THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Hon. Alison R. Lee, Circuit Court Judge

RECEIVED
AUG 06 2015
SC Court of Appeals

Case No. 2011-CP-40-03561

Gertrude Shiver,.....Claimant, Appellant,

v.

Palmetto Health Richland, Employer,
Key Risk Management Services, Inc., TPA
Palmetto Hospital Trust Services, Carrier,
Trident Regional Medical Center, Employer,
Zurich American Insurance Company, Carrier,.....Respondents,

RECORD ON APPEAL
VOLUME VII

ALLISON M. CARTER
Wilson Jones Carter & Baxley, P.A.
421 Wando Park Blvd., Ste. 100
Mt. Pleasant, SC 29464
(843) 284-1083
Bar #: 12967
Attorney for Respondents Trident Regional Medical Center And Zurich American Insurance Company

GERTRUDE SHIVER
1026 Congaree Church Rd.
Gadsden, SC 29052
(803) 353-3892
Pro se'

MICHAEL E. CHASE (BAR # 15230)
CARMELO B. SAMMATARO
(BAR # 69746)
Turner Padget Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
(803) 254-2200
Attorneys for Respondents Palmetto Health Richland and Key Risk Management Services, Inc.

LANA H SIMS, Jr. (BAR# 5125)
[redacted]
Adams and Reese LLP
1501 Main Street, 5th Floor
Columbia, SC 29201
(803) 254-4190
Attorneys for Respondents Palmetto Health Richland and Palmetto Hospital Trust Services

INDEX

Index.....1-8

ORDERS AND JUDGEMENTS

Order of Commissioner David W. Huffstetler, S. C. Workers' Compensation Commissioner, dated October 23, 2007.....9-37

Order of The Full Commission of The S. C. Workers' Compensation Commission dated December 6, 2007.....38-42

Decision and Order of the Appellate Panel Review, S. C. Workers' Compensation Commission, dated May 3, 2011.....43-57

The Honorable L. Casey Manning, Judge of Fifth Judicial Circuit, dated July 9, 2010.....58-59

Consent Order of Commissioner Bryan Lyndon, S. C. Workers' Compensation Commission, dated August 24, 1995.....60-62

Order Relieving Counsel Thomas M. White as Counsel for Appellant dated November 14, 1995.....63

Order of The Honorable Alison R. Lee, Judge of Fifth Judicial Circuit, dated March 25, 2013.....64-73

Motion Order of Commissioner Roche dated June 20, 2014.....74-77

PLEADINGS

Appellant's Complaint (W.C.C File No. 9503744) dated November 22, 1999.....78-81

Appellant's Complaint (W. C. C. File No. 9503744) with attached sheet dated March 21, 2007.....82-98

Appellant's Complaint (W.C. C. File No. 0126962) with attached sheet dated June 30, 2007.....99-110

Appellant's Complaint (W.C. C. File No. 0217755) with attached sheet dated October 19, 2006.....111-115

Appellant's Complaint (W.C.C. File No. 0227098) along with attached sheet dated July 9, 200.....116-126

Appellant's Complaint (W.C.C.File No. 0322274) with attached sheet dated July 6, 2007.....127-136

Appellant's Complaint (W.C.C. File No. 0321756) with attached sheet dated May 20, 2007.....137-150

Appellant's Complaint (W.C.C. No. 0616756) with attached sheet dated May 29, 2007.....151-158

Appellant's Appeal from The Full Commission of The Workers' Compensation Commission to The Circuit Court from the Denial of the Motion to Include Additional and New Evidence and Clarification of Order and The Dismissal of The Claim under The Concept of "With Prejudice"filed with The Fifth Circuit Clerk of Court on January 30, 2008.....159-181

Appellant's Appeal in The Clerk's Office of The Fifth Judicial Circuit Court on June1, 2011, from The Workers' Compensation Appellate Panel Full Commission Order rendered May 3, 2011.....182-214

VOLUME II

Notice of Appeal from The Adverse Order of The Honorable Alison R. Lee dated April 19, 2013.....215

Notice of Appeal filed April 26, 2013.....216-217

Notice of Hearing before David W. Huffstetler, Commissioner, dated July 19, 2007.....218-219

July 23, 2007 Form 50, Claimant's Request for Hearing (WCC Claim No. 9503744) (Documents Missing four pages).....220-223

October 19, 2006 Form 50, Claimant's Request for Hearing (WCC Claim No. 0217755).....224-226

October 18, 2006 Form 50, Claimant's Request for Hearing (WCC Claim No. 0126962).....227-230

October 9, 2006 Form 50, Claimant's Request for Hearing (WCC Claim No. 0227098).....231

October 7, 2006 Form 50 Claimant's Request for Hearing (WCC Claim No. 0322274).....232-236

October 7, 2006 Form 50, Claimant's Request for Hearing (WCC Claim No. 0616756).....237-240

October 18, 2005 Form 50, Claimant's Request for Hearing (WCC Claim No. 0321756).....241-244

August 24, 2007 Form 51, Employer's Answer (WCC Claim No.9503744) 245

August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0126962).....246

August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0217755).....247

August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0227098).....248

August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0322274).....249

November 13, 2006 Form 51, Employer's Answer (WCC Claim No. 0616756).....250

March 10, 2006 Form 51, Employer's Answer (WCC Claim No. 0321756) (1 page missing).....251-252

Appellant's APA's:

(WCC Claim No. 9503744).....253-310
(WCC Claim No. 0126962).....311-370
(WCC Claim No. 0217755.....371-408
(WCC Claim No. 0227098.....409-418

VOLUME III

(WCC Claim No. 0227098.....419-443
(WCC Claim No. 0322274.....444-461
(WCC Claim No. 0321756.....462-546
(WCC Claim No. 0616756.....547-571

APA 1.....572-573
APA 2.....574-577
APA.3.....578
APA 4.....579-580

APA 6.....581-584
APA 10.....585
APA 11.....586-590
APA 14.....591
APA 15.....592-602
APA 16.....Volume 8, Book.....1486-1565

Respondents Trident Regional Medical Center and Zurich American Insurance Company's APA:

(WCC Claim No. 9503744).....603-614

VOLUME IV

(WCC Claim No. 950374.....615-642

Respondents Palmetto Health Richland and Palmetto Hospital Trust Services' APA:

(WCC Claim No. 0126962).....643-674
(WCC File No: 0217755).....675-693
(WCC File No: 0227098).....694-703
(WCC File No: 0322274).....704-722

Respondents Palmetto Health Richland and Key Risk Management Services, Inc.'s APA:

(WCC Claim No. 0321756).....723-827

VOLUME V

(WCC Claim No. 0321756).....828-1009
(WCC Claim No. 0616756).....1010-1023

VOLUME VI

(WCC Claim No. 0616756.....1024-1033

TRANSCRIPTS OF RECORD

The Transcript of The hearing before David W. Huffstetler, S. C. Workers' Compensation Commission on September 4, 2007.....1034-1120

The Transcript of The Hearing before The Honorable Alison R. Lee,

Circuit Judge for the Fifth Judicial Circuit on November 1, 2012.....1121-1161

MOTIONS

Appellant's

Motion to Accept New Evidence To Include All Information in Folder, Addenda, and Attachments to Form 50, 58, my book which Commissioner Huffstetler has a copy, clarification of misinformation.....1162-1190

Motion for Sanctions for Non-Compliance with Payment of Statutory Benefits (WCC Claim No. 0217755).....1191-1192

Motion request dated 11/2/10.....1193

Respondents'

Respondents' Motion to Dismiss The Interlocutory Appeal dated 3/30/10.....1194 -1198

Return to Claimant's Motion to submit additional evidence dated 11/12/10.....1199-1201

Reply to Claimant's Motion for sanctions and/or Motion to Dismiss for Lack of Subject Matter Jurisdiction (WCC Claim No. 0217755) dated April 3, 2014.....1202-1206

Motion For Continuance and Consolidation.....1207-1208

Motion To Consolidate 6 Claims for 1 hearing.....1209-1211

Motion To Postpone Hearing on Basis That Claimant was no-show for her Deposition/Motion To Compel Claimant to submit to Deposition filed by Defendant with Order and Deposition Resets.....1212-1218

EXHIBIT

Appellant's

PHTS Claims Consultant offer of settlement dated March 1, 2007.....1219

PHTS Senior Claims Consultant offer of settlement dated April 6, 2004.....1220

PHTS Letter to Dr. Jones dated January 29, 2007.....1221

Attorney E. Douglas Pratt-Thomas offer of settlement for Trident Regional Medical Center dated April 20, 2000.....1222-1224

PHTS Claims Consultant offer of settlement for Palmetto Richland Memorial Hospital dated January 2, 2007.....1225-1226

Form 58- South Carolina Workers' Compensation Commission dated March 1, 1996.....1227

VOLUME VII

Deposition Transcript dated June 16, 2006 (along with errata sheets).....1228-1302
Errata Sheets, Volume V.....835-1009

Deposition of Appellant with Attorney Allison Carter dated August 24, 2007.....1303-1359

Deposition of Appellant dated May 31, 1995.....1360-1373

Letter from Robin Beaver, Claim Specialist denying Appellant Workers' compensation dated February 14, 1995.....1374

Letter from Thomas M White to Robin Beaver, UCC unit dated March 24, 1995.....1375

Letter from E. Douglas Pratt Thomas dated August 30, 1995.....1376

Letter from Thomas M. White to Commissioner Bryan Lyndon dated August 11, 1995.....1377

Letter from Thomas M. White to E. Douglas Pratt-Thomas dated June 6, 1995.....1378-1379

Letter from Thomas White to William E. Crouch, M.D dated June 7, 1995.....1380

Letter from E. Douglas Pratt-Thomas to the Honorable Ann M. Mickel dated April 20, 2000.....1381-1382

Letter from Felicia Lucas to Mike Kelly dated December 31, 2003.....1383

Letter from Attorney Paula M. Stewart to Jodi Starnes of PHTS.....1384-1385

Letter from Thomas M. White to Appellant dated March 8, 1995.....1386

Letter from Thomas M. White to Dr. William E. Crouch dated March 24, 1995.....1387

Report by Dr. Robert H. Bowles dated January 19, 1995.....1388-1390

Letter from Dr. William E. Crouch dated March 3, 1995.....1391

Letter from Dr. William E. Crouch dated October 16, 1995.....1392

Letter from Dr. William E. Crouch dated May 18, 1995.....1393

Letter from Dr. Victor J. Weinstein dated July 31, 1995.....1394

Letter from Dr. Victor J. Weinstein dated February 14, 1995.....1395

Dr. James G. McCoy's medical report dated August 10, 1995.....1396

Letter from Claimant re: new evidence motion, with attached motion dated November 5, 2007.....1397-1423

Order Relieving Counsel of 11-14-1995.....1424

MRI Report of 8-4-2002.....1425-1426

Respondent's Trident Regional Medical Center
And Zurich American Insurance Company

Form 15, 8-22-95.....1427

Form 17, 8-22-95.....1428

Consent Order.....1429-1431

MEDICAL RECORDS

EMG/ Nerve Conduction Study Physical Medicine and Rehabilitation Consultation dated 11/28/05.....1432-1434

Care Alliance Health Services dated 9/12/2000.....1435

Palmetto Health- The Center for Pain Management.....1436-1442

Midlands Internal Medicine-Physical Examination dated 4/21/06.....1443-1446

Healthworks Injury Treatment Report and Follow-up reports dated 5/3/02.....1447-1449

Palmetto Imaging dated 2/15/05.....1450

Internal Medicine and Cardiovascular disease visit of May 23, 1995.....1451

Midlands Internal Medicine Associates office visit dated 10/29/02.....1452-1453

Midlands Internal Medicine partial notes.....1454-1454

VOLUME VIII

Midlands Internal Medicine partial notes.....1455-1469

Charleston Spine and Physical Medicine dated July 1, 2003.....1470

Sports Medicine and Rehabilitation Physical Therapy dated 1/30/95.....1471

PHTS-Charleston Spine & Physical Medicine, PA dated 5/9/03.....1472-1473

Charleston Spine & Physical Med. progress notes of 12/18/2000.....1474-1475

HealthWorks Treatments dated 1/24/03.....1476-1478

HPRC-Physical Therapy Initial Evaluation of 1/20/04.....1479

Columbia Rehabilitation Clinic, Inc. Initial evaluation.....1480-1482

Bon Secours-St. Francis Xavier Hospital Physical therapy Initial Evaluation.....1483

Human Performance and Rehabilitation Center, Inc. Initial Evaluation 11/13/02.....1484-1485

MISCELLANEOUS EXHIBIT

• *The Fall of a Nurse: What Is Wrong With* Gerly.....1486-1565

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 0321756

GERTRUDE SHIVER, CLAIMANT, VS. PALMETTO HEALTH RICHLAND, EMPLOYER/DEFENDANT.	**DEPOSITION** **OF** **GERTRUDE SHIVER**

THE DEPOSITION OF GERTRUDE SHIVER, TAKEN BEFORE SARA L. QUATTLEBAUM, PROFESSIONAL VERBATIM REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF 11:01 A.M., FRIDAY, THE 16TH DAY OF JUNE, 2006, AT TURNER, PADGET, GRAHAM & LANEY, 1901 MAIN STREET, 17TH FLOOR, COLUMBIA, SOUTH CAROLINA.

COPY

Verbatim, Inc.
Realtime Reporting & Training
info@verbatiminc.com
(803) 748-7242
(1228)

APPEARANCES

FOR THE CLAIMANT
PRO SE
1026 CONGAREE CHURCH ROAD
GADSDEN, SOUTH CAROLINA 29052

FOR THE DEFENDANT
MICHAEL CHASE, ESQUIRE
TURNER, PADGET, GRAHAM & LANEY
POST OFFICE BOX 1473
COLUMBIA, SOUTH CAROLINA 29202

REPORTED BY
SARA L. QUATTLEBAUM
VERBATIM, INC.
POST OFFICE BOX 7123
COLUMBIA, SC 29202

INDEX

	PAGE
STIPULATIONS	3
EXAMINATION BY MR. CHASE	3
CERTIFICATE	73

EXHIBITS
(No Exhibits Proffered.)

*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS FROM DATE OF CERTIFICATION.

STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL FOR THE RESPECTIVE PARTIES THAT ALL OBJECTIONS ARE RESERVED UNTIL THE TIME OF TRIAL, EXCEPT AS TO THE FORM OF THE QUESTION.

THIS DEPOSITION IS BEING TAKEN PURSUANT TO THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

- - - -

THE READING AND SIGNING OF THIS DEPOSITION IS **EXERCISED** BY THE DEPONENT AND COUNSEL FOR THE RESPECTIVE PARTIES.

WHEREUPON, **GERTRUDE SHIVER**, BEING DULY SWORN AND CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AND DEPOSED AS FOLLOWS:

EXAMINATION

BY MR. CHASE:

Q Ms. Shiver, I'm Mike Chase. I represent Palmetto Health Richland for Worker's Compensation. And this is what we call a discovery deposition, which means I get to ask questions. Some will be about your background, your age, that type of thing. Then we'll talk about your alleged accident and all the doctors you've seen and so forth.

A Okay.

Q The most important thing is that you understand that if you don't understand any question that I ask, just stop and tell me, otherwise I'll assume you did understand the question when you give your answers. So if you don't understand a question, just stop me, and then I'll probably try to ask it another way.

You can certainly explain whatever you like, and I'll give you the opportunity to do that. The court reporter, it helps her out if you can answer yes or no and then you can explain what you want. Because she can't pick up either one of us if we nod or shake our heads at each other because she's actually repeating everything that we say, all right?

A Okay.

Q Do you understand all of that?

A I think so.

Q Okay. Well, let me get some background information from you first. What is your age?

A Fifty-two.

Q Okay. And you've just given your address, 1026 Congaree Church Road, Gadsden, South Carolina, 29052.

A Uh-huh.

Q Is that a yes?

A Yes.

Q Is that a house you live in out there?

A No, it's a trailer.
Q And are you married?
A No.
Q Do you have any children?
A No.
Q Do you live out there by yourself?
A Yes. I mean, I live in the house by myself.
Q And how far did you go in school, Ms. Shiver?
A In school?
Q Yes, ma'am.
A Oh, Lord. I finished college and then I took some other courses and stuff. I guess about 18 or 19 years, I guess. But I didn't go to graduate school.
Q Did you go to a four-year college?
A Uh-huh.
Q What college did you graduate from?
A USC.
Q USC in Columbia?
A Uh-huh.
Q And what year did you graduate USC?
A It was 1982.
Q 1982, okay. What was your major at USC?
A Nursing.
Q And you took some classes after that but not completing any masters; is that what you were saying?

A No. I didn't take my masters. No. I didn't go back for my graduate.
Q So that was the end of the school was when you graduated college?
A No. I took some other courses and stuff. I never go for my graduate. I didn't go for my graduate.
Q What kind of - were they all nursing courses?
A No. I took some paralegal courses. And then I took some health information management courses.
Q And where did you take those classes?
A One - I took the paralegal course at Trident Tech and health information management course at Midlands Tech.
Q At Midlands Tech, okay. Do you have any military experience?
A No, sir.
Q Do you have any criminal convictions of any nature on any criminal record?
A No.
Q I mean, that would include even traffic tickets or anything.
A Well, I've had some traffic tickets.
Q So if we pull that report is that all that it would show to your knowledge is just traffic tickets?
A Yeah. And I had something else, but I'm not really supposed to discuss that I don't think.

Q Well, you actually need to tell me if there's another criminal conviction on that.
A It wasn't a conviction. I went through - what's the name of that program. I can't think -
Q PTI, pretrial intervention?
A Yeah. And everything was cleared off my record.
Q What were you arrested for back then?
A Shoplifting.
Q Was that a long time ago?
A Yeah, a long time.
Q How many years do you estimate that was?
A I think it was over ten years. About that long, I guess.
Q But there's no convictions for shoplifting -
A No.
Q - or stealing or anything like that on there?
A No.
Q When did you first - well, let me ask you this: When you graduated from college where did you first start working after that?
A I worked some at the VA Hospital.
Q And were you a certified nurse then?
A Yeah. Until I took my - once I took the test, the exam.
Q How many years did you work out of the VA Hospital?

A I don't think I - I didn't been there a year. I didn't see a year.
Q Less than a year? Where did you go after that?
A I think I went to Providence.
Q And what was your job at Providence?
A The same thing, nursing.
Q How long, approximately, at Providence Hospital?
A I guess about six months or so, I think. It was a long time ago.
Q And where did you move after Providence?
A I moved to Beaufort.
Q And where did you work down there?
A At Beaufort Memorial Hospital.
Q And how long down there?
A I guess about - I don't know. I'd say about nine months, maybe a year.
Q And after Beaufort?
A I went to Charleston.
Q And which medical facility?
A I worked at Charleston Memorial Hospital. That's the county hospital. But they switched it over now. But that's where I was working at. And then I worked some at Trident Hospital.
Q At Trident, as well?
A Yeah.

Q How long down in Charleston did you work?
A I guess probably about 15 years, I guess; about 15.
Q And then you came to Columbia?
A I came back home.
Q Do you remember what year that was that you started working for my clients?
A In 2000.
Q In 2000?
A Uh-huh.
Q Did you work for anyone else in Columbia before you went to work for my client?
A I had worked at the nursing home while I was in school. It used to be a nursing home while I was in school.
Q Way back when you were in college?
A No. When I was going to Midlands Tech, my health information management program.
Q So when you first came back to Columbia that you were working at a nursing home?
A Yeah. Ridgeview Manor.
Q What's the name of it?
A Ridgeview Manor.
Q Ridgeview Manor?
A Yeah. I was working at like an agency and then I started working there. Working for an agency, nursing agency.

Q How long did you work at Ridgeview Manor?
A I must have stayed there until - about a year, because after I graduated I got a job at the hospital. And I worked there awhile while I was still - while I had got my job and then I didn't go back. I remember that December.
Q Where is Ridgeview Manor?
A It's in Hopkins.
Q Hopkins?
A Uh-huh.
Q What are the different jobs that you had for us? What did you start doing for my client when you started working there?
A Health information management. And I worked on the trauma register for awhile.
Q Trauma register?
A Yeah, while I was still working in medical records. That was my secondary job.
Q And what is your job now?
A I still work in the medical records and I do - I sit, PRN, sitter with the patients. I'm a medical records clerk. It's called health information management. I'm a medical records clerk.
Q Now, what job were you doing when you say you got hurt in this case?

A In the medical records.
Q So, you're doing the same job -
A Uh-huh.
Q - you did before you were hurt?
A Yeah.
Q Same hours?
A No. We switched around. We had switched around some because of the gas prices. And now we're back to like three. I work from 3:00 to 1:30. We do ten hours. Because of the gas prices we do ten hours and be off three days and work four.
Q So, you worked - do they call that four tens or something?
A Yeah, four tens. I do four tens.
Q And when you say three, is that 3:00 in the afternoon?
A No - 3:00, yeah.
Q In the afternoon?
A I used to work like 4 until 2:30, but they switched my hours back.
Q Three PM to 1:30 AM?
A Yes, sir.
Q So you work four tens and then you have three days off?
A Yes, sir. But I try to sit when I can get - when they have some work available for me on the days off.
Q So you work those 40 hours, and then if you can get

some more sitting hours you do some of that, too?
A Yes, sir.
Q And what is a sitter's job? What do you do there?
A I just mostly watch - sit with the patient, don't let them fall out the bed and don't let them pull out their IV and wash them. Sometimes it be a suicide patient and I have to make sure they don't run away out the hospital, they don't pull out their IVs and make sure they don't fall and stuff like that.
Q When you do the sitting work on a day off, how many hours, on average for that day that you sit?
A Usually I do about four hours now. I sit for about four hours.
Q So about four hours per day if you can get the work?
A Yeah.
Q Who is your supervisor that you work for in medical records now?
A The supervisor is Toni Pate. The manager is Barrington Wint and the director is Annette Sullivan.
Q Toni Pate's your supervisor?
A Uh-huh.
Q And the director is who?
A The director is Annette Sullivan.
Q Annette Sullivan.
A And the manager is Barrington Wint.

Q Barrington?
A B-A-R-R-I-N-G-T-O-N, Barrington Wint. That's how it's spelled. He's from the islands, so they, you know, got the English name, Barrington Wint, W-I-N-T.
Q W-I - Okay, Barrington Wint.
A Yeah.
Q I'm with you. And he's the director?
A Yeah.
Q Is that a he or a she?
A No, he's the manager. And Annette Sullivan is the director.
Q So we got them all now, all right. Now, were they also your managers at the time that you were hurt in this case?
A No. I had - Toni wasn't there. She - it was - I can't remember the girl's name but she had went off to Providence Hospital. Heather - Heather - what was Heather's last name? Heather was the supervisor. I can't remember Heather's last name now. And I don't think Barrington was there because he had got - he was there one time and went and got rehired again. But Annette was there. Annette Sullivan, she was there.
Q Have you ever been fired from any job in the past?
A Yeah, I was.
Q What jobs were you fired from?

A I was fired from Trident because the nurses had made up a lie on me and because of a Workman's Comp injury. And they terminated me from there.

Q Did you file any kind of claim against them or lawsuit for being fired?

A Well, I couldn't do it, because they messed up my record. And the attorney told me once they mess up the record and stuff that affects it. But they have reported me to the nursing board, but the nursing board dismissed the complaint. But it was after the year, so I couldn't do nothing about it.

Q So, you did not file any type of action against Trident or claim for wrongful termination or any kind of lawsuit?

A I couldn't because the attorney I talked to had a year to do it. But then they had messed up my records, so I wasn't able to do it.

Q What other jobs were you fired from; any others?

A I lost my job at Beaufort.

Q What did they fire you for?

A They had made up a lie on me about some - about I had transcribed a medicine wrong or something. It was a long time ago. But it was a lie that they made up on me.

Q Did you file any kind of -

A No.
Q - claim or lawsuit against them?
A No. I didn't do that, no.
Q Were you fired from any other jobs?
A And Charleston Memorial after I had got hurt I wasn't able to go back, work two jobs anymore, so they had terminated me because I wasn't able to come back.
Q I see you got hurt at both Charleston Memorial and -
A No, I never got hurt at Charleston Memorial.
Q I thought you said something about you couldn't go back after you got hurt?
A No. I was working at Charleston Memorial. I was working there full time, then I went to part time, PRN, while I was working at Trident. And I got hurt at Trident.
Q Trident's where you got hurt?
A Yeah. And I couldn't work two jobs at the time.
Q So, just one injury at Trident?
A I had more than one injury at Trident. I had several injuries at Trident.
Q We'll talk about that in a minute. Were you fired from any other prior employers?
A And I had - no, I left the VA. And I lost my job at Providence.
Q Did they fire you?

A Yeah.
Q What did they fire you for?
A I can't remember now. But I had some trouble with them, the nursing manager.
Q And you say you quit the VA job?
A Yeah.
Q And did you quit the Ridgeview Manor job?
A Well, when I went on the PRN, they put me in the PRN pool while I was working at Richland Memorial. So every time I tried to call to find out if there was a position available they said they didn't have any. So I didn't never call anymore. Every time I called they didn't have nothing available for me, because I was in the PRN pool.
Q Did they ever send you a letter or tell you that you were terminated at Ridgeview Manor?
A No, no, no.
Q You didn't follow up with them and they didn't follow up with you; is that what you're saying?
A Every time I would call they didn't have nothing available. So then I just stopped calling. They didn't have no work available for me, because I was on the PRN pool before I went. I worked full time at Richland Memorial.
Q And your date of - alleged date of accident in this

case is October 23rd of 2003; does that sound right?
A Yes, sir.
Q And what are the injuries that you're claiming?
A Well, I aggravated some preexisting injuries. And now I have a lot of chronic pain, my rib and ribcage - but the doctor didn't give me a diagnosis. He's still working with me.
Q What side of the -
A Left side.
Q - of the chest or the ribs, the left?
A Left. Left side.
Q Just on the left side?
A Yes, sir.
Q You don't have any problem on the right?
A Well, I had some old injuries on the right.
Q But you're not claiming that as part of this case?
A No, sir. It's on the left. But I have some disabilities in my cervical/thoracic area.
Q Are you claiming your cervical spine in this case?
A Well, I mean, they're aggravated. The injury was aggravated when I fell, because I hit the cement floor.
Q All right. You mentioned thoracic, too?
A Cervical and thoracic, that's where I got some disability. But it was involving mostly the tissues and the muscles. But this is something new that

happened with this one.
Q Are you claiming any other body parts?
A My back, when I aggravated my back and my side.
Q Okay. And you've already told me your cervical and your thoracic. Is it limited to that or is it your low back, as well?
A Yeah. I had to get treated.
Q It's your low back, too?
A Uh-huh. I hit the whole - I hit the floor.
Q Okay. Anything else other than that; are you claiming your legs or your arms or any other part of your body?
A I think I might have aggravated my leg and stuff again, I think.
Q Which leg is that?
A The left.
Q Are you claiming your right leg?
A No, sir.
Q All right. You listed on - you filed, obviously, your own claim, right, with the Commission?
A Yeah, because attorneys won't help me.
Q Okay. You had typed knees on there, plural. So are you claiming both knees or just one? Or did you mean to indicate just one knee?
A It's both knees, but they're okay now from the fall.
Q Okay. Originally you were claiming both knees?

A Yeah.
Q But they've improved?
A Yeah.
Q And where you said left side, was that referring to your ribs, your rib cage?
A The whole left side.
Q All right. You put wrists on there, too. Are you having any problems with your wrists now?
A It got all right from that, that's all right now.
Q And you put all the body on there. Is there anything else in particular that we haven't talked about?
A Well, the doctor, since my side and stuff was hurting, I had to go to the GYN doctor and they found out - well, I had some previous surgery and it had - it aggravated some previous surgery I had. And they say they found a cyst, but I had to have an operation, but he couldn't get to the cyst. They took loose something from the adhesion that I had.
Q All right. And you're claiming that's because of this injury?
A It was aggravated, yeah, from the fall.
Q And who's your OB/GYN:
A I had put his name on the paper, Dr. Odom.
Q Albert Odom?
A Yeah. I haven't been back there after he turned me

loose from the surgery and stuff, because my regular doctor, they do my PAP smear and do stuff like that.

Q Okay. Let's talk about - I'm sorry, did we leave any other body parts out that you're claiming that we have not talked about?

A I think so. I don't know. I think we got it all, I think.

Q Okay. Let me ask you about prior Worker's Comp accidents that you've had, anything on the job. And I know you've already told me about one that was at Trident. Did you have any before that one at Trident with any other employers?

A No, no, no.

Q Okay. So at -

A But I had some more at Richland Memorial.

Q Okay. We'll talk about that. I would like to take them in order if we can. So let's talk about the one at Trident. When did that happen? Approximately when did that happen?

A I had several falls at Trident. The first was in 1994.

Q Okay. And how did that accident happen in '94?

A Well, the morning I was doing my work, I was working on the telemetry - med/surg telemetry, cardiac. And so telemetry had taken and called down and said one of the patients was having some arrhythmia. But that wasn't

my patient. But I had answered the telephone. So I went to see about the patient. And I didn't turn the light on I just went into the room and saw him. The other nurse had left a blue chair out there, and I fell over the chair. So that's when all my problems began. And I hit the floor.

Q Okay. What were all your injuries as a result of that accident in 1994?

A It's a bunch.

Q If you can list them out for me.

A I can't remember all of them. They should be in my old records for Worker's Comp.

Q Okay. But I'm allowed to ask you what they were back then. If you can recall them to the best of your ability what body parts you injured in that accident.

A That's why I wanted to do that through the written thing because I could have written everything out for you. I know I had problems with my leg and my chest, and I can't remember all of them now. But I had them written out.

Q Which leg was it?

A No, it was both my feet. I had fell and hit the floor. I can't remember. The knees, I can't remember

everything now, but I hit the chair and I hit the floor.

Q Okay. Was it both your legs then?

A I can't remember. I think so.

Q Okay. All right.

A But that's why I wanted to do that written deposition so I could get all the information for you.

Q I mean, we can get over that. You know, we can take our time today, and do the best that you remember. So you can remember both legs and both feet, your chest. Was it your left side of your chest, did it include that?

A I don't remember. See, I had three falls. I had fallen in September. And I was thinking in October I had fell up the steps going to the employment office. And then that January I fell in the hospital again. And that's when - I know I hurt my chest. And that's when the - both feet had fell.

Q Okay, well, let's - you had three accidents there; is that right?

A Three falls.

Q Three falls.

A And then the last one - I had three falls there.

Q All right.

A And then the last accident I had I was helping my

patient up in bed, that's when I hurt my back.
Q So you had four?
A Yeah.
Q Okay. Four at Trident?
A Uh-huh.
Q Okay. That will help us map it out, maybe a little bit. Let's go back. So the first one was in September of '94?
A I think around that September.
Q Okay. All right. And that's where you fell over the chair?
A Yeah, that's what started it was when I fell over the chair when I was going to check on the telemetry patient.
Q And you remember maybe your legs and your feet and your chest were hurt?
A I think my chest was hurt in the fall that I had in January. But I can't remember everything that happened.
Q All right. Now, January, is that the following year?
A Yeah, in 1995, that's the last major fall I had then.
Q All right. So do you want to move the chest injury to that one?
A Yeah, I think that's when it happened. But I might have hurt something in September, too. I can't

remember all that right now.

Q Okay. Do you remember hurting anything else? Like did you hurt your back or anything else in the '94 - or your neck or your thoracic area, cervical or thoracic area sometime in '94?

A No, I didn't hurt my back then. That patient hurt my back in '95.

Q Okay. What about your neck; did you hurt your neck in the September, '94 accident?

A The neck, no, my first - I think the first injury to my neck - no, I hurt my chest area. I don't know, I might have hurt my neck, too. I can't remember it all right now. I may have hurt my neck, too.

Q Did you treat there at Trident for those injuries in '94, September of '94?

A Yeah, but they wouldn't take care of my foot. I had to see my regular doctor.

Q And who is that?

A I went to - my doctor's name was Dr. Crouch. He was helping me. And then they sent me to Dr. Bowl, and they was taking care of my feet, because they wouldn't take care of my feet -

Q Let me slow you down here. You're doing great, but I need to get these names down. Who was the first doctor you mentioned?

A My regular doctor was Dr. Crouch, William Crouch.
Q Can you spell that, please?
A C-R-O-U-C-H.
Q And is he in Charleston?
A Uh-huh. But I don't know what happened to him because he lost his license and had to close down his practice. But he was in Charleston.
Q And then who was the second doctor?
A Dr. Bowles, he was taking care of my -
Q Bowles, how do I spell Bowles?
A B-O-W-L-E-S, Robert Bowles, he was taking care of my feet because they wouldn't take care of my feet.
Q Is he a podiatrist or -
A No, orthopedic.
Q He's an orthopedic, okay.
A Uh-huh.
Q Did you see any other orthopedists for your neck or any other problems, for the chest or anything?
A When I was in the car accident I had saw Dr. - oh, Lord, another orthopedic doctor. I can't remember his name right now. He was taking care of me for my neck and back. Oh, Lord, I can't remember his name.
Q And just so I don't get confused, when was the car accident that you're now talking about?
A I think that car accident was in 1998.

Q Ninety-eight?
A Yeah, I believe so. No, it wasn't in '98, because that's when I came back home, sorry. That's when I came back home.
Q So it would have been before that?
A Yeah. I had a class before. It was before I hurt my back in '97. I think it was around about April, it was April of '97, I think that's when it was, April, 1997. I think that's when it happened.
Q Okay. Well, let's go back and talk about this '94 accident a little bit more. How long were you out of work as a result of falling over the chair in 1994?
A I don't think I - I was out a few days, I believe. I can't remember.
Q Okay. did you file a Worker's Compensation claim or did an attorney file one for you?
A I filed one, and then the attorney went back behind me and filed one. And then when I had the accident in 1995 he messed up the claim that I had for '94, so I couldn't claim that any more. But I was injured in '94.
Q Did you get paid any settlement or any kind of disability for the '94 where you fell over the chair?
A No, because he messed up the claim, the attorney did.
Q Did they pay your time out of work?

A No. I didn't get paid for the one thing in '95.
Q Okay. Well, let's talk about the second injury, second accident with Trident. Did you say something about that being in October?
A Around about October or November. I fell up the steps when I was going for my last treatment - coming from the doctor for my last treatment in September I had got hurt. I was going to go see the occupational health nurse, and I fell up the steps.
Q All right. Did you sustain new injuries as a result of falling on the steps in October of 1994?
A Well, that's when I first started having some problems in my - noticed some problems in my feet that I was having. They wouldn't claim that one. So they wouldn't take care of my feet, so I had to go to my own doctor with that one.
Q Was that Dr. Bowles?
A Yeah.
Q Were you out of work as a result of that second accident?
A I think I might have been out for a couple days.
Q Did you claim that one as Worker's Comp or did an attorney file for you?
A I claimed it, that was Workman's Comp. But as I told you, Thomas White messed up the claim. And so I can't

never claim it no more. He messed up the claim, the attorney did.

Q Did you get paid any disability from that October accident?

A No, no, no.

Q Did you get paid any settlement?

A The only thing I got paid for was the accident of January of 1995.

Q Let's go on and talk about that one. How did that accident happen in January of 1995?

A Well, when it happened, when I was checking my MARs. I noticed that one of - we had a patient that come back in the hospital. He had an infection. And the LPN didn't check the antibiotic. So when I was doing chart orders, I had found it. So I had called the pharmacy. And I went down to get the antibiotic so I could give the patient a dose. And when I went down I had stopped by the canteen to get a sandwich on the way to the pharmacy. And the housekeeping, they had the wet sign up on the wall. And they was out there, and I fell on my - on the floor. And that's when I knew I hurt my chest and every - and my tendons and ligaments in my feet had fell. I had fell on the hard floor. I had quite a bit of pain and stuff from that.

Q All right. Did that include your left chest area, your

ribcage and all?

A Yeah, uh-huh. It wasn't my ribs, it was just the chest area. I think they had did a chest x-ray, but it was mostly the tissue and muscles and stuff that was affected.

Q Where were you treating it, there with Trident?

A Uh-huh.

Q Is that a yes?

A Yes. I'm sorry.

Q That's okay. See, I do this all the time so it's easy for me to remember.

So you treated at Trident. Did you treat with some other doctors, too?

A I went to my family doctor, Dr. Crouch.

Q Okay. Anybody else?

A And Dr. Bowles was the one that was treating my feet.

Q What about any other doctors?

A Let's see, just the one at the industrial medicine. And I went to the orthopedic. No, let me, see did I - no, what happened -

Q Did you go to Carolina Spine?

A Carolina Spine happened with the accident - that happened in October when I was helping a patient up in the bed.

Q Okay. That's the fourth one?

A Yeah.
Q Okay. Let's wait with that one. Let's stay with number three here. Which orthopedic did you see for this slip and fall on the wet floor?
A I don't know, just the doctors that were in the hospital; just the doctors at the hospital. See, Dr. Bowles was the only one that treated my feet. And then -
Q Did you get an impairment rating from any of your injuries in the January, '95 accident?
A Yeah, my doctor gave me an impairment rating, Dr. Jones.
Q Dr. Jones, what kind of doctor is Dr. Jones?
A Physiatrist, I think that's his specialty.
Q And what body part did he rate?
A My cervical/thoracic area. And then when I had the fall - then when the patient hurt my back I had a slipped disc.
Q All right, we'll talk about that in a minute. Now, what did Dr. Jones rate you? How much did he give you to your cervical/thoracic?
A I can't remember. It was on the paper at the Worker's Comp office.
Q Okay.
A I can't remember now.

