



FOR IMMEDIATE RELEASE

Interviews available:

- Kirk Johnson, son of Congresswoman Eddie Bernice Johnson
- Les Weisbrod, attorney, Miller Weisbrod Olesky, for the family

**INFECTION DUE TO MEDICAL NEGLIGENCE CAUSES DEATH OF
FORMER CONGRESSWOMAN EDDIE BERNICE JOHNSON**

**Pre-suit Notice Letters Sent to Baylor Scott & White Health System and
Baylor Scott & White Institute for Rehabilitation
After Negligent Care Leads to Former Congresswoman's Wrongful Death**

**Patient Left Unattended and Sitting in Her Own Feces
Causing Surgery Wound to Be Infected**

Congresswoman Dies a Terrible, Painful Death



Former Congresswoman Eddie Bernice Johnson
Image courtesy of Johnson Family

DALLAS, TX – (January 4, 2024) -- A mandatory pre-suit notice letter was sent today to Baylor Scott & White Health System and Baylor Scott & White Institute for Rehabilitation putting them on notice of the intent to file a lawsuit for medical negligence resulting in the wrongful death of Former Congresswoman Eddie Bernice Johnson. The notice letter was sent by attorney Les Weisbrod,

named partner of Miller Weisbrod Olesky LLP, on behalf of the family of Former Congresswoman Johnson.

Congresswoman Johnson, who recently celebrated her 89th birthday, was the first registered nurse elected to the U.S. Congress and retired in 2023 after 15 congressional terms representing the 30th Congressional District of Texas, which included Dallas County, a large portion of the City of Dallas and the entire cities of DeSoto, Lancaster, Wilmer, Hutchins and Balch Springs.

Kirk Johnson, son of Mrs. Johnson, and the entire Johnson family are devastated by her loss and the cause of death. Mrs. Johnson was referred by Dr. Andrew Park, her orthopedic spine surgeon, to Baylor Scott & White Institute for Rehabilitation following back surgery in September 2023.

During a visit to Baylor Scott & White Institute for Rehabilitation by her son on September 21, 2023, Mr. Johnson was shocked to find his mother lying in her own feces and urine. She had been pushing the call button for a prolonged amount of time begging for help. No one had responded. He went to the nursing station on the floor where there was no one at the desk.

Since he could not find any nurses on the floor, he went to administrator's office on 1st floor and asked for the person in charge. David Smith/CEO, Baylor Scott & White Institute for Rehabilitation, identified himself as in charge and followed Mr. Johnson to his mother's room, up a couple of floors.

By the time they got to the room, there were nurses/staff cleaning up the feces. Shanell Armstrong Howell BSN, RN, CIC, Director of Quality Management, Baylor Scott & White Institute for Rehabilitation, was in the room when Mr. Johnson arrived with Mr. Smith. Ms. Howell told him she had reassigned someone else to take care of Mrs. Johnson.

Mr. Smith appeared concerned as he had witnessed and smelled the horrid situation. According to Mr. Johnson, Mr. Smith's response was "This shouldn't have happened." There is no mention of what happened or Mr. Johnson's conversations in the medical records from Baylor Scott & White Institute for Rehabilitation. However, her orthopedic surgeon Dr. Park put in his record:

"Of note, she had some post op complications including when the patient went to rehab post op and on the 4th day, the patient was found in bed sitting in her own feces, which was not being cleaned up. The patient's son had to get the nursing supervisor to finally get help getting her cleaned up. Three days later she began having copious purulent drainage from the low lumbar incision, which required surgical debridement x 2."

Laboratory wound culture reports from both Baylor Scott & White Institute for Rehabilitation and Medical City Heart and Spine, where Mrs. Johnson was transferred for intensive care after the wound was discovered, came back showing organisms directly related to feces.

"The laboratory reports leave no doubt that the infection that killed Former Congresswoman Johnson was caused by the failure of the staff at Baylor Scott & White Institute for Rehabilitation to properly care for Mrs. Johnson and allowing her to have laid in her own feces," said Mr. Weisbrod.

Following surgical repair of the infected wound by Dr. Park, Mrs. Johnson was moved to a skilled nursing facility on October 18 and then to her home on December 18 with hospice care, where she passed away on Sunday, December 31, 2023.

Mr. Weisbrod is a nationally recognized medical malpractice attorney and is the past president of the American Association for Justice (the world's largest trial lawyer association). Mr. Weisbrod was a very close friend and the personal attorney for the Former Congresswoman for over forty years.

"We are shocked about the careless disregard for my mother's care and wellbeing at Baylor Scott & White Institute for Rehabilitation. The name Baylor indicates a certain level of professionalism and the nursing staff and management fall far below a standard of medical care, especially in this situation," said Kirk Johnson, son of Former Congresswoman Eddie Bernice Johnson. "I asked Baylor Scott & White Institute for Rehabilitation CEO Mr. Smith 'Is this how you would like your mother treated? Is this customary treatment for anyone's mother?'"

According to Mr. Weisbrod and public records, Baylor Scott & White Institute for Rehabilitation is operated by Select Medical Rehabilitation Services, Inc., which is owned by Select Medical Holdings Corp. out of Mechanicsburg, Pennsylvania. Although the facility has the Baylor Scott & White name on it, it is not clear what role Baylor Scott & White plays in the administration of Baylor Scott & White Institute for Rehabilitation. A statement found online from February 2018 issued by Baylor Scott & White Institute for Rehabilitation states that Baylor Scott & White Institute for Rehabilitation continues "to be an integral part of the Baylor Scott & White Health Network."

"It is abhorrent that Former Congresswoman Eddie Bernice Johnson, or any patient, could be mistreated and left unattended by the nursing staff at Baylor Scott & White Institute for Rehabilitation. As this lawsuit moves through the Texas legal system, we will be fighting for justice for the Johnson family. Unfortunately, Texas law limits damages in the death of anyone in the state by medical negligence to \$250,000 on the part of a hospital or rehabilitation center. This is a law that needs to be changed," said Mr. Weisbrod. |

The purpose of the mandatory pre-suit notice letters is to give the parties a 60-day period to attempt to resolve a claim before a lawsuit can be filed. Mr. Weisbrod is hopeful that the Baylor entities will seek to settle this matter before a lawsuit is filed because he says "Eddie Bernice Johnson always sought consensus and peaceful resolutions, but she stood up for her rights and those of everyone she represented. She asked me to pursue this case for her weeks before she passed."

DROPBOX:

<https://www.dropbox.com/scl/fo/b19fgcnxnh2lwhctvrj9/h?rlkey=bqgml09r18uf2tn25x21yv9r9&dl=0>

- News release biography on Former Congresswoman Eddie Bernice Johnson issued by her family on December 31, 2023
- Image of Former Congresswoman Eddie Bernice Johnson
- Pre-suit notice letter sent to Baylor Scott & White Institute for Rehabilitation
- Pre-suit notice letter sent to Baylor Scott & White Health System
- Baylor Scott & White Health news release link: "Baylor Institute for Rehabilitation Renamed to Reflect Baylor Scott & White Health Brand"

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