



# MEDICOLEGAL MEETING CALENDAR

## ASLM PROGRAMS IN PLANNING

At the time this issue of **MEDICOLEGAL NEWS** goes to press a number of upcoming conference programs merit a short announcement.

**Legal Controversies in Nursing.** This one-day program is designed to provide information concerning the current and emerging legal responsibilities of nurses as well as on the medicolegal issues affecting nursing practice. The program, which has been accepted for continuing education units in Massachusetts and Connecticut, is given by George J. Annas, J.D., M.P.H. and Mary M. Cushing, R.N., J.D. The program is tentatively scheduled for mid-December 1978 in New Orleans and late January 1979 in Atlanta.

**Heart & Lung Disease and Workers' Compensation.** This planned two-day conference will be dedicated to exploring the various ramifications and problems involving heart and lung disease that are encountered in workers' compensation or other disability insurance programs. The conference, which is an outgrowth of the 1978 **Stress, Strain, Heart Disease & the Law** program, is tentatively scheduled for the early spring in Cherry Hill, New Jersey, which is just outside Philadelphia.

**Legal Implications to Emergency Medical Care.** This second national conference, scheduled for June of 1979, will be cosponsored by the Committee on Medicine and Law of the American Bar Association. The conference will seek to advise hospital administrators, EMC personnel, attorneys, public health and safety officials, and others of the potential legal problems and issues involved in emergency medical care.

Persons interested in any of these conferences should contact the Society headquarters at 454 Brookline Avenue, Boston, MA 02215 to request more information.

Specific dates and hotel locations, as well as details on the program, will be announced shortly.

## NATIONAL CONFERENCE ON FORENSIC MEDICINE AND SOCIETY

January 25-27, 1979  
Hotel del Coronado  
San Diego, California

This national conference, which is being co-sponsored by the American Society of Law & Medicine and the Pittsburgh Institute of Legal Medicine, is designed to acquaint physicians, attorneys, forensic medicine specialists, educators, law enforcement personnel, and others with the various aspects, needs, and capabilities of forensic medicine in its broadest meaning.

Among the topics being addressed by a faculty of nationally recognized speakers are: *Public Sector Forensic Medicine Investigations; Accident Investigation & Reconstruction; Forensic Medicine in the Hospital Emergency Room; Forensic Medicine in Workers' Compensation, Wrongful Death, and Personal Injury Actions; Forensic Psychiatry; and the Role and Responsibility of Physicians in Medicolegal Matters.*

Conference co-chairmen are Cyril H. Wecht, M.D., J.D., Director of the Pittsburgh Institute of Legal Medicine and Coroner for Allegheny County, Pennsylvania, and Irving Root, M.D., a member of the American Society of Law & Medicine's Council and a forensic pathologist in San Bernardino, California. Dr. Root will deliver the keynote address on Thursday, January 25, 1979, at 1:00 p.m., setting the stage for this unique and informative Conference devoted to exploring the capabilities of the forensic specialist and his potential contributions to the medicolegal system.

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

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

## OTHER ORGANIZATIONS

**Malpractice Prevention and Defense in Reproductive Health Practice,** September 26-27, 1978, in San Francisco, California. Contact: Medical-Legal Institutes, Inc., 1055 Thomas Jefferson St., N.W., Suite 604, Washington, D.C. 20007.

**Risk Management/Self-Insurance for Hospitals,** sponsored by Aspen Systems Corporation, at New Orleans, Louisiana (October 5-7, 1978), and San Francisco, California (December 7-9, 1978). Contact: Registrar, Aspen Systems, 20010 Century Blvd., Germantown, MD 20767.

**Law and the Emergency Department,** October 12-13, 1978, at the Philadelphia Marriott, Philadelphia, PA. For more information contact: Emergency Medical Services Symposium, 3900 N.W. 79th Ave., Suite 469, Miami, FL 33166.

**Malpractice Prevention and Defense,** October 12-20, 1978, Rome, Italy, a conference to advise the practicing physician of the essential concepts of malpractice prevention and defense. Contact: Medical-Legal Institutes, Inc., 1055 Thomas Jefferson St., N.W., Suite 604, Washington, D.C. 20007.

