

Hope For People Suffering From Complex Regional Pain Syndrome

How Legal Action Can Help



A White Paper Presented By

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Hope For People Suffering From Complex Regional Pain Syndrome : How Legal Action Can Help

Complex regional pain syndrome (CRPS) is a serious medical condition involving chronic, severe pain. For those who live with it, the condition can be a nightmare. You may have to jump through countless hoops just to get an accurate diagnosis. Finding treatment that works for you can pose another set of challenges. Meanwhile, your medical bills can quickly spiral out of control, and if you're unable to work, you're left with financial struggles on top of debilitating pain. The burden of living with CRPS can readily become more than anyone should have to bear.

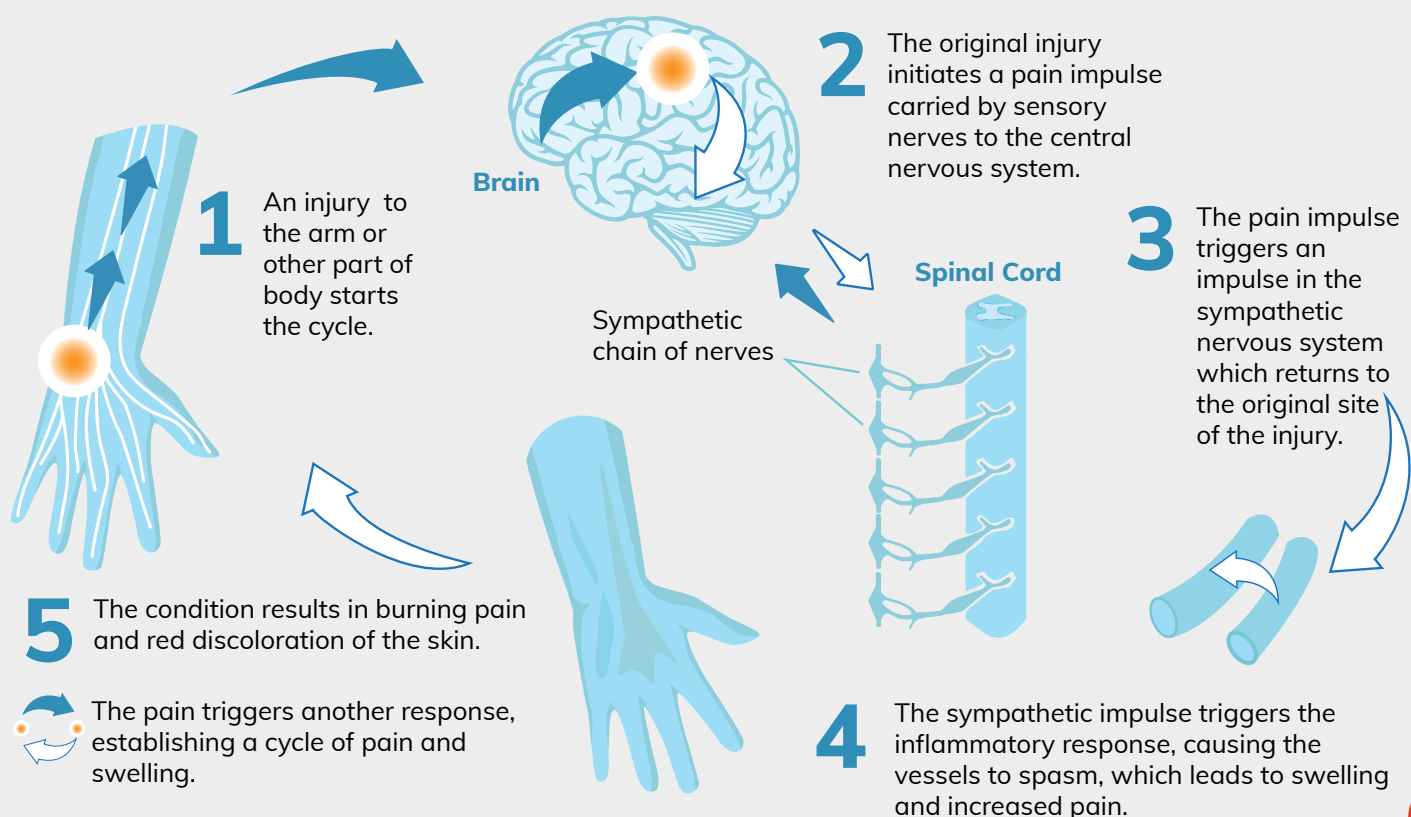
Thankfully, there is hope. Read on to learn more about CRPS – what causes it, what kinds of treatments are available and what kind of legal action might be available to help you get your life back.

