STATEMENT
OF THE
AMERICAN COLLEGE OF PHYSICIANS
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HOUSESTAFF AS "EMPLOYEES"

PRESENTED BY

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In light of the legislative proposals and court decisions presently under consideration, the American College of Physicians wishes to express its strong opposition to House bill 2222 amending the National Labor Relations Act to include House Officers, such as interns, residents, and other housestaff physicians as "professional employees" for the purpose of organizing and collective bargaining.

The 42,000-member College, which consists of practitioners of internal medicine, clinical investigators, and medical educators, believes that this proposed legislation would have a deleterious effect upon graduate medical education in the United States. It would have as its ultimate impact the deterioration of patient care.

Interns and residents are graduate medical students preparing for their professional careers and not employees primarily engaged in medical practice. They accept residency appointments because of the educational value, not because of the employment value. They are seeking education - not a job. The American College of Physicians recommends that the educational nature of residency training be recognized by the various branches of the federal government. This recognition should include a reversal of the Internal Revenue Service disallowance of fellowship deductions for residents as well as confirmation of the National Labor Relations Board identification of residents as primarily students ineligible to organize as labor unions.

Undergraduate medical education does not prepare students for many of the problems faced in clinical practice. By the time they are graduated, medical students have acquired essential biomedical and scientific knowledge and limited clinical experience, but further supervised education in patient care activities is required
before they meet the high standards of American medicine. The practice of medicine requires integration of knowledge and the practical skills of patient management. Such a balanced educational experience can only be acquired through experience rather than through didactic methods.

Residencies and fellowship programs are an integral part of medical education and the experience of each student/physician is individually tailored and paced. Paramount to the educational process is personal rapport between educational program directors and House Officers. The present system is designed to foster the educational goals and interests of the student in a structured context in which responsibility is gradually increased as the amount of direct supervision is decreased. The student/teacher relationship is not intended to be egalitarian or managerial and thus is inherently incompatible with the economic concept of "equality of bargaining power."

The quintessence of the physicians' art is respect for the dignity of the patient as a human being and responsibility for his physical and emotional well-being. The techniques for converting medical student into medical practitioner evolved in the United States into a carefully metered system in which thoughtfully nurtured responsibility--always under the scrutiny and supervision of teachers--has become the hallmark of graduate medical education.

Under the present system, responsibility for the welfare of the patient becomes a part of the essence of every good clinician. It knows no limits of individual time, effort or energy.

The fine physicians who populate this country are the product of a tough program that has traditionally placed the sense of
patient responsibility above all other considerations—personal and financial. An educational model rather than employee/employer relationship is mandatory to preserve this system. The American College of Physicians strongly advises that the proposed amendment be rejected and that the Appellate Court uphold the National Labor Relations Board ruling that House Officers are students—not employees.