

# THE VAUGHAN LAW REPORT

Summer 2018

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## WARNING: Warm Weather Ahead *Weather-Related Accidents Aren't just for Winter*

Snow and ice get all the glory when it comes to dangerous driving conditions, but summer roads can also be dangerous, and delays, cancellations, and road closures won't keep drivers off the roads. Over a 10-year period (2005–2014), the National Highway Traffic Safety Administration found that 73 percent of weather-related crashes were due to wet pavement, and 47 percent of weather-related crash fatalities were due to rain. In comparison, 30 percent of weather-related accidents were attributed to snow, sleet, or ice.

If you get caught in heavy rain, wind, or severe fog, the safest thing may be to move your vehicle off the road. Here are some safety tips for warm-weather conditions:

**RAIN**—Heavy rains reduce visibility and can change the way a vehicle's tires connect with the road. Drivers should turn their lights on, reduce their speed, and reduce their following time by two seconds. One of the dangers of driving on wet pavement is hydroplaning, which happens when a vehicle is moving too fast and

a thin layer of water comes between a vehicle's tires and the road. Steering and braking are almost impossible while hydroplaning. Remember that oil on the road can make it very slippery in wet weather, even in light rain.

**WIND**—Heavy winds are scary to drive through, especially on highways where there is more traffic, higher speed limits, and larger vehicles. If you get caught in heavy winds, keep both hands firmly on the wheel so the wind can't move your vehicle out of its lane. Be aware of other drivers, especially those in larger vehicles that are more susceptible to being moved by strong gusts.

**FOG**—If you find yourself driving through intense fog, turn your lights to low and go slow. If it is hard to see, resist the urge to turn your lights off, because other drivers will not be able to see you. Also, don't stop in the roadway if you are having trouble seeing; pull off the road completely, and keep your lights on so other drivers can see you.

## Operating on Two Patients at Once

Sometimes it is acceptable for a professional to double-schedule clients. For example, a hair stylist might do a cut while the color on another client processes. But what if your surgeon was conducting two surgeries at once? Believe it or not, this is happening. And many think it should be illegal.

Concurrent surgery is when two surgeries are scheduled to be performed at the same time by the same surgeon. Sometimes the surgeries are scheduled to overlap slightly, affecting only the beginning or end of a procedure when the surgeon isn't as involved. However, some facilities allow surgeries to overlap to the extent that the surgeon must bounce between operating rooms. In such cases, patients are not always informed that they will be one of two patients being operated on simultaneously by the same surgeon. Currently there is no law that states that a facility must disclose this information to patients.

Those who disagree with the concept of concurrent surgeries argue that each patient deserves the undivided attention of their surgeon—and that surgeons deserve to be allowed to practice their skills in a focused environment.

Facilities that permit concurrent surgery say that the practice permits surgical specialists to leave a scheduled procedure to address emergency situations, and provides residents an opportunity to gain more experience in the operating room.



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# Side Guards on Truck Trailers Are a Lifesaver

When a car gets pushed under a moving tractor trailer, catastrophic injury or death are probable. In the case of side- and back-underride accidents, guards are lifesavers. Rear guards are required by law; side guards are not.

The trucking industry opposes side guards, as they add extra weight and decrease efficiency, though some companies install them anyway for safety reasons. According to the National Highway Traffic Safety Administration, these collisions kill 200 people every year. This type of accident is particularly deadly because when a vehicle gets pushed under a tractor trailer, the driver's head and neck are often the first point of contact with the trailer.

Research conducted by the Insurance Institute for Highway Safety showed that side guards reduce serious injury or death in nine out of 10 side-underride crashes.

Currently, interest is being generated for a bill that would require tractor trailers to install side guards. The legislation was co-sponsored by Sen. Marco Rubio (R-FL) and backed in the House by Rep. Steve Cohen (D-TN). The Department of Transportation has been anticipating the support of such a law since 1969, though a law has yet to be passed. The reason? It isn't cost-effective for the trucking industry.



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## Keep Children Safe Around Water

From Memorial Day through Labor Day in 2017, at least 163 children younger than age 15 drowned in swimming pools or spas, according to media reports compiled by the USA Swimming Foundation. Of the 163 deaths, almost 70 percent were children under age 5.

"Each one of these deaths is a tragedy, which serves as a sobering reminder of how dangerous water can be for young children," said Ann Marie Buerkle, commissioner at the U.S. Consumer Product Safety Commission. "I encourage all families to follow simple steps that save lives whenever they're enjoying time in or near the water."

### **Pool Safely offers these tips to keep children safer in and around the water:**

- Install a four-sided fence with a self-closing, self-latching gate around all pools and spas.
- Designate an adult Water Watcher to supervise children at all times around the water.
- Learn how to swim, and teach your child how to swim.
- Learn how to perform CPR on children and adults.
- Teach children to stay away from pool drains, pipes, and other openings to avoid entrapments.
- Ensure any pool or spa you use has drain covers that comply with federal safety standards. If you do not know, ask your pool service provider about safer drain covers.

Source: Poolsafely.gov newsroom

