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Editorial: Protecting doctors or protecting patients?



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Vernon Bryant/Staff Photographer

A federal lawsuit filed against Baylor Health Care System claims that Baylor Regional Medical Center at Plano (pictured) didn't seek Dr. Christopher Duntch's resignation amid months of botched spinal treatments until one of his patients died in March 2012.

Published: 06 March 2014 07:47 PM

Updated: 06 March 2014 07:51 PM

Front-page stories about lack of medical oversight have, sadly, become almost commonplace. In just the past year, we've seen security and management problems almost close venerable Parkland Hospital; a six-hospital chain run by Dr. Tariq Mahmood shut down after mismanagement and safety issues. This week, we read the harrowing story of neurosurgeon Christopher Duntch, whose case a Texas Medical Board spokeswoman called one of the state's most egregious involving a neurosurgeon.

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The board suspended Duntsch's license in June and revoked it in January, citing six cases in which Duntsch violated care standards, including two patients who died. The board's action was the closest we get to good news in this story. Among the bad news? The suspension didn't occur until 11 months after a physician informed the board of Duntsch's dangerous practices. That is an unacceptable lag when patients' lives are on the line.

Beyond that, Duntsch's case exposes a system that seems preoccupied with lawsuit aversion and erring on the side of doctor protection rather than shielding patients from harm.

In 2011, Duntsch was granted operating privileges at Baylor Regional Medical Center at Plano. By December of that year, Duntsch was already having problems. In little more than two months, he had at least three incidents in which an operation went seriously wrong, including one that involved a childhood friend and roommate. The roommate later alleged that Duntsch had been using cocaine the night before. Duntsch denies that.

According to Duntsch himself, that last incident led to a two-week suspension and drug test, which he said he passed. A month later, Duntsch performed his last operation at Baylor Plano; it resulted in the death of an elementary school teacher.

After leaving the hospital, Duntsch hired a lawyer who extracted a letter from the hospital stating, "As of this date, there have been no summary or administrative restrictions or suspensions of Dr. Duntsch's Medical Staff membership or clinical privileges."

Duntsch subsequently practiced at two other hospitals, where his trail of problems continued.

"We agree it is our responsibility to the public to answer as many questions as we can," a Baylor Plano spokesperson said Thursday, "but we trust you understand there are details that we cannot discuss due to pending litigation."

Baylor Plano has said that the lawsuit allegations are misleading and that, although it did not alert the Texas Medical Board, it learned that someone else had filed a complaint, and it cooperated with the investigation.

That's not a response that inspires confidence. We urge Baylor Plano to demonstrate greater transparency and take a more aggressive approach in dealing with problem doctors such as Duntsch. And for the Legislature and governor's office to look into ways that medical board investigations can be sped up. Taking 11 months to suspend the license of a doctor in an egregious case is way too long.

If there is anything positive in this horrendous story it is that physicians, such as Dr. Robert Henderson and Dr. Randall Kirby, were so outraged by Duntsch's actions that they stepped forward to denounce one of their own.

We would hope those who perform oversight of physicians would be as aggressively vigilant.

Questions Baylor Plano should answer

Was Duntsch suspended by Baylor? If so, why was that not indicated in the letter it issued to him?

Did Baylor Plano inform the Texas Medical Board of the many problems with Duntsch? If so, when?

Did it report problems to the National Practitioners Database, a federal databank that shares such information among hospital administrators?

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5 hours ago

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