

It shall make or cause to be made bacteriological and chemical examinations of water, and necessary investigations by both laboratory and field work to determine the source of epidemics of disease, and to suggest methods of overcoming and preventing the recurrence of the same, whenever requested to do so by any state institution or by any citizen, school, or municipality when in the judgment of the local board of health the same is necessary in the interests of the public health and for the purpose of preventing epidemics of disease.

Sec. 5. Reports--tests. Such examination shall be made without charge, except for transportation and actual cost of examination, not to exceed two dollars (\$2.00) for each. A copy of the report of each epidemiological examination and investigation shall be promptly sent to the state department of health.

In addition to its regular work, the laboratory shall perform all bacteriological, serological, and epidemiological examinations and investigations which may be required by the state department of health, and said department shall establish rules therefor.

Sec. 6. Appropriation. There is hereby annually for the biennium ending June thirtieth, nineteen hundred twenty-five (1925) appropriated out of any money in the state treasury not otherwise appropriated, for the support and maintenance of the bacteriological and epidemiological laboratory at the state university, fifteen thousand dollars (\$15,000.00). Said appropriation shall be paid on the order of the state board of education on the first day of July of each year. The appropriation of five thousand dollars (\$5,000.00) provided for the epidemiological laboratory in section twenty-three hundred forty-six-a one (2346-al), supplement to the compiled Code, to the state university is hereby made available for the use of the laboratory and the work provided for in section four (4).

Approved March 31, 1924.

## CHAPTER 66

### MEDICAL AND SURGICAL TREATMENT OF INDIGENT PERSONS

H. F. 92

AN ACT to amend, revise, and codify chapters nine (9) and ten (10) of title ten (10) of the compiled code of Iowa, and section two thousand three hundred forty-eight-a one (2348-al) of the supplement to said code, relating to medical and surgical treatment of indigent persons.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters nine (9) and ten (10) of title ten (10) of the compiled Code of Iowa, and section two thousand three hundred forty-eight-a one (2348-al) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Medical and surgical treatment of indigent persons - complaint. Any adult resident of the state may file a complaint in the office of the clerk of any juvenile court, charging that any legal resident of Iowa residing in the county where the complaint is filed is suffering from some malady or deformity that can probably be improved or cured by medical or surgical treatment or hospital care, and that neither such

person nor persons legally chargeable with his support are able to pay therefor.

Sec. 2. Duty of public officers and others. It shall be the duty of physicians, public health nurses, members of boards of supervisors and township trustees, overseers of the poor, sheriffs, policemen, and public school teachers, having knowledge of persons suffering from such malady or deformity, to file or cause such complaint to be filed.

Sec. 3. Patient defined. The word "patient" used in this chapter means the person against whom the complaint is filed.

Sec. 4. Examination by physician. Upon the filing of such complaint, the clerk shall docket the same and shall appoint a competent physician and surgeon, living in the vicinity of the patient, who shall personally examine the patient with respect to his malady or deformity.

Sec. 5. Report by physician. Such physician shall make a report in duplicate on blanks furnished as hereinafter provided, answering the questions contained therein and setting forth the information required thereby, giving such history of the case as will be likely to aid the medical or surgical treatment or hospital care of such patient, describing the deformity or malady in detail, and stating whether or not in his opinion the same can probably be improved or cured, which report shall be filed in the office of the clerk within such time as the clerk may fix.

Sec. 6. Investigation and report by county attorney. When such complaint is filed, the clerk shall furnish the county attorney a copy thereof, who shall make a thorough investigation of the facts as to the legal residence of the patient, and the ability of the patient or others chargeable with his support to pay the expenses of such treatment and care, and shall file a report of such investigation in the office of the clerk, at or before the time of hearing.

Sec. 7. Notice of hearing - duty of county attorney. When the physician's report has been filed, the clerk shall, with the consent of the court or judge, fix a time and place for hearing of the matter by the court, and the county attorney shall cause such patient and the parent or parents, guardian, or person having the legal custody of said patient, if under legal disability, to be served with such notice of the time and place of the hearing as the judge or clerk may prescribe.

Sec. 8. Hearing - order of commitment. The county attorney of the county where the hearing is held shall appear thereat. The complainant, the county attorney and the patient, or any person representing him, may introduce evidence and be heard. If the court finds that said patient is a legal resident of Iowa and is suffering from a malady or deformity which can probably be improved or cured by medical or surgical treatment or hospital care, and that neither the patient nor any person legally chargeable with his support is able to pay the expenses thereof, the court shall enter an order directing that said patient be sent to the hospital of the college of medicine of the state university for proper medical and surgical treatment and hospital care; provided, however, the court in his discretion may refuse to make such order in any case where the court finds

the patient or his parent, parents or guardian are members of a religious denomination whose tenets preclude dependence on the practice of medicine or surgery and desire in good faith to rely upon the practice of their religion for relief from disease or disorder.

Sec. 9. Order in case of emergency. In cases of great emergency, when the court or judge is satisfied that delay would be seriously injurious to the patient, he may make such order with the consent of the patient, if adult, or of the parent or parents, guardian, or person having the legal custody of said patient, if a minor or incompetent, without examination, report, notice, or hearing.

Sec. 10. Certified copy of order sent to hospital. The clerk shall prepare a certified copy of said order, which, together with a copy of the physician's report, shall be delivered to the admitting physician of said hospital at or before the time of the reception of the patient into the hospital.

Sec. 11. Attendant - expenses - physician - compensation. The court or judge may appoint an attendant to accompany the patient to said hospital, who shall receive not exceeding three dollars (\$3.00) per day for the time thus necessarily employed, and his actual, necessary traveling expenses; but if such appointee is a relative of the patient or a member of his immediate family, or receives a salary or other compensation from the public for his services, no such per diem shall be paid him. The physician appointed by the court to make the examination and report shall receive therefor five dollars (\$5.00) for each examination and report so made, and his actual, necessary expenses incurred in making such examination. The actual, necessary expenses of transporting and caring for the patient shall be paid.

