

MISSOURI LAWYERS WEEKLY

April 4, 2005

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VERDICTS & SETTLEMENTS

Radiator Burned Elderly Man's Feet

Nursing Home Negligence Suit Filed



TIM DOLLAR

\$700,000 Settlement

The guardian of a nursing home patient who suffered burns and ulcers has settled a Jackson County negligence case for \$700,000.

Delmar Stone, 85, was a resident of Hyde Park Nursing Home. While being turned by a certified nurse assistant on Feb. 26, 2002, Stone's feet came into contact with an exposed radiator at the bottom of his bed, causing severe burns.

Nine days later, the nursing home transferred Stone to the hospital due to a change in his level of consciousness. Hospital personnel discovered a stage III decubitus ulcer on the inside of his left foot and a stage III decubitus ulcer on the outside of his right foot. In addition, he was severely contracted and dehydrated.

Stone was not capable of making health-care decisions and he had no family members in a position to make such decisions. Shortly after admission to the hospital, the Jackson County Probate Court appointed Rebecca Lake-Wood, Public Administrator, as guardian and conservator for Stone.

After 18 days, Stone was transferred to Kindred Hospital, where he underwent over two months of wound treatment.

The Missouri Division of Aging issued numerous citations against Hyde Park including placing the residents at risk for burns by failing to provide covers for the radiators. The Division also cited

Hyde Park for failing to provide oversight and necessary medical care to Stone, failing to inform his physician of a significant change in Stone's condition and failing to have adequate policies and procedures in place.

The guardian settled for \$700,000 before trial.

Type of Action: Nursing home negligence

Type of Injuries: Burns resulting in Stage III and IV decubitus ulcers

Court/Case No./Date: Jackson County Circuit Court/02CV 233759/March 4, 2005

Caption: Lake-Wood v. P&G Healthcare

Judge, Jury or ADR: Jury

Name of Judge: Sandra Midkiff

Special Damages: \$120,000 past medical expense

Last Offer: N/A

Last Demand: N/A

Verdict or Settlement: \$700,000 settlement

Allocation of Fault: N/A

Attorneys for Plaintiff: Beth Phillips, Bartimus Frickleton Robertson and Obetz, Kansas City; Tim Dollar, Law Offices of Tim Dollar, Kansas City

Insurance Company: Clarendon America Insurance, Capitol Indemnity Corp.

Plaintiff's Experts: Not disclosed

Defendant's Experts: Not disclosed