

City of Cambridge

In City Council..... February 25, 1980

The City Council **Committee** on Health and Hospitals with Councillor Alfred E. Vellucci, Chairman, Councillor Walter Sullivan and Councillor David Wylie present, held a meeting of the Committee on Tuesday, February 19, 1980 ~~to which~~ at 8 a.m. in the Board Room of the Hospital.

Councillor Vellucci stated that he would entertain a motion to go into executive session prior to entering upon a discussion relative to Dr. Lee Macht.

Councillor W. Sullivan moved that the committee go into executive session since the committee would be discussing a personnel matter and personalities involved. The motion was approved by those members present and the committee went into executive session.

Councillor Vellucci stated that he had called this meeting pursuant to a previously adopted Council order relative to the Health Policy Board reviewing the facts of Dr. Macht in order to determine if the Policy Board felt Dr. Macht should continue to treat the residents of Cambridge. Councillor Vellucci questioned if the Health Policy Board has examined this issue and weighed all the facts in the case.

Dr. Melvin Chalfen, Chairman of the Health Policy Board, responded by stating that the Board and the Hospital Executive Committee had met on January 18, 1980 when this was first brought out by the press and they have met since the adoption of Councillor Graham's order on February 4, 1980. He further stated that the main issue became the apparent violation of Massachusetts Statute 94C, Section 24A ^{Reports,} regarding the failure to report to the Massachusetts Public Health Commissioner the dispensing of controlled substances. He further stated that Dr. Okin, the Public Health Commissioner, was unaware of the law and stated in a letter to the board that the law was never properly promulgated to the medical profession. Dr. Chalfen stated that after several discussions among the board and with Dr. Macht, the board finds Dr. Macht to be of superior professional quality who has worked endlessly to bring the outstanding psychiatric care this hospital has to fruition. He further stated that the Health Policy Board strongly feels Dr. Macht should remain on the staff at the hospital as Chief of Psychiatry.

At this time Ms. Gloria Thompson questioned whether or not the restriction placed on Dr. Macht's license would limit his ability to practice at the hospital.

Dr. Macht responded by stating that it would not since his practice at the hospital is basically teaching and administrative and he has no need to dispense Schedule II drugs. He further stated that the patient to whom he had been prescribing such drugs was a private patient with no connection to the Cambridge Hospital.

Councillor Wylie stated that he was surprised that the state had not taken sufficient steps to distribute a law passed in 1970 and if it was why such a law would be ignored.

REPORT

Committee on

Councillor Vellucci questioned whether or not anyone of Dr. Macht's superiors at the Harvard Medical School had reviewed this incident and what action was taken.

Dr. Macht responded by stating that the matter had been reviewed by the executive committee at the Harvard Medical School and he had been told that a letter of support from the Committee had been forwarded to the Dean of the Medical School.

Councillor Sullivan moved that the Committee on Health and Hospitals support the position of the Health Policy Board regarding Dr. Macht and urge him to continue his practice as Chief of Psychiatry.

The motion was agreed to by those members present.

At this time Dr. Macht stated that he wanted to thank those in attendance for their show of support. He further stated that all of this has been difficult for him and his family and he firmly believes that he had done the right thing for his patient and feels that his hard work in the community has been rewarded by the overwhelming support he has received.

The meeting was adjourned at 8:50 a.m.

For the Committee,

Councillor Alfred E. Vellucci
Chairman



CITY OF CAMBRIDGE

DEPARTMENT OF HEALTH, HOSPITAL AND WELFARE

1493 CAMBRIDGE STREET CAMBRIDGE, MASSACHUSETTS 02139
Telephone 354-2020

February 21, 1980

The Honorable The City Council
City Hall
Cambridge, MA 02139

Dear Councillors:

On February 4, 1980, in an Order of Councillor Graham's, the Health Policy Board Committee on Hospital was requested to make a determination whether or not they believed Dr. Lee Macht should be allowed to continue to treat the citizens of Cambridge as an employee of the Cambridge Hospital.

The Health Policy Board Executive Committee had held a special meeting on Friday evening, January 18, 1980 to review and evaluate Dr. Macht's position. At that time the allegations were reviewed, information obtained, and the nature of the charges discussed as well as their resolution in Court. In addition, it was found that the law under discussion was little known in the Commonwealth. The Commissioner of Mental Health states in a letter (copy attached) that to his knowledge no physician has ever reported his treatment under this statute.

