

# Making the Right Choices After A Brain Injury





## Why We Prepared This Guide

If your loved one has sustained a traumatic brain injury, you may feel overwhelmed by the decisions facing you such as selecting a rehabilitation center and how to pay for your loved one's ongoing medical care and rehabilitation. No one expects to find themselves in this situation. Yet thousands of Florida families go through this experience each year. Many Floridians are living with the effects of a traumatic brain injury from falls, car accidents, motorcycle crashes, sports accidents, and other types of accidents. It is important to make well-informed decisions with your loved one's future in mind.

The attorneys at Holliday Karatinos Law Firm PLLC have prepared this guide to provide useful information for families dealing with traumatic brain injuries based on our years of experience helping Florida families. Our compassionate attorneys represent families harmed by others' negligence and have seen the devastating effects that traumatic brain injuries can cause. Families dealing with a loved one's brain injury often feel financial stress. Understanding your legal rights to seek compensation from the at-fault party is an important step. A substantial settlement may pay medical bills, replace lost income and help your loved one receive the care he or she deserves.

A knowledgeable Florida personal injury attorney at Holliday Karatinos Law Firm PLLC is available for a courtesy consultation. We will review the facts of your loved one's traumatic brain injury, answer your questions and discuss your legal rights and options. After a catastrophic accident, we wish you and your family the peace of mind of knowing you have made well-informed decisions as you seek to find the best care for your loved one.



## 02. TYPES OF BRAIN INJURIES



Each year, approximately 100,000 people in Florida sustain traumatic brain injuries. These serious injuries occur as a result of falls, car accidents, motorcycle crashes, boating accidents, water sports, violent assaults and gunshots. ***More than 200,000 Floridians are living with these brain injuries and that number is projected to increase to more than 260,000 by 2020,*** according to the Brain Injury Association of Florida. Each brain injury affects an entire family.

No two brain injuries are exactly alike. Brain injuries may damage one area of the brain, multiple areas or the neural circuits connecting all areas of the brain.

### TRAUMATIC BRAIN INJURIES

A traumatic brain injury (TBI) temporarily or permanently disrupts brain function and affects thought processes and behavior. TBIs are caused by a blow or jolt to the head or impact from another external force.



For example, the violent impact of a car crash can cause a traumatic brain injury. Even a properly restrained occupant in a car crash may sustain traumatic brain injuries. Wearing a helmet does not necessarily prevent a traumatic brain injury in motorcycle accidents.



Slip and fall accidents are a leading causes of traumatic brain injuries. Older adults are particularly prone to sustaining head injuries in falls.

### MRI

People who sustain severe traumatic brain injuries may lose consciousness for an extended period of time. Doctors use CT scans or magnetic resonance imaging (MRI) to diagnose traumatic brain injuries.

### CONTUSION

A contusion involves bruising of brain tissue caused by a blow to the head or a hard knock. Contusions involve bleeding and may cause swelling of the brain. Some larger brain contusions may require surgery.

### CONCUSSION

A concussion generally refers to a mild traumatic brain injury. It is the most common form. A person who sustains a concussion may remain conscious or have a brief loss of consciousness. Concussions are rated as mild, moderate or severe depending on the symptoms a patient exhibits including slurred speech, blurry vision, balance issues, confusion and loss of consciousness. In some rare cases, a blood clot may form.

Here are the common medical terms that you may encounter describing types of traumatic brain injuries:

### **DIFFUSE AXONAL INJURY**

Forceful movement of the head causes brain tissue to stretch and tear, disrupting the brain's communication processes. A victim of shaken baby syndrome may sustain a diffuse axonal injury from violent shaking of the head.

### **COUP-CONTRECOUP**

In some high-speed accidents, the brain bangs against the inside of the skull, then as the head recoils, the brain bangs against the opposite side of the skull, causing contusions on two sides of the brain. This is known as a coup-contrecoup injury.

### **HEMATOMA**

Violent impacts to the head in car crashes or falls can rupture blood vessels and cause blood to collect on the surface of the brain underneath the skull. This type of brain injury is known as a subdural hematoma. It may cause seizures or be life threatening. Older adults who fall repeatedly and strike their heads may sustain a chronic subdural hematoma. Doctors may perform surgery and remove a part of the skull to remove the blood clot and repair a ruptured blood vessel.

### **PENETRATING INJURY**


A penetrating wound caused by a gunshot, knife, nail gun or other sharp object that shatters the skull can cause a severe brain damage or fatal brain injury. Firearms cause the largest share of deaths from traumatic brain injuries.

