PARK ROAD, SUITE 230, CHARLOTTE, NC 28210-8472 • (704) 542-6698 / FAX (704) 542-0187
838 W. MEETING STREET, SUITE D, LANCASTER, SC 29720 • (803) 285-6192 / FAX (803) 285-6198

PATIENT'S NAME Clark, James

TODAY'S DATE 2-16-06

DOB: 12-21-71 ACCT. # 75216

CLINICAL DX: _____ ICD9: _____

CLINICAL INFORMATION: _____

Severe Disorder

[illegible]

	URINE
	HVY METAL SCREEN
	URINALYSIS
	MEDICATION LEVELS
	DILANTIN
	DEPAKENE
	KEPPRA
	LAMICTAL
	MYSOLINE
	PHENOBARBITOL
	TEGRETOL
	TOPAMAX
	X-RAY
	SPINAL FLUID
	CELL COUNT
	PROTEIN
	CYTOLOGY
	GLUCOSE
	MICROPROTEIN
	MS PANEL
	VDRL
	BLOOD FOR MS PANEL
	SPECIAL PROCEDURES
	CT SCAN
	TEE
	LUMBAR PUNCTURE
	MRA

	MRI
	ELECTROENCEPHOGRAPHY
	EEG-ROUTINE
	EEG-SLEEP DEPRIVED
	EEG-24 HR. AMBULATORY
	EEG-48 HR. AMBULATORY
	EMG & NCV
	EMG
	NERVE CONDUCTION (ONLY)
	VASCULAR STUDIES
	CAROTID ARTERY IMAGING
	MISCELLANEOUS
	BSEK
	VER
	APPOINTMENTS
*	EEG:
	April 14 th
	@ 6:30 pm
	@ Springs
	Memorial
	Hospital
	MWBS 2:30 PM

- ☒ Dennis M. Gettelfinger, M.D.
Dennis M. Gettelfinger, M.D.
- ☐ *Mark A. Porter MD*
Mark A. Porter, M.D.
- ☐ *Howard Mandell, MD*
Howard Mandell, M.D.
- ☐ *Allan S. Ryder-Cook*
Allan S. Ryder-Cook, M.D.
- ☐ Michael T. Leddy, PA-C

PATIENT INSTRUCTIONS

- ☐ Fasting (nothing to eat or drink after midnight)
☐ In A.M. before taking morning dose of medicine (trough)
☐ ____ hrs. after medication (peak level) or eating
☐ Wash hair using shampoo only
☐ No lotion on extremities
☐ No sleep after midnight
- NEXT APPOINTMENT IS: Yes Be

NEXT APPOINTMENT IS:

Yes Bethere@12³⁰
449 pm



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March 16, 2006

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(803) 366-6135 • FAX (803) 366-3439

10620 PARK ROAD, SUITE 230 • CHARLOTTE, NC 28210-8472
(704) 542-6698 • FAX (704) 542-0187

DEOVYAAS SHARMA MD
834 WEST MEETING STREET
SUITE F
LANCASTER SC 29720

RE: James Clark, Jr.
DOB: 12/12/71

Dear Dr. Sharma:

Thank you for referring James Clark for neurologic consultation for second opinion regarding seizure disorder.

HISTORY OF PRESENT ILLNESS: This is a 34-year old patient who can give essentially no history himself. He is accompanied by his fiancé who assists with the history. He was hospitalized November 2004 for closed head injury. It is said that he had a left subdural hematoma and subarachnoid hemorrhage. He developed seizures. Has remained on seizure medicine, initially Dilantin and now Trileptal. His fiancé says he has had no seizure recently. He has continued to have severe cognitive impairment. Is not able to return to his work as a construction worker. She says he sits on the porch and stares all day, sometimes talks out of his head. He is sometimes threatening, "wants to fight," but apparently has not posed any danger to her or the three children who live in the home. Apparently, it was decided to send him to see a psychiatrist in Columbia, but the appointment was never finally kept because of transportation difficulties. The fiancé says it is primarily because of transportation difficulties that his neurological care is being transferred to Lancaster. The patient does not get many headaches. He has no syncope. Vision is poor in his right eye after the injury. Apparently good on the left.

RE: James Clark, Jr.

Page 2

03/16/06

Neurology • Electromyography • Electroencephalography • Evoked Potential Testing

450

7-19-06-1407
R 445

Hearing is satisfactory. Swallowing is all right. He has some breathing problems apparently related to tracheal difficulties after having been on a ventilator. He has little or no disuse of his limbs. Walking is normal. He had a limp after left femur fracture, but that apparently has fairly well resolved. No incontinence. He is able to feed himself and dress himself.