At the time of the January 18, 1980 meeting, the Board looked more generally at the rôle and at the effectiveness of Dr. Macht at the Cambridge Hospital. Based on that review, and on additional study since that time, the Board finds that Dr. Macht is held in the highest repute for his quality of care of patients, for his hard and continuing work in the development of programs in the field of mental health, and for his creative and innovative approach to mental health care in the out-patient and neighborhood settings, especially for the poor and minority groups in the City. Dr. Macht is a leader of these efforts, not only in the City, but also is recognized as such throughout the United States.

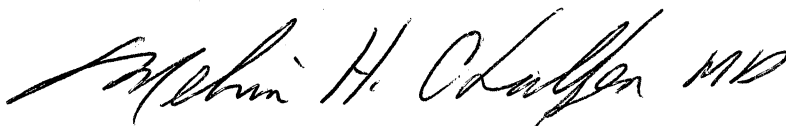
Since the January 18th meeting, the Board has maintained an active awareness of Dr. Macht's position. We have found no reason to

Mr. Joseph E. Connarton
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alter the conclusion of the January 18th, 1980 meeting, that no change should be made in Dr. Macht's status at the Cambridge Hospital as Chief of the Department of Psychiatry. Indeed, it is clear that the City of Cambridge, its citizens, and the Cambridge Hospital have benefited immensely from Dr. Macht's work in Cambridge.

Respectfully submitted,



Melvin H. Chalfen, M.D.
Chairman, Cambridge Health Policy Board
Chairman, Committee on Hospital and
Neighborhood Health Centers

Olin G. Gamm
Zelia Pacheco-Kelleher
Betsy J. Heron
Robert M. Keen
Gloria Thompson ^{mt-}
Yousef E. Dussault

Benny Feldman ^{mt}
Judith Freiman
Manuel Rogers
Peter P. Gil ^{mt}
Jay G. Sakas
Richard P. de Felippi

Members, Cambridge Health Policy Board



ROBERT L. OKIN, M.D.
COMMISSIONER

The Commonwealth of Massachusetts

Department of Mental Health

160 North Washington St., Boston, Mass. 02114

February 15, 1980

Melvin Chalfin, M.D.
77 Massachusetts Avenue
Room #11204
Cambridge, MA. 02139

RE: Lee B. Macht, M.D.

Dear Dr. Chalfin:

I am writing to you as Chairman of the Cambridge Health Policy Board relative to your investigation of Dr. Lee B. Macht's situation.

I am intimately aware of the details of Dr. Macht's case and also know his professional work in Cambridge over the last twelve years and feel fully competent to comment on both.

First with regard to the current situation, while the law which Dr. Macht was found guilty of violating in terms of the reporting requirement has been promulgated through the Secretary of State, it should be stressed that the Department of Mental Health never developed a publicized reporting mechanism. I myself and most physicians in the Commonwealth did not even know of the law's existence and to my knowledge, no physician has ever reported his treatment under this statute. In addition, as the Chief Mental Health official in the State, I can say without question that Dr. Macht acted in his best medical judgment according to the highest standards of medical ethics on behalf of his patient whose life he actually saved. While, of course, the details of the case are confidential, no one has questioned Dr. Macht's intentions, abilities, commitment or competence as a physician.

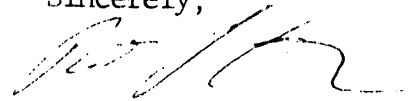
Might I comment further on Dr. Macht's career for your inquiry. As the Commissioner of Mental Health in the State, I have observed what he has done for health and mental health care for the citizens of Cambridge, particularly for low income and minority people. I also know in detail of his statewide and national efforts on behalf of the mentally ill and retarded poor. There is absolutely no question that Dr. Macht's career has been dedicated to the care of the sick poor of Cambridge. His accomplishments have been monumental in establishing the highest quality care for the sickest and poorest citizens of your city. He started neighborhood mental health in your city and in the nation and to his credit brought health care as well as mental health to low income and minority people right in their own neighborhoods. He has done the same in developing community services, alcoholism, drug abuse treatment and related services. Similarly he has developed a model inpatient and consultation service for the low income population at the Cambr

February 15, 1980

Hospital. Your services in Cambridge for the sick poor are of such high quality that they not only do justice to your city and its citizens but they stand out and serve as a State and national model. Much of this has been because of the tireless efforts and work of Dr. Macht. He is truly a remarkable leader as attested to by professional colleagues and citizens alike. He is most unusual, if not quite unique, in his special dedication to the health care of the poorest and minority group citizens. Cambridge is extremely fortunate to have him as is the entire State and nation. He stands out as a model of a physician deeply concerned about his patients, but also about programs and policy. In particular, he is an advocate for and the major leader in our efforts to provide highest quality health and mental health care for low income and minority groups who have been underserved and neglected for a century.

