CALIFORNIA AND WESTERN MEDICINE

OFFICIAL JOURNAL OF THE CALIFORNIA MEDICAL ASSOCIATION

VOL. 48 MARCH, 1938 NO. 3

California and Western Medicine

Owned and Published by the
CALIFORNIA MEDICAL ASSOCIATION
Four Fifty Sutter, Room 2004, San Francisco, Phone DOuglas 0062

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Advertisements.—The Journal is published on the seventh of the month. Advertising copy must be received not later than the fifteenth of the month preceding issue. Advertising rates will be sent on request.

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Advertising Representative for Northern California
L. J. FLYNN, 544 Market Street, San Francisco (DOuglas 0577)

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Subscription prices, $5 ($6 for foreign countries); single copies, 50 cents.

Volumes begin with the first of January and the first of July. Subscriptions may commence at any time.

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Contributions—Length of Articles: Extra Costs.—Original articles should not exceed three and one-half pages in length. Authors who wish articles of greater length printed must pay extra costs involved. Illustrations in excess of amount allowed by the Council are also extra.

Leaflet Regarding Rules of Publication.—CALIFORNIA AND WESTERN MEDICINE has prepared a leaflet explaining its rules regarding publication. This leaflet gives suggestions on the preparation of manuscripts and of illustrations. It is suggested that contributors to this Journal write to its office requesting a copy of this leaflet.

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EDITORIALS†

DISCIPLINARY CODES OF MEDICAL SOCIETIES

Medical Society Membership as a Vested Right.—It has taken medical societies a long time to learn the important fact that, once a physician is admitted to membership in a county medical society, he becomes possessed of rights and privileges that can be taken from him only if charges are properly filed against him, and even then, only after a fair trial, during which all his legal and other rights have been meticulously safeguarded. If such procedures were lax and these fundamental rules were not observed, and if, subsequently, disciplinary action, in the form of censure, suspension or expulsion was carried out, then such a member would have the right to turn to the civil courts and there give a society, its officers and members an unhappy and, perhaps, rather an expensive experience.

* * *

Disciplinary Code of the California Medical Association.—County medical associations in California, and in other states, despite the belief of their officers that they were proceeding properly, have had, in a number of instances, just such unpleasant subsequent awakenings; and that is why a new disciplinary code of the California Medical Association (outlined in its by-laws, under Chapter II—Membership) was adopted several years ago. Great as was the improvement so effected, later experiences have indicated that even these new rules could be clarified.

* * *

"Disciplinary Procedure" Recently Adopted by the Los Angeles County Medical Association.—Attention having been called thereto by the chairman of one of its committees, Dr. Lowell S. Goin, the Council of the Los Angeles County Medical Association instructed his committee to outline a "Procedure in Disciplinary Actions," to be used in the future as its sole guide. The committee's report, as adopted by the Los Angeles Council on February 7, 1938, appears below, and its perusal and consideration are recommended to all component county units of the California Medical Association.

† Editorials on subjects of scientific and clinical interest, contributed by members of the California Medical Association, are printed in the Editorial Comment column which follows.

Disciplinary Action Must Be Based on By-Laws: "Resolutions" Are Inadequate.—In connection with this subject of disciplinary action, it may be well to remind every county medical society that no member can be legally subjected to discipline (censure, suspension or expulsion) because of violation of a "resolution" that may have been adopted at some previous meeting. A "resolution" may state that conduct of a certain nature is "disapproved" by the society, but membership can be taken away only after it has been shown, in a fair trial, that a member has violated the constitution and by-laws of a society. Nor is a "resolution" a by-law. When in doubt on these matters, component county societies are advised to write to the central office of the State Association requesting that the opinion of its legal counsel may be given, before any active steps for a member's trial are instituted. The importance of caution and care in all these matters can hardly be overemphasized.

* * *

A County Society Is the Sole and Absolute Judge on Qualifications of Applicants.—An equally important fact to keep in mind is this, that each component county society is sole judge of the qualifications of physicians whom it admits to membership. If the application of a physician is rejected by a county medical society, when it has acted in accordance with its constitution and by-laws, that judgment of rejection stands, and there can be no appeal to a higher body, such as the state or national associations; nor need a subsequent application from such a rejected member be considered, except as the county society, according to its own constitution and by-laws, may see fit to grant that privilege.

