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## HOUSE JOINT RESOLUTION NO. 160

Offered January 14, 2004

Prefiled January 14, 2004

*Directing the Joint Commission on Health Care to study pain management in long-term care facilities in the Commonwealth. Report.*

Patrons—Brink and Eisenberg

Referred to Committee on Rules

WHEREAS, the Commonwealth must recognize an individual's basic need to be free from physical pain and should protect health care providers from prosecution for good faith efforts to manage pain; and

WHEREAS, in 1994, the Commonwealth was one of the first states to seriously address acute, chronic, and cancer-related pain through the enactment of Senate Joint Resolution 72, creating the Joint Subcommittee to Study the Commonwealth's Current Laws and Policies Related to Chronic, Acute, and Cancer Pain Management; and

WHEREAS, between 1994 when the joint subcommittee was created and 1999, the General Assembly passed a total of 11 bills and resolutions relating to pain management in Virginia; and

WHEREAS, in 1995, by legislative mandate, a national symposium on pain management was given in Richmond; and

WHEREAS, in 1999, guidelines were developed by the Medical Society of Virginia for the use of opioids to treat chronic pain that were approved by the General Assembly and publicized by the Board of Medicine; and

WHEREAS, research shows that up to 85 percent of nursing home residents have physical pain although pain is not a normal part of the aging process; and

WHEREAS, a 2002 report on dying in America demonstrated that 39.1 percent of nursing home residents in Virginia have persistent pain and that Virginia earned a "D" on "strength of state pain policies"; and

WHEREAS, this report indicated that, although 31 states have end-of-life care initiatives, Virginia has no such initiative; and

WHEREAS, a recent study of 2,065 nursing facility residents found that 76.8 percent reported chronic pain and received at least one selected analgesic for such pain; and

WHEREAS, however, this study found that 40.6 percent of the nursing facility residents received no pain assessment during this study; 41.8 percent were assessed for pain by observation only; and only 16.6 percent were assessed by objective measures, i.e., numeric pain scales; and

WHEREAS, although numerous studies indicate that many of these residents were at risk for pain that may have been treatable through alternative therapies, 69.4 percent of the residents in this recent study received no nonpharmacological therapy for pain; and

WHEREAS, other studies have shown that many nursing home residents have daily or excruciating pain, many residents show signs of pain, such as grimacing, that are routinely considered signs of psychological distress; and that a comparison of patients with and without dementia who had broken hips or pneumonia showed that the dementia patients received less than half the pain medications of those without dementia; and

WHEREAS, pain standards are available from several organizations, including the American Geriatric Society, the American Medical Association, the American Pain Society/American Academy of Pain Management; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Health Care be directed to study pain management in long-term care facilities in the Commonwealth. The Joint Commission shall examine the issue of developing a pain management standard for long-term care facilities in Virginia.

In conducting its study, the Joint Commission shall review the report of the National Conference of State Legislatures titled "State Initiatives in End of Life Care," outlining advice and questions to guide legislators in improving pain and symptom management for patients approaching the end of their lives.

All agencies of the Commonwealth shall provide assistance to the Joint Commission on Health Care for this study, upon request.

The Joint Commission on Health Care shall complete its meetings by November 30, 2004, and the Director shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2005 Regular Session of the General

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**59** Assembly. The executive summary shall state whether the Joint Commission intends to submit to the  
**60** General Assembly and the Governor a report of its findings and recommendations (for publication as a  
**61** document). The executive summary and report shall be submitted as provided in the procedures of the  
**62** Division of Legislative Automated Systems for the processing of legislative documents and reports and  
**63** shall be posted on the General Assembly's website.