## **ACQUIRED BRAIN INJURIES**

An acquired brain injury is a broader term that refers to a condition that affects the functioning of the brain after birth. Acquired brain injuries have many causes including strokes and loss of oxygen to the brain. Many people develop an acquired brain injury that is unrelated to trauma. They include:

- Lack of oxygen (anoxia) such as a non-fatal drowning
- Alcohol or drug poisoning, which can damage the brain
- Blow to the head from a fall or car accident
- Disease such as encephalitis that involves swelling of brain tissue
- Skull fracture
- Diffuse axonal injury, which involves stretching or tearing of brain circuits
- Concussion
- Stroke causing interruption of blood flow to the brain
- Aneurysm
- Brain tumor

Approximately half of people with severe brain injuries require surgery to remove blood clots, according to the National Institute of Neurologic Disorders and Stroke. The severity and location of the brain injury and the age and health of the patient will determine the brain injury survivor's recovery and the extent of disability.



### 03. RECOGNIZING A TRAUMATIC BRAIN INJURY. WHAT ARE THE SYMPTOMS?

A person who sustains a blow to the head may experience a variety of symptoms indicating a mild, moderate or severe traumatic brain injury. A person who sustains a blow to the head may experience a variety of symptoms indicating a mild, moderate or severe traumatic brain injury. Someone does not need to actually lose consciousness in order to suffer a closed-head injury. Some symptoms may produce physical signs, while others may involve changes in behavior or cognitive abilities such as thinking, concentrating and articulating thoughts. Some symptoms may be readily apparent, while others may take several days or longer to appear.

Not all blows to the head result in a traumatic brain injury. But anyone who sustains a head injury should seek prompt medical attention to determine the seriousness of the injury.

#### MILD TRAUMATIC BRAIN INJURY

About **75 percent of brain injuries that occur each year are concussions**, which are mild brain injuries. Some basic symptoms of a concussion include:

- Feeling disoriented and confused while remaining conscious
- Losing consciousness briefly for up to a few minutes
- Loss of balance
- Blurry vision
- Fatigue and drowsiness
- Nausea or vomiting
- Ringing in the ears
- Difficulty sleeping
- Mood swings
- Irritability
- Sensitivity to light
- Changes in sense of taste or smell

#### MODERATE TO SEVERE BRAIN INJURY

Head injuries resulting in moderate to severe brain injury may include many of the same symptoms as those involving mild injuries. Many people who sustain a moderate or severe brain injury lose consciousness. In addition, the following symptoms may appear within the first days after the accident:

- Repeated vomiting
- Seizures
- Clear fluid draining from the ears or nose
- Dilation of the pupils
- Feeling of numbness in fingers or toes
- Slurred speech
- Loss of coordination
- Extreme weakness
- Extreme confusion
- Amnesia
- Combativeness or agitation
- Loss of consciousness for an extended period of time

## CLASSIFYING TRAUMATIC BRAIN INJURIES

**GCS**

The Glasgow Coma Scale is a tool commonly used by doctors to rate the severity of a brain injury. During the initial examination, doctors use a patient's eye movement, verbal response and motor response to assign a score. The higher scores indicate a better prognosis for recovery.

• 3 to 8 – severe traumatic brain injury

• 9 to 13 – moderate traumatic brain injury

• 14 or 15—mild traumatic brain injury

Trying to deal with insurance companies and medical bills may increase your level of stress and be counterproductive to your recovery. You and your family do not have to shoulder the burden alone. An experienced personal injury attorney who assists brain injury survivors can review the facts of your accident and discuss your legal options. If your injury was caused by another's negligence, we may be able to deal with the insurance companies and handle the claims process on your behalf so that you can concentrate on your recovery.



## TRAUMATIC BRAIN INJURY BY THE NUMBERS

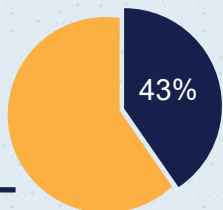
Traumatic brain injury is the leading cause of disability and injury-related death in the United States, according to the Centers for Disease Control and Prevention.

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Florida ranks first in the nation in the percentage of citizens who are elders.



**210,000** — The number of people in Florida living with disabilities related to traumatic brain injuries.



The portion of individuals hospitalized for a traumatic brain injury who have a related disability a year later.



