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. 98.

142.04 History: Sp. S. 1920 c. 17; 1921 c. 471; Stats. 1921 s. 1417a-4; 1923 c. 448 s. 13; Stats. 1923 s. 142.05; 1927 c. 186; 1931 c. 80 s. 2; 1939 c. 140 s. 4; 1939 c. 233; 1961 c. 55; 1969 c. 260; 1969 c. 276 s. 599 (1) (d), (3) (b), 1969 c. 260 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. 1931, as the board may not restrict or enlarge the duties of the judge. The word "hospitals" includes both private and county hospitals. 34 Atty. Gen. 153.

The county judge may authorize necessary glasses for indigent patients. 29 Atty. Gen. 459.

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. 37 Atty. Gen. 149.

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: Sp. 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. 235; 1961 c. 55; 1969 c. 330; 1969 c. 276 s. 599 (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: Sp. S. 1920 c. 17; Stats. 1921 s. 1417a-10; 1923 c. 448 s. 13; Stats. 1923 s. 142.06; 1939 c. 260; 1959 c. 620.

142.07 History: Sp. S. 1920 c. 17; 1921 c. 471; Stats. 1921 s. 1417a-3; 1923 c. 448 s. 13; Stats. 1923 s. 142.07; 1927 c. 186; 1927 c. 307 s. 1; 1927 c. 307 s. 1; 1927 c. 541 s. 35; 1933 c. 140 s. 4; 1935 s. 355; 1939 c. 143, 332, 1943 c. 132; 1945 c. 321; 1951 c. 30; 1939 c. 620; 1959 c. 620; 1969 c. 276 s. 599 (1) (d), (3) (b), 605 (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: Sp. S. 1920 c. 17; Stats. 1921 c. 1417a-8; 1923 c. 448 s. 13; Stats. 1921 s. 142.08; 1927 c. 537 s. 1; 1929 c. 260; 1939 c. 233; 1947 c. 427; 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 s. 327m, 377; 1969 c. 276 ss. 599 (1) (d), (3) (b), 605 (2).

Comment of Interim Committee, 1947: This amendment is to harmonize 142.08 (1) and 46.10 (7). ** See 24 Atty. Gen. 99. ** See Ill. 394-5.

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. 246.

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. 486.

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. 490.

Collection from relatives on cases at the Wisconsin orthopedic hospital is governed by 142.08 (1m) rather than by 46.10 (7), Stats. 1959, and the Wisconsin state department of public welfare is not authorized to make collection under 142.08 (1m). 29 Atty. Gen. 88. See note to 46.10, citing 30 Atty. Gen. 339.

Neither expenses incurred by a physician under 142.05, 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 233.15 can be recovered by a county under 142.08. 30 Atty. Gen. 97.

142.10 History: 1929 c. 68; Stats. 1929 s. 142.09; 1955 s. 601; 1959 s. 276 s. 591 (2).

142.10 History: 1929 c. 146; Stats. 1929 s. 142.10; 1939 s. 330; 1943 s. 508; 1955 s. 601; 1959 s. 307; 1959 c. 260; 1963 c. 324, 450; 1969 c. 154; 1969 c. 276 ss. 591 (2), 605 (3).

CHAPTER 143.

Communicable Diseases.

143.01 History: 1923 c. 448 s. 14; Stats. 1923 c. 143.01; 1949 c. 539; 1969 c. 366 s. 117 (1) (a).

143.02 History: 1876 c. 366 s. 10; B. S. 1876 s. 1408; 1887 c. 452 s. 1 to 4; Ann. Stats. 1889 s. 1466, 1468s to 1469; Stats. 1899 s. 1401; 1923 c. 448 s. 14; Stats. 1923 c. 143.02; 1967 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. Burdge, 95 W 390, 76 NW 347. See also: 5 Atty. Gen. 442; 38 Atty. Gen. 220; and 44 Atty. Gen. 19.

143.03 History: 1883 c. 107; 1887 c. 291; Ann. Stats. 1889 s. 940a sub. 2; Stats. 1899 s. 1413; 1913 c. 152; 1927 c. 143.02; 1927 c. 1412, 1416—3, 1416—16; 1913 c. 226; 1931 c. 223; 1935 c. 448 s. 14; Stats. 1923 c. 143.03; 1927 c. 425 s. 194; 1969 c. 366 s. 117 (3) (a), (b).
A town health officer is not empowered by ch. 167, Laws 1863, to maintain an action in his official capacity to restrain a city from maintaining a hospital for contagious diseases in his town. Baumlaff v. Oaklode, 22 W. 530, 66 NW 707.

Sec. 1412, Stats. 1898, does not authorize the health officer of a town to employ a physician for the treatment of smallpox patients with­

The health officers are not required to give professional care to indigent persons suffering from contagious disease; if such services are given, they are compensated for by the salary of the health officers. The local board of health is not liable for the compensation of the attending physician of indigent persons suffer­ing from contagious disease. 1910 Atty. Gen. 555.

