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Pain doctor reaches settlements in deaths

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A Billings doctor who treated patients with chronic pain has settled three medical malpractice lawsuits with similar claims that the physician's negligence resulted in the deaths of his patients.

The most recent lawsuit was settled just two months after it was filed, and all three legal claims were resolved through confidential agreements that bar the parties from talking about the cases.

The lawsuits involve Dr. David Healow, a Billings physician and anesthesiologist who formerly operated a clinic called Pain Control Consultants P.C. The clinic closed in 2006.

Healow has been named in other medical malpractice lawsuits, including a case filed in 2004 by a woman who claimed that she was injured by Healow during an abortion.

Healow declined Wednesday to comment about the lawsuits. Billings attorney Jon M. Moyers, who represented all three families in the recently settled lawsuits, also declined to comment, citing the confidentiality agreements in each case.

Records in Yellowstone County District Court disclose allegations that Healow prescribed potentially lethal doses of pain medication to at least two patients and in one case failed to properly treat a patient who developed an infection from a pain medication pump surgically inserted into his abdomen.

The first of the three recent malpractice suits against Healow was filed in November 2002 by the widow and daughter of Robert "Mike" Wood, a Laurel man who died on Dec. 22, 2000, at age 41.

The lawsuit sought unspecified damages from Healow and was settled by a confidential agreement in March 2004.

According to the lawsuit, Wood suffered chronic pain from a work-related back injury and began treatment with Healow in August 1997. As part of the treatment, Healow surgically inserted an "intrathecal morphine system" into Wood's abdomen in 1999. The system uses a pump and catheters to release timed doses of pain medication directly into the spine.

The lawsuit states that the system failed and Wood developed an infection that within a year developed into meningitis. Days before his death, Wood was taken to a Billings hospital for emergency care, the lawsuit states, and doctors decided to operate to remove five catheters left attached to his spine during previous efforts by Healow to fix the implanted pain system.

During the surgery, Wood suffered a heart complication and had to be revived, the lawsuit states. He died the next day after another heart failure.

The lawsuit states that Healow "did not consult with an infectious disease specialist or surgeon as to the appropriate treatment of Mr. Wood's infection, and he did not refer Mr. Wood to any specialist for a second opinion."

As a result, the lawsuit states, Wood could not make an informed decision about his medical care and Healow was "negligent and deviated from the accepted standards" of care. Healow was accused in the lawsuit of committing malpractice that led to death of Wood.

In the second lawsuit, filed in March 2006, the widower and three children of a Livingston woman alleged that Healow prescribed massive and lethal doses of methadone that led to the woman's death.

The legal case fills five court files. It reached the Montana Supreme Court last year on a writ when Moyers asked the justices to intervene and order Healow to release the records of other patients who died while under his care.

The lawsuit involves Christine Kearney, who died on March 6, 2003, at age 35. She suffered from multiple sclerosis and a viral infection, and she began treatment with Healow for chronic pain in 1997.

The lawsuit alleges that Kearney was prescribed massive doses of methadone that led to her death. An autopsy report by Billings pathologist Dr. Thomas Bennett noted that Kearney had "very high levels of methadone" in her body when she died, and her death "appears to be drug-related."

Methadone is an opiate that can be a "respiratory depressant" in large doses, Bennett said in the report.

An affidavit filed in the case by Billings neurosurgeon and pain specialist Dr. John C. Oakley found "the amount of methadone Dr. Healow prescribed (to Kearney) is, by any standards in pain medication, excessive and possibly lethal. It is five times the amount of methadone considered excessive in treatment of heroin addicts. It is almost twenty

times the average dose prescribed in that population, according to national survey results. It is ten times the dose of methadone considered to be a 'high dose' in patients with chronic pain. Prescriptions of such high doses is substandard care, even if the patient had been adequately advised of the attendant risks of heart or lung failure, which she was not, and even if she had been carefully monitored, which she was not. The risks associated with such high doses of methadone are well discussed in the literature."

Oakley said that the methadone, alone or in combination with other prescribed drugs, caused Kearney's death through cardiac or respiratory failure.

Oakley died in a plane crash in Utah on April 17, 2006. He filed the affidavit as part of a medical panel review of the case before the lawsuit was filed.

The third and most recent lawsuit against Healow was filed in March by the widow of Roundup resident Steven B. Webb. He was a patient of Healow's and died Nov. 4, 2003, at age 31.

According to the lawsuit, Webb died as a result of "prescribed medication in sufficient quantity to cause respiratory and cardiac depression." Healow did not monitor Webb's use of medication, the lawsuit states, and failed to advise Webb of the risks of overdose or death as a result of taking the medication.

A one-page order issued by Judge Susan Watters on May 27 dismisses the lawsuit "pursuant to a confidential release and settlement agreement." Healow did not file a formal response to the lawsuit before the settlement was reached.

At least one other lawsuit filed against Healow had been dismissed without a trial or settlement agreement.

Lorraine Thul alleged in lawsuit filed in 2004 against Healow and Intermountain Planned Parenthood that she was injured during an abortion performed by Healow in 2002.

Thul claimed Healow perforated her uterus during the procedure and did not discuss with her potential complications before the surgery. Healow also failed to tell Thul that he was certified as an anesthesiologist and not a surgeon, the lawsuit claimed.

Court records show the lawsuit was dismissed in May 2005 after Thul failed to make several court appearances.

In 2000, Healow was named in a medical malpractice lawsuit filed by the family of Wyoming man. Healow was accused of negligence in the death of a patient, Robert Thompson, who died at age 40. Thompson died of complications from a surgically implanted morphine pump to treat the man's chronic back pain, the lawsuit claimed.

The lawsuit was dismissed in August 2002. It was unclear from the court records if a settlement was reached in the case.

According to state records, Healow has been a licensed medical doctor in Montana since 1984. Montana Department of Labor and Industry records show "no adverse information concerning this licensee."

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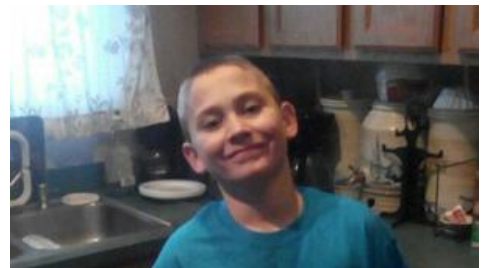
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