**18,600** — Annual hospital admissions in Florida for treatment of brain injury.

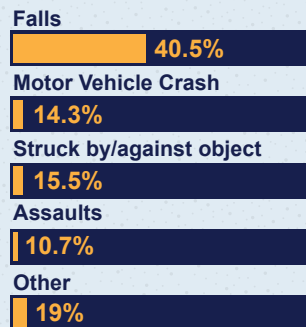
**260,000** — Projected number of people in Florida living with a traumatic brain injury by 2020.

**136,000** — 136,000 — The estimated annual number of Florida families with a member who experiences a traumatic brain injury.

GCS

**3-8** Scores on the Glasgow Coma Scale signifying a severe brain injury.

### Leading causes of brain injuries:



Children ages 0 to 4 and 15 to 19 also have high rates of traumatic brain injuries.



More than half of traumatic brain injuries among children ages 0 to 14 are due to falls.

**1.6 Million**

Florida residents ages 75 and older

Falls are the most common cause of traumatic brain injuries.

Men have a higher rate of hospitalization for TBI than women and are three times more likely to die of a brain injury.



Traumatic brain injuries resulting from blasts or explosions occur most commonly among combat veterans serving in Iraq or Afghanistan.







## 05. LIVING WITH A BRAIN INJURY

Thousands of Floridians are enjoying productive lives while living with the effects of brain injuries. Survivors of serious brain injuries often have to relearn many basic skills to handle daily tasks during rehabilitation. A brain injury can require a reshuffling of household responsibilities and alter the dynamic of family relationships and the way that people communicate and interact.



A brain injury survivor may have to relinquish household chores and responsibilities related to earning income to support the family. The injured individual's energy may be directed toward the new challenge of relearning many fundamental motor skills.

Meanwhile, the spouse, partner and loved ones of the brain injury survivor may have to assume added responsibilities involving managing the household, paying the bills and making decisions. Adjusting to these changed roles may cause stress for the brain injury survivor and family members. It is important to try to be understanding and supportive of each other's new responsibilities. When people take on new tasks, it is normal to feel some added stress. Caregivers should recognize that it is not only the family members who are shouldering new responsibilities. They should acknowledge that the brain injury survivor is taking on new responsibilities. Talking openly about the changes in responsibilities can reduce stress and help the survivor and loved ones reach a more comfortable understanding of their new roles.

### RECOGNIZING BEHAVIORAL CHANGES CAUSED BY TBI

Survivors of brain injuries often experience behavioral changes that can affect a couple's relationship. Even patients who make strong recoveries from a head injury may have some personality changes.

survivors may exhibit new personality traits..”

Depending on the part of the brain that is affected by the injury, TBI survivors may exhibit new personality traits, have significant mood swings and react differently to situations. For example, if the frontal lobe, which controls impulsivity and personality, is damaged, a brain injury survivor may have uncontrollable outbursts or make comments that others deem inappropriate. Alternatively, the survivor may have flattened emotions, lack of responsiveness and be unable to show enthusiasm. A brain injury survivor's loved ones should recognize that the behavioral changes are caused by the injury. A caregiver may calmly remind their loved one that certain types of behavior are inappropriate or unacceptable. But caregivers should try not to be confrontational or make fun of the behavior.



In some cases, a behavioral therapist may be helpful in assessing the changes and helping the patient and family members learn to recognize and develop strategies to cope with the behavioral changes. The structured setting of a counseling session may help couples learn to empathize with the challenges other loved ones are facing. Therapy and counseling, including individual counseling and couples counseling, can help couples cope with challenges, improve communication and adapt to changes together.

To find a counselor or support group in your area, contact the Brain Injury Association of Florida, a statewide non-profit group that provides information to brain injury survivors and caregivers.

## **COPING WITH FINANCIAL STRESS AFTER A TBI**

In addition to changes in family responsibilities, a significant brain injury may result in changes in your family's income and financial condition. The person who sustained the brain injury may exhaust their sick leave and eventually lose their job because they cannot return to work. At the same time, the need for ongoing medical care and therapy may add to the medical bills.



Some brain injury survivors are eligible to claim compensation to help provide financial stability after an accident. The facts and circumstances of how the brain injury occurred determine your legal rights to seek compensation through an insurance claim or a personal injury lawsuit. If the injury occurred in the workplace, your employer's workers' compensation coverage may pay for your medical care. If a car accident caused the head injury, your auto insurance or that of another driver who caused the accident may provide compensation. This is an area where speaking with a knowledgeable and compassionate personal injury attorney at Holliday Karatinos Law Firm PLLC can be very helpful in understanding the best way to proceed. We recognize that your family is going through a difficult period and does not need additional expenses at present. Our attorneys will review the specifics of the accident at no charge and explain your legal rights. Having your questions answered and having a clear understanding of your legal options allows you to make a fact-based decision with your family's future in mind.



