

Hospital settles \$9.5 million suit

Drug addicted doctor caused death

By GRAHAM UNDERWOOD
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The family of a Lubbock woman who died while in labor two years ago from an anesthesiologist's mistake has settled for \$9.5 million with South Park Hospital and Medical Center.

Margo Glickman Johnson, a 20-year-old woman delivering her first child, died July 4, 1995, when Dr. Jack Dunn III attempted to administer an epidural anesthesia in her spinal canal. Instead, according to documents signed by attorneys for both Johnson's family and South Park, Dunn pierced a large vein that caused the anesthetic drugs to travel directly to her heart.

The settlement also names as defendants five attending nurses who did not properly resuscitate Johnson or attempt to deliver her baby, who also died.

Dunn, the documents state, had a history of drug abuse that was kept from hospital officials. But the hospital did not contact three references given by Dunn when he started to work there until three days after Johnson's death, the documents state. One of the references, the hospital's own director of anesthesia service, reportedly knew of Dunn's

drug problems.

Dunn settled with Johnson's survivors last year for \$1 million. That sum will be divided equally between Johnson's husband, David of Abilene, her father, Jake Glickman of Big Spring, and her mother, Mercy McGee of Dallas.

Of the \$9.5 million from South Park, \$3.5 million goes to Johnson and \$1 million to McGee. The remaining \$5 million goes to Glickman.

"This case is a series of tragedies," said Houston attorney Richard Mithoff, who represented Margo Johnson's family. "But we are hoping we can make some changes so no one else has to ever go through this anguish and misfortune."

Under the settlement, South Park promised to begin drug-testing of its physicians, to more thoroughly check backgrounds of its physicians and to suspend medical staff members for at least 60 days if they do not report drug abuse in co-workers.

"Dr. Dunn was a partner in a premier anesthesia group. He was credentialed at Methodist (Hospital.) South Park had no forewarning of his impairment,"

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Settlement reached in South Park delivery death case

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said Tom Johnson, the attorney who represented the hospital.

Tommy Turner, the Lubbock attorney who represented David Johnson and McGee, said the case is a rare one in his career because the defendant, South Park, apologized. Turner said he also hopes that the case causes some change in personnel disclosure laws.

"The tragedy is that if the law wasn't the way it was, this guy (Dunn) never would have been working on our kid to start with."

In the settlement, Glickman and South Park also agreed to jointly lobby state legislators for laws that

would allow more disclosure of hospitals' internal records. The document mentions that Methodist Hospital files contained a 14-page letter from Dunn to a former girlfriend in which the anesthesiologist admitted to abusing drugs and wrote that he had been accused of killing someone while under their influence. Had Glickman's attorneys not received the letter from someone else, the settlement states, it would have remained in Methodist's files.

"We hope that this agreement provides the family with some peace of mind that will allow them to move forward with their lives. We also will continue to review our medical staff

credentialing process to look for ways to implement new practices that will help assure that all patients at South Park receive the finest quality of care at our facility whether that care is provided by our employees or our staff physicians," said South Park Chief Executive Officer Clint Matthews.

Frank Newton, Texas Tech Law School Dean and president of the State Bar Association, said Texas law does not prohibit employers from discussing drug or other problems of past employees. But it does allow those employees to sue their old bosses if the poor references are untrue.

If more immunity in disclosing

personnel matters is allowed, Newton said, an outcry will result from doctors and other workers.

"You run the risk that people could be blackballed in their careers without any basis," he said. "There's no quick fix."

The final judgment, signed by District Judge John T. Forbis of Childress, also orders that South Park and Dunn take nothing in the civil suits they have filed against each other.

Dunn's physician's license lapsed at the end of last year because of non-payment, according to the Texas State Board of Medical Examiners. It listed no pending disciplinary actions.