

Curare Case Points Up Some Problems Doctors Face in Policing the Profession

By LAWRENCE K. ALTMAN

The case of Dr. Mario E. Jascavevich, who was named yesterday as a New Jersey surgeon suspected of murdering patients at a hospital a decade ago, illustrates in a most unusual way the difficulties of doctors policing the medical profession. It was two doctors at the hospital in Oradell, N.J., whose suspicions originally brought Dr. Jascavevich's case before the Bergen County Prosecutor's office in 1966.

These doctors deduced that Dr. Jascavevich did something that led to deaths among patients at Riverdell Hospital, a small osteopathic institution in Oradell. Then by the doctors' own detective work they found empty vials of curare, a potentially lethal respiratory depressant, in Dr. Jascavevich's hospital locker.

The doctors and hospital officials were uncertain about taking the drastic action of going to the Prosecutor's office, but after they did their efforts were frustrated when Guy W. Calissi, then the Bergen Prosecutor, dropped the investigation without presenting evidence to a grand jury.

The official file on Mr. Calissi's investigation does not state why the inquiry was abandoned. However, the former Prosecutor, now a Superior Court judge, said recently that he did not believe in 1966 that curare could be found in corpses.

Steps Are Discussed

When The New York Times began its investigation last fall, some doctors associated with Riverdell Hospital agreed to discuss what steps they had taken and their testimony to the Prosecutor.

Dr. Jascavevich, a board-certified surgeon who has denied wrongdoing, is free to practice in New Jersey and New York, where he is licensed. The New Jersey State Board of Medical Examiners has made Dr. Jascavevich's case a subject of continuing inquiry, but has not acted to suspend or revoke his license pending receipt of further information and evidence regarding any wrongdoing.

Dr. Jascavevich's case comes at a time when the medical profession and the public are questioning the adequacy of existing legislation in dealing with sick and incompetent doctors.

The American Medical Association is sponsoring model legislation to help police the medical profession in regard to doctors suffering from alcoholism, drug addiction and severe mental disorders. The absence of such legislation raises many questions about how the public can protect itself against dangerous doctors, how doctors can be protected against unfair accusations, how those who report medically unfit doctors can be protected against countersuits and how at the same time witch hunts can be prevented.

Officials of Christ Hospital in Jersey City, where Dr. Jascavevich is on the surgical staff, and of the New Jersey College of Medicine and Dentistry, where Dr. Jascavevich volunteers to lecture without pay about eight times a year on the surgical techniques of repairing hernias, said they had no present plans to alter his status.

Jury Considering Case

Dr. Jascavevich's lawyer, James E. Anderson, said at a news conference Tuesday that although he and his client had offered to testify before the New Jersey State Board of Medical Examiners after The Times's disclosure Jan. 7, the board had not requested their presence.

Anthony LaBue, deputy attorney general for New Jersey and counsel to the Board of Medical Examiners, said in an interview yesterday that the

board "had not yet decided to accept the invitation pending completion and evaluation of all the necessary information."

The grand jury in Hackensack that is considering the Riverdell case meets, like other grand juries in New Jersey, only once a week and is not expected to act for several weeks or longer. Joseph C. Woodcock Jr., the Bergen County Prosecutor, declined to comment yesterday on the latest developments in the case because the matter was before the grand jury. Neither Dr. Jascavevich nor his lawyer, James E. Anderson, were available for comment.

The evidence the grand jury is hearing stems from the suspicions Dr. Stanley I. Harris and Dr. Alan Lans raised 10 years ago about the deaths of nine or more patients at Riverdell when Dr. Jascavevich was chief of surgery there. Dr. Harris and Dr. Lans said they reviewed the charts of the patients who died suddenly and inexplicably after surgery.

Dr. Harris testified that he deliberately opened Dr. Jascavevich's locker—itsself a highly unusual action for a doctor to do to his chief—and found curare, later counted at 18 vials, most of them empty or nearly so.

Doctors often say they are reluctant to testify against colleagues for a variety of reasons ranging from personal apathy to what they perceive as a lack of concern on the part of law enforcement officials.

In the Riverdell case, the doctors said they made it clear to the hospital officials that the matter was one for the Prosecutor's office.

The osteopathic physician who was president of the medical staff at the time and who asked that his name not be used, said in an interview yesterday:

"When we found something, we went to the Prosecutor's office with it. Now we are suffering horribly for having

done what was right. I really resent that. I see no protection for people who did what was right."

Experts on medical discipline who are not connected with the Riverdell case said in interviews that under the circumstances there was little disciplinary action that medical and hospital officials could take after the Prosecutor had stopped the investigation.

Discipline Thwarted

"If the prosecutor dropped the ball, I do not see how the medical society, hospital board or Board of Medical Examiners could have acted," said Dr. Robert C. Derbyshire, a Santa Fe surgeon and a member of the New Mexico Board of Medical Examiners, added, "How can a hospital discipline a doctor if it doesn't have proof of wrongdoing?"

After the investigation, Dr. Jascavevich resigned from Riverdell, but the hospital apparently did not voluntarily advise other New Jersey hospitals or the ones that granted Dr. Jascavevich surgical privileges about the circumstances surrounding his departure.

Moreover, some Riverdell hospital officials warned that if the institution took some kind of action against Dr. Jascavevich on its own, the hospital could be subject to suit.

Mr. LaBue, the deputy New Jersey attorney general, said that last year the State Board of Medical Examiners notified hospitals of their obligation to report such matters to the board. He said that "since then there has been some reporting—not as much as we would like—but enough to indicate a marked change in a attitude."

Another expert in medical discipline pointed out that even if Dr. Jascavevich was indicted and then acquitted, the Board of Medical Examiners and hospital officials still could act to suspend or revoke his license if they received sufficient evidence of wrongdoing in his practice.