Q Did you have an attorney that represented you for that slip and fall in '95?
A That was Thomas White.
Q Tom White?
A Yeah, he messed up my claim.
Q Did you go to a hearing on that claim?
A I had to end up going to the hearing by myself.
Q All right. And how much did you get awarded to -
A I didn't get nothing for my cervical/thoracic because they messed up the claim that took out the injuries. I only left the injury to my right shoulder and my right feet. He took all the rest of them out. He and Douglas and the Commissioner did.
Q All right. How much did you get?
A I didn't get nothing for that.
Q You didn't get paid any money?
A See, he done messed up the claim. I can't claim it, because they got the Commissioner to do - Thomas and Douglas they wrote up, I don't know what you call it, some kind of thing that Commissioner Brian Lynden signed it. They took away all of my injuries I had previous. The only thing they left was my left - the right shoulder and my right foot.
Q Okay. What I'm asking is how much did you get paid for your right shoulder and your right foot?

A After I paid this, the days that I was out, I can't remember. I didn't get paid nothing for my right shoulder and my feet.

Q You didn't get anything for permanency?

A Uh-uh.

Q Is that a no?

A No.

Q Okay. So you only got paid for your time off that you missed from the job.

A Uh-huh. And then what happened, I had to - Commissioner Atkins told me to re-file my claim for that. And I re-filed it. And I went to the hearing to Commissioner Mickle. And she made me withdraw it because of what Thomas and Douglas and Commissioner Brian Lynden had did to my claim. I had to withdraw, I couldn't claim it.

Q Did you ever get any settlement from the insurance company or the hospital for that 1995 slip and fall?

A No, because they messed up the case. I didn't get anything for my cervical/thoracic area.

Q No, I'm asking for anything now; for your shoulder or your foot or anything.

A the only thing I got was those days that I missed, the 15 - the 17 days or the 15 days or whatever.

Q That's all you got paid?

A Uh-huh.
Q You didn't get any kind of settlement in that?
A He messed up my claim.
Q I wasn't there, so I'm just asking.
A Yeah, Thomas and Douglas and the Commissioner -
Q Just so I make sure I have it clear, all you got, and was it ordered by the Commissioner or was it by agreement that they paid it, for your time out of work?
A The Commission, they had to appeal them days, the Commissioner.
Q The Commissioner ordered them to do it in an order?
A I think it was under order. And the order, what they did, kicked out all my other injuries so I couldn't claim them.
Q Okay. Was your claim still open then at that point or not?
A It was there, but I -
Q But you didn't pursue it?
A I can't. I think I got to get a whole lawsuit to get it, and none of the attorneys won't represent me. But that's what they deliberately did to me, and I didn't know what they was doing.
Q And you think Mr. White messed it up?
A Yeah, Thomas White, he did.
Q Did you file any kind of malpractice against him?

A Well, no attorney would help me, and I reported him to the legal board. But he lied his way out of that. So the attorneys won't help. But I reported him to the legal board, but he lied out of it.

Q And just so, again, I'm clear, are you saying you tried to get it back like through Commissioner Atkins and Commissioner Mickle, but that didn't work?

A Yeah, Commissioner Atkins, when she did my claim for 19 - for the back, because I got a slipped disc back there, she told me to re-file the one for 1994 and '95. And I went and done it. But Commissioner Mickle told me I had to withdraw it because she - she - the order that Thomas White and Douglas Pratt Thomas drew up with the Commission there, I told you Brian Lynden had ordered. He signed it, and she said I couldn't claim it because of what they had done. But that was something that was deliberately done to me and I didn't know it.

Q All right. Let's talk about injury - I'm sorry, accident number four, that's where your slipped disc happened?

A Yeah, I was helping this patient up in the bed and I had felt some popping in my back. I had a - it was a herniated that came - that that was from. I mean, that I got from that.

Q Was it at one level?
A Uh-huh, I think level four and five. It was one disc from that one.
Q Okay. L4-5?
A Yes, I think it was L4-5.
Q Okay. And when did that accident happen?
A I think that was in October, 1997. I think it was October.
Q And how long were you out of work for that one?
A Well, I think I was out a couple of days, but they made me come back to work. They wouldn't let me be out, even when I was complaining about my back and stuff, they made me come to work, the nurses and the doctors and stuff. He wouldn't put me out.
Q Did you have surgery?
A No, sir. I just had some injections. But Dr. Jones, he doesn't do surgery so he tried to treat it so I didn't have to go through all that.
Q What's his first name?
A Gregory.
Q Gregory Jones, okay.
A Yeah, so he was - it flared up too bad. He put some more injections in it.
Q Did you see - is that when you started going to Carolina Spine?

A Yeah, I went to Carolina Spine. The hospital sent me there.
Q And what doctors did you see over there?
A I don't know those doctors.
Q There's Don Johnson, John Johnson, Dr. Poletti.
A No, it wasn't Poletti. It was the other orthopedic doctor. And then when they messed me up here, he had to leave and go to another thing. They did a whole mess with me down there.
Q And they were treating what, your back?
A He called it - he started treating me for my muscles. But I had - it was my spine, but he wouldn't tell me. And then he wanted to give me an injection and wouldn't tell me what he was giving it for or didn't do no -
Q Forrest, Leonard Forrest?
A No. Oh, Lord.
Q That's okay. We can get their records. If you remember it, I'd like to know. Now, were they treating you for anything other than your spine?
A No, he came to - he said he was treating me for my muscle, but it was my spine that was the problem. And he sent me to the physical therapy and all, and he wouldn't do the MRI or nothing on me. He just wanted to put the injection in my back.
Q Okay. Did you go to physical therapy?

A Yeah, I went.
Q Did you have an attorney that did that claim for you, Worker's Comp?
A No, they wouldn't help me, so I had to end up doing that myself.
Q Okay. Did you go to a hearing?
A Yeah, I went to a hearing with Commissioner Atkins.
Q Okay. Commissioner Atkins?
A Uh-huh.
Q And did you have an impairment rating to your back before you went to the hearing?
A Yeah, Dr. Jones gave me one, then she added some more to it.
Q How much did Dr. Jones give you?
A I can't remember. But Commissioner Atkins added some more to it.
Q Do you know what her final amount was that she added?
A It's in my record. I didn't go back through all those papers.
Q You don't remember how much she gave you?
A No.
Q When was that hearing, how long ago?
A I think I had the hearing around about June or July of 1998, I think. Yeah, somewhere along in there, it was 1998.

Q How much money did you get?
A I think - I think I got 10,000 or 13,000. I think it was 10,000. And then she made me pay for my MRI, but they wouldn't do no other tests on me. Commissioner Mickle made me - I think it was 12 - 12,000, I think.
Q Now, you said they fired you at some point?
A Yeah.
Q Was that before the hearing, after the hearing?
A Before the hearing. But then they make up lies, said I was mistreating the patients and everything, which wasn't so.
Q Now, did the Commissioner award you any of the time after they fired you?
A No, she didn't.
Q Because you told me you just missed a couple of days.
A Yeah, because they made me work. They wouldn't let me be out.
Q Okay.
A But see, after then, they had - after the hearing, then they reported me to the nursing board, but the nursing board threw it out. So they couldn't take my license from me. They intended to take it from me but they couldn't.
Q And you didn't file any kind of wrongful termination claim or lawsuit against them?

A I went to an attorney, like I said, but he said I had a year to do it. And so they went and put all kinds of things in my employment record. He said that would mess it up. That's what they went and did, they put in my employment record all kinds of stuff on me, which wasn't so. So then I couldn't put a claim against them for that.

Q Did you have permanent restrictions when you were released by Dr. Jones, work restrictions?

A I don't think - no, he told me I could go ahead and work.

Q Full duty?

A Yeah, I think I was back on full duty.

Q He didn't give you any kind of lifting restrictions?

A No, but I know not to do things because I didn't want to hurt myself no more.

Q And now Commissioner Atkins gave you that award, right?

A Yes, sir.

Q Now, you said that you then went in front of Commissioner Mickle. How did that happen?

A She said to do it because the order that Thomas -

Q Let me ask you this first. I'm confused. I'm with you that you went in front of Commissioner Atkins first for this one, the '97 injury.

A Yeah.

Q Did something happen after that and then you went to a hearing with Commissioner Mickle?
A At the time of the hearing Dr. Atkins, she told me to go back and re-file my claim for 1994.
Q Oh, Commissioner Atkins did.
A She told me to do it.
Q I see. I see.
A Uh-huh.
Q That's what you were telling me before, she said go back and file for the '94.
A Yeah, she told me to re-file it, so that's what I went and done. So when I went to Commissioner Mickle, she made me withdraw it. And she said I couldn't claim it since what Thomas, Douglas and Commissioner Brian Lynden had done with the order.
Q Now, did she make a ruling, or did she just ask you to withdraw that?
A She withdraw it - she told me to withdraw it, and then she told me - she tried - she made up an agreement with Douglas and told me to get the $7,500 for, I think, my right shoulder and my right foot. And then she was going to, what you call it, clincher up all my claims.
Q Okay. So you all did a clincher in the end?
A No, I didn't do it. I didn't clincher up, because she would clincher up everything, even the one that - my

back that Commissioner Atkins had left open, she was going to clincher up everything, so I wouldn't accept it.

Q Okay. But they had offered you that, the 7,500 but you turned it down?

A Yeah, because they were giving that to other injuries that I had.

Q So in the end did Commissioner Mickle do the order that made your '94 and '95 claims go away?

A No. She just told me that I had to withdraw my claim.

Q And did you do that?

A I had to. I had to do it. I mean, she told me everything I had to withdraw or go through. I told her no, I would just take it back. So that's what I had to do, because she was angry and fussing and carrying on at me, and I didn't know why she was doing all that. She really did act up on me that day, and made me felt so bad how they was treating me at the hearing.

Q And who were the attorneys on that one?

A I didn't have an attorney; just Attorney Douglas Pratt told me he was representing the hospital. Douglas Pratt Thomas.

Q So the bottom line is they were offering you $7,500 to close the -

A Just on my right shoulder and right foot, and then she

would clincher up all my other claims, the ones that Commissioner Atkins had left open on my back. She was going to clincher up everything.

Q For 7,500?

A Yeah, get rid of all the claims that I had.

Q And that wasn't acceptable to you?

A No, she wasn't paying me because I had gotten hurt at the hospital.

Q Okay.

A Because my feet were flat from the falls I had.

Q So you didn't pursue those old claims after that point?

A No attorney. If I had an attorney, I would, but the attorneys won't help me.

Q And you didn't pursue them yourself, either?

A She said I couldn't. She said if I go for -

Q I understand that. I'm just asking whether you did or not?

A No, I couldn't because she said if I go before another Commissioner it would be the same thing, she told me.

Q Okay. All you've got to say is no.

A I mean, I explained that she told me that, it would be the same thing because of what Thomas, Douglas and Commissioner Brian Lynden had did about the order. That's what she told me. So I guess I have to get an attorney, but nobody won't represent me.

Q All right. Now, you had that accident where you were helping the patient up in the bed, October of 1997.
A Yes, sir.
Q Now, was the car wreck before that or after that?
A Before that.
Q Before that, so we know it was before October of 1997.
A Uh-huh. It must have happened in April. It's April, 1997 I had the car accident.
Q Okay. And that is what you told me before. Now, where did that car accident happen?
A In Charleston, down there..
Q Charleston County?
A Uh-huh. Yes.
Q And what were your injuries from that car wreck?
A Well, the doctor I was seeing was treating me for my neck and my back at the time.
Q And which orthopedic doctor?
A That's that orthopedic doctor I can't remember now. I have to get the papers.
Q Do you know the medical group or anything?
A The group he was in, he left and went over to another group. I think it should be in my papers from - at the Workman's Comp office, I think they got my papers down there. But I can get that for you, but that's why I wanted to do the written deposition.

Q But that wasn't Worker's Comp, was it?
A No, it wasn't Workman's Comp, but it was a car accident first and then the Workman's Comp injury was on top of that one, that's what happened.
Q And when you say "on top of it", do you mean this one in October of '97?
A Yeah.
Q All right. Now, let's go back to the car wreck. Did you claim against a - you know, the person who ran into you?
A Yeah.
Q How much did you get paid from them?
A Oh, I didn't get too much from that. I think it was 7,000. Because the attorney that I had, he deliberately messed up my claim, Daniel Martin.
Q Daniel Martin?
A Yeah, he deliberately messed up my claim. He was the attorney that was supposed to represent me.
Q Okay.
A So then I had gotten this other attorney.
Q That's how much you got after you paid your attorney, 7,000?
A No, I had left him because he had messed up the claim, so I had to pay him out of my pocket. And then this other attorney was helping me down in - down the road

in Santee. So he messed me up and he wouldn't represent me. Some way he had messed the claim up, she told me. But then I just had to settle with the insurance company on my own because I didn't have nobody to help me.

Q And were you out of work as a result of that car accident?

A Yeah, I missed a couple of days, but what happened, the man - the nurse manager, she had made the secretary look as if I wasn't off in the days, that's what they did.

Q Who was the insurance company on that one that paid you the money?

A For the first it was Geico.

Q All right. Have you had other car accidents?

A I had one in I think it was either 2000 or 2001. That's the last, 2000. It was right about, I think, Thanksgiving time, November.

Q Okay. And where did that one happen?

A It happened here on Garners Ferry Road, right up from the VA hospital by a gas station.

Q What were your injuries from that wreck?

A I hurt my neck and I aggravated my back injury. And from that accident Dr. Jones did an MRI. He saw I got a cervical disc that came from that accident.

Q You had a herniated disc in your neck?
A Yes, it's in the neck?
Q What level?
A It's in the cervical area. I forgot -
Q I know that. You know there are different levels, right, in the neck?
A Yeah, Dr. Jones got those notes. It's a little bulging back in there. I forgot, but it's in the cervical area.
Q Okay. But you don't remember what level -
A No, I can't remember exactly where it's at.
Q Okay.
A But he did the MRI, it should be in his notes.
Q Did you have any surgery?
A No, I didn't get no surgery. She was just treating my neck.
Q What other doctors did you go to as a result of that?
A When it first happened I had went to the ER. And the ER doctor told me to follow up with my regular doctor, who was Dr. Patel down at Peterson and Plante. He was my family doctor, the doctor I had found when I came up, when I moved back from Charleston.
Q Peterson and Plant?
A Yeah.
Q Is that the name of a clinic?

A Yeah, Peterson and Plant on Laurel Street. And Dr. Patel, he was just my regular medicine doctor.
Q All right. Which emergency room, which hospital?
A Baptist.
Q Baptist, okay. Where did you have the MRI?
A I had that down in Charleston.
Q Why did you go back to Charleston for treatment? Weren't you already living up here?
A I was living here, but that's my doctor. And the thing is, a lot of doctors won't even treat me. They mistreat me. They got mad with me with all this mess with Trident Hospital. So a lot of doctors I can't even - they mistreat me, they won't even treat me. So that's why I can't find but a very few doctors who would take care of me. So that's a problem I got.
Q All right. And did you miss time from work from that wreck?
A Yeah, I missed a couple of days, I was out. But the ER doctor gave me some medicine and stuff and told me to stay out a couple of days, and then go on to work and follow up with my regular doctor. And that was Dr. Patel.
Q Did you have an attorney on that claim?
A I got a doctor - attorney Barry George.
Q Okay. And how much did you all get?

A I think it was about 13,000.
Q And what's your insurance company on that one?
A Driver's Choice.
Q All right. Now, were you already working for my client at that point in time or not?
A Yeah, I was there in about September of 2000. I was working there at Richland Memorial, I started there.
Q So you had only been with us a short time on that wreck, right?
A Yeah, when that happened.
Q Did you treat with any other doctors, other than Baptist Emergency room, Dr. Patel and Dr. Jones for that accident?
A What happened - this is some mess that happened. Dr. Patel, when I first - he knew I was being treated with Dr. Jones already. He was supposed to have been working with Dr. Jones. But I didn't know this was some mess he was doing. I got this chiropractor over - I didn't know who it was, came over there. And then he had me going to some kind of thing they got down there, some waterbed thing they got caused a thing for my muscles. And he wouldn't refer me out to the orthopedics or nothing. I knew it was some kind of mess they were doing deliberate against me.
Q Who, the chiropractor?

A Yeah. Dr. Patel and the nurses.
Q Who was the chiropractor that you saw? What was the name?
A I didn't see him but one time. He was in the office there.
Q I see. Did you see any orthopedist or any other doctors?
A No, just Dr. Jones. They wouldn't refer me out to the orthopedic doctor, so I didn't have an orthopedic doctor.
Q Jones referred you to the orthopedic?
A No, Dr. Patel didn't refer me. See, Dr. Jones had been treating me first. He never had turned me loose for my back at that time.
Q All right. Have you seen any orthopedists in the Columbia area for that?
A For my back, no, sir.
Q For your back.
A No, no. The doctor wouldn't treat me, I'm telling you.
Q When did you close that case out, that one in 2000? When did you get the settlement?
A I think that was in 2003. There was a mess with that, too.
Q Did you have to go to court on that one?
A No. See, what happened, Attorney George's setup with

the insurance company. He told me I had some more money coming from my insurance company, because I got - what did I have, it was -

Q Underinsured?

A Yeah, underinsured, underinsured, that's what he had told me, on my Traveler's.

Q Did you ever get that?

A Let me tell you what happened with that.

Q Give me the short version.

A No, I'll tell you the long version. I'm sorry, but this is how it goes. Okay, so he told me I was supposed to have gotten some money for help on my bills from that. But I never heard no more from him. That one day he called me and told me to come for a deposition. But he talked like he had a deposition like it was like from the insurance company from the girl that hurt me. He didn't tell me it was a trap.

So after we did the deposition, she told me - I didn't know, but they had set me up. I didn't know he had told me - he had told me like I said, a whiplash injury. But I didn't know that he was doing this and telling me a lie during the deposition. I didn't know that, because I'm just - I didn't know anything, I'm just - so after he had done told me that the insurance company, it was supposed to have been Driver's Choice,

they offered me $1,000 more. I signed the papers, and I didn't read them or nothing, he explained to me after I signed that he closed the claim up.

And I was wondering, and I tried to find out from him, you know, get the straight up, he wouldn't tell me. So I called Traveler's myself. And the agency told me what they had done. I tried to find a lawyer to sue him, and he said to report him to the lawyer board.

So I reported him to the lawyer board, because no attorney won't help me, but the lawyer board wouldn't do nothing about it. So I ended up settling for $1,000, and I've still got my other outstanding bill, what I'm trying to pay for myself. But he had lied to me. But it was Traveler's that had settled the claim, it wasn't Driver's Choice. So he got away with that, too.

Q So you got another thousand from Traveler's is what you're saying?

A I got it from Traveler's, it wasn't from Choice. But he told me it was Driver's Choice.

Q And it came from Traveler's, all right.

A Uh-huh.

Q So you got 14,000 total, then, the 13 plus the one?

A One from Traveler's.

Q From Traveler's.
A But it wasn't supposed to come from Traveler's it was supposed to come from Driver's Choice, he lied to me.
Q So the total was 14,000?
A Yeah, I think around about 14,000.
Q All right.
A But I got a herniated disc from that one in my neck, from the car accident.
Q Okay. Have you had more car accidents?
A No, that's - that's the only major one I had.
Q All right. Have you had any others where you have had medical care or -
A No, sir, no.
Q - filed any claim or lawsuit?
A No.
Q Have you ever had any other kind of accidents, at all, where you have injured any of the body parts you're claiming in this case that you have not told me about?
A I had the four accidents prior to Richland Memorial Hospital. And, let's see -
Q Okay. These are the ones that were when you were working for my client, right?
A Yeah. Yeah.
Q You can look at anything you want to there.
A But this on the PHTS, it wasn't under you all. This

one was when I changed, when I fell. This one they changed to this company, here.

Q Those are the four that you're talking about?

A On the PHTS. No, I got them down here.

Q Those are the first ones in the nineties, was it in '97?

A November - no, November -

Q It wouldn't have been '97. I'm sorry, go ahead.

A November the 15th, 2001, that's when the employee pushed that heavy metal supply cart in the back of my Achilles tendon and heel. And then 10/24/02, that's when -

Q 10/24?

A '02.

Q '02?

A Yeah.

Q okay.

A I think that's when the supervisor dropped one of those heavy charts, thick charts on the side of my neck.

Q Was it like a metal chart?

A No, the paper top, but it was thick, thick heavy chart, inpatient. It had a lot of paper in it. He dropped it on the side of my neck and hurt the muscles in my neck.

Q All right.

A And then in January I fell on the floor. They had the

wax on the floor, and he had the sign on one side of the hall, but the whole hall was wet. And I fell on the waxed floor.

Q And that was January what?

A I think January 20, 2003.

Q January 20, 2003.

A And March the 23rd, 2002, I forgot that, I fell out of the chair.

Q March 23rd?

A 2002, I fell out of the chair. So those were the four that I had at Richland Memorial. And then the last one here, my foot got caught in the telephone cord.

Q Okay. Have you settled any of those prior ones?

A No, because I didn't have an attorney, because they was hooked on - I mean they was on top of the other injuries. And I had - what's the name - what's the name of the attorney? Mike Kelly was helping me with the one for my back. And he dropped the case and he couldn't help me no more.

Q Which one was for your back?

A The back was for -

Q The file that was dropped on your neck?

A No, he wouldn't help me with my neck. He helped me with the 11/15/01.

Q That was what Mike Kelly was on?

A Yeah, for my -
Q So you also injured your back on that one?
A No, just the Achilles tendon.
Q I'm sorry, I thought you said something about your back.
A Achilles tendon and the heel in my foot where he pushed that metal cart. The back was when I fell out the chair, that was March the 23rd, '02. Those are the two that Mike Kelly was helping me with.
Q Oh, okay. So he -
A Those were the two. But he couldn't help me. He said he couldn't help me with those, but then he ended up dropping all of them.
Q All right. You fell out of the chair, that was your back?
A Yes, the chair fell on top of me.
Q Mike Kelly, at one time, represented you on both those and then he dropped them?
A Yeah. First - what's her name, the other attorney that used to do Workman's Comp.
Q He used to have a - I think it's just him over there now, but he used to have some other people. Marty was over there.
A No, not Marty, what's the lady? Oh, Lord, she was helping, then they did some changing around in the

office. So she went. I think she went to another field.

Q Okay. So you did - did you miss any time from work for any of these four injuries?

A When I fell out of the chair I was out mostly 16 or 17 days or whatever. Because I wasn't able after I bent my back.

Q All right.

A But I think Dr. Jones, I got some sciatica. I think there was another disc down in there, too, when I fell out of the chair and the chair fell on top of me.

Q And PHTS didn't pay you any money on any of these?

A Well, they wanted to settle, but they didn't want to pay for none - at first they said they were going to pay for my medical care for my neck that time. Then the girl said they wasn't going to pay. Then they were supposed to pay for my back, they had told Paula they was going to pay for it, because I had to sign a paper saying they didn't have to pay for mileage, but they would pay for my treatment. But they wouldn't pay, so I had to settle that, because I didn't have an attorney to help me. Nobody wouldn't help me. So the claims are still there.

Q Okay. What doctors have you treated for those four accidents, for those four prior accidents?

A I just went to the ER. No, let me see, let me tell you how it first started off. The one for the November, 2001, the supervisor sent me over to HealthWorks.

Q Health Works, okay.

A That's where I had the orthopedic injury. And nothing but the nurse practitioner and the occupational health nurse was treating me. And she turned me loose, but I was still having problems. They wouldn't refer me out. And they wouldn't give me no medicine and stuff, either. So I was still having problems. I had to go back. And then they sent me to Dr. Dirkin. Dr. Dirkin came over. I didn't know he was still the only doctor that works over there, but I found out that he's the director. They don't have no doctor working over at Health Works. And he caught himself treating me for my foot. And then he had sent me over to - is it Midlands Orthopedic the one down on Blanding Street? The doctor - oh, Lord, I can't remember his name right now, the one that do foot and ankle. He's down on Blanding Street.

Q Dr. Peal?

A No, not Peal.

Q So you saw somebody at Midlands?

A Yeah. I can't remember his name.

Q Okay.

A But anyway, he wouldn't do nothing for me. He sent me back. And then Dr. Dirkin was doing the nerve conduction tests and everything on me. But he ordered the tests to find out what the problem was, so he didn't order no MRI. So he turned me loose. I was still having a lot of problem with my foot.

And then finally they sent me to one other doctor, Dr. Angus McBride over at the hospital. He did the MRI and he was contradicting what the doctor who read the MRI wrote. He went to another doctor about the MRI. And then he didn't turn me loose. And then he told me - called me one morning at the house and told me I didn't know what to do with it. So I went - I was still having problems, so I went to a doctor on my own, Dr. Minter down in Augusta. He told me to go back to Dr. McBride. And Dr. McBride redid the little test on me. Then he turned me loose. Dr. Minter had ordered one of these little braces for my foot and ankle. So that's what I'm still wearing.

Q M-I-N-T-E-R?

A Yeah. And after I went back he said he couldn't do nothing for me since Dr. McBride was taking care of me. He didn't want to go over Dr. McBride. So he told me to come back to Dr. McBride so Dr. McBride could take care of me. But he did fit me with an ankle brace. He

did do that for me. But then Dr. McBride, he turned me loose. I was still having problems, but then I went up to Midlands Orthopedic clinic in -

Q Charlotte?

A Yeah, Charlotte, and then they give me an injection in my ankles and stuff. And they ordered the insteps to wear in my foot, I had to get some of those. And I had to get some orthopedic shoes. They seem to be helping me. I was still having some problems. But the pain doctor had sent me over to physical therapy. And then they put some kind of machine on there to help the pain.

Q To help your foot?

A Uh-huh. And then he sent me to Dr. Troyer. And Dr. Troyer said - I think said I have some nerve damage in the foot.

Q Are you still treating with Dr. Troyer now?

A No, I just went to him once to have him do the nerve conduction studies on me. Dr. Brandt sent me to him so he could test my foot.

Q Who are you treating with now?

A Dr. Brandt, he's taking care of my - after I finish physical therapy I -

Q Is that B-R-A-N-D-T?

A Yeah.

Q Where is he located?
A He's at the Wateree Complex in - I've got the address on there.
Q That's okay. Wateree Medical?
A Yeah, he's in Kershaw County. He was over here at Baptist at that pain clinic, but he's got his own office now.
Q Has Dr. Brandt given you any work restrictions?
A No, I'm continuing to work.
Q That's not my question. Did he give you any work restrictions?
A No, sir. He hasn't finished treating with me. Because I went to him last week and got some injections.
Q That was my next question. What is he treating you for now?
A For the pain in the ribs and stuff. I went to him last Thursday and got an injection. So I'm supposed to go back to him next month.
Q Are the injections helping?
A They help me some days. He's got me on some pain medicine to try to get the pain under control.
Q Are you treating with anybody other than Dr. Brandt now?
A No, sir. He's the only one treating me now.
Q You saw a Dr. Cohen at one time, C-O-H-E-N?

A Yeah, he was at the Miller Orthopedic Clinic.
Q Okay. He's the one at Miller. You're not treating with Miller now?
A I haven't been back there in awhile, since they gave me the injection. They gave me two injections. I have to go back and get another one. I haven't been back up there.
Q Are you treating with Carolina Spine now?
A No, no. I've been left out of there since that doctor I left in Charleston. I didn't go back to them. When I go for my spine, I go to Dr. Jones. He's at Charleston Spine. That's my doctor.
Q Have you had any kind of accidents at all since October 23rd of 2003?
A Well, I fell at the church, but - I mean, that's just something new that happened last month.
Q Okay. When did that happen, you fell at church?
A On the 20th of May. I just fell up the steps and I just hurt my knee. I haven't been to the doctor yet, because I was trying to see how I do.
Q And you hurt which knee?
A The right and the left, but the left is not bothering me, the right - I mean, the left bothers a little bit, but the right one is the one giving me the problem.
Q Were you pointing to your arms or hands, too?

A A little bit down here, when I went to balance myself. It's just a little stinging, so nothing that major.

Q And you haven't been to the doctor.

A Not for my knee, but I may have to go, because it's hurting. I was seeing, you know, whether it would stop on its own. But I don't know. I haven't been yet. I may have to go because it's still hurting in there.

Q Have you been to the doctor for your hand?

A No, no.

Q You didn't go to the emergency room or anything?

A No, I just fell at church.

Q What church do you go to?

A Red Hill Baptist.

Q Huh?

A Red Hill Baptist, in Gadsden.

Q Okay. Have you filed any kind of claim with the church's insurance company?

A No. I don't even know if they have that. I didn't tell them about it at the time. I don't want to sue the church or nothing like that. But that's the church I go to, so - I mean, I don't know. I haven't been to see if there is anything wrong with my knee or not. But it's hurting. But I didn't tell them anything about that I was going to sue the church on that, anyway.

Q After your claim date of accident in this case, which is October 23rd of 2003, did you refuse to go to Health Works?

A What happened, I went to the ER that night. In the ER, a name is Pam, and I told her I had to go to Health Works to get the paperwork done. The ER doctor told me to follow up with my regular doctor. But I went to Health Works to finish the paperwork. And when I went over there, what's her name started asking me - oh, Lord, Libby, that every time I go over there they mistreat me because they had tried to got me fired from the hospital before, her and the nurse practitioner. So she was carrying on with me and stuff, so I didn't go back over there. I told them I was going to my regular doctor, the ER doctor had told me to go. Every time I go over there she starts carrying on at me.

Q Did they tell you that Health Works was their Worker's Comp doctor?

A Ain't no doctor over there. There ain't nobody but the nurse practitioner and the occupational health. They don't have no doctor over there.

Q Did they tell you that's where you had to go, though, Health Works for Worker's Comp?

A That's where they told me to go, but -

Q Worker's Comp?

A Yeah. The ER doctor told me to follow up with my regular doctor. That's what the ER doctor told me to do.

Q Right. But what I'm getting at, you agree they did tell you that you had to go to Health Works for Worker's Comp.

A That's when I first got hurt in November of '01. But they told me - the supervisor told me I had to go to Health Works to get my paperwork done. So when I went over there to get the paperwork done, Libby asked me if I had wanted to see the doctor. And I asked her where the doctor was. And she said they had a nurse practitioner. And she started fussing and carrying on at me like she had - what they had done in the past, and like I said, they had tried to fire me. So I didn't want to get into no more arguments with them. Because they had put me on suspension for a whole week with another accident I had. So since the ER doctor had told me to go to my doctor for follow up, that's what I told her I would do. I wasn't going to be arguing and carrying on with them. And then they couldn't take care of my injury no how. So I went to my - and they said they wasn't going to pay for me to go to my doctor.

Q How did the accident happen where you tripped on the

phone cord? Tell me about that.

A I wasn't looking down when I went by. I went to get some papers, my charts and stuff from the other shift to go back to my desk. And somebody left the cord, and my right foot got caught in the cord. I was walking and my right foot got caught and I fell.

Q You fell forward?

A Yeah, I fell over on my side. And I know I hit the floor, hard floor.

Q Did you catch yourself with your hands?

A No, I might have tried to balance myself.

Q All right. Did you tell any of the doctors that you caught yourself with your hands?

A I don't think I told the ER doctor that?

Q You didn't?

A I don't think so. I don't remember. It was a while back. I might have did. I can't remember now. I don't have the paperwork with me. But I fell flat on the cement floor. But they got a carpet down there, but I hit the floor.

Q They do have carpet?

A They got carpet over the cement.

Q Oh. I thought you said it was a cement floor.

A It is, but it's got the carpet over it.

Q Is there padding under the carpet?

A I don't know.
Q Can you feel that padding when you walk on it?
A No, I don't.
Q But it's all carpet, you can't see any cement, can you?
A Yeah, but it's hard, the cement, it's hard.
Q I'm not asking you if it's hard, I'm asking if you can see any cement?
A No, I didn't see any. I think that's what's up under there.
Q Is this the office you work in?
A No, they got carpet throughout the medical records.
Q I mean where the accident happened, is it in the office where you work?
A Yeah.
Q It's in your office?
A It's not - it's a big - it's a big area. And they've got little cubicles.
Q There are cubicles in that area?
A Yeah, there's cubicles in the office. It's a big, wide area. And then you go from this area into the other area where they've got the records.
Q Who saw you fall?
A Nobody seen me, but the girls said they heard me fall. They came out and helped me off the floor.
Q Okay. Who came and helped you up, do you remember?

A I think one of the coders. The coders was back there working.
Q The who?
A The coders that code the medical records.
Q The recorders?
A The coders who code the medical records, so they get paid.
Q Oh, the coders. All right.
A They came and helped me up off the floor.
Q You can't remember anybody's name?
A No, I can't remember who it was now. And I don't know if I wrote it on that paper or not.
Q And how soon did you report the fall to your supervisor?
A I went to my supervisor. Heather Doyle, that's her name, D-O-Y-L-E. Then I went to the nursing supervisor. That's what they told me to do from the other time. I'm supposed to go to the nursing supervisor. So that's why I went to her and told her.
Q Who's the nursing supervisor?
A Lenora Bell.
Q Lenora Bell?
A Uh-huh.
Q Okay.
A And she was very nasty with me, talking about - I told

her I was nauseated and I was hurting. She told me the nausea and stuff didn't come from the fall. They told me to go to the doctor's lounge and get some crackers. And I ate some - I didn't find no crackers. I got some ice. But I was still nauseous and I was hurting and stuff. So then later on that night I called Pam, the other supervisor. And that's when she told me to go to the ER and get checked.

Q Ms. Shiver, what physical problems are you having now as a result of this accident where you tripped over the phone cord?

A I don't think I have nothing physical, it's just aggravated, you know, from my prior injuries. And then I've got the new ones. And I still have some pain and stuff in my perineum.

Q Okay. So what's going on with your chest now? What problems are you having?

A There is chronic pain and stuff there.

Q And what kind of pain killers are you taking?

A He's got me on Ultram, extra-strength, the 100, the standard release 100. And then, like I say, he's giving injections. So I'm just taking that for right now.

Q All right. And how -

A And I'm on Nycra, too. I think that's for the nerves,

N-Y-C-R-A, 100 milligrams twice a day.

Q Are you still taking that?

A Yeah.

Q All right. And how often do you take the Ultram?

A I'm taking that twice a day. And then I've got a pill in between for breakthrough pain. I have to take that sometimes. When it comes between the 12 hours, I take one of them.

Q Other than your chest, is there anything else that's bothering you because of this accident?

A My side's still bothering me some, but not like it was, because he gave me some injections in my side.

Q And what do you want my client to do for you?

A To help them pay my medical bills, that's why I had asked them.

Q And what bills are you talking about?

A Dr. Jones for my back and stuff that I had. But they said they wasn't going to pay for none, so -

Q Okay. Dr. Jones for your back.

A And Dr. Hook, who was my regular doctor. That's what the ER doctor told me, follow up with my regular doctor.

Q Who is Dr. Hook with?

A He's with Midlands Internal Medicine. He's out on Two Notch.

Q Was he treating you for all these problems before this accident? Was he treating you before and after?

A He was helping me with the other ones, because the doctor had told me - the ER doctor told me to follow up with my doctor. But they all knew about Health Works, but one of them down there told me not - the Baptist ER doctor had told me not to go back over to Health Works for how they was treating me over there. And the ER doctor didn't know about Health Works was the Workman's Comp thing, but they always tell me to follow up with my doctor when I went there.

Q Have any of your doctors given you any work restrictions now that you're under right now?

A No, I'm not under any kind of work restrictions.

Q Is there anything on your job that you cannot do because of your injuries?

A See, my job is mostly a light-duty job anyway. It's mostly desk work, putting the information in the computer.

Q It really just requires a yes or no. Is there anything on your job that you cannot do now because of your injuries?

A No, unless push those real heavy carts. But I wasn't doing that because in my job, really, I work with the charts log the deficiencies in the charts. And the

charts I work with are outpatient charts, they're not that heavy. And I file loose papers and stuff. Really it's mostly a light-duty job anyway. It's now a heavy-duty job what I do in medical records. But they don't have any really heavy jobs. I think the only heavy job there is like when you go upstairs and get the inpatient charts, pushing those heavy buggies. But I don't work with the inpatient charts, it's just outpatient, so that don't affect me.

Q How much are you required to lift on your job, do you know?

A It's just those little charts, they're not that much. I don't lift a whole bunch of them at a time. You know, I only do a few at a time. I don't do a whole bunch at a time.

Q When my client hired you did they give you some kind of medical questionnaire?

A I had went to Health Works, and I told them that I had some prior injuries over at Baptist. They knew all of that.

Q At Baptist?

A Yeah, where I got hired, I had to go to Health Works over at Baptist.

Q Oh, okay.

A And they went through our paperwork, and she made me do

some bending over and all kinds of tests and stuff. And then she sent me to Richland. But they knew I had some prior injuries.

Q Did you respond on a written document that you had prior injuries?

