

**141.045 History:** 1921 c. 87; Stats. 1921 s. 1411s (2) to (6); 1923 c. 448 s. 84; Stats. 1923 s. 149.09; 1931 c. 174; 1949 c. 402; Stats. 1949 s. 141.045; 1955 c. 456; 1969 c. 336 s. 176; 1969 c. 366 ss. 77, 117 (1) (a).

**141.05 History:** 1917 c. 123; Stats. 1917 s. 1411g; 1923 c. 448 s. 10; Stats. 1923 s. 141.05; 1947 c. 283; 1961 c. 563; 1969 c. 366 s. 117 (1) (b).

**141.06 History:** 1913 c. 93; Stats. 1913 s. 697—10m; 1919 c. 311 s. 1, 2; 1919 c. 679 s. 55; Stats. 1919 s. 1411n; 1923 c. 448 s. 11; Stats. 1923 s. 141.06; 1927 c. 155; 1947 c. 283; 1965 c. 433; 1967 c. 298; 1969 c. 55; 1969 c. 366 s. 117 (1) (b).

The public health nurse is an employe, not a public officer. The terms of employment must be decided by contract between the county board and the nurse. 12 Atty. Gen. 119.

The county nurse must be employed by the county health committee upon authorization of the county board. The county board may authorize such employment by committee but cannot itself select and employ. 28 Atty. Gen. 22.

Whether the county nurse employed under this section is entitled to traveling and other expenses in addition to salary depends on the contract which the county makes with such nurse in any particular case. 29 Atty. Gen. 454.

**141.065 History:** 1935 c. 556; Stats. 1935 s. 141.065; 1969 c. 366 s. 117 (1) (a).

**141.07 History:** 1921 c. 157; Stats. 1921 s. 1411h; 1923 c. 448 s. 12; Stats. 1923 s. 141.07; 1969 c. 366 s. 117 (1) (a).

**141.10 History:** 1961 c. 564; Stats. 1961 s. 141.10; 1969 c. 366 s. 117 (1) (a), (b).

**141.15 History:** 1965 c. 590; Stats. 1965 s. 141.15; 1969 c. 366 ss. 78, 117 (1) (a).

## CHAPTER 42.

### Wisconsin General Hospital.

**142.01 History:** Spl. S. 1920 c. 17; Stats. 1921 s. 1417a—1; 1923 c. 448 s. 13; Stats. 1923 s. 142.01; 1927 c. 473 s. 34; 1927 c. 537 s. 1; 1927 c. 541 s. 22; 1931 c. 80 s. 2; 1939 c. 147, 232; 1959 c. 620; 1969 c. 276 s. 589 (1) (d), (3) (b).

When application is made for medical or surgical treatment for an indigent under 142.01, Stats. 1939, the statute gives the indigent the option to be treated at any one of the state institutions designated therein, but the statute gives no other option and none other is to be implied. *Reissmann v. Jelinski*, 238 W 462, 300 NW 164.

The fact that an applicant under the provisions of ch. 142 for admission to the Wisconsin general hospital as a public patient, otherwise eligible for admission to the hospital, possesses property, does not preclude granting of such application if the county judge finds, after investigation, that such applicant is financially unable to provide proper treatment for the deformity or ailment with which he is afflicted. 14 Atty. Gen. 294.

Where one who had a legal settlement in

Pardeeville married a man who had no legal settlement in Wisconsin, she retained her legal settlement in Pardeeville and an application for entrance into the Wisconsin general hospital should be made to the county judge of Columbia county. 20 Atty. Gen. 632.

Indigents are limited to hospitals designated by the county judge, pursuant to ch. 142, with the exception of emergency cases coming under 49.18 (2) and cases treated at the Wisconsin general hospital or Wisconsin orthopedic hospital for children pursuant to 142.04. 26 Atty. Gen. 239.

Under 142.01, Stats. 1937, one who does not have legal settlement within a county as provided for by 49.02, although he may have resided in the county a year or more, may not petition the county court for hospitalization. 27 Atty. Gen. 708.

See note to 49.03, citing 36 Atty. Gen. 438.

Under 142.02 and 142.04, Stats. 1949, a county judge may not commit an afflicted person to the Wisconsin general hospital unless such person has a legal settlement in the county. 40 Atty. Gen. 78.

See note to 49.10, citing 40 Atty. Gen. 380.

