



medicolegal news

A publication of the American Society
of Law & Medicine, Inc.

"continuing medicolegal education"

Vol 2, No. 1

January 1974

NEWS FROM THE SOCIETY— New Developments in Hospital Law

With this edition, MEDICOLEGAL NEWS is being launched on a regular quarterly basis to be sent without charge to members of the AMERICAN SOCIETY OF LAW AND MEDICINE, INC. and available to others at \$10.00 per annual subscription.

The inaugural issue of MEDICOLEGAL NEWS has been distributed to more than 25,000 persons and organizations believed to be interested in the programs of the AMERICAN SOCIETY OF LAW & MEDICINE, INC. The response of readers and of those who have seen notices about our Society in other medical, paramedical, legal and insurance periodicals has far exceeded our expectations. New members are daily being added to our ranks as leading physicians, attorneys, jurists, insurance personnel, nonphysician health-care providers, educators and others interested in medicolegal problems express support of our programs, projects and goals by written comment and completed membership applications. We now boast members from almost every state in the country, from Canada and as far overseas as Israel. Regional activities and local membership programs of the Society are being promoted under the impetus of many inspired members such as Attorney Lawrence Smith of New Orleans and Attorney Myron W. Kronisch of Newark, New Jersey.

Approved by the Executive Committee on October 13, 1973, and by the general membership at a duly called meeting on December 5, 1973, additions and amendments to the Society's By-Laws and Constitution now enable better and more efficient government and organization.

The Council is to be increased to fifty members to allow broader and increased representation.

Ten members-at-large will be elected annually by the general membership. Ten members will represent the field of medicine, ten the field of law, five the judiciary, five the field of insurance, five the field of education and five nonphysician health-care providers. The special category Council members will be elected by vote of members of the category in which they have previously indicated as their primary area of interest.

The Officers of the Society will be elected by the newly-elected Council who will convene for this purpose at the time of the Annual Meeting.

The new By-Laws also allow enrollment of insurers and other corporate entities as sponsor, nonvoting members to provide financial support needed to accomplish Society goals and projects.

The Second Annual Symposium on Medicolegal Evaluation of Disability of the AMERICAN SOCIETY OF LAW AND MEDICINE, INC. was held in Boston on Wednesday, December 5, 1973. The program, presented with the cooperation of the Massachusetts Medical Society's Orthopedic Section, was a resounding success with record attendance.

In continuation of this series, the Third Annual Symposium on Medicolegal Evaluation of Disability will be devoted to the many problems arising in cases of pulmonary disorders, particularly when of occupational origin. The program will be under the direction of Dr. Howard A. Frank, Clinical Professor of Surgery, Harvard Medical School, with the assistance of Dr. Edward A. Gaensler, Professor of Surgery, Boston University Medical School, and Dr. Thomas L. Delbanco, consultant in Thoracic

(continued p. 7)

The Hill-Burton Act and Delivery of Uncompensated Medical Services - A Brief Analysis of the Federal Regulation

by Francis H. Miller, J.D.
Adjunct Professor of Law
Boston University School of Law

When the Hospital Construction and Survey Act of 1946¹, more popularly known as the Hill-Burton Act, was passed by Congress, facilities receiving federal funding were required to assure that they would provide a "reasonable volume of services to persons unable to pay therefor."² The general legislative intent was that this requirement would help provide access to medical care to a segment of the population that had hitherto been denied care or had been reluctant to seek it because of lack of financial resources.³ However, what constituted a "reasonable volume" of uncompensated services was not spelled out in the Act, and the regulation originally designed to implement the requirement⁴ was hardly more specific.

As became increasingly apparent throughout the next two and one-half decades, many hospitals treated the statutory mandate to deliver uncompensated services as mere surplusage. If they were required to account at all for the volume of uncompensated care provided, they simply wrote off their bad debts for the year as Hill-Burton qualifying services. This was usually a fairly impressive figure, but not what the drafters of the statute had in mind.

In the early 1970's a series of lawsuits alleged that certain facilities constructed or renovated with federal funds under the Act had consistently refused to honor their commitment to disburse free or below-cost service. A most important aspect of six of these seven lawsuits was that

(continued p. 4)

News From The Society (continued from page 1)

Medicine and Director, Ambulatory Health Care Program of the Beth Israel Hospital, Boston. The time - all-day Wednesday, November 13, 1974. The place - the Copley Plaza Hotel, Boston.

