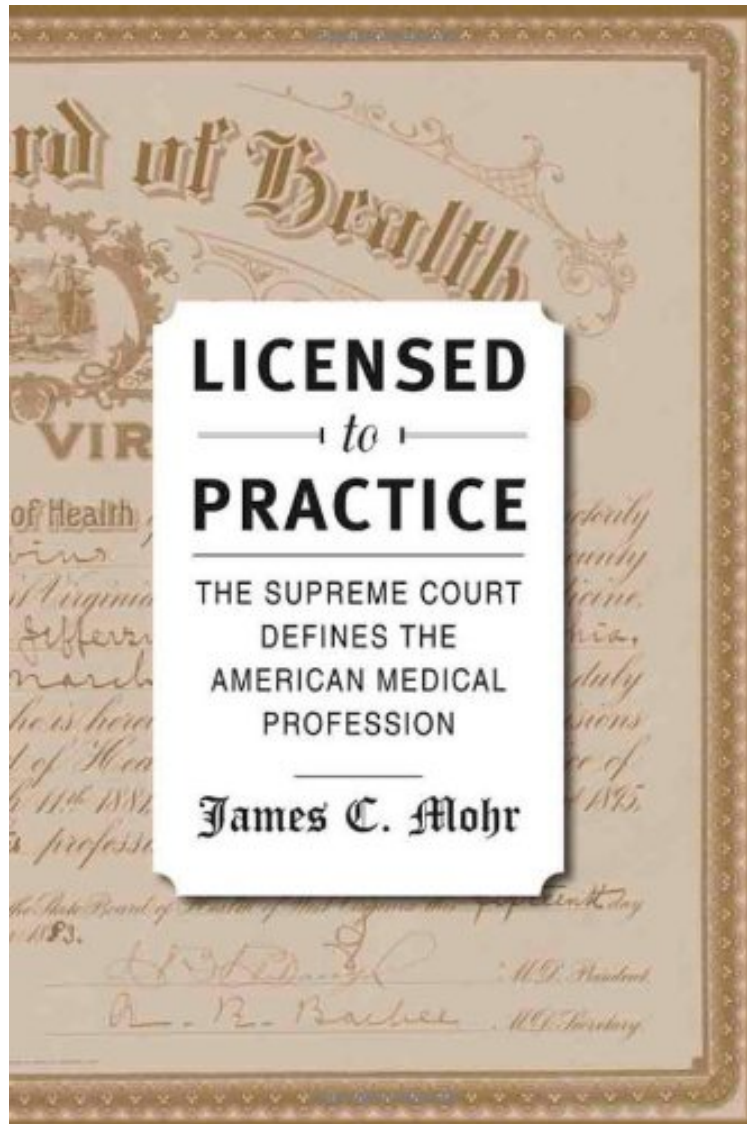


Licensed to Practice: The Supreme Court Defines the American Medical Profession

James C. Mohr

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James C. Mohr : Licensed to Practice: The Supreme Court Defines the American Medical Profession before purchasing it in order to gage whether or not it would be worth my time, and all praised Licensed to Practice: The Supreme Court Defines the American Medical Profession:

3 of 3 people found the following review helpful. Wonderful detective workBy John HarrisThis is a very readable story about a lost part of medical history that needed to be found and a lost hero, Doctor James Reeves, who needed to

be recognized. The former British colonies had developed a system of medical licensure, managed by regular physicians, but this was generally abandoned in the early 19th century for reasons that Professor Mohr explains. By 1849 only New Jersey and the District of Columbia had any real control of medical practice. In this environment anyone could claim to be a healer and anyone could sell, and profit from, their proprietary nostrums. Following the Civil War regular physicians sought to regain control and the battle was essentially decided in Wheeling West Virginia, well away from the medical power centers of Baltimore, New York, and Philadelphia. Mohr tells this forgotten and fascinating history in a very readable way and describes the colorful frontier figures, particularly Dr Reeves, whose lives and ambitions led to the landmark Supreme Court case, *Dent v. West Virginia*. He presents a nice summary of the way the *Dent* case advanced scientific medicine and its unintended consequences that linger with us. As a physician with a long interest in medical history, I found this book accurate, informative, and compelling.