PAST SURGICAL HISTORY: The patient had surgical repair of his femur. It is said that he had an aortic tear at the time of the accident, but as nearly as I can tell, this was treated non-operatively.

PAST MEDICAL HISTORY: The patient has had hypertension. He apparently has had some tracheal difficulties after being on the ventilator and this may cause shortness of breath. He is followed by a lung doctor in this regard it is said. He is said to have had an aortic tear which again has been managed non-operatively as nearly as I can understand. He is not known to have dyslipidemia, diabetes, asthma, emphysema, definite heart, thyroid, liver, kidney, ulcer or malignant disease, this according to his fiancé.

REVIEW OF SYSTEMS: As above. He has a good appetite. No blood in his stool or urine.

MEDICATIONS: Trileptal 600 mg b.i.d., Zoloft 50 mg q. a.m., Catapres patch, something else that she does not know the name.

MEDICATION ALLERGIES: None.

HABITS: No tobacco, alcohol or illegal drugs. The initial summary in Columbia mentions the occasional use of marijuana and cocaine.

FAMILY AND SOCIAL HISTORY: The patient lives with his fiancé and children ages 7, 4 and 2. He used to be employed in construction work.

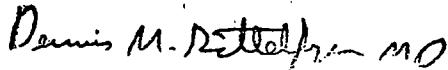
PHYSICAL EXAMINATION: BP 140/90. Pulse 70 and regular. Weight 202. Normally developed and nourished, appropriately dressed and groomed. Head normocephalic and general configuration. Temporal and carotid artery pulsations are intact to palpation and without bruits. Neck supple with no evidence of meningeal irritation. Thyroid and cervical nodes not enlarged. Chest clear to auscultation. Heart S1 and S2 normal without murmurs, gallops or rubs. Abdominal and rectal examination not performed. Limbs show no clubbing, cyanosis or edema.

NERUROLOGIC EXAMINATION: The patient does not have much to say. Does not volunteer any information. He will answer some questions and his words are comprehensible. He correctly told me he was 34 years old. He correctly told the month and date of his birth, but got the year incorrect. He says he was born in 1969 and apparently he was born in 1971. He could not tell me what year it is now, could not tell me what month it is now. It is difficult to examine his visual status. He does seem to have fairly good vision at least in the left eye. In the right eye, there is ptosis. He does not seem to fixate well with that eye. He does seem to have conjugate eye movements. Optic disks normal on the left and not well visualized on the right. Facial movement is symmetrical. He seems to feel touch on both sides of his face. Did not want me to check pin on his face. Palate elevates midline. Tongue protrudes midline. Sternocleidomastoid power normal. He seems to hear with each ear. Extremity bulk, tone, power and coordination seem intact on individual testing. Again, his limp apparently has resolved. Muscle reflexes are 1+. Plantar response is flexor. He feels pin in all four limbs.

ASSESSMENT AND RECOMMENDATIONS: It seems this patient's seizures are well controlled on Trileptal. I have sent him for a follow-up EEG. He will continue Trileptal 600 mg b.i.d. At least in the short term, I have given him a refill on Zoloft 50 mg daily. I probably would like this ultimately to be taken over by mental health and I may send him to mental health when I see him back after the EEG. To discourage osteoporosis, I will add Os-Cal-D 500, two per day. Again, I will see him back after the EEG. Depending on the results, we will decide about further measures.

I appreciate seeing this patient with you.

Sincerely,



Dennis M. Gettelfinger, M.D.

DMG:sc

cc: Te-Long Hwang, 1515 Medical Park, Suite 103, Columbia SC 29203



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DIPLOMATES:
American Board of Neurology

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Physician Assistant

Michael Leddy, PA-C, MMS

Hospital Affiliation

Carolinas Medical Center-PV
Pineville, NC

Piedmont Healthcare Systems
Rock Hill, SC

Springs Memorial Hospital
Lancaster, SC

Services

General Neurology

Electromyography

Nerve conductions

Electroencephalography

Evoked Potentials

MRI

Carotid duplex

Botox injection

July 19, 2006

Deovyaas Sharma, M.D.
834 W. Meeting Street
Suite F
Lancaster, SC 29720

RE: James Clark
DOB: 12/12/71

Dear Dr. Sharma:

James Clark is seen in follow-up. It appears he has had no seizures. He has had no syncope or trouble with swallowing. His appetite is good. He has not had much to say.

PHYSICAL EXAMINATION: BP 100/70. Eye movements conjugate without nystagmus. He seems to see to each side. Facial movement is symmetrical. Tongue and palate are midline. Heart: No murmur. Limb use is symmetrical.

