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California Law Firm Files Groundbreaking Case Against Hospice for Improper Pain Management of Terminally Ill Patient

February 16, 2011 - CALIFORNIA - The Law Offices of James Geagan recently filed the case of Hargett-Beebee v. Vitas in the Superior Court of Alameda County. In September 2009, Michelle Hargett Beebee, a 43-year-old mother of three young children, was diagnosed with advanced pancreatic cancer. Her pain and symptoms escalated quickly and soon after Michelle was referred to hospice care at Vitas, the nation's largest for-profit hospice chain. Michelle entered Vitas hospice in November 2009 with the goal of bringing her pain and symptoms under control and to have a peaceful death.

Instead, her final weeks were underscored by terrible and almost continuous pain. Michelle was never told about her pain-management options, despite receiving care in California, where the California Right to Know End-of-Life Options Act requires health care providers to inform terminal patients, upon request, of all their end-of-life options.

Michelle's parents were at her side advocating strongly for optimal care and pain management. Despite their advocacy and a state law designed to help patients make informed choices, she was never told that medications were available to her that would have eased her acute pain.

This terrible story should never be repeated. That's why Compassion & Choices has filed a groundbreaking lawsuit in Alameda Superior Court under the California Elder and Dependent Adult Abuse Act. The medical negligence lawsuit seeks accountability from the Hospice for its reckless failure to treat Michelle's unrelieved agony as she approached death and for its failure to inform Michelle of her option to choose "palliative sedation".

According to The Journal of American Medical Association (JAMA) palliative sedation is the use of sedative medications to relieve extreme suffering by making the patient unaware and unconscious (as in a deep sleep) while the disease takes its course, eventually leading to death. The sedative medication is gradually increased until the patient is comfortable and able to relax. Palliative sedation is not intended to cause death or shorten life.

This legal action is the first in the nation to allege that failure to tell a patient about palliative sedation falls outside the medical standard of care.

Michelle and her survivors are represented by attorneys James Geagan of Sonoma and Kathryn Tucker, Director of Legal Affairs for Compassion & Choices. Tucker said, "Either Michelle was not given adequate pain medication, or her pain wasn't going to be adequately relieved, and she should have been offered 'palliative sedation.' In either case, she was left uninformed, in violation of the Right to Know Act, and she suffered terribly in her final days."

This medical malpractice lawsuit will reverberate across the country, making its outcome crucial to all concerned with patient rights, pain management and personal liberties.