

## CHAPTER 92

## PATHOLOGY AND RADIOLOGY SERVICES IN HOSPITALS

## H. F. 21

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 Radi-  
2 ology Services in Hospitals Act".

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

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

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

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

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

13 (e) "Employees" as used in section six (6) hereof, and "employ-  
14 ment" as used in section seven (7) hereof, shall include and pertain  
15 to members of the religious order operating the hospital even though  
16 the relationship of employer and employee does not exist between such  
17 members and the hospital.

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

1 SEC. 4. Pathology and radiology services performed in hospitals  
2 are the product of the joint contribution of hospitals, doctors and tech-  
3 nicians but these services constitute medical services which must be  
4 performed by or under the direction and supervision of a doctor, and  
5 no hospital shall have the right, directly or indirectly, to direct, con-  
6 trol or interfere with the professional medical acts and duties of the  
7 doctor in charge of the pathology or radiology facilities or of the  
8 technicians under his supervision. Nothing herein contained shall  
9 affect the rights of third parties as a result of negligence in the oper-  
10 ation or maintenance of the aforesaid pathology and radiology facil-  
11 ities.

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

1 SEC. 6. Unless the department is leased or unless the hospital and  
2 doctor mutually agree otherwise, technicians and other personnel, not  
3 including doctors, shall be employees of the hospital, subject to the  
4 rules and regulations of the hospital applicable to employees generally,  
5 but under the direction and supervision of the doctor in charge of the  
6 department as set forth elsewhere in this Act.

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

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

1 SEC. 9. The hospital admission agreement signed by the patient or  
2 his legal representative shall contain the following statement:  
3 "Pathology and radiology services are medical services performed  
4 or supervised by doctors, and the personnel and facilities are or may  
5 be furnished by the hospital for said services. Charges for such serv-  
6 ices are or may be collected, however, by the hospital on behalf of said  
7 doctors pursuant to an agreement between said doctors and the hos-  
8 pital, and from said charges I consent that an agreed sum will be  
9 retained by the hospital in accordance with an existing agreement be-  
10 tween the doctor and the hospital."

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

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

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

1 SEC. 12. Fees for radiology and pathology services must be paid  
2 for as medical and not hospital services. In all cases where payment is

3 to be made by a corporation organized pursuant to chapter five hundred  
4 fourteen (514) of the Code, payment for radiology and pathology  
5 services shall be made by a medical service corporation and not by a  
6 hospital service corporation.

1 SEC. 13. Nothing in this Act is intended or should affect in any  
2 way that obligation of public hospitals under chapter three hundred  
3 forty-seven (347) or chapter three hundred eighty (380) of the Code,  
4 as well as the state hospital at Iowa City, to provide medical treat-  
5 ment for indigent persons or tuberculous patients as provided in chap-  
6 ters two hundred fifty-four (254) and two hundred fifty-five (255) of  
7 the Code wherein medical treatment is provided by hospitals of that  
8 category to patients of certain entitlement, nor to the operation by the  
9 state of mental or other hospitals authorized by law. Nothing herein  
10 shall in any way affect or limit the practice of denistry\* or the prac-  
11 tice of oral surgery by a dentist.

1 SEC. 14. Nothing herein shall deprive any hospital of its tax ex-  
2 empt or non-profit status.

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

Approved April 5, 1957.

I hereby certify that the foregoing Act, House File 21, was published in *The Red Oak Express*, Red Oak, Iowa, April 11, 1957, and in the *Winthrop News*, Winthrop, Iowa, April 11, 1957.

MELVIN D. SYNHORST, *Secretary of State*.

\*According to enrolled Act.

## CHAPTER 93

### NURSING HOMES REGULATION

H. F. 572

AN ACT relating to the licensing, inspection and regulation of nursing homes and custodial homes and providing for regulations, enforcement procedures and penalties.

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

1 Chapter one hundred thirty-five C (135C), Code 1954, is hereby re-  
2 pealed and the following enacted in lieu thereof:

1 SECTION 1. As used in this Act:

2 1. "Nursing home" means any institution, place, building or agency  
3 which is devoted primarily to the maintenance and operation of facili-  
4 ties for the housing, for a period exceeding twenty-four (24) hours,  
5 and for providing skilled nursing care and related medical services  
6 for, two (2) or more nonrelated individuals who are not acutely ill  
7 and not in need of hospital care, but who, by reason of age, illness,  
8 disease, injury, convalescence or physical or mental infirmity need  
9 such care. Nursing home does not include hospitals or custodial  
10 homes.