



THE LEGAL OUTLOOK

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Philadelphia Hospital Under Investigation for Botched Treatments

Dr. Gary D. Kao is under investigation for giving the wrong radiation dose to dozens of prostate-cancer patients at the Philadelphia Veterans Affairs Medical Center. The U.S. Senate hearing began June 29, 2009.

Investigations of the brachytherapy program, which is a popular form of radiation therapy used to treat prostate cancer, at the Philadelphia hospital found that their team botched 92 of 116 occasions and continued the treatment for a year even though the monitoring equipment was broken. The brachytherapy program at Philadelphia VA, began in 2002. To treat prostate cancer without having to resort to major surgery.

Brachytherapy is a popular alternative for patients with early non-aggressive cancer that has not spread beyond the prostate. Physicians permanently implant 80-120 metal seeds the size of rice grains, into the prostate, that release cell-killing radiation over a 10-month period.

Medical Center spokesman Dale Wardan says that the center is giving follow up care to all the veterans who received defective treatment.

If you have ever had a similar situation, or know of anyone who had, call Messa & Associates, P.C. at **215.568.3500** or **877-MESSALAW**.

Recent Settlements

\$150,000 settlement for a motor vehicle accident case.

The case involved a 37-year old woman who was involved in a motor vehicle accident and sustained a cervical disc herniation which was treated surgically with a plasma diskectomy procedure.

The case was settled at a non-binding mediation in Delaware County.

A Parent's Worst Nightmare

A two-year old boy died of hyperthermia after being left alone for 6 1/2 hours in a car outside of a Bucks County day care center.

The child had been left in the car by the operator of the center, who took the boy to the facility three times a week since September. However, she forgot the child was in the back seat while she went inside Fairy Tales Day Care Center. Only returning to her car at 4:45pm to find the toddler unresponsive after being locked in the car with the windows up for over 6 hours.

He was taken into the daycare and 911 was called. An ambulance took him to St. Mary's Medical Center where he was pronounced dead shortly after.

The temperature reached a high of 83 degrees at 4 p.m. on Wednesday.

If you have ever had a similar situation, or know of anyone who had, call Messa & Associates, P.C. at **215.568.3500** or **877-MESSALAW**.



More information on the back on how to choose a daycare and to avoid potential injuries

*For more information please contact Messa & Associates, P.C. toll free at 1.877.MessaLaw or visit www.Messalaw.com



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Tips On Choosing The Right Daycare

While the overwhelming majority of daycare available in the United States is provided by responsible and trustworthy establishments, abuse and neglect of children in the daycare environment still occurs.

When choosing a daycare facility for your child, use common sense and follow these tips:

- Make sure that the daycare center is designed so that parents are free to come and go, with no requirements to call first and no areas off limits to parents. Daycare abuse and exploitation are far more likely to occur in facilities that have limited parental access.
- Make sure that the bathrooms do not contain areas where children can be isolated. Find out who takes the children to the bathroom, for what purposes, and at what times. Two thirds of all daycare sexual abuse and exploitation occurs during toileting.
- Ask about the extent of education and training of all daycare personnel interacting with your children, and determine if they were screened for criminal history, emotional instability, or substance abuse. Be aware that volunteers or teacher's aides are not likely to have been carefully screened. Make sure the daycare staff is trained in first aid and CPR.
- Also, with the daycare provider, discuss how the discipline of children is handled -- who administers it, under what circumstances it is used, and what form it takes. Make sure to talk to your children each day about what happens at the daycare center, paying close attention to what punishments were used under what circumstances and any other incidents that made the child uncomfortable.

Daycare centers have a duty to exercise reasonable care to avoid causing injuries to third parties. If a daycare center fails to exercise reasonable care, and this failure causes injury, they have been negligent.

When a child is placed in the care of a daycare center, the daycare center is essentially acting in the place of the parents. This means that they must exercise a very high degree of care to prevent injuries to the children under their care.

Injuries caused by the carelessness of an employee can give rise to liability. Likewise, injuries caused by an unsafe environment at the daycare center would be grounds for a lawsuit.

If your child has been abused, neglected or otherwise injured in a daycare setting, it may be important to contact an attorney who can help you protect your child's legal rights.

Here at Messa & Associates, P.C., we have the experience and compassion, to help in these delicate times. As parents ourselves, we want the utmost best for our children.

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