

What is a Catastrophic Injury.*

In the case of Hegarty -v- HSE, Mr Justice Murphy analysed the Civil Liability (Amendment) Act 2017. The case involved a catastrophic injury.

A catastrophic injury is defined as a personal injury which results in a permanent disability, requiring the person to receive life long care and assistance in all activities of daily living or a substantial part thereof.

So, what does this mean in practice? A catastrophic injury is a severe injury. It can be to the spine, spinal cord or brain. It may also include a skull or spinal fracture.

A catastrophic injury can result in permanent severe functional disability. It can cause severe head or neck trauma.

Various activities can result in a catastrophic injury. Participation in any sport or recreational activity may result in a catastrophic sports injury, particularly if it is unsupervised or is engaged with little or no protection.

Cervical spine trauma is most common in sports and activities involving contact and collision. This would include rugby. A 2005 report by the National Centre for Catastrophic Sports Injuries Research in the United States also identified track and field sports as ones where catastrophic injuries can occur.

The incident of catastrophic injury for all sports is low with less than 0.5 per 100,000 participants.

In a case of rugby, the most common causes are the scrum, the ruck or maul and the tackle. Neck injuries in the scrum and to the front row can be of great concern. The use of a scrum cap or other padded head gear does not reduce the incidents of concussion or other head or neck trauma.

In the area of track and field in the United States it appears that the cases where catastrophic injuries occur are with pole vaulting but also bystanders being struck by a discus, shot put or a javelin.

The types of acute catastrophic spinal injuries are those associated with unstable fractures and dislocations intervertebral disc herniation

and transient quadriplegia. These most commonly effects the cervical spine but also effects the thoracolumbar spine or cause cord neuropraxia and sometimes spinal cord injury without radiographic abnormality.

Many patients recover only partially from their injuries and must cope with paralysis or mental deficiencies usually requiring lifelong medical care.

Numerous secondary medical problems are associated with catastrophic spinal cord injuries. These include cardiovascular complications such as deep vein thrombosis, pulmonary embolism, orthostatic hypotension, bradycardia, autonomic dysreflexia, alter thermoregulation and change to cardiac function as a result of the injury to the sympathetic nervous system. Other problems may include pulmonary and gastrointestinal problems, heterotopic ossification, osteoporosis and other pathological fractures.

A skull fracture occurs when a bone in the skull breaks and may penetrate the brain tearing arteries, veins or meninges leading to the functional impairment of walking, communication, thinking or feeling. Cerebral lacerations (tearing of brain tissue) or cerebral contusions (bruising of brain tissue) damage the cerebral cortex resulting in permanent neurological deficiencies.

A life care plan is established for a patient to address the patients need. It is an individualised document describing the services, support, equipment and ancillary requirements for the patient that is updated to reflect changes in the patient's condition. It usually contains target outcomes, dates and timelines.

The components of a life care plan may include

- Architectural renovation to the patient's home, including a bathtub and toilet. It will also often address issues of entering and exiting the home.
- Transportation, to include a car or van which may need to be adapted.
- Assistive technology and adaptive equipment including wheelchairs.
- Case management.
- Supervisory care and nursing.

- Medication, medical supplies and medical equipment.
- Facility care and services.
- Homecare and services.

This is in addition to information regarding surgical intervention and treatment, diagnostic testing, therapeutic interventions (speech therapy, rehabilitation etc), counselling and dealing with complications. It may also include education and vocational services.

If you or your loved ones have been the subject of a catastrophic injury, we have the specialist expertise and experience to deal with you.

As Solicitors who deal with catastrophic injuries, we are also deeply aware that it is important that those involved particularly in sport, should take the time to put in place the appropriate preventive measures. This is something that is done by the governing bodies and those organising events to minimise the risk to those involved in sports and other activities. If you do need to talk to us you can contact us on 01-9695781. We can be emailed on info@grogansolicitors.ie or use the contact form on our website www.grogansolicitors.ie.

In contentious cases a Solicitor may not charge fees or expenses as a percentage or proportion of any award or settlement.

***Before acting or refraining from acting on anything in this guide legal advice should be sought from a solicitor.**