



# MEDICOLEGAL MEETING CALENDAR

## NATIONAL CONFERENCE ON HEALTH CARE FACILITY LABOR LAW

September 21-23, 1978

Capital Hilton Hotel  
Washington, D.C.

This national conference is designed to afford an opportunity for hospital management personnel, including personnel directors and chief executive officers, attorneys involved with labor law or health law, and representatives of governmental agencies to meet and discuss the current law and policy governing labor relations in the health care industry.

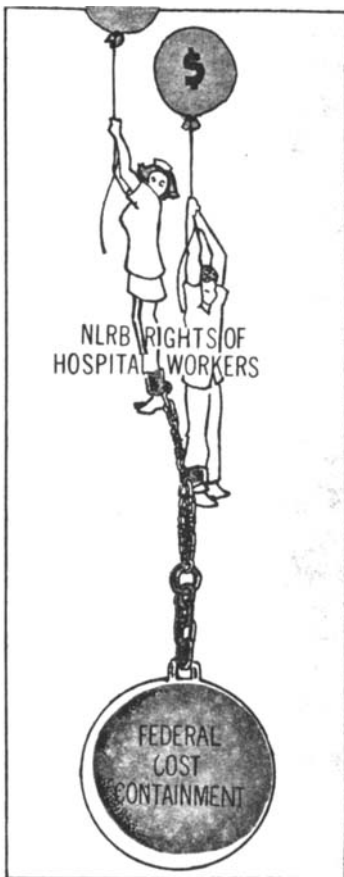
At the Conference, Senator Jacob K. Javits (R-N.Y.) will be honored as the 1978 recipient of the Society's Honorary Life Membership Award for his contributions to the law as it relates to health care institutions, and in particular, his involvement with the 1974 Health Care Institution Amendments to the National Labor Relations Act, which extended NLRB coverage to private non-profit hospitals. Senator Javits will address the Conference attendees and their guests at a dinner on Thursday evening, September 21, 1978, following the presentation of the Award by Elliot L. Sagall, M.D., President of the American Society of Law & Medicine.

Other speakers include Wayne Horowitz, Director of the Federal Mediation and Conciliation Service; John Irving, General Counsel to the NLRB; Don A. Zimmerman, Chief Minority Counsel to the Senate Labor and Human Resources Committee; and Dr. Karen Davis, Deputy Assistant Secretary for Health Planning and Evaluation, DHEW. Dr. Davis will address the Conference concerning federal cost containment and its effects upon labor negotiations in health care institutions.

Private practitioners, Ira Michael Shepard, J.D., of the Washington, D.C. law firm of Carr, Jordan, Coyne and Savits, and John A. Norris, J.D., M.B.A., of the Boston law firm of Powers and Hall, are serving as Conference Co-Chairmen. Mr. Shepard, a management labor law specialist, will speak on health care facility labor law developments from the management viewpoint. Mr. Norris, a health law specialist, will discuss the potential conflicts between federal cost containment efforts and labor relations.

Registration will be limited and advance registration is suggested. The registration fee has been set at \$160 for members of the American Society of Law & Medicine, or of cooperating sponsors, and \$185 for non-members.

For registration or further information, please contact: American Society of Law & Medicine, 454 Brookline Avenue, Boston, MA 02215.



### ADVANCE REGISTRATION COUPON

- Please register me for the *National Conference on Health Care Facility Labor Law* being held at the Capital Hilton Hotel in Washington, D.C. on September 21-23, 1978.
- Please send me information on membership in the Society, and how I can qualify for the member registration fee rate.
  - Members \$160       Non-members \$185      (conference fees and membership fees are tax-deductible)

Name \_\_\_\_\_

Address \_\_\_\_\_

Zip code \_\_\_\_\_

*Make check to the order of the American Society of Law & Medicine*  
Mail to: **American Society of Law & Medicine, 454 Brookline Avenue, Boston, MA 02215**

## CONFERENCE REPORT *Continued from page 17*

While the malpractice suit is the only method presently available for such compensation, Dr. Berlin suggested that the method could change in the future, with patients possibly purchasing their own policies against untoward results of medical practice or through a no-fault system wherein society undertakes the compensation of injured patients.

During the question and answer period that followed, one conference attendee inquired whether a hospital which does not impose such a requirement for malpractice insurance upon its staff might be falling below the standard of care in the community, thereby acting negligently? Mr. Stromberg responded with a guess-timate that, in California, a strong minority, if not a majority, of the hospitals had such a requirement, although few were presently enforcing it. He went on to explain that during the medical malpractice crisis that hit California in 1975, the insurance companies imposed a contractual provision upon the hospitals wherein the hospital was compelled to require its staff physicians to have malpractice coverage. It

was this provision, not the merits for such a requirement, that was the subject of heated debate and special legislative sessions all that summer. Finally, the insurers backed away from the requirement, and so did the hospitals back away from enforcing it, although it is still on the books of many hospitals. Mr. Stromberg also noted that the recent adoption of the doctrine of comparative fault by the California Supreme Court has caused the state hospital and medical associations to reevaluate the value of the requirement. Dr. Fox added that the suggested hospital and medical staff by-laws promulgated by the Joint Commission on the Accreditation of Hospitals do not contain any requirement that malpractice coverage be a prerequisite of staff privileges.

