

Doc Fee

Excerpted and adapted from a *shiur* by Dayan Yehoshua Grunwald

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<https://baishavaad.org/wp-content/uploads/2023/09/R-Grunwald-Haazinu.mp3>

"He found him in a desert land, and in the wastes of a howling wilderness; He encircled him, He made him comprehending..."

Dvarim 32:10

The Zohar here says that a doctor may heal the sick and will receive a special bracha from Hashem for doing so. The Gemara (Bava Kama 85a) also infers from the repetitive phrase "*verapo yerapei*" (Shmos 21:19) that a doctor is permitted to heal. Many *Rishonim* explain that it is an obligation.[1]

The Gemara says one may not charge money for a mitzvah, other than *sechar batalah* (payment for being idle from one's regular work during the time he performed the mitzvah) and *sechar tircha* (payment for the trouble involved). If it is a mitzvah for doctors to heal, how may they charge for their services? The Ramban writes (Toras Ha'adam) that if the doctor stipulated in advance that the patient must pay more than a de minimis fee, and other doctors in the area could have done the job, he may charge more. The Ritva (Yevamos 106a) maintains that a doctor may never charge more than a minimal fee, while the Ri MeiOrleans (cited in Tosfos HaRosh Brachos 60a) says that because the Torah permits him to heal, he may be compensated for his services. The Tur and Shulchan Aruch (Y.D. 336:3-4) follow the Ramban.

Today, the conditions of the Ramban are usually fulfilled, because patients are informed at the outset that they must pay, and there are usually other doctors in the area. If there is only one person nearby capable of treating a particular condition, R' Chaim Pinchas Scheinberg says he may not charge. But R' Moshe Feinstein allows it, because the doctor studied medicine for many years with the intent to charge for his services, and this is also in the best interest of the community.[2] R' Shlomo Zalman Auerbach (cited in Nishmas Avraham) also permits it, but only if the doctor could have been seeing non-Jewish patients during that time.

[1] See Ramban in Toras Ha'adam, Sha'ar Sakanah, and Torah Temimah to Shmos 21.

[2] R' Yitzchak Zilberstein also writes (Shiurei Torah Lerof'im) that the Jewish community needs observant doctors and readily agrees to pay.