

# CPM client sues Palo Alto VA facility over Vietnam vet's fatal fall

*San Francisco Chronicle*  
05.15.2017

The family of a Vietnam War veteran, who died last year from a head injury he suffered at a Department of Veterans Affairs facility in Palo Alto, filed a lawsuit Monday against the hospital, alleging elder abuse and wrongful death.

Douglas Wayne Ross Sr., a “frail” 72-year-old Navy veteran recovering from a heart attack he had after undergoing revascularization surgery, tumbled over and hit his head while left unattended in his hospital room in April 2016, according to the complaint filed in federal court in San Jose. He died a week later.

“Despite knowing that Mr. Ross was in a frail condition and a fall risk, the VA Palo Alto left him alone in a chair for, according to his medical records, roughly 40 minutes,” the family’s attorney, Niall McCarthy, wrote in the court papers. “That was like leaving an infant unattended in a bath for 40 minutes.”

The suit seeks unspecified damages.

Ross, who became a sailboat captain and gold miner after his military service, had come to the VA in February 2016 to receive multiple surgeries to increase blood flow to his lower extremities. But after his first surgery, he had a heart attack and had to be revived.

Ross later started getting infections in his legs and developed a black and gangrenous foot from lack of circulation. He became dependent on dialysis for life.

Doctors prescribed Ross the “maximum amount of blood thinners” to prevent another heart attack, and determined further surgeries were out of the question, McCarthy said.

## Attorneys

Niall P. McCarthy

## Practice Areas

Elder Abuse

Personal Injury & Wrongful Death

## CPM CLIENT SUES PALO ALTO VA FACILITY OVER VIETNAM VET'S FATAL FALL

---

But on April 28, 2016, hospital staff left Ross unsupervised in a chair in his room, where he sat with a feeding tube, rectal tube and an IV.

Staff members returned to find Ross splayed on the floor. He died a week later. The cause of death listed on his death certificate was a “closed head injury” sustained during an “unwitnessed” fall.

The Palo Alto VA’s deputy chief of staff wrote a letter to Ross’ son, acknowledging and apologizing for the incident.

“We are always very concerned about fall prevention, and we continue to look for opportunities to reduce them even further by considering procedure changes based on what happened with this fall,” Dr. Stephen Ezeji-Okoye wrote in a letter to the family.

The VA, though, found “no negligent or wrongful act” by its staff and denied responsibility for Ross’ death. The VA did not immediately return phone calls or emails on Monday... *(To read the entire article, please click [HERE](#))*