Sec. 12. Expenses - how paid. An itemized, verified statement of all charges provided for in the preceding section, when approved by the judge under whose order the same were incurred, shall be filed with the superintendent of the hospital of the state university, and be charged on the regular bill for maintenance of the patient, and be audited and paid in the same manner as the bills for treatment and hospital care of the patient.

Sec. 13. Duty of admitting physician at hospital. The authorities in control of the medical college shall designate some physician to pass upon the admission of such patient, and it shall be his duty to receive such patient into the hospital and to provide for him, if available, a cot, bed, or room in said hospital, and to assign him to the appropriate clinic and for treatment by the proper physician, unless, in his judgment, the presence of the patient in the hospital would be dangerous to other patients, or there is no reasonable probability that he may be benefited by the proposed treatment or hospital care. If the admitting physician shall deny admission to the patient, he shall make a report in duplicate of his reasons therefor.

Sec. 14. Report of physician or surgeon in charge of clinic. If the physician or surgeon in charge of said clinic, or to whom such patient has been assigned for treatment, declines to treat such patient, he shall make a report in duplicate of his examination of such patient, and state therein his reasons for declining such treatment.

Sec. 15. Reports. One duplicate of each of the reports named in the two preceding sections shall be preserved in the records of said hospital, and the other transmitted to the clerk of the court where said order committing the patient to said hospital was entered, and by the clerk filed and preserved among the records in the cause.

Sec. 16. Treatment of other children. The hospital authorities may in their discretion receive into the hospital for medical or surgical treatment or hospital care, patients under sixteen (16) years of age not committed thereto under the provisions of this chapter; but the treatment or care of such patients shall not in any way interfere with the proper medical or surgical treatment or hospital care of committed patients. All of the provisions of this chapter except as to commitment of patients shall apply to such patients. The hospital authorities shall collect from the person or persons liable for the support of such patients, the cost of such care and treatment, determined as in this chapter provided, and shall deposit it to the credit of the hospital fund.

Sec. 17. Hospital treatment. When any patient has been admitted to the hospital for treatment, the physician or surgeon in charge of the case shall proceed with due care and diligence to perform such operation or bestow such treatment upon such patient as in his judgment shall be necessary and proper. Adequate nursing and hospital care shall be provided for said patient during such treatment.

Sec. 18. Out patient treatment. If, in the judgment of the physician or surgeon to whom the patient has been assigned for treatment, continuous residence of the patient in the hospital is unnecessary, such patient may, by the hospital authorities, be sent to his home or other appropriate place, and be required to return to the hospital when and for such length of time as may be for his benefit. The hospital authorities may, if necessary, appoint an attendant to accompany such patient and discharged patients, whose compensation shall be the same and whose expenses shall be audited and paid as provided for an attendant appointed by the court.

Sec. 19. Treatment authorized. No minor or incompetent person shall be treated for any malady or deformity except such as is reasonably well described in the order of court or the report of the examining physician, unless permission for such treatment is provided for in the order of court, or is granted by his parents or guardian; but the physician in charge may administer such treatment or perform such surgical operations as are usually required in cases of emergency.

Sec. 20. Treatment gratuitous. No physician, surgeon, or nurse who shall treat or care for such patient shall charge or receive any compensation therefor except the salary or compensation fixed by the state board of education to be paid from the hospital funds.

Sec. 21. Record and report of expenses. The superintendent of said hospital shall keep a correct account of all medicines, care, and maintenance furnished to said patients, and shall make and file with the state board of audit an itemized, sworn statement of all expenses thereof incurred in said hospital. But he shall render separate bills showing the actual cost of all special appliances, instruments, and X-ray service used in connection with such treatment.

Sec. 22. Audit of accounts of hospital for basis of payment. To arrive at a proper basis for the payment of said bills for treatment, care, and maintenance, the state board of education shall cause to be made annually an audit of the accounts of the university hospital, and determine the average cost per day for the care and maintenance of each patient therein, exclusive of the salaries of the members of the faculty of said university college of medicine, and said bills shall be allowed at such average cost. All accounts shall be so adjusted and paid as to reimburse the funds of the hospital used for the purposes of this chapter.

Sec. 23. Expenses - how paid. Warrants issued under the preceding section shall be promptly drawn on the treasurer of state and forwarded by the auditor to the treasurer of the state university, and the same shall be by him placed to the credit of the funds which are set aside for the support of said hospital. Said warrants shall be paid by the treasurer of state from the general funds of the state not otherwise appropriated.

Sec. 24. Faculty to prepare blanks - printing - distribution. The medical faculty of the state university hospital shall from time to time prepare blanks containing such questions and requiring such information as may, in its judgment, be necessary and proper to be obtained by the physician who examines such patient under order of court. Such blanks shall be printed by the state, and a sufficient supply thereof shall be furnished by the state board of printing to the clerk of each juvenile court in the state. The cost of printing said blanks shall be audited, allowed, and paid in the same manner as other bills for public printing.

Sec. 25. Transfer of patients from state institutions. The board of control of state institutions, and the board of control of the school for the blind, the school for the deaf, the soldiers' orphans' home, and the juvenile home, may, respectively, send any inmates of any of said institutions, or any person committed or applying for admission thereto, to the hospital of the medical college of the state university for treatment and care as provided in this chapter, without securing the order of court required in other cases. Said boards shall respectively pay the traveling expenses of any patient thus committed, and when necessary the traveling expenses of an attendant for such patient, out of funds appropriated for the use of the institution from which he is sent.

Approved February 8, 1924.