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Smoking-related fires: It's time to put out the cigarettes in your facility

Posted on: 9.22.2009 8:50:14 AM Posted by **Jonathan Rosenfeld, LTC Lawyer**

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It only is a matter of time before another nursing home fire claims the life of another patient. While less publicized, hundreds of elderly people receive burns every year during their admission to skilled nursing facilities. Anyway you look at the situation, fires in nursing homes remain a real —yet under-appreciated—threat to nursing home patient safety.

According to the Government Accountability Office (GAO), from 1994 to 1999 approximately **2,300 nursing homes reported some type of fire** at their facility each year. Equally alarming is that the GAO has found the number of severe fire deficiencies in nursing home has increased steadily from 2004 through 2007.

In response to this safety threat, Centers for Medicare & Medicaid Services (CMS) now requires a smoke detector in every patient room and in public areas. Additionally, automatic fire sprinkler systems must now be installed in new facilities and retrofit in existing facilities over the next four years.

While compliance with CMS regulations may help reduce the chance of fires in skilled nursing facilities, owners and administrators should evaluate all activities and determine what policies may be implemented to further promote patient safety.

Eliminate smoking in nursing homes

Smoking in nursing homes can at best be considered counter-productive to patient health. Perhaps more accurately, smoking in nursing homes is a threat to all patients and staff. Even when monitored, there is an increased risk of fire in nursing facilities that permit smoking compared with those that do not allow it. Therefore, I propose nursing homes force patients to toss out their cigarettes or seek alternative facilities.

In addition to safety concerns related to fire, allowing patients to smoke in a nursing home diverts staff resources away from providing care to the supervision of patients who choose to smoke.

According to The National Fire Protection Association, elderly people are more than three times more likely to suffer a smoking-related injury than their younger counterparts. One need not look far to see examples of smoking accidents in nursing home and assisted living facilities:

- Dallas: A woman died in a fire at an assisted living facility. The fire inspector determined the fire started due to "improper use of smoking material."
- Chicago: Two patients died at Hampton Plaza Nursing Home from smoke inhalation. The fire department concluded that the fire was started by smoking materials stored in a patient's closet.
- Whittier, California: A nursing home patient with dementia ignited himself while



Poll Question:

What are your feelings on flu vaccinations for long-term care staff?

- They are necessary
- They are a good precaution
- I'm skeptical that they work and/or are healthy

Your Comments:

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attempting to light his cigarette. A investigation into the matter revealed the staff was unaware that the man was even outside of the facility.

Lebanon, Indiana: An oxygen dependent patient started a fire at an assisted living complex when the oxygen tank exploded as she smoked.

Practical smoking policies

I doubt we will see nursing homes flocking to change their policies to "smoke free" overnight. In the meantime, facilities should take steps to develop a smoking policy that is both realistic to implement and enhances patient safety. Here are some suggestions for developing a smoking policy:

- Designate a smoking area for patients that is supervised and well ventilated.
- Ban all smoking in patient rooms. Studies have shown that the risk of fire increases when people smoke in bed.
- Establish an evacuation policy in case of a fire or emergency. Similarly, inform all staff and patients as to the location of fire extinguishers and teach them how to use them.
- Keep all smoking materials, including lighters and matches, in possession of staff and locked at all times.
- Provide ashtrays and smoking aprons (outerwear made from fire-proof material that reduces the chance of a stray ash igniting a patient's clothing).
- Develop a smoking cessation program.
- Make sure your facility has smoke detectors and a sprinkler system.
- Allow patients to smoke only when supervised by staff members.
- Develop a set of consequences for patients who fail to follow the policy.
- Write down your facility's smoking policy and give a copy to all patients and their families.

While the above guidelines may reduce the chance of fires in nursing homes, eliminating smoking remains one of the easiest ways to improve the overall living conditions for all patients and nursing home staff.

Resources

[GAO Report, Fire Safety In Nursing Homes- Recent Fires Highlight Weaknesses in Federal Standards and Oversight, July, 2004](#)

[Nursing Home Compare](#)—see how your facility measures up with respect to fire safety.

Jonathan Rosenfeld is a lawyer who represents people injured in nursing homes and long-term care facilities. Jonathan has represented victims of nursing home abuse and neglect throughout Illinois and across the country. Visit his personal blog at www.nursinghomesabuseblog.com and his Web site BedsoreFAQ.com.

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