A Yeah, I think I wrote it on there, and I think I told them, too. I think they had wrote a letter to Dr. Jones or something. But I think the lady knew. But they knew I had some prior injuries. I mean, I didn't went in there and then tell them I didn't have any. They know that.

Q All right. And you've hurt this chest area in the past, right?

A Yeah, I had those falls and then the car accident.

MR. CHASE: That's all I have for you. Thank you for your time today.

(The deposition concluded at 12:29 PM.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

CERTIFICATE

BE IT KNOWN THAT I TOOK THE FOREGOING DEPOSITION OF GERTRUDE SHIVER;

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

THAT BY VIRTUE THEREOF I WAS DULY AUTHORIZED TO ADMINISTER AN OATH;

THAT THE WITNESS WAS BY ME 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 72 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 8TH DAY OF JULY, 2006.

SARA L. QUATTLEBAUM
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES JULY 12, 2012

*THIS TRANSCRIPT HAS BEEN ELECTRONICALLY TRANSMITTED AND SEALED BY VERBATIM, INC.

*THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.

Verbatim, Inc.
Realtime Voice Writing & Training
(803) 748-7242 • fax: (803) 233-4188
P.O. Box 7123 • Columbia, SC 29202

Dear Deponent,

Enclosed you will find a copy of your deposition transcript. Please read over said transcript and make any changes, if necessary, on the Errata Sheet provided; sign and have notarized the Signature Page; and return those pages only to me via the United States Postal Service at the above address. Please do not fax copies of the original document as the original signature page and errata sheet will need to be sealed to accompany the original transcript.

The South Carolina Rules of Civil Procedure provide 30 days in which to read and sign your deposition transcript; otherwise, you will have waived your right to a signature.

Sincerely,

Sara Quattlebaum
Verbatim, Inc.

(1301)

August 8, 2006

Ms. Sara Quattlebaum
Verbatim, Inc.
P.O. Box 7123
Columbia, SC 29202

AUG 14 2006

1329.238

Dear Ms. Quattlebaum:

I am returning my Errata sheets along with the deposition that you sent me. I have tried to correct as many errors that I could considering the time span of 30 days. This was not enough time for me to go back and hunt through all of my papers that I could find to get all of the correct information. Because of the time span, I am returning what I have.

I have a bad penmanship because of an old injury to my right shoulder. At the present time, I am having some problems with my right wrist. If you have any questions about what I wrote or can't understand the word, you can call me at (803) 353-3892 or send me an e-mail at g.shiver@Worldnet.att.net.

There were some statements that I know was made but you did not transcribe it. I know that I don't exactly speak correct English, but there are a lot of the words that you recorded that I know that I didn't say. The deposition sounded as if I am an uneducated street person. There were some words recorded that I don't even used. In addition, there were some statements recorded and words used that I know that I didn't say.

Also, I am sending you a copy of my book that I have written and published. It is to be used as part of my deposition, if the Commissioner does not object to it. It clarifies a lot of the questions on the deposition. I don't know if you all have room to store it or not. I have already sent Attorney Chase a copy. Thank you.

Sincerely,

Gertrude Shiver

(1302)

COPY

BEFORE THE WORKERS COMPENSATION COMMISSION
FOR THE STATE OF SOUTH CAROLINA
WCC FILE NOS: 9457677 and 9503744

DEPOSITION OF GERTRUDE SHIVER

GERTRUDE SHIVER,
EMPLOYEE/CLAIMANT,

vs.

TRIDENT REGIONAL MEDICAL CENTER,
EMPLOYER,

and

ALEXSIS RISK MANAGEMENT SERVICES,
INSURER, DEFENDANTS.

DEPONENT: GERTRUDE SHIVER

DATE: AUGUST 24, 2007

TIME: 10:00 A.M.

LOCATION: WILLSON, JONES, CARTER & BAXLEY
4500 Fort Jackson Boulevard
Columbia, South Carolina 29209

REPORTED BY:
TERI L. HORIHAN
NCRA Registered Professional Reporter
CLARK & ASSOCIATES
P.O. Box 73129
North Charleston SC 29415
(843) 762-6294
WWW.CLARK-ASSOCIATES.COM

(1303)

A P P E A R A N C E S

FOR THE EMPLOYEE/CLAIMANT:

APPEARING PRO SE
1026 Congaree Church Road
Gadsden, SC 29052

FOR THE EMPLOYER AND INSURER:

WILLSON, JONES, CARTER & BAXLEY
BY: ALLISON M. CARTER
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464

I N D E X

EXAMINATION

By Ms. Carter 4

Certificate of Reporter 57

Deponent's Correction Sheet 58

E X H I B I T S

(There were no exhibits marked.) Page

(1305)

GERTRUDE SHIVER,

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. CARTER:

Q Ms. Shiver, my name's Allison Carter, and I represent Trident Hospital in some claims that you have pending before the workers' compensation commission. And I'm here today to ask you some questions about the injuries that you had.

And I understand that it was a long time ago and you may not remember exact dates and that kind of thing, but if you'll give me an answer to the best of your ability, I'd appreciate it.

A Okay.

Q And I think you've had your deposition taken before, but the court reporter is taking down everything that we say.

A Uh-huh.

Q So I'm just going to ask you to give me a verbal answer to my questions. Okay?

A Okay.

Q A lot of people shake their head, but I don't want her having to figure out what you're saying.

(1306)

A Okay. Okay.

Q What's your current address?

A 1026 Congaree Church Road, C-o-n-g-a-r-e-e, Gadsden, G-a-d-s-d-e-n, South Carolina, 29052.

Q After you left Trident Hospital, that was back in 1998; is that right?

A Yeah.

Q Where did you go to work from there?

A I went to the nursing home on the island. And I must have worked there about two or three days, and I was hurting real bad in my chest in stuff. I was pushing that medicine cart because I was still injured.

And then after then I didn't work no more until I came home in August of that year. And must have went until December or so until I finally got a job with the Florence Nursing Service, and I've just been going to various nursing homes and wherever they sent me when they had some hours for me to work.

Q Were you working as a nurse at the Florence Nursing Service?

A Yeah. It's just like an employment agency. They send you different places when they

(1307)

get jobs for you.

After then I got a job at Stanton Pines Nursing Home in Hopkins, South Carolina.

Q Standard Pines?

A Stanton, S-t-a-n-t-o-n, but they changed -- the name now is -- they've got a new name.

Q That's okay. That's what it was then. What city was it in?

A Hopkins, South Carolina.

Q Hopkins?

A South Carolina.

Q What were you doing at Stanton Pines?

A I was just mostly like the medicine nurse and the treatment nurse, and I was going to school at Midlands Tech. I went into another field.

Q How long did you work at Stanton Pines?

A I shouldn't say no more than about a year or so. Because when I finished school, I got a -- I think about a year.

Q What was the other field that you were going into?

A Health information management. I graduated from Midlands Tech in 2000.

Q Why were you going into that field?

(1308)

A Well, I had some injuries to my spine and then my feet, and then I've got problems with my shoulders and arms and stuff.

Q So you thought information management might be a little bit easier physically?

A It's a desk job, mostly desk, you know, and not pulling or lifting on patients where I could injure myself some more.

Q Where'd you go after Stanton Pines?

A I worked at Richland Memorial Hospital. After I finished school, I got a job that -- I finished in 2000, and then September I got a job at Richland Memorial Hospital.

Q What were you doing there?

A Health information management.

Q How long did you work at Richland Memorial Hospital?

A I stayed there for six years.

Q Where'd you go from there?

A Well, I went to Target during the Christmas holidays, and now I'm at -- I just worked there for about three months during the Christmas season.

Q At Target?

A Yeah. And now I just started working at

(1309)

Kmart in May of this year.

Q What happened with the job at Richland Memorial?

A They terminated me because of a book that I wrote.

Q Because of a book that you wrote?

A Yeah.

Q What kind of book did you write?

A It was a book mostly about my life and what happened to me on the workmans' comp and had some religious stuff in there and history of South Carolina included, some things that happened to my forefathers, stuff like that.

Q What's the name of your book?

A The Fall of a Nurse: What is Wrong With Gerly?

Q Did they tell you that that's why you were terminated?

A Yeah. Because they said I used slanderous language against the hospital and employees and stuff, yeah.

Q What are you doing at Kmart?

A I'm a cashier. They only give me part-time hours.

Q So how many hours a week are you working

(1310)

there?

A Usually she said I could get up to 15, but sometimes I don't get 15. And sometimes -- like when people call in, sometimes the boss man asks me to work a couple hours over to fill in.

But when I signed up to work, she said the most I can get was 15 hours, but sometimes I don't get 15.

Q Are you going to school now too?

A Yeah. I'm going to ECPI.

Q ECPI?

A Yeah. On Berryhill Road.

Q What's that?

A That's ECPI College of Technology. I'm taking medical administration, office administration, like, you know, be an administrator in a doctor's office. That's what I'm taking there.

Q Is that what you want to do?

A If I can find a job in it. But I'll probably have to leave the state anyway though.

Q Why are you going to have to leave the state?

A Because it's difficult for me to find a job.

Q Do you know why that is?

A Well, because of stuff that went on with me previously.

Q What kind of stuff?

A When I had trouble at Trident Hospital and the doctors and stuff like they treat me up here and all. And some, I think, with the State of South Carolina also.

Q At this point, I'm aware of two claims that you have that you actually asked for a hearing on against Trident.

A I had two more, but I don't know -- I had let them know about it because -- and then I've been writing letters and stuff. And stuff happened to me so I don't know whether they'll still let me bring it up or not.

Q All right. Well, let me ask you about the two that you actually asked for a hearing. And I think those are going to be addressed at this hearing in September.

A Oh, okay.

Q The first one is September 25th of 1994.

A Uh-huh.

Q Do you remember that accident?

A Remember some of it. I'll have to look at my papers and stuff. I had three falls, one that

September, one that October of 1994, and then January of 1995.

Q All right. You said -- the ones that I have are September of '94 and January of 1995. Well, no. September of 1994 and January of 1995, that's right.

A And October of 1994.

Q Did you ever file a claim for the October of 1994 injury?

A I was writing some letters during that time because a lot of stuff was going on. I've been sending some claims because I've been doing -- writing them.

And some stuff disappeared. I don't know what happened to all my stuff that I had, that I sent up here because I didn't know you were supposed to keep three copies. So when I sent them, then I was writing letters letting them know what was going on.

Q Writing who letters?

A Workmans' comp office. And I was telling them what happened and dates and stuff. I think they said that I could have sacrificed for a notification.

Q But you may not have filed that within

(1313)

the time period you needed to?

A I don't know. There was so much going on during those times with me down in Charleston and how they was treating me and stuff.

Q But what I need to know I guess is, I've got these two claims. But I need to know what else is out there that's still going on.

A I told them about the one -- it happened in October of 1995. I had wrote a letter up here. I don't know whether that's right, but I had got some urine in my eyes, and my eyes had got infected.

And I had another incident in 1996, I think it was January. But I didn't report that one where some urine had got in my eye, and I just cleaned my face. Just got in my face, but I didn't report that one because they was fussing and carrying on about -- telling me I was trying to sue the hospital and stuff like that.

But I was having a lot of spasms and stuff in my shoulders and pain. So I don't know whether that caused -- interfere with me working caused the urine and stuff to inject into my eye when I was emptying out the Foley or not. But I ain't never had those type of things happen to me before.

Q But sitting here now, do you know if you filed a claim on the October of 1994 accident?

A I took some papers down there the other day, but I don't know whether they're still accepting them or not. Douglas had included the one, the 1994, when they messed up my thing before he included all of them with it.

Q Well, I have a September 25th of 1994.

A Yeah. I took two down there the other day.

Q And I have a January 25th of 1995. I mean January 23rd of 1995.

A That might be in my other envelope. I did file one for -- I filed one, but I think I might have -- let me see. I think I forgot that one. 10/24. Yeah, that's the one I had fell up the steps.

Q Okay. This is for --

A I filed the one -- I did file the one that I got the urine in my eye too. I think I might have forgot that one. Because since Michael Chase told me all of my cases against Trident was still pending, so I went and did the other two. I went and did those since he told me that.

Q So I have the Form 50 that you filed on

(1315)

September 25th of 1994. You're showing me one today for October 24th of 2004.

A Yeah. I went -- oh, this is the one about the urine in my eyes. I went and did that one. Because I didn't know whether -- I had wrote up there and told them about all those incidents that were happening to me during the times they were happening, but they never sent me no number.

Q Well, you understand that you have to file a claim within two years from the date of accident?

A I didn't find that out until later.

Q What I want to know is, do you know if you filed a claim for this October 24th --

A I never done it before. I had just wrote those letters and let them know what had happened about the incident. But I never got -- they didn't never send me a number. But I told them about those incidents.

I think I had -- I had a letter, but I had it filed up on the other claim. I filed it on the other claim because it involved the shoulder when I was emptying the urine. But they never sent me a new number.

Q I'm talking about October 24th of 1994

right now.

A That's the first one I gave you.

Q That's right here. You're talking about your shoulder, but this says left knee, foot, and ankle.

A This one's got October on it?

Q Yes. It actually says 2004, but I think you meant 1994.

A Yeah. The one for -- yeah. I think I put the wrong date on it. 1994.

Q Do you have the letter that you sent them?

A I've got some stuff, but I don't think I got it out -- I don't think I got that and put it in my -- I've got some papers, but I don't know whether I got that one put in there. I'll have to go back and make sure. I've got a lot of stuff in here. I don't know whether I submitted and put that one in there or not about the urine.

Q Right now I'm asking about the October 24th of 1994. That wasn't the urine one. That's when you fell, right?

A Yeah, yeah.

Q Let's talk about that one first.

A I have to look through my papers because

I had sent some papers up there to them, and I told them about all those accidents that I had. But it was still within the two years. I told them about it when it first happened.

I have to go back and look through these. It could take a while to go back and look through here. I didn't know you had wanted all those too.

Q Well, I want to know which claims you've filed against Trident Hospital. And in our state, you file by either filing a Form 50 or a letter which indicates certain things. So your letter may qualify or it may not, and I don't know without seeing it whether it does or not.

A I have to look through here because I don't know if I brought it or I've still got it in my thing with the papers. But I had sent the letters, and Douglas had included it with the other claims.

Q Is it this letter?

A There's a bunch of letters I sent. I told them about all of them. It's going to take a while for me to look through my stuff.

Q Well, I have you till 1:00, so I guess you're going to have to look through it.

A Could I mail it down to you to

Charleston? Send a copy down there to you, what you need? Because that's why I wanted to know exactly what you wanted because I have to look through all my papers and stuff and get stuff out to give to you.

Q Okay.

A So let me write that down. You want a copy of the letters that say something about the one for --

Q I want any letters that you sent to the workers' compensation commission concerning an accident you had at Trident.

A Okay. I'll send what I have. And they've got a whole box because I don't know whether they save all of them or not, but anyway. I have to mail it to you. I'll mail them to you.

(This page contains requested information.)

Q So far you've told me about the three fall, two of which I have a Form 50 on, and then there's another one it looks like you may have just filed. And then there was an incident in October of 1995?

A Yeah. That's where I got the urine in my eyes.

Q Did you report that?

A Yeah. They reported it, but Anita called -- I don't think she did -- because usually when you get urine, you're supposed to go on that HIV protocol. During that time I was checking the computer, and I never really saw where she had did the bloodwork to check the patient.

But they checked me, and then I had went down to the County DHEC in Charleston, you know, the clinic, and I had got them to check me for HIV.

Q But do you have any ongoing problems as a result of that injury in October of 1995?

A For which one?

Q The eye injury.

A I don't know because I hadn't gotten checked no more for HIV or nothing since then.

Q Since 1995 you haven't got checked for HIV?

A No, no. But I think I may be all right. I don't know. I haven't been checked no more since they checked me at the health department.

Q They didn't check you at Richland Memorial Hospital when you went to be employed there?

A No, not for the HIV. You can't just do

that. It's a legal thing. You can't just check somebody for that. Because I wasn't working around any patients.

Q Is there any reason why you haven't gone and gotten checked?

A I don't think I've got it. I don't know.

Q Well, then what are you looking for from Trident Hospital as a result of this injury to your eyes in October of 1995?

A Well, because Anita didn't send me to the eye doctor, and she knew that my eye was infected. And I went on my own, and I never got reimbursed. She didn't send me nowhere, and she didn't never check that patient.

So I don't know what kind of implication that had, but she's supposed to do the needle stick protocol and check the patient also.

Q All right. But in 2007 you don't think you have HIV as a result of this accident you had in October of 1995?

A I mean I haven't had no symptoms. I have diarrhea and stuff, but I have never got checked no more so I don't know.

Q All right. Do you know how much the bill was for the doctor?

A I had added up -- I had went to Dr. Kerrison.

Q $341.81?

A Yeah. Dr. Kerrison did took care of my eye for me.

Q Did Anita tell you at that time why she wasn't going to pay for that medical treatment?

A No. She didn't tell me because they was treating me real bad down there. But she wouldn't do it so --

Q I'm going to make a copy of these if you don't mind before we go.

A Yeah, you can.

Q So I know about the three falls. This one in September of '94, October of '94, and January of 1995. I know about the October of 1995 incident where the urine got in your eyes.

A Uh-huh. And I had another incident, but I didn't report that one.

Q Okay.

A That happened in '96, but I didn't report it because -- what's his name -- fussing and carrying on about me -- Willy Dickerson was talking about I was trying to sue the hospital and all kind of things. So I just went in and washed my face off

and stuff, but I didn't say nothing to them again about it.

Q Have you filed any claims on anything other than these four injuries?

A No. Those are the only ones that I did, the major ones.

Q Are there any incidents you had there that you're planning on filing claims for?

A No. Because I think it done got too -- I had some other things that happened, but it wasn't nothing major.

Q So sitting here today, you're not planning on filing claims on anything else?

A Not that I know of because I don't think there was nothing major that happened to me. Not at this present time I don't think there was anything else. Just the things I told you about, the major things.

Q Now, your letter says that Mike Chase told you that your claims against Trident Hospital were still pending. Do you have cases against him?

A Yeah. That's in -- let me see.

Q Which employer does he represent?

A Richland Memorial. See they had -- I had four accidents on the one. Then they had switched

to another insurance company. Then I had two under that one. Michael Chase was --

Q Well, I've got four claims you have with --

A Wait a minute. I think I've got the one for Michael Chase. These two here are on Michael Chase.

Q Okay. So Michael Chase's carrier came after the carrier --

A Yeah. He's the last one.

Q All right. So let me go through these real quick. I have one from November 15th of 2001.

A I didn't bring the ones that I got stamped from --

Q That's okay. Let me go through these real quick. November 15th of 2001, you had a metal supply cart hit your left foot?

A Yeah. That's on Lana Sims.

Q That one's going to a hearing in September?

A Yeah. Putting all of them together. They asked for them to be put together.

Q Then I've got one from March 23rd of 2002 where you had an injury to your low back when you flipped over -- a chair flipped --

A Yeah. When a chair fell on top of me.

But I've got to write a rebuttal to that one there. He's talking about, I didn't miss but two days, but I missed more than that because my doctor, Dr. Hooker, gave me some days off. And I think I got an extension, but I've got the time on there that I stayed off.

I had went -- during that time of the injury to my foot, I had kept my appointment. I didn't cancel that appointment. I went to that appointment that day, but they didn't never take care of my back. And he put down there I wasn't out but two days, but I was out more than that.

Q But the March 23rd of 2002 chair incident was with your low back?

A Low back and side, yes, ma'am.

Q And side?

A Yeah.

Q What side?

A The left.

Q Then there's a January 20th of 2003 accident where you slipped and fell. I think it was maybe a wet floor?

A Uh-huh.

Q Is that a yes?

A Yes. On the wet floor.
Q What did you injure in that accident?
A I fell -- all over was hurting, but mostly -- after that my perineum was hurting real bad and my vaginal area, but I was hurting all over. When it first happened, I was very nauseated, my side and everything, but then --
Q What do you mean by side?
A My left side. I had several -- because most of the time I fall, I fall over hurting that side over there.
Q On your left side?
A Uh-huh.
Q Is that a yes?
A Yes. I'm sorry.
Q Are you left-handed or right-handed?
A I'm right-handed.
Q Then there's an accident of October 24th of 2002 when a chart fell on your left shoulder.
A The supervisor dropped a big, thick chart on my neck. The supervisor did that. I was sitting at the desk working, and he came with a load of charts and went back and got another big load and dropped them on the left side of my neck.
Q Then you've got an October 23rd of 2003

(1326)

injury. This is the one that Mike Chase is handling?

A Yeah. The girls in the office, they were using the telephone. And when they put it back, they didn't put the cord all the way across, and I wasn't looking down, and my right foot got caught in the cord -- and I was keep going -- I didn't know. And I fell.

Q What did you injure in that injury -- in that accident?

A I thought -- I hurt all over except my head. I never hurt my head. But when I hit the floor, the hard floor, all on my left side, my legs, and everything. I think I put whole body except the head.

Q It says chronic pain on the left side, injury to both knees, both wrists, all of left side and back, and whole body except head.

A Yeah. I never hurt my head. But when I hit the floor, hurt the rest of it.

Q Then there's one of July 16th of 2006.

A That's where I was using the hole punch, and I had developed some pain in my right wrist.

Q Let me go back to the accidents with Trident. This September 25th of 1994, this is the

(1327)

one --

A With the urine?

Q No.

A Oh, September. First fall that I had.

Q The first fall that you had.

A Oh, okay.

Q Now, you had a hearing in that case; is that correct?

A Yeah.

Q On March 14th of 1996, Commissioner Lynden?

A Lynden, yeah.

Q And Commissioner Lynden awarded you --

A I didn't get nothing.

Q Well, he awarded you medical treatment, didn't he?

A I mean I didn't -- part paid for the treatment that I had gotten, that the hospital had sent me to. But a lot of those medications they didn't pay for, and I never got reimbursed. I put them on my form -- that I had gotten from Revco.

Q Did you ever submit them to anybody?

A Anita had me -- when you go to the pharmacy, the Revco one -- she had them to call back. And after then -- I guess they were supposed

(1328)

to pay for them. Then they sent a letter said they never paid for them, so I had to end up paying Revco.

And they knew about the other one, but Anita never paid me for it.

Q Well, Commissioner Lynden found that you did sustain injuries to your ankle, shoulders, knees, and left hand.

A See, what happened, they went and combined all three of my things together.

Q Well, they didn't really. This is an accident --

A Well, it was talking about all of them together, but they had separate numbers.

And Douglas said he had got rid of all my cases, but then Michael Chase said they're still pending. So I don't know. It's a bunch of mess.

Q That's what I'm trying to figure out. This says you had an October 24th, 1994 claim which was denied, and you did not file a formal claim on that one.

A I sent some letters up here, but I don't know whether I had included that on there. But I had told them at the workmans' comp office about it.

Q But my question is, do you understand,

you went to a hearing. Commissioner Lynden found you were not entitled to any temporary total, meaning he didn't find that you had proved that you'd been out of work as a result of this accident.

A No. Because they made me work. But when we went to the thing, Virginia Crocker, Michael Chase, said those cases were still pending. That's what he told me.

Q That's not my question, Ms. Shiver. I don't care what Michael Chase told you. Okay? You went to a hearing; is that right?

A Uh-huh.

Q I just want to make sure you understand what happened.

A Yeah, I went to the hearing.

Q Because I have an order from that hearing.

A Yeah. I went to it.

Q It says you did sustain injuries. They've got to pay the medical benefits. You're not entitled to any temporary total benefits. And you didn't prove that you had any permanent disability.

A I couldn't prove none, but it's the tendons and ligaments and stuff that was affected.

Q But how are you trying to claim injuries

at this point in relation to that accident when you didn't appeal the findings of Commissioner Lynden?

A I didn't know nothing about no appeal. I didn't have no attorney to help me. That's the same problem I've got now. They wouldn't help me. So I was trying to do what I could on my own. I didn't know nothing about appealing and all that. I'm not an attorney.

Q Well, but if you don't have an attorney, you still have to do the same thing that anybody else has to do that doesn't have an attorney, right?

A I was sick during that time, and I didn't know nothing about what I was supposed to do. I was trying to do it on my own.

Q You didn't appeal it?

A No. Because I didn't know nothing about appealing.

Q So if Commissioner Lynden already found what you were entitled to as a result of that accident, you would agree you're not entitled to anything now.

A When the last time he had those things -- Douglas and Thomas -- so he had tried to get rid of all my cases. But then the other attorney said those other cases are still spending. He didn't get

C133D

rid of my cases. That's what they had intended to do, Thomas and Brian London.

Q Well, I have an order which says you're not entitled to temporary total and you didn't prove permanent disability. So what else do you think you're entitled to other than those two things?

A I'm entitled to anything because like I told you, Attorney Chase said those cases are still pending. Because they did that order and tried to get rid of all of my cases because that was --

Q Ms. Shiver, this is an order on one case. It's not an order on all cases.

A He put all of them up there, all of those injuries. He included them both up under there. He talked about all of my claims under that one.

Q But talking about all of them doesn't mean he got rid of all of them.

A Thomas said he got rid of all of my cases, but then the other attorney said, no, they were still pending.

Q So you have no idea if you're entitled to anything for this accident?

A I don't know. I'm not the legal -- I'm not an attorney, but that's what he told me. Those cases are still pending.

Q Is there anything as a result of --
A Maybe here --
Q Let me ask you a question, and then you can answer. Okay? Is there anything as a result of this September 25th, 1994, accident that you have not paid that you think you're entitled to?
A I didn't get paid for none of my injuries and stuff that I had. I sustained some injuries. I didn't get nothing.
Q Well, Commissioner Lynden found you weren't entitled to any permanent disability.
Are there any medical bills that you are saying were not paid as a result of the September 25th, 1994 injury?
A I don't know because I never got a paper that said what was paid and what was not, but I know those medicine -- like I said, those medicines they didn't pay for. Medication that I was supposed to get paid for didn't get paid.
Q Do you have those medical bills with you?
A Those were some prescriptions. No. I didn't bring those papers, but I had paid for the prescriptions. I didn't bring them with me.
Q I'm trying to find your -- are you saying that you attached it to your Form 50? I'm trying to

find your Form 50 on the September of '04 accident.

A I added up the amount how it was for the prescriptions that I had paid.

Q But you don't know if it was paid or not?

A I paid. They didn't reimburse me for those. The ER doctor at Trident Hospital had given me a prescription to get it filed.

Q Do you have any proof that you paid for those?

A I didn't bring them because I didn't know you wanted them.

Q Can you put that on your list to provide to me?

(This page contains requested information.)

A I'll send those with the papers.

Q I want any medical bills, prescriptions, anything like that as a result of the September 25th --

A I'll send that, send the bills.

Q And this is from the September -- will you write down, it's from the September 25th, 1994 accident. That's the one I'm trying to get.

This says, I don't recall Trident Hospital paying for some medications ordered by

Dr. Susan M. Smith for a total of $19.78.

A Yeah. Some prescriptions. She was the ER doctor there.

Q Did you pay those?

A Yeah. I paid for my prescriptions, but I was never reimbursed for them.

Q And then you said you had to pay Revco drugs $18.53.

A Uh-huh.

Q Is that correct?

A Yeah.

Q Is that all of the medical expenses that you believe were not paid?

A That's all -- I don't know everything because I never got no other papers or nothing.

Q But you understand you're the claimant. You've got to --

A Yeah, I know. But I don't know about what everything hadn't been done or what. I don't know.

Q But walking into the hearing, is there anything in addition to those two things that you're going to claim weren't paid?

A I don't know what else because I didn't get no papers or nothing. I never received anything

from the hospital.

Q All right. Now, the January of 1995 accident, that accident you signed a consent order; is that correct?

A That's the one Thomas had forced me to sign. Didn't explain nothing to me -- he and Douglas -- and took away all of my accident and just left the right shoulder and the right foot.

Q And this is Thomas White, your attorney?

A Thomas. Yeah. He's not my attorney now because I had wrote a letter for them to take him off the way he was treating me.

Q Well, he was your attorney then.

A Yeah. I thought he was my attorney.

Q And you signed this agreement yourself?

A He made me sign that and didn't explain nothing to me. And I tried to explain that to everybody.

Q Thomas White made you sign this agreement?

A Yes, Thomas White. And then also after then had me down in the office down in Charleston, how he treat me down there after he had got the money for me being out for my back. He had me squeezed up between the chair there and how he was

treating me in that room.

Q How did he make you sign a consent order?

A They made me sign it. Told me I had to sign the paper. He's my attorney and didn't explain -- because I asked him about the stuff, but he wouldn't explain it to me. Told me that I had to sign it. Me and him in the room there together, and I was afraid of him.

Q You were afraid of Tom White?

A Yes, ma'am.

Q What was he doing to make you afraid of him?

A He was angry at me. His face was turning red. He was mad. I don't know what was going on. He wouldn't tell me. He was cursing my doctor out and all kind of stuff and wouldn't tell me -- nobody wouldn't tell me what was going on down there during that time.

I don't know what went on down there, but Tom had me up there, and I was sick during that time also.

Q After you signed it, did you ever write a letter to the commission about what happened?

A No. I wrote -- after he kept treating me, I asked them to take him off. I wrote a letter

(1337)

asking them to take him off my case.

Q Well, they didn't put him on your case. You hired him, right?

A Yeah. But I wanted him taken off, and then I reported him to the lawyer commission, but they didn't do nothing to him.

Q But you never appealed this consent order or anything like that.

A I didn't know what appealing was. I tell you, I didn't know, and he wouldn't explain nothing to me about appealing and all that. I'm not an attorney. I just went to him. I'm not an attorney.

Q You know now that when you signed this consent order, you withdrew any claims other than injuries to your right shoulder or right foot?

A That's what the commissioner explained. She was trying to tell me that the last time we were down in Charleston in that room with her and Douglas.

Q With who and Douglas?

A Commissioner Mickle. They was treating me real bad in there.

Q That was on another claim; is that right?

A That was on the same one there because Commissioner Atkins told me to refile that one. I

refiled in 2000, and that's when Commissioner Mickle make we withdrew it. Her and Douglas had me up in that room, had the court reporter in there. But she wasn't saying nothing, just looking how they was treating me in that room in Charleston.

Q Commissioner Mickle made you do what?

A Made me withdraw it, my claim.

Q Wasn't that on the October of 1997 claim?

A No. That was on the 1995 because Commissioner Atkins told me to refile it when I went to her with my 1997 claim. She told me to refile the 1995 one. She didn't tell me why. She told me to refile it.

Q Why didn't you refile it?

A I did refile it.

Q When? In 2007?

A 2000. And that's when Commissioner Mickle made me withdraw it. Her and Douglas was treating me so bad in that room and carrying on.

Q You told me Commissioner Mickle made you withdraw it, and then Commissioner Atkins told you to refile it?

A No. Commissioner Atkins told me to refile it. And then when I went and refiled it, Commissioner Mickle made me withdraw it.

Q I've got you. You were in front of Commissioner Atkins on the October of '97 injury.

A Yeah. And after she went through that one, she told me to refile my 1995 claim, but she didn't tell me why.

Q You did it, and Commissioner Mickle had you withdraw that. And you never refiled that until 2007?

A Yeah. I had refiled it when I was talking to someone, some of the people up there at the workmans' office, and she had gave me that order where I could redo it any time I get ready, me or either Douglas.

So after I had all these, and I couldn't find no attorney to help me because these injuries are with that one, then I went. And I was talking to somebody up there, and I went and refiled it and put everything what had happened.

And then the other day when we was -- in July when we was talking with Ms. -- her name is Virginia Crocker, what's when Michael Chase told me all those cases was still pending. So then I went and refiled those other ones.

But the 1995 one, I had that in there because after I talked to girls, I told them I wrote

a letter up here, and I told them exactly what happened. And I sent a copy of the order that Ms. Mickle had given me.

I was talking about all that in my book, and then Michael Chase told me that all of my cases against Trident Hospital is still pending. That's what he told me. I'm not an attorney. You'll have to talk to him. He can explain it to you. But he told me they were still spending.

Q The injuries that you're claiming as a result of the September 25th of 1994 accident are what?

A What I've got written down on September 25th, what I wrote down on my paper.

Q You wrote down left side, knees, hands, feet, ankles, stomach, and left arm.

A Did I put the left side on there?

Q Yes.

A Okay.

Q Have you injured your left side in any of these accidents since September 25th of 1994?

A Yeah. When I fell out the chair, and then the last time I fell because I just -- I injured my left side again. I just finished getting some treatment for my left side the first of this

C1348

year from Dr. Thomas Brandt.

Q So there's been --

A I had to have some injections and stuff done again to my side, to the upper side, the costal area.

Q There's been numerous accidents you've had since September 25th of 1994 where you injured your left side?

A Uh-huh, yeah. Because when I hurt myself in '97 with that patient, I hurt my left side then. And then I hurt my left side when I fell at Palmetto Health.

Q Which time? You don't have to tell me the date. If you just tell me the circumstances, I can probably figure it out.

In March of 2002 you flipped -- the chair flipped over onto you?

A Yeah. And I hurt my back and side then.

Q You hurt your left side in that accident?

A Uh-huh, back and side. I had some sciatica. I had developed some sciatica from that, and the doctor, Dr. Jones, did an MRI. And he saw that I had some more disks down there in sacral area which I hadn't had before.

Q January 20th of 2003, you had a

(1342)

slip-and-fall when you injured multiple body parts, and I think you said you fell on your left side then?

A Yeah. That's when I fell, January of 2002, at Palmetto Health.

Q Then October 24th of 2002 you had an injury to the left side of your neck and your shoulder?

A Yeah. But I didn't hurt my side. That's where he dropped that book on my shoulder, on my left side. No. It wasn't my left side. It was the side of my neck here.

Q And then October 23rd of 2003, you had injury to left side, knees, wrists, all of your left side, and back.

A That's where I hit that floor and my foot got caught in the telephone cord.

Q So there have been numerous injuries since then where you injured your left side?

A Yeah.

Q What about your stomach? I didn't see anything in any of the medical records from 1994 about your stomach.

A I think -- when I hit that chair, I hurt my stomach.

Q How did you hurt your stomach in the September --

A The blue chair was like that, and the patient wasn't my patient. I ran into the room, and Sylvia had the chair in the way, and I didn't see because the room was dark.

And I hit the chair, and I fell over the chair onto the floor. It was a dark blue chair.

Q Did you get any treatment for your stomach after that accident?

A No. I didn't get no treatment. And then when I fell in January and my breasts and everything had swollen up --

Q I don't want to hear about the January one yet.

In the order from the hearing in front of Commissioner Lynden, it doesn't say anything about any injury to your stomach from the 1994 injury.

A I don't think they included it in there.

Q Well, the question is, did you include it in there?

A I was looking for that thing from that, but -- the one that I had filled out, but I couldn't find it because I don't know whether -- I couldn't find it in my papers. So it must be up there at the

workmans' comp office.

Q Do you have any medical records from the 1994 accident showing that you had an injury to your stomach?

A No. I just hit my stomach on the thing. It was hurting.

Q In the January of 1995 accident, you're alleging injuries to both feet, right shoulder and arm, right chest, neck, both knees, right breast, sternum, right elbow, both ankles, both wrists, pelvic area, right scapula, and clavicle?

A Uh-huh.

Q Is that correct?

A Uh-huh.

Q Can you give me a verbal answer?

A Yes, ma'am.

Q And you understand that if the commission agrees that you're limited to your right foot and your right shoulder, you wouldn't be able to include all those other injuries?

A She told me -- because she told me -- because what they had wrote up, I couldn't include them. That's what Commissioner Mickle told me.

Q But you included them anyway?

A That's what had got hurt. So I don't

know why she told me that I couldn't claim them. But on the order, I never got any treatment anyway so I don't know how that works. I'm not an attorney, but the order was signed. I never got any treatment for my foot and my shoulder. The doctors said nothing was wrong with me.

Q Have you had --

A But I do have some injuries to my feet because my feet drop, the tendons and ligaments drop.

Q Have you had any injury to your right shoulder since this January 23rd of 1995 accident?

A No. Just the left side. Not the right that I know of.

Q Have you had any treatment to your right shoulder since that last treatment with Dr. McCoy?

A Huh-uh. He didn't treat me. He just took my arm and twisted it up behind my back and told me not to never come back to his office no more.

Q Do you have any medical record from any doctor within the past year saying you have a problem with your right shoulder?

A I didn't go back to a doctor, but I have problems with writing and stuff. And I still have

this popping stuff, but it's old now. It's about the same as it was when I left Trident because I didn't reinjure it at no other job or nothing.

Q When's the last time you've seen a doctor for your right shoulder?

A I haven't seen a doctor since when he kicked me out of there. I had to end up having -- get some relief for my shoulder. I had to have a breast reduction. Dr. Crouch was taking care of me, and I had to have a breast reduction, take the pressure and stuff off my shoulder.

Q Do you have anything from that doctor saying that the breast reduction you had was as a result of an injury to your shoulder?

A He ordered that to get the relief off my -- get the pain and stuff off -- I think Dr. -- the one who did the breast reduction, I think she wrote that in her notes.

And after when -- I don't know what happened to Dr. Crouch, when they took his license and everything from him, made him close his practice down in Charleston. So I had some other things, but it's not organized, some of the records, because I've got some here and some there.

