

similar field of medicine as the defendant(s), and the expert shall be Board certified in the same or similar field of medicine of the defendant(s) is Board certified.

2. The Court has reviewed *in camera* the affidavit of merit and the accompanying curriculum vitae of Plaintiff's expert. The Court finds:

- (a) The affidavit is signed by an expert witness.
- (b) The affidavit is accompanied by a current curriculum vitae.
- (c) The curriculum vitae shows that the affiant is licensed to practice nursing in Pennsylvania, is a certified legal nurse consultant, and specializes in critical care nursing; and in the 3 years preceding the alleged negligent act, had engaged in the treatment of patients and the practice of critical care nursing.
- (d) The affidavit sets forth the expert's opinion that there are reasonable grounds to believe that the care and treatment rendered to Mr. Zawaski constituted nursing negligence as to each Defendant and fell below the accepted medical standards as it relates to each of the claims in the complaint.
- (e) The affidavit sets forth the expert's opinion that the Defendants knew that Mr. Zawaski was at risk for a skin breakdown and that the failure of nurses to prevent pressure ulcers from developing and worsening is a deviation from acceptable standards of care and was the proximate cause of the injuries sustained.
- (f) The expert tendered its opinion to a reasonable degree of nursing probability.

WHEREFORE, the Court finds that Plaintiff's affidavit of merit complies with 18 *Del. C.* §§ 6853 (a)(1) and (c).

IT IS SO ORDERED.

/s/ Diane Clarke Streett
Diane Clarke Streett, Judge

Original to Prothonotary

cc: Gary S. Nitsche, Esquire
Stephen J. Milewski, Esquire
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