What Exactly Is Complex Regional Pain Syndrome?

CRPS – formerly known as Reflex Sympathetic Dystrophy (RSD or RSDS) – is a complex medical condition that isn't well understood. Experts believe the condition is likely a malfunction or overreaction of the central nervous system to a specific physical trauma. In essence, the central nervous system gets “stuck” and is unable to turn off pain signals. Inflammation also likely plays a role, as may some autoimmune deficiencies.¹

The primary symptom of CRPS is severe pain in the affected body part. It frequently impacts the limbs – arms, legs, hands and feet – although it can affect any part of the body. The syndrome can also cause swelling, sensitivity to touch, joint stiffness, decreased mobility, muscular atrophy and changes to skin color, texture and temperature, among other symptoms.²

In some cases, CRPS diminishes on its own over time. However, a small percentage of cases escalate. These chronic, intractable cases can be incapacitating. They take a tremendous toll on patients' quality of life, impacting everything from their work, to their mental health, to their ability to function on a day-to-day basis.



The CRPS Profile: Prevalence And Demographics

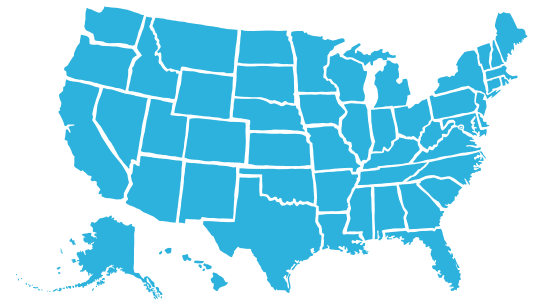
The incidence of CRPS lies somewhere between 0.07 and 1.2 percent of the U.S. population.³ It's most prevalent among those ages 61-70 and Caucasians. Females are three times more likely to suffer from it than males.⁴ It affects the upper extremities more often than the lower extremities.

How It Happens

The syndrome almost always starts with some kind of triggering event that causes physical trauma.

The trauma can be as minor as a needlestick or as major as surgery. It can also stem from anything in between – falls, fractures, sprains, cuts, burns, lacerations and invasive medical procedures.