**Physician Compensation and Contracting,** a new seminar from Aspen Systems, at Hot Springs, Virginia (October 18-20, 1978) and New Orleans, Louisiana (December 13-15, 1978). Contact: Registrar, Aspen Systems Corp., 20010 Century Blvd., Germantown, MD 20767.

**Health Planning & the Law,** a three-day conference co-sponsored by the American Health Planning Association and the National Health Lawyers Association, October

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25-27, 1978, at the Hyatt Regency Hotel, Washington, D.C. Contact: Elliot Stern at the AHPA, 2560 Huntington Avenue, Suite 305, Alexandria, VA 22303.

**Hospital Law**, an American Hospital Association Institute Program, in San Francisco, October 26-27, 1978. Contact: American Hospital Association, 840 North Lake Shore Drive, Chicago, IL 60611.

**Third National Conference on Joint Practice**, co-sponsored by the American Medical Association and the American Nurses' Association, in Dallas, Texas, on November 9-11, 1978. Contact: National Joint Practice Commission, 35 E. Wacker Drive, Suite 1990, Chicago, IL 60601.

**National Symposium on Relicensure and the Continuing Education of Health Science Professionals**, December 2-3, 1978, at Sheraton Palace Hotel, San Francisco; sponsored by University of California, San Francisco Schools of Medicine, Nursing, Pharmacy and Dentistry. For more information, call (415) 666-2894.

**Third Annual Toxic Substances Control Conference**, conducted by Government Institutes, Inc., will cover such subjects as proposed Federal cancer policy, short-term testing, monitoring, and other proposed Federal regulations affecting toxic substances. December 4-6, 1978, in Washington, D.C. Contact: Government Institutes, Inc., 4733 Bethesda Ave., N.W., Washington, D.C. 20014.

**Malpractice and Risk Management**, December 8-10, 1978, in Philadelphia, sponsored by Hahnemann Medical College and Hospital. Contact: Division of Continuing Education, Hahnemann Medical College, 230 N. Broad St., Philadelphia, PA 19102.

**Controversies in Law, Medicine & Ethics**, January 29-February 1, 1979. Smuggler's Notch, Vermont. An intensive seminar featuring nationally known experts. Sponsored by the Dept. of Socio-Medical Sciences and Community Medicine at Boston University School of Medicine. Contact: Dr. Daniel Bernstein, Associate Dean and Director of Continuing Education, Boston University School of Medicine, 80 E. Concord St., Boston, MA 02118.

**Mental Health Law for the Practitioner**, February-March, 1979. Boston, MA. A six-week course on mental health law designed for those delivering mental health services. Sponsored by Law-Medicine, Inc. Contact: Attorney William Rollins, Law-Medicine, Inc., 14 Beacon St., Boston, MA 02108.

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**MEDICOLEGAL NEWS:** Mr. Cockroach, we'd like some comments from you about the recent Supreme Court decision which gives a strict interpretation to the Endangered Species Act.

**Cockroach:** I'd be happy to talk. You can call me Rilta; my name is Rilta A28K.

**MEDICOLEGAL NEWS:** Thank you, Rilta.

**Rilta:** Both the Endangered Species Act and Justice Burger's opinion are enlightened and represent the best instincts of the human animal. While in general you must be considered a barbaric and incredibly ignorant and destructive species, these acts indicate that there may be some hope for the future.

**MEDICOLEGAL NEWS:** Wait a minute, Rilta. We asked for your opinion because we thought it might be a cute story with reader appeal — not a sermon from some insect.

**Rilta:** The dinosaurs, especially brontosaurus, shared your pride, and they were the most successful life forms on this planet to date — absolute rulers of the globe for 140 million years. We were here before they arrived, and we have survived them. Long before the supernova that destroyed them and most life on earth, our astronomers warned them that they must develop a massive series of underground caves to survive the radiation and temperature changes brought on by that event. They laughed and perished. Let me be extremely generous and say that you have been Earth's rulers for 40,000 years. That would mean for every day you have "ruled," the dinosaurs ruled for 10 years. The likelihood of you repeating that feat is extremely slim.

**MEDICOLEGAL NEWS:** OK, OK, don't get touchy. I'm sorry I got off the subject. Let's get back to the Endangered Species Act. There was apparently considerable sentiment in Congress to do away with it altogether, but Senator John C. Culver (D-Iowa) managed to get the Senate to agree to a compromise that would establish a "review board". This board would decide cases where an irresolvable conflict exists between the federal project and the endangered species. If the project is found to be of regional or national interest, and if the benefits of the project clearly outweigh the benefits of preserving the species, the board can authorize the destruction of the species.