I trust that this information will be useful in your inquiry. Dr. Macht should clearly, strongly and certainly be supported. Cambridge should be proud to have him as the Chief Psychiatrist and if any action is taken I strongly believe it should be to most highly commend and reward him for all he has done for health and mental health care, especially for the poor of your city.

Sincerely,



Robert L. Okin, M.D.
Commissioner

RLO/ms



The Cambridge Hospital

Affiliated with
Harvard Medical School



TO: HEALTH POLICY BOARD
THE CAMBRIDGE HOSPITAL

RESOLUTION RE: DR. LEE B. MACHT

In view of the recent adverse publicity given to the Chief of Psychiatry, Dr. Lee Macht, the following undersigned Chiefs of the various departments in The Cambridge Hospital do affirm that:

1. WHEREAS: Dr. Macht has rendered years of excellent medical service to the patients in the hospital and its environs;
2. WHEREAS: He has organized and directed efficiently and smoothly the largest department in the hospital in terms of staff members;
3. WHEREAS: He has the highest moral caliber and practises medicine with highest ethical principles;
4. WHEREAS: The charge with which he has been indicted is on simple technical ground where this particular section of legislation, although enacted into law 9 years ago, has never been publicized and most of the doctors are quite unaware of its existence. Actually there is no mechanism by which the State government can transmit or receive this information.
5. WHEREAS: Any change in status of Dr. Macht at this time will disrupt the effective and smooth functioning of the department of psychiatry, which will immediately affect patient care and indirectly affect the whole hospital.



The Cambridge Hospital

Affiliated with
Harvard Medical School



HOSPITAL POLICY BOARD

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BE IT RESOLVED: That the undersigned Chiefs of the various departments of The Cambridge Hospital, do hereby affirm their confidence in the integrity and professional conduct of Dr. Lee Macht and that he continue to serve as Chief of the Department of Psychiatry.

Lee Macht
Chief of Surgery

Ther. J. Bat
Chief of Pediatrics

William A. Carr
Acting Chief of Medicine

W. J. Shaw
Chief of Radiology

Ther. L. E. J. M. D.
Chief of Obstetrics & Gynecology

George Hon
Chief of Pathology

William J. Macht
Chief of Anesthesia

Thomas C. Cochran
President, Medical Staff

Frank J. Macht
Associate Chief of Surgery

21 January 1980

Daniel S. Tosteson, M.D.
Dean
Harvard Medical School
Boston, MA 02115

Dear Dan:

With the thought that it might be useful to you to have a letter on record from the Executive Committee of the Departments of Psychiatry with respect to the newspaper story about Lee Macht, I send you this brief summary of the discussion which occurred at our meeting on 21 January 1980.

As you know, Dr. Macht was "found guilty" in Middlesex County Superior Court of "failing to report that he had prescribed controlled drugs to a drug dependent person" (David Kennedy, son of the late Senator Robert F. Kennedy). The conviction was based on a technical violation with no evidence at all that Dr. Macht had violated good clinical practice by his decision to treat the patient in the fashion that he did. Indeed, not one of the some 20 senior clinicians who attended our meeting was aware of the requirement in state law. To the best of our knowledge, no physician has ever reported under this statute nor has anyone ever been prosecuted. There does not seem to be a mechanism in the state department for receiving such reports, should they be made. Furthermore, all of us were in full sympathy with the problems that would have been presented (had Dr. Macht been familiar with this requirement, which he had not) in reporting information on so prominent a person in view of the likelihood this information would become public and thus violate the physician's prime responsibility to his patient.

We are prepared to reaffirm our conviction that Dr. Macht is a skilled and competent physician, one whose practice is in keeping with the highest tenets of our profession. Should any steps be taken to challenge Dr. Macht's licensing before the Board of Registration in Medicine, every one of us would be prepared to testify in his defense if this were to be thought useful. At the present time, it is the advice of his counsel that no further action be taken by us as individuals or by the Executive Committee as a body.

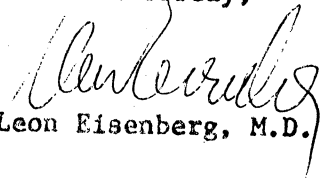
Dean Daniel Tosteson

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21 January 1980

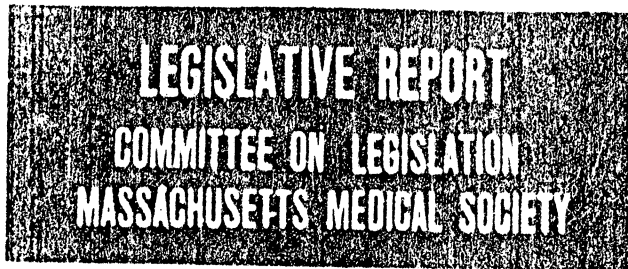
It seems clear to all of us that Lee was trying to help a seriously troubled patient who is unfortunately the son of a prominent family. Lee's reputation has been sullied because others sought to make the most out of an opportunity to attack a political family. Any one of us might as easily have been the victim of this misfortune.

