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Expert: Bus crash victim's care could cost \$2.5M

To live the rest of her life with one leg and other injuries, Ashley Zauflik can expect future medical costs to reach about \$2.5 million, an expert testified Thursday in the Falls woman's civil trial for damages against Pennsbury School District.

Most of the projected costs center around a new \$65,000 prosthetic leg for Zauflik, 21, who lost her left leg above the knee after she was crushed by a runaway school district bus outside Pennsbury High School's east campus in January 2007.

But Pennsbury's attorney questioned whether Zauflik would use the new leg. He also questioned the necessity of some future medical costs in the plan, such as crutches and wheelchairs.

The leg's cost also was an issue between the attorneys that Bucks County Judge Robert Mellon, who is overseeing the case, had to settle.

The judge ruled that Pennsbury's attorney cannot introduce third-party reimbursements, citing state case law that forbids it. Mellon added that the question for jurors is what is a "fair and reasonable" cost, not if Zauflik can find a cheaper prosthetic.

"How about if I go on eBay and buy a leg," he said.

Most of Thursday's testimony focused on expert witness Betsy Bates, a rehabilitation nurse and certified life planner, who prepared a life-care plan for Zauflik. The plan estimated that the projected costs for her future, accident-related medical care at \$2.5 million to \$2.6 million, if she lives to the expected age of 78.

In her report, Bates included expenses for medical equipment and care, psychological counseling, physical and occupational therapies and medications.

The extent of Zauflik's injuries, and their impact on her life, is the cornerstone of the case, which is expected to go to the jury Monday. Pennsbury has already accepted legal responsibility for the bus accident, the result of driver error two investigations found, and the district agrees Zauflik should be compensated for her injuries.

The outstanding question that the jury will decide is how much money Zauflik should get. Both sides agree the family should receive the \$338,580 in past medical bills, but other economic and non-economic damages, such as pain and suffering, are in play.

The district has offered a total of \$500,000 to settle all eight bus-accident claims, including Zauflik's. The district claims its exposure is limited to that amount under state law. Zauflik's attorney believes the amount should be at least \$3 million.

In testimony Thursday, Bates, who evaluated Ashley in October 2010, said that the Falls woman told her she continues to experience lower back pain, neck pain and hip and calf pain, for which she takes prescription painkillers. She also is experiencing new pain, recently in her right knee, which Zauflik told her locks up when she sits in one place too long.

Zauflik has developed pain in her shoulders and wrists that didn't exist before the accident, which Bates attributes to overuse injuries in the upper body as a result of using the crutches.

"She has had pain since the time of the accident and she continues to have pain," Bates told the jury. "Pain has always been an issue."

Since 2007, Ashley has relied mostly on wheelchairs and crutches to get around, though medical reports in the case state that she has no medical issues that would make it difficult for her to wear a prosthetic leg.

Medical records also show that Zauflik was able to walk 200 feet using a cane when she was discharged from the rehab center in June 2007, about six months after the accident.

Bates said that Ashley told her she doesn't use the prosthetic leg she has had since 2007 because it's "awkward, annoying," and ugly and doesn't fit right, so it causes her pain and difficulty walking.

Zauflik's attorney, [Tom Kline](#), cited a medical report prepared by one of Pennsbury's expert witnesses, who stated that with adequate prosthetic care and support Zauflik could lead a life similar to her pre-amputation one.

And Zauflik is eager to start a more independent life, including moving out of her parents' home and attending college. Since graduating high school in 2008, Zauflik has taken online college courses in medical billing and coding.

Bates testified that Zauflik is "excited and nervous" about being fitted for a modern, lighter prosthetic leg with a computer-chip operated knee, which Bates projected the lifetime replacement costs at \$1.9 million.

"She is no longer this young teenager," Bates added. "She is moving out of the depression. This (prosthesis) is something she really wants to do."

But Pennsbury attorney David Cohen centered his questions for Bates on why Zauflik is not yet using the new leg.

On the stand, Bates acknowledged that the type of prosthesis that Zauflik now is seeking was likely available in 2008.

“Do you know why she didn’t get the device at that time?” Cohen asked.

“I don’t recall,” Bates answered. She later added that experts for both sides agreed that Zauflik received inadequate prosthetic care, which likely resulted in her “giving up.”

Cohen pointed out that since her initial consultation for her new prosthesis in February, Zauflik has not yet been fitted for it.

“Do you know what the delay is?” Cohen asked.

Bates answered that she did not.

Cohen also questioned Bates about her estimated costs related to manual wheelchairs and crutches and if they’d be necessary after Zauflik gets the new leg.

Bates countered that, as an amputee, Zauflik will always be at a greater fall risk even with a prosthesis, and that she’ll continue to need “occasional” use of crutches and a wheelchair, which will worsen her existing overuse injuries.

“That is going to take a toll on her upper body,” she added.