



Dynamic Chiropractic – December 16, 1994, Vol. 12, Issue 26

LIMP: A Battle Lost as War Rages on?

By Arthur Croft, DC, MS, MPH, FACO

Yesterday I examined a patient who'd been injured in a relatively low-speed broadside collision. He impressed me as a very sincere, middle-aged man, concerned only with having his medical bills paid. The insurance company had decided not to pay for his treatment based on their assessment of the accident and the defense medical examiner's report.

My secretary informed me recently that one of the most prominent personal injury law firms here in San Diego has recently announced that they will not be accepting cases where there is no significant vehicle damage. As I travel around the country, I'm finding this to be a common requiem at law offices.

Despite all the real science out there, the statistics and the epidemiology, the studies that have demonstrated that "litigation neurosis" is mostly a mirage, the defense industry has institutionalized the fallacy that vehicle damage is a yardstick of human injury. So it seems we're all getting LIMP (low impact perfidy). It could also mean "little information muddies perception," or "lack of intelligence maims PI." But in any translation, we seem to be losing this battle in the war with the implacable gods of big business.

How could this have happened? This juggernaut of non-science has inculcated the legal world by spending literally billions of dollars fighting even relatively insignificant claims. They seem finally to have impressed attorneys that it simply is not worth their effort to pursue such claims. The insurance industry has funded their own research, couched beneath a veneer of science. They send the principles of this work as expert witnesses to refute injury in low-speed impact cases. The companies carefully forbid the publishing of any work that fails to serve their interest, thus denying any fair peer-review from within the scientific community. The only time you'll see some of it will be in court and you'll have no way of evaluating the validity of the research at that time. Perfidy indeed; they've found utility in accident reconstructionists too. These folks seem to calculate speeds of collision, delta Vs, and g forces virtually out of thin air. Then, usually without the benefit of any formal training in human physiology, anatomy, or biomechanics, they

confidently declare that there is no possible way that the occupant could have been injured, or that treatment beyond 6-10 weeks would have been unnecessary.

Now don't get me wrong. Accident reconstructionists can work near magic in many cases. It's amazing what they can do with a few skid marks, some radiator splatter, road scuff marks, and a careful inspection of vehicle damage. But like any science, there are limitations. If you don't have skid marks, and there is no vehicle damage, and if you don't know how far the struck car rolled after collision, you can't make any calculations -- it's all guesswork. How do I know? I went through Northwestern University Traffic Institute's course, and I'm now a certified accident reconstructionist. While there, I asked the instructors point blank about such calculations. They responded: "It's all guesswork without the data." It becomes nothing more than a physics of bank shots.

Consider this: Cars made in or imported to the US are mandated by a federal motor vehicle safety standard to have either a 2.5 or a 5 mph bumper, meaning the vehicles must withstand a collision at those speeds with a fixed barrier and sustain no permanent damage. A recent study financed by the insurance industry showed that 5 mph was the threshold for cervical strain in healthy adult males.¹ What happens when two cars each equipped with 5 mph bumpers collide at 10 mph? Theoretically there might be no permanent damage even though this threshold has been exceeded by a factor of two. But armed with a few velocity and conservation of momentum equations, these ARs can so impress jurors with algebraic and trigonometric daring as to immunize them against the effects of reality. It's too bad, because I'm sure most ARs are too honest to play this game.

So it seems quite clear that the playing field is not level. It's the Fortune 500 against the doctors and their patients, and the score is about 3-1. Yet while we may have misguaged big business, I believe we can still salvage the situation. Here is what we're doing: The second edition of the whiplash book is out and goes into much more detail than the 1988 edition. I've produced several educational materials for patients, attorneys, and doctors, and a package of research articles on low-impact collisions and information on getting more. I'm releasing a book next year designed to deal specifically with these problems, and a multimedia CD-ROM program to assist busy doctors in searching for and retrieving important reference material at the touch of a button. I'm producing a videotape designed for use in medicolegal settings. We're planning two research projects involving full-scale crash testing. I'm also taking the case directly to attorneys by publishing a series of informational articles in state and national law journals.

What can you do? Start by getting acquainted with the literature. Facts, science, and reality are the best immunization against anti-science and the influence of big business. Learn how to educate attorneys about soft tissue injuries and dispel the myth about low-impact injuries. Get involved and get your colleagues involved. We are on the verge of losing an important part of our livelihood. Remember, when attorneys stop protecting your lien and the interests of your patient, you'll be on a cash basis in most cases. Most patients won't be able to afford care and that will result in needless suffering. If you have the time and inclination, you might want to look into becoming an accident reconstructionist yourself.

Read this article as an exhortation. We need to make some changes fast. I read an article several years ago and remember the author referring to the "Matthew" effect: "For unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath." A blueprint for the chiropractic apocalypse? Well, maybe. I'm also reminded of a story my mother used to tell me about a giant named Goliath and a boy named David who fought with his head and his heart and triumphed against all odds. I always love that story. I thought about it sometimes during the war. I think about it a lot these days.

Reference

1. McDonnell WH, Howard RP, Guzman HM, et al. Analysis of human test subject kinematic response to low-velocity rear-end impacts. SAE Technical Paper Series 9308889, Society of Automotive Engineers, 21-31, 1993.

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