CPRS DEMOGRAPHICS



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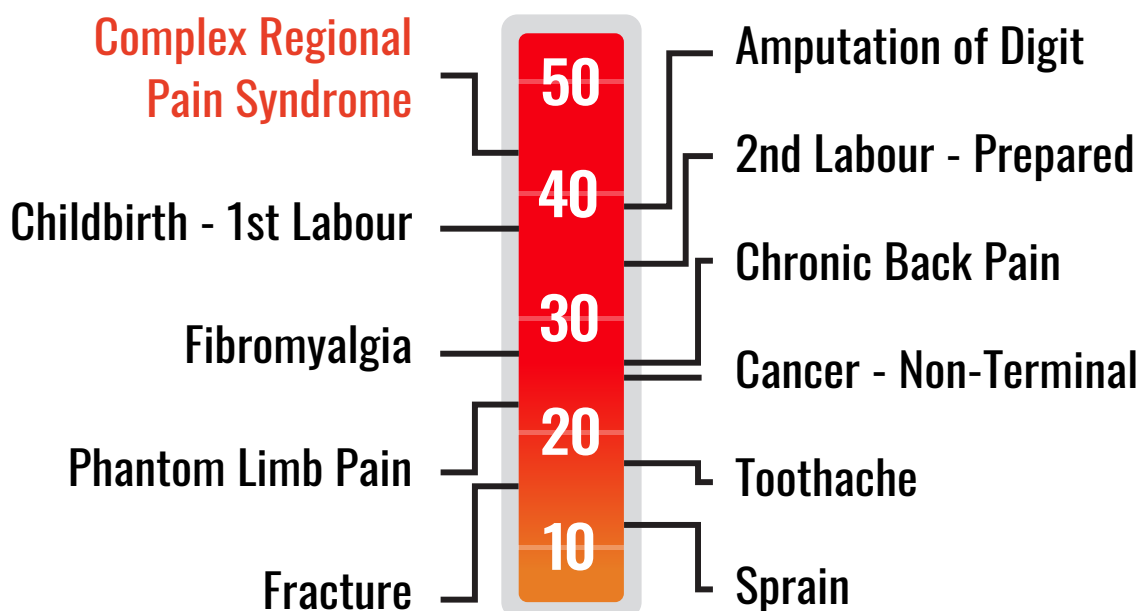
What CRPS Feels Like

It's difficult for those who haven't experienced CRPS to understand just how significant and intense the pain feels. Many patients describe it as a burning sensation – as though someone opened up their arm, poured gunpowder in and ignited it. It might feel as though your limb was dipped in a vat of molten metal. Another described it as feeling like their limb was being continually raked across a field of glass. As difficult as it is to describe, the pain in severe cases cannot be underestimated.



The McGill Pain Index

The McGill Pain Index⁷ ranks CRPS as the most painful medical condition, more severe than amputation, childbirth, fractures and fibromyalgia.





Getting A Diagnosis

Sadly, many people who suffer from CRPS don't get promptly diagnosed, partly because the condition is so misunderstood and partly because doctors don't believe them. Many medical professionals simply aren't familiar with this syndrome.

The process of getting an accurate diagnosis can itself be agonizing. People who suffer with this syndrome often don't get swift referrals to pain doctors, especially in rural areas. You may end up seeing a dozen different doctors before finally finding one who makes sense of your condition.

Treatments For CRPS

After what is often a long road to getting a diagnosis of CRPS, you may be discouraged to learn that there is no cure. There are not even any FDA-approved treatments for the condition. Many of the available treatments are new, experimental or off-label, and they may not be covered by your insurance. As a result, treatments are often expensive.

Some of the more promising treatment options include:⁵

Medications

- Ketamine
- Nerve blocks
- Anticonvulsants
- Low-dose naltrexone
- AXS-02
- Bisphosphonates
- TCA antidepressants
- Gabapentin
- Pregabalin
- Ziconotide
- Medical marijuana
- Intrathecal (IT) therapy
- Plasma exchange therapy

Nonmedicinal Therapies

- Spinal cord stimulation
- Physical and occupational therapy
- Hyperbaric oxygenation therapy
- Mirror box therapy
- Aquatic therapy
- Calmare therapy
- Desensitization
- Modified graded motor imagery
- Service animals
- Biofeedback

What Kinds Of Legal Action Are Available For Those Suffering From CRPS?

After a devastating diagnosis of CRPS, you may be wondering if you can sue – and who you can sue. Often, there are legal grounds for a personal injury or medical malpractice claim. You may also have grounds for pursuing workers' compensation or Social Security Disability (SSD) benefits.