Q You understand before this hearing in

September you're supposed to give any medical records you want to submit to the attorney on the other side before the hearing?

A No. Nobody didn't tell me that. And then Douglas -- he should have supposed to have all those records anyway because he had got all of them when he was down there, and I didn't know until you sent me the letter the other day that you-all switched attorneys. Douglas didn't give you none of the records that he had?

Q Douglas gave me all the records he had.

A He ain't got none from Dr. Crouch?

Q Douglas' files were destroyed, so I had to get -- I've been trying to get information too.

A Why is he destroying them? He wasn't supposed to destroy them.

Q His files were closed. After six years, you can destroy them.

A Nobody didn't tell me that. On the letter Commissioner Mickle gave me, she didn't say nothing -- when she gave me that thing that said I could bring it up again whenever I wanted to. She didn't put no time limit on there, and Douglas didn't say nothing about no time limit.

Q But my question to you was, do you have a

medical record from a doctor which says your breast reduction surgery was related to your shoulder?

A I have to get those and send to you. I have to get those papers and send to you. What's her name? She did my breast reduction. I have to get those records. I have to go home and get them and send them to you.

(This page contains requested information.)

Q Just to make sure you're clear, I want to advise you that you are -- as a matter of fact, you were supposed to have already gotten us medical records that you want to submit at the hearing.

A Well, see I didn't know -- since I was reading on that thing, and it says something about, didn't have to bring medical records or something on Form 58.

I don't have Dr. Hooker's records. I'm trying to get them, but the girl said I can't -- I went and talked to her yesterday. You have to get a copy service to do them, and she won't do them till Tuesday of next week, and it'll be about 10 days before I get them.

Then also I had with my throat. Those records are in Camden, and I've got to write a

letter up there and try to get them. I just found out for the other ENT medical records. The lady told me that this morning -- yesterday.

Q I'm just making sure --

A I didn't know I had to get those records. I just got some of them. I didn't know I had to get all of them. But I got some of the records. I just have to get them and put them together in order.

Q Well, I'm just making sure that when you get to the hearing you're not going to claim nobody told you because I'm telling you right now. You're supposed to get those medical records to us.

Just like we're supposed to send them to you, and we are sending them to you. You're getting records from attorneys?

A They're just sending the ones that they use on the case, but see I didn't know --

Q But you know now.

A Yeah.

Q I'm just making sure you understand.

A I don't know if I could have time -- I know I won't have all of Dr. Hooker's because they're going to do them next Tuesday, and the hearing is on the 4th.

So I guess I have to write a letter up

(1350)

there and tell her I've got to get the records. They might not want to put it off again because Virginia Crocker said I had put it off before. She told me that the last time. But I've got to get the records.

Q What is going on with your right foot now?

A Well, it still hurts some. It's still flat. See, the tendons and the ligaments had dropped in both feet. So I've got to wear the in-steps in there.

But on my right one, the Dr. Minter put an ankle brace, but he won't give me no medical records because I had to wrote him before and asked for the records. They won't give them.

Q Have you had any injuries to your right foot since January 23rd of 1995?

A No, ma'am.

Q When's the last medical treatment you had to your right foot?

A I hadn't had none since Dr. Boles had turned me loose. What's his name didn't do nothing. He just said nothing was wrong with me.

Q Since who turned you loose?

A Dr. Boles. He's the one that was taking

(1351)

care of my -- had took care of my feet.

Q Now, I've gone over all the workers' compensation claims --

A Could I ask you something? Because the last time I didn't give no medical records. Each attorney had got the records from the doctors. So I didn't understand how that goes.

Q The regulation before the workers' compensation commission says that the moving party, which is you, must submit all medical records you want to submit at the hearing to the other parties 15 days before the hearing.

A I didn't know nothing about that.

Q Did you ask anybody?

A Who was I supposed to ask? No attorneys wouldn't tell me nothing.

Q Ginger Crocker at the workers' compensation commission.

A She didn't tell me that. I didn't ask her because I didn't know, but she didn't tell me.

Q Well, if you don't have an attorney, that's your problem. You're supposed to still try to read things. There's plenty of people at the workers' compensation commission that'll answer questions for you.

A Well, I just have to ask them to put it off till I get my papers then.

Q Then the nonmoving party, which would --

A So I've got to get the medical records, okay.

Q The nonmoving party, which would be all of us, must send you records 10 days before the hearing. So you should be getting those in from everybody.

A I just got some from -- some that Lana Sims sent me. But the hospital won't give me -- even if I try to get some papers about where they didn't pay me, they wouldn't give me nothing because they're very mad with me anyway. So I'll have to ask them today. I guess I'll have to go by there.

Q Are you planning on going to law school?

A I want to. I want to because I've got to get some help somewhere so I can learn some stuff somewhere. Nobody's going to tell you nothing.

Q Have you applied?

A No, no. I hadn't applied because I never did took the test. I took one of those prep courses before, but I can't never get a chance to finish studying because all this stuff keep happening going through all this mess one after the other.

Q Now, I know you had a car accident in April of 1997; is that right?

A Uh-huh.

Q Is that a yes?

A Yes, ma'am.

Q What did you injure in that accident?

A The neck, shoulder part back here, and the back.

Q When you just pointed down, you pointed to both sides of your shoulder?

A Yeah. I was hit in the back, and I went up like this. And the strap was across my neck, and I went up and came back.

Q The strap was across what side of your neck?

A This side.

Q Which is your left or your right?

A Left side. And the same thing happened again in 2000.

Q November of 2000?

A Yeah. It was near Thanksgiving time.

Q That was also your neck?

A Neck, uh-huh.

Q Anything else?

A I went up and back, and the back too.

Like I did before. I went up, and strap was across my left side of my neck -- and my neck, the shoulder part, and the back. I went up and came back.

Q Are there any medical bills as a result of the January 23rd, 1995 accident that you're alleging were not paid?

A After they had kicked me out -- after that doctor didn't do anything for me, then Dr. Crouch was taking care of me, and I had the breast reduction and everything.

My insurance company was paying the bills. And what they didn't pay, I paid because I had to have the breast reduction done.

Q But you didn't list anything with this, any amounts. Do you have those documents?

A For my breast reduction? I think I added it all up together.

Q I don't see it in here.

A Then there was supposed to be an addendum. You didn't get an addendum? You didn't get an addendum from the workmans' comp office? I took one up there.

Q No.

A I've got that addendum in here. I think that might be in my office. That last folder I took

up there was the addendum on it. And that's when I forgot to bring that part, the addendum. Those are some other papers I forgot to bring.

Q Well, do you have any idea how much you're talking about?

A No. Because I don't know how much my insurance company paid, but I paid -- I had paid some. I had paid for medicine. I had to have physical therapy at St. Francis Hospital after I had that breast reduction.

And when Dr. Crouch had took over my care, I had to have physical therapy and stuff too. I think that's in my other thing, and I forgot to bring that file. I forgot to bring that.

Q Why don't you add that to your list.

(This page contains requested information.).

A And then when I had to have my myomectomy, I don't know -- some doctor said it wasn't related, but all the problems happened after I had fell.

And my breasts had swollen up. And then I start -- I had all that pelvic pain and stuff, and they find those fibroids. I had to have surgery in 1995.

Q But the doctor specifically said it was not related to this accident?

A That's what he said, but I don't know because I don't know what was going on. So much a mess was going on against me down there.

Q Do you have any records from any other doctor that says it was related?

A No. Because I just went and had the myomectomy done. The fibroids had gotten bigger inside of me after I fell.

Q I don't need those records.

A I don't know. But just a bunch of -- I don't know what's going on. Nobody wants to tell me anything.

Q Let me give you my address, please.

A It was related because my breasts and everything swell up from the fall I had.

Q But no doctor said it was related?

A Doctor said it wasn't related, but I don't know what was going on down there. But I know I wasn't having the problem before till after I had the fall. I wasn't having the problem before until after the fall because I didn't even know I had fibroids till that happened.

MS. CARTER: It's Allison Carter.

(1357)

421 Wando Park Boulevard, Suite 100, Mount Pleasant, South Carolina, 29464.

That's all the questions I have for you.

(The deposition was concluded at 11:11 a.m.)

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

I, Teri L. Horihan, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and location therein stated; that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription; that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of examination; and that the witness was given an opportunity to read and correct said deposition and to subscribe to the same.

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself/herself of the opportunity to sign or the signature has been waived.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal, this 31st day of August, 2007, at Charleston, Charleston County, South Carolina.

Teri L Horihan

Teri L. Horihan

NCRA Registered Professional Reporter

My Commission Expires 1/17/2017

(1359)

In The

South Carolina Industrial Commission

GERTRUDE SHIVER,

Plaintiff,

-vs-

TRIDENT REGIONAL MEDICAL CENTER

WCC File No. 9503744

DEPOSITION
OF
GERTRUDE SHIVER
MAY 31, 1995

TRAVELING TRANSCRIPT™

A W R

PROFESSIONALS SERVING PROFESSIONALS

A. WILLIAM ROBERTS, JR. & ASSOCIATES

CHARLESTON 722-8414 COLUMBIA 731-5224

1-800-743-DEPO

(1360)

142

44

BEFORE THE

SOUTH CAROLINA INDUSTRIAL COMMISSION

GERTRUDE SHIVER,

Employee,

vs ICC FILE NO. 9503744

TRIDENT REGIONAL MEDICAL CENTER,

Employer,

and

ALEXSIS RISK MANAGEMENT SERVICE,

Insurer.

DEPOSITION OF: Gertrude Shiver

DATE: May 31, 1995

TIME: 3:14 p.m.

LOCATION: Law Offices of
Steinberg, Spitz, Goldberg,
Pearlman, Holmes, White
& O'Neill
118 Goose Creek Boulevard, S.
Goose Creek, SC

TAKEN BY: Counsel for the Employer/Insurer

REPORTED BY: JANET L. ANDERSON,
Court Reporter

Computer-Aided Transcript By:

A. WILLIAM ROBERTS, JR., & ASSOCIATES

Charleston, SC (803) 722-8414 Columbia, SC (803) 731-5224 Charlotte, NC (704) 573-3919

APPEARANCES OF COUNSEL:

ATTORNEYS FOR GERTRUDE SHIVER:

STEINBERG, SPITZ, GOLDBERG,
PEARLMAN, HOLMES, WHITE & O'NEILL
BY: THOMAS M. WHITE
118 Goose Creek Boulevard, S.
P.O. Box 1028
Goose Creek, SC 29445
(803) 572-0700

ATTORNEYS FOR TRIDENT REGIONAL MEDICAL CENTER and ALEXSIS RISK MANAGEMENT SERVICE:

WISE & COLE, P.A.
BY: DOUGLAS PRATT THOMAS
P.O. Drawer O
Charleston, SC 29402
(803) 727-2212

(INDEX AT REAR OF TRANSCRIPT)

STIPULATION

It is stipulated by and between Counsel that this deposition is being taken in accordance with the South Carolina Rules of Civil Procedure, Rule 30; that all objections as to Notice of this deposition are hereby waived; that all objections except as to form are reserved until the time of trial; and that the deponent waives reading and signing of this deposition.

* * * * * * * * * * * *

GERTRUDE SHIVER,

being first duly sworn, testified as follows:

BY MR. THOMAS:

Q. Would you state your full name, please.

A. I'm Gertrude Shiver.

Q. No middle name?

A. No.

Q. Are you married?

A. No, sir.

Q. Ever been married?

A. No, sir.

Q. Any children?

A. No.

Q. Ms. Shiver, as I said before we started, my name is Douglas Pratt Thomas. I'm a lawyer in Charleston, and I represent Trident Regional Medical Center and their workers' compensation carrier in the workers' compensation claim that you have filed arising out of your claimed accident of January 23, 1995.

A. Okay. One thing, I never saw claims. I don't know what's written in it.

Q. Excuse me?

A. I never saw the claim. I don't know what's written in it or nothing.

MR. WHITE: I think she said Anita first brought the claim, the nurse.

THE WITNESS: I never seen -- Anita did that. I never seen. I don't know what's in it.

MR. WHITE: He's asking about the form that I filed. Okay?

THE WITNESS: Oh, okay.

BY MR. THOMAS:

Q. I'm just letting you know who I am. And I'm here about the claim that your lawyer filed with the Commission, and he has

Page 5

you and he put January 23, 1995 as the accident. Okay?
A. Okay.
Q. And I'm going to ask you some questions, a little bit about yourself and how you hurt yourself and how you are doing now. If I ask anything you don't hear or don't understand, just ask me to repeat it.
A. Okay.
Q. Your date of birth?
A. May 19, 1954.
Q. And what's your home address?
A. 411 Meeting Street, Apartment 4309, Charleston, South Carolina 29403.
Q. About how long have you lived at 411 Meeting Street?
A. About four to five years, I guess, estimating on this.
Q. And did you graduate from high school?
A. Yes, I did.
Q. When?
A. 1972.
Q. Did you go to any further schooling after high school?

Page 6

A. I went to Midlands Technical in Columbia.
Q. What's the name of it?
A. Midlands Tech.
Q. What kind of degree did you get there?
A. I got an associate's degree in medical terminology.
Q. An associate's?
A. I mean, a secretary, medical secretary.
Q. And did you have any further schooling after Midlands Technical?
A. I went to USC.
Q. What did you study at USC?
A. Nursing.
Q. Did you get a nursing degree?
A. Yes, I did.
Q. Two-year or four-year?
A. Four.
Q. Did you become an RN?
A. Yes, sir.
Q. Are you presently licensed as an RN?
A. Yes, sir.

Page 7

Q. Have you ever had your license suspended or revoked for any reason?
A. No, sir.
Q. And according to my information, you have been employed at Trident Hospital for about six years; is that right?
A. Be seven years in September.
Q. Seven years in September of '95?
A. Yeah.
Q. And were you continuously employed by them during that period of time, for that seven years?
A. I'm still employed there now.
Q. You started there seven years ago and you have continuously worked for them; correct?
A. Yeah. I still do.
Q. Prior to this claim, have you ever had a prior workers' compensation claim?
A. No, sir.
Q. Have you ever had any type of claim previously for any type of personal injury, automobile accident, slip-and-fall, anything which you --
A. I had an automobile accident. As a

Page 8

matter of fact, I had two of them.
Q. Tell me when the first one was.
A. A long time ago.
Q. Give me a best estimate. Five years? Ten years?
A. About 15 years ago. Might be more than that.
Q. Did you have any injuries in that auto accident?
A. I can't remember now, it's been so long.
Q. How about your second automobile accident?
A. I can't remember much about that one either. It's been a long time.
Q. Do you recall having any injuries in either accident?
A. I think I had some, but I can't remember. I'd have to think.
Q. You can't remember injuries from either accident?
A. No. It's a long time ago.
Q. You said the first one was five years ago. How far back was the second one?
A. I can't remember all that.

Page 9

Q. Was it less than 15?
A. The first one might have been more than five because I was -- let me see. I was going to Midlands Tech at that time when I had the first accident.
Q. Okay.
A. And then the second one -- I was at USC when I had the second one, I remember.
Q. And did you receive any money from the accidents?
A. From the first one but not the second one.
Q. Have you ever been sued before?
A. No.
Q. Have you ever had an arrest other than a traffic offense?
A. I never been convicted of anything.
Q. What have you been arrested for?
THE WITNESS: I have to tell it?
MR. WHITE: Well, I mean, you weren't convicted on it.
THE WITNESS: No, I wasn't.
MR. WHITE: How long ago was it?
THE WITNESS: Five or six years, I guess.

Page 10

BY MR. THOMAS:
Q. You say you weren't convicted. What happened to the charges?
A. I had to go to -- what's the name? Pretrial intervention.
MR. WHITE: They dismissed all the charges once she completed that part of it.
MR. THOMAS: I'm going to try to get through the deposition so I'm going to reserve my right to inquire about the prior charge.
Q. Is there only one prior arrest?
A. That's all.
Q. Okay. When you were working on the date of this accident, on January the 23rd of 1995, what department were you working in?
A. Third floor.
Q. Tell me what's on third floor.
A. Telemetry. Heart monitors. Patients on telemetry.
Q. Are you trained in telemetry?
A. Uh-huh.
Q. You are trained as a medical-surgical nurse?
A. Yes, sir.
Q. This might speed it up. Before we

Page 11

started I had gotten a copy of the Commission's file, and you wrote a letter to the Commission dated February 16, 1995; is that correct?
A. Uh-huh.
Q. And do you have a copy of it here?
A. Yeah.
(Letter, 2/16/95, was marked as Defendant's Exhibit Number 1 for identification.)
BY MR. THOMAS:
Q. Have you reviewed that letter prior to the deposition today?
A. I looked over it.
Q. Are there any changes? Does it accurately reflect your memory of the events as they transpired?
A. As far as I remember.
Q. Is there anything about it you'd like to change?
A. No, sir. The only thing when --
MR. THOMAS: I'm not trying to ask a loaded question, Tom, just speed things up.
MR. WHITE: That's okay.
THE WITNESS: No. She was--
MR. WHITE: Why don't you tell us

Page 12

what page you are on.
THE WITNESS: Page 7.
MR. WHITE: Page 7. The last paragraph; is that right?
THE WITNESS: She had made some arrangement with the insurance company to talk to me next week about settling the claim, she said. And she wasn't going to pay me until I settled the claim over the telephone. Anita told me that.
BY MR. THOMAS:
Q. That's basically what you're saying?
A. Yeah.
Q. Okay. Other than that, was there anything else on this statement?
A. No.
Q. Did you actually type this?
A. Yeah, I typed it.
Q. Mailed it in?
A. Uh-huh.
Q. It's my understanding you also reported Anita Korbe to the state nursing board?
A. State nursing board, yeah, because

Page 13

she said she wasn't going to pay me, so I reported her there too.

Q. Did anything, to your knowledge, ever come of that complaint filed with the nursing board?

A. They said they threw it out, but I think they had been down there. So I think they threw it out. And I think after then, that's when the letter came down from the insurance company.

Q. Did you ever testify before the state nursing board?

A. No, no.

Q. Ever give a statement to any investigator before the board?

A. No.

Q. You say you are still employed at Trident Regional Medical Center?

A. Uh-huh.

Q. What capacity are you employed?

A. I'm a nurse. I had to go back to work. I had no other income.

Q. Do you remember about when after January the 23rd of '95 you went back to work?

A. Well, let me see. It was a week.

Page 14

I had it written on an envelope. Okay. That letter came down -- I got the letter on that Saturday, and that same week, that morning, I had been to work. So it should have been February --

Q. Take your time.

A. Should have been February the 13th.

Q. So you returned to work February 13th?

A. Uh-huh.

Q. And have you been continuously employed since February 13th?

A. On that 20th when I was -- so I got the letter that Saturday, but I went to work Friday, because I didn't know what was going on. I went to work February the 20th, and I worked all day.

And that evening Sue called me in the office and showed me the letter. I told her I got it. And she told me that I couldn't go back over to the workmen's comp doctors and that I couldn't -- that I couldn't go back over to the physical therapy. I told her I had an appointment to go there. She asked me did I have a counselor. I told her no. She told me

Page 15

I better get a counselor.

Then she was asking me what I was going to do and stuff, so I told her I was going to work, I had no other income. She said if I had to call in that she was going to fire me. So then she gave me a slip and told me about taking a leave. I told her I didn't understand what was going on at that time.

So then she sent me back up to the floor where Willie Dickerson was. But I had an appointment with my doctor, Dr. Crouch, for my physical and I would let her know something then. But I couldn't go on no leave because I had no income. I had to work.

Q. I appreciate you being forthright, but to make sure I understand, did you return to work on February 20th?

A. No. She told me to stay out until I go to Dr. Crouch. I think that was March the 3rd, that Friday, when I came back to work.

Q. So you think it was that Friday you went back to work?

A. I think it was March the 3rd.

Q. March the 3rd?

A. Yeah.

Page 16

Q. I'll check with Trident.

Have you worked continuously since March the 3rd?

A. Yes, I have. Until May the 17th, when my blood pressure went up. And I was at work and my blood pressure went up. And Bessie, she was on that night, and she told me that I couldn't -- I told her -- asked me what I was going to do. I told her I was going down to ER, get a doctor to give me something for my blood pressure.

She told me, no, I couldn't go down to ER because ER was full up with ER patients and no doctor could see me then. So then she asked me what I was going to do then. I told her I was going to call my doctor to see what he would want me to do.

I told her I was on the floor with patients, until Emma came, because she called Emma. She said, no, I couldn't stay on the floor; I had to punch out and go home because she wasn't going to be responsible for me having a stroke on the floor.

So I called my doctor and let him know. He said come on down to St. Francis, and

Page 17

I went on down there.
Q. Is this Dr. Crouch?
A. No. This is Dr. Davis was on that night. And I went down to St. Francis and they gave me some Procardia and got my blood pressure down, and gave me something for my headache. I was having a severe headache. And now I'm on blood pressure medicine. I got to take it continuously.
Q. After getting the blood pressure medication, did you go back to work?
A. No. I went home. She told me I couldn't come--
Q. The 18th, 19th, is what I'm talking about.
A. No. I stayed off. Dr. Crouch gave me an excuse and told me to go ahead and rest, because I was supposed to work Friday, Saturday and Sunday, but I was off Monday and Tuesday, so I didn't go back to work until Wednesday.
Q. Have you worked continuously since then?
A. Yeah.
Q. How long have you suffered from high blood pressure?

Page 18

A. I never had hypertension before.
Q. Never.
A. Huh-uh, that I know of. Check it, I never had any.
Q. Do you know why your blood pressure increased on May 17th?
A. Well, I was under a lot of stress and stuff at the job, I know that, and I know that's going on.
Q. When you went back to work initially on March the 3rd, and worked until the 17th, where were you working?
A. On third floor.
Q. Same job?
A. Uh-huh.
Q. Same duties?
A. Uh-huh. Just have a restriction on my right arm.
Q. Same rate of pay?
A. Yeah.
Q. Now, I want to make sure I got all the doctors straight. As I understand it, when you had your -- and you really had three falls; right?
A. Yeah, I had three.

Page 19

Q. Follow me so we can get through this. When you had the falls -- I'm just trying to find out who all your doctors were. As I understand it, you went to the emergency room.
A. Uh-huh.
Q. That's yes?
A. Yes.
Q. You went to Dr. Cook?
A. Uh-huh.
Q. You, at some point in time, also went to your family doctor?
A. Yes, for my foot.
Q. Who is your family doctor?
A. Dr. Crouch.
Q. And you've been to Dr. Bowles?
A. Yeah.
Q. Have you ever been to any doctors other than ER, Cook, Crouch, and Bowles?
A. And Dr. -- what's his name? He's the other workmen's comp doctor.
MR. WHITE: In there with Dr. Cook? Brian Williams maybe?
THE WITNESS: No, no, no.
BY MR. THOMAS:

Page 20

Q. But it's at Trident Industrial Medicine?
A. Yeah. Dr. Andrews.
Q. Andrews?
A. Andrews. A-N-D-R-E-W-S.
BY MR. THOMAS:
Q. I'm going to use your letter of February 16th somewhat. It's my understanding your first fall was September 25, '94. Is that right?
A. Yeah, 1994.
Q. September 25?
A. Uh-huh.
Q. Is that when you fell over a chair?
A. I was going to check a telemetry patient, and that was my first time in the room. I had never been in that room. And the telemetry check called, and I answered the call. She told me to go check the patient. I went to the room, and the room was dark. When you use a double room, you can go around and cut the light on.
I didn't know the chair -- the chair was dark blue and I couldn't see it. I went in and I fell over the chair on to the

Page 21

floor.
Q. And what part of your body did you injure from that accident?
A. I know my side.
Q. Your left side?
A. And I know I hit because I stopped my face from hitting the floor.
Q. Left hand?
A. And I can't remember what else I hit. I don't think I wrote it down here, but I put it on now.
Q. And I see in your letter here, you went to the emergency room initially and saw Dr. Smith?
A. Uh-huh.
Q. And you saw Dr. Cook. Right?
A. Uh-huh. It wasn't right then that I went to him, because I started having some pain in my side. I wrote that down there one night. And Anita, she told me to go to Dr. Cook.
Q. Okay. And he gave you some medication. Right?
A. Uh-huh. And then I had physical therapy, three days of physical therapy.

Page 22

Q. Three days of physical therapy?
A. And the girl told me to do some stretching exercises on my side.
Q. Who paid all those bills?
A. I guess workmen's comp did.
Q. You didn't pay them?
A. No.
Q. Then as I understand it, the next fall is October the 24th.
A. Yeah. That day I had left Dr. Cook when he examined me, and I left his office and I was going back to Anita. And I was going up the step. I don't know what happened. Next thing I knew I was down on the step.
Q. You don't know what happened?
A. Huh-uh.
Q. You don't remember tripping, falling?
A. No. I didn't trip. I was walking like I normally do, and the next thing I knew I was down on the steps.
Q. Why don't you remember that?
A. Huh?
Q. You said the next thing you knew I was down on the step.

Page 23

A. Down on the step.
Q. Did you lose consciousness?
A. No. I was walking up, and the next thing I knew I was on the step.
Q. I gather you don't know why you fell?
A. Huh-uh. I told Anita that.
Q. And what injuries did you sustain when you fell on the 24th?
A. I didn't know, but the only thing, when I went to the doctor with my foot, because I didn't know I had injured it, he told me it had came from trauma.
Q. Let me stop you right there. When did your foot start hurting, and what foot are we talking about?
A. That's my left foot. I've got it here. That was about November 3rd. I started feeling some pain in my left ankle.
Q. November 3rd?
A. Uh-huh.
Q. So that's after the second fall?
A. Uh-huh.
Q. Okay. Don't go too fast on me now.

Page 24

A. Look on page 3.
Q. Okay. So when you fell on the 24th, did you go to any doctor?
A. No. I went in the office, Anita, and I told Anita I fell. And I didn't know what happened to me but I had a fall. But she didn't do anything about it. She didn't tell me to go back to the doctor. Always have to do what she tells me to do, but she didn't tell me to go to the doctor or nothing.
Q. You say on November the 3rd you noticed some swelling in your left ankle.
A. Uh-huh. I was at work and it started hurting and swelling.
Q. Is that your family physician, Dr. Crouch?
A. Uh-huh.
Q. So that's the doctor you said you went to that said something about trauma?
A. Yes, said it came from trauma. The only trauma I had was those two falls.
Q. No falls at home?
A. No.
Q. Walking around or anything like that?

Page 25

A. No.
Q. And did he actually treat your foot?
A. He gave an excuse to be off for one week. And then the swelling didn't go down so I was off another week. I was off two weeks.
Q. Two weeks?
A. Right during Thanksgiving holidays, along that time.
Q. So the first accident in September, it's left side and left hand?
A. I can't remember what else I hurt. I had wrote on the incident report everything. I can't remember all of it now.
Q. October 24th -- as of November the 3rd you felt pain in your left ankle; is that right?
A. Uh-huh.
Q. And did Dr. Crouch ultimately refer you to Dr. Bowles?
A. Yes, he did, because I told him I didn't have an orthopedic doctor.
Q. Now, I want to make sure, Bowles' report of January 19th, 1995 -- is that when you recall you went to him?

Page 26

A. I don't think I wrote down here when I went to Dr. Bowles.
Q. I'm just reading this report. It says, Ms. Shiver is a 40-year-old nurse at Trident Hospital, who was seen for painful function of the left ankle. She fell on September 25, 1994 at work. She fell over a chair injuring her left knee.
Went to the emergency room, had x-rays of the left hand, left side, and left knee. Do you recall that now?
A. Yes, I did. Yeah, I remember.
Q. Went to see Dr. Cook -- reading his report -- and recommended conservative treatment. Went back to work as a health nurse.
He says you fell again on November the 23rd.
A. No. It was October when I fell. I didn't fell in November.
Q. It says, falling down some steps at the hospital; there was no apparent injury and you continued working. Developed pain and swelling in left ankle.
A. I didn't fell down. I fell up. I

Page 27

was going up the steps when I fell.
Q. Do you recall if he took x-rays of your left ankle, if Dr. Bowles did?
A. Yeah.
Q. And he injected your ankle with some medication?
A. Yes, sir.
Q. And that was January 19th?
A. Yes, I think. I didn't write that date down.
Q. His report says you were to return in one month after that for follow-up. Is that your memory?
A. Let me see. I think --
Q. I'm not talking about when you returned. Do you recall when you left his office, he said come back in a month?
A. Might have been more than a month. I know he give me an appointment to come back.
Q. On February 14th you saw Dr. Bowles, and said you returned, and since your last visit you had another slip-and-fall accident and you hurt your right foot and ankle. That must be January 23rd.
A. Yeah.

Page 28

Q. Let's talk about the January the 23rd accident. How did you hurt yourself on the 23rd?
A. When I went downstairs to the pharmacy to pick up a medication, and I left there and I went to the canteen to pick up my sandwich, and I came back from the canteen in between the double doors, go around the elevators. By the time I step off this area in between the double doors, down I fell.
And two girls had just came by before me. They didn't fall. And when I was down there another guy came off the elevator. He didn't fall, but I fell. Tim Crowson, he came and picked me up and helped me up off the floor.
Q. Tim Crowson?
A. Crowson. He sat down there with me until Caroline came down.
Q. Tim Crowson?
A. Yeah.
Q. Do you know why you fell on the 23rd?
A. I don't know. I didn't see no water on the floor, but the guy from

Page 29

environmental services told me he had mopped that area.
Q. Tell me about the fall. How did you fall?
A. Time I step out, down I went.
Q. Did you fall backwards or did you fall forwards?
A. No. I went forwards, over like this (indicating).
Q. And did you feel a sensation of your feet slipping? I'm trying to get an idea of whether you think your foot slipped and you fell. Did you trip over something and fall? Do you know?
A. I remember I stepped over. By the time I stepped over, down I went.
Q. And you don't know why?
A. No. Uh-huh.
Q. Did you lose consciousness?
A. No.
Q. Were you dizzy?
A. Huh-uh.
Q. And after that accident on the 23rd, did you -- so as I understand, you didn't go to the doctor that day; is that right?

Page 30

A. That night was the night when I just have a little bit of pain in my arm. And Caroline told me, the supervisor, I said go to the emergency room then or wait until the pain -- because I had a little bit of pain in my arm, until I really start having pain. So I went back up to on the floor and I continued doing my work.
And that morning I asked, you know, I was going home. I asked her what to do with the incident report, because I didn't know whether I should take it home or not. She told me to give it to Willis, which I did.
Q. Go ahead.
A. So I went home and went to bed. And when I woke up, I woke up in severe pain in my arm. I had a lot of popping and stuff in my arm. That's when I called.
Q. On that accident where did you hurt?
A. On the 23rd?
Q. Yes.
A. I fell over like this. I had some pain here (indicating) --
Q. You fell -- right upper arm--

Page 31

A. -- elbow, this knee. I twisted both my feet again. I mean then, but I twisted both of my feet. I fell over like this. And all up in here, after it got real sore and tender. Even my breast was sore and painful.
Q. We have to put this on the record. You're pointing to your right chest wall and breast.
A. All up in here (indicating).
Q. Your right shoulder?
A. My breast.
Q. Your right upper arm?
A. Uh-huh.
Q. Your right elbow?
A. Over here was hurting (indicating).
Q. Right side of your neck?
A. Uh-huh.
Q. Now, that happened on the 23rd, and you're to Dr. Bowles on February 14th; right?
A. Yeah. I think, if I remember correctly, it was the 14th when I went to him.
Q. When you went to Dr. Bowles on the 14th, according to his records, your only complaint was about your right foot and ankle. Did you tell him about your shoulder and your

Page 32

breast?
A. No, I didn't tell him. I told him about my foot, because he was taking care of my feet.
Q. He's an orthopedic surgeon; right?
A. Yeah, I know he's a surgeon, but Dr. -- what's his name -- Cook examined my shoulder and stuff. I didn't tell him about the shoulder. I just told him about my feet.
Q. Was your shoulder and all the injuries you just described, other than your right foot and ankle, still hurting when you saw Dr. Bowles on February 14th?
A. Wait a minute. (Reviewing documents.) Yeah, see, my shoulder was still hurting.
Q. You are reading your letter to the Commission. Is that what you are looking at?
A. Yeah.
MR. WHITE: Was your question, when you went to see Dr. Cook?
THE WITNESS: See, my shoulder was still hurting when I went to see him, and it didn't never stop hurting, the shoulder didn't never really stop.

Page 33

BY MR. THOMAS:
Q. But it looks like you were going to physical therapy before you saw Dr. Cook?
A. I only went to physical therapy once.
Q. Okay.
A. That's when the girls told me -- they did my initial examination, and they told me that what Dr. Cook had planned for me was very inappropriate and they wasn't going to follow it.
Q. When you went to Dr. Bowles on the 14th about your right and ankle, he took x-rays; right?
A. I can't remember whether he took x-rays of my right foot or not. I know he examined this foot and saw the swelling like the other one was.
Q. Did he give you a prescription for orthotics for your shoes?
A. Yeah. I got them in my shoe right now.
Q. Both feet?
A. Uh-huh.
Q. Who paid for the orthotics?

Page 34

A. I paid for them.
Q. Do you know how much they cost? If you have that information, if you will just give it to Mr. White sometimes so he can get it to me.
A. Okay.
(This page contains information to be supplied by counsel and/or the deponent.)
BY MR. THOMAS:
Q. And since you've been wearing -- and I have here, let me finish with Dr. Bowles,. He's got an injury for April the 3rd of '95. He says that you returned; the arch foot supports are very effective. Do you agree with that?
A. Yeah, they are helping. But when I don't have them on, my foot hurts and I have to go slow.
Q. Have you been back to Dr. Bowles since April 3rd?
A. No.
Q. Who paid Dr. Bowles' bills?
A. I paid them, and then I had got a thing from my insurance company, I think.
Q. Health insurance?

Page 35

A. Yeah. But they said the workmen's comp was paying some. So I didn't understand that.
Q. Have you paid anything out of your pocket to Dr. Bowles?
A. I have.
Q. If you would get that number to Mr. White for me, I would appreciate it, whatever you paid out of pocket.
A. Okay.
(This page contains information to be supplied by counsel and/or the deponent.)
BY MR. THOMAS:
Q. How about Dr. Crouch? Who has been paying his bills?
A. I paid some and then the insurance, the workmen's comp was paying some. But I had to pay the difference. They paid the 80 percent; I had to pay the rest.
MR. WHITE: You said workmen's comp. You mean health insurance; right? Dr. Crouch?
THE WITNESS: It's on the thing. It says workmen's comp. So that's what the letter said I got from the insurance company.

Page 36

MR. WHITE: Okay.
BY MR. THOMAS:
Q. As I understand it, during this same time period your OBGYN was Dr. Weinstein?
A. Yes, sir, Dr. Weinstein.
Q. And as you recall, I called Mr. White and we've got Dr. Weinstein's records. Do you remember that?
A. Yeah.
Q. And if I'm reading his records correctly, you have had fibroids since about 1991?
A. Yeah. He's been keeping a watch on them.
Q. Let me try to get those records. The last record I have is May 1, '95. You came in; you'd been on medication at that point; your fibroids had decreased in size; he gave you another injection.
A. I had two injections.
Q. He says, but feel that myomectomy surgery should be scheduled in June.
A. June the 6th, I'm having surgery.
Q. June 6th?
A. Uh-huh.

53
151

Page 37

Q. What's still hurting today?
A. Up on here (indicating).
Q. You're not going to be able to point. You're going to have to say it out loud, what parts of your body. And I know as an RN you know what the parts of the body are.
A. Under my arm.
Q. Right or left?
A. Under my right arm.
Q. Okay.
A. In the clavicle area.
Q. On the right side?
A. Side of my neck. And this bone here on -- the scapula, this bone on this side here.
Q. That's all on your right side?
A. Uh-huh. And my foot is still bothering me when I walk on it a lot.
Q. Which foot?
A. Both of them.
Q. Both feet hurt when you walk on them a lot?
A. Uh-huh.
Q. Anything else?
A. That's all for right now. I got

Page 38

some weakness in this hand. Sometimes I pick up stuff and it falls.
Q. Weakness in your right hand?
A. Yeah.
Maybe I should tell him about the prior injury to my right arm and shoulder.
MR. WHITE: Okay.
THE WITNESS: I was injured in 1991 at Trident Hospital, I think, May 25th. Not May. December. One of the nurses -- I was in the storage room. She came and slammed the window up on to my arm, and my arm and shoulder was injured. I didn't realize it was, but it was
BY MR. THOMAS:
Q. In 1991?
A. Yes, sir. I got the --
MR. WHITE: Robin Beaver. She took a statement and we wrote Robin later.
THE WITNESS: I knew I got hit, but I didn't know what was injured until I found the paper.
BY MR. THOMAS:
Q. This says Christmas, 12/25/91.
A. Yes, sir.

Page 39

MR. WHITE: I can make copy of that.
BY MR. THOMAS:
Q. And this is from Trident Industrial Medicine. Did you have any treatment other than that one visit?
A. I went to the emergency room. I can't remember what day it was, but I know I was working that day.
Q. Christmas.
A. No. I think it must have been the next day or so. Whenever I went down there. I worked the evening shift then because I was an evening RN. And they had put my arm in a sling, but I had to work that evening because they were short of help.
And the charge nurse wouldn't let me go home that day so I had to stay and work, because they were short of help, so I stayed and worked with my arm in a sling.
Q. Okay. Now, during this period of time in '94 and '95 when you were working at Trident, as I understand it, you also worked at Charleston Memorial Hospital.
A. Yes, sir.

