

## Smoking: Unattended Patient Dies From Burns, Lawsuit Focuses On Patient Safety Assessment.

The elderly stroke patient had been admitted to the nursing facility for respite care for two weeks twice each year for thirteen years, then on a permanent basis after his wife could no longer care for him at home.

An aide left him alone in the smoking room. When the aide looked in again minutes later the patient was fully engulfed in flames. He was extinguished but died within minutes.

The US District Court for the District of Columbia ruled it was a question for the jury to decide if this patient was properly assessed and should or should not have been allowed to smoke.

The family's nursing expert was prepared to interpret Joint Commission standards and other survey-research studies to require assessment of the patient's mental acuity, physical limita-

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***There is a national consensus that patients who are going to smoke must be assessed for their ability to smoke safely.***

***This patient had little use of his left hand, was prone to seizures and was cognitively impaired.***

***However, he did have full use of his right hand and arm and had been consistently following the facility's rules for smoking.***

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA  
August 26, 2008

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tions and equipment issues in determining whether the patient should be allowed to smoke at all and whether stand-by supervision is more appropriate than full independence.

The facility's medical director, on the other hand, was ready to point out that the patient had full use of his right hand and arm and had conscientiously followed the rules more than a year for smoking only in the designated area, although he did have little use of his left arm and hand, had a history of seizures and had mild cognitive impairments. The facility did not consider him to be a high-risk smoker because he knew and consistently followed the smoking rules and was thought to be able to take care of himself in the event of a fire.

***Sanders v. US, \_\_\_ F. Supp. 2d \_\_\_, 2008 WL 3903458 (D.D.C., August 26, 2008).***