Yours sincerely,


Leon Eisenberg, M.D.

LE:CM

cc: Dr. S. James Adelstein



RUSSELL J. ROWELL, M.D., *Chairman*

JOHN D. NOONAN, *Director, Governmental Affairs*

WILLIAM F. MALLOY, *Counsel, Governmental Affairs*

February 11, 1980

On Beacon Hill

MD'S MUST REPORT TREATMENT OF DRUG DEPENDENT
PATIENTS TO THE COMMISSIONER OF PUBLIC HEALTH

Physicians are reminded that the treatment of patients who are drug dependent must be reported to the Commissioner of Public Health. A state law, Chapter 107I of the Acts of 1971, was recently invoked against a psychiatrist for failure to report that he had treated a drug dependent person. The law reads:

Section 24. (a) A practitioner who dispenses a controlled substance in Schedule I, II or III in the course of research conducted pursuant to the provisions of section eight or for the purpose of treating for his drug dependency a drug dependent person as defined in section thirty-eight of chapter one hundred and twenty-three shall report to the commissioner of mental health or his designee identifying information and the address of each research subject or patient to whom such controlled substance is dispensed and the name, dosage and strength per dosage unit of the substance so dispensed. Said commissioner shall maintain records of each such report.

(b) Such records maintained by the commissioner of mental health shall be closed to the public and shall not be available to any law enforcement officer for any purpose, nor shall they be used in the criminal prosecution of such research subject or patient pursuant to any provision of this chapter, nor shall they be admissible in evidence against such research subject or patient in any criminal proceeding.

(c) If the commissioner of mental health determines that the research subject or patient is receiving any controlled substance from more than one source and in quantities which he determines to be harmful to the health of the research subject or patient, said commissioner shall so notify the practitioners who have dispensed the controlled substance.

(d) The commissioner of mental health shall report to the commissioner any failure of a practitioner to report the information required by the provisions of this section. The failure of a practitioner to report as aforesaid shall constitute sufficient grounds for the termination of the research project or study pursuant to the provisions of subsection *(c)* of section eight or the revocation, suspension or modification of the practitioner's registration, or both.

(e) In order to prevent the dispensing of controlled substances to the same individual from multiple sources or the unlawful diversion of controlled substances, the commissioner of mental health shall pursuant to the provisions of chapter thirty A adopt rules and regulations for carrying out the provisions of this section.

RULES AND REGULATIONS GOVERNING THE PRACTICE
OF NURSING IN AN EXPANDED ROLE ARE PROMULGATED

The rules and regulations governing the practice of nursing in an expanded role have been officially promulgated through their publication in the Massachusetts Register, issue No.

AN INFORMED MEMBERSHIP IS A STRONG MEMBERSHIP



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To The Honorable, the City Council

Date February 25, 1980

From Joseph E. Connarton
Deputy City Clerk

JEC

Reference

Subject Report from the Committee on Health and Hospitals

Pursuant to the request of Councillor Vellucci, Chairman of the above committee, I am forwarding for your review a report of the committee meeting held on Tuesday, February 19, 1980 in executive session.

Also for your review, I am forwarding the following documents:

- 1) The response of the Health Policy Board relative to Council order no. 11 dated February 4, 1980 relative to Dr. Lee Macht;
- 2) A copy of a letter from the Massachusetts Commissioner of Public Health to the Chairman of the Cambridge Health Policy Board relative to Dr. Lee Macht;
- 3) A copy of a resolution signed by the Chiefs of Service throughout the Cambridge Hospital relative to Dr. Macht;
- 4) A copy of a letter from Dr. Leon Eisenberg, Executive Committee of the Harvard Medical School to Dr. Daniel S. Tosteson, M.D., Dean of the Harvard Medical School, relative to their position in the matter of Dr. Macht; and
- 5) A copy of the Massachusetts Medical Society Legislative Report dated February 11, 1980 which reminds physicians that they must report the treatment of drug dependent patients to the Public Health Commissioner. It should be noted that this "reminder" came after the "Dr. Macht incident".

The Chairman and members of the Committee on Health and Hospitals hope that all Councillors will find this information beneficial.

Encs. (6)

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Comm. from Councillor Alfred E. Vellucci,
Chairman, Committee on Health and Hospitals,
transmitting report of Committee meeting
held in Executive Session on February 19,
1980.

Accepted and Placed on File

In City Council,
February 25, 1980