Page 40

Q. How many days a week did you work there?
A. I usually worked on a flex pool. It's something like a contract I had signed. I had to work one weekend out of the month and had to be one holiday out of the year. So that's what I was, you know, doing.
Q. Were you, at some point after your injury on January the 23rd of 1995, offered light-duty work in telemetry?
A. After I went back up to the floor, when I got this letter, Willie told me I could go back to telemetry. But I told her that I wasn't able to do telemetry because my arm and stuff was still hurting up in my clavicle area; and every time I moved, the more I moved the more it hurt. I told Willie Dickerson that.
Q. When is this about?
A. I don't know. Let me see. I got that letter. That was on the --
Q. What letter are you talking about?
A. On the 20th.
Q. February -- 20th?
A. Yeah. See, I was working down, light-duty down -- I was working downstairs

54

Page 41

light-duty. So I went to work that Monday, that Monday evening when Sue Mahoney called me in the office and told me since they got that letter I couldn't go back to the doctor anymore, or physical therapy, and I better get me a counselor.

And I went back up to Willie and she was telling me about it, and I told her I wasn't able to do it because I had a lot of pain in my clavicle area, and my breast was sore and painful.

Q. When you said you were working light-duty, what were you doing light-duty?

A. Downstairs. I was putting things in the computer, educational courses that the nurses had took. Putting this in the computer.

Q. You were sitting at a keyboard running a computer?

A. Yeah. But I was taking my own time. I wasn't rushing to do it. I was taking my time.

Q. Could you do that job with your shoulder pain?

A. It was hurting some but I was able to do it. It's not no reaching up. See, the

Page 42

telemetry I got to reach up, punching the buttons and doing stuff like that.

Q. For the record, February 20th, you said you got the letter. That's the letter dated February 14th, 1995 from Robin Beaver.

A. I got it that Saturday.

Q. Did you attempt to return to work at Charleston Memorial Hospital on February the 14th of 1995?

A. No. See, when I first I got hurt and I had went down there, and I had brought her a letter and told her that I had got hurt on the job, I was supposed to have asked for a schedule to work. When I called and told her I was hurt, did she get my letter, I was injured on the job, did she have light-duty, she said, no, they didn't have light-duty. So wasn't a need to go back up there if they didn't have light-duty there.

Q. Have you been back to work at Charleston Memorial?

A. No, sir, I haven't been.

Q. Since February or so until today, do you still have some kind of contract? Were you supposed to go back to work for them?

Page 43

A. Yes, I was supposed to go, and she sent me this letter here the other day. But I called her down there and I told her I wasn't able to come back down, about the surgery, and she said that was okay.

MR. THOMAS: If you don't mind, I'll get a copy of this.

Q. This letter is dated May 17, 1995, from Charleston Memorial Hospital, signed by Lynn Campbell.

A. Yeah.

Q. In the month of May, at Trident Hospital, you'd been working back on med-surge?

A. Uh-huh.

Q. Has it been light-duty?

A. Well, she said it wasn't -- I was off light-duty, but I had been doing no pulling and lifting. The other nurses been doing that for me. If I had to pull and lift a patient, they have been doing that for me.

Q. Why haven't you gone back to work at Charleston Memorial Hospital?

A. Because a lot of pulling and lifting, and I'm not able to do it. When I even lift something heavy, I felt pulling in my

Page 44

muscles up in here, and I'm still having pain and stuff. That's why I didn't go back down there.

Q. Of the doctors you've been to -- I don't see anything in there -- I think you said you didn't tell Dr. Bowles about your shoulder.

A. No. I didn't tell Dr. Bowles.

Q. Have you told Dr. Crouch?

A. Yeah. I told Dr. Crouch.

Q. I'll look at them before we leave. We've got those somewhere.

A. I told him, I just went to him last Wednesday, this Wednesday just gone, and I told him about it.

Q. How is he treating your shoulder?

A. He didn't give me anything. Told me I had to come back the last of August.

Q. Come become in August?

A. Yeah.

MR. WHITE: That's all I got from him, but that was like March 31st. I need to get a copy of that letter.

THE WITNESS: Okay.

BY MR. THOMAS:

55

Page 45

Q. Are you under any treatment? Have you taken physical therapy within the last three weeks?
A. No. I finished. Went to St. Francis, had physical therapy down there.
Q. Who ordered that physical therapy?
A. See, one of the workmen's comp doctors, Dr. Andrews had ordered that for me before I left there. But since I couldn't -- they denied my workmen's comp case, I couldn't go.
So when I went to Dr. Crouch, I gave him the prescription that Dr. Andrews had gave me and ordered. So he made arrangements for me to go to St. Francis and get it done there.
Q. Dr. Crouch arranged that?
A. Yes.
Q. Did you finish physical therapy?
A. Yes, I did.
Q. Are you on any medication now, today?
A. No. He had had me on -- prescription but I finished that and he didn't give me anymore.

Page 46

Q. Had you on what?
THE COURT REPORTER: Yes, can you repeat that?
THE WITNESS: Alagon. Rilafane.
But I finished up, and he didn't give me another prescription. I was taking Motrin and stuff on my own.
BY MR. THOMAS:
Q. So you finished your medication?
A. Yes, sir.
Q. You are no longer in physical therapy?
A. Huh-uh.
Q. Do you have any scheduled appointments with Dr. Bowles?
A. No.
Q. You'll have fibroid surgery in June?
A. Uh-huh.
Q. And your next appointment with Dr. Crouch is in August?
A. Yeah. I have to call and get appointments. See, I'll be house-bound six to eight weeks after the surgery I'm having, so I couldn't tell them an exact date when I was able to come back.
MR. THOMAS: I got you. I think that's it.
MR. WHITE: Nothing from me.
(The deposition was concluded at 3:57 p.m.)

Page 47

Page 48

CERTIFICATE

I, Janet L. Anderson, certified Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:
That the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination.
I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 3rd day of June, 1995 at Columbia, Richland County, South Carolina.

Janet L. Anderson,
Notary Public,
State of South Carolina
at Large My Commission
expires September 8, 1996.

INDEX

Page

Stipulation 3

DIRECT EXAMINATION

By Mr. Thomas 3

CROSS-EXAMINATION

Certificate of Reporter 48

REQUESTED INFORMATION INDEX

Page

1) Cost of orthotics 34

2) Amount paid by G. Shriver to Dr. Bowles 35

EXHIBITS

Page

EMPLOYER'S AND INSURER'S

1 Nine-page letter to S.C. Workers' Compensation Commission from Gertrude Shriver, 2/16/95 11

57

Alexsis
7204 Glen Forest Drive (23226)
Post Office Box 31440
Richmond, Virginia 23294
Telephone (804) 281-0440
Telecopier (804) 281-0429

Risk Management Services
A Subsidiary of Alexander & Alexander Inc.

February 14, 1995

Ms. Gertrude Shiver
411 Meeting Street, Apt. 4309
Charleston, SC 29403

RE: CLAIM #: 000000047893
EMPLOYER: Trident Regional Medical Center
EMPLOYEE: Gertrude Shiver
D/A: 1/23/95

Dear Ms. Shiver:

We are handling the above-referenced workers' compensation claim on behalf of Trident Regional Medical Center. In that capacity, we have been investigating your claim for benefits arising out of an injury that you sustained on or about January 23, 1995.

We have now completed our investigation into the facts surrounding this incident. Unfortunately, we must deny your claim due to the fact that you have not substantiated that you sustained an injury by accident arising out of and in the course of your employment.

By copy of this letter, we hereby notify the South Carolina Workers' Compensation Commission, Trident Regional Medical Center and Columbia/HCA Healthcare Corporation of our position regarding this matter.

We suggest that you submit all medical bills concerning this incident to your group health insurance carrier. Should you have any questions, please feel free to give me a call.

Sincerely,

Robin Beaver

Robin Beaver
Claims Specialist

RB/bpw

cc: South Carolina Workers' Compensation Commission
Ms. Anita Korbe - Trident Regional Medical Center
Mr. Stan Cobb - Health Indemnity, Inc.

(1374)

March 24, 1995

Ms. Robin Beaver, WCC Unit
Alexsis Insurance Company
Post Office Box 31440
Richmond, Virginia 23294

Re: Carrier Claim No. 047893
Claimant: Gertrude Shiver
Employer: Trident Regional Medical Center
Date of Injury: 1/23/95
WCC File No. 9503744

Dear Ms. Beaver:

As you know from the statement of Ms. Shiver, she was unable to return to limited duty and by my calculations she was out of work from January 24, 1995 through January 31, 1995 and then from February 1, 1995 through February 13, 1995. She should receive temporary total for that period of time and I understand that she is continuing under her doctor's care.

I am enclosing the medical records from Trident Industrial Medicine which clearly show that this is a workers compensation case. The only reason Ms. Shiver did not return to Trident Industrial Medicine after the February 17, 1995 visit was because she was told that her workers comp case was being denied and they would no longer provide her with medical treatment.

Whether or not she is entitled to temporary benefits, there is a separate issue of whether or not this is a compensable case. She needs to be placed under the care of an authorized treating physician and we need to bring her medicals to a close. Please let me hear from you.

Yours very truly,

Thomas M. White

cc: client

(1375)

Thomas Dewey Wise
Michael T. Cole
E. Douglas Pratt-Thomas
W. Gregory Pearce
Andrew K. Epting, Jr.
G. Trenholm Walker
Sonum S. Wilson III
W. Andrew Gowder, Jr.
D. Carlyle Rogers, Jr.

WISE & COLE
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

151 MEETING STREET • SUITE 200
CHARLESTON, SOUTH CAROLINA 29401
PO DRAWER O • CHARLESTON, SC 29402

(803) 727-2200 FAX (803) 727-2238
WRITER'S DIRECT DIAL (803) 727-2212

Jno L. Asson
Russell S. Stanko
Dennis J. Christenson
Robert B. Ransom
Allison Mabry Carter
Gregg Meyers
D. Kay Tennyson
Thomas H. Hesse

August 30, 1995

Exhibit 1A

Thomas M. White, Esquire
Steinberg, Spitz, Goldberg,
Pearlman, Holmes, White & O'Neill
118 Goose Creek Blvd.
Post Office Box 1028
Goose Creek, SC 29445

RE: Employer: Trident Regional Medical Center
Employee: Gertrude Shiver
Carrier: Alexsis Risk Management Services
D/A: 1/23/95 WCC File#: 9503744
Carrier File#: 000000047893
Our File#: 383-125

Dear Tom:

I am enclosing a copy of Dr. McCoy's medical report of August 10, 1995, for your review and files.

As you will see, Dr. McCoy has indicated that your client can work in a full-duty capacity; does not believe she has any permanent impairment; and has indicated no additional medical treatment is recommended or necessary. Under these circumstances, it is my clients' position that Claimant has reached maximum medical improvement, has no impairment, and is not in need of any additional medical treatment. Under these circumstances, no additional medical treatment is authorized.

I would be glad to discuss this case with you at your convenience. With warmest regards, I am,

Sincerely Yours,

WISE & COLE, P.A.

E. Douglas Pratt-Thomas

EDP-T:kas
Enclosure
pc: Ms. Brenda Kirk
Anita Korbe, R.N. (w/enc.)

RECEIVED
AUG 31 1995
By_____

(1376)

STEINBERG, SPITZ, GOLDBERG, PEARLMAN, HOLMES, WHITE, & O'NEILL, L.L.P.
ATTORNEYS AT LAW
118 GOOSE CREEK BOULEVARD, SOUTH
P.O. BOX 1028
GOOSE CREEK, SOUTH CAROLINA
29445
TELEPHONE (803) 572-0700
FAX # (803) 572-1871

HUGO M. SPITZ (S.C. & FLA.)
CHARLES S. GOLDBERG
DAVID T. PEARLMAN
J. KEVIN HOLMES
THOMAS M. WHITE
DENNIS E. O'NEILL
DALE E. VAN SLAMBROOK
D. BRUCE DURANT
MALCOLM M. CROSLAND, JR.
STEVEN E. GOLDBERG
—
IRVING STEINBERG (1902 - 1980)

DOWNTOWN OFFICE
61 BROAD STREET
P.O. BOX 9
CHARLESTON, S.C. 29402-0009
TELEPHONE: (803) 577-7423
FAX #: (803) 722-1190
—
MT. PLEASANT OFFICE
1473 STUART ENGALS BLVD.
P.O. BOX 1365
MT. PLEASANT, S.C. 29464
TELEPHONE: (803) 884-6165
FAX #: (803) 881-8665

August 11, 1995

Commissioner Bryan Lyndon
SC Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

Re: Claimant: Gertrude Shiver
Employer: Trident Regional Medical Center
WCC File No. 9503744

Dear Commissioner Lyndon:

As you know, the above matter was scheduled to be heard before you on today's date, but Douglas Pratt-Thomas and I have agreed the matter is premature at this time, as the Claimant is in need of additional medical treatment and the carrier has agreed to provide that treatment. Therefore, we will be sending a Consent Order to you in the near future.

Should you have any questions, please do not hesitate to contact me.

Yours very truly,

Thomas M. White

TMW/smm

cc: E. Douglas Pratt-Thomas, Esquire

(1377)

June 6, 1995

E. Douglas Pratt-Thomas, Esquire
Post Office Drawer O
Charleston, South Carolina 29402

Re: Gertrude Shiver v. Trident Hospital
WCC File #: 9503744

Dear Douglas:

Pursuant to your request, please find enclosed the May 17, 1995 letter to Ms. Shiver from Charleston Memorial Hospital, Dr. Crouch's report, Robin Beaver of Alexis' letter of February 14, 1995 to Ms. Shiver, and the January 6, 1992 report from Trident Industrial Medicine.

As we discussed following her deposition, Ms. Shiver continues to have pain in her right arm and shoulder. It would be our position that this pain is directly related to her fall of January 25, 1995 and that she would need to have treatment for that. From my review of the medical records, Dr. Cook saw her on February 17, 1995 due to continuing shoulder problems and ankle problems and he recommended that she begin therapy and return on March 3, 1995. That was when Ms. Shiver received a letter denying her claim and she did not receive any follow up medical care through any authorized treating physicians.

Ms. Shiver is reluctant to resolve this case without getting evaluated for her shoulder problems and we would request that she be evaluated by an orthopaedist to see what further treatment she may need.

Please review the above. I understand that you will send to me any additional medical records that you have in this matter. I am enclosing herewith all the medical records from Trident

(C1378)

Industrial Medicine and the medical records from her emergency room visit. Please let me hear from you.

Yours very truly,

Thomas M. White

TMW/lak

Enclosures

cc: client

(1379)

STEINBERG, SPITZ, GOLDBERG, PEARLMAN, HOLMES, WHITE, & O'NEILL, L.L.P.
ATTORNEYS AT LAW
118 GOOSE CREEK BOULEVARD, SOUTH
P.O. BOX 1028
GOOSE CREEK, SOUTH CAROLINA
29445
TELEPHONE (803) 572-0700
FAX # (803) 572-1871

HUGO M. SPITZ (S.C. & FLA.)
CHARLES S. GOLDBERG
DAVID T. PEARLMAN
J. KEVIN HOLMES
THOMAS M. WHITE
DENNIS E. O'NEILL
DALE E. VAN SLAMBROOK
MALCOLM M. CROSLAND, JR.
STEVEN E. GOLDBERG

IRVING STEINBERG (1902 - 1980)

DOWNTOWN OFFICE
61 BROAD STREET
P.O. BOX 9
CHARLESTON, S.C. 29402-0009
TELEPHONE: (803) 720-2800
FAX #: (803) 722-1190

MT. PLEASANT OFFICE
1473 STUART ENGALS BLVD.
P.O. BOX 1365
MT. PLEASANT, S.C. 29464
TELEPHONE: (803) 881-7000
FAX #: (803) 881-8665

June 7, 1995

William E. Crouch, M.D.
114 Ashley Avenue
Charleston, SC 29403

Re: Gertrude Shiver
Accident Date: 1/23/95

Dear Dr. Crouch:

I would appreciate it if you would send to me updated copies of your medical records and office notes for my above referenced client, Gertrude Shiver, in the above matter. I am enclosing my check in the amount of $15.32 as payment of your copying costs. Should you have any questions, please do not hesitate to call me.

Thank you for your continued assistance in this matter.

Yours very truly,

Thomas M. White

TMW/lak

Enclosure

(1380)

PRATT-THOMAS, PEARCE, EPTING & WALKER

PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

E. Douglas Pratt-Thomas
W. Gregory Pearce
Andrew K. Epting, Jr.
G. Trenholm Walker
W. Andrew Gowder, Jr.
Jon L. Austen
Allison Molony Carter
Thomas H. Hesse (SC & GA)
Sean K. Trungy
Johnnie W. Baxley III
Derwin T. Brannon
I. Keith McCarty (SC & TN)
Lindsay K. Smith-Yancey (SC & NC)
Matthew D. Hamrick
Wilson W. McDonald

16 Charlotte Street
Charleston, SC 29403

P.O. Drawer 22247
Charleston, SC 29413-2247

Telephone: (843)727-2200
Fax: (843)727-2238

http://www.wiselaw.com

(843) 727-2212 (direct dial)
(843) 727-2239 (direct fax)
dpt@wiselaw.com (e-mail)

Pull for Mickle

April 20, 2000

The Honorable Ann McCrowey Mickle
S.C. Workers' Compensation Commission
1612 Marion Street
P.O. Box 1715
Columbia, SC 29202-1715

RE: Employer: Trident Regional Medical Center
Employee: Gertrude Shiver
Carrier: Alexsis Risk Management Services
D/A: 1/23/95 WCC File#: 9503744
Carrier File#: 47893
Our File#: 383-125

Dear Commissioner Mickle:

As you will recall I represent the Employer and Carrier in the above-referenced workers' compensation claim and this matter was, of course, set for a hearing on 4/12/00 here in Charleston. As you will recall at that time you had a long discussion with Ms. Shiver advising her of her options and as I understand it Ms. Shiver decided to withdraw her Form 50, with leave to refile if she so desires in the future. As such, the hearing did not take place.

At that time you also discussed with Ms. Shiver the possibility of resolving this claim and her outstanding 1997 claim with the Employer on a clincher if my clients were indeed interested in making an offer in the range of $7,604.64, in return for a full release of all claimed injuries in her 1995 accident, as well as releasing any claims which may remain in her 1997 claim. Before I had an opportunity to discuss same with my clients, I received the enclosed letter from Ms. Shiver by certified mail. As you will see, it is dated 4/12/00 and, as such, was obviously written the same day as the scheduled hearing. Since Ms. Shiver is not interested in any settlement offer, my clients are not going to make one.

By copy of this letter to Ms. Shiver, I am informing her of the above and of the fact that I am providing to you a copy of her letter to me of 4/12/00.

Under these circumstances, I am assuming the Commission will issue an appropriate form order indicating that Ms. Shiver was allowed to withdraw her Form 50. Should you have any questions or should I need to take any further action, please do not hesitate to contact me.

(1381)

With warmest regards, I am,

Sincerely,

PRATT-THOMAS, PEARCE,
EPTING & WALKER, P.A.

E. Douglas Pratt-Thomas

EDP-T:ksl
Enclosure
cc (w/enc.): Gertrude Shiver, 1100 Congaree Church Road, Gadsden, SC 29052
Mr. Howard A. Levy
David W. Weeks, BSN, MA
Mr. Stan Cobb

(1382)

PHTS
RISK MANAGEMENT SERVICES

If you need anything, just whistle.

www.phts.com

December 31, 2003

Mike Kelly, Esq.
Suggs & Kelly
Post Office Box 8113
Columbia, South Carolina 29202

RE: Gertrude Shiver vs. Palmetto Richland Memorial Hospital
Date of accident: 3/22/02 & 10/24/02
Claim #'s: WC20020660498 & WC2002062795

Dear Mr. Kelly:

This letter is a follow-up concerning the facsimile that was sent to you on 12/4/03. I advised you our files - regarding both injuries reflect that your client was released with no impairment rating. However, I offered $2000 to settle injury the 1st injury and $3000 for settlement of the 2nd injury. This would be a total of $5000 to settle both claims. As of this writing I have not had any responses from your regarding my offer.

Once you have had the opportunity to discuss my offer with your client, please contact me as soon as possible. I look forward to working with you to regarding possible resolution of these claims.

Sincerely,

Felicia Lucas
Claims Consultant

/FL

CC: Gertrude Shiver

(1383)

SUGGS & KELLY
LAWYERS, P. A.

MAIN OFFICE:
SUGGS & KELLY LAW CENTER
500 TAYLOR STREET
COLUMBIA, SOUTH CAROLINA 29201

MAILING ADDRESS:
P.O. BOX 8113
COLUMBIA, SOUTH CAROLINA 29202

(803) 256-7550
TOLL FREE (866) 253-7550
FAX (803) 252-7145
E-MAIL: PSTEWART@SUGGSKELLY.COM

PAULA M. STEWART
ATTORNEY

MYRTLE BEACH OFFICE:
816 WEST BROADWAY, SUITE A
MYRTLE BEACH, SOUTH CAROLINA 29577
(843) 946-7550
FAX (843) 946-9653

WINNSBORO OFFICE:
HISTORIC THESPIAN HALL
106 EAST WASHINGTON STREET
WINNSBORO, SOUTH CAROLINA 29180
(803) 712-9471
FAX (803) 712-1572

SAVANNAH OFFICE:
218 WEST JONES STREET
SAVANNAH, GEORGIA 31412
(912) 234-1133
TOLL FREE (800) 222-8678
FAX (912) 233-1750

July 2, 2003

Jodi Starnes
PHTS
P.O. Box 21099
Columbia, SC 29221-1099

Re: Gertrude Shiver v. Palmetto Richland Memorial Hospital
DOA: 11/15/01 & 3/22/02

Dear Ms. Starnes:

Enclosed please find a waiver that Ms. Shiver has sent to me stating that she understands that you will pay for her treatment with Dr. Gregory Jones, but that you will not pay for her mileage. If you have any questions regarding this letter, please do not hesitate to contact my office.

Yours truly,

Paula M. Stewart

Paula M. Stewart
Attorney

PMS:jbp
Enclosure
cc: Gertrude Shiver

(1384)

WAIVER OF MILEAGE REIMBURSEMENT FOR WORKER'S COMPENSATION INJURY OF MARCH 23, 2002

I, Gertrude Shivel, waiver my rights for mileage reimbursement from Palmetto Health Trust for the worker's compensation injury of March 23, 2002, as long as they pay Dr. Gregory M. Jones of Charleston Spine and Physical Medicine, P.A., for all treatments, professional services, and all tests deemed necessary and ordered to properly manage and treat my lower back injury of March 23, 2002, and they don't interfere with me seeing him.

Signature: Gertrude Shivel

Date: 6-11-03

(1385)

STEINBERG, SPITZ, GOLDBERG, PEARLMAN, HOLMES, WHITE, & O'NEILL, L.L.P.

ATTORNEYS AT LAW
118 GOOSE CREEK BOULEVARD, SOUTH
P.O. BOX 1028
GOOSE CREEK, SOUTH CAROLINA
29445
TELEPHONE (803) 572-0700
FAX # (803) 572-1871

HUGO M. SPITZ (S.C. & FLA.)
CHARLES S. GOLDBERG
DAVID T. PEARLMAN
J. KEVIN HOLMES
THOMAS M. WHITE
DENNIS E. O'NEILL
DALE E. VAN SLAMBROOK
MALCOLM M. CROSLAND, JR.
STEVEN E. GOLDBERG

IRVING STEINBERG (1902 - 1990)

DOWNTOWN OFFICE
61 BROAD STREET
P.O. BOX 9
CHARLESTON, S.C. 29402-0009
TELEPHONE: (803) 577-7423
FAX #: (803) 722-1180

MT. PLEASANT OFFICE
1473 STUART ENGALS BLVD.
P.O. BOX 1365
MT. PLEASANT, S.C. 29464
TELEPHONE: (803) 884-6185
FAX #: (803) 881-8665

March 8, 1995

Ms. Gertrude Shiver
411 Meeting Street, # 4309
Charleston, South Carolina 29403

Re: Shiver v. Trident Regional Medical Center

Dear Gertrude:

I am writing in response to your letter of February 27, 1995. Usually, it takes four to five months from the time a claim is filed with the Commission until it is set for a Hearing. As you know, we filed your claim with the Commission on February 23, 1995.

As to my getting your records from Dr. Weinstein, I would be happy to do that, but I would like for you to discuss this matter with him first to see if he thinks there is any connection between your abdominal pains and your on-the-job injury. Please contact me after you have talked with Dr. Weinstein and let me know what he says.

Yours very truly,

Thomas M. White

TMW/smm

(1386)

STEINBERG, SPITZ, GOLDBERG, PEARLMAN, HOLMES, WHITE, & O'NEILL, L.L.P.
ATTORNEYS AT LAW
118 GOOSE CREEK BOULEVARD, SOUTH
P.O. BOX 1028
GOOSE CREEK, SOUTH CAROLINA
29445
TELEPHONE (803) 572-0700
FAX # (803) 572-1871

HUGO M. SPITZ (S.C. & FLA.)
CHARLES S. GOLDBERG
DAVID T. PEARLMAN
J. KEVIN HOLMES
THOMAS M. WHITE
DENNIS E. O'NEILL
DALE E. VAN SLAMBROOK
MALCOLM M. CROSLAND, JR.
STEVEN E. GOLDBERG

IRVING STEINBERG (1902 - 1980)

DOWNTOWN OFFICE
61 BROAD STREET
P.O. BOX 9
CHARLESTON, S.C. 29402-0
TELEPHONE: (803) 577-742
FAX #: (803) 722-1190

MT. PLEASANT OFFICE
1473 STUART ENGALS BLV
P.O. BOX 1365
MT. PLEASANT, S.C. 29464
TELEPHONE: (803) 884-61
FAX #: (803) 881-8665

March 24, 1995

Sent 3/29/95 JKR

William E. Crouch, M.D.
114 Ashley Avenue
Charleston, SC 29403

Re: Gertrude Shiver
Accident Date: 1/23/95

Dear Dr. Crouch:

Please be advised this office represents Gertrude Shiver in a Workers' Compensation claim for all injuries s she sustained on January 23, 1995 while in the she course of her employment. It is my understanding you are treating Ms. Shiver for those injuries.

I would greatly appreciate your sending to me your Summary Medical Report on Ms. Shiver, advising me of your findings. Since this is a Workers' Comp case, we are most interested in whether she has reached maximum medical improvement, what impairment she has as a result of her injuries, and what restrictions she will have for work purposes. If Ms. Shiver has reached MMI, please advise me of that date, and, if she has not, please let me know what further medical treatment you feel she needs. Also, if you would place her impairment in terms of a percentage, we would be most appreciative.

Enclosed please find a Medical Authorization for your records along with my check in she amount of $15.32 to cover your copying costs.

I thank you for your assistance in this matter and look forward to receiving your report.

Yours very truly,

Thomas M. White

TMW/lak

(1387)

Enclosures

ROBERT H. BOWLES, M.D., P.A.
112 BULL STREET
CHARLESTON, SC 29401

PRACTICE LIMITED TO ORTHOPAEDIC SURGERY

TELEPHONE (803) 723-2713

SHIVER, GERTRUDE
FILE #17272

1-19-95

HISTORY: Ms. Shiver is a 40 year old nurse at Trident Hospital who is seen for painful function of the left ankle. She fell on September 25, 1994 at work. She fell over a chair, injuring her left knee. She went to the emergency room and had x-rays of the left hand, left side, and left knee. The diagnosis was that she had a contusion on her side; the left knee was fine, and the left wrist was fine. She went to see Dr. Cook who recommended conservative treatment. She could go back to work as a health nurse. She fell again, on November 3, falling down steps at the hospital. There was no apparent injury, and she continued working. She developed pain and swelling in the left ankle. Two weeks later, she noticed more swelling in the left ankle.

EXAMINATION: Examination of the left ankle reveals no deformity and only slight swelling. The ankle is stable. There is mild anterolateral tenderness. The ankle is negative for anterior posterior stress. ROM of motion of the ankle is full with crepitance. Neurovascular function of the extremity is intact.

X-RAYS: X-rays of the left ankle are essentially negative.

DIAGNOSIS: Initial diagnosis is traumatic synovitis of the left ankle.

TREATMENT: Treatment included an injection of 1/2 cc of Depo Medrol and 1 cc of 1% Xylocaine into the anteromedial left ankle. She is to return in 1 month for follow-up.

RHB/eab

2-14-95 Ms. Shiver returns. Since her last visit, she had another slip and fall accident. She hurt her right foot and ankle. Examination today of the right foot and ankle was essentially negative.

The left ankle had a good response to the cortisone injection. There is a bilateral pronation deformity. I suspect this is a predisposing factor in her loss of agility and multiple falls. My recommendation is that she obtain bilateral orthotics. She is given a prescription for the orthotics to take to the Foot Store. She is to return in 6 weeks.

RHB/eab

4-3-95 Ms. Shiver returns. The Spenco arch foot supports are very effective. There is less pronation with walking. She is to continue as is and return on an as needed basis.

RHB/eab
xc: Complete Copy of file E. Douglas Pratt-Thomas 5-17-95

Robert H. Bowles, M.D.
112 Bull Street
Charleston, SC 29401
723-2713

DATE: 1-19-95

NAME: Gertrude Sheiss FILE#: 17272 AGE: 40

REFERRED BY: M. Crouch

DATE OF ACCIDENT: 11-3-94

X-RAYS FROM:

work Normeat & Hoop:

CHIEF COMPLAINT: Left Ankle

PRESENT HISTORY: fell twice 8-yr 25 at work fell over a chair
(L) twisted → to ER knee (R) hand
(L) ankle → (L) knee Rx cast - side, wrist OK, knee OK.
→ Dr. Cook → cast to work → Health Insure,
cont. treatment back to work

PAST HISTORY: fell again - fell down steps at Hoop
No apparent injury → cont work (developed pain
(L) ankle & then later (11-3) noticed more swelling (L)

EXAMINATION:
→ satisfactory (R) knee & C-spine.
→ (L) ankle: no deformity. Slight swelling, no instability
and ext tend (mild) - neg stress ant (post
pain entire full ROM crep) N/V intact

X-RAYS: (L) ankle: essen neg.

DIAGNOSIS: Traumatic Synovitis Left Ankle

TREATMENT: Inj 1/2 of 1 and med (R) ankle

(1389)

ROBERT H. BOWLES, M.D., P.A.
ORTHOPEDIC SURGERY

112 Bull Street
CHARLESTON, SC 29401

DEA No. AB 5050909

Office Hours by Appointment
Phone 723-2713

For Gertrude Shiver Date 2-14-95

Address

℞ Bilateral orthotics to
neurologic bilateral pronators/
per plaster

Robert H Bowles M.D.

Dispense as Written

M.D.

Substitution is Permitted

(1390)

University Medical Associates
Internal Medicine and Cardiovascular Disease
Treatment of Addictions
114 Ashley Avenue
Charleston, SC 29401

William E. Crouch, M.D.

Phone: (803) 577-0095
FAX: (803) 577-0097

March 3, 1995

To whom it may concern re: Gertrude Shiver

Ms. Gertrude Shiver is restricted to lifting no more than 5 lbs. She must not lift her arm above head level or behind her back.

She may return to work if these restrictions are heeded.

Sincerely,

W.E. Crouch, M.D.

dictated but not read

WEC/sf

(1391)

University Medical Associates
Internal Medicine and Cardiovascular Disease
Treatment of Addictions
114 Ashley Avenue
Charleston, SC 29401

William E. Crouch, M.D.

Phone: (803) 577-0095
FAX: (803) 577-0097

October 16, 1995

To whom it may concern re: Gertrude Shiver

I am a physician who looks after the medical needs of Ms. Gertrude Shiver. For the last several months she has recurrent and very troublesome pain in the right shoulder, particularly in the acromioclavicular joint. This makes it difficult for her to keep her shoulder and upper arm elevated for any period of time without disabling pain. It would be expected to cause a good deal of discomfort for constant use such as in typing, key entry and mouse manipulation in the computer. For this reason she has been considerably slowed in her work. Please let me know if any further data is necessary.

Sincerely,

W.E. Crouch, M.D.

WEC/shf

(1392)

University Medical Associates
Internal Medicine and Cardiovascular Disease
Treatment of Addictions
114 Ashley Avenue
Charleston, SC 29401

William E. Crouch, M.D.

Phone: (803) 577-0(
FAX: (803) 577-0(

May 18, 1995

Maginnis and Associates, Inc.
P.O. Box 1345
St. Louis, MO 63118-1345

RE: Gertrude Shiver
Claim No. 37240285

To Whom It May Concern:

This patient has been under my medical care since 01/17/91. She sustained a fall while at work just recently striking the floor with her right arm. She has had pain in her right shoulder and right breast since this time. Because of the distinct myalgia she demonstrated on examination of this area, I recommended physical therapy, so that she could return to work as soon as possible.

Sincerely;

William E. Crouch, M.D.

WEC/tb

(1393)

ASHLEY RIVER OB/GYN
1364 ASHLEY RIVER ROAD
CHARLESTON, SOUTH CAROLINA 29407

TELEPHONE (803) 763-0184
FAX: (803) 763-1002

S. SANDFORD ESTES, M.D.
VICTOR J. WEINSTEIN, M.D.
KATHRYN M. HARGROVE, M.D.
CONNIE DEWEES, Dr. P.H., C.N.M.

July 31, 1995

Re: Gertie Shiver

To Whom It May Concern:

Gertie has been seen after her surgery for a myomectomy which was done on June 6, 1995. Her return to work at eight weeks postoperatively is appropriate. The date she may return is August 8, 1995.

Sincerely,

Victor J. Weinstein, M. D.

VJW/dr

(1394)

ASHLEY RIVER OB/GYN
1364 ASHLEY RIVER ROAD
CHARLESTON, SOUTH CAROLINA 29407
TELEPHONE (803) 763-0184
FAX (803) 763-1002

S. SANDFORD ESTES, M.D.
VICTOR J. WEINSTEIN, M.D.
KATHRYN M. HARGROVE, M.D.
CONNIE DEWEES, Dr. P.H., C.N.M.

February 14, 1995

Anita Korbern
Occupational Health Nurse
Trident Regional Medical Center
9330 Medical Plaza Drive
Charleston, South Carolina 29406-9195

Re: Gertrude Shiver

Dear Anita:

I saw Gertrude Shiver today for evaluation of lower abdominal pain. She seems to have a enlarging uterine myomas since last seen on 12/06/94 and I feel this is the etiology of her pain. Although she is concerned that this may have been related to her fall, I do not know that this enlargement can be placed back to that incident. She also complains of lower back and ankle pain and is seeing an orthopedist about this. I have discussed surgery with Gertie because of the uterine enlargement and she is considering myomectomy. At the present time I feel her abdominal pain is most likely secondary to fibroids and not a work related incident.

Sincerely,

Victor J. Weinstein, M. D.

VJW/sh

FILE

3/31 OB Brent ? Blasko ? other in hosp

OP

1ST CYPRESS SHOT today
next 9x5

(1395)

Exhibit B

LOWCOUNTRYORTHOPAEDIC
ASSOCIATES, PA
James J. McCoy, M.D.

WC File #9503744
Carrier File# 47893
Carrier Code - 253
Employer 57060961

PATIENT: Gertrude Shiver
CHART NO. 61047

8/10/95: Chief complaint is pain in her right shoulder. It is a complicated hx and it also includes pain in the right ankle and the left ankles and both knees. She dates a lot of the problems back to a fall she took over a chair at work in 9/94. Sounds like she was able to get up under her own power and was not knocked unconscious. She was evaluated, x-rayed and had a second fall "I don't know why or how I fell" while she was going over to the employees office at the Trident Hospital. She had a 3rd fall again at work in 1/95. She has been taking some Tylox from her family physician for the discomfort and occasionally takes NSAID. She says that she cannot lift and move her arm like she used to before the falls.

PHYSICAL EXAMINATION: Reveals a somewhat overweight 41 year old black female who with coaxing has good FROM in both upper extremities and no obvious crepitus or popping in the right shoulder. No obvious muscle atrophy. No obvious swelling. Both knees show no effusion and good ROM. Stable. Both ankles do not appear to have gross swelling and have good ROM and good clinical stability.

X-RAYS: In her jacket show a multitude of films but do include x-rays of the right shoulder and both ankles that do not show any acute or chronic bone pathology.

IMPRESSION: Resolving sprains right shoulder and both ankles.

In general the pt's subjective complaints far outweigh the objective findings. We see no reason that she should not be able to work and carry out the duties of her job. We don't see anything that would lead us to believe that she has any permanent impairment here. We have no suggestions for further evaluations or for any specific treatments. We are discharging her from our care. JJM/la (8/14)

AUG 21 1995

(1396)

November 5, 2007

I would like to make a motion for the worker's compensation commission to considered my attachments and addendums that are already in my files and to grant me a motion to amend my Forms 50 and 58's in order to ask for some disability and all monetary compensation and any and all things that are due me under the law to include a loss in earning capacity because of multiple trauma to multiple body parts, especially my wrists, tendons, ligaments, back, feet, spine, shoulder, and thoracic area, neck, and joints. My whole body has been traumatized. I have some sciatica that was written for on my attachments in my file. I was denied it because it wasn't written directly on my Form 50, even though I and the defense attorney had already discussed it.

