

search or to restrict the benefits derivable therefrom to patients, the public, or the medical profession. The acceptance of rebates on prescriptions or appliances or of commissions from attendants who aid in the care of patients is unethical. An ethical doctor of medicine does not engage in barter or trade in the appliances, devices, or remedies prescribed for patients but limits the sources of his professional income to professional services rendered the patient. He should receive his remuneration for professional services rendered only in the amount of his fee specifically announced to his patient at the time the service is rendered or in the form of a subsequent statement, and he should not accept additional compensation, secretly or openly, directly or indirectly, from any other source, except as provided in Article VI, Section 3, of Chapter III.

The prescription or dispensing by a doctor of medicine of secret medicines or other secret remedial agents, of which he does not know the composition, or the manufacture or promotion of their use is unethical.

The following is taken from the Code of Ethics of the Podiatry Society of the State of New York:

SEC. VI—SPLIT FEES, COMMISSIONS, COMMERCIAL ESTABLISHMENTS

A. Split Fees & Commissions:

1. It is unethical for podiatrists to pay or accept commissions in any form or manner on fees or professional services, references, consultations, pathological reports, radiograms, prescriptions, or on other services or articles supplied to patients. The Society deprecates the selling to patients of ready-made shoes, foot powders, lotions, medications, or other similar materials or articles.

2. Division of professional fees, or acceptance of rebates from fees paid by patients to x-ray, clinical or other laboratories, shoe stores, or other commercial establishments is unethical.

3. It is unethical for a podiatrist, directly or indirectly, to pay or to give consideration or a gratuity for the recommendation of a patient.

The following appears in a report of the United States Department of Justice—Antitrust Department of the United States District Court, Northern District of Illinois, Eastern Division:

V. DOCTOR DISPENSING AND ITS EFFECT ON PRICES

One of the forces at work preventing the reduction in the price of glasses to patients of doctors is the spread of the practice wherein oculists do their own dispensing of glasses to their patients. They thereby use the same procedure utilized by optometrists, except that the doctor, in addition to making the refraction and selling the glasses at a profit to himself, also charges the patient a professional fee for making the refraction.

If a doctor wishes to sell glasses in his own office to his patients and make whatever profit he can on such sales in addition to engaging in his professional practice, he is not barred by the judgments so long as he is not acting collusively with others. A resume of the doctor's rights in this respect was set forth in the letter which accompanied the final judgments which were mailed to the class defendant doctors (Exhibit 4).

During what may be termed the rebate era, there were of course many oculists who opposed the rebate practice as being unethical and contrary to proper professional standards. Likewise, today there are many doctors who contend that according to proper ethical standards the oculists should limit themselves to the performance of purely professional services and should have nothing to do with the actual selling of glasses, except in those areas where no optical dispensing houses are available. This point of view was expressed by a North Carolina doctor in answering the questionnaire:

... I have always thought he [the doctor] should have no pecuniary interest in the glasses he prescribes any more than any physician should own an interest in a drugstore or any other medical or surgical appliance business through which he would benefit financially.

A Florida dispensing optician, who has seen much of his business vanish because most of the doctors in his area are now doing their own dispensing and refuse to give prescriptions to the patient to be filled outside, comments bitterly:

... they are trying to sit on two stools at the same time by practicing medicine and selling merchandise at the same time.