

Wrongful Death Case to Go Forward

Stacy Donnelly, RN, BSN, Nursing and Nursing Home Expert



A court ruling, which tossed out a wrongful death case where a man died from smoke inhalation and burns while a hospice patient at an assisted living facility, was overturned by the Colorado Court of Appeals last month. The patient, on oxygen, was smoking cigarettes on the facility's property until one cigarette ignited the tubing connected to the tank, causing flames to engulf him. Expert witness Stacy Donnelly, RN, BSN, was retained on behalf of the Plaintiff's family to investigate and opine on the breach of standard of care for patient care.

Judge Lino Lipinsky, one of the three-panel judges reviewing the case on appeal noted, "However, they correctly note that, when presented with the statements of Donnelly and the former Triumph employee, as well as Atwood's medical records, a reasonable juror could logically infer that the possible interventions described in the response would have prevented Atwood from smoking while using supplemental oxygen by depriving him of his cigarettes and lighter, at least deterred him from doing so, or mitigated Atwood's injuries if his cigarette caused the tubing of his oxygen tank to ignite."

Stacy Donnelly, RN, BSN, Nursing and Nursing Home Expert with DJS Associates, Inc., can be reached via email at experts@forensicDJS.com or via phone at 215-659-2010.