Although far in the future, the fourth Symposium in this series has been scheduled for Wednesday, November 19, 1975, at Boston's Copley Plaza Hotel. The subject - The Medicolegal Evaluation of Disability in Psychiatric Disorders. The program Chairman - forensic psychiatrist, Dr. Robert R. Mezer.

A step towards the publication of scholarly articles on the many problems interrelating law, medicine, judiciary and insurance by the AMERICAN SOCIETY OF LAW AND MEDICINE, INC. has been taken.

The Executive Committee has approved Society support of a new periodical to be called "The American Journal of Law & Medicine" with John A. Norris, J.D., M.B.A., as Editor in Chief.

Attorney Norris, a member of the Boston law firm - Peabody, Brown, Rowley & Storey - brings to "The American Journal of Law and Medicine" a long background of scholarly achievement and editorial experience. Mr. Norris graduated with honors from a combined J.D./M.B.A. program at Cornell University where he was a Federal Comprehensive Health Planning Fellow and Editor in Chief of Cornell's *International Law Review*.

Because of financial considerations, a firm publication date has not yet been set, but the target date is the Fall of 1974. Meanwhile, members of the Society who wish to be considered for editorial positions on "The American Journal of Law & Medicine" are urged to communicate their interest to Society headquarters, and manuscripts for this new periodical are invited.

On the drawing board are many programs and projects. Exploration and preliminary work have been started on the following:

An **Institute of Legal and Insurance Medicine** to provide continuing medicolegal education to those health-law-insurance professionals who must acquire skills in several disciplines other than their own and who seek graduate level training.

A **Medicolegal Reference Library** to provide access in one library to the literature, periodicals and books of the varied fields of professional interest required for understanding of medicolegal problems.

A **Career Guidance and Counseling Service** to assist individuals who pursue professional careers in areas involving legal and insurance medicine in selecting courses of graduate training.

A **Medicolegal Seminar in Israel** to be held jointly with the Society for Medicine and Law in Israel in the Spring of 1976.

A **Symposium on Pensions for the Disabled** to provide up-to-date, practical information to social workers, hospital personnel, physicians and attorneys on pensions currently available to disabled persons, the applicable laws, and the procedures for application and appeal. Preliminary work on this program has been undertaken by Mrs. Beatrice Phillips, Chairman of the Society's Section on Social Work and Director of Social Services, Beth Israel Hospital, Boston.

A three day **Conference on Legal Implications of Emergency Medical Care** to be held May 21-23, 1975 in Washington, D.C., under the leadership of noted health-law attorney Neil L. Chayet, author of an authoritative book on this subject.

A **Symposium on Expert Medical Testimony and Interprofessional Relationships Between Physicians and Attorneys.**

A **Symposium on Legal Aspects of Computer Use in Medicine.**

Members are urged to communicate their desire to participate as speakers, panelists, etc. in the Society's programs and any suggestions they may have for future Society activities and educational projects to ASLM headquarters at 454 Brookline Avenue, Boston, Massachusetts 02215.

Elliot L. Sagall, M.D.
President
THE AMERICAN SOCIETY
OF LAW AND
MEDICINE, INC.



Dr. Cyril Wecht to Give Annual Address

The annual dinner business meeting of the AMERICAN SOCIETY OF LAW & MEDICINE, INC. will be held starting at 6:30 P.M. on Wednesday evening, May 22, 1974, at the Newton Marriott Hotel in Newton, Massachusetts.

The after dinner program features the noted medicolegal expert and educator, Cyril H. Wecht, M.D., J.D., who will speak on "The Many Interfaces of Law and Medicine."

Dr. Wecht is Director, Institute of Forensic Sciences and Research Professor of Law, Duquesne Univ. School of Law; Clinical Associate Professor of Pathology, University of Pittsburgh Schools of Medicine and Dentistry; Director, Pittsburgh Institute of Legal Medicine; Coroner, Allegheny County, Pennsylvania; Past President, American Academy of Forensic Sciences; Past President, American College of Legal Medicine; and Series Editor of LEGAL MEDICINE ANNUAL.