

*Substituted for SF 154  
4-1-57*

January 23, 1957.  
Public Health, Pharmacy.

**House File 21**

By CARSON, HAGEDORN, HENDRIX,  
MENSING, DILLON, VERMEER,  
JOHANNES, REPPERT, EDGING-  
TON, DEN HERDER, MAIN,  
VANCE and CARLSEN.

Passed House, Date *2-22* Passed Senate, Date *4-2*

Vote: Ayes *95* Nays *0* Vote: Ayes *45* Nays *0*

Approved *by Gov April 5-57*  
*House concurs in Sen. Amendments, votes 4-3*  
*ayes 86 nays 0*

**A BILL FOR**

An Act relating to pathology and radiology services in hospitals.

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

1 Section 1. This Act may be cited as the "Pathology and  
2 Radiology Services in Hospitals Act".

1 Sec. 2. Definitions as used in this Act:

2 (a) "Hospital" shall mean all hospitals licensed under  
3 chapter one hundred thirty-five B (135B) of the Code.

4 (b) "Doctor" shall mean any person licensed to practice  
5 medicine and surgery or osteopathy or osteopathy and surgery in  
6 this state.

7 (c) "Technician" shall mean technologist as well.

8 (d) "Joint conference committee" shall mean the joint  
9 conference committee as required by the joint commission on  
10 accreditation of hospitals or, in a hospital having no such  
11 committee, a similar committee, an equal number of which shall  
12 be members of the medical staff selected by the staff and an  
13 equal number of which shall be selected by the governing board  
14 of the hospital.

15 (e) "Employees" as used in section six (6) hereof, and  
16 "employment" as used in section seven (7) hereof, shall include  
17 and pertain to members of the religious order operating the

18 hospital even though the relationship of employer and employee  
19 does not exist between such members and the hospital.

1 Sec. 3. The ownership and maintenance of the laboratory  
2 and X-ray facilities and the operation of same under this Act  
3 are proper functions of a hospital.

1 Sec. 4. Pathology and radiology services performed in  
2 hospitals are the product of the joint contribution of  
3 hospitals, doctors and technicians but these services constitute  
4 medical services which must be performed by or under the  
5 direction and supervision of a doctor, and no hospital shall  
6 have the right, directly or indirectly, to direct, control or  
7 interfere with the professional medical acts and duties of the  
8 doctor in charge of the pathology or radiology facilities or  
9 of the technicians under his supervision.

1 Sec. 5. Each hospital shall arrange for such services  
2 and for the direction and supervision of its pathology or  
3 radiology department by entering into either an oral or  
4 written agreement with a doctor who is a member of or  
5 acceptable to the hospital medical staff. Such doctor may  
6 or may not be a specialist. The department may be supervised  
7 and directed by a qualified member of the staff and specific  
8 services may be referred to a specialist, or the specialist  
9 may also direct and supervise the department as may be desired.  
10 Any contract so entered into shall be in accordance with the  
11 provisions of this Act.

1 Sec. 6. Unless the department is leased or unless the  
2 hospital and doctor mutually agree otherwise, technicians and  
3 other personnel, not including doctors, shall be employees of  
4 the hospital, subject to the rules and regulations of the

5 hospital applicable to employees generally, but under the  
6 direction and supervision of the doctor in charge of the  
7 department as set forth elsewhere in this Act.

1 Sec. 7. The doctor and hospital shall mutually agree  
2 upon the employment of any technicians necessary for the proper  
3 operation of said department and no technicians shall be  
4 dismissed from said employment without the mutual consent of  
5 the parties, provided, however, that in the event the hospital  
6 and doctor are unable mutually to agree upon the hiring or dis-  
7 charge or disciplining of any employee of said department, the  
8 matter shall be promptly submitted to the joint conference  
9 committee for final determination.

1 Sec. 8. The contract between the hospital and doctor in  
2 charge of the laboratory or X-ray facilities may contain any  
3 provision for compensation of each upon which they mutually  
4 agree, provided, however, that no contract shall be entered  
5 into which in any way creates the relationship of employer and  
6 employee between the hospital and the doctor, and a percentage  
7 arrangement is not and shall not be construed to be unprofessional  
8 conduct on the part of the doctor or in violation of the statutes  
9 of this state upon the part of the hospital.

