

Practicing Medicine Without a License

by Mark Kozlowski, M.D.

We've all seen the advertisements: "Call us if you have been exposed to asbestos....." an all too prevalent blurb in today's newspaper or television commercial. These statements are a prelude to an enticing offer for participation in a class-action lawsuit against someone or another. But how far can non-medical personnel be allowed to reach into the practice of medicine? Perhaps the following example from a case in 1995 can partially answer the question. In hopes of finding potential clients, a West Virginia law firm publicly offered employees and former employees of steel mills to come forward and determine if they had been exposed to asbestos. A 65-year-old gentleman fit the bill. He approached the firm and they provided him an appointment for a free chest X-ray at a local hospital. He had the film taken, and it was interpreted by a B-reader radiologist, independently contracted by the law firm. The impression of the interpreting radiologist was "rule out carcinoma, right mid-lung..... no evidence of asbestosis". The radiologist recommended that the law firm tell the patient to see his family physician. Eighteen months later, this same gentleman went to see his family doctor complaining of cough, weight loss and chest discomfort. An X-ray taken at this time revealed a large mass. Biopsy proved carcinoma. The patient underwent aggressive therapy but succumbed to his illness eight months later. In an unconventional move, the family filed a medical malpractice lawsuit against the law firm who initiated the X-ray. In the suit, the family alleged that the firm was negligent in failing to notify the patient of the abnormal results of the first X-ray and to recommend that he see a physician. Needless to say, the law firm quickly settled the case - terms undisclosed (the family had also sued the radiologist for failing to notify the patient personally, which the court dismissed due to lack of an established patient-doctor relationship). More than just coming away with a feel-good attitude about this case, we should be astonished with the law firm's myopic perspective. They should consider themselves lucky for having escaped additional prosecution. One cannot hope to reap the benefits (personal or monetary) of any practice (medical or legal) without first being willing to bear the full weight of responsibility for those under their care. Physicians genuinely understand this concept, enduring many years of training in an environment that fosters the scientific method, honesty and compassion. Physicians work cooperatively in this endeavor, with the ultimate goal in any patient encounter being simply to help the patient. Only physicians or those authorized by them should order medical exams, as they alone have the knowledge to determine what should be ordered and how a patient should be treated based on the results of those exams. To side step this process is foolhardy. To work outside the system for personal gain is unethical. And to practice medicine without a license is criminal.