0 of 0 people found the following review helpful. Recommended for anyone who belongs to or works with a ...By Richard Burney Recommended for anyone who belongs to or works with a state Board of Medicine or is interested in the topic medical licensing. 4 of 4 people found the following review helpful. *Guiding the Medical Lily: As West Virginia Goes, so Goes the Nation* By Howard Wainer In his *Metaphysics*, Aristotle observed "we understand best those things we see grow from their very beginnings." Thus one important role of historians is to tell us about those beginnings. In *"Licensed to Practice"*, the distinguished historian James Mohr tells the remarkable story of how the practice of state licensing physicians began. It is easy to see how the public's health is under threat if just anyone can hang out a shingle and open a medical practice. Yet, this was precisely the case in the United States throughout much of the 19th century. Few disagreed that only qualified people should be allowed to practice medicine, but controversy erupted over the joint questions of what constitutes being qualified, and who should decide. As one might suspect the controversy included approximately equal parts of science and politics. Professor Mohr tells the story of how the movement to license physicians grew strong among a minority of physicians in West Virginia who through dint of cleverness and mighty effort convinced the West Virginia legislature to take on this task as a small part of a much greater effort to improve public health. Those whose approach to practicing medicine differed from that which was adopted as required to be licensed understandably objected strenuously. There were a substantial number of individuals, now outsiders to the guild of medicine, who didn't seem to understand the logic being followed — of course it is always difficult to get someone to understand something if his paycheck requires that he not understand it. Their objections ended up in a legal challenge to the West Virginia statute that ended before the US Supreme Court, which in 1889 (*Dent vs. West Virginia*) found that the state was within its rights to both decide what constitutes a competent physician and to deny the right to practice to those who it deemed not competent. After *Dent v. West Virginia* the doors were flung wide for all the other states to join in and they did. By 1915 an organization was founded, the National Board of Medical Examiners, delegated by the each of the states to handle medical licensing for all of them. The tale told by Professor Mohr is not a dry sequence of facts, but is instead an evocative page-turner. Mohr's description of the characters in this tale is massively evocative and filled with palace intrigue and scheming worthy of Henry II, with the part of Eleanor played by Richard Reeves. Indeed the book begins with a shootout on the streets of Wheeling between two physicians who disagreed about aspects of the licensing process. It resulted in Dr. George Garrison shooting and killing Dr. George Baird. To learn the fascinating details I refer you wholeheartedly to this marvelous depiction.

Licensed to Practice begins with an 1891 shooting in Wheeling, West Virginia, that left one doctor dead and another on trial for his life. Formerly close friends, the doctors had fallen out over the issue of medical licensing. Historian James C. Mohr calls the murder "a sorry personal consequence of the far larger and historically significant battle among West Virginians' physicians over the future of their profession." Through most of the nineteenth century, anyone could call themselves a doctor and could practice medicine on whatever basis they wished. But an 1889 U.S. Supreme Court case, *Dent v. West Virginia*, effectively transformed medical practice from an unregulated occupation to a legally recognized profession. The political and legal battles that led up to the decision were unusually bitter especially among physicians themselves and the outcome was far from a foregone conclusion. So-called Regular physicians wanted to impose their own standards on the wide-open medical marketplace in which they and such non-Regulars as Thomsonians, Botanics, Hydropaths, Homeopaths, and Eclectics competed. The Regulars achieved their goal by persuading the state legislature to make it a crime for anyone to practice without a license from the Board of Health, which they controlled. When the high court approved that arrangement despite constitutional challenges the licensing precedents established in West Virginia became the bedrock on which the modern American medical structure was built. And those precedents would have profound implications. Thus does *Dent*, a little-known Supreme Court case, influence how Americans receive health care more than a hundred years after the fact.

"The tale told by Professor Mohr is not a dry sequence of facts, but is instead an evocative page-turner. Mohr's description of the characters in this tale is massively evocative and filled with palace intrigue and scheming worthy of Henry II... To learn the fascinating details I refer you wholeheartedly to this marvelous depiction." (Howard Wainer

Journal of Medical Regulation)"Mohr presents a thoroughly researched and eminently readable account of the times, people and circumstances that led to the passage of the West Virginia licensing law and its subsequent legal challenges... Reading this fascinating and personal history of a watershed moment in physician regulation encourages one to dig deeper into the history of medical regulation." (John Harris Social History of Medicine)"In sprightly prose Mohr explains how the practice of medicine came to be licensed. His archival sleuthing has unearthed a complex drama involving personalities, ideas, and interests." (Jeffrey Kahana Journal of American History)"Mohr clearly explains the rationale for opposing licensing and makes it easy to understand why for over a decade legal authorities remained confused and unconvinced by the decision. This book will be a useful case study for historians attempting to make the case for the contingent nature of change to non-historian policy makers." (Joel D. Howell Bulletin of the History of Medicine)" Licensed to Practice covers a lot of ground... [James C. Mohr] provides a definitive account of Dent, makes an important contribution to the history of medicine in the United States, and offers an interesting study of regulation in the Progressive era." (The Federal Lawyer)" Licensed to Practice is a valuable contribution to the history of US medicine and public health. Mohr frames the unique features of the West Virginia law and its subsequent legal history. He presents new information on the individuals involved." (West Virginia History)"Mohr's book does a superb job presenting not just the history and the legal debates leading to Dent, but also offers well-thought-out criticisms of the consequences of the Supreme Court's Dent decision for issues such as the medical malpractice system and the policing of physician competence post-licensure. He manages to present all of this, including the rather arcane and complex legal issues in an accessible and easily-understood manner even for those who are not steeped in constitutional law or historical research." (Kennedy Institute of Ethics Journal)"Mohr's effective blending of engaging narrative with cogent historical analysis makes this book a useful resource for historians of medicine, legal historians, as well as those interested in social history. But the book is also appealing to medical, legal, and regulatory professionals seeking a historical perspective on medical licensing, its impact on practice, and the implementation of public health in the United States." (Journal of the History of Medicine and Allied Sciences)About the AuthorJames C. Mohr is the College of Arts and Sciences Distinguished Professor of History and the Philip H. Knight Professor of Social Science at the University of Oregon. He is author of *Doctors and the Law: Medical Jurisprudence in Nineteenth-Century America* and *Radical Republicans in the North: State Politics during Reconstruction*, both published by Johns Hopkins.