## 06. RESOURCES FOR SURVIVORS OF BRAIN INJURIES AND THEIR CAREGIVERS

As part of the recovery process, survivors of moderate to severe brain injuries often require ongoing specialized medical care and rehabilitation for a period of months or longer. This may involve treatment by physical therapists, speech therapists, occupational therapists, counselors, psychologists, neurologists and other medical doctors who treat brain injuries.

Many survivors of traumatic brain injuries in Florida adapt to any residual disabilities from the injury and lead productive lives. Family members of brain injury survivors can help their loved ones by being advocates and making sure they obtain the best care possible. The listings below are among the places that provide specialized rehabilitation treatment and support for survivors of traumatic brain injuries:

### Tampa General Hospital Rehabilitation Center

Located on the campus of Tampa General Hospital, the center is accredited for adult brain injury inpatient rehabilitation, adult brain injury outpatient care, pediatric brain injury inpatient care and pediatric outpatient brain injury care.

Address: 6 Tampa General Circle, Tampa, FL 33606

Phone: 813-844-4172

**NeuroRestorative**, a national health care provider, provides rehabilitation services for survivors of brain injuries and spinal cord injuries for people of all ages, including veterans and military service members. NeuroRestorative offers a variety of services at six locations in Florida, including Lutz, Brandon, Clearwater, Sarasota, and Tampa.

Phone: 800-743-6802

### Florida Institute for Neurologic Rehabilitation (FINR)

Located on approximately 1,000 acres, the Institute's rehabilitation center is for patients who still need medical care and therapy, but no longer require acute hospital care. It includes residential cabins, a school for pediatric patients and a vocational center to help patients regain vocational abilities.

Address: 1962 Vandolah Road, Wauchula, FL 33873

Phone: 800-697-5390

**Shepherd Center**, a private, not-for-profit hospital located in Atlanta, provides full treatment services for people who have experienced traumatic brain injuries and acquired brain injuries. Shepherd Center has a 10-bed intensive care unit to treat patients with complex brain injuries and handle complications of the injury.

Address: 2020 Peachtree Road NW, Atlanta, GA 30309-1465

Phone: 404-352-2020

## Neurology & Physical Therapy Centers of Tampa Bay

Neurology & Physical Therapy Centers treats patients with mild brain injuries and post-traumatic stress disorder and has locations in Tampa and St. Petersburg.

Address: 2835 W. De Leon St., Suite 205, Tampa, FL 33609

Phone: 813-831-6622

## Support Groups

Local brain injury support groups provide assistance to survivors and families. There are a number of brain injury support groups in the Tampa area. Survivors of brain injuries and their loved ones frequently have many questions that support group members can answer based on their own experience. Support groups share a special understanding of the challenges and day-to-day struggles that a brain injury survivor faces. The groups' meeting schedules and locations are subject to change so it is a good idea to call ahead.

### Brain Injury Family Support Group

Tampa General Hospital

TGH Rehabilitation Center

Address: 1 Tampa General Circle, Tampa, FL 33606

Meets the third Wednesday of each month from 5:00 to 6:30 p.m. For survivors and families of brain injuries.

Contact: 813-844-7759

### Tampa Bay Brain Injury Support Group

Mease Dunedin Hospital

Address: 601 Main Street, Dunedin, FL 34698

Meets on fourth Saturday of each month from 4:00 to 5:30 p.m.



For more information, email [info.braininjurygroup@gmail.com](mailto:info.braininjurygroup@gmail.com)

## Tampa South Brain Injury Support Group

McFarland Park, Barksdale Bldg.

Address: 1801 N. Lincoln Ave., Tampa, FL 33602

Phone: 813-908-1375

Meets first Wednesday of each month 6:30 to 8:30 p.m.

## VA Brain Injury Survivor Support Group

James Haley Veterans Hospital  
Poly Trauma Unit 5 North  
Family Day Room

Address: 13000 Bruce B. Downs Blvd., Tampa, FL 33612

Phone: 813-972-2000 ext. 6663

Meets every Monday from 3:00 to 5 p.m. and every Saturday from 10:00 a.m. to 12 p.m. for families only.