* * *

Quality Precedes Quantity in County Society Membership.—In California, there are a goodly number of physicians not members, yet who are apparently eligible to membership in their respective county societies, and it is proper that dignified efforts should be made to secure the affiliation of such colleagues. On the other hand, among nonmembers are physicians whose records and past or present affiliations give just cause for hesitancy in so important a matter as that of granting membership. Here the old policy, "When in doubt, wait, consider, and reconsider," aptly applies. For, as stated in the beginning of these comments, such physicians, once they are members, become vested with certain legal rights, to divest them of which is no easy or agreeable task. Here, also, "An ounce of prevention is worth a pound of cure."

* * *

The Text of the Recently Adopted Los Angeles County Disciplinary Procedures.—Because of the great importance of all these matters, the procedures recently adopted by the Los Angeles County Medical Association follow:

(COPY)

PROCEDURE IN DISCIPLINARY ACTIONS

Procedure to Be Followed in Citing a Member to Trial Is Presented in the Following Report of a Special Committee: Report Adopted by the Council of the Los Angeles County Medical Association on February 7, 1938

I. *Most complaints when received could be referred to the Committee on Professional Conduct* without any action on the part of the Council; and your committee recommends that the Secretary of the Association be authorized and instructed to use his discretion as to such reference; the Secretary to be further directed to report all such complaints to the Council whether they are referred to the Committee on Professional Conduct or not.

* * *

II. *On conclusion of its investigation of any complaint, no matter how received, the committee has two courses:*

(1) It may recommend no action.

(2) It may recommend citation of the respondent.

(*a*) It should be, and the committee recommends that it become, the duty of the committee to secure a sworn affidavit as to the matters complained of, if the complaint is made by a nonmember of this Association.

The complaint should first be reduced to a concise statement by the committee and thereafter sworn to by the complainant.

If the accusation is by a member of the Association, he should sign the complaint (but not the charges).

(*b*) On the basis of the signed statement by a member or an affidavit by a nonmember, formal charges should then be prepared by the committee and signed by them as a committee.

This forms a sort of indictment and serves two purposes:

(1) It removes the personal element present when A accuses B, substituting therefor an impersonal action by a committee engaged in the performance of its duties.

(2) It changes the nature of the charges from a biased accusation to a calm statement that the ascertained facts are such as warrant their evaluation by the Council.

* * *

III. *The form of the charges should be as follows:*

To the Council of the Los Angeles County Medical Association: Attention, Dr. ———, Secretary.

We, the Committee on Professional Conduct of the Los Angeles County Medical Association, having investigated the ———, hereby charge as follows: that ——— (member, or members) of the Los Angeles County Medical Association, has violated ———.

Said Section —— reads as follows: ———.

Your committee bases these charges upon the following information disclosed by its investigation heretofore referred to: ———

That your committee is informed and believes and therefore charges: ———.

Your committee believes that the foregoing acts and conduct on the part of said ——— constitute violations by said ——— of the section of the ——— (here insert by-laws or Principle of Medical Ethics, as the case may be) which has been previously mentioned herein. Your committee believes that the alleged acts and conduct, if found to be true, of said member of this Association, namely ———, who is herein charged with violations of ———, require disciplinary measures as provided in Chapter II, Section 2 (d), of the By-Laws of the California Medical Association and, therefore, prefers these charges.

Said Chapter II, Section 2 (d), reads as follows: "Acts and Conduct Subjecting Member to Censure, Suspension or Expulsion by Component County Society. Any active member of a component county society who has been adjudged guilty of a criminal offense involving moral turpitude, or who has been duly adjudged guilty by his society, in accordance with the procedural requirements of these by-laws, of gross misconduct as a physician or a surgeon or of a violation of any of the provisions of the professional conduct of his society or of the principles of medical

ethics promulgated from time to time by this Association or by the American Medical Association, shall be subject to censure, suspension or expulsion from his society by such component county society."

Respectfully submitted,

COMMITTEE ON PROFESSIONAL CONDUCT.

Date: ———

IV. *The details of service, certificate of service, notice of hearing,* and all of the other details set forth in Chapter II, Section 3, of the By-Laws of the California Medical Association should be meticulously followed.

V. *There should be no evasion* of the fact that the respondent who is being cited is to be tried; that the Council before which he is cited to appear is a trial body; or that he will be on trial when he appears.

