

SENATE FILE 2223
BY CARR

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the granting of clinical privileges at
2 hospitals.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. 2223

1 Section 1. Section 135B.1, subsection 1, Code 1985, is
2 amended to read as follows:

3 1. "Hospital" means a place which is devoted primarily to
4 the maintenance and operation of facilities for the diagnosis,
5 treatment, or care over a period exceeding twenty-four hours
6 of two or more nonrelated individuals suffering from illness,
7 injury, or deformity, or a place which is devoted primarily to
8 the rendering over a period exceeding twenty-four hours of
9 obstetrical or other medical, or nursing, or psychological
10 care for two or more nonrelated individuals, or any an
11 institution, place, building, or agency in which any
12 accommodation is primarily maintained, furnished, or offered
13 for the care over a period exceeding twenty-four hours of two
14 or more nonrelated aged or infirm persons requiring or
15 receiving chronic or convalescent care; and ~~shall include~~
16 includes sanatoriums or other related institutions within the
17 meaning of this chapter. ~~Provided, however, nothing in~~
18 However, this chapter ~~shall~~ does not apply to hotels or other
19 similar places that furnish only food and lodging, or either,
20 to their guests. "Hospital" ~~shall include, in any event, any~~
21 includes facilities wholly or partially constructed or to be
22 constructed with federal financial assistance, pursuant to
23 Public Law 725, 79th Congress, approved August 13, 1946.

24 Sec. 2. Section 135B.1, Code 1985, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 4. "Clinical privileges" means all
27 perquisites granted by a hospital to members of the hospital's
28 professional staff.

29 Sec. 3. NEW SECTION. 135B.40 STANDARDS FOR GRANTING
30 CLINICAL PRIVILEGES.

31 1. The granting of clinical privileges by a hospital's
32 administrative authority shall be determined on the bases of
33 an applicant's education, training, experience, and demon-
34 strated competence. In determining and implementing criteria
35 for clinical privileges, each hospital shall formulate and

1 apply objective, nondiscriminatory standards for the evalua-
2 tion of an applicant's credentials. As part of its overall
3 responsibility for the operation of a hospital, the adminis-
4 trative authority shall ensure that decisions on the clinical
5 privileges of staff membership are based on an objective
6 evaluation of an applicant's credentials. Whenever possible,
7 the body responsible for the evaluation of applicants for
8 clinical privileges and staff membership shall include practi-
9 tioners of the applicants' profession.

10 2. The following are not valid criteria in the determina-
11 tion of qualifications for staff membership or clinical
12 privileges:

13 a. An applicant's membership, or lack of membership in a
14 professional society or association.

15 b. An applicant's decision to advertise, lower fees, or
16 engage in other competitive acts intended to solicit business.

17 c. An applicant's participation in prepaid group health
18 plans, salaried employment, or other manner of delivering
19 health services on other than a fee-for-service basis.

20 d. An applicant's support for, training of, or participa-
21 tion in a private group practice with members of a particular
22 class of health professional.

23 e. An applicant's practices with respect to testifying in
24 malpractice suits, disciplinary actions, or any other type of
25 proceedings concerning professional practice.

26 f. An applicant's agreement to send a minimum quota of
27 patients or clients who are in need of the services of a
28 hospital to a particular hospital, provided that such an
29 agreement does not involve a publicly funded hospital.

30 Each hospital shall establish procedures to ensure that the
31 foregoing factors are not considered in decisions regarding
32 clinical privileges and staff membership. In any action
33 brought by an individual against a hospital regarding an
34 application for clinical privileges or staff membership, the
35 hospital shall have the burden of proving that none of these

1 considerations were a factor in the decision.

2 3. Institutional or staff rules, regulations, or bylaws of
3 a hospital shall not be used to prohibit certified health
4 service provider psychologists, as defined in section 154B.7,
5 from being accorded clinical privileges and appointed to all
6 categories of staff membership at those hospitals that offer
7 the kinds of services that may be performed by certified
8 health service provider psychologists or physicians.

9 Sec. 4. NEW SECTION. 135B.41 REVOCATION OF PRIVILEGES.

10 The exercise of clinical privileges in a hospital may be
11 abridged or revoked for reasons including, but not limited to,
12 the violation of hospital rules, regulations, or procedures
13 which are applied, in good faith, in a nondiscriminatory
14 manner to all practitioners in the hospital exercising
15 clinical privileges or entitled to exercise clinical
16 privileges.

17 When a certified health service provider in psychology is
18 denied clinical privileges or is removed from the hospital
19 staff, such action shall be reported by the hospital to the
20 board of psychology examiners.

21 Sec. 5. Section 154B.7, Code 1985, is amended by adding
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. A certified health service pro-
24 vider in psychology who applies for clinical privileges at a
25 hospital shall submit proof that a substantial portion of the
26 applicant's supervised experience has been in an inpatient
27 setting, and shall also offer two supportive letters of recom-
28 mendation from certified health service providers in
29 psychology who are familiar with the applicant's work. This
30 section does not prohibit a psychologist currently a member of
31 a hospital staff or an employee of a hospital from continuing
32 to work in that capacity.

33 Sec. 6. NEW SECTION. 154B.9 RESPONSIBILITY AFTER
34 HOSPITALIZATION.

35 If a certified health service provider in psychology is

1 responsible for the voluntary, emergency, or court-ordered
2 hospitalization of a mentally ill patient, the certified
3 health service provider in psychology or the hospital shall,
4 prior to or at the time of hospital admission, identify an
5 appropriate physician with admitting privileges at the hos-
6 pital who shall be responsible for the medical evaluation and
7 medical management of the patient for the duration of the
8 patient's hospitalization. The psychologist shall be re-
9 sponsible for all other evaluation and management of the pa-
10 tient.

11 EXPLANATION

12 This bill provides for granting of full clinical privileges
13 in hospitals to certified health service providers in psy-
14 chology.

15 The first two sections give definitions.

16 Section 3 deals with standards which may and may not be
17 considered by hospital administrations in ruling on applica-
18 tions for clinical privileges.

19 Section 4 concerns circumstances under which clinical
20 privileges may be abridged or revoked.

21 Section 5 describes material which an applicant for
22 clinical privileges must submit as part of the application.

23 Section 6 clarifies responsibility for patients who are
24 admitted to a hospital on the authority of a certified health
25 service provider in psychology.

26 The bill creates a new chapter tentatively numbered 154B.

27
28
29
30
31
32
33
34
35