Some things were asked for in the attachments and addendums but because of the way that I was treated during the hearing, I became confused, anxious, nervous, and forgetful. I couldn't remember to tell the commissioner because of the way that he was treating me. I didn't have any protection against the commissioner and the defense attorney for how they were treating me. The commissioner must not have viewed my folder thoroughly. I am not an attorney, but every one is being very hard on me.

I also would like the commissioner to grant me a motion that my right to my claims are not taken away from me via the concept of "With prejudice." I would also like some protection from the defense attorney Michael E. Chase and any angry Commissioner that I come in contact with..

I would like a motion to add on other legal issues and wants if an attorney is obtained. I have been looking diligently for an attorney for legal guidance. I have not found one yet, but I am still looking. Thank you.

Sincerely,

Gertrude Shiver

Gertrude Shiver

(1392)

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA, AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND CLARIFICATIONS OF MISINFORMATION THAT PERTAINS TO THIS CASE PARTLY DUE TO THE COMMISSIONER'S UNFAMILIARITY WITH THE CASE AND HIS FAILURE TO SEE THAT ALL CLAIMS IN THIS CASE ARE A CONTINUUM.

INTRODUCTION TO THE APPEAL PROCESS FOR THE ENTIRE CASE

Is this a case of first impression?

Was my claims handled legally?

Are these claims separate and distinct or are they a continuum of one big case?

Was the injured client being protected from the attack of the defense attorney Michael E. Chase?

Did the anger of Commissioner Huffstetler toward the claimant interfered with him rendering justice to the claimant?

Did Commissioner Huffstetler dismiss all the claimant's claims "with prejudice" to spite the claimant because:

1. There are three more pending claims. (Only two can be heard in actuality.)
2. Because the claimant was partly successful on a previous worker's compensation claim and two automobile accidents claims?
3. The claimant has residual problems with the tendons, ligaments, joints, back, shoulders, right arm, left side, Achilles tendon, spine, sciatica, right arm, feet, neck, wrists, cervico-thoracic area, high blood pressure, and a heart condition.
4. Some herniated discs in the spine, one from an automobile accident and the rest is worker's comp. related.
5. The claimant has some disability to her spine, cervico-thoracic area and neck.
6. Injury to the left chest wall area.

There are some inconsistencies with my oral testimony and what I had written for the worker's compensation court. I have a sickness where I become nervous, anxious, and forgetful or I don't entirely hear the questions. This is one of the reasons why I always need to make corrections on my oral depositions. It happens when I am in a crowd of white people, especially white men in close quarters. I feel like I am being attacked. This sickness first came upon me when I was in Charleston having all of those worker's compensation injuries and I was being abused by the white nurses and doctors there.

The Commissioner made a point that I was a paralegal, but I have only took some paralegal courses. I have never worked as a paralegal. Furthermore, I didn't get much worker's compensation education in Charleston with my course and worker's compensation is practiced different in Charleston than it is practice in Columbia. In addition, I took the courses a long time ago and I have to read and do research to try to understand points of law. In addition, I have been silently suffering with some mild depression and fear ever since I was having all of these accidents and the defense attorney Michael E. Chase caused me to be terminated on October 6, 2006. My forgetfulness is not to be construed as I was willingly lying. Commissioner Huffstetler didn't control his action nor Attorney Michael E. Chase actions toward me at the hearing.

Furthermore concerning my firing from some of my previous job, I was only fired from one job where I was accused of mistreatment of patients. This happened in 1998 after I had a worker's compensation injury at Trident Regional Medical Center where I hurt my left side and back. The nurses had lied on me to get me fired. During the hearing, Commissioner Huffstetler only focused on negative things about me and things that he could used to discredit me and he catered more to the defense attorneys, especially Michael E. Chase in his questionings. There are also some lies written in the Order. He wouldn't let me talk so that I could defend myself after he became angry at me for what I said about my previous claim of 1995 at Trident Hospital with Commissioner Mickle, Attorney Thomas M. White and Attorney Douglas E. Pratt-Thomas.

I had written and told the defense Attorney Michael E. Chase about the incident in my last year of nursing school which happened at Richland Memorial Hospital which concerned a potential medicine error. Subsequently, I was black balled in the medical and nursing community. Also, racism, envy, and jealousy played a part in my getting off on the wrong foot after finishing nursing school. This didn't have anything to do with worker's compensation for Attorney Michael Chase to attack me with. He even brought up the question of how long I have been working at Kmart to imply that I would be soon fired from there after he lied about my right wrist accident. My job at Kmart does require me to be on my feet a lot with twisting and bending of my body and to some time lift heavy objects which can potentially lead to another worker's compensation claim with the type of trauma I have had to my body. This is why I need a desk job which it was Attorney Michael E. Chase which caused me to be fired from Palmetto Health Richland from my desk job.

On September 4, 2007, Commissioner Huffstetler was angry with me and the defense attorney Michael E. Chase was angry at me for a letter that I wrote the transcription

company which he placed in front of me while standing up and all of the deposition papers that he waved in the air before me. He was vicious toward me and he made it a point that I had been terminated from other jobs and that I had said previously that I was not going to sue the Church. In addition, Commissioner Huffstetler didn't want me to talk so that I could defend myself. I became more nervous and forgetful. I still have some corrections to make concerning my right wrist accident and my left neck accident with my physicians and medical records.

For my worker's compensation case file number 0321756, DOA 10/23/03, I was given instructions by the emergency doctor at Palmetto Health Richland to follow up with my own doctor, which I did. With the incident with Mrs. Sullivan and Libby Holland, Mrs. Sullivan said that they were not going to pay if I didn't go over to health works. Mrs. Holland told me that I would have to go thought the nurse practitioners before seeing a doctor. I was never offered a doctor when I asked about one when I was first injured. I had communicated with her about a doctor several times and Mrs. Sullivan said that she was not going to pay for me going to Dr. Hook. They were forcing me to go to the nurse practitioners which I have had problems with the nurse practitioners in the past as well as with Mrs. Libby Holland.

I was only offered a nurse practitioner. At the time, the only doctor that I knew of that worked at Health Works was Dr. Durkin, and he only came there on Wednesday for a few hours. He is only a neurologist and the Director of HealthWorks. I already knew about him when he was taking care of my left Achilles tendon, heel, and foot. I went to Dr. Jones after leaving Dr. Hook because he was the only physician that I knew of besides The Carolina Spine Institute that gave injections in the back for pain. Both of these physician offices are located in Charleston. I cannot go back to The Carolina Spine Institute because no physician there will take care of me. Mrs. Sullivan had already informed me that she was not going to pay for me going to a doctor. Therefore, I would have no doctor at all. The employer supposed to supply the injured worker with a physician.

After Mrs. Holland had called me at home and tricked me into given my health information over the phone to Mrs. Sullivan, I tried to get Mrs. Sullivan to destroy the tape because I didn't know who she was. After this Mrs. Holland and Sullivan started to send me e-mails at work disturbing me when I came to work.

Starting with my case of January 23, 1995, at Trident Hospital, WCC File # 9503744, this case had never been settled. I came from Charleston with these claims and my 1994 claims as far as I knew at the time. Consequently, all of my claims at Palmetto Health Richland were involved with most of the same body parts that were injured. Since my cases had not been settled, I saw this as a continuum and the way and time that these accidents were happening to me. Then there was the complications of the Consent Order which I was forced to sign without anything being explained to me and the hearing case of 1996, where the defense Attorney E. Douglas Pratt-Thomas clumped the injuries of the falls of September 25, 1994, the fall of October 1994, and the rest of the injuries of the fall of January 1995 under the hearing of 1996 so that Commissioner Bryan Lyndon

could get rid of all of my claims. I never asked for this to be done. This was something that was done illegally against me.

My left foot was injured with the two falls of 1994 at Trident Hospital and again on January 23, 1995, where both feet became flat because the tendons and the ligaments dropped. Also I had an injury to the ankle. With my accident of November 15, 2001, at Palmetto Health Richland when the metal supply cart was pushed into my left Achilles tendon and heel, my foot was again injured and these injuries were compounded. I was left with a disability to my left foot with no rating. I have some disability to my right shoulder and right foot with no rating. All the parts of my body have been reinjured again at Palmetto Health Richland except my right shoulder, arm, and foot. I have some disability to my cervico-thoracic area which Trident Hospital has never compensated me for.

In addition, after I fell at Trident Hospital in January of 1995, I had to end up having gyn surgery as a result to the fall. The fall aggravated a precondition. With the fall of October of 2003 at Palmetto Health Hospital, I had to end up having some more gyn surgery, because this fall aggravated a preexisting condition that I didn't know that I had.

All of my cases at Trident Hospital are entwined with my cases at Palmetto Health Richland. I have also been suffering from mistreatment and abuse over the last 15 years because of worker's compensation. I still have residual affects and some disability to my body. Commissioner Huffstetler has gone and dismissed all of my claims with prejudiced even though I am still bothered by the injuries.

(1401)

EVIDENCE OF THE CASE

After Commissioner Huffstetler became angry with me for talking about Commissioner Mickle, Attorneys Thomas White and E. Douglas Pratt-Thomas, I became more nervous, anxious, and confused. In addition, he had made the statement that my claims were separate and distinct, but I didn't agree with this because they were on a continuum. The other attorneys in the room didn't agree with it either because they let out an exclamation. There were inconsistencies between what I had previous wrote and what I said because of the state that I was in. My education does not have anything to do with my mental state and how I become around white men and a group of white people in general, especially when I am being attacked. I was the only black person in the room. It is better for me to give written answers to my depositions and hearings.

Thomas White was never really representing me, but I didn't know it at the time. He was angry with me for some reason. The yelling part was first stated by the Attorney for the defense, Allison White, while she was sitting right beside me. I was confused and nervous and I went along with what she was saying. I was afraid of Attorney Thomas White and he knew that. He did force me to sign the form without reading or explaining anything to me. He used to have me closed up in the room with him and he talked rough with me. At times, he used to stand over me. He was also angry with my physician, Dr. William E. Crouch and I never knew the reason why. One time he cursed my doctor and my insurance company who was paying for my care. He used to take his anger out on me during these times. I was also sick and didn't know it, and under a lot of stress and abuse from some of the doctors and nurses and various people in the community in Charleston. I never went to a psychologist on my own because I didn't see any need too. I don't believe in psychologists. The problems that I had and still am having today have a religious and I believe a racial base to it. It is very painful for me remembering and talking about the experience I had with Attorney White and the experience I had with the other white people in Charleston.

The injuries of the claims for October of 1994, and the remainder of the injuries of January of 1995 were clumped under the claim for September of 1994, when I asked for a hearing. I never asked for this to be done. The hearing was held on March 14, 1996, in Charleston, S. C. In the Order that I received afterward, it talked about my injuries for October of 1994 and January of 1995. (APA 5). This was something that was done to me by E. Douglas Pratt-Thomas and Commissioner Bryan Lyndon which I never asked for. Attorney Huffstetler told me he didn't want any hearsay during the meeting. It wasn't until March of 1997, that I understood what had happened to all of my claims including the one of 1995. Commissioner Atkins and Mickle didn't tell me what was going on and I didn't understand. Even though I had gone to paralegal school in Charleston, I didn't have but very little worker's compensation. In addition, they practice worker's compensation different in Charleston that they do in Columbia. Furthermore, I have never worked in the legal field and I have not had much experience or contact with lawyers. I have had mostly bad experiences with the ones that I did have contact with. In addition, I was very green with worker's compensation and how some of the white

(1402)

people treated the black people in Charleston, and especially if a worker has a worker's compensation injury.

Commissioner Mickle didn't physically force me. Commissioner Huffstetler takes things out of context. She was very angry with me and she gave me several ultimatums. If I had accepted the money for the settlement of my 1995 claim, then she was going to clinched up all of my claims and she was not going to consider my injuries especially to my left foot and ankle, my breast and uterine surgery and my heart condition and my high blood pressure which came upon me after this fall of January of 1995. This was not acceptable to me because I have an injury to my back. I had submitted the letter that Attorney Pratt-Thomas wrote and the Consent Order that was sent to me by Commissioner Mickle. (APA 6). I didn't take a tape recorder to the hearing because I didn't know that anything like this was going to happen. I didn't have anyone to take with me to the hearing.

I didn't take any information about my second job at Charleston Memorial Hospital to the hearing because I thought Commissioner Huffstetler had already gone back through my files and was familiar with my case. Evidently, he wasn't familiar with my long claim history or long history of abuse, etc. under the worker's compensation system in South Carolina. He didn't do me any justice with my hearing. The Judicial Director, Virginia Crocker, had already been through my file and held an informal conference (although I didn't know what it was at the time) on Wednesday, June 20, 2007, where she tried to get me to accept some money from Palmetto Health Richland for a full release for the claims of Palmetto Health Richland. The injuries to my left foot and the other injuries to my body parts that had previously been injured at Trident Hospital which E. Douglass Pratt-Thomas and Thomas White had gotten rid of by having Commissioner Bryan Lyndon signed the Consent Order and where Attorney Pratt-Thomas had clumped my injuries of October of 2004, and my injuries of January 23, 2005, under the hearing of March 14, 1996, WCC File No. 9457677, where Commissioner Lyndon ruled on them to get rid of them. I continually to have injuries to these same body parts which was none of my doing, but that of The Spirit.

The income from Charleston Memorial Hospital was never factored in. I was never told this by Attorney White because of the way that he was treating me. He also threw the check at me that day in his downtown office in Charleston. I was confused and anxious at this time. I never received an MRI of my right shoulder which one needed to have been done to rule out the continued pain and popping in my right shoulder and determine the cause of my deterioration in my penmanship. The fact of an MRI not being done was brought up at the hearing with Commissioner Mickle by Attorney Douglas Pratt-Thomas in the hearing of April 12, 2000. I sent Commissioner Huffstetler as well as the other attorneys a letter on September 5, 2007, stating that I needed an MRI. With my firing from Trident Hospital in and 1998, the nurses were making fun of the injury to my right shoulder and my penmanship. I didn't know that I could seek a ruling on the tendons, ligaments, and joints of the body since the General Assembly didn't assign a monetary value to these body parts. I had been offered a settlement for the injury to my right

(1403)

shoulder and foot, but Commissioner Mickle was going to clinch up all of my other claims. I have a back injury which might require surgery later on. If I can seek some disability and compensation for this injury on my right shoulder and my other injuries to my tendons, ligaments, and joints, I am asking this court to grant me one.

*For the hearing, I had run off a copy of Dr. Bowles notes and submitted them. They weren't on the list. I am resubmitting another copy for my prior injuries at Trident Hospital for 1995.

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO 126962, DOA 11/15/2001

Did Commissioner Huffstetler deliberately err by considering the end result of this injury to my Achilles tendon and heel as a separate and distinct injury from my prior left foot injury from Trident Hospital which has left me with residual pain and a disability?

Did the commissioner err in not awarding me anything for this injury where as the insurance had offered me a settlement?

Shouldn't the hospital have to pay for my additional care since they had nurse practitioner Coleen Collins taken care of an orthopedic injury?

Should a commissioner take his anger out on an injured claimant?

This was not a minor injury to my Achilles tendon and heel. My heel was also injured but Commissioner Huffstetler didn't include it. This injury was combined with my previous injuries to my left foot and ankle that occurred at Trident Regional Medical Center where Attorney Pratt-Thomas, Commissioner Lyndon, and Attorney White tried to get rid of it with the Consent Order and the inclusion of the injury of my left foot and heel, etc. with the Hearing concerning my fall of September of 2004, which Commissioner Lyndon tried to get rid of the injuries.

There wasn't anything else to do for this injury that I know at the present time but to wear my orthopedic shoes and ankle brace. The physician at the Miller Orthopedic clinic stated that I could get an arthroscopy for continued problems with my ankle when needed. I was made to work during this time with my injuries by the nurse practitioner

(1404)

Coleen Collins and Dr. Durkin at Health Works even though I needed to rest my foot. I wasn't allowed to be off work via their worker's compensation policy.

I didn't get any treatment from the orthopedist that the hospital sent me to. They didn't order anything for my ankle nor did they order anything for my foot. I didn't get any treatment although Dr. McBryde did order an MRI of my foot. He didn't do anything afterward to my foot. I was made to seek help elsewhere.

I had begged Coleen Collins to send me to an orthopedic. Mrs. Collins was taking care of my orthopedic injury when she should have sent me earlier to an orthopedist. I fell at home while I was going up the steps. I was only given first aid by Nurse Griffin on the day of the injury to my left heel and Achilles tendon. I didn't hurt my foot. Subsequently, some lies were written in the medical record. My left elbow was injured, but Nurse practitioner Collins was writing some false information in my health record. As far as I know, the hospital never paid for the physical therapy that I received there.

Dr. Belding didn't do anything for me but wrote some lies in my medical record after he found out that my injury was a worker's compensation injury.

Dr. Durkin dismissed me because he didn't want to pay for me having an MRI.

Dr.Angus McBryde was referring to the abnormality about the flexor hallucis longus that was found on the MRI. There were several findings on the MRI which he was in a controversy with the radiologist Dr. Robert L. Waldron 11 of Palmetto Health about. There was also some fluid that had shown up and my foot was swollen. He had given me a final diagnosis of resolved contusion, left hind foot at retrocalcaneal area with residual pain. (Enclosed is a copy of the MRI that was done at Palmetto Health Richland.) (APA 8)

When Dr. Minter sent me back to Dr. McBryde, I still was very painful in multiple areas of my foot including the Achilles tendon and heel.

I am asking the court for a rating to my left foot to include the ankle, heel and Achilles tendon. Also, I am asking for some compensation for my injuries from Palmetto Health as well as from Trident Hospital. The two doctors that the hospital sent me to didn't do any treatment to my injuries. The blow on the Achilles tendon and heel caused an aggravation to the rest of my foot. My feet, especially the left foot had been injured at Trident Hospital. The injury at Palmetto Health and the one at Trident Hospital have been combined into one which has caused some more disability to my left foot. I never received a rating for this left foot.

There should be some punishment given for Coleen Collins for taking care of an orthopedic injury when she should have referred me to an orthopedist. I wasn't given any time to be off of my foot with this injury and she was taking care of my foot when I should have been sent to an orthopedist.

(1405)

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 0217755. DOA 3/23/2002

Did Commissioner Huffstetler deliberately not award me compensation for my sciatica and disc (s) even though I had asked for compensation on the attachment sheet for WCC File # 0217755 that was in my files dated and stamped on November 22, 2006 by the Judicial Department?

Since I received orders from the emergency room physician to follow-up with my private physician, shouldn't the insurance company be reimbursed for paying for my care and the MRI ordered by Dr Jones?

Shouldn't I receive some compensation for the aggravation of my prior herniated disc at the L4-5 level?

CLARIFICATION OF THE CASE FOR WCC FILE NO. 0217755

This is the first injury where I received written orders as well as a verbal order by the emergency room physician at Baptist Hospital to go to my primary physician even though he knew that it was a worker's compensation injury. (APA 13). He didn't state his reason, but I knew what experience I had had with Coleen Collins, the nurse practitioner and Barbara Griffin, the occupational health nurse taking care of my left foot, heel, and Achilles tendon. Then there was the experience I had with Dr. Durkins, the neurologist and the Director of Health Works who I believed to be incompetent.

It was my back and left side that was injured. I was working in the Trauma Department when I dropped my pen on the floor. It wasn't a minor injury. The MRI that was ordered by Dr. Jones showed some herniated disc of the sacral area at L5-S1, and possible new-onset symptomatic disc bulge at L3-4. I also developed some sacroiliitis and some sciatica from this fall. Dr. Huffstetler didn't award me anything for my sciatica because he said it wasn't marked o the Form. I was on the attachment to the Form 50.

Even though I hadn't mark the discs and sciatica on the Form 50, I had indicated on the attachment sheet for WCC File #0217755 that had been stamped by the Judicial Department on November 22, 2006, and was included in my folder that I needed to be compensated for this disc(s) and the sciatica. (APA 17) Also, when I went to Attorney Sims in December of 2006, for my deposition, I had discussed this with him when were talking about possible settling the case. The attachment sheet may not have been put on the Form 50 that was submitted on October 20, 2006.

(1406)

The office assistant said that this commissioner was very thorough and that he went through the files. I found out different from the way that he was treating me because of his anger and the way he was catering to the employer attorneys especially Michael E. Chase with his viciousness by confusing me and gearing his questions to benefit the hospital. In addition, he didn't award me anything and he dismissed my claims "with prejudice".

CLARIFICATION OF MEDICAL EVIDENCE OF THE CASE FOR WCC FILE NO. 0217755

In the first two paragraphs, Dr. Timothy Zgleszewski is referring to my left leg that was injured on 11/15/2001, WCC NO.126962. The paresthesias had come from the blow to the leg that I have received from the metal supply cart at Palmetto Health Richland.

The additional discs are in my sacral spine. The lumbar spine disc was just aggravated.

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 02227098. DOA 10/24/2002

Was this a minor accident to the neck and shoulder?

Should my physicians be paid since the emergency room physician wrote an order for me to follow up with him?

Shouldn't Dr. Jones be paid for his service since Lori Sharpe had authorized the treatment and later changed her mind after he had started treating me?

Because of his anger with me and being in a hurry, did Commissioner Huffstetler deliberately would not award me anything for this injury?

Was the deletion of the rest of Dr. Jones notes of 7/1/03 done to prejudiced the injured worker?

CLARIFICATION OF THE STATEMENT OF THE CASE WCC FILE NO. 0227098

The injuries to my left neck and shoulder were more than minor. I developed severe hoarseness after being hit with the heavy chart and I had to visit an ENT physician Dr. Jacquelyn Goings for an examination. I don't have her medical records at present because they are reportedly stored at Carolina ENT. Ass. PA. P. O. Box 791, Camden, S.

(1407)

C. 29020. I sent for them over two months ago, but I have not received them. The only thing that I have with a diagnosis on it is a request for speech therapy. (APA 9) Dr. Hook mentions this in his notes. (APA 10). The diagnosis that I was given is **muscle tension dysphonia.** (This is APA 10.) I will submit these notes when I have received them. I did claimed medical benefits because Lori Sharpe from PHTS had promised Dr. Jones that she would pay for my care, but as far as I know, she never did. She later changed her mind after he had started treating me. The explanations of the benefits are on the addendum to the Form 50 which was attached and stamped by the Judiciary Department.

On my Form 50 that was submitted on October 10, 2006, and stamped, I marked partial for number 8 under specific disability. This Form 50 was in my files with an addendum. (APA 11)

CLARIFICATION OF MEDICAL EVIDENCE OF THE CASE WCC FILE NO. 0227098

I was never examined by Dr. Wade. I was examined by Dr. Douglas Ross, a resident physician. Upon my reporting to the ER after I was sent there by Ms. Beverly Fulton, I notified the triage nurse of the pain in my shoulder and neck. After which I notified Dr. Ross of the pain in my neck and shoulder. In the emergency room report dictated by Dr. Ross a resident, first he dictates, "This 48-year-old, about 1800 was working here at Richland in the Medical Records Department, and a large paper NICU chart, approximately 2 inches thick, fell of a shelf and landed on the left side of her neck over the trapezius muscle. She has had increasing pain in this area throughout the night." Then he turns right around and dictates, "Denies any neck pain, denies any radicular symptoms, focal weakness or paresthesias." This is incorrect. Jason Morgan, the Supervisor dropped the chart on the left side of my neck and shoulder. It was a thick heavy chart, and it was more than two inches. The reason why I went to the ER was because I was having increasing neck and shoulder pain. On the triage sheet it is written **neck pain.** On the face sheet, it is written acute **L trapezius strain.** I was sent to the ER because of increasing pain in my neck and left shoulder.

I was discharge from the ER with a (prescription) for Darvocet for pain and flexeril for muscle spasms. I had 15 of each pill and a work excuse for 2 days.(APA 12) It was written that I should follow-up with my primary MD for recheck.

Commissioner Huffstetler skips some of Dr. Jones notes which have a bearing on me. I am going to start at the second paragraph. "Assuming MMI as of today's date for work injury sustained 3/23/02 to cervical spine and left shoulder girdle, and based on AMA **Guides to the Evaluation of Permanent Impairment, 5th edition,** I can assess no additional impairment for this injury, as previous impairments have been assessed for both myofascial and cervical facet-generated pain, which was present in this patient to great extent even prior to 10/24/02 injury on the job. Although patient does have residual anterior shoulder and left upper chest wall pain and discomfort which has appeared as "new" myofascial injury following 10/24/02 accident on the job, this would require assessment for myofascial pain, and based on recommendations per **AMA Guides to the**

(1408)

Evaluation of Permanent Impairment, 5th edition interpretation, it is inappropriate to add further impairments for this of injury, particularly when impairments have addressed myofascial injuries in this region previously."

"Although patient is released today from active care regarding injuries sustained 10/24/02, patient is candidate for intermittent use of cervical facet and/or trigger point management with focal injections for flares. I can address issues regarding future medical care via Life Care Plan if this becomes necessary. Patient to continue with home exercise protocol life-long. Patient would also benefit from regular aerobic activity at least 3x weekly. Patient is allowed to continue with usual duties, as her work site requirements are primarily for sedentary work at desk/computer, where she is in health information management, working in Columbia for Palmetto Richland Memorial Hospital. There have been no additional restrictions regarding this patient relating to work injury 10/24/02. Follow up hereafter prn." (APA 14)

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 0322274 DOA 01/21/2003

CLARIFICATION OF THE CASE WCC FILE N0. 0322274

Is a slip and fall accident compensable under worker's compensation?

Shouldn't the hospital be made to pay for the injured worker's care if a doctor is not provided for the injured employee?

Under the Nurse Practice Act, are the nurse practitioners taking care of the injured workers under worker's compensation at Health Works independent contractors under the Worker's Compensation Laws and the Nurse Practice Act of south Carolina?

Does the Nurse Practitioner take precedent over the physician in taking care of the injured worker?

Under the Nurse Practice Act, are the nurse practitioners taking care of the injured workers under worker's compensation at Health Works considered independent contractors?

(1409)

What type and schedule of narcotics were the nurse practitioners allowed to prescribe for the injured worker under the Nurse Practice Act at the time of this accident?

Is the ordering of pain medication part of the employer duty toward the care of the injured worker?

I have continued pain in my vaginal and perineum area which I should be compensated for.

When I called Mrs. Parham on January 24, 2003, she asked me what problems that I was having that was worker's comp. related and I told her that my whole body was hurting, I have left sided pain, I am nauseated and having dry heaves and my perineum hurts. The doctor in the ER ordered some narcotics and flexeril when I was last injured. Mrs. Parham replied, "Ms. Shiver, if you are having other problems, you need to see your own physician. I was told by Mrs. Parham from Health Works to go to my own doctor.

Mrs. Parham was called on January 24, 2004, because she was not in the office on January 22, 2003. I had been instructed to called Mrs. Mary Kay Parham on Wednesday morning by Ms. Schglione and Mrs. Lenora Bell, the two nursing supervisors because they knew I had already had a bad experience with Dr. Durkin, Coleen Collins, and Barbara Griffin concerning the care of my Achilles tendon, and left foot after the accident of November 15, 2001, where they were taking care of my orthopedic problems. I believe Coleen Collins had gotten into trouble because of her actions but the nursing supervisors wouldn't go into it with me.

The management of Palmetto Health Richland was angry with me saying that I wasn't following their worker's compensation policy and procedure when I followed the direction of the Emergency Room physician and went to my primary doctor as instructed. The emergency room physicians never directed me to go to the nurse practitioners for care nor did they ever direct me to go to Dr. Durkins. Dr. Durkin shouldn't have taken care of the patients anyway because his practice was not up to par. He was the medical director over Health Works and a neurologist.

This was a work related accident. HealthWorks at that time and I believe it is still being staff by nurses only. The accident happened when I was leaving out of the medical records department and I was still on the time clock.

<u>CLARIFICATION OF THE EVIDENCE OF THE CASE FOR WCC FILE NO. 0322274</u>

The defense counselor lied in what he said about me. I called Mrs. Parham as I was instructed to do by the nursing supervisors. It was Mrs. Parham that told me to go to my own doctor. Dr. Durkin is not at HealthWorks on Friday mornings. In addition, he is a

(1410)

neurologist and Director of HealthWorks. He is not a person to be doing a vaginal exam, etc. on anybody.

Falling at the hospital does not have anything to do with falling at the hotel. My perineum and vaginal area was hurting me from this fall at the hospital. I don't have a broken pelvis. I have pain because of the ligaments and tendons. My pelvis is not broken and my anus does not hurt.

CLARIFICATIONS OF MEDICAL EVIDENCE OF THE CASE FOR WCC FILE NO. 0322274

I don't know who Ms. Stafford is and no one at HealthWorks repeatedly offered to see me at HealthWorks. Mrs. Parham could not order me any narcotic for pain. All that is written in the record from these two nurses is nothing but lies to try to cover themselves. I don't know why Attorney Lana Sims put them up to it. What I wrote in my letter to the worker's compensation office that is attached to my Form 50 ad 58 is accurate. You can see if for the information that you need for this section. (APA 15)

I was supposed to have been sent to the ER that night to be examined, but Mrs. Sass did not send me. In addition she didn't tell me to come back that next morning. Instead, she told me when I came back to work the next day that she would leave the accident report and a note with the evening supervisor and that I must go by the office and fill out the form.

I was sent out to have a CT scan done. These tests were not performed by Dr. Hook.

Mrs. Parham did not say anything about how she tried to get me fired that day while she was making her notes just because I was trying to find out if she wrote orders for narcotic for the pain that I was having since I didn't get any from Coleen Collins with my accident of 11/15/2001. I was never offered a physician and the nurses at HealthWorks were not taking care of me from the incident with my foot.

The nurse practitioner doesn't order the necessary tests, give pain medication, etc., that the injured worker need. There is not a doctor on site to take care of the injured workers. HealthWorks is being run by the nurse practitioners and the occupational health nurses.

The staff in HealthWorks was mistreating me every since I went to them with my first worker's compensation injury. This is especially true of Mrs. Libby Holland. They weren't providing care for me.

WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 0321756 DOA 10/23/2003

Should the claimant be denied an award for her bills simply because she did not bring the invoices even though she had tallied the amount on the attachment sheet?

Should the claimant be denied compensation simply because she was on pain medications and the pain in her side did not hurt the same all of the time?

Was the origin of claimant pain unknown when it was documented in the record?

Should an injured worker be made to leave a physician and go to a nurse practitioner for care?

Did Commissioner Huffstetler err by not seeing the connection of the fall on the cement floor with pain in the right side (rib pain) of the claimant at the time of the accident to continue until treated by Dr. Brandt?

Is it acceptable for a Worker's Compensation Commissioner to cater to the defense attorney and employer against the injured claimant?

Are the emergency room physicians of Palmetto Health Alliance considered and/or agents, employees, or independent contractors as it relates to giving care to injured workers and referrals of these patients under worker's compensation?

Did Commissioner Huffstetler conducted this hearing properly and legally by not asking me anything about my rib pain and how it was being managed?

CLARIFICATION OF THE STATEMENT OF THE CASE FOR WCC NO. 0321756

My right foot got caught in the telephone cord and I fell while I was moving. I injured both knees, both wrists, all of left side and back, and whole body except head. I fell on the hard floor in the Medical Records Department. I was sent to the emergency room that night. From there the emergency room physician instructed me to follow-up with my primary physician. (APA 19) The ER physician didn't direct me to the nurse practitioners for care. I should be compensated something for my injuries and something for the aggravation of my gyn condition where I had surgery.

(1412)

At the time of the hearing, I forgot how I had been communicating with Mrs. Libby Holland over at Health Work about a physician. (APA 18). My forgetfulness was due to how Commissioner Huffstetler was treating me and his angry toward me. Also, the defense Attorney Michael E. Chase was being vicious toward me. I was already under Dr. Hook's care and Ms. Sullivan from Key Risk insurance company wanted me to leave Dr. Hook and go to the nurse practitioner. After I had needed some injections in my back for the pain, I was referred from Dr. Hook to Dr. Jones. I didn't know of any physician that gave injections in the back other than Dr. Jones except the physicians at Carolina Spine Institute in Charleston. The physicians in the Carolina Spine Institute will not treat me. Mrs. Sullivan was already very adamant about not paying Dr. Hook for taking care of me. The ER physician at Palmetto Health Richland had given orders for me to follow up with my primary physician. I was already under Dr Hook's care when Mrs. Sullivan wanted me to leave and go to a nurse practitioner.

The request for benefits for line 11a is found on the addendum sheet for the Form 50. I didn't know if I had any permanent disability at that time. **I was confused, anxious, and nervous during the hearing because of Commissioner Huffstetler's actions toward me and the defense attorneys' action against me. Commissioner Huffstetler didn't want me to talk, yet he was not controlling the defense attorney Michael E. Chase. I was not offered or provided a physician, especially one who could give me injections in my back for the pain in my back. I was not assigned any more impairment rating. My prior condition was aggravated by the fall.**

CLARIFICATION OF THE EVIDENCE OF THE CASE FOR WCC NO. 0321756

I was never on a stand. My employer sent me to the ER and the ER physician sent me to my primary physician. I wasn't directed by the emergency room physician to go to HealthWorks. **At the time of these questions, Commissioner Huffstetler was still angry with me which was affecting my behavior and memory at the hearing. I was never offered a physician by my employer.** I was only offered the nurse practitioners for care. I had been having trouble with the nurse practioners and management of the Medical Records Department every since my WCC accident of 11/15/2001 where the Nurse Practitioner Coleen Collins didn't really take care of my foot. I was having a lot of stress because of my continued accidents and I had almost been fired from my job with the accident of January 20, 2003, when Mrs. Annette Sullivan would not let me come back to work because I wanted some pain medication for my pain. Mrs. Parham was the nurse practitioner during this time.

As to the defense attorney's statement "Claimant had previously injured the same body parts in "numerous falls and stuff," I had numerous falls beginning with the falls at Trident Hospital that were worker's comp. related. I wasn't properly taken care of by Trident Hospital and this also involved Attorneys Thomas M. White and E. Douglas Pratt-Thomas. (See the entire book, *The Fall of a Nurse: What is Wrong With Gerly* (APA 16)

(1413)

I was being mistreated over at HealthWorks. In addition, the emergency room physician, Dr. Steven B. Macaruso at Baptist had told me not to go back over to Health Works. Mrs. Holland was one of the main persons who used to give me trouble over at Health Works. I never asked the CEO of Palmetto Health Richland for medical treatment, but I had been communicating with Mrs. Elizabeth Holland. I had added up my bills on the addendum sheet. I have had worker's compensation hearing before and I was never required to bring any medical bills.

I had injured myself in August of 2003, at the Embassy Suites Hotel. I have been having falls and accidents for unknown reasons and I also have some foot injuries that were worker's comp. related. My left heel and Achilles tendon had been injured at Palmetto Health Richland and the injury was not properly taken care of by the Nurse Practitioner, Coleen Collins, Dr. Durkin, Barbara Griffin, and the orthopedic physicians that they had sent me to. This is one of the reasons why the ER physician had told me not to go back over to HealthWorks. The staff over at HealthWorks was not very interested in taking care for me with my worker's compensation injuries because they claimed I was not following their worker's compensation policy. This accident happened in 2003. The first set of left foot injuries occurred at Trident Hospital in 1994 and 1995.

I was only promised 15 hours/ week at K-mart and sometimes I don't get but 9 hours. The pay is only $6.50 and hour. The work is not good for my health because I am on my feet a lot and I have trouble with my tendons and ligaments as well as some herniated discs in my back. I have back problems, right shoulder, arm, feet, left neck, left shoulder, wrists, cervico-thoracic area, Achilles tendon, etc, which are all worker's compensation related. I have pain and popping in my right shoulder where I was not taken care of at Trident Medical Center. A cashier's job was the only job that I could find after I was fired from Palmetto Health Richland because of my book that I wrote. The defense attorney, Michael E. Chase was behind my firing. Lexington Medical Center would not hire me and I have been forbidden to go to Providence Hospital to look for a job.

I don't know whether the problem that I have would be classified as a phobia, post-traumatic stress syndrome or what. I have not been mentally diagnosed. I was almost kidnapped by a tall white man when I was about 4 ½ years old. I never stated anything about 161 pages. The defense Attorney Michael E. Chase had stood up on the side of the table in opposite me and waved the sheets of paper before me. He had also shoved the letter that I had written the Court Reporter on the table in front of me. She had transcribed some words such as "straight up" and some other street words that I don't use. Even though I don't speak correct English all of the time, I never use these words. Commissioner Huffstetler didn't stopped Attorney Michael E. Chase behavior toward me. Instead, he stopped me from saying or doing anything.

I have a herniated disc in my lower back that occurred in 1997, from a worker's compensation accident at Trident Hospital, WCC FILE NO. 9721145 where I was awarded $10,814.88. I had an automobile accident in 1997, and another one in 2000. I was not responsible for either one of these accidents. The highway patrolman, D. C.

(1414)

Patrick of Charleston, S. C. had falsified my accident report with my automobile accident of 1997, to prevent me from recovering what I should have recovered.

