

No. 540, S.]

[Published August 3, 1961.

**CHAPTER 329**

AN ACT to amend 50.04 (3) ; and to create 102.26 (2m) of the statutes, relating to workmen's compensation for patients in tuberculosis sanatoriums.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 50.04 (3) of the statutes is amended to read:

50.04 (3) Any patient who has a legal settlement in this state or any patient who, or whose parent, if the patient is a minor, has resided in this state for 5 years or more in the aggregate prior to his application for admission, and 90 days of which residence is within 5 years next preceding his application, shall be cared for at any county tuberculosis sanatorium without charge to him, regardless of his ability to pay, and the cost of his care shall be charged against the state subject to a charge over against the county of his legal settlement as provided in s. 50.09 (2). If any such patient is the beneficiary of a policy of hospitalization, health or accident insurance or other contract covering care in a tuberculosis sanatorium, he shall be liable to pay the cost of his care to the extent of the liability on such policy, insurance or contract as determined by the admitting court, except that such liability shall not include amounts payable as disability benefits under any such policy. \* \* \* *If any patient treated in a tuberculosis sanatorium operated by this state or any of its political subdivisions is entitled to workmen's compensation by reason of his tuberculosis, the cost of his care shall be recoverable by such institution, in the same proceeding that such patient takes for the recovery of his workmen's compensation. Such institution shall be deemed a party in interest in such proceeding and shall be entitled to notice of any such proceeding and may appear in such proceeding for the purpose of prosecuting its right to recovery. No settlement of workmen's compensation of the claim of such patient shall be approved by the industrial commission that does not provide for the payment of the cost of the care of such patient.* Nothing contained in this subsection shall prohibit any patient from paying all or a part of the cost of his care if he so desires.

SECTION 2. 102.26 (2m) of the statutes is created to read:

102.26 (2m) In any action for the recovery of costs of hospitalization in a tuberculosis sanatorium, where such cost was incurred by a patient whose tuberculosis entitled him to workmen's compensation, no attorney fee for the recovery of such cost shall be allowed to the attorney for such patient in such workmen's compensation action, unless, by express agreement with the governing board of such institution he has been retained by such governing board to also act as its attorney.

Approved July 28, 1961.