PERSONAL INJURY

MEDICAL MALPRACTICE

WORKERS' COMPENSATION

SOCIAL SECURITY DISABILITY



Medical Malpractice Claims

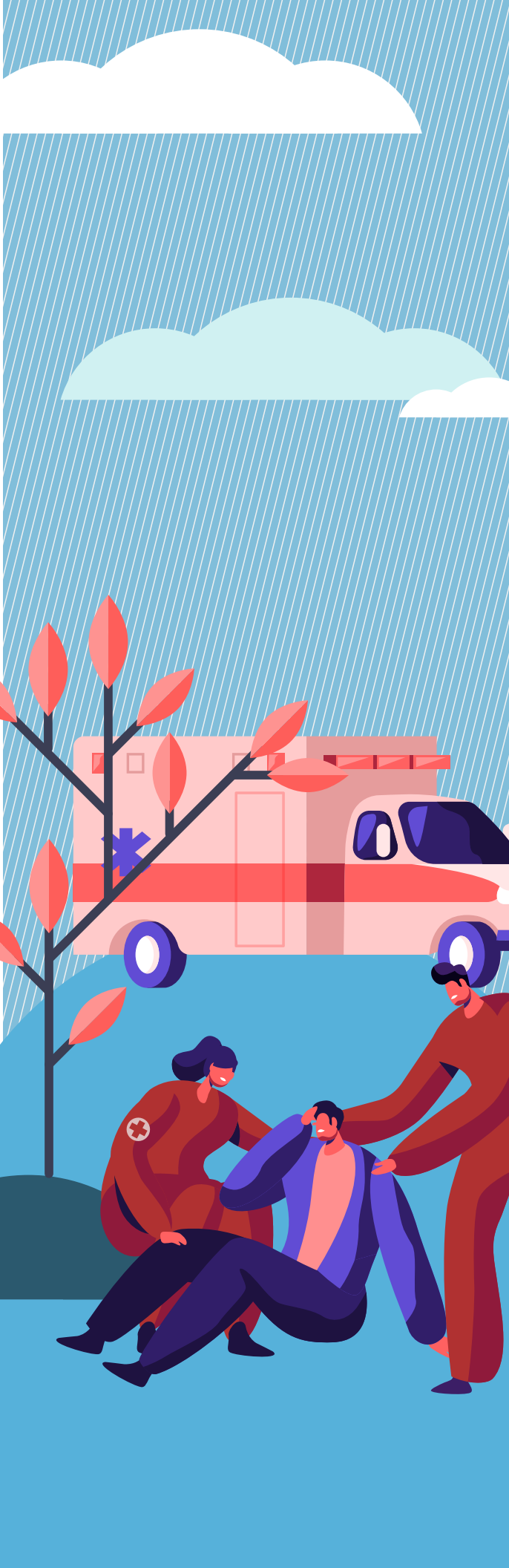
Even though many CRPS cases stem from medical procedures, that doesn't necessarily mean you have grounds for a medical malpractice claim. You must show that a medical provider was negligent in some manner – that is, they failed to uphold the reasonable standard of care applicable in their field of practice, and you developed CRPS as a result.

Common examples of medical negligence that can lead to CRPS include:

- Negligently performing a necessary procedure – for example, surgical errors
- Performing an unnecessary medical procedure, especially an invasive one
- Failing to apprise you of the risks involved in a procedure (that is, failing to secure your informed consent)
- Failing to timely diagnose or promptly treat the syndrome

Delays in diagnosing CRPS can cause the condition to worsen. Growing evidence shows that the longer you go without treatment, the greater your risk of suffering severe, intractable pain that doesn't respond to treatment.





Personal Injury Claims Stemming From Traumatic Accidents

CRPS may be the direct or indirect result of an accident. If someone else's negligence contributed to the accident, you may have a personal injury claim for your CRPS. This happens in two ways:

- **Somebody else's negligence caused a physical injury that triggered your CRPS:** For example, you broke a limb or suffered a laceration in a car accident, and that wound itself led to CRPS.
- **Somebody else's negligence led you to seek medical care, and that medical care caused CRPS:** For example, you suffered a herniated disc in a car accident that required surgery. Although the surgery was competently performed, it resulted in the development of CRPS.

