

SUPREME COURT OF IDAHO

Mattox v. Life Care Centers of America, Inc., 157 Idaho 468

337 P.3d 627 (2014) · Decided October 29, 2014

SUMMARY

The Idaho Supreme Court reviewed summary judgment in a medical malpractice action arising from the death of a nursing-home resident after a fall and subsequent femur fracture. The court held that the district court abused its discretion by excluding affidavits from the plaintiff's physician and nursing expert for allegedly failing to establish actual knowledge of the applicable standard of care. The court explained that Idaho law does not require formulaic language and that the affidavits provided sufficient factual foundations regarding the relevant standard of care.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	J. Jones; Burdick, Chief Justice; Eismann, Justice; Horton, Justice; Jones, Justice; Walters, Justice Pro Tem
JURISDICTION	Idaho
DECIDED	October 29, 2014
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiff appealed from a district court judgment granting the nursing-home operator summary judgment in a medical-malpractice and wrongful-death action after excluding the plaintiff's expert affidavits.
STANDARD OF REVIEW	Summary judgment is reviewed under the same standard applied by the district court. The admissibility of expert testimony is a threshold issue reviewed for clear abuse of discretion; the court determines whether the affidavit alleges facts that, if true, would render the testimony admissible.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Gene Mattox v. Life Care Centers of America, Inc.

TOPICS

[medical malpractice](#)[nursing home liability](#)[expert testimony](#)[summary judgment](#)[civil procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by excluding Dr. Mackay's affidavit for failing to establish actual knowledge of the applicable standard of care.
2. Whether the district court abused its discretion by excluding Nurse Thomason's affidavit for failing to establish actual knowledge of the applicable local standard of care.
3. Whether the exclusion of the affidavits required reversal of summary judgment for Life Care.
4. Whether the appellate court could review the district court's failure to grant summary judgment to the plaintiff as a nonmoving party.

HOLDINGS

1. The affidavit adequately established Dr. Mackay's actual knowledge of the applicable standard of care because it described his role as Rosamond's primary care physician, his issuance of detailed fall-prevention orders, his participation in the care plan, and his repeated interactions with the nursing staff concerning her care and falls.
2. Nurse Thomason's affidavit adequately established actual knowledge of the applicable standard of care through her interviews with knowledgeable local professionals, including Dr. Mackay and Professor Debbie Lemon, her extensive skilled-nursing experience, and her reliance on relevant state and federal regulations.
3. Summary judgment for Life Care was improper because the affidavits were admissible and, if considered, created genuine issues of material fact concerning breach of the applicable standard of care and causation.
4. The failure to grant summary judgment to a nonmoving party was not reviewable because it did not resolve any claim, and Gene had not filed his own summary-judgment motion.

KEY QUOTATIONS

“The guiding question is simply whether the affidavit alleges facts which, taken as true, show the proposed expert has actual knowledge of the applicable standard of care.” (157 Idaho at 474)

“In addressing that question, courts must look to the standard of care at issue, the proposed expert’s grounds for claiming knowledge of that standard, and determine — employing a measure of common sense — whether those grounds would likely give rise to knowledge of that standard.” (157 Idaho at 474)

“The federal and state regulations and the facility’s care plan developed pursuant thereto are relevant to the alleged malpractice at issue in this case.” (157 Idaho at 479)

FACTUAL BACKGROUND

Rosamond Mattox, an elderly resident of Life Care Center of Lewiston, had a history of falls and a care plan requiring precautions such as alarms, hip protectors, low-bed positioning, crash mats, and assisted transfers.

After suffering a fall and femur fracture on October 31, 2008, she was hospitalized, developed respiratory complications after receiving pain medication, and died shortly thereafter. Her son alleged that Life Care failed to follow physician orders and its own care plan, causing the fall-related injury and death.

PROCEDURAL HISTORY

Gene Mattox alleged that Life Care Center of Lewiston failed to follow physician orders and its care plan designed to prevent his mother's falls, and that the resulting injury caused her death. The district court excluded affidavits from Dr. Jayme Mackay and Nurse Wendy Thomason for failure to establish actual knowledge of the applicable local standard of care, then granted summary judgment to Life Care and dismissed the complaint. The Idaho Supreme Court vacated the judgment and remanded.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the district court judgment dismissing Gene's action against Life Care and remand for further proceedings consistent with the opinion. Costs on appeal are awarded to Gene.

CASES CITED

- Arregui v. Gallegos-Main, 153 Idaho 801, 804, 291 P.3d 1000, 1003 (2012)
- Dulaney v. St. Alphonsus Reg'l Med. Ctr., 137 Idaho 160, 45 P.3d 816 (2002)
- McDaniel v. Inland Nw. Renal Care Grp.-Idaho, LLC, 144 Idaho 219, 221-222, 159 P.3d 856, 858-859 (2007)
- Bybee v. Gorman, 157 Idaho 169, 176, 178-179, 335 P.3d 14, 21, 23-24 (2014)
- Newberry v. Martens, 142 Idaho 284, 292, 127 P.3d 187, 195 (2005)
- Grover v. Smith, 137 Idaho 247, 253, 46 P.3d 1105, 1111 (2002)
- Frank v. E. Shoshone Hosp., 114 Idaho 480, 482, 757 P.2d 1199, 1201 (1988)
- Suhadolnik v. Pressman, 151 Idaho 110, 116, 121, 254 P.3d 11, 17, 22 (2011)
- Harwood v. Talbert, 136 Idaho 672, 677, 39 P.3d 612, 617 (2001)
- Dominguez ex rel. Hamp v. Evergreen Res., Inc., 142 Idaho 7, 13, 121 P.3d 938, 944 (2005)
- Idaho Department of Labor v. Sunset Marts, Inc., 140 Idaho 207, 210, 91 P.3d 1111, 1114 (2004)
- Hayward v. Jack's Pharmacy Inc., 141 Idaho 622, 628, 115 P.3d 713, 719 (2005)
- Ramos v. Dixon, 144 Idaho 32, 156 P.3d 533 (2007)