**Rilta:** The compromise may seem politically expedient, but, in the entire history of this planet, while many species have arisen and many have become extinct, no species has ever consciously decreed the extinction of another. This would be something that I believe every species would find impossible to do; with the exception, of course, of your own species. Let me tell you what will happen with the review board. Its decisions will be political, not scientific. Species will be destroyed because they are viewed as ugly or unattractive by your fellow creatures, not because there is any potential benefit to the survival of the planet. For example, no federal project will be allowed that would endanger the whooping crane, the golden eagle, or the grizzly bear. But let a project endanger a spider or a rat, a bat or a snake, and you can buy stock in the construction company with confidence. It reminds me of your Hitler who ordered all the art in Europe he could not understand destroyed.

I feel particularly discriminated against by your media. It is unlikely that any voice on such a review board would attempt to evoke sympathy for any one of the more than 22,000 species of *Orthoptera* in the world. Perhaps, we should feel fortunate that only 1,000 of that number inhabit North America and that none of the habitats in the United States have been classified as *critical* by our environmentalists.

**MEDICOLEGAL NEWS:** Rightly or wrongly, Rilta, Congress is going to make changes in the Endangered Species Act. If it were up to you, how would you advise them to act?

**Rilta:** The answer seems simple to me. Defer the project in question until an alternative, equally-useful, and federally-protected habitat can be found, and the endangered species established therein. If this cannot be done, find an alternative that will accomplish the objectives of the project without destroying the species. In my view, there is no such thing as a single project that is more important than the survival of a species.

**MEDICOLEGAL NEWS:** Do you still think that's true now that it is possible to create new forms of life in the laboratory with recombinant DNA procedures? Doesn't this mean we can keep a sort of ledger — making sure that we develop at least one new form of life for every one we destroy?

**Rilta:** It would be nice if life were that simple. But you know the answer yourself. The life forms on this planet are the result of millions of years of evolution in a particular environment. They are interrelated, and the death and destruction of any one species can have incalculable and unpredictable consequences for many other

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ATLAS OF RADIOLOGY ANATOMY. By Lothar Wicke. (Urban & Schwarzenberg, 7 E. Redwood Street, Baltimore, MD 21202) (1978) 234 pp., \$15.00.

#### Medical Education

• DELIBERATIONS AND COMPROMISE: THE HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT OF 1976. Edited by Lauren LeRoy, B.A., M.C.P., and Philip R. Lee, M.D. (Ballinger Publishing Co., a Subsidiary of J.B. Lippincott Co., 17 Dunster Street, Cambridge, MA 02138) (1977) 512 pp., \$22.50.\*

#### Medical Records

Hirsh HL, *Tampering with Medical Records*, MEDICAL TRIAL TECHNIQUE QUARTERLY 24(4): 450-55 (Spring 1978).

Pohlman JE, *Physician's Office Records: Some Medical-Legal Considerations*, OHIO STATE MEDICAL JOURNAL 74(6): 395-97 (June 1978).

• THE PRACTICE-ORIENTED MEDICAL RECORD. By Gerald S. Lang and Kenneth J. Dickie, M.D. (Aspen Systems Corp., 20010 Century Blvd., Germantown, MD 20767) (1978) 287 pp., \$19.75.

#### Medico-Legal Education

Linzer P, *Law for Them and Medicine for Us - A "Counterdisciplinary" Approach to Learning*, 55 UNIVERSITY OF DETROIT JOURNAL OF URBAN LAW 113-53 (Fall 1977).

#### Mental Health & the Law

Anthony MF, *An Analysis of the Involuntary Admitting Process for General Psychiatric Hospitals Under Evolving State Law*, MARYLAND STATE MEDICAL JOURNAL 27(7): 53-62 (July 1978).

Page S, *The Case of Tim Crawford: Mental Health Legislation Five Years Later*, LEGAL MEDICAL QUARTERLY 2(1): 24-48 (March 1978).

Payson HE, *The Professional Guardian: A New Type of Non-Institutional Administrator*, THE BULLETIN OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW, 5(3): 318-26 (1977).