In either of these examples, you may have a claim against the negligent party who caused the car accident.

Examples of personal injury claims arising from CRPS

Accidents

- Motor vehicle accidents
- Slip-and-falls
- Equipment accidents
- Dangerous property conditions

Medical negligence

- Surgical errors
- Misdiagnosis
- Negligently performed medical procedures
- Unnecessary medical procedures

Case Example: Needlestick

CRPS can be triggered by something as simple and seemingly minor as a needlestick. If the nurse, phlebotomist or other medical professional performed the needlestick competently, there are likely no grounds for a legal claim. However, if they were negligent in performing it – for example, they hit a nerve, you reported pain, but they kept digging the needle in, or if they attempted a needlestick in an inappropriate location – you may have grounds for a medical malpractice claim.

As you can see, negligence is the critical factor in these cases: Did someone else's negligence contribute to the trauma that caused your CRPS, directly or indirectly?



What Do You Have To Prove To Get Compensation?

Negligence claims – whether they involve a car accident, slip-and-fall, or medical error – require proof that:

1. Someone else was negligent – that is, they failed to uphold an appropriate standard of care
2. Their negligence caused your harm, whether directly or indirectly

Causation is often a pivotal issue in CRPS cases. Those seeking compensation must prove that the trauma resulting from someone else's negligence caused their CRPS, directly or indirectly. The applicable standard here is more likely than not – that is, it's more likely than not that their negligence triggered your CRPS.

Proving causation typically involves ruling out other possible causes of CRPS. Medical experts are critical to establishing this causal link. Those experts might include:

- Treating physicians
- Pain management doctors
- Neurologists
- PM&R (physical medicine and rehabilitation) doctors (also called physiatrists)
- CRPS experts

Often, the providers who have treated your condition can provide the most valuable testimony. They can speak directly to their efforts at alleviating your pain. Because they treat patients for a living – rather than testify in legal cases for a living, as some medical experts do – they have a great deal of credibility.



What Can You Recover Compensation For?

By the time you tally up the financial toll of CRPS – including the costly medical treatments, experimental therapies and time off work – you may be looking at a seven-figure total.

Through a personal injury or medical malpractice claim, you can recover compensation for:

- Medical bills, both past and future
- Lost wages
- Future loss of earning capacity
- Physical pain and suffering
- Mental anguish
- Physical impairment
- Physical disfigurement

Many states impose caps on noneconomic damages (that is, compensation for your pain and suffering). It's important to build a strong case for both types of damages – economic and noneconomic. Frequently, that means enlisting experts such as:

- Life care planners
- Vocational rehabilitation experts
- Economists
- Psychologists/psychiatrists/pain therapists

These experts can shed light on the incredibly devastating impact that CRPS has on all areas of your life – including projecting the future financial impact and translating that impact into measurable damages.

What Kind Of Hurdles Are You Likely To Encounter?

Pursuing compensation for CRPS can be an uphill battle. Because the syndrome is so uncommon – and so misunderstood – opposing parties are frequently reluctant to reach a fair settlement, at least early on in the case.

A threshold question is whether the opposing party will agree with the diagnosis of CRPS. If they don't, you will have to defend the diagnosis, rule out other causes, enlist experts and often go through an independent medical examination to support your claim.



What If Your CRPS Stemmed From A Work Injury?

This syndrome frequently results from job-related accidents and injuries. If your employer provides workers' compensation, you generally can't sue them. However, if a third party's negligence contributed to your injury – for example, another driver in a work-related car accident – you may have a separate personal injury claim against that negligent third party.

The Texas Exception That Might Allow You To Sue Your Employer

Texas allows employers to opt out of providing workers' compensation for employees.⁶ If your employer has chosen this option – called “nonsubscriber opt-out” – you may be able to sue them for negligence. For example, perhaps they failed to provide a safe workplace, leading to an injury that triggered your CRPS. Or perhaps a coworker's negligence caused your injury. If your employer or coworker was even 1 percent responsible for your injury, you may have a claim against them.