In general and unless authority is derived therefor under some valid municipal ordi­

A local board of health, in an emergency, may issue an order against employment of un­

A Christian Science healer is not a physician or clergyman within meaning of 143.05 (3), Stats. 1927, so as to authorize him to visit a quarantined place without a written permit of a health officer. 17 Atty. Gen. 157.

The cost of quarantine for contagious dis­

In the case of an indigent confined in a mu­

In indigent cases of communicable diseases where quarantine is ordered, the cost of im­

8 Atty. Gen. 514.

A local board of health may not establish quarantines without the consent of the state board of health. The same is true as to the powers of a city health commissioner to estab­

In indigent cases of communicable diseases where quarantine is ordered, the cost of im­

Rules and regulations of the state board of health made under sec. 1417m, Stats. 1919, are reasonable and will protect a physician re­

In a county under the county system for care of the poor, the cost of antitoxin for an indigent person, furnished by a local board of health, is to be paid by the county and not by the local municipality. 13 Atty. Gen. 1.

A health officer is not qualified to diagnose communicable disease merely by reason of his being a health officer. Whether a health officer may testify as to medical matters depends upon whether he can qualify as an expert. 15 Atty. Gen. 397.

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venereal disease, who refuses to take treatment, may be committed to a public institution for treatment. 11 Atty. Gen. 944.

Information obtained by a physician who is a local health officer in his capacity as such officer in making examination under 143.07 (2) is not privileged under 225.21, there being no relationship of physician and patient. 28 Atty. Gen. 307.

In compelling physical examination under 143.07 (2), a local health officer who is a physician should obtain authorization from the state board of health or a state health officer. What constitutes "reasonably suspected case" under this section depends upon facts and circumstances, the statute permitting exercise of discretion in absence of malicious, arbitrary or unreasonable action. 28 Atty. Gen. 307.

143.07 History: 1907 c. 150; 1909 c. 41; Stats. 1911 s. 4590n; 1923 c. 4; Stats. 1925 s. 352.48; 1927 c. 425 s. 106; Stats. 1927 s. 143.10.

143.08 History: 1917 c. 112; 1923 c. 449 s. 24; Stats. 1923 c. 143.08; 1969 c. 366 s. 117 (1) (a).

143.085 History: 1947 c. 574; Stats. 1947 s. 143.085.

143.09 History: 1917 c. 336; Stats. 1917 s. 1417m sub. 11; Spl. S. 1918 c. 9; 1919 c. 383; 1921 c. 152; 1923 c. 422 s. 47; 1923 c. 449 s. 18; 1923 c. 449 s. 13; Stats. 1923 c. 143.09; 1947 c. 574.

143.10 History: 1981 c. 168 s. 4; Ann. Stats. 1989 s. 460d; Stats. 1989 s. 468d; 1967 c. 209; 1925 c. 4; Stats. 1925 s. 353.48; 1927 c. 473 s. 57; Stats. 1927 c. 143.10.

On civil liability for causing exposure to an infectious or contagious disease see Kiepke v. Athien, 94 W 432, 69 NW 67.

143.11 History: R. S. 1858 c. 30 s. 2; R. S. 1878 c. 4603; Stats. 1888 s. 4605; 1925 c. 4; Stats. 1925 s. 352.47; 1927 c. 470 s. 58; Stats. 1927 s. 143.11; 1949 c. 263; 1969 c. 366.

Where a resolution of a local board of health provides that its violation shall be punished under this section, such violation was a misdemeanor. Stoltman v. Lake, 124 W 462, 102 NW 920.

143.12 History: 1911 c. 44; Stats. 1911 s. 1408a to 1409c; 1917 c. 53, 97; 1917 c. 578 s. 2; 1917 c. 651 s. 28; 1917 c. 671 s. 10; Stats. 1917 s. 40; 1927 c. 425 s. 101; Stats. 1927 c. 143.12; 1969 c. 366 s. 117 (1) (a), (b).

143.13 History: 1907 c. 113; Stats. 1911 s. 1410l to 1413s; 1917 c. 573 s. 2; Stats. 1917 s. 40; 1917 c. 463 s. 20; 1917 c. 467 s. 10; Stats. 1917 s. 40; 1921 c. 372; 1927 c. 425 s. 169; Stats. 1927 s. 143.13; 1935 c. 98; 1969 c. 366 s. 117 (1) (b).

See note to 143.02, citing State ex rel. Adams v. Burge, 95 W 360, 70 NW 347.

A local board of health may prohibit attendance of children at private and parochial schools unless vaccinated, during an epidemic of smallpox. 4 Atty. Gen. 363.

The city, not the county, must provide free vaccination of pupils in the county training school, if smallpox is present in the city when the order of the local board of health is made. 12 Atty. Gen. 98.