

LEGAL ISSUES PART 1. -- A SURGEON'S NARROW ESCAPE

Dr. Bernard knew he was trapped. He had THOUGHT, that, with the help of many friends, he had avoided being served with a subpoena to appear to testify in court for the following three weeks. It was a Friday afternoon in Grand Rapids, Michigan. Dr. Bernard was about to start his last surgery of the day. His family would soon be waiting in a van in the underground Hospital parking garage. As soon as Dr. Bernard completed his last operation, he was to go with his family to the Airport to fly to a very exclusive resort in the Bahamas. There, the Bernards were scheduled to spend a month enjoying some well earned rest and recreation. But Dr. B had just been told that people were waiting outside both doors to the Operating Room Suite to serve him with papers to make him testify in Court at the same time he was planning to be in the Bahamas. He was also told, that, someone was waiting near his car in the Doctors Parking Lot. Then his wife called him from home, telling him that a process server had come to their door, and was now parked on the street in front of his home waiting for him to come home. If he was served with the subpoena he would not only have to cancel his vacation, he would lose all the money he had already paid for the vacation!

Dr. Bernard had been an Army Medic in the Korean War. That had convinced him that he wanted to be a surgeon. He had married his childhood sweetheart, Bernice. She was a nurse. They had four children. Bernice had been the main support for the family. She had worked hard putting her husband through College, Medical school, and his Surgical Residency. Still he had accumulated a large debt. He and Bernice resolved to live very frugally until they had paid off their debts! Both of them were from very conservative, hard working, and thrifty, Dutch families. They shopped mostly at second hand stores. Their shoes were all Hush-Puppies, factory rejects, purchased very cheaply at the nearby Wolverine Shoe Factory. Most of their furniture was second-hand, donated by Family or Church Members. Their car was a battered Plymouth with rust holes in the body panels. Dr. B did all the repair and maintenance work himself. They would drive out to farms where they could pick their own vegetables and fruit, or were given produce that was bruised or otherwise not suitable for marketing. They canned a lot of the food they collected! The two older children earned extra money by baby-sitting and doing odd jobs. They lived in a small rented house in a run-down neighborhood!

Now, after five years of hard work and sacrifice, all Dr. B's school debts had been paid off and they could start looking for a bigger house which they could purchase and call their own. But first, Dr. B wanted to reward his family for their sacrifices. Two years previously he had planned and paid for this dream vacation as a surprise for his family. A family member had advanced him the money so that it would be a complete surprise for his family!

Dr. Bernard had settled in Grand Rapids, Michigan. The city had just been voted as the best place in America to live! Dr. B had been told that there was a great need for surgeons in that City. Several older surgeons were in their seventies and should have retired already! A new surgeon knowing the latest surgery should have no problem getting referrals, so he was told!

But he found that the doctors were a tight knit group who would not refer patients to a surgeon they did not know! So, to survive, Dr. Bernard took night and weekend calls for the other surgeons. Then he was pleased that these surgeons were starting to refer some patients to him. But then he discovered that these referrals were mostly non-paying patients; many of whom had serious surgical problems. His Malpractice Insurance and Office expenses kept him in debt. Bernice then had to start working a second job in order to pay their bills.

When Mr. Reitsema, a prominent lawyer, invited the Bernards for a day long outing on his house boat on Lake Michigan, the family was delighted. While Bernice and the children enjoyed fishing and other activities with Mr. Reitsema's beautiful "secretary", Dr. Bernard and the lawyer talked "shop". The lawyer told the doctor that he was a member of many clubs and had heard such good reports about the new surgeon that he would be glad to recommend Dr. Bernard to all his friends. Some were well known doctors! Oh yes, by the way, if Dr. B. needed some extra work, the lawyer could refer some Work Injury Patients to him for a second opinion. The lawyer later took Dr. B to expensive lunches in order discuss cases he was referring for injury evaluations. The Bernards were sure that they were now on the road to success. Dr. Bernard soon found that most of the extra spots on his office schedule of patients were being filled with referrals from Mr. Ritsema, the lawyer. The doctor was also surprised that the patients described their injuries and symptoms almost too perfectly, as if they had all been rehearsed. But the lawyer paid him promptly without questioning the charges; so initially Dr. Bernard believed the X-ray, lab, and medical reports submitted by the lawyer. He was called on more and more to testify in court. At first this was no problem. The lawyer was extra careful to make sure that the Court Cases were scheduled so as not to interfere with the doctor's surgery patients. But the other doctors warned Dr. B. that the lawyer was just using him. The first time he and the lawyer disagreed, the lawyer would show his true colors. But Mr. Reitsema was so charming. He always inquired about Dr. B's family, so Dr. B did not take the warnings seriously!

When Dr. B. found out he had made some disability determinations, that he later found out were probably fabricated or exaggerated by the patients and their lawyer, he became much more objective and refused to make a diagnosis without doing his own tests and referrals. Then he noted that his payments from the lawyer were being reduced and delayed, he was seeing fewer of these patients, and Mr. Reitsema was becoming less friendly.

Dr. B. found that most Workman's Injury cases were settled in Arbitration or outside the Courts based just on his testimony. But when he began to be more objective and disagreed with some of the diagnoses, the Insurance Companies began to take notice. Dr. B then realized that he had made a big mistake when he told Mr. Reitsema not to schedule any court cases in January because he would be in the Bahamas that entire month. So to retaliate, the lawyer scheduled a long and difficult Court Case at that very time in order to ruin this dream vacation. The subpoenas were being served at the last minute in order to do the most damage!

With the cooperation of his family, office staff, Hospital personnel, and a friend who worked at the Court house, Dr. B had been able to avoid the subpoenas. But, someone had given Mr. Reitsema the doctor's schedule. When his wife saw the server was waiting in front of his home, that Friday, she arranged for a neighbor to take them to the airport. They were able to quietly leave through their back door and walk through their neighbor's back yard. Dr. B looked through the window in the door to the surgery suite and saw Mr. Reitsema patiently waiting with a smug look on his face! Meanwhile the surgical crew had devised a plan. As soon as Dr. B. completed his last surgical case, he went to his locker and changed out of his scrub clothes and then lay down on a gurney and was covered with drapes. His face was covered with a bandage daubed with mercurichrome. An oral airway was cut short so as not to gag him then was placed in his mouth. The anesthesiologist was careful to shield Dr. B's face as they wheeled him past Mr. Reitsema.

The gurney appeared to explode as soon as it was wheeled up to the back service elevator. Dr. B jumped on the waiting elevator that went nonstop to the underground parking lot where his family was waiting. The family kept their faces hidden all the way to the airport. They even were allowed through a side entrance to the plane in case someone was waiting out front at that small Airport. A cheer went up when the surgery staff heard the plane flying high over the Hospital with the Bernards on board. When Mr. Reitsema finally learned that his "bird" had escaped he had to admit defeat. However, he did not realize that this was the beginning of the end for him! (see PART 2)