VI. *The Chairman of the Committee on Professional Conduct should be assigned the definite duty of prosecutor,* the other members of the committee sitting as advisers.

VII. *The Council, which is in fact the jury,* should refrain from interrogation of the respondent or witnesses except in such instances as some question may be necessary to clarify some doubt existing in the questioner's mind. When there is such a question it should be addressed to the presiding officer.

VIII. *The Council should make a definite rule stating whether attorneys-at-law will be permitted to represent either side* in such a trial. The committee recommends that they be not permitted.

IX. *The respondent should be advised of his rights,* namely: that he may be represented by any member as counsel; (but if the foregoing recommendation (Item VIII) is adopted, it should be stipulated that he may not be represented by a member who is admitted to the Bar) that he, or his counsel, may cross-examine witnesses; that he may offer in evidence any records or documents that he deems fit; that he may enter objections as to testimony or to material in evidence; that he may address the Council in his own behalf; and that he has the right of appeal.

X. *A referee* should be requested in all cases.

XI. It shall be the *policy of the Council that the Chairman thereof shall remain as its presiding officer, but that all questions of procedure shall be answered by the referee, if any.*

XII. *On conclusion of the hearing,* the respondent, his counsel, if any, the Professional Conduct Committee, and the referee should be excluded and the verdict considered. The verdict should be ascertained by secret ballot in writing.

A time should be fixed in which briefs may be filed, and the Council should consider the evidence after such time has elapsed.

XIII. The Council shall establish as a policy, and shall recommend to the Board of Trustees that the Secretary shall be granted *authority to engage the services of a court reporter* for the purpose of securing a transcript of evidence at all trials.

XIV. *The Secretary of the Association shall advise the accused in writing of said accused's rights* under Chapter II, Section 3, Paragraph 5 of the By-Laws of the California Medical Association on a form on which shall be printed all of Chapter II, Section 3, Paragraph 5.

XV. *To avoid expressions of opinion, verdicts should be rendered as follows:*

"Resolved, That the charges against (name) be and hereby are dismissed" in case that the respondent is found not guilty;

or

"WHEREAS, (name), a member of this Association, has been charged with violation of certain sections or articles of the Code of Ethics; and

"WHEREAS, He has had a fair and impartial trial and has been found guilty;

"Resolved, That he be and hereby is (action taken)."

COUNTY MEDICAL SOCIETY HEADQUARTERS HOMES

The Official Journal's Plea for "Medical Buildings," as Made a Quarter of a Century Ago.—Twenty-five years ago, Editor Philip Mills Jones gave expression to a thought, neither then nor now new, but today even more worthy of serious reflection by all county medical associations of any considerable size. Editor Jones, in the following words (which appeared on page 152 in the "Twenty-five Years Ago" column of last month's issue), advocated homes for county medical societies:

> Have you thought anything about that suggestion in the last JOURNAL as to the county society owning its own building? It can be done by a good many—if not most—of the county societies in California. You all pay rent to somebody; why not pay it to the county society? It is merely a matter of finance, of getting together, and the getting together, in some places, seems to be the hardest part of the problem.

* * *

County Medical Societies Having More Than One Hundred Members Should Be Especially Interested.—A glance at the membership totals of the California Medical Association's component county societies (which, with five conjoint county units, each made up of more than one county, embrace fifty of California's fifty-eight counties; as listed on page 5 of the Membership Roster supplement of the February OFFICIAL JOURNAL) will promptly reveal the county societies credited with more than one hundred members each. Of organizations having such membership the California Medical Association possesses eleven: Alameda, Fresno, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, Santa Barbara, and Santa Clara. Why should not each of the societies mentioned (Los Angeles and San Francisco counties having already provided themselves with homes) consider financial ways and means, as well as location and plans, for the erection of headquarters homes? In Los Angeles County, several of the larger geographical branches (that of Long Beach, for instance, which boasts over 200 members) might well consider homes of their own. It is quite likely, if inquiry were made of the Federal Home Loan authorities, that plans could be devised whereby, with a showing of a basic investment or resources of 10 per cent (to be raised by initial voluntary contribution or assessment), it might be possible to secure a federal loan up to, perhaps, $6,000, with repayment on easy terms and low interest over a period of twenty years. If a lot were secured through donation or purchase, the initial hurdle would