A county (with the exception of Milwaukee county) may not recover from a patient sent to the Wisconsin general hospital under ch. 142, or from his responsible relatives, the net cost to the county of such hospital care and maintenance. Under 46.10 (1) and (2) the state department of public welfare is the sole collecting agency. A contract by a patient with a county for reimbursement of the county is unenforceable for lack of consideration. Towns, cities, and villages may not legally contract with a county to accept charge-backs by the county for hospitalization under ch. 142. 45 Atty. Gen. 104.

**142.02 History:** Spl. S. 1920 c. 17; Stats. 1921 s. 1417a—2; 1923 c. 448 s. 13; Stats. 1923 s. 142.02; 1927 c. 537 s. 1; 1931 c. 80 s. 2; 1959 c. 620.

A town chairman, in a county operating under the county system of poor relief, had no official duty to perform in respect to furnishing relief, except that when a person entitled to medical or surgical treatment under 142.01 came to his notice he had the duty to file with the county judge an application for such treatment at a hospital designated in 142.01. A county relief director, as the person designated by the county board to act in county relief matters, was subject to the duties imposed by 142.02. *Reissmann v. Jelinski*, 238 W 462, 300 NW 164.

**142.03 History:** Spl. S. 1920 c. 17; Stats. 1921 ss. 1417a—3, 1417a—11; 1923 c. 448 s. 13; Stats. 1923 s. 142.03; 1923 c. 449 s. 10; 1927 c. 186; 1927 c. 537 s. 1; 1931 c. 80; 1937 c. 239; 1939 c. 232; 1943 c. 238; 1951 c. 55; 1959 c. 620; 1965 c. 20; 1969 c. 276 ss. 589 (1) (d), (3) (a), (b), 603 (2).

The word "physician" as used in 142.03 (2), Stats. 1941, includes licensed osteopathic physicians. 30 Atty. Gen. 274.

The fee fixed by 142.03 (2), Stats. 1941, may not be paid to a physician for filing a verified report on a patient's condition unless such physician has also examined the patient personally under an appointment made for that purpose by the county judge. Where appli-

cation is made for hospital treatment at public expense under ch. 142, the county judge is required to appoint the physician to examine the patient. 31 Atty. Gen. 38.

**142.04 History:** Spl. S. 1920 c. 17; 1921 c. 471; Stats. 1921 s. 1417a-4; 1923 c. 448 s. 13; Stats. 1923 s. 142.04; 1931 c. 80 s. 2; 1933 c. 140 s. 4; 1939 c. 232; 1951 c. 55; 1959 c. 620; 1969 c. 276 s. 589 (1) (d), (3) (b); 1969 c. 366 s. 117 (1) (c).

A resolution of the county board that the county judge stay within his quota for general hospitals is in conflict with 142.04, Stats. 1933, as the board may not restrict or enlarge the duties of the judge. The word "hospitals" includes both private and county hospitals. 24 Atty. Gen. 155.

The county judge may authorize necessary glasses for indigent patients. 25 Atty. Gen. 429.

An order of a county judge certifying an indigent patient for treatment at a local hospital constitutes a finding that expense to the county will be less than if the patient is sent to Wisconsin general hospital. After treatment the judge must determine and certify to the county treasurer the correct and reasonable charges therefor. 27 Atty. Gen. 143.

No provision exists for a finding by the county judge with respect to the question as to whether the county has a hospital within the meaning of this section. 30 Atty. Gen. 98.

**142.05 History:** Spl. S. 1920 c. 17; Stats. 1921 s. 1417a-5; 1923 c. 448 s. 13; Stats. 1923 s. 142.05; 1927 c. 186; 1931 c. 80 s. 2; 1939 c. 230; 1951 c. 55; 1959 c. 525, 620; 1961 c. 330; 1969 c. 276 s. 589 (1) (d), (3) (b); 1969 c. 366 s. 117 (1) (c).

A nurse transporting a patient at the request of a county judge may be held liable for negligence in an accident occurring during such transportation. Liability insurance may not protect the nurse if mileage paid for transporting the patient is construed as transportation for hire within the terms of most liability insurance contracts. The county would not be liable, as it is acting in performance of an essential governmental function. 27 Atty. Gen. 339.

**142.06 History:** Spl. S. 1920 c. 17; Stats. 1921 s. 1417a-10; 1923 c. 448 s. 13; Stats. 1923 s. 142.06; 1931 c. 80 s. 2; 1959 c. 620.

