BOARD OF HEALTH, STATE: Whether certain standards fixed by the Board for laboratories making tests under the Marriage Law are within the provisions of the Marriage Law.

July 24, 1940.

Dr. Verne K. Harvey, M. D.,
Director State Board of Health,
1098 West Michigan Street,
Indianapolis, Indiana.

Dear Dr. Harvey:

I have your letter of July 23, 1940, requesting an official opinion that calls for the interpretation of the Acts of 1930, Chapter 100.

The following facts are submitted in your request:

"The State Board of Health in conjunction with the Pathology Department of the Indiana University School of Medicine, adopted the following standards for laboratories under the authority vested in the State Board of Health in the above statutes.

1. Supervision and Management

The immediate supervision of the laboratory shall be discharged by a director.

The director shall meet the following requirements:

1. He shall possess an M. D. degree and be licensed to practice medicine in the State of Indiana.

2. He shall have post-graduate training and experience in clinical pathology for a period of at least 3 years, in an institution which must be approved by the Indiana State Board of Health.

3. He shall devote at least a major portion of his time to the practice of medical laboratory procedures.

4. He shall assume full responsibility for all reports and interpretations issued by the laboratory.

5. He shall agree to conduct the laboratory in an ethical manner."
6. He shall register annually the laboratory and personnel with the State Board of Health. Said laboratory must be within the State of Indiana.

2. Personnel

The personnel shall be adequate and commensurate with the kind and volume of work done. The Indiana State Board of Health in conjunction with the Pathology Department of the Indiana University School of Medicine shall be the sole judge as to adequacy of personnel. The personnel of the laboratory staff shall be listed by name as follows:

1. Director
2. Technicians
3. Helpers
4. Stenographers
5. Clerks

A census of the personnel shall be furnished promptly upon request of the Secretary of the State Board of Health.

3. Equipment

The laboratory shall be housed in clean and commodious quarters. The equipment shall consist of apparatus of recognized technical standard. It shall be maintained in good working order, and the quantity shall be sufficient for prevailing volume. Records of the laboratory shall be kept in such a manner that they may be reported to the Indiana State Board of Health as indicated on report blanks, or whenever requested by the said Board. The Indiana State Board of Health in conjunction with the Pathology Department of the Indiana University School of Medicine shall be the sole judge as to equipment and records.

4. Technical Procedures

The technical procedures employed shall be those approved or recommended by the Indiana State Board of
Health in conjunction with the Pathology Department of the Indiana University School of Medicine.

5. *Technical Proficiency*

Whenever requested, the laboratory shall run comparative tests using the approved methods, on specimens submitted by the Indiana State Board of Health in conjunction with the Pathology Department of the Indiana University School of Medicine. The results must be reported promptly to the Indiana State Board of Health. The report of such tests shall state in each instance where and by whom the examination was made. The results of these comparative tests shall be in agreement at least ninety-five per cent of the time with comparative tests of the other approved laboratories.

The foregoing rules, regulations and standards were adopted by the Indiana State Board of Health in regular meeting November 13, 1939.

Therefore, would the regulations as herein set out and passed by the Indiana State Board of Health be in accord with the authority vested in said board by the legislature?"

It is my opinion that the rules and regulations, and standards, as set out in your letter and quoted above, that were adopted by the Indiana State Board of Health in conjunction with the Pathology Department of the Indiana University School of Medicine, are within the authority vested by the legislature under said Act.

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**CITIES: Liability of Municipalities for hospital expenses of injured employees.**

August 13, 1940.

Honorable E. P. Brennan,

State Examiner, State Board of Accounts,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your request of August 8, 1940, for an official opinion upon the following facts and questions as presented: