



# RMS

ASSOCIATES

## Hospital Safety & Medical Equipment Experts

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**Robert B. Benowitz, BSEE, JD, President**  
109 Shasta Road, Plymouth Meeting, PA 19462

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### CURRICULUM VITAE

#### AREAS OF EXPERTISE:

Hospital, Nursing Home & Health Care Safety

Medical Devices - Use, Safety & Design

Electrical & Electro-mechanical Devices

Electrical Fires - Cause & Origin

Forensic Services – Product Liability and Institutional Negligence

#### EXPERIENCE:

##### **SAFETY CONSULTANT: RMS ASSOCIATES - 1971 to Present**

###### **Consulting Services to Health Care Institutions:**

Safety Status Assessment for Joint Commission Inspections.

Forensic investigations of electro-mechanical equipment incidents.

Recommendations for corrective actions to meet Joint Commission Standards.

###### Safety Training:

*“Electrical Safety in the OR and Hospital Environment”* for OR, Critical Care and Medical Nurses.

*“Creating and Implementing Hospital Procedures”* for Safety Committee members.

*“Identifying and Repairing Electrical and Mechanical Hazards”* for engineering and maintenance personnel.

Hospital Facility Testing: Preventive Maintenance Testing of operating room, critical care, and bed-side medical equipment for electrical and mechanical malfunctions.

Safety Committee Membership: Reviewed hospital accidents and created procedures to prevent future incidents.

Safety Procedures: Prepared Policies and Procedures for maintenance and safety.

Equipment Analysis: Analyzed health care equipment requirements and made recommendations to purchasing departments.

###### **Forensic Services:**

Provide complete technical litigation support from preliminary case investigation and evaluation to trial testimony.

**ENGINEERING DESIGN, DEVELOPMENT, PLANNING, CONTROLS & QUALITY ASSURANCE (Electrical and Mechanical):**

General Electric Company - Project Engineer, 1966-1971

Ground handling equipment safety design requirements.

Nuclear weapon ground test safety requirements.

System and safety requirements for test facility design.

Sylvania Electronic Systems - Project Engineer, 1963-1964

System labeling and nomenclature requirements.

Federal Telecommunications Labs - Design Engineer, 1955-1958

Electronic Countermeasures System Design.

Microwave Antenna Design.

**ANALYSIS and RESOLUTION of EQUIPMENT FAILURES:**

General Electric Company - Field Engineer, 1958-1963

Maintenance and Design of Countermeasures Systems

Development of Electronic Countermeasures Tactics for USAF.

Ergonomic Design and Safety Analysis of Field Test Equipment.

Preparation of Test Procedures & Policies for USAF SAC.

**TEACHING:**

Hospital Safety and Hospital Equipment Maintenance - Various Hospitals  
(See Client List), 1971-1990

Electronic & Mechanical Maintenance, Electronic Countermeasures & Tactics -  
for U.S. Air Force, 1959-1962 (General Electric Co. Field Engineer)

**NUCLEAR & BIOMEDICAL EQUIPMENT MARKETING & TRAINING:**

Diagnostic Equipment, Radioisotope Scanners & Research Devices

Nuclear-Chicago Corp. - 1964-1966

**ELECTRONIC SECURITY, CRYPTOGRAPHY & CRYPTANALYSIS:**

U.S. Army Security Agency – 1958

**LEGAL SERVICES:**

Attorney At Law – General Practice – 1975 to Present

**ACADEMIC BACKGROUND:**

**BS in Electrical Engineering** – Lehigh University, Bethlehem, PA, 1955

**Juris Doctor** – Temple University, Philadelphia, PA, 1975

## PRESENTATIONS:

- “Electrical Safety in the Operating Room”*  
Association of Operating Room Nurses - 1974
- “Product Liability and Hospital Safety”*  
Montgomery Bar Association – 1982
- “Product Liability of Biomedical Devices”*  
Montgomery Bar Association – 1984
- “Product Liability: An Attorney/Expert Witness Perspective”*  
Montgomery County Medical Society & Montgomery Bar Association – 1986
- “Using the Expert Witness – Voir Dire & Direct Testimony”*  
Montgomery Bar Association – 1990
- “Depositions of Experts – Video and Otherwise”*  
Montgomery Bar Association – 1993

## PROFESSIONAL AFFILIATIONS:

- American Society of Safety Engineers – Consultant’s Division  
Association for the Advancement of Medical Instrumentation  
International Association of Arson Investigators  
Forensic Professionals Society – Past President  
Pennsylvania Bar Association  
Montgomery (County) Bar Association  
Admitted to the Bar of the Supreme Court of Pennsylvania  
Admitted to the Bar of the U.S. District Court (ED PA)

## SUBJECT/PROJECT LIST:

- |                                       |  |
|---------------------------------------|--|
| Anesthesia Monitors                   | Health Care Facility - Policies & Procedures |
| Apnea Monitors                        | Heart Monitors                               |
| Biomedical and Chiropractic Equipment | High Voltage Wiring – Explosion/Fire         |
| Burns from Medical Treatment          | Hospital Accreditation – J.C.A.H.O.          |
| Defibrillators                        | Hospital Bed Injuries                        |
| Dental Equipment                      | Laparoscopes/Endoscopes                      |
| Electrical Wiring and Fires           | Medical Equipment Injuries                   |
| Electrical/Electronic Safety          | Laser Safety                                 |
| Electro-convulsive Therapy Devices    | MRI Injuries                                 |
| Electrocution and Shock               | Nursing Home Injuries                        |
| Electrosurgery – Burns and Fires      | Oxygen Monitoring and Supply                 |
| Examining and Procedure Tables        | Patient Lifts                                |
| Fetal Monitors                        | Treadmill Injuries                           |
| Fires from Electrical Fault           | Warnings                                     |
| Health Care Devices                   | Wheelchairs and Wheelchair Lifts             |
| Health Care Facilities – Falls/Burns  |  |

## PARTIAL CLIENT LIST:

### ATTORNEYS:

Post & Schell - Philadelphia, PA  
Cone, Wagner, Nugent – Miami, FL  
Margolis, Edelstein - Philadelphia, PA  
Plunkett & Cooney – Kalamazoo, MI  
Libkuman, Ventura, Ayabe, Chong &  
Nishimoto – Honolulu, HI

Floyd, Pearson, Richman, Greer – Miami, FL  
Shanley & Fisher – Newark, NJ  
White & Williams - Philadelphia, PA  
Levinson, Axelrod, Wheaton & Grayzel –  
Edison, NJ  
Marshall, Dennehey - Philadelphia, PA

Giordano, Halleran & Ciesla – Middletown, NJ  
Foley, McLane, Nealon, Foley & McDonald –  
Scranton, PA  
Segal, Wolf, Berk & Liss - Philadelphia, PA  
Ford, Walker, Haggerty & Behar –  
Long Beach, CA  
Trubman, Chaiken & Kosseff - Philadelphia, PA

Scanlon & Robinson – New Providence, NJ  
Ashcraft & Gerel – Washington, DC  
Trogan & Trogan – Saginaw, MI

### HOSPITALS:

Montgomery Hospital  
North Penn Hospital  
Rolling Hill Hospital  
Lawndale Community Hospital  
Oxford Hospital  
Warminster General Hospital  
Paoli Memorial Hospital  
Hospital of the Medical College of PA  
Broad Street Hospital

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Uiterwyk, Sanchez & Associates – Tampa, FL  
Ratner & Prestia – Valley Forge, PA  
M. Mark Mendel, Ltd. - Philadelphia, PA  
Young, Clement, Rivers & Tisdale –  
Charleston, SC

Shrager, McDaid, Loftus, Flum & Spivey –  
Philadelphia, PA  
Kujawski & Faerber – Belleville, IL  
Cozen & O’Conner - Philadelphia, PA  
Hiscock & Barclay – Syracuse, NY  
Lowenthal & Abrams – Bala Cynwyd, PA