1 Sec. 9. The hospital admission agreement signed by the  
2 patient or his legal representative shall contain the following  
3 statement:

4 "Pathology and radiology services are medical services  
5 performed or supervised by doctors, and the personnel and  
6 facilities are or may be furnished by the hospital for said  
7 services. Charges for such services are or may be collected,  
8 however, by the hospital on behalf of said doctors pursuant

9 to an agreement between said doctors and the hospital, and  
10 from said charges I consent that an agreed sum will be  
11 retained by the hospital in accordance with an existing  
12 agreement between the doctor and the hospital.”

1 Sec. 10. The hospital bill shall properly include the  
2 charges for pathology and radiology services as long as the  
3 name of the doctor is stated and it fairly appears that the  
4 charge is for medical services. The said hospital bill shall  
5 also contain a statement substantially in the following form:

6 “The pathology and radiology charges are for medical  
7 services rendered by or under the direction of the doctor  
8 listed above and are collected by the hospital on behalf  
9 of the doctor, from which charges an agreed sum will be  
10 retained by the hospital in accordance with an existing  
11 agreement to which retention you consented at the time of  
12 your admission to the hospital.”

1 Sec. 11. All fees to be charged by the doctors for  
2 pathology and radiology services shall be mutually agreed upon  
3 by the hospital and the doctor. In the event dispute shall  
4 arise between the parties the matter shall be submitted to the  
5 joint conference committee for final determination.

1 Sec. 12 Fees for radiology and pathology services must  
2 be paid for as medical and not hospital services. In all  
3 cases where payment is to be made by a corporation organized  
4 pursuant to chapter five hundred fourteen (514) of the Code,  
5 payment for radiology and pathology services shall be made by  
6 a medical service corporation and not by a hospital service  
7 corporation.

1 Sec. 13. Nothing in this Act is intended or should affect

2 in any way that obligation of public hospitals under chapter  
 3 three hundred forty-seven (347) or chapter three hundred eighty  
 4 (380) of the Code, as well as the state hospital at Iowa City,  
 5 to provide medical treatment for indigent persons or tuberculous  
 6 patients as provided in chapters two hundred fifty-four (254)  
 7 and two hundred fifty-five (255) of the Code wherein medical  
 8 treatment is provided by hospitals of that category to patients  
 9 of certain entitlement, nor to the operation by the state of  
 10 mental or other hospitals authorized by law.

1 Sec. 14. Nothing herein shall deprive any hospital of its  
 2 tax exempt or non-profit status.

1 Sec. 15. This Act, being deemed of immediate importance,  
 2 shall take effect and be in full force from and after its passage  
 3 and publication in The Red Oak Express, a newspaper  
 4 published at Red Oak, Iowa, and in the Winthrop  
 5 News, a newspaper published at Winthrop,  
 6 Iowa.

EXPLANATION OF HOUSE FILE 21

The purpose of this bill is to resolve the so-called "hospital-doctor controversy" by enacting into law the principles agreed to by the Iowa Hospital Association and the Iowa State Medical Society. The bill clarifies existing law particularly as to the extent to which hospitals may employ technicians and operate laboratory and X-ray facilities and by providing for specific applications of the principle that pathology and radiology services performed in hospitals are medical services.

HOUSE FILE 21

- 1 Amend House File 21 as follows:
- 2 1. Amend section 11 by inserting after the word
- 3 "doctor" in line 3 the words "and the patient".

Filed  
 February 26, 1957.

By TATE.

*W. J. Johnson*  
 4-1

HOUSE FILE 21

- 1 Amend House File 21 by adding to section
- 2 13 the following: "Nothing herein shall in any way
- 3 affect or limit the practice of dentistry."

Filed  
March 27, 1957.

*adopted as amended*  
By VEST. 4-2

HOUSE FILE 21

- 1 Amend House File 21, section 4, by adding the following
- 2 in line 9: "Nothing herein contained shall affect the rights of
- 3 third parties as a result of negligence in the operation of maintenance
- 4 of the aforesaid pathology and radiology facilities."

Filed  
March 29, 1957.  
*Adopted H1*

By NOLAN, ELWOOD and STUART.

HOUSE FILE 21

- 1 Amend the Vest amendment filed March 27, by
- 2 deleting the period and quote mark in line 3, and
- 3 adding the following: "or the practice of oral surgery
- 4 by a dentist."

Filed  
April 1, 1957.

By VEST.

*Adopted 4-2*

HOUSE FILE 21

- 1 Amend House File 21 by inserting after the
- 2 word "surgery" in line five, the following: "or
- 3 dentistry or oral surgery."

Filed  
April 1, 1957.

By VEST.

*withdrawn*  
4-2