

No. 360, S.]

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CHAPTER 330

AN ACT to amend 49.18 (1) (b), 49.20 (2) and 49.61 (1m); to create 20.43 (15), 140.23 to 140.29 of the statutes, relating to regulating, inspecting and approving hospitals and to making an appropriation.

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

SECTION 1. 20.43 (15) of the statutes is created to read:

20.43 (15) HOSPITAL REGULATION. Annually, beginning July 1, 1953, not to exceed \$15,000 for carrying out the provisions of ss. 140.23 to 140.29.

SECTION 2. 49.18 (1) (b) of the statutes is amended to read:

49.18 (1) (b) For the purposes of this section, the term "aid to the blind" means money payments to, or medical care in behalf of or any type of remedial care recognized under this section or s. 49.40 in behalf of blind individuals who are needy, but does not

include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof, except that the exclusion of money payments to needy individuals described in clause (a) or (b) shall, in the case of any such individuals who are not patients in a public institution, be effective July 1, 1952. Beginning July 1, 1953, no payment of aid to the blind shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institution. *Such individuals shall not be barred from receiving general aid under s. 49.02 and 49.03.*

SECTION 3. 49.20 (2) of the statutes is amended to read:

49.20 (2) The term "old-age assistance" means money payments to, or medical care in behalf of or any type of remedial care recognized under ss. 49.20 to 49.38 or s. 49.40 in behalf of needy individuals who are 65 years of age or older (or 60 years or older in the event of the change in the federal law as provided in s. 49.22 (1)) but does not include any such payments or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a mental institution as a result thereof, except that the exclusion of money payments to needy individuals described in clause (a) or (b) shall, in the case of any such individuals who are not patients in a public institution, be effective July 1, 1952. Beginning July 1, 1953, no payment of old age assistance shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institutions. *Such individuals shall not be barred from receiving general aid under ss. 49.02 and 49.03.* Old-age assistance shall also be granted to aged dependent persons residing voluntarily in county or city homes and the department shall make claim for federal reimbursement therefor when federal funds are made available for that purpose and pay the same to the county.

SECTION 4. 49.61 (1m) of the statutes is amended to read:

49.61 (1m) For the purpose of this section, the term "aid to the totally and permanently disabled" means money payments to, or medical care in behalf of, or any type of remedial care recognized under this section or s. 49.40 in behalf of, needy individuals more than 18 and less than 65 years of age who are totally and permanently disabled, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof. Beginning July 1, 1953, no payment of aid to totally and permanently disabled persons shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institutions. *Such individuals shall not be barred from receiving general aid under ss. 49.02 and 49.03.*

SECTION 5. 140.23 to 140.29 of the statutes are created to read:

140.23 HOSPITAL REGULATION AND APPROVAL ACT. Ss. 140.23 to 140.29 may be cited as the "Hospital Regulation and Approval Act."

140.24 DEFINITIONS. Unless the context requires otherwise, as used in ss. 140.23 to 140.29:

(1) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of 4 or more nonrelated individuals suffering from illness, disease, injury, or deformity, except homes for the aged, or nursing or convalescent homes as defined by the board. Institutions now governed by ss. 49.16 and 49.17, and institutions now governed by ss. 46.16, 46.17 and 46.18 and primarily designed only for mental and tuberculosis cases or the aged and infirm, are specifically exempt from all the provisions of ss. 140.23 to 140.29.

(2) "Board" means the state board of health.

140.25 PURPOSE. The purpose of ss. 140.23 to 140.29 is to provide for the establishment and enforcement of standards for the care of individuals in hospitals in order to comply with the federal requirements relating to old-age assistance, aid to the blind, and aid to the totally and permanently disabled.

140.26 APPLICATION FOR APPROVAL. After July 1, 1953, application for approval to maintain a hospital shall be made to the board on forms provided by it. The board shall not withhold or revoke approval unless for a substantial failure to comply with

ss. 140.23 to 140.29 after giving reasonable notice, a fair hearing, and a reasonable opportunity to comply.

140.27 STANDARDS. (1) The board, with the advice of the advisory committee, shall establish such standards for hospitals as shall be necessary for the adequate care of individuals in hospitals. But the board shall not adopt or enforce any regulation or standard which would have the effect of denying approval to any hospital solely by reason of the school or system of practice employed by physicians therein; provided that such school or system is recognized by the laws of this state. The board shall not have authority, under ss. 140.23 to 140.29, to establish standards relating to the following:

- (a) Professional personnel.
 - (b) Administration of hospitals except insofar as necessary for the adequate care of individuals who are hospitalized.
 - (c) Facilities now governed by regulations of the industrial commission.
- (2) Standards established under this section shall be subject to review by the governor under s. 14.225.

140.28 ADVISORY COMMITTEE. The board shall appoint an advisory committee to consist of not more than 5 members. A member of the committee while serving on official business shall receive compensation at the rate of \$10 a day and his actual and necessary travel and subsistence expenses while serving away from his place of residence.

140.29 INJUNCTION. The district attorney of the proper county with the assistance of the attorney-