

What Is The Law?

This column is prepared as a public service by the College of Law, Willamette University, Salem, to explain basic legal principles, not to provide legal advice. The reader is cautioned not to apply these cases to his own problems without an attorney's advice, for differing facts may change the outcome.

The Law Protects Patient-Physician Communications

Peter Plaintiff was injured in an automobile accident. A police surgeon called to the scene of the accident saw Plaintiff sitting on the sidewalk. When Plaintiff sued Dan Defendant for damages arising out of the accident, Defendant called the police surgeon as a witness and asked him whether he had seen the Plaintiff spit blood before getting into the ambulance. Plaintiff's lawyer objected to this testimony. The judge had to decide whether the police surgeon should answer this question or whether there was a rule of law excluding this testimony.

This problem involves what is known as the patient-physician privilege.

Most states encourage the utmost confidence between the patient and his physician. In part, the Oregon statute provides that "a regular physician or surgeon shall not, without the consent of his patient, be examined in a civil action, suit or proceeding, as to any information acquired in attending the patient which is necessary to enable him to prescribe or act for the patient."

In Scope of Practice

The law protects communications between physician and patient which are legitimately within the scope of lawful medical practice and does not extend to communications made to aid or to commit a crime.

Therefore, in court, the re-



EDUCATION EXPERIMENT—Twenty-two high school and faculty members, all of the International School of America, New York, were on their arrival in San Francisco. The students, representing nations across the world, are participating in an educational

experiment by spending their last year in high school touring the world. The globe-circling trip was arranged by the U.S. State Department and the American Association for the United Nations. —(UPI Telephoto)

lationship of the physician and the patient must first be established. Generally speaking, a physician is free to testify about matters which he observed or learned about the patient before and after he was professionally involved with him.

In the case cited at the beginning of the article, the Mis-

souri court held that if the relation of physician and patient had been established and that Peter Plaintiff had submitted himself for examination by the police surgeon, then any information acquired by observation after that time would not be admissible. But on the other hand, if prior to the establishment of this rela-

tionship the doctor observed the patient and acquired information from such observation, then the police surgeon should be allowed to answer the question put to him.

Death Has No Affect

Generally, communications made by a prospective patient to a physician with a view to engaging him would be protected even though the physician refused to accept the person as a patient, or the person decided not to engage the physician. Generally, too, the death of the patient does not affect the patient-physician privilege.

Last Civil War Vet Plans Party

Houston, Tex. —(UPI)—Walter Williams, who says he is the last veteran of the Civil War, looked forward today to a barbecue on his 117th birthday.

His daughter, Mrs. Willie Mae Bowles, said he will be 117 on Nov. 14. He wants a barbecue of ribs and Mrs. Bowles said she will have one the next day, although all her father can do "is nibble at them."

Williams recently had pneumonia and it was feared that he would die. But he recovered and his daughter said he now has only a slight cold.

He lives on soft-boiled eggs, baby food, creamed potatoes, milk and coffee. He probably will never be able to get out of bed again.

A Scripps-Howard reporter more than a month ago said, after an investigation, that there was some doubt that Williams is as old as he claims to be or even old enough to have fought in the Civil War.

But Gov. Price Daniel of Texas said the official stand of Texas is that Williams is what he says he is.

Senator Kennedy Sidesteps Morse

Milwaukee, Wis. —(UPI)—Sen. John Kennedy Saturday defended his support of the compromise labor bill passed by Congress and sidestepped a feud with Oregon's Sen. Wayne Morse.

Kennedy arrived in Wisconsin for a whirlwind six speeches in 14 hours. Just four days ago, Morse had told a Milwaukee audience that the Massachusetts Democrat let the labor bill pass in order to obtain a "label" for his presidential hopes.

The bill, the Oregon Democrat said, was labor's "worst setback since passage of the Taft-Hartley act."

Kennedy replied that the bill which finally emerged from Congress was in the "best interest of labor." He said Morse had the right to disagree, but 64 other Democratic senators supported the position of the conference committee which he headed.

FLOODS HIT MEXICO Mexico City (UPI) Floods caused by 10 days of heavy rain in the south Mexican states of Tabasco and Chiapas have killed at least two persons and driven 10,000 from their homes, it was reported today.

Public Patience Urged for TV

Washington—(UPI)—The chairman of the Federal Communications Commission said today the public should have "patience" with television's growing pains, including fixed quiz shows.