Another questioner raised the issue of whether some members of the medical staff were refusing to work with a colleague who was uninsured, and Dr. Berlin expressed the opinion that this was a medical staff problem and need not be complicated by mandatory hospital requirements. Mr. Stromberg interjected that there are many instances

where the medical staff cannot work things out, and that personal freedom to choose to accept one's own risks is not appropriate when the concept of joint and several liability essentially shifts the uninsured physician's risk to someone else who took the caution to insure, generally the hospital. Dr. Fox asked whether there were any cases where a physician with inadequate insurance coverage was a co-defendant with a hospital, and the hospital was forced to make good on a judgment in greater portion than their respective fault. Mr. Stromberg mentioned two well-known cases where the hospital and its insurer were obligated to pay judgments essentially rendered against underinsured physicians. At this point, the session adjourned.

### References

1. 224 Cal. App. 2d 115, 36 Cal. Rptr. 332 (1964).
2. 392 F. Supp. 393 (E.D. La. 1975).
3. California District Ct., No. P. 28959 (September 26, 1975).
4. 97 Id. 859, 555 P.2d 399 (1976).
5. No. 13220-PR, Arizona Supreme Court (December 9, 1977).
6. 437 F.2d 173.

## MEDICOLEGAL MEETING CALENDAR *Continued*

### OTHER ORGANIZATIONS

**New Concepts of Occupational Medicine under OSHA**, a four day course conducted by the Industrial Health Foundation at the University of Maine in Orono (July 17-20, 1978) and at the Dutch Inn, Orlando, Florida (December 11-14, 1978). Contact: Daniel C. Braun, President, Industrial Health Foundation, 5231 Centre Avenue, Pittsburgh PA 15232.

**Continuing Topics in Forensic Sciences**, the fourth annual seminar sponsored by Colby College, at Waterville, Maine on August 20-23, 1978. Contact: Robert H. Kany, M.D., Division of Special Programs, Colby College, Waterville, ME 04901.

**Rehabilitation and Legal Case Management of the Injured Worker**, sponsored by the Jackson Memorial Hospital and University of Miami School of Medicine, September 19-22, 1978, at Diplomat Hotel, Hollywood, Florida. Contact: Paul Jones, Rehabilitation Center, Jackson Memorial Hospital, 1611 N.W. 12th Avenue, Miami FL 33136.

**38th Annual AMA Congress on Occupational Health**, September 14-16, 1978, in Tucson, Arizona. Contact: Dept. of Environmental, Public and Occupational Health, AMA, 535 N. Dearborn Ave., Chicago IL 60610.

**Medical Staff Leadership Seminars**, sponsored by the American Medical Association at the Fairmont Hotel in New Orleans (September 29-30, 1978) and at the Eden Roc Hotel in Miami Beach (November 3-4, 1978). Contact: AMA, 535 N. Dearborn Ave., Chicago IL 60610.

Annual meeting of the **American Academy of Psychiatry and the Law**, in Montreal, Canada on October 19-22, 1978. For information, contact: J.L. Cavanaugh, Jr., M.D., Dept. of Psychiatry, Rush Medical College, 1753 W. Congress Pkwy, Chicago, IL 60612.

**Medical Malpractice and Hospital Law**, sponsored by the Pittsburgh Institute of Legal Medicine, at Sun Valley, Idaho on March 19-23, 1979. For further information, contact: Cyril H. Wecht, M.D., J.D., Director, Pittsburgh Institute of Legal Medicine, 1519 Frick Building, Pittsburgh, PA 15219.

**Medical-Legal Seminar**, covering medical malpractice, medical expert testimony, hospital law, adverse drug reactions, and product liability, at Palmas del Mar, Puerto Rico on December 22, 1978, thru January 1, 1979. Contact: Cyril H. Wecht, M.D., J.D., Director, Pittsburgh Institute of Legal Medicine, 1519 Frick Building, Pittsburgh, PA 15219.

### FORENSIC MEDICINE AND SOCIETY

In cooperation with the Pittsburgh Institute of Legal Medicine, the Society is pleased to announce a conference dedicated to exploring the current needs and capabilities of the specialty of forensic medicine to be held at the Hotel del Coronado in San Diego, California, on January 25-27, 1979.

Cyril H. Wecht, M.D., J.D., Director of the Pittsburgh Institute, and Irving Root, M.D., a member of the Society's Council and a practicing pathologist are conference co-chairmen.

Details of the program and speakers will be announced shortly.