

# Patient and His Doctor: Quandary for Medicine

By JANE E. BRODY

Fifteen years ago Milton Blackstone was clearly at the top among entertainment publicists. A clever, personable man whom friends called "a genius," Mr. Blackstone guided Eddie Fisher to stardom and was the acknowledged man behind-the-scenes whose ideas converted Grossinger's from a small summer hotel in the Catskills to an international year-round resort.

Today, the once wealthy Milton Blackstone is in debt and living in a fourth-rate hotel on Manhattan's west side, the sole occupant of a 20-bed dormitory adjoining a steam room. His friends say that in recent years he has undergone a dramatic personality change, becoming increasingly withdrawn, occasionally paranoid and, at times, severely emaciated.

The causes of his condition are not clear, but Mr. Blackstone's two brothers said they believed it is connected with the treatment he has been receiving for 20 years from Dr. Max Jacobson, the 72-year-old Manhattan practitioner recently described in The New York Times as physician to a long list of celebrities and others. Dr. Jacobson treats his patients

by injections that he says contain vitamins, hormones and often amphetamines.

The story of Milton Blackstone—as told to The Times by his brothers—underscores the serious difficulties involved in the ability of medicine to regulate itself. It points particularly to the apparent impotence of the local medical society and the extreme reluctance of physicians to report what they believe to be the questionable practices of their colleagues.

Many of Dr. Jacobson's patients have had high praise for the care he has given them, including Milton Blackstone who, while refusing to discuss details of his relationship with the doctor, said that the doctor "saved my life" and is "more than a friend."

However, a few of Dr. Jacobson's former patients have complained of bad reactions to the injections, including excessive talkativeness, severe weight loss, paranoia and a dependence on the shots.

After the article was published in The Times, a number of Dr. Jacobson's former patients, and in some cases their relatives, told The Times of

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their futile efforts to call attention to what was taking place in the doctor's office and happening to some of his patients.

They said they had tried to tell hospital officials, private physicians and medical societies, among others, but, as the wife of one patient put it, "No one wanted to hear about it. They all looked at me as if I were nuts."

Milton Blackstone's brothers and many old friends said they were convinced that the effects of Dr. Jacobson's injections were ultimately responsible for the patient's change from a financial, professional and per-

sonal success to the relatively inactive, isolated soul they say he is now.

## No Medical Examination

Whether his brothers were right or wrong cannot be determined since Mr. Blackstone, who is now 66 years old, has yet to undergo the thorough independent medical examination his brothers have been seeking for eight years. What can be said, however, is that no matter where they turned for help, they got none.

Doctors are under no obligation to respond to the request of relatives of an adult patient without the patient's permission. However, experts on the ethics of medical practice say that generally doctors would welcome the consultation of another physician if the family is concerned about the patient's condition or mode of treatment.

According to the brothers' story, at least half a dozen physicians other than Dr. Jacobson saw Mr. Blackstone in various stages of his decline, but they all felt they were not in a position to intervene. Mr. Blackstone's brothers also wrote repeatedly to the Medical Society of the County of New York, but the society said it could not actively intervene in the Blackstone case. And, despite its power to do so, the society did not investigate Dr. Jacobson's activities on the basis of the brothers' complaint.

The brothers also approached the State Department of Education, which licenses physicians, and the Attorney General's office, but there, too, got nowhere. They consulted lawyers, who could offer them no options, and they tried dozens of times to get through directly to Dr. Jacobson, but were never able to see him or speak to him.

## Policy Change Sought

The brothers said they were hopeful that it would stimulate some change in policy, procedure or law governing the regulations of physicians so that others will have the recourse they lacked.

Unable to persuade their brother to see another doctor, and completely shut out by Dr. Jacobson, two of his brothers—Daniel Blackstone and the late Teo Schwarzstein (the original family name)—took their problem to the medical society six years ago.

In a letter to the society in October, 1966, the brothers said that Milton, while a patient of Dr. Jacobson, "has undergone a very serious change in personality" and "has all but become a derelict." They asked for the society's help in their effort to learn "whether he has an addiction, or a chronic disease, or both."

The medical society wrote, to

Dr. Jacobson, who said he would not disclose any information regarding his patient without the patient's consent, which apparently was not forthcoming.

In the years that followed, the brothers' concern and frustration mounted as reports got back to them that their brother had gone "from bad to worse," occasionally sleeping in doorways and hallways, begging money from old friends, looking severely malnourished, and finally winding up "in the Bowery Mission."