Many large employers in Texas have opted out of workers' compensation, including:

- Amazon
- Kroger
- Target
- Walmart
- Several other big box retail stores

This legal “loophole” is unique to Texas.

What About Social Security Disability (SSD/SSDI)?

In addition to any personal injury or medical malpractice claims, you may be eligible for SSD benefits if you're completely unable to work. Severe CRPS cases can leave you in just that position. If a limb is affected, you might be incapable of performing any physical labor, including standing or walking. Even if you have an office job, the medication you're taking for CRPS could lead to confusion, brain fog and fatigue, making it impossible to get anything done.

While SSD won't provide the level of compensation you might be entitled to through a personal injury case, it can still serve as a valuable source of financial support.

The Takeaway For People Suffering From CRPS

If you or a loved one has been diagnosed with CRPS, there is hope. Consider seeking support from the nationwide community of people with CRPS and their families who are working tirelessly to pave the way toward a better quality of life.

[The Reflex Sympathetic Dystrophy Syndrome Association \(RSDSA\)](#) is an excellent resource for CRPS patients.

New treatments and therapies are continually evolving. As awareness continues to grow surrounding this nightmare of a medical condition, more and more research will continue to shed light on treatment options.

In the meantime, you should not have to shoulder the financial burdens of CRPS. You may have grounds for a legal claim.

At The Cochran Firm, we represent people across the nation who are suffering from CRPS. We also welcome inquiries from other attorneys who may want to refer or joint venture on a case. Visit our [website](#) for more information about how we can help you explore your legal options for pursuing justice and compensation.



Super Lawyers



BRYAN POPE

Managing Partner
The Cochran Firm Texas

About CRPS Attorney Bryan Pope

Attorney Bryan Pope at The Cochran Firm devotes the majority of his practice to representing people with CRPS nationwide. He has handled well over 100 CRPS cases in his legal career. He has become a well-respected authority on the subject. He has lectured numerous times on the legal aspects of CRPS claims before the RSDSA (Reflex Sympathetic Dystrophy Syndrome Association), the nation's leading nonprofit organization devoted to studying the condition and supporting those with the syndrome. Mr. Pope draws on nearly 30 years of personal injury experience – including extensive trial experience – to fight for justice and a better quality of life for people suffering from CRPS.

As the son of a preacher, Mr. Pope brings his empathetic approach to help his clients and their families navigate the minefield of living with CRPS during litigation as he puts together a legal team of experts in building the CRPS case. As a result of his diligent work in this field, he has been selected for inclusion in the list of Texas Super Lawyers every year since 2007.

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Source

¹ National Institute of Neurological Disorders and Stroke, "Complex Regional Pain Syndrome Fact Sheet." <https://www.ninds.nih.gov/Disorders/Patient-Caregiver-Education/Fact-Sheets/Complex-Regional-Pain-Syndrome-Fact-Sheet>

² Reflex Sympathetic Dystrophy Syndrome Association (RSDSA), "Telltale Signs and Symptoms of CRPS/ RSD." <https://rds.org/telltale-signs-and-symptoms-of-crpsrds/>

³ Taylor, SS., Noor, N., Urits, I. et al. Complex Regional Pain Syndrome: A Comprehensive Review. *Pain Ther* 10, 875–892 (2021). <https://doi.org/10.1007/s40122-021-00279-4>

⁴ Goh, E. L., Chidambaram, S., & Ma, D. (2017). Complex regional pain syndrome: a recent update. *Burns & trauma*, 5, 2. <https://doi.org/10.1186/s41038-016-0066-4>

⁵ RSDA, "Treatments." <https://rds.org/treatment/>

⁶ Texas Labor Code Sec. 406.002

⁷ The McGill pain index is a widely used scale used to assess the level of chronic pain. It is based on a questionnaire developed by researchers at McGill University in the 1970s.