**142.07 History:** Spl. S. 1920 c. 17; 1921 c. 471; Stats. 1921 s. 1417a-6, 1417a-7; 1923 c. 448 s. 13; Stats. 1923 s. 142.07; 1927 c. 186; 1927 c. 537 s. 1; 1927 c. 541 s. 23; 1933 c. 140 s. 4; 1935 c. 535; 1939 c. 142, 232; 1943 c. 132; 1945 c. 321; 1951 c. 55; 1959 c. 620; 1959 c. 659 s. 83; 1969 c. 154; 1969 c. 276 ss. 589 (1) (d), (3) (b), 603 (2).

The county judge may not authorize payment for care at Wisconsin general hospital unless application is made prior to admission, except where emergency makes it impossible. 53 Atty. Gen. 74.

**142.08 History:** Spl. S. 1920 c. 17; Stats. 1921 s. 1417a-8, 1417a-9; 1923 c. 448 s. 13; Stats. 1923 s. 142.08; 1927 c. 537 s. 1; 1929 c. 289; 1929 c. 466 s. 3; 1931 c. 80; 1933 c. 140 s. 4; 1939 c. 232; 1947 c. 268 s. 46; 1947 c. 472; 1951 c. 55; 1951 c. 319 s. 214; 1959 c. 228 s. 66;

1959 c. 620; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 154 ss. 327m, 377; 1969 c. 276 ss. 589 (1) (d), (3) (b), 603 (2).

**Comment of Interim Committee, 1947:** This amendment is to harmonize 142.08 (1) and 46.10 (7). \* \* \* See 24 Atty. Gen. 797. \* \* \* [Bill 394-S]

When a county judge, under ch. 142, Stats. 1931, orders treatment at home, the cost thereof is to be paid by the county. 21 Atty. Gen. 240.

Claims against a county arising under 142.04 or 142.08, Stats. 1931, are payable by the county treasurer upon certificate of the county judge. 22 Atty. Gen. 408.

Where an application for hospitalization of an indigent person is made under ch. 142, the expense thereof is not chargeable to the town of such person's legal residence but is paid one-half by the state and one-half by the county. 23 Atty. Gen. 439.

Collection from relatives on cases at the Wisconsin orthopedic hospital is governed by 142.08 (1m) rather than by 46.10 (7), Stats. 1939, and the Wisconsin state department of public welfare is not authorized to make collection under 142.08 (1m). 29 Atty. Gen. 98.

See note to 46.10, citing 30 Atty. Gen. 329. Neither expenses incurred by a physician under 142.03, Stats. 1941, expenses of conveyance to or from a hospital under 142.05 and 142.06, nor expenses to a county judge as fees under 253.15 can be recovered by a county under 142.08. 32 Atty. Gen. 57.

**142.09 History:** 1929 c. 63; Stats. 1929 s. 142.09; 1955 c. 601; 1969 c. 276 s. 591 (2).

**142.10 History:** 1929 c. 146; Stats. 1929 s. 142.10; 1939 c. 330; 1943 c. 508; 1955 c. 601; 1957 c. 507; 1959 c. 620; 1963 c. 224, 459; 1969 c. 154; 1969 c. 276 ss. 591 (2), 603 (2).

## CHAPTER 143.

### Communicable Diseases.

**143.01 History:** 1923 c. 448 s. 14; Stats. 1923 s. 143.01; 1949 c. 529; 1969 c. 366 s. 117 (1) (a).

**143.02 History:** 1876 c. 366 s. 10; R. S. 1878 s. 1408; 1887 c. 452 s. 1 to 4; Ann. Stats. 1889 s. 1408, 1409a to 1409d; Stats. 1898 s. 1408; 1923 c. 448 s. 14; Stats. 1923 s. 143.02; 1957 c. 426; 1969 c. 366 s. 117 (1) (a).

On exercises of police power see notes to sec. 1, art. I; and on delegation of power see notes to sec. 1, art. IV.

The statutes relating to the performance of functions by the state board of health do not confer power to require vaccination as a condition precedent to the right to attend school, and the state board of health cannot make a rule to that effect. State ex rel. Adams v. Burdige, 95 W 390, 70 NW 347. See also: 5 Atty. Gen. 642; 38 Atty. Gen. 220; and 44 Atty. Gen. 19.

**143.03 History:** 1883 c. 167; 1887 c. 291; Ann. Stats. 1889 s. 940a sub. 2; Stats. 1898 s. 1412; 1905 c. 192; 1907 c. 93; 1909 c. 279; Stats. 1911 s. 1412, 1416-3, 1416-18; 1913 c. 226; 1921 c. 223; 1923 c. 448 s. 14; Stats. 1923 s. 143.03; 1927 c. 425 s. 104; 1969 c. 366 s. 117 (1) (a), (b).