

Smoking: Unsupervised Patient Burned Badly, Dies.

A sixty-two year-old woman resided in a nursing and rehab center. Her medical problems included chronic obstructive pulmonary disease which required use of supplemental oxygen through a nasal cannula. She also used a wheelchair.

The patient wheeled herself into the nursing home's smoking area to smoke. With her oxygen in use she caught on fire. The flames were extinguished, but not before she had sustained second- and third-degree burns over 19% of her body.

At the hospital she told the medical staff she did not want to be intubated. She was pronounced dead the next morning.

Her adult children filed a lawsuit against the nursing home, the home's administrator and the director of nursing in the District Court, Dallas County, Texas.

The nursing home had a policy that residents were allowed to smoke, but only with supervision.

The resident's cigarettes should have been kept from her in a secure place.

The smoking room should have been secured and supervised by staff at any time any resident would be smoking in it.

DISTRICT COURT, DALLAS COUNTY
TEXAS
April 3, 2007

The lawsuit claimed damages for the deceased's pain and suffering based on failure to provide adequate supervision and a safe living environment.

The children were paid a \$125,000 total settlement before the case went to trial. **Page v. Daybreak Venture, 2007 WL 1839824 (Dist. Ct. Dallas Co., Texas, April 3, 2007).**