John C. Doerfer said it wasn't necessary and perhaps dangerous for the government to step in and tighten its regulation of the industry.

"With just a little patience, over a period of time many of the undesirable practices will disappear," he said in a copy-righted interview with U.S. News & World Report Magazine.

But Doerfer said it might be a good idea for the TV industry to give consideration to establishing its own czar for policing and "raising the level of this creative media." The late Judge Kenesaw Mountain Landis did the same thing for baseball and Eric Johnston for the movie industry.

Quotes From the News

By UNITED PRESS INTERNATIONAL

Las Vegas, Nev.—Charles Coburn, 83 to his nervous 41-year-old bride, the former Mrs. Winnifred Gean Clements Natzka, during their wedding ceremony:

"Calm down. I'm not going to bite you—at least not very hard."

Johnston City, Tex.—Former President Harry S. Truman, denying he has named anyone as the leading candidate for the 1960 Democratic presidential nomination:

"I am neutral. But I'll tell you this. I'm going to see a Democrat elected next year."

Hollywood—Mrs. Florence Aadland, mother of Errol Flynn's "protégé," Beverly Aadland, disclosing that she has advised her daughter not to attend the actor's funeral:

"I doubt if anyone will attend the funeral who really loved Errol."

Washington—George W. Taylor, chairman of the presidential fact-finding board that tried to settle the steel strike, admitting that negotiations had collapsed:

"We find that the differences are of such a nature that it's simply not possible to get a meeting of minds tonight."

Junction City Duck Hunter Dies of Attack

Junction City—(UPI)—Eli S. Moore, 59, Junction City, collapsed and died of an apparent heart attack while duck hunting along the Willamette river east of here early Saturday.

Hannover, Germany (UPI)—A series of brush fires swept Lower Saxony Sunday, damaging more than 100 square miles of forest and heathland but causing no known casualties.

Agreement Near On Exchanges

Washington—(UPI)—The United States and Russia were reported near agreement today on a plan to extend and build up the cultural and scientific exchange program.

State Department sources said a team of four negotiators would go to Moscow shortly to put the finishing touches on the new program. The present two-year exchange expires Jan. 27, 1960.

Officials said both the United States and Russia had advanced new proposals which considerably narrowed points of difference between the two nations.

As a result, they said, the new plan probably would provide for a greater variety of exchanges and involve more people than the expiring program.

The current program calls for the United States to send 1,733 persons to the Soviet Union under 129 separate projects. Russia would have sent 1,391 to the United States under 121 projects.

MAIL TRIBUNE, Medford, Or. 5
Monday, Oct. 19, 1959

U. of O., Porter Invite Lumbermen

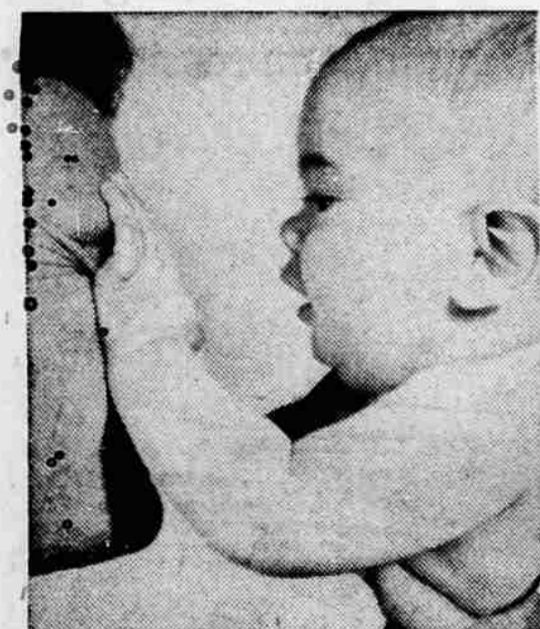
Eugene—(UPI)—The University of Oregon and Rep. Charles O. Porter (D-Ore.) have jointly announced an invitation to lumbermen throughout Southwest Oregon, and others interested in the lumber and logging industry of the area, to attend a day-long conference on the university campus here Nov. 2.

Meeting space has been provided for the conference, the second annual meeting, in the Erb Memorial union. The conference lasts from 9:30 a.m. until noon and from 2 p.m. until 5 p.m.

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