CLARIFICATION FOR EVIDENCE FOR WCC NO. 0321756

I had an aggravation of my prior back problems with this fall as well as the one in August of 2003. When I fell with this accident, I was complaining of side pain. The ER sheet listed it as left body pain. It was stated on the chest X-ray report as chest wall pain. Dr. Hook states it in his notes and on Dr. Brandt's initial notes for me on February 4, 2005, it states" ...Onset of pain, October 2003, following a fall injury. (APA 20, 21 22). The pain in my left chest wall never stopped hurting. I had chronic pain on the left side and it didn't hurt the same all of the time. It hurt sometimes more than others. In addition, I had gotten some injections in my back by Dr. Jones. The original pain started and never stopped. I didn't complaint of the same thing every time I went to the doctor. In addition, I was on pain medications for my pain, and I was using my heating pad and ice. I was on Ultram, Bextra, and Lortab. Dr. Hooks had already told me that it takes from six to eight weeks for the injury to heal and something longer. The injury never healed so that why I started to complaint again.

I have been to hearings before and I wasn't required to bring my bills. I had already added up the amount. If the Commissioner had awarded me for my bills, I could have brought the bills by the office of Attorney Chase. He was listening to seven claims that day. I had sent a letter asking for the hearing to be held for two days in light that he was going to listen to seven claims. Commissioner Huffstetler was in a rush that day anyway. By August of 2004, the pain had become chronic. When I went to Dr. Brandt, the pain in my side had gotten worse and it wasn't responding to my pain medications like it had been.

I needed some injections in my back and side. No nurse practitioner could do that. As for Dr. Jones, there is only one other doctor group that I know of that gives injections in the back. The other group is in Charleston and I cannot go to that group because they will not treat me.

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 0616756 DOA 7/16/07

What type of injury did the claimant have?

Was this a repetitive injury, a gradual injury, or a one time instant injury?

(1415)

Is Commissioner Huffstetler wrong by not awarding me any benefits for the injury to my right wrist?

Is the physician forgetting to document the patient's complaint as it related to the right wrist and the fact that the pain developed while using the hole puncher at work constituted the fact that the physician wasn't told?

Was Palmetto Health Richland prejudiced because Dr. Noojin didn't document in his notes as the claimant told him that the pain in the right wrist developed while she was using the hole puncher at work?

If an injured worker is going to an orthopedic specialist for injuries to both knees and left wrist, should she be required to go to a nurse practitioner for an on-the-job-injury to her right wrist when the physician is already affiliated with her employer?

CLARIFICATION OF THE STATEMENT OF CASE FROM WCC NO. 0616756

I developed some pain in my right wrist while I was using the hole puncher at work on 7/16/06. Also, I started to drop things and I had difficulty removing staples. I never used the word "repetitively" to my immediate supervisor, Toni Pait, Dr. Noojin, or the physical therapist. I didn't use the word repetitively on my Form 50 or 58 or the addendum or the attachment. I was doing other things during the course of the shift and I didn't know exactly what type of injury had occurred. It was around 11:15 p.m. that Sunday night when the pain started. I was the only one in the department at that time. The pain in the right wrist wasn't an emergency. I was having similar pain at that time in my left wrist and the pain in my right wrist felt the same. I sent an e-mail to my immediate supervisor, Toni Pait, about the pain that had developed in my right wrist. I communicated to her via e- mail and verbally from then on. The Manager of the Medical Records Department, Barrington Wint, also knew about the pain that had started at work. Each time that I went to physical therapy, I would bring him a copy of the notice that I was receiving physical therapy.

Neither Toni Pait, Barrington Wint, or Annette Sullivan ever told me that I had to go over to Health Works to the nurse practitioner for my right wrist when I communicated to Toni Pait that the nurse practitioner, Jean Massey, in Dr. Hook's office was already sending me to an orthopedic, Dr. Noojin for some other orthopedic problems that I was having. My left wrist and both knees had been injured in a fall at Red Hill Baptist Church on May 20, 2006. These were the majority of my injuries. All of them were aware that I was going to Dr. Noojin and receiving physical therapy for my injuries. I never refused treatment from my employer because I was never told that I had to go to Health Works to the nurse practitioner for my right wrist while I was going to Dr. Noojin

(1416)

for my left wrist and both knees or go the nurse practitioner for my right wrist in addition to going to Dr. Noojin. Toni Pait was my immediate supervisor, Barrington Wint was the Manager over the Medical Records Department, and Annette Sullivan is the Director of the Medical Records Department.

I never refused treatment from my employer because my employer never told me that I had to go to the nurse practitioners instead of the physician that is associated with the hospital. When I was sent over to the coordinator of worker's comp. at Health Works by Barrington Wint, she told me that she was not going to make me change doctors since I was already going to Dr. Noojin.

CLARIFICATION OF THE EVIDENCE OF THE CASE FOR WCC NO. 0616756

I didn't know how to respond to the question of how many times a minute that I used the hole puncher. Second of all, I didn't know what Commissioner Huffstetler was talking about. The question had seemed stupid to me at the time. I was using the hole puncher when the pain started. I had worked in the Medical Records Department for over six years and never once did I count how many times that I used the hole punch per minute during the shift. I never said the word "repetitive" to anyone, nor did I ever classify my injury as being repetitive. I never indicated on any of my papers that the injury was repetitive.

Dr. Noojin didn't finish with my care until January of 2007. I visited the coordinator in September of 2006. On October 6, 2006, I was terminated from my employment because the defense Attorney Michael E. Chase took my book that I had written, *The Fall of a Nurse: What is Wrong With Gerly,* and gave it to the hospital and caused me to be fired from my job. On the day of my firing, Barrington Wint, the manager of the medical records department escorted me out of the hospital in to the parking lot of the north garage grinning.

Around November or December of 2006, Mr. Willis Gregory had accused me of wanting to put a bomb in the hospital. Other members on the dispute resolution panel were also accusing me of it. They also accused me of inciting other people to do it.

The farthest that I ever went near the hospital again since my firing was to keep my appointments with Dr. Noojin since I had been accused of wanting to put a bomb in the hospital. I was an assembly and analyze specialist. Trina Perkins, the morning specialist, was responsible for retrieving charts and putting them together. When she was absent, I sometimes picked up the charts and put them together. At the time of this accident, we were into the electronic medical record and there was very little filing to do. I had some stapling to do, but not that much. Also, we had cut down on some of the making of the paper record, and we had cut down on some of the paper work, such as the lab reports and other repots that we used to put in the chart. A lot of the documents were stored on the computer under Cerner.

CLARIFICATION OF THE MEDICAL EVIDENCE FOR WCC 0616756

Dr. Noojin was told about the pain in both wrists and splints were applied to both wrists by the orthopedic tech. Why he did not document the fact that the pain in my right wrist had developed from using the hole puncher, I don't know. He did examined both wrists before splints were applied to them. I did complaint of pain in my right wrist and I showed Dr. Noojin how I was using the hole puncher at the time that I developed the pain, but this was not documented by Dr. Noojin. I first felt the pain as I was using the hole puncher around 11:15 p. m. that night and this was getting near the end of my shift.

I believe I was getting off work at 12:30 a.m. during these times. On Dr. Noojin's order for physical therapy dated 7-26-2006, the diagnoses are Wrist Sprain & 717.7-BI. (APA 23) Although the physical therapist documented the wrong wrist and added "repetitive" after I showed him how I was doing the motion, I never said that it was repetitive. There was some documentation to the fact that it was strained at work. (APA 24) There was some communication between the therapist and Dr. Noojin. I did receive therapy on the right wrist. (APA 25) The coders in the office and the therapists took the Order to mean both wrists and both knees. The coder said that the order meant both wrists. (This was checked with the coder after the hearing.) Subsequently, I received physical therapy on both wrists and both knees. I would bring a copy of my excuse after each physical therapy session and give a copy to Barrington Wint, the manager of the Medical Records Department. This is what Mrs. Toni Pait, my immediate supervisor told me to do. (APA 26). Although some may be missing, I gave Barrington Wint a copy of the excuses up until the day of my firing. Palmetto Health Richland was not prejudiced because I did received treatment to the right wrist to lessen the affect of the injury. (APA 27)

I don't know why Dr. Noojin didn't document the pain in my right wrist on the first day that I went to him. He may have forgotten with his busy schedule or he may have just wrote about what was on the referral sheet from Jean Massey NP. I never had any reason to suspect that he would not document truthfully or omit something deliberately because he was never abusive to me nor talked to me roughly. He was always kind and gentle when I went to see him. Some modifications are going to have to be made to the medical record since this is my right.

I couldn't have reported the pain in my right wrist to Jean Massey on 6/21/06, because I develop pain in my right wrist on 7/16/ 06. I did not have a work related injury at the time of this visit to Nurse Practitioner Massey.

At the time of the hearing, I didn't know that there was a problem with my medical records nor did I suspect that there was something wrong with it. I wasn't aware that Dr. Noojin had given me a rating since the injuries involves the tendons as I was led to believe that they don't have any ratings for the tendons and ligaments. No monetary value is assigned in the laws for the tendons, ligament, and joints of the human body.

(1418)

Attorney Michael Chase already had my medical records. He had already sent for them twice.

FINDINGS OF FACT FOR ALL CLAIMS

4. I had sent a letter requesting that the hearing be held over two days. Previously, Attorney Chase had sent me a letter where he was asking for a full day for the hearing. I knew that there was a lot of history and that it was long concerning my claim 9503744 of January of 1995, which needed to be explained. Also, I saw these seven claims as being a continuum, not separate and distinct. WCC NO. 0616756 is not included in the book because it happened after the book was published. If you follow the time line in my book, *The Fall Of A Nurse*: *What Is Wrong With Gerly?*, you will see that it does, too. This is why I asked for my January claim of 1995 at Trident Hospital to be held with these of Palmetto Health Richland. My WCC NO. 9721145 is also related. They are all built on one another, especially when I came from Charleston with the same body parts already injured that was injured again at Palmetto Health Richland.

5. I was never advised regarding my right to counsel and warned regarding proceeding *pro se*. Twice during the hearing Commissioner Huffstetler said that I had 14 days to do an appeal. I wrote this down on my pad. I was never given any warning about anything for having my case. Commissioner Huffstetler became angry at me when I told him what Commissioner Mickle had done and about Attorney Thomas White. He never asked anything about the posture of this case before he said that the claims were all separate and distinct. Neither one of the attorneys or myself agreed with that.

   I had previously received a letter from the Commissioner before Huffstetler that Worker's Comp. had jurisdiction over my case.

7. I have never worked as an administrator. I have only lost one job where I was accused of mistreatment of patients.

   This happened in 1998, when I was fired from Trident Hospital after I had the worker's compensation accident, WCC NO. 9721145. At this time, a group of white nurses had lied on me about mistreatment of patients so that I could get fired from my job because of this worker's compensation claim where a Jewish patient had hurt my back and left me with a herniated disc. This was the only nursing job that was worker's compensation related.

   Bridgett Denzik, the nurse manager, was making fun of me and picking at my penmanship which had become worst after my January 23, 1995 accident at

Trident Hospital where I never received the proper treatment or an MRI and where the insurance company and some of the white people were mistreating me. This was where Attorney Thomas M. White and Attorney E. Douglas Pratt-Thomas and Commissioner Bryan Lyndon deliberately ruined my case. Thereafter, I have been suffering mentally and physically from what they did to me under worker's compensation.

The other times, I was falsely accused by the white nurses. I believe one involved an order from a chart. I had stayed over late to do some orders. I was basically a new black graduate during these times trying to work in a mostly white profession. This was mostly racism, jealously, and envy. My problems had started in my last year of nursing school at Richland Memorial Hospital where I almost made a medication error. My instructor had tried to keep me from graduating.

As a result of this incident, I was black balled in the nursing as well as the medical community in Columbia, etc. This was compounded when I had so much trouble with Trident Hospital in Charleston, S. C. Now with this case which also ended at Palmetto Health Richland, I have been fired from my Health Information Management job because of a book that I wrote about my ife. It wasn't because of my job performance.

8. My victimization is not alleged. These things actually happened to me. Now I am being victimized once again by the defense attorney Michael E. Chase and Commissioner Huffstetler.

9. I don't have extensive experience with worker's compensation. I still don't know exactly how this system work and why some of the commissioners lie and don't treat and talk to me right. I only have two more cases pending. These are the claims that Attorneys White, Pratt-Thomas and Commissioner Bryan Lyndon ruined for me. The third claim concerns an occupational disease and I am not sick. I won one of my worker's compensation cases because the Commissioner was Holly Atkins. She was very professional and fair and she did not get angry with me. She did not talk rough or mistreat me in any way. She never became angry with me.

I have had some worker's compensation injuries, but I have not been treated fairly with them. This is to include how the doctors, nurses, and the employers treat me when I try to do the right thing. I have had more than my share of abuse. I had attorneys to help me with the motor vehicle accidents at least part of the way.

10. I didn't know what I was doing. I have never been taught how to handle worker's compensation cases and the attorneys wouldn't help me. I have never worked in the legal field before. I have just picked up some information because a few attorneys have been kind enough to give me some pointers. If I had known

(1420)

what I was doing and had the money and time, I would have served them properly.

FINDINGS OF FACT FOR WCC N0. 9503744

12. It was Attorney Allison White that first said he yelled. Perhaps it was the wrong word. He has talked to me very rough and he used to be very angry with me while I was in Charleston in 1995 until the time that he was taken off of my claims. He was also controlling. I had talked about what he did to me in my book and none of these things were lies. He has cursed me and cursed to me about my former doctor. I never could figure out why he was mistreating me and why he used to be very angry with me. He threw the worker's compensation check at me. He also had me closed up in the room where I had to squeeze my body between a table and chair.

13. I was sick at this time and didn't know it. I never went on my own to a psychologist and I don't believe in them. I never went to talk to a Priest about it.

14. This Consent Order should not be binding because of the way my signature was gotten on the form. Commissioner Huffstetler is making it binding because he is angry with me.

I5. I believed that this information was already in my folder, since this was an old case. I am submitting a check stub and a letter and the papers of the figuring. (APA 18.) I should be paid for my second job.

16. There wasn't any physical force which I think Commissioner Huffstetler took out of context, but she was angry and gave me several ultimatums. One was that if I had to accept the money that was offered, then she would clinch up all of my cases. I have a back injury.

18. I took a letter on September 5, 2007, to Commissioner Huffstetler office where I was requesting an MRI to my shoulder.

20. I had been offered a settlement before. Why am I not entitled to the settlement now?

FINDING OF FACT FOR WCC NO. 0126962

21. The hospital physician didn't take care of my foot. The Worker's Compensation Commission can't make a physician take care of an injured worker.

22. They need to pay some more since they didn't take care of me.

(1421)

23. I was made to work. I was not given any time off of my feet by the nurse practitioners.

24. I do have permanent disability to my left foot to include the Achilles tendon, heel, and ankle. This injury has been combined with my previous injury which occurred at Trident Hospital.

FINDINGS OF FACT FOR WCC NO. 0217755

26. The emergency room physician sent me to my physician, not to Health Works which is staff by nurse practitioners. The Code of Laws of South Carolina didn't speak to the nurse practitioners taking care of the injured worker.

27. Attorney Lana Sims was already aware of me asking for compensation for my herniated discs and sciatica. This was indicated on my attachment forms and was discussed in December of 2006 when I went to him for a deposition.

28. I had and still have some sciatica.

FINDINGS OF FACT FOR WCC NO. 0227098

30. The emergency room physician told me to follow-up with my primary physician. HealthWorks is staff by nurse practitioners. Lori Sharpe did give permission for Dr. Jones to treat my neck.

31. Defendant needs to pay for all treatment.

32. Attorney Lana Sims was already aware of the discs and the sciatica. The issues were on the addendums and attachments in my folder.

33. I have some more discs in my lower back that was caused by the fall.

FINDINGS OF FACT FOR WCC NO. 0322274

35. I followed the emergency room physician's instructions to follow-up with my own doctor. There are no doctors at Health Works.

36. The issues were on the addendums to the Form 50.

37. I have some more disability to my neck. I was not awarded anything for the aggravation of my neck

(1422)

Should Commissioner dismissed all of my claims with prejudice even though I have permanent injuries to my tendons, ligaments, and joints, and it is easy for these member of my body to be injured again because of multiple trauma?

No appropriate medical treatment was given to me with my Achilles tendon, heel, and foot injury. The consent order was not entered into with my free will and nothing was explained to me. That was something that was deliberately done to me by Attorney Thomas M. White, with Attorney Pratt-Thomas backing and Commissioner Bryan Lyndon. I didn't willingly gave up my rights to my other injuries.

I still have some pain and popping in my right shoulder and the difficulty with my penmanship. I do have some permanent impairment to my right shoulder. I do have some permanent partial disability to my shoulder and right foot, and Trident Hospital should pay for it. My injuries were sustained at the hospital. Furthermore, I had been offered a settlement by Commissioner Mickle and Attorney E. Douglas Pratt-Thomas. The offer was declined because she wanted to clinch up all of my remaining claims, which wasn't acceptable to me.

If Commissioners Atkins, and Mickle saw the liability of my injuries on Trident Hospital, why can't Commissioner Huffstetler see it. I believe this is a case of bias and conflict of interest on his part.

(1423)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

SHIVER GERTRUDE

Employee-Claimant,

vs.

TRIDENT REGIONAL MED CTR

Defendant

SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION

W.C.C. FILE NO. 9457677

ORDER RELIEVING COUNSEL

This matter comes before me by request of Gertrude Shiver that Thomas M. White be relieved as Counsel for the Claimant in above named file.

~~IT IS HEREBY ORDERED that the above named attorney be relieved as~~ Counsel for the Claimant. It is further ordered that the above named attorney shall not represent the Claimant in any matters concerning the above named Workers' Compensation claim which arise after the date of this Order.

Pursuant to R.67-1203, the above named Attorney may request approval of attorney's fees, if any, by filing a Form 61 (Attorney Fee Petition), which will be considered upon the final resolution of the claim.

Herman E. Lightsey, Jr., Deputy Commissioner,
For the Chairman.
S. C. Workers' Compensation Commission

Date: 11/14/95
Columbia, S.C.

(1424)

4554

DISC Imaging
1136 Bowman Road
Mount Pleasant, SC 29464

Richard C. Holgate, M.D.
David D. Goltra, Jr., M.D.
Jeremy W.R. Young, M.D.

DISC IMAGING

DIAGNOSIS • INSIGHT • SERVICE • CARE

PATIENT: SHIVER, GERTRUDE
SSN # 249-98-2546
DATE: 08/14/02
REFERRED BY: GREG M. JONES, M.D.
TYPE OF EXAM: MRI LUMBAR SPINE
PT #: 02-74-33

RECEIVED
AUG 15 2002
BY:

There are no prior reports available for comparison.

CLINICAL INFORMATION: The patient is a 48-year-old female with low back pain.

TECHNIQUE: The patient is examined on the High Field GE Horizon LX Echo Speed MR System which functions at 1.5 Tesla. A dedicated spine coil is used to obtain high resolution images of the lumbar spine. **SERIES:** 1) COR, T1, SE, 7 mm; 2) SAG, Proton, FSE, 3 mm; 3) AX, Oblique, Proton, T2, FSE, 3 mm; 4) AX, T1, SE, 5 mm. **Additional series:** 1) MR myelotomography.

CONTRAST: None. **SEDATION:** None.

FINDINGS:

OVERVIEW: Overview of the lumbar spine shows that there is normal bony alignment and normal marrow signal with no evidence of a congenital anomaly of the spine. The visualized paraspinal soft tissues are unremarkable. Images of the hips, sacroiliac joints, piriformis muscles and proximal sciatic nerves reveal no abnormality.

There appears to be some prominence of the tissue in the left adnexa, possibly representing ovarian cystic lesion, but clinical correlation, and possibly pelvic sonography would clarify.

THORACIC SPINE: Views of the distal thoracic spine show a normal spinal cord and conus medullaris, normal vertebra, and no evidence of abnormal discs.

INTERVERTEBRAL DISCS:

L1-2, L2-3. There is normal disc space height and signal without disc bulge or herniation of disc material beyond its normal confines. There is no evidence of entrapment of the nerve roots in the exit foramen, lateral recess or in the central canal.

L3-4. There is mild loss of disc height, with a mild concentric disc bulge, without definite sequelae.

(CONTINUED)

(1425)

DISC Imaging
[illegible]man Road
[illegible]t Pleasant, SC 29464

Richard C. Holgate, M.D.
David D. Goltra, Jr., M.D.
Jeremy W.R. Young, M.D.

DISC IMAGING

DIAGNOSIS • INSIGHT • SERVICE • CARE

PATIENT: SHIVER, GERTRUDE
SSN # 249-98-2546
DATE: 08/14/02
REFERRED BY: GREG M. JONES, M.D.
TYPE OF EXAM: MRI LUMBAR SPINE
PT #: 02-74-33

(CONTINUED - PAGE 2)

L4-5. There is mild loss of disc signal, associated with a mild, broad-based disc protrusion, containing a small annular tear, and mildly contacting the transiting L5 nerve roots, bilaterally. There is slightly more marked protrusion into the left neural foramen, resulting in moderate foraminal stenosis, but without definite impingement on the exiting L4 nerve roots.

L5-S1. There is a mild right paracentral disc protrusion, impinging upon and mildly displacing the transiting right S1 nerve root. An annular tear is identified. There is also moderate right-sided foraminal stenosis.

OPINION:

1. Mild, non-compressive annular bulge at L3-4.

2. Mild, broad-based disc protrusion at L4-5 containing an annular tear and impinging upon the transiting L5 nerve roots, bilaterally.

3. Mild to moderate right paracentral disc protrusion at L5-S1 containing an annular tear and displacing the transiting right S1 nerve roots.

4. Right adnexal fullness, possibly representing ovarian cyst formation, but clinical correlation and possibly ultrasound may be useful.

Please see above for details of individual levels.

JEREMY W. YOUNG, M.D.

JWY/SS

(1426)

ıth Carolina Workers' Compensation Commission
. Box 1715 • 1612 Marion Street
umbia, South Carolina 29202-1715

WCC File # 9503744
Carrier File # 000000047893
Carrier Code #
Employer FEIN

ertrude Shiver — 249 98 2546
nant's Name — SSN

Trident Regional Medical Center
Employer's Name

ress — City — State — Zip

Address — City — State — Zip

( ) — ( )
ıe Phone # — Work Phone #

Alexsis Risk Management Services
Insurance Carrier

E. Douglas Pratt-Thomas — (803) 727-2212
Preparer's Name — Phone #

The parties named above agree to pay and accept compensation for temporary total disability based on the following ts.

Date of injury: 1/23/95 (month day year)

Part of body injured:

right shoulder; right foot

3. Date disability began: 1/23/95 (month day year)

4. Average Weekly wage: $ 825.09

5. Compensation rate: $ 422.48

ıe claimant shall receive weekly payments at the compensation rate beginning on 1/23/95 (month day year) until terminated accordance with the Workers' Compensation Act and R.67-504 or R.67-507.

ıe employer and its insurance carrier will pay for authorized medical care only. The compensation rate is subject to adjustment and ırrection according to R.67-508.

E. Douglas Pratt-Thomas, Atty for Employer/Carrier

Claimant's Signature

Employer's Representative

8/22/95

Date of Agreement

☐ Witness ☑ Claimant's Attorney
(Check One)

RESERVED FOR COMMISSION'S USE

Print Attorney's Name

Attorney's Address

Attorney's Telephone Number

(1427)

42

File this form in duplicate with the Claims Department within 15 days of the date of the agreement. The employer's representative is to inse the WCC File number, Carrier File number, Carrier Code number, and Employer's FEIN. Refer to R.67-501 through R.67-510. | 40

uth Carolina Workers' Compensation Commission
). Box 1715 • 1612 Marion Street
lumbia, South Carolina 29202-1715

WCC File # 9503744
Carrier File # 000000047893
Carrier Code #
Employer FEIN

ertrude Shiver — 249 98 2546
imant's Name — SSN

Trident Regional Medical Center
Employer's Name

dress — City — State — Zip

Address — City — State — Zip

me Phone # — Work Phone #

Alexsis Risk Management Services
Insurance Carrier

E. Douglas Pratt-Thomas — (803) 727-2212
Preparer's Name — Phone #

Date of injury: 1/23/95

Temporary Compensation Paid:	Number of Weeks	From	To	Amount
	3	1/23/95	2/12/95	$ 1,267.44
				$
				$

Complete applicable sentence):

(a). The claimant returned to work without restriction on 2/12/95.
month day year

(b). The claimant agrees he or she was able to return to work on _____.
month day year

I agree that I was disabled for the period indicated and I was paid compensation as shown above. I UNDERSTAND THAT I GIVE UP NO RIGHTS TO COMPENSATION FOR FUTURE DISABILITY, FOR PERMANENT DISABILITY, DISFIG UREMENT, OR MEDICAL CARE. The effect of this form has been fully explained to me, and I have received a copy c it. I understand that I should not sign this form until 15 days after I have returned to work without restriction or agreed I wa able to return to work.

E. Douglas Pratt-Thomas, Atty for Employer/Carrier

Claimant's Signature

Employer's Representative

☐ Witness ☑ Claimant's Attorney
(Check One)

8/22/95
Date of Agreement

43

(1428)

File this form with the Claims Department no later than 31 days from the date the claimant returned to work without restriction or agre he or she was able to return to work. The employer's representative is to insert the WCC File number, Carrier Code number, Carr File number, and the Employer's FEIN. Refer to R.67-504 for additional information.

141

WCC Form # 17 Rev. Date 9/90

Receipt of Compensatio

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
COUNTY OF CHARLESTON
W.C.C. FILE NUMBER: 9503744

Gertrude Shiver, Employee/Claimant, vs. Trident Regional Medical Center, Employer, and Alexsis Risk Management Services, Carrier, Defendants.	CONSENT ORDER

This claim was scheduled for a hearing on Friday, August 11, 1995, at 4:30 p.m., in North Charleston, South Carolina. Prior to the scheduled hearing, the parties to this claim reached an agreement to resolve the outstanding issues in controversy and have requested the Commission to issue this Order memorializing the agreement. The parties have agreed as follows:

1. Claimant sustained an injury to her right shoulder and right foot by accident arising out of and in the course of her employment with Employer on January 23, 1995.

2. Claimant withdraws, with prejudice, any claim for injuries sustained in the accident of January 23, 1995, other than an injury to her right shoulder and right foot.

3. Employer and Carrier will be liable for the payment of medical expenses incurred for treatment to Claimant's right shoulder and right ankle prior to the date of this agreement by Trident Regional Medical Center Sports Medicine & Rehabilitation

(1429)

Center; Trident Regional Medical Center Emergency Room; and Trident Industrial Medicine.

4. Employer and Carrier have authorized additional evaluation, and treatment if necessary, to the Claimant's right shoulder and right foot by James J. McCoy, M.D., Lowcountry Orthopaedics, P.A., Charleston, South Carolina; Employer and Carrier will be responsible for the payment of medical bills incurred for said evaluation and treatment, which bills are in accordance with fee schedules promulgated by the South Carolina Workers' Compensation Commission.

5. Claimant is entitled to the maximum compensation rate of $422.48 and is entitled to three (3) weeks of temporary total compensation for the period of January 23, 1995, to February 12, 1995. The parties will submit to the Commission duly-executed Forms 15 and 17 reflecting the above payments. As part of this agreement, Claimant acknowledges that she had returned to work as of February 12, 1995.

6. The issues of permanent impairment, if any, to the right shoulder and right ankle are premature at this time. Those issues are reserved until a future hearing, if necessary.

I find the agreement among the parties set forth above to be reasonable. NOW, THEREFORE,

IT IS HEREBY ORDERED that the above agreement among the parties be approved and adopted as an Order of the South Carolina Workers' Compensation Commission.

AND IT IS SO ORDERED.

South Carolina Workers' Compensation Commission

By: Bryan Lyndon
Bryan Lyndon, Commissioner

Dated: August 24, 1995

Columbia, South Carolina

CERTIFICATE OF SERVICE

I do certify that the undersigned has this day served this Order in the above captioned action upon the parties to this cause by depositing a copy hereof, postage paid, in the United States Mail addressed to the attorney of record at their respective addresses.

This 24th day of August, 1995.

By: [illegible]
Administrative Assistant to the Commissioner

WE HEREBY CONSENT:

Steinberg, Spitz, Goldberg, Pearlman, Holmes, White & O'Neill

By: T.M.W.
Thomas M. White, Esquire
P.O. Box 1028
Goose Creek, SC 29445
(803) 572-0700
Attorneys for Claimant

Gertrude Shiver E.D.S.
Gertrude Shiver
Claimant

Wise & Cole, P.A.

By: E. Douglas Pratt-Thomas
E. Douglas Pratt-Thomas
P.O. Drawer O
Charleston, SC 29402
(803) 727-2200
Attorneys for Defendants

EMG/NERVE CONDUCTION STUDY
PHYSICAL MEDICINE & REHABILITATION CONSULTATION

PATIENT: Gertrude Shiver
DATE OF EVALUATION: 11/28/05

REFERRING PHYSICIAN: Dr. Brandt

IDENTIFICATION: Gertrude Shiver is a 48 year old female referred to my office to evaluate left lower extremity dysesthesias and paresthesia.

IMPRESSION:

1. This is an abnormal electrical study.
2. There is evidence of fairly diffuse slowing motor and sensory nerves of the lower extremities distally consistent with a peripheral polyneuropathy.
3. No evidence of other nerve conduction abnormalities.
4. No evidence of radiculopathy on needle exam although there was axonopathy of the foot intrinsic musculature again consistent with peripheral neuropathy.

NERVE CONDUCTION STUDY:

NERVE	DISTAL LATENCY	AMPLITUDE	NERVE CONDUCTION VELOCITY
Right peroneal motor nerve	8 ms (normal is less than 6)	.667 mv	In the leg 45 m/s (normal is greater than 40)
Left peroneal motor nerve	5.4 ms	3 mv	41 m/s
Right tibial motor nerve	7 ms	10 mv	40 m/s
Left tibial motor nerve	7.9 ms	9 mv	40 ms
Right superficial peroneal sensory nerve over 12 cms.	4.2 ms (normal is less than 3.8)	14 mcv	
Left superficial peroneal sensory nerve	4.2 ms	30 mcv	
Right sural sensory nerve	2.7 ms (normal is less than 2.5)	16 mcv	
Left sural sensory nerve	2.9 ms	22 mcv	

ELECTROMYOGRAM: Electromyography was performed with a sterile disposable monopolar needle. The following muscles were checked.

EMG/NERVE CONDUCTION STUDY
PHYSICAL MEDICINE & REHABILITATION CONSULTATION

PATIENT: Gertrude Shiver

Muscles	IA	Rest					Minimal Contraction MUAP	Maximum Contraction Recruitment Pattern
		Muscle	Spontaneous Activities					
			FIBS	SW	FASC	Other		
Left anterior tibialis	Normal	Normal	None	None	None	None	Normal motor unit morphology and normal motor unit recruitment	Full interference pattern noted
Left peroneus longus	Normal	Normal	None	None	None	None	Normal motor unit morphology and normal motor unit recruitment	Full interference pattern noted
Left medial gastroc	Normal	Normal	None	None	None	None	Normal motor unit morphology and normal motor unit recruitment	Full interference pattern noted
Left vastus medialis	Normal	Normal	None	None	None	None	Normal motor unit morphology and normal motor unit recruitment	Full interference pattern noted
Left extensor digitorum brevis	Normal	Normal	None	None	None	None	Occasional polyphasic motor units seen, slightly reduced recruitment frequency.	Slightly reduced interference pattern was noted.
Left first dorsal interosseous	Increas-ed	Ab-normal	None	1+	None	None	Reduced recruitment frequency.	Reduced interference pattern was noted.

HISTORY OF PRESENT ILLNESS: Gertrude Shiver relates left lower extremity trauma in the past and for over a year she has pain and decreased feeling outside of her foot. She does have back pain and known herniated disk but does not feel these two are related. She has been seeing Dr. Brandt for some flank pain but also noted to have these findings and was sent for EMG for further diagnostics.

EMG/NERVE CONDUCTION STUDY
PHYSICAL MEDICINE & REHABILITATION CONSULTATION

PATIENT: Gertrude Shiver

PHYSICAL EXAMINATION: Very pleasant, cooperative, awake, alert female. Her foot intrinsic musculature is weak bilaterally. Extensor digitorum was in the 4- out of 5 range. Extensor hallucis 4- out of 5. Ankle dorsiflexors 4 to 4+ out of 5 and a little bit stronger. More proximal strength in the 4+ out of 5 range. Reflexes were 2+ out of 4 at the ankles and knees.

DISCUSSION: I discussed the abnormal electrical findings today with Ms. Shiver and recommended followup with Dr. Brandt for further treatment or eval. It is a pleasure seeing her today. Call me if you have any questions.

Devin Troyer, M.D.
Physical Medicine & Rehabilitation

DT/prs
D: 11/28/05
T: 11/28/05

cc: Dr. Brandt
Dr. Troyer

4559

CareAlliance

Health Services

Bon Secours – St. Francis Xavier Hospital
2095 Henry Tecklenburg Drive
Charleston, SC 29414

SHIVER, GERTRUDE
000888184
Gregory M. Jones, M.D.

PROCEDURE NOTE
09/21/2000

PROCEDURE: Left paracentral L4/5 lumbar steroid epidural injection.

DIAGNOSES: Probable recurrent discogenic lower back pain.

CLINICAL DATA: Please refer to Charleston Spine progress notes or details for prior work-up of treatment. The patient recently had significant flaring of lower back pain following moving furniture. The patient is a candidate for occasional use of blocks when severe flares occur regarding discogenic source for pain which is now chronic.

DESCRIPTION OF PROCEDURE: Patient is placed prone on fluoroscopy table following IV placement. Two mg of Versed is given for relaxation prior to procedure per IV. Skin and subcutaneous tissue over left L4/5 interlaminar space is identified and anesthetized using 7 cc 1% Xylocaine. An 18-gauge 4-inch Crawford needle used to enter the epidural space using loss of resistance to normal saline technique, confirmed by 2 cc of Isovue M200 epidurogram on AP and lateral views, 90 mg of Depo-Medrol with 2 cc each, 1% Xylocaine and 0.5% Marcaine was injected, tolerated well, and needle withdrawn. Patient tolerated both procedures well, went to recovery room in good condition.

Gregory M. Jones, M.D.

TR: slm DD: 09/21/2000 TD: 09/22/2000 5:17 A JOB#: 011338 DOC#: 666777

cc: Gregory M. Jones, M.D.

COPY FOR Gregory M. Jones, M.D.

(1435)

PALMETTO HEALTH

THE CENTER FOR PAIN MANAGEMENT

PATIENT: Gertrude Shiver

PHYSICIAN: Thomas E. Brandt, Jr., D.O.

DATE: February 4, 2005

MEDICAL RECORD #: 521249

SHIVER,GERTRUDE
0503400249
MR 000521249 BRANDT,THOMAS E JR
05/19/54 50Y F

cc: CHS, Blanding Street
Jeffrey Hook, M.D.

PAIN HISTORY: This 50-year-old right-handed African American female presents with pain in her left chest wall. Onset of pain, October 2003, following a fall injury. She states on 10/23/03, she was working in the Medical Records Department of Palmetto Health Richland when she became entangled in a telephone cord, causing her to fall directly onto a concrete floor, striking the left chest area and both of her hands, while she was trying to break her fall. She states she became very nauseated following the injury, and was initially told to take some ice to help her nausea. She continued to have severe pain and later that afternoon, another supervisor returned, and told her to report to the emergency room. She was seen at Palmetto Health Richland emergency room and underwent x-rays, and was told to follow-up with Dr. Hook, her primary care physician. The patient was treated conservatively with medication, but continued to have a significant amount of pain. The patient underwent a second x-ray, which was also unremarkable, and has not responded well to any conservative measures. The patient describes pain as a constant ache that will increase when the area is palpated. She denies any burning, but she does sting at times, which is an intermittent pain, but denies any numbness. Pain starts under the axilla, radiates around under the breast, and also can cross into the spine. She has been seen by Dr. Gregory M. Jones in Charleston and has undergone apparently cervical facet injections as well as Botox injections for her neck, but her thoracic area has never been treated. The patient has also received attention to the lower lumbar area.

PAIN DESCRIPTION: Musculoskeletal. Neurogenic. The patient does not display any symptoms of dramatization or exaggeration. She denies being nervous, depressed, anxious, or irritable. She does suffer from a sleep disturbance, only sleeping 4-6 hours per night. The patient's appetite and weight are stable. She is not dieting. She has knowledge of pain language. Current VAS score is a 3, best score being a 0, worst score being a 5. RELIEVING FACTORS: Pain medications. AGGRAVATING FACTORS: Lifting heavy objects will increase her pain.

ONSET OF PAIN: 10/23/03, when involved in a fall injury at work. This is a work-related injury and third party liability is involved.

HABITS: The patient denies use or abuse of alcohol, tobacco, or illicit drugs.

ALLERGIES: PPD; TETANUS, causing tachycardia and itching, while RADIOPAQUE DYE caused seizures. The patient does use anticoagulant medication, i.e., aspirin, but denies any easy bruisability.

