

No. 105, S.]

[Published June 13, 1947.]

**CHAPTER 255.**

AN ACT to create 20.43 (9), 20.438 and 140.10 to 140.22 of the statutes, relating to a survey and development of a state hospital construction plan, application for federal funds and making an appropriation.

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

SECTION 1. 20.43 (9) of the statutes is created to read:

20.43 (9) STATE HOSPITAL SURVEY AND CONSTRUCTION PLAN. (a) Annually, beginning July 1, 1947, \$35,000 for administering the provisions of sections 140.10 to 140.22.

(b) In addition all funds received by the state from the federal government in accordance with the Federal Hospital Survey and Construction Act are made a non-lapsing appropriation to the state board of health for the purpose of administering the provisions of sections 140.10 to 140.22 and shall be transferred on certificate of the state health officer. Any funds so received and not expended for such purposes shall be repaid to the treasurer of the United States.

(c) In addition all funds received as authorized by section 140.13 (5).

SECTION 2. 20.438 of the statutes is created to read:

20.438 HOSPITAL CONSTRUCTION FUND. There is hereby established, separate and apart from all public moneys and funds of this state, a hospital construction fund. Money received from the federal government for a construction project approved by the surgeon general under the provisions of sections 140.10 to 140.22 shall be deposited to the credit of this fund and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Warrants for all payments from the hospital construction fund shall bear the signature of the state health officer or his duly authorized agent for such purpose.

SECTION 3. 140.10 to 140.22 of the statutes are created to read:

140.10 NAME OF ACT. Sections 140.10 to 140.22 may be cited as the "Wisconsin Hospital Survey and Construction Act".

140.11 DEFINITIONS. As used in sections 140.10 to 140.22.

(1) "The Federal Act" means Public Law 725 of the 79th Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act.

(2) "The Surgeon General" means the surgeon general of the public health service of the United States.

(3) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

(4) "Public Health Center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(5) "Non profit hospital" means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private share holder or individual.

140.12 ADMINISTRATION: DIVISION OF HOSPITAL SURVEY AND CONSTRUCTION. There is hereby established in the state board of health a division of hospital survey and construction which shall be administered by a full-time salaried director under the supervision and direction of the state health officer. The board, through such division, shall constitute the sole agency of the state for the purpose of:

(1) Making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing the program of hospital construction specified in sections 140.15 and 140.16, and

(2) Developing and administering a state plan for the construction of public and other non-profit hospitals specified in sections 140.17 to 140.22.

140.13 GENERAL POWERS AND DUTIES. In carrying out the purposes of the act, the board is authorized and directed:

(1) To require such reports, make such inspections and investigations and prescribe such regulations as it deems necessary.

(2) To provide such methods of administration, appoint a director and other personnel of the division and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

(3) To procure in its discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(4) To the extent that it considers desirable to effectuate the purpose of this act, to enter into agreements for the utilization of facilities and services of other departments, agencies, and institutions, public or private;

(5) To accept on behalf of the state and to deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and to expend the same for such purposes;

(6) To make an annual report to the governor on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the board considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.

140.14 ADVISORY HOSPITAL COUNCIL. (1) The board shall appoint an advisory hospital council to advise and consult in the carrying out of the administration of this act. The council shall consist of the state health officer and 9 members, residents of the state, and shall include:

(a) Two persons of recognized ability in the field of hospital administration who shall be appointed from a list submitted by the Wisconsin hospital association,

(b) Five persons of recognized ability from the fields of medicine, nursing, welfare, public health, architecture, or allied professions in the field of health, including 2 persons licensed to practice medicine and surgery in the state, and including the director of the department of public welfare, and

(c) Two persons with broad civic interests representing varied segments of the population and the consumers of hospital services.

(2) Of such 9 members first appointed, 3 shall be appointed for one year, 3 shall be appointed for 2 years and 3 shall be appointed for 3 years, and their successors shall be appointed for terms of 3 years except when appointed to complete an unexpired term. Members whose terms expire shall hold office until appointment of their successors. Where any professional group fails to submit a list of suggested appointees within 90

days after being invited so to do, the board may appoint persons within the group as it may see fit. The state health officer shall serve as chairman or secretary of the council, as the members may choose, and the other officers shall be elected annually;

(3) Council members, while serving on business of the council, shall receive compensation at the rate of \$10 per day and shall also be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence.

(4) The council shall meet as frequently as the state board of health deems necessary but not less than once each year. Upon request by 5 or more members, it shall be the duty of the chairman to call a meeting of the council.

140.15 SURVEY AND PLANNING ACTIVITIES. The board is authorized and directed to make an inventory of existing hospitals, including public, nonprofit and proprietary hospitals, to survey the need for construction of hospitals, and on the basis of such inventory and survey, to develop a program for the construction of such public and other nonprofit hospitals as will, in conjunction with the existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the people of the state. The state health officer is authorized to make application to the surgeon general for federal funds to assist in carrying out the survey and planning activities.

140.16 STATE HOSPITAL CONSTRUCTION PLAN. The state health officer shall prepare and submit to the surgeon general a state plan which shall include the hospital construction program developed under section 140.15 and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder, and shall make the plan or a copy thereof available upon request to all interested persons or organizations. The state health officer shall from time to time review the hospital construction program and submit to the surgeon general any modifications thereof which he may find necessary and not inconsistent with the requirements of the federal act.

140.17 CONSTRUCTION PROGRAM. The construction program shall provide, in accordance with regulations prescribed under the federal act, for adequate hospital facilities for the people

residing in this state and insofar as possible for their distribution throughout the state in such manner as to make all types of hospital service reasonably accessible to all persons in the state.

140.18 MINIMUM STANDARDS FOR HOSPITAL MAINTENANCE AND OPERATION. The board shall by regulation prescribe minimum standards for the maintenance and operation of hospitals which receive federal aid for construction under the state plan.

140.19 PRIORITY OF PROJECTS. The plan shall set forth the relative need for the several projects included in the construction program determined in accordance with regulations prescribed pursuant to the federal act, and provide for the construction, insofar as financial resources available therefor and for maintenance and operations make possible, in the order of such relative need.

140.20 CONSTRUCTION PROJECTS; APPLICATIONS. Applications for hospital construction projects for which federal funds are requested may be submitted to the board by the state or any political subdivision thereof, or by any public or nonprofit agency authorized to construct and operate a hospital. Each application for a construction project shall conform to federal and state requirements.

140.21 CONSIDERATION AND FORWARDING OF APPLICATIONS. The board shall afford to every applicant for a construction project an opportunity for a fair hearing. If the board, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of section 140.20 and is otherwise in conformity with the state plan, it shall approve such application and shall recommend and forward it to the surgeon general.

140.22 INSPECTION OF PROJECTS. From time to time the board shall inspect each construction project approved by the surgeon general and, if the inspection so warrants, it shall certify to the surgeon general that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an instalment of federal funds is due to the applicant.

Approved June 9, 1947.