The brothers tried again to reach Dr. Jacobson and failing that, in the fall of 1970, wrote to the State Department of Education, which, through the Board of Regents, has the authority to remove a doctor's license.

Daniel Blackstone said that the education department had

told him it was completely familiar with Dr. Jacobson and suggested that he get in touch with the Attorney General's office, which investigates and prosecutes cases for the education department and which has been conducting an inquiry into Dr. Jacobson's activities since September, 1970.

"But apparently everything I gave to the Attorney General's office was not evidence on which they could act," Daniel Blackstone explained. "They kept asking me, 'Will your brother testify against Dr. Jacobson?' The answer was clearly, 'No.'"

So in November, 1970, the brothers again wrote to the medical society, telling them of Milton's experience on the Bowery and calling the society's attention to the Education Department's investigation.

"We are frustrated," they wrote. "We cannot charge Dr. Jacobson with a crime and yet without his cooperation we cannot get Milton auxiliary, or supplementary, or substituted treatment."

Again the medical society wrote to Dr. Jacobson and again the doctor replied that his patient wanted no part of his brothers' request. The society suggested that the brothers try to negotiate directly with Mr. Blackstone.

#### 'A Sick Person'

They responded that Mr. Blackstone was "a sick person" who "may not want to offend Jacobson."

"Behind this obstruction is a physician who relies on this," they said. The brothers, who suggested that the family be allowed to bring in another doctor for consultation, wrote, "The license to practice medi-

cine is, certainly a formidable shield behind which weird things can happen."

The society's reply was to advise the brothers of the procedures for having an involuntary patient committed for a psychiatric examination. The brothers said they had looked into this possibility and found no legal option available to them.

Following the account in The Times of Dr. Jacobson's practice, the Blackstone brothers again asked the society for help in getting an independent evaluation of Milton's condition.

The society's Board of Censors wrote to Dr. Jacobson on Dec. 8 suggesting such an evaluation "in the interest of good public relations and because of the family's concern, as well as the welfare of the patient." However, the society did not say who should select the doctor to make the evaluation, in effect leaving the choice to Dr. Jacobson. The society has not yet received a reply to its suggestion.

Dr. Lawrence Essenson, chairman of the Board of Censors, said that this was as far as the society would go in this case. "We haven't got the power to do anything else. We can't take the patient by the hand and say 'Be seen by this and such doctor.'"

Dr. Essenson added that or-

dinarily the society would have to go no further than it has. Normally, he said, if the family is concerned, a doctor would let another physician examine the patient.

Dr. Essenson said he would ask Milton Blackstone's brothers, friends and physician contacts to report to them on Dr. Jacobson's activities. In response to the article in The Times, the board has asked Dr. Jacobson to appear before it to answer what Dr. Essenson called "allegations of unethical conduct—the indiscriminate use of amphetamines." The medical society expects the doctor to appear next month.

The society's powers against a doctor are limited to dismissing him from membership in the society, citing him for unethical conduct and, if warranted, referring the case to the Department of Education.

In response to an inquiry by The Times, one of Dr. Jacobson's attorneys, Simon Rose, said, "Milton Blackstone is a patient of Dr. Jacobson's . . . and it's not the doctor's practice to discuss his patients with anybody." It could not be determined, therefore, whether Mr. Blackstone was receiving amphetamines as part of his treatment.

#### Patient Is Satisfied

Despite several attempts by The Times to interview Milton



Associated Press

Milton Blackstone at a news session here in 1962

Blackstone, he refused to discuss his relationship with Dr. Jacobson in any detail except to say that the doctor "saved my life," "he is more than a friend," "I believe in him," and "I am only sorry he doesn't have more time for me." Mr. Blackstone told The Times he was satisfied and comfortable in his present life, although it may not be the kind of life others think he should be leading. He said he was "distressed" by his brothers' activities.

A few of his friends said they first began to notice a change in him 10 to 15 years ago when the usually sharp-witted, intelligent man began talking "irrationally" on occasion. Some of those who knew he was a patient of Dr. Jacobson began to suspect that something in the injections (none knew what they contained) was causing a change in their friend.

One friend, James McKnight, vice president of the International Textile Workers of America, who had known Mr. Blackstone well since the early nineteen-forties, had an especially close look at what was happening. On a number of occasions, Mr. McKnight accompanied Mr. Blackstone to Dr. Jacobson's office and to his home and saw Mr. Blackstone get injections.

Mr. McKnight also said that he had seen Dr. Jacobson give Mr. Blackstone vials and hypodermic needles to take back with him to his hotel.

