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PAIN MANAGEMENT

When Not Treating Pain Equals Abuse

With a hefty verdict, California jury sends hospitals a message about relieving patients' agony

A California jury put new pressure on hospitals and doctors treating older patients in pain by delivering a \$1.5 million verdict against a physician for allegedly allowing an 85-year-old man to spend his last few days of life in agony. While the jury's June verdict was knocked down to \$250,000 by a judge in August, the message to the medical profession is clear: Failing to relieve a dying person's pain can be considered elder abuse.

"Hospitals should know that patients are more aware now of the implications of managing pain and will be more vigilant in their pursuit of pain management," says

Cassandra Phelps, spokeswoman for Eden Medical Center, Castro Valley, where William Bergman was treated shortly before his death. The 277-bed hospital, affiliated with the large Northern California system Sutter Health, settled out of court with Bergman's family for \$50,000 and a pledge to expand pain management education. The hospital did not acknowledge wrongdoing.

When Bergman died in 1998, Eden was setting up a pain management program in response to Joint Commission on Accreditation of Healthcare Organizations plans to evaluate pain management in accreditation surveys. Those new standards

went into effect Jan. 1, 2001. Phelps said the Bergman case did not affect the hospital's plans to update pain management protocols.

The Bergman case made it this far because state medical boards are lax in enforcing the standard of care when it comes to pain control, says Barbara Coombs Lee, president of the Compassion in Dying Federation, Portland, Ore., which pushed the case. "The entire medical community is now on notice of the seriousness of the undertreatment of pain," Lee says. "This is medical education by jury trial."

Meanwhile, the California legislature is debating whether to require physicians to take continuing education in pain management. California is the only state considering such a law, but Lee's group is lobbying state medical boards to increase education of doctors and clamp down on undertreatment of pain. Regardless, Eden's Phelps says hospitals can expect to see patients more educated about pain control. "It's not just the Joint Commission that's looking at pain management," she says.—JAN GREENE ●

BOND RATINGS

Maxed Out

Smaller hospitals, health systems hit a wall when it comes to financial measures

Many stand-alone hospitals or small systems in remote parts of the country are performing well financially, bucking the national trend among hospitals. While they have also bucked the bond-rating plunge currently plaguing the field, their ratings are not improving, either. Why? "The fact is, there are a lot of ratings out there that are effec-