**Report to the President — Mental Retardation**, projects the nation's needs in the prevention and treatment of mental retardation through the year 2000. S/N 040-000-00343-6, \$3.15. Order from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**Halderman v. Pennhurst State School and Hospital**, 446 F. Supp. 1295 (E.D. Pa. 1978). Once a retarded individual is admitted to a state facility, he has a constitutional right to be provided with minimally adequate habilitation under the least restrictive conditions consistent with the purpose of his or her confinement. Accordingly, the state has a constitutional duty to explore and provide the retarded individual

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species. Think about the catastrophe scenarios circulated concerning recombinant DNA experimentation and the release of a hypothetical "andromeda strain." Such consequences, while potentially disastrous, are very unlikely. With the destruction of a species, on the other hand, the consequences are likely to be both certain and great.

**MEDICOLEGAL NEWS:** I take it you would favor the patenting of new forms of life to encourage the development of useful life forms?

**Riitta:** That's a question my own species had to wrestle with some seventy million years ago. You will recall that that was the close of the Cretaceous, when the earth was devastated and almost all life destroyed. Our species survived in larger numbers than almost any other, but the tremendous climatic changes brought about a major split in our species for the first time in more than 200 million years. Most opted to migrate to the warmest regions of the planet, and they have inhabited these areas ever since. A radical group of scientists, however, refused to give up the idea of subjugating the earth. They developed two plans. The first was to use selective breeding and genetic engineering techniques to develop a race of "super cockroaches," up to twelve feet long, with large hands capable of building suitable structures to protect against all forms of radiation and weather changes. This plan was rejected because few wanted to tamper with the simple beauty and elegance of our species.

The second plan was less daring. It called for the breeding of an animal capable of supplying us with all our wants — building us castles to live in and supplying us with unlimited amounts of food year round. With such servants, we could devote our time to our primary passion, which has always been philosophy. The project proved much more difficult than anticipated. However, our civilization became obsessed with the task, and its fulfillment became our religion. The major breakthrough occurred when we discovered how to replicate any type of DNA about five million years ago. That's when the patent debates began. Individual corporations wanted to control the servant populations and rent them out to others. Companies competed for the most likely life form to accomplish the mission. All experimentation took place in secret, and little progress was made. Ultimately, we decided to amend the law and forbid private patenting. Many companies went out of the business, but the research that did continue was open to all legitimate investigators, was monitored and funded by the government, and the results were in the public domain.

**MEDICOLEGAL NEWS:** What happened with your project? Did you succeed in creating a new form of servant ants?

**Riitta:** In a way. Our initial experiments led to the breeding of *Australopithecus Africanus*; and after another three million years this species was followed by *Homo Erectus*. I think you know the story from there on.

**MEDICOLEGAL NEWS:** Are you saying that *homo sapiens* was created to serve the cockroach kingdom?

**Riitta:** Yes, indeed. In fact, for the past 50,000 years we have considered your species our civilization's primary accomplishment. Your discovery of atomic power at this early stage in your development was, however, unanticipated. We now believe that we have created in you the potential for a cataclysm even more destructive than that which we witnessed long ago. In short, because of *homo sapiens*, all species on this planet must be considered *endangered*.

**MEDICOLEGAL NEWS:** I hate to leave it at that, Riitta. Surely, we have some options?

**Riitta:** Of course. Assuming a nuclear holocaust can be avoided, your options seem to be three: You can take the high road and use your technology to clean up the environment, control population growth, and develop new sources of food, shelter and energy that do not destroy other life-forms and that are ecologically sound. You could, on the other hand, accept a miserably polluted and crowded planet and embark on a genetic engineering program aimed at adapting your species to this worsening environment. I might suggest you consider a small, pollution-breathing, grass-eating, cancer-resistant human with a bionic wheel in place of legs. Finally, you can continue to hedge your bets by traveling an intermediate path as you are now doing. The intermediate path can, however, only be traveled for a few more decades before the second option will become the only viable one for the human species.

#### References

1. Tennessee Valley Authority v. Hill, 98 S. Ct. 2279 (1978).
2. Application of Bergy, 563 F.2d 1031 (C.C.P.A. 1977).
3. 35 U.S.C. §101.