

Hospital Will Police Doctors For Drug and Alcohol Abuse

By ALLEN R. MYERSON

DALLAS, July 9 — A Texas hospital, owned by the nation's second-largest for-profit chain, agreed today to police its doctors for drug and alcohol abuse and to ask the state Legislature to review laws that keep secret the disciplinary procedures against doctors.

The agreement came in a \$9.5 million malpractice settlement that experts said could make hospitals more responsible for weeding out incompetent doctors, rather than relying on licensing boards to do it.

Few hospitals now conduct drug testing of doctors, and secrecy about complaints of malpractice often allows incompetent doctors to quietly move on to practice elsewhere.

In the settlement, the Texas hospital, in Lubbock, and an anesthesiologist with a history of drug abuse admitted to their roles in a botched delivery that led to the death of Margo Glickman Johnson, 20, and her unborn child. The hospital sought to keep the settlement terms confidential, but Ms. Johnson's father insisted that it agree to broad, public reforms.

A spokesman for the American Hospital Association, Richard Wade, said, "This is clearly going to be a precedent-setting decision."

Many hospitals have sought or defended state laws, like one in Texas, that shield hospital disciplinary records and that often protect institutions from responsibility for actions by their medical staffs.

Jack Glickman, Ms. Johnson's father, said he was incensed to learn that the hospital, South Park Hospital and Medical Center, had not begun any drug testing even after his daughter's death, on July 4, 1995.

"The money was the secondary issue," Mr. Glickman said. "If you put everybody who comes into that hospital at risk because you don't test for drugs or train the staff, then

nothing would be accomplished."

At the Lubbock hospital, like many others, any drug testing would require the medical staff's consent because doctors are usually not hospital employees.

The hospital was owned by Ornda Healthcorp of Nashville in 1995 and was bought this year by the Tenet Healthcare Corporation of Santa Monica, Calif. Tenet has a total of 130 hospital in 22 states and is second in size to the Columbia/HCA Healthcare Corporation, which has about 350 hospitals.

Although Tenet executives approved today's settlement, the company said it was only beginning to consider whether to change procedures at its other hospitals.

"This settlement is limited to one hospital," said Lance Ignon, a company spokesman. "To say whether we are going to try and install some sweeping changes in the way we do business would be premature."

But experts on malpractice law said the settlement would make it more difficult for Tenet hospitals or others to avoid responsibility for incompetent or drug-addicted doctors.

The anesthesiologist, Dr. Jack Dunn 3d, was accused of puncturing the primary vein to Ms. Johnson's heart with an anesthetic injection. Ms. Johnson went into cardiac arrest and died. Spencer G. Markle, a lawyer for Dr. Dunn, said his client denied being under the influence of drugs at the time. Dr. Dunn settled a year ago for \$1 million, the limit of his malpractice insurance coverage.

"There was some evidence available to the hospital that he may have had a problem," Mr. Markle said, "but the hospital failed to do any investigation whatsoever."

He said Dr. Dunn was still licensed to practice but was not doing so. Mr. Glickman's lawyer said the doctor's medical license was under state review, but Mr. Markle denied this.