This patient seems to be doing well on his present program. I have given him a refill on Trileptal 600 mg b.i.d., Zoloft 50 mg q. a.m., Os-Cal D 500 b.i.d. I have scheduled him for follow-up in six months.

We appreciate seeing this patient with you.

Sincerely,

Dennis M. Gettelfinger, M.D.

DMG:th

200 South Herlong Ave. Suite H Rock Hill, SC 29732
10620 Park Rd, Suite 230 Charlotte, NC 28210
838 W Meeting St, Suite D, Lancaster, SC 29720

Phone: 803.366.6135 Fax: 803.366.3439
Phone: 704 542 6698 Fax: 704 542 0187
Phone: 803 285 6192 Fax: 803 285 6198

2-7-07 1513 453

R 448



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Physician Assistant

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Hospital Affiliation

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Pineville, NC

Piedmont Healthcare Systems
Rock Hill, SC

Springs Memorial Hospital
Lancaster, SC

Services

General Neurology

Electromyography

Nerve conductions

Electroencephalography

Evoked Potentials

MRI

Carotid duplex

Botox injection

February 7, 2007

Ramesh M. Sharma, M.D.
1721 Ebenezer Road
Rock Hill, SC 29732

RE: James Clark
DOB: 12/12/71

Dear Dr. Sharma:

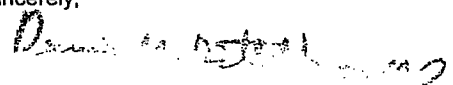
Mr. Clark is seen in follow-up. He is 35 years old. He remains entirely free of seizures, he says. He says he takes his medicines regularly. He has no headache, syncope, visual, speech, or swallowing problems.

PHYSICAL EXAMINATION: BP 120/70. Eye movements are conjugate without nystagmus. Visual fields are intact to confrontation testing. Speech is clear. Tongue and palate are midline. Extremity bulk, tone, power, and coordination are normal. Gait and station are secure. Heart: No murmur.

I am glad things are stable for him. I have given him a refill on Trileptal 600 mg b.i.d., Zoloft 50 mg daily, Os-Cal D 500 b.i.d. These are refilled for follow-up in our office in six months.

We appreciate seeing this patient with you.

Sincerely,


Dennis M. Gettelfinger, M.D.

DMG:th

200 South Herlong Ave. Suite H Rock Hill, SC 29732
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NC DEA #BG0280519

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NC DEA #BM3205639

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NC DEA #BP7449033

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NC DEA #BR4834075

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SC DEA #BA8011556
NC DEA #BA9616408

QUANWEI ZHANG, M.D.
SC DEA #BZ7415931
NC DEA #BZ9734965

MICHAEL LEDDY, PA-C
SC DEA #ML0714825
NC DEA #ML1138824

FOR Clark Jones DATE 2-7-07

R Trileptal 600mg, T BID

Zoloft 50mg, T QD

Oxal 1500, T BID

1 month supply each
Refill each for 6 months

M.D. [Signature] M.D.
DISPENSE AS WRITTEN SUBSTITUTION PERMITTED

REFILL ZERO 1 2 3 4 5 6 LABEL ALL MEDICINE



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NC DEA#BR4834075

MARK A. PORTER, M.D.
SC DEA#AP1885550
NC DEA#BP7449033

MICHAEL LEDDY, P.A.-C
SC DEA #ML0714825
NC DEA #MN 138824

MUHAMMAD I. AKHTAR, M.D.
SC DEA #BA8011556
NC DEA #BA9616408

FOR Clark James DATE 7-17-06

R

T injected 600mg, T B/D

Zolof 50mg, T 6 AM

Used 1500 T B/D

1 month supply each

Refill each for 6 months

DISPENSE AS WRITTEN M.D. [Signature] M.D.
SUBSTITUTION PERMITTED
REFILL ZERO 1 2 3 4 5 6 LABEL ALL MEDICINE



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NC DEA#BM3205639

ALLAN S. RYDER-COOK, M.D.
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NC DEA#BF4834075

MARK A. PORTER, M.D.
SC DEA#AP1885550
NC DEA#BP7449033

MICHAEL LEDDY, P.A.-C
SC DEA #ML0714825
NC DEA #ML138824

MUHAMMAD I. AKHTAR, M.D.
SC DEA #BA80111111

FOR

Clark Jones

DATE

3-16-06

R

Trig

Trileptal 600mg, T BID

Zoloft 50mg, T Q AM

Oral D5W, T BID

*1 month supply each
Refill each for 6 months*

DISPENSE AS WRITTEN

SUBSTITUTION PERMITTED

REFILL

ZERO

1

2

3

4

5

6

LABEL ALL MEDICINE

***** INSTANT BILL ***** ACCT: 75216 DATE: 05/12/06

METROLINA NEUROLOGICAL-RH
200 SOUTH HERLONG, SUITE H
ROCK HILL, SC 29732

LAST PAYMENT
03/05/07 \$39.81 \$6.00

OFFICE PH:803-366-6135 HOME PH:803-205-2620 BUSINESS PH:

