CIVIL COURT OF THE STATE OF NEW YORK COUNTY OF BRONX

**Index No: 706888/14**

**AVENUE C MEDICAL, P.C.**

A/A/O KAREN HUSSEIN,

AFFIRMATION

-AGAINST-

PLAINTIFF,

**ALLSTATE INSURANCE COMPANY**,

DEFENDANT

STATE OF NEW YORK ) COUNTY OF KINGS )

I, SAYEEDUS SALEHIN, M.D., hereby swear the following to be true under the penalty of perjury:

1. I am a physician duly licensed to practice in the State of New York.

2. I am the treating physician of the patient herein.

3. I have personally reviewed the IME report written by Marvn Winnell, M.D., who determined that, after examining, the claimant on July 20, 2010, that the claimant was not disabled and that there was no further need for further physical therapy or orthopedic treatment for injuries reportedly sustained in the accident of April 8, 2010.

4. I submit this affirmation of medical necessity on the basis of the documentation provided,

medical record and the IME report supplied, in order to come to a conclusion of whether the continued treatments performed on the claimant were required and medically necessary for the claimant’s pain and injuries.

5. I have read and reviewed the bills, soap notes, initial report, follow up report(s) multiple therapy treatment notes and ROM and MM tests for the claimant Karen Hussein, which were created in

conjunction with this patient’s treatment for injuries suffered by the claimant in the subject automobile accident on April 8, 2010.

6. Karen Hussein presented in my office on April 12, 2010 with complaints of back pain, neck pain,

pain to the left and right shoulders, and right knee pain. Upon examination of the affected areas, there was restricted range of motion and the claimant was diagnosed with cervical and lumbar radiculopathy, sprain in the cervical paraspinal muscles, and sprain in the lumbosacral paraspinal muscles, rights shoulder and right knee. The claimant was recommended to undergo a conservative treatment plan which included physical therapy, orthopedic treatment, chiropractic treatment, diagnostic testing and follow up examinations.

7. I personally examined the claimant, Karen Hussein, and have firsthand knowledge of Ms.

Hussein’s injuries and the extent of pain and injuries, objectively and subjectively. I prescribed the necessary treatment and testing. It is my medical opinion that all of the treatment and testing that were prescribed were medically necessary.

8. According to the North American Spine Society, a soft tissue injury to the neck, neck sprain or neck strain, occur following damage to the neck, usually because of sudden extension and flexion. The disorder commonly occurs as the result of an automobile accident such as the one above mentioned was involved in and may include injury to intervertebral joints, discs, and ligaments, cervical muscles and nerve roots. Symptoms such as neck pins, which the claimant offered complaints of, may be present directly after the injury r may be delayed for several days. In addition to neck pain, other symptoms may include neck stiffness, injuries to the muscles and ligaments (myofascial injuries), headache, dizziness, abnormal sensations such as burning, paresthesia, shoulder, shoulder or back pain.

9. Back and neck injuries like herniated discs are not always immediately determinable. They are often initially diagnosed as “soft tissue” injuries before an MRI or CT scan reveals a disc injury.

Normal x-ray film is generally no diagnostic of disc injuries. X-rays can be performed which will generally rule out broken bones or fractures.

10. All of the treatments and testing rendered were justifiable prescribed and coincide with the

symptoms reported by the claimant. The treatments and testing rendered were used to reduce the use analgesics, which offer their own negative side effects such as constipation, altered mental status, difficult concentrating, dependence, lethargy and masking of more serious injuries and prevent possible further injury caused by improper immobilization/fixation of the injured areas.

11. In addition, while Dr. Winnell’s report of July 20, 2010 show that the claimant had full range of motion in the cervical and lumbar spine, as a contemporaneous test (ROM/MMT) report, generated by my office, dated July 19, 2010, shows that the claimant’s: spine ROM impairment to be 25%; cervical ROM impairment: 12% lumbar ROM impairment: 15% and upper ROM impairment: 11%.

12. Respectfully Dr. Winnell’s examination of Ms. Hussein was merely several minutes long and did not include a detailed history and analysis of the patient’s condition. By having a physician- patient relationship, I have been able to get to know and understand the injuries that were inflicted to Ms. Hussein, I was able through frequent follow-up evaluations and conversations get a feeling for patient’s needs, that Dr. Winnell with his one brief exam has no way of quantifying and evaluating.

13. After the IME performed by defendant, Ms. Hussein returned to my office, maintained that she

still experienced significant pains and discomforts and required medical treatment for injuries suffered in the accident. Moreover, the objective diagnostic tests mentioned *supra* quantifies the claimant’s subjective complaints. Therefore, having reevaluated the claimant post IME

evaluation, I concluded that the patient was still suffering from the effects and injuries sustained in the accident and further treatment was required given the fact that it reduced her pain.

14. After review, of the above documents, I reaffirm my opinion that the medical services that were

provided were medically necessary.

I, SAYEDUS SALEHIN, M.D, duly licensed to practice medicine in the State of New York, pursuant to

CPLR §2106, I hereby, affirm that the forgoing statement contained herein are true and accurate to the best of my knowledge, under penalty of perjury.

SAYEEDUS SALEHIN, M.D