Chappell & Smith – Columbia, SC  
Gibbons & Blackwell – New Iberia, LA  
McCarter & English – New York, NY  
Morris, Craven & Sulak – Austin, TX  
Clark & Scott – Birmingham, AL

Drazin & Warshaw – Red Bank, NJ  
Meyer, Stone & Stratman – Evansville, IN  
Becker Law Office – Louisville, KY  
Williams, Jilek, Lafferty, Gallagher & Scott –  
Toledo, OH  
Ness, Motley - Charleston, SC

Kensington Hospital  
Haverford State Hospital  
Episcopal Hospital  
West Park Hospital  
Northwestern Institute of Psychiatry  
Malvern Institute  
St. Mary’s Manor  
TheraCenters. Inc.  
Elizabeth Blackwell Center for Women

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### **ILLUSTRATIVE CASE OUTCOMES**

#### Plaintiff:

Hospital Bed Failure – Paraplegia	\$21,200,000.00
Surgeon Fall in Hospital – Career-ending Injury	\$16,950,000.00
Surgical Monitor Alarms – Brain Injury	\$ 6,500,000.00
Operating Room Fire – Burns/Resuscitation	\$ 3,000,000.00
Wheelchair Out of Control – Death	\$ 900,000.00
Fall off X-Ray Table – Fractures	\$ 250,000.00
Fall in Nursing Home – Fractures	\$ 125,000.00
Wheelchair User Dropped from Lift	\$ 130,000.00
Misuse of Electrosurgical Scissors – Ureter Burns	\$ 150,000.00
Surgical Tourniquet Failed – Shoulder Injury	\$ 80,000.00

#### Defense:

Fall from Wheelchair at Curb-Cut	Defense Verdict
Cleaning Hospital Bed – Back Injury	Defense Verdict
Injury During Hospital Bed Maintenance – Fracture	Settled for Defense Costs
Hospital Bed Malfunction – Leg Injury	Small Settlement
Oxygen Regulator Faulty Design – Death	Manufacturer Contributed \$500,000.00 to Settlement
Wheelchair Fitted Van – Fall – Death	Settlement: \$150,000.00
Electrosurgical Burns – Child	Settlement: \$225,000.00
Surgeon Injured in Operating Room	Small Settlement

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# **SURGEON INJURED IN HOSPITAL FALL**

## **VERDICT: \$16,950,000**



## **PLAINTIFF v. HOSPITAL**

**\* CASE SUMMARY ON FOLLOWING PAGE**

*"Your testimony was instrumental in allowing the jury to understand all of the testimony and to apply the JCAHO standards for hospital safety to that testimony. Thank you for your assistance throughout this case and for your prompt replies to all our requests." -*

**Trial Attorney**

## HOSPITAL FALL ENDS SURGEON'S CAREER

**VERDICT: \$16,950,000**

**CASE:** The 42 year-old plaintiff, a surgeon, entered a hospital pantry for coffee. He slipped and fell on accumulated water or ice from the equipment in the pantry. Several other pantries within the hospital had installed non-slip mats. This one did not.

The surgeon injured his arm and bruised a kidney in the fall. He developed RSD in his left arm, which caused tremor and weakness as well as severe pain. This was a career-ending injury.

**FINDINGS:** The RMS Expert opined that the hospital failed to follow JCAHO (Joint Commission on Accreditation of Healthcare Organizations) standards, which required coordination of safety concerns between departments and reporting of hazards. The continual presence of water on the pantry floor was recognized as hazardous by the department nursing personnel but never reported to the safety committee. Similarly, the solution of non-slip mats on other floors was not reported to the safety committee.

**RESULT:** The jury returned a verdict of \$16,950,000.00 in favor of the plaintiff surgeon after a seven-day trial. 100% liability was attributed to the hospital. Affirmed on Appeal.

**EXPERT TASKS:**

- Trial preparation and testimony
- Comprehensive Report
- On site inspection and photography
- Review of Joint Commission on Accreditation of Healthcare Organizations' standards
- Review of depositions, reports and discovery material
- Review of hospital policies and procedures and maintenance records