FXT:

PAT NAME APPOINTMENT

MR. JAMES CLARK
PO BOX 3011
613 HAMPTON RD
LANCASTER, SC 29721

JC JAMES CLARK

DIAGNOSIS

1-780.39 OTHER CONVULSIONS
2-999.99 UNSPECIFIED DIAGNOSIS

NUM DOCTOR

TAX ID

4 D M GETTELFINGER M.D. 57-0753692

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
03/16/06	4	JC	1	99244		CONSULT, OP, COMPREH	298.00		298.00
** INS. FILED:03/22/06									
04/05/06	4	JC	6			MEDICAID PAYMENT		127.68	170.32
** APPLIES TO CHARGES ON: 03/16/06 CHK#:4705245									
04/05/06-	4	JC	6C			MEDICAID WRITE OFF		168.32	2.00
03/16/06									
04/21/06	4	JC	2	NS		*NO SHOW	0.00		2.00
04/26/06	4	JC	2	RES		*RESCHEDULED APPT	0.00		2.00
05/10/06	4	JC	2	NS		*NO SHOW	0.00		2.00
06/01/06	4	JC	2	NS		*NO SHOW	0.00		2.00
05/26/06	4	JC	1	95816	26	EFG AWAKE AND DROW	177.00		179.00
** INS. FILED:06/09/06									
06/20/06	4	JC	6			MEDICAID PAYMENT		45.98	133.02
** APPLIES TO CHARGES ON: 05/26/06 CHK#:4758376									
06/20/06-	4	JC	6C			MEDICAID WRITE OFF		131.02	2.00
05/26/06									
07/07/06	4	JC	2	RES		*RESCHEDULED APPT	0.00		2.00
07/19/06	4	JC	1	99213		RV, EXPANDED/LC	84.00		86.00
** INS. FILED:07/21/06									
07/19/06	4	JC	1			CASH PAYMENT		2.00	84.00
** APPLIES TO CHARGES ON: 03/16/06									
07/19/06	4	JC	1			CASH PAYMENT		2.00	82.00
** APPLIES TO CHARGES ON: 07/19/06									

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CONTINUED ON NEXT FORM

R 453

***** INSTANT BILL *****

ACCT: 75216 DATE: 05/12/08

METROLINA NEUROLOGICAL-RH
200 SOUTH HERLONG, SUITE H
ROCK HILL, SC 29732

LAST PAYMENT YTD PAY
03/05/07 \$39.81 \$0.00

OFFICE PH:803-366-6135 HOME PH:803-385-2620 BUSINESS PH:

EXT:

PAT NAME APPOINTMENT

MR. JAMES CLARK
PO BOX 3011
613 HAMPTON RD
LANCASTER, SC 29721

JC JAMES CLARK

DIAGNOSIS

1-999.99 UNSPECIFIED DIAGNOSIS
2-780.39 OTHER CONVULSIONS

NUM DOCTOR TAX ID

1 D M GETTELFINGER M.D. 57-0753692
4 D M GETTELFINGER M.D. 57-0753692

DATE	DR	PAT	DIAG	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
08/01/06	4	JC		6		MEDICAID PAYMENT		37.46	44.54
** APPLIES TO CHARGES ON: 07/19/06 CHK#:4784191									
08/01/06-	4	JC		6C		MEDICAID WRITE OFF		44.54	0.00
07/19/06									
11/29/06	4	JC	1	NS		*NO SHOW	0.00		0.00
02/07/07	4	JC	1	VOID		*VOIDED ROUTING SL	0.00		0.00
02/07/07	4	JC	2	99213		RV,EXPANDED/LC	84.00		84.00
** INS. FILED:02/14/07									
03/05/07	4	JC		6		MEDICAID PAYMENT		39.81	44.19
** APPLIES TO CHARGES ON: 02/07/07 CHK#:4378658									
03/05/07-	4	JC		6C		MEDICAID WRITE OFF		42.19	2.00
02/07/07									
08/13/07	1	JC		302CC		BAD DEBT WRITE OFF		2.00	0.00

REF PHYS : SHARMA, DEOVYARS TAX ID:
MESSAGES REF STATE: SC LIC # : TOTAL: \$0.00

* The Balance shown may not be the entire Account Balance.
It only reflects the transactions listed on this statement.
WE USE FARS FOR RECOVERY OF RETURNED CHECK

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