## Brain Injury Support Group of Central Florida

Leesburg Regional Medical Center  
North Annex

Address: 700 N. Palmetto, Leesburg, FL 34748

Phone: 352-483-1353


Meets the fourth Monday of the month from 6:30 to 8:30 p.m.

## Brain Injury Association of Florida

A clearinghouse of information for brain injury survivors and their families.

Helpline: 1-800-992-3442





## 07. HOW AN ATTORNEY CAN HELP AFTER A BRAIN INJURY

Survivors of serious brain injuries and their families face many challenges. You may be coping with changes in cognitive abilities, motor function and emotional issues. You may need to have ongoing rehabilitation to speak clearly, regain balance and control of your arms and legs. Medical and therapy expenses often far exceed the coverage limits of health insurance policies, creating financial stress. You may have physical disabilities that require remodeling your home so that you can live independently. You may be limited in the kind of work that you can perform or you may be unable to return to work and earn income.

It is understandable if a brain injury survivor and their family members feel overwhelmed and unsure where to turn. One of the most productive things that you can do is schedule a free consultation with an experienced personal injury attorney to understand your legal rights and options.

You will need to take advantage of all the financial resources available to you to move forward after a serious brain injury. An experienced injury attorney can review the facts of your accident and help you identify potential financial resources. A lawyer who investigates catastrophic injury accidents can help you understand what constitutes negligence and determine whether another's negligence contributed to your brain injury. If your injury was caused by another's negligence, you may be entitled to pursue compensation from the responsible party through a personal injury claim.

Brain injury survivors whose injuries were caused by the negligence of others may claim compensation for:

- medical bills, surgery, medication
- rehabilitation expenses
- loss of income
- loss of future earning capacity
- pain and suffering
- other expenses.

For example, a driver who is speeding or driving carelessly on a Florida roadway and causes a crash resulting in another motorist's brain injury may be liable for the harm caused. A skilled attorney would present evidence to show that the at-fault driver had a legal duty to obey traffic laws and act reasonably toward other motorists on the road and instead the driver acted negligently by exceeding the speed limit or driving carelessly. You or your loved one may be entitled to seek compensation for your injuries even if you were partially responsible for causing the accident.

Serious brain injuries generally require long hospital stays and ongoing rehabilitation and are more costly to treat than many types of injuries. A brain injury survivor may amass hundreds of thousands of dollars in medical bills. While the hospital bills are piling up, you may be unable to earn income to pay them. An attorney with experience assisting brain injury survivors can calculate a cost estimate of your expenses and losses related to the brain injury, including projected future lost income. Your attorney can prepare a claim reflecting the total costs of your injury and submit it to the insurance company representing the at-fault driver.

One of the missteps that some brain injury survivors make is to try to negotiate a settlement on their own with an insurance company. They mistakenly believe that they cannot afford an attorney or can negotiate effectively on their own. But you will be at a decided disadvantage representing yourself. Depending on the facts of the accident, insurance company adjusters may offer a small settlement that represents a fraction of the actual value of a claim. But obtaining a substantial settlement that reflects the full value of your losses requires preparation of evidence and aggressive negotiation.

An attorney can make sure all court filings are made in a timely manner. Florida has a time limit. If you do not file a lawsuit within a certain period of time, your claim may be forever barred. If you do not meet the deadline, you may lose your right to seek compensation.

## **ABOUT HOLLIDAY KARATINOS LAW FIRM PLLC**

The compassionate attorneys at Holliday Karatinos Law Firm PLLC understand the lasting effect that a serious brain injury can have on a family. Our lawyers have more than 50 years of collective legal experience. Based on his accomplishments, James Wayne “Jim” Holliday has been selected as one of the “Best Attorney” Lifetime Charter Members in Florida. Jim Holliday and Theodore “Ted” Karatinos are both members of the Million Dollar Advocates Forum. We have helped many people who have sustained substantial injuries obtain the compensation to move forward with their lives.

We take very seriously the responsibility of helping brain injury victims and other personal injury victims. **We have recovered more than \$70 million for clients since 2006.** If another party caused your brain injury, you are entitled to hold them responsible. We provide aggressive legal representation to people who have sustained catastrophic, life-altering injuries.



### **Hernando County Office H&K Building**

15316 Cortez Blvd.  
Brooksville, FL 34613  
Phone: (352) 597-0009

### **North Tampa/Lutz Office**

18920 N. Dale Mabry Hwy  
Suite 101  
Lutz, FL 33548  
Phone: (813) 868-1887