CURRENT MEDICATIONS: Lortab 5 mg p.r.n., Ultram 50 mg 1-2 q.6h., Bextra 20 mg q.d., Cardizem CD 20 mg q.d., Tenormin 25 mg q.d., Aciphex 20 mg q.a.m., Skelaxin 800 mg p.o. p.r.n., and aspirin 81 mg q.d.

PAST MEDICAL HISTORY: Significant for hypertension, paroxysmal supraventricular tachycardia, gastroesophageal reflux disease with esophageal stricture, requiring bouginage, i.e., dilatation x 2.

PAST SURGICAL HISTORY: Significant for breast reduction in the past.

PATIENT: Gertrude Shiver
PHYSICIAN: Thomas E. Brandt, Jr., D.O.
DATE: February 4, 2005
MEDICAL RECORD #: 521249
Page 2

SHIVER,GERTRUDE
0503400249
MR 000521249 BRANDT,THOMAS E JR
05/19/54 50Y F

REVIEW OF SYSTEMS: All systems reviewed. **CONSTITUTIONAL:** Positive for chills. No fevers, history of swollen lymph nodes, or weight loss. **EYES:** No pink or red eyes, history of conjunctivitis, blurred vision, dry eyes, blind spots, or tender scalp. **EARS, NOSE, MOUTH, AND THROAT:** No dry mouth, changes in sense of smell or taste, tinnitus, decreased hearing acuity, epistaxis, sinusitis, sore throat, or hoarseness. **CARDIOVASCULAR:** History of palpitations. No chest pain, shortness of breath, history of orthopnea greater than 1 pillow, paroxysmal nocturnal dyspnea, or diaphoresis. **RESPIRATORY:** No cough, wheeze, shortness of breath, or dyspnea. **GASTROINTESTINAL:** Positive for nausea, vomiting, and diarrhea, as well as constipation. No abdominal burning, loss of appetite, melena, hematochezia, difficulty swallowing, diarrhea lasting longer than two weeks, or history of jaundice. **GENITOURINARY:** No history of pain with urination, urinary frequency, hematuria, swelling in feet and ankles, urinary urgency, or dysuria. **INTEGUMENTARY:** Positive for itching. **NEUROLOGIC:** Positive for syncopal episode in the past. No seizures, convulsions, near syncopal episodes, history of strokes, perceptions of strange tastes or odors, difficulty initiating movement, localized numbness, tingling, or tremor. **ENDOCRINE:** No history of diabetes, high blood sugars, glucose in the urine, thyroid disease, osteoporosis, goiter, history of heat intolerance, or hot flashes. **PSYCHIATRIC:** No history of hallucinations, suicidal ideations or attempts. **HEMATOLOGIC/LYMPHATIC:** No history of anemia, easy bruisability or bleeding, or swollen lymph nodes. **ALLERGIC/IMMUNOLOGIC:** No history of hay fever, recurrent infections, or asthma.

FAMILY HISTORY: Significant for history of colon cancer in her sister; stroke in her father and mother, both now deceased. Hypertension, herself, sister, brothers, and parents. Arthritis in mother and father. Her mother, sister, and brothers all had diabetes mellitus.

SOCIAL PROFILE: This is a 50-year-old African American female, single, with no children.

EDUCATIONAL BACKGROUND: She has a bachelor's degree.

EMPLOYMENT HISTORY: She works as a Medical Director at Palmetto Health Richland. She has had her present job for four years and currently is working.

SOCIAL ACTIVITY: Unsatisfactory. She stays by herself.

SEXUAL ACTIVITY: She is inactive, and that is satisfactory.

MAJOR SUPPORT SYSTEMS: She has no real support systems. She does not talk to her family and will not discuss this issue, nor does she have any friends or consider church a support system. Estimated uptime in a 24 hour period: 12 hours per day. There has been no change in salary since the onset of her pain. **PREVIOUS TREATMENTS:** Include physical therapy. No occupational therapy, behavior medicine, chiropractic, or massage.

SPIRITUALITY: The patient was raised in the Baptist faith, which she continues to practice. She is active. She finds comfort in her faith, and her prayers do help.

PHYSICAL EXAMINATION:
GENERAL APPEARANCE: This is a very pleasant 50-year-old African American female who is in no acute distress. She is alert and oriented x 3.
VITALS: Blood pressure 125/73. Pulse 67. Respirations 20. Height 5 feet 3.5 inches. Weight 200 pounds.
HEAD: Normocephalic, nontraumatic.
NECK: No masses, tenderness, or carotid bruits noted. Trachea midline.
EYES: Pupils equal, round, reactive to light and accommodation. Extraocular muscles are intact. Funduscopic evaluation reveals no hemorrhage or exudates.
EARS: External and auditory canals are bilaterally patent. Tympanic membranes are intact without bulge, retraction, or erythema.

PATIENT: Gertrude Shiver
PHYSICIAN: Thomas E. Brandt, Jr., D.O.
DATE: February 4, 2005
MEDICAL RECORD #: 521249
Page 3

SHIVER,GERTRUDE
0503400249
MR 000521249 BRANDT,THOMAS E JR
05/19/54 50Y F

PHYSICAL EXAMINATION (cont):
NOSE: No septal deviation noted.
THROAT: Teeth in good repair. Uvula is midline. Posterior pharynx without erythema or exudate.
HEART: Regular without murmur.
LUNGS: Bilaterally clear to auscultation.
ABDOMEN: Soft, bowel sounds are x 4, nontender to palpation.
EXTREMITIES: Present x 4. Peripheral pulses are intact, with the left foot being somewhat cold and shiny in appearance, but, once again, peripheral pulses are intact.
SKIN: No erythemas or ecchymoses noted.
NEUROLOGIC EVALUATION: Deep tendon reflexes are noted to be +2/4 bilaterally with biceps, triceps, brachioradialis, patellar, and Achilles. Babinski is absent. Decreased cutaneous sensation is noted on the left from T7 to L1 with both alcohol wipe and pinprick. No trophic or motor function changes are noted. Muscle strength is assessed and found to be 4-5/5 bilaterally with grip strength, triceps, and biceps, as well as dorsiflexion, plantar extension, quadriceps and hamstrings.
STRAIGHT LEG RAISING: 90 degrees bilaterally, sitting.
MUSCULOSKELETAL REVIEW: Ambulation, slow and antalgic gait, flatfooted gait with slight footdrag. Positive heel and toe walk causing left ankle pain and heel pain. Standing balance is within normal limits. Active and Passive Range of Motion: Cervical spine adequate. Thoracic spine adequate. Lumbar flexion to 90 degrees, extension to 20 degrees. Side bending and rotation adequate. No gross postural or vertebral column defects are noted. No limb defects are noted.
TRIGGER POINTS AND ZONES: Positive tenderness over the left midaxillary line over the rib margins from T6, T7, T8, and T9. No allodynia or hyperalgesia is noted over the chest wall.

OBJECTIVE DATA: Beck's Depression Inventory Score: Noted to be 9/10, indicating no significant depression.

ASSESSMENT/DIAGNOSES:
1. Left chest wall pain, etiology unclear. Intercostal neuralgia versus discogenic process.
2. Multiple somatic complaints. Currently being treated by another physician, i.e., Dr. Jones in Charleston, South Carolina.

The patient made an Emory Classification II, (indicating low pathology/low behavior).

PLAN OF MANAGEMENT:
1. MRI of the thoracic spine.
2. Possible thoracic epidural steroid injection.
3. Possible intercostal nerve blocks.
4. Possible neurosurgical assessment.
5. Will start Gabitril 2 mg 1 p.o. q.h.s.x 10 d., then increase to 4 mg q.h.s. Patient was explained off-label usage.
6. Will consider Arthrotec 75 mg 1 p.o. b.i.d. to be taken with food.
7. Will start Lidoderm patch, apply q.12h. on, q.12h. off, over area of pain.
8. Will assess patient for chest wall pain symptoms. Other pain complaints will be deferred to the other physician in Charleston at this juncture, and narcotic analgesics will be deferred to this physician at this time.
9. Will reassess patient in three to four weeks.

Total face-to-face contact with patient: 59 minutes.

Thomas E. Brandt, Jr., D.O.
TEB/sdm-2/8/05

(1438)

PALMETTO HEALTH

THE CENTER FOR PAIN MANAGEMENT

PATIENT: Gertrude Shiver

PHYSICIAN: Thomas E. Brandt, Jr., D.O.

DATE: March 2, 2005

MEDICAL RECORD #: 521249

SHIVER,GERTRUDE
0507500286
MR 000521249 BRANDT,THOMAS E JR
05/19/54 50Y F

cc: CHS, Blanding Street
Jeffrey Hook, M.D.

PAIN HISTORY: The patient presents to the Center for Pain Management today for evaluation and treatment. The patient continues to have pain in her left chest wall. She states that her MRI results are back. She states the Gabitril has helped decrease the burn and actually improve her sleep, but she continues to have throbbing, aching pain in her left chest wall, as well as pain over her left breast area. She states the Lidoderm patch will not stay on during the daytime, as any movement over the chest site will actually cause the patch to detach itself.

PHYSICAL EXAMINATION: Blood pressure 136/84. Pulse 66. Respirations 18. Temperature 98.1 degrees. VAS score is a 6.
HEART: Regular without murmur.
LUNGS: Bilaterally clear to auscultation.
ABDOMEN: Soft, bowel sounds are x 4, nontender to palpation.
NEUROLOGIC EVALUATION: Deep tendon reflexes are noted to be +2/4 bilaterally with biceps, triceps, and brachioradialis, patellar, and Achilles. Muscle strength is assessed and found to be 5/5 with grip strength, triceps, and biceps, as well as dorsiflexion and plantar extension. Positive hyperalgesia is noted over the dorsal rib margins at T4, T5, T6, and T7. No elevated or depressed rib lesions are present. No allodynia or hyperalgesia is noted over the chest wall region.

ASSESSMENT/DIAGNOSIS: Left chest wall pain, etiology unclear. MRI negative for any discogenic disease. Apparent intercostal neuralgic pain state, etiology unclear.

PLAN OF MANAGEMENT:
1. Will schedule intercostal nerve blocks on the left at T3 to T8.
2. Will continue current dosing of Gabitril.
3. Ativan premed has been dispensed.
4. Will consider Yamamoto new scalp acupuncture in the future.

Total face-to-face contact with patient: Slightly over 15 minutes, with greater than 50% of this time spent counseling patient on current pain syndrome, the use of Gabitril, once again, for off-label use of decreasing dysesthesia, which has been very effective for her, as well as improving pre-REM sleep.

Thomas E. Brandt, Jr., D.O.
TEB/sdm-3/7/05

(1439)

PALMETTO HEALTH

THE CENTER FOR PAIN MANAGEMENT

PATIENT: Gertrude Shiver

PHYSICIAN: Thomas E. Brandt, Jr., D.O.

DATE: March 21, 2005

MEDICAL RECORD #: 521249

SHIVER,GERTRUDE
0507500286
MR 000521249 BRANDT,THOMAS E JR
05/19/54 50Y F

cc: CHS, Blanding Street
Jeffrey Hook, M.D.

PAIN HISTORY: The patient presents to the Center for Pain Management today with continued left chest wall pain secondary to intercostal neuralgia. The patient presents today for scheduled intercostal nerve blocks at the levels of T3, T4, T5, T6, T7, and T8 on the left.

RISK ASSESSMENT: The risks, benefits, and alternatives to intercostal nerve blocks were discussed with the patient at length. She understands and wishes to proceed. Signed informed consent was obtained. Ativan premed dispensed.

PRE-BLOCK DIAGNOSIS: Left chest wall pain, left intercostal neuralgia at multiple sites.

POST-BLOCK DIAGNOSIS: Same.

ANESTHESIA: None.

PROCEDURE: The patient was taken to the treatment room and placed in a right lateral decubitus position. The rib margins were identified and marked dorsally at T3 to T8 on the left. Using clean technique and ethyl chloride for topical anesthesia, a total of 0.5 ml of 1% lidocaine was injected at each site, following retraction of the skin. Sterile prep and drapes were then applied. Using a #23 gauge 1.5 inch needle placed in a walking-off technique over the intercostal nerves, following negative aspiration for heme, a total of 3 ml of a mixture of 18 ml of 0.25% bupivacaine and 60 mg of methylprednisolone was injected, following negative aspiration every 1 ml. The patient tolerated the procedure well. Pre-block blood pressure 126/80. Pulse 80. Respirations 16. Temperature 98.1 degrees. VAS score was a 5 to a 6. Post-block blood pressure 112/84. Pulse 79. Respirations 16. SpO2 on room air, 97%. Breath sounds were bilateral and equal both pre and post-blockade.

DISPOSITION: Will reassess patient in four weeks.

Thomas E. Brandt Jr. DO

Thomas E. Brandt, Jr., D.O.
TEB/sdm-3/25/05

(1440)

PALMETTO HEALTH
THE CENTER FOR PAIN MANAGEMENT

NAME: Shiver, Gertrude

RECORD NO: 521249
ACCOUNT #: 0511001927

SHIVER,GERTRUDE
0511001927
MR 000521249 ZGLESZEWSKI,TIMOTHY
05/19/54 50Y F

Date: 4-25-05

CHIEF COMPLAINT: Left chest wall pain.

HISTORY : Gertrude Shiver is a 50-year-old female who is a patient of Dr. Branson being treated for left chest wall pain and left intercostal neuralgia. She is currently on Gabitril by Dr. Brandt and that is doing a fairly good job at controlling her symptomatology. She underwent some recent left intercostal nerve blocks that she said gave her about two weeks worth of significant relief. At this point in time, her pain has returned. It is 5/10 on the pain scale. It is in the left chest wall and lateral thorax. She is reporting no new symptomatology. No new fevers, chills, or drainage from the procedure site since the injection. She also is taking Lortab or Ultram prescribed by Dr. Hook. She reports no other new pain symptomatology. No new side effects from the medicines.

CURRENT MEDICATIONS: As per the New Patient Questionnaire filled out today as well as the history.

ALLERGIES: **PPD, TETANUS TOXOID, AND CT DYE.**

PAST MEDICAL HISTORY: As per the New Patient Questionnaire filled out today as well as the history.

PAST SURGICAL HISTORY: As per the New Patient Questionnaire filled out today as well as the history.

SOCIAL HISTORY: As per the New Patient Questionnaire filled out today as well as the history.

FAMILY HISTORY: As per the New Patient Questionnaire filled out today as well as the history.

REVIEW OF SYSTEMS: As per the New Patient Questionnaire filled out today as well as the history.

PHYSICAL EXAMINATION: Blood pressure 141/85. Heart rate 80. Respirations 16. VAS is 10 /10.

GENERAL APPEARANCE: Physical examination reveals a well-developed, well-nourished female in a minimal to moderate amount of discomfort. Grooming, nutrition, and a body habitus are normal for her age. She is alert and oriented to time, place, and person with normal mood and affect.

Gait and station are not antalgic. Inspection of the left thorax reveals a well-healed thoracotomy incision. There are no skin lesions present. No signs of infection from prior procedure site.

Neurologic examination of the upper extremities is intact, including motor strength and sensation.

DIAGNOSTIC TESTING: Medical records from Dr. Brandt are reviewed today.

An MRI of the thoracic spine demonstrates mild degenerative changes at T11-12 and T10-11, T3-4. There is no significant disk herniations or protrusions.

PALMETTO HEALTH
THE CENTER FOR PAIN MANAGEMENT

NAME: Shiver, Gertrude

RECORD NO: 521249
ACCOUNT #: 0511001927

continued – page 2

DIAGNOSES: Left intercostal neuralgias.

PLAN: Gertrude Shiver is going to continue on her Gabitril prescribed by Dr. Brandt. She was given 4 mg tablets #30 to be taken at bedtime. She was given two refills. She will follow up with Dr. Brandt as soon as his office opens up. Other than that, no changes in her treatment plan at this time. She was told that Dr. Brandt will most likely want a repeat the intercostal nerve blocks when he sees her back in followup, but was informed that I do not perform that type of nerve block.

SHIVER,GERTRUDE
0511001927
MR 000521249 ZGLESZEWSKI,TIMOTHY
05/19/54 50Y F

Timothy Zgleszewski, MD/hs
D: 04/25/200511:50 A T: 04/26/2005 11:55 A
Job#: 00030385[illegible] HS Job#: «HS_Job_ID» Doc #: 534047
cc:

(1442)

MIDLANDS INTERNAL MEDICINE

PHYSICAL EXAMINATION

NAME: Gertrude Shiver
SS#: 249-98-2546
DATE: 04/21/06

The patient is a 51-year-old black female with past medical history significant for hypertension, paroxysmal supraventricular tachycardia, gastroesophageal reflux disease with stricture status post dilation times two, chronic back and neck pain, left ankle pain, and left chest wall pain felt to be neuralgic in nature, who basically presents for complete physical exam. The patient's biggest complaint at this time continues to be left-sided intercostal rib pain. This is felt to be neuralgic in nature. She is following with Dr. Brandt of Pain Management. She is currently using a topical Lidoderm patch, which seems to be helpful. She has been placed on Lyrica, which she is now using on an as needed basis, as regular use did cause some oversedation. Other than her pain, she feels as though she is doing reasonably well. She has very little in the way of other complaints.

PAST MEDICAL HISTORY: As above.

PAST SURGICAL HISTORY:

1. Breast reduction in 1997
2. Myomectomy in 1995
3. Laparoscopic lysis of adhesions by Dr. Odom in 2004

ALLERGIES:

1. Tetanus caused severe edema with induration localized
2. CT dye has given her hives and palpitations.
3. PPD caused hives and palpitations.
4. Questionably sulfa drugs (unknown reaction)

CURRENT MEDICATIONS:

1. Cardizem CD 120mg q day (branded)
2. Tenormin 25mg bid (branded)
3. Mobic 15mg q day
4. Baby aspirin q day
5. Tylenol prn
6. Skelaxin prn
7. Ultram CR 100mg q day
8. AcipHex 20mg q day
9. Maalox prn
10. Lortab prn (rare)
11. Lyrica 100mg bid
12. Lidoderm, 12 hours on and 12 hours off

MIDLANDS INTERNAL MEDICINE

PHYSICAL EXAMINATION

NAME: Gertrude Shiver
SS#: 249-98-2546
DATE: 04/21/06

SOCIAL HISTORY: The patient is not a smoker, nor does she drink alcohol. She is not married and has no children, and is not sexually active. She is originally from Gadsden and has lived in Charleston but has been back to Gadsden since 1998. She was a cardiac nurse but became disabled due to back pain. She currently works in Medical Records for Palmetto Richland and notes moderate stress. She puts in about 40 hours a week. She was planning on a medical transcription job but is having difficulty in getting hired for this.

FAMILY HISTORY: The patient's father died in his 60's from a stroke. Mother passed away at the age of 90 with diabetes, dementia, which is felt to be multi-infarct. She denies any overwhelming amounts of heart disease in the family but does note hypertension and occasional stroke. She also notes diabetes. There is a history of breast cancer in her family as well as a sister who passed away from colon cancer in her 50's. There is a strong history of arthritis as well.

DIET AND EXERCISE: The patient's diet is somewhat poor. Her exercise, she has been increasing this and has been going to a gym.

REVIEW OF SYSTEMS: The patient is up to date on eye exam with Dr. Blake. She does note, at times, some mild nausea. She is unsure what causes this but is generally short lived. She does have Phenergan available, if needed. She does have a tendency towards reflux, only if she overeats. She notes diffuse pain, most notably in her neck, low back, and rib cage. She was recently diagnosed with a peripheral neuropathy and has been undergoing Anodyne therapy. This has been helpful. She did have full peripheral neurology work-up. She continues to have some left ankle and foot pain but this has improved as well. She does note some rare constipation. She does feel somewhat fatigued. She has had no further palpitations and her blood pressure has been extremely well controlled. She really has no other major complaints. All other systems reviewed at this time and negative.

MIDLANDS INTERNAL MEDICINE

PHYSICAL EXAMINATION

NAME: Gertrude Shiver
SS#: 249-98-2546
DATE: 04/21/06

PHYSICAL EXAM: Vital signs noted.

GENERAL: Pleasant, in no acute distress.

HEENT: Normocephalic, atraumatic. Pupils equal, round, and reactive to light and accommodation. Extraocular movements intact. Funduscopic exam unremarkable. TM's clear. Oropharynx clear with moist mucus membranes.
NECK: No JVD. No bruits. No lymphadenopathy. No thyromegaly.
LUNGS: Clear to auscultation and percussion bilaterally.
CARDIOVASCULAR: Bradycardiac. Normal S1 and S2. No murmurs, rubs, or gallops auscultated.
CHEST WALL: Left-sided chest pain somewhat moderate in nature, diffusely through the left-sided chest wall.
BREASTS: No dominant masses. Mild fibrocystic changes. Scar tissue noted from previous mammoplasty. No nipple inversion. No skin dimpling. No axillary nodes. There is some tenderness but this appears to be more chest wall in nature, rather than breast in nature.
ABDOMEN: Soft, nondistended, nontender. Positive bowel sounds in all quadrants. No hepatosplenomegaly or mass.
UROGENITAL: Normal external female genitalia. Cervix visualized. Pap smear obtained. By manual exam, unremarkable.
RECTAL: Normal sphincter tone. No palpable masses. Guaiac negative stool in the vault.
EXTREMITIES: No clubbing, cyanosis, or edema. The patient has 2+ distal pulses bilaterally.
NEUROLOGIC: Grossly intact.

LABS:

1. EKG was obtained and reveals a sinus bradycardia. There are no significant STT wave abnormalities.
2. Urinalysis unremarkable.

MIDLANDS INTERNAL MEDICINE

PHYSICAL EXAMINATION

NAME: Gertrude Shiver
SS#: 249-98-2546
DATE: 04/21/06

ASSESSMENT AND PLAN:

1. Paroxysmal supraventricular tachycardia. Asymptomatic on current regimen.
2. Hypertension. Extremely well controlled.
3. Reflux. Continue AcipHex with prn Maalox.
4. Degenerative disc disease with findings positive in the cervical and lumbosacral spine. She will continue with Mobic 15mg daily, as well as appropriate pain medications, as above.
5. Left-sided intercostal rib pain. Felt to be neuralgic in nature. We will obtain rib films to make sure no bony abnormalities. She will continue to follow with Dr. Brandt. Continue her Ultram CR, her Lyrica, and her Lidoderm patch.
6. Abdominal discomfort. Has been persistent but significantly improved since lysis of adhesions. She will follow with Dr. Odom, if needed.
7. Fatigue. Will check all endocrinologic and metabolic markers.
8. Bradycardia. EKG unremarkable. I suspect that this is medication induced, as she is both on a rate controlling calcium channel blocker and beta blocker.
9. Routine health maintenance. Basically up to date. She will need repeat colonoscopy in 2009, as her last was in 2004 and unremarkable. She was strongly encouraged to increase her cardiovascular exercise regimen, which she has done, watch her diet more thoroughly and perhaps lose some weight. We will continue to follow her extremely closely. See routine health maintenance form.

Jeffrey D. Hook, MD

HealthWorks

Injury Treatment Report

Date of Report: 05/03/02

INJURY

Name: Shiver, Gertrude
Emp ID: 249-98-2546
Injury: Contusion, leg

Injury ID: 1
Injury Date: 11/15/01

Co. Status:
Clinic Status: Returned To Work as of: 12/11/01
File Status: OPEN
Company: Richland Memorial Hospital
Ins. Co.: PHT Services, Ltd.
Claim No:

Days Lost:
Days Lt Duty:
Estimated on: 05/02/02

TREATMENTS

05/01/02 Pract : Martin Durkin, MD
Treatment : SEE F-3
Restrictions: SEE F-3

SSN: 249-98-2546 DATE: 05/01/02
FOLLOW UP WORKER'S COMPENSATION NOTE
(Palmetto Richland Hospital)

HISTORY:
Gertrude Shiver returns in follow up of her left Achilles pain. She notes pain in the region of the Achilles insertion as well as some posterior plantar heel pain and some gastrocnemius pain on the left. She also has some numbness that comes and goes and involves "whole foot" that is increased by walking. In general, the numbness is less than previous. Intermittently she has swelling of "the whole foot". In March of this year she had swelling of both legs and feet but it is now better.

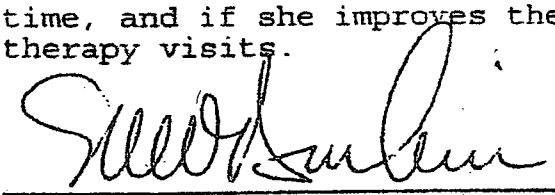
To review the situation, on 11/15/01, she was hit with a metal cart in the region of the left heel. Since then, we have done an EMG of both gastrocnemius muscles and the left lower extremity. Bilateral tibial motor and sensory nerve conductions have been normal. X-rays of the left ankle and left calcaneum and left lower leg have been normal. She has been seen in consultation by Dr. Belding. We tried various nonsteroidal antiinflammatory medications. Her private physician has placed her on Mobic 7.5 mg daily and that seems to do the best.

(1447)

PHYSICAL EXAMINATION:
On examination of the feet, the right first metatarsal phalangeal joints is 10 degrees of valgus and is flexible, the left is in 14 degrees of valgus and is flexible. There is no bunion on the right and a minimal bunion on the left. She has prominent fifth metatarsal phalangeal joints but no evidence of inflammation, corns, or calluses in that area. She has fixed hammertoes of the fifth toes bilaterally. There are no corns or calluses throughout. The skin of both feet is normal although the heels are dry bilaterally. The toenails are dark and mildly thickened bilaterally. The plantar fascia is nontender. Toe extension does not particularly cause her any difficulty. Dorsalis pedis pulses are normal bilaterally. Vibratory sensation is normal in both feet. Pinprick is diminished along the left lateral plantar foot and heel to about 80% of that on the left. There is no Tinel's sign posterior to the medial malleolus on either side. She is able to achieve 30 degrees of varus on inversion at both the talar joints and 10 degrees of valgus bilaterally. There is some tenderness over the distal Achilles tendon on the left and where it inserts into the calcaneus. The medial longitude and the arch both appear normal nonweightbearing but there is decrease in the arch on the right with weightbearing. In a standing position the Achilles alignment shows some eversion on the right. Bilateral heel rise test results in no inversion on the right and mild inversion on the left.

DIAGNOSIS:
Left Achilles pain.

PLAN:
1. Regular duty.
2. I have given her a prescription for Mobic 7.5 mg #30, 2 p.o. daily with 1 refill.
3. We will plan to see her back in five weeks.
4. I did offer another orthopaedic opinion but the patient would rather continue the medication and give it a little more time, and if she improves then go back for a few more physical therapy visits.



Martin W. Durkin, M.D.

TrUSA30337-89137

PALMETTO HEALTH ALLIANCE
Northeast: 3000 Medical park, Suite 111 Columbia, SC 29223 (803) 434-3302
Fax (P 434-3389

FOLLOW-UP CARE STATEMENT

TO BE COMPLETED BY EMPLOYEE:

Employee: Gertrude Shivers
Date of Birth: 5-19-54
Job Title: HIM Specialist

SSN: 249-98-2546
Date of illness/injury: 11-15-2001
Employer: PKMH

TO BE COMPLETED BY PROVIDER:

Visit date: 5/1/02 Visit time: 1400 Diagnosis (L) Achilles pain
Treatment / Findings: _____

Work Status
✓ Return to regular duty immediately.

__ Return to modified duty on (date) _____:
Restrictions:
__ Patient is unable to lift greater than _____ pounds
__ Limitations of motion: _____
__ Patient must avoid contact with _____
__ Patient must keep sutures clean and dry
__ Other _____

These restrictions apply until (date) _____, at that time:
__ restrictions will be reassessed OR __ patient may return to full duty.

__ Patient is unable to work at this time.

Instructions
✓ Medications: Rx Mobic 7.5mg
__ Other: _____

✓ Follow-up appointment (Date / Time) 5 Weeks.

Provider's signature: _____ Visit Time Out: _____

(1449)

Palmetto Imaging

THE CENTER AT LADY & MARION

PATIENT:	Shiver, Gertrude
MRN:	348937
DATE OF BIRTH:	5/19/1954
REF PHYSICIAN:	Thomas Brandt, MD
DATE OF EXAM:	2/15/2005
PATIENT PH#:	803-353-3892

MRI OF THE THORACIC SPINE

HISTORY: Left rib and breast area pain.

TECHNIQUE: The following sequences were obtained using a Siemens 0.2 Tesla open viva: Sagittal T1, sagittal proton density and T2, and axial T1.

FINDINGS: The vertebral bodies are of normal height and position. The marrow signal of the visualized vertebral bodies appears normal. The thoracic cord appears normal. Specifically, there is no evidence of cord compression, injury, or gliosis.

There is a small anterior osteophyte seen at T11-12. There is disc desiccation at T10-11 and T3-4. There is no significant posterior disc bulge. No focal disc herniations are seen. No soft tissue paraspinal masses are seen.

CONCLUSION:
1. Mild degenerative disc disease.

Robin Daum-Kowalski, MD
Radiologist

RD/bl

This document has been electronically reviewed and signed.

SHIVER,GERTRUDE
0505600383
MR 000521249 BRANDT,THOMAS E JR
05/19/54 50Y F

(1450)

SHIVER, Gertrude DOB: 5/19/54

3/1/94 Pt. has had no improvement on Gaviscon and Pepcid. EKG shows slight ST elevatior in the precordial and inferior leads. Believe pain is much more likely now to be a mild pericarditis and possibly as well a costochondritis. Will switch from Gaviscon and Pepci to Ansaid 100 mg. Samples are given and she will return. WEC/sf

3/15/94 Pt. feeling better on Ansaid. BP 100/70. Lungs clear. Heart tones are normal today. She will continue on Ansaid as needed. More samples are given. WEC/sf

4/18/94 Pt. comes in for follow up for her costochondritis. Still has occasional pain but it is much less than it has been in the past. BP 110/80. She is still somewhat tender over the left costochondral junctions. She is reassured and will take no medications unless she gets an exacerbation.
IMPRESSION: Costochondritis. WEC/sf

11/15/94 Pt.'s left ankle was injured twice at work. She now has difficulty walking on it. Apparently injured it on stairs twice although this was several weeks ago. Pain has increased recently again. BP 100/60. She has clear swelling or edema of the dorsal aspect of the left ankle with pain on flexion of the left ankle. There is tenderness in this area as well.
IMPRESSION: Tendinitis and tendon strain.
Plan: Zostrix cream, Darvocet N 100 and an Ace bandage. She is excused from work for five to seven days. WEC/sf

11/22/94 Pt.'s left ankle is still tender and painful although it is about 30-40% improved. She still has difficulty walking and limps obviously. Situation discussed. Will stay off work another week. WEC/sf

01/10/95 Patient's left ankle is still swollen, particularly when she stands on it, adn still tender over the lateral malleolus and anterior portion. She complains of pain on eversion of the left ankle.
IMPRESSION: Continued pain two months after accident on the job.
Plan: To see Dr. Robert Bowles.
BP today is 128/80. WEC/tb

2/28/95 GPX Pt. still complaining of pain but now, because of a fall, it is in her righ shoulder and right breast. BP 120/80. Examination reveals tenderness over the anterior capsule of the right shoulder as well as the mid-portion of the medial head of the right biceps.
IMPRESSION: Tendinitis or tendon strain.
Plan: Treat symptomatically and physical therapy. Other findings unchanged. WEC/sf

5/18/95 Pt. seen in the E.R. yesterday for an episode of high blood pressure and headac She received two injections over the last two months of Luprin by Dr. Weinstein for uterir fibroids. These will be removed when they have become shrunken from her injections. BP is 160/105-110 at the beginning of the examination, 155/95 at the end. She has already started Procardia and to this will be added Ziac 2.5 mg. Q.D. WEC/sf

5/23/95 pt. having trouble about her disability. Is taking her antihypertensive. BP is 118/80 today. She has pain in both shoulders but particularly in the right pectoral muscles as well as in the right periscapular region. She cannot raise her right arm above the horisontal in any pland and has exquisite pain in the shoulder when her humerus is abducted. The lifting motion causes exquisite pain in the humeral head area as well. Plan: Continue Procardia 30 mg. and continue Ziac 2.5 mg. Q.D. WEC/shf

MIDLANDS INTERNAL MEDICINE

OFFICE VISIT NOTE

NAME: Gertrude Shiver
SS#: 249-98-2546
DATE: 10/29/02

The patient is a 48-year-old black female with past medical history significant for hypertension, paroxysmal supraventricular tachycardia, reflux with overlapping stricture status post dilation and chronic back and neck pain, who basically presents with significant left neck and shoulder discomfort status post trauma. The patient claims that she was sitting at her desk at work when a heavy medical chart fell off of a cart and struck her in the left shoulder. She had a significant amount of discomfort almost immediately and was evaluated in the Emergency Room. Exam at that time revealed what was felt to be a trapezius strain. She was placed on Darvocet and Flexeril. The patient notes that the Flexeril did cause a moderate amount of sedation and has not necessarily been compliant with that. The Darvocet has helped somewhat with the discomfort. Due to the fact that it has not completely resolved, she claims that she felt that she needed to seek further medical attention. The trauma occurred on 10/24/02 and she was evaluated in Richland's ER that evening.

PAST MEDICAL HISTORY: Unchanged as previously documented in the chart.
PAST SURGICAL HISTORY: Unchanged as previously documented in the chart.
ALLERGIES: Unchanged as previously documented in the chart.
MEDICATIONS: Unchanged as previously documented in the chart.
SOCIAL HISTORY: Unchanged as previously documented in the chart.
FAMILY HISTORY: Unchanged as previously documented in the chart.

REVIEW OF MEDICATIONS:

1. Cardizem CD 120mg q day
2. Tenormin 25mg bid
3. Aciphex 20mg q day
4. Mobic 7.5mg bid
5. Skelaxin prn, which is rare
6. Occasional Green Tea
7. Occasional Tylenol
8. Baby aspirin daily
9. Serevent metered dose inhaler prn, which is rare
10. Currently Darvocet N 100 prn
11. Flexeril prn

REVIEW OF SYSTEMS: The patient notes full range of motion. She claims that it has been slightly difficult for her to sleep due to discomfort. She notes that it has improved a moderate amount but still it is not back to normal. She reminds me that she has problems with her neck and spine. All other systems reviewed at this time and negative.

(1452)

MIDLANDS INTERNAL MEDICINE

OFFICE VISIT NOTE

NAME: Gertrude Shiver
SS#: 249-98-2546
DATE: 10/29/02

PAGE 2

PHYSICAL EXAMINATION: Vital signs noted.

GENERAL: Moderately anxious, in no acute distress.

HEENT: Unremarkable.
NECK: There is moderate left-sided cervical spinous tenderness with muscular spasm that radiates into the entire left neck and left deltoid region.
LUNGS: Clear.
CARDIOVASCULAR: Regular.
ABDOMEN: Benign.
EXTREMITIES: No edema.
MUSCULOSKELETAL: The patient has full range of motion of the left shoulder. With full extension of the left shoulder, the patient does slightly exacerbate pain.
NEUROLOGICAL: Nonfocal.

ASSESSMENT AND PLAN:

1. Left trapezius strain. Again, the patient was told that she needs to rest this arm. She was told to avoid heavy lifting for the next five days. She was told to use conservative measures such as heat, rest, and we will continue with her Darvocet. She will take Skelaxin during the day as this should cause less in the way of sedation and take Flexeril at night. She can continue with her Mobic and take Darvocet through any breakthrough pain. The patient was reassured that it was very unlikely that a chart itself has caused any bony damage but if she fails to resolve, we will have her go back to Charleston to the Spine Institute where she is followed closely.
2. Paroxysmal supraventricular tachycardia. Asymptomatic on current regimen.
3. Reflux. Asymptomatic on Aciphex.
4. Colon polyp. See previous dictations.

Jeffrey D. Hook, MD

PATIENT: Gertrude Shiver
DATE OF BIRTH: 5-19-54
DATE OF VISIT: 8/14/03

Slide of the floor
floor was wet.

This is concerning a fall.

SUBJECTIVE: Ms. Shiver is a patient of Dr. Hook's. She was at a hotel yesterday. She got up to take a break and she tripped over a chair. She caught her left foot on the chair and then she fell back on the floor. She said she hit her buttocks first and then her legs fell. She caught herself with her hands. She did not hit her head. She says she was able to get up and move around okay but as the days progress and yesterday she got progressively sore. She is just concerned. She says the Skelaxin and Ultram that she took did help her a little bit.

PHYSICAL EXAM: Weight: 185. Temp. 98.2. Pulse 76. Respiratory: 16. Blood pressure 100/74. HEENT: unremarkable. Neck: supple. Lungs: clear. Heart is S1/S2. No rubs, gallops or murmurs. Deep tendon reflexes are 2+. Peripheral pulses are 2+. Straight leg raising is negative. There is some tenderness to palpation in the lower legs especially on the left. A little bit of tenderness to palpation along the buttocks.

ASSESSMENT/PLAN:
1. contusions.

PLAN:
1. Reassurance.
2. She is going to continue on medication.
3. Plan on seeing her back in about a week or 10 days if she is not improved.
4. I have told her that she can try some heat and ice, that this may help.

JM

Jean A. Massey, ANP, Ph.D.

PPM-C/clong

(1454)