#### Injections' Reaction

"After he had a shot, you couldn't shut him up. You couldn't get a word in edgewise," Mr. Knight reported. "He would rant and rave incessantly, jumping from one subject to another. It was impossible to discern any real information from his speech. Even when you could understand the topic he would go off into the ethereal."

"Then, a couple of hours

later, we would go back to the hotel, and all of a sudden Milton was like a man dying. He would shake from head to toe, lie in bed almost in a state of inertia, terribly depressed."

Mr. McKnight also said, "I've heard Milton Blackstone call this doctor at all hours and plead with him to let him come for a shot. He would plead like a baby pleads for milk. Sometimes he would visit the doctor twice a day."

But no matter what anyone said, Mr. McKnight said, Mr. Blackstone would not give up the injections. "In all the years I knew Milton," he recalled, "I had never seen him lose his temper. But once when another friend mentioned Max Jacobson, Milton exploded into a rage and told him to get out and mind his own business."

Mr. Blackstone's former personal physician, Dr. William M. Hitzig, also tried to get him to stop seeing Dr. Jacobson. Dr. Hitzig, who was also the late Jenny Grossinger's physician, said he was called to Grossinger's about 10 or 15 years ago to look at Milton.

#### Patient Couldn't Stand

"I found him in a state of collapse; he couldn't stand up, he had no blood pressure," Dr. Hitzig reported. "I tried to convince him to give up the injections. I succeeded in convincing Jenny, who had also gone to Dr. Jacobson for awhile, but Milton Blackstone was very frightened about not getting the stuff."

About seven years ago, a psychiatrist recommended by Dr. Hitzig examined Mr. Blackstone. The diagnosis, according to Dr. Hitzig, was "paranoid schizophrenia—he suggested that Milton be put in a sanatorium and withdrawn from the injections."

Mr. Blackstone reportedly told the psychiatrist he was the one who needed help, and left.

Mr. Blackstone has had brushes with other physicians over the years, but he always managed to get back to Dr. Jacobson. "With Dr. Jacobson on the scene," Daniel Blackstone observed, "no other doctor would step in." To examine a patient without his consent could subject a doctor to criminal charges.

Daniel Blackstone, who lives in Englewood Cliffs, N. J., recalled that his brother once "collapsed in a New York hotel and when he was revived by the hotel physician, he turned to him and said, 'Who are you? I didn't call for you.' Then he telephoned Dr. Jacobson who came over and gave him a shot and Milton walked out of the hotel."

#### Brought to Hospital

He was once brought to a New York hospital under similar circumstances, Daniel Blackstone said, and again "Max Jacobson had him discharged."

In October, 1970 Milton Blackstone spent a week at the Bowery's Shelter Care Center for Men, where he was seen by Dr. Simon Schwarz. According to Daniel Blackstone, Dr. Schwarz—who was unavailable for comment—said his brother was "schizophrenic and/or paranoid and should be hospitalized immediately at Bellevue for an evaluation."

"But Milton insisted he call Dr. Jacobson, who said, 'That man is under my care; send him to me.' Milton was then put on a bus and taken by a city policeman back to Dr. Jacobson."

Milton Blackstone once did end up at Bellevue's admitting

office, having been brought in by two policemen who said he was acting strangely. Again, he called Dr. Jacobson and he was released in the doctor's care, Daniel Blackstone said.

One of Milton Blackstone's friends of more than two decades, himself a psychiatrist, said that when he last saw Mr. Blackstone, in 1965, "he had a paranoid psychosis." "He wouldn't come up to my apartment. He was afraid someone was upstairs who would take him to the hospital, the psychiatrist said.

#### Weight Loss Noted

"Later in the supermarket, he kept looking behind the counters to see if someone was after him." At the time, the psychiatrist said, "Milton looked very malnourished. He had suffered such a marked weight loss he couldn't even keep his teeth in his mouth." (In recent months, Mr. Blackstone has reportedly gained weight.)

He continued, "I knew he was getting injections from Max Jacobson, but I didn't really know what was in them. To me it sounded like amphetamines, but I couldn't prove it." The psychiatrist—who refused to be identified—said he never told the medical society about it because "I was not his doctor, I was a friend of the family. It wouldn't make sense for me to report it."

Dr. Hitzig also never reported anything about the doctor to the medical society.

"I spoke to several lawyers about it, and they all said I couldn't do anything without getting deeply involved, unless I could get the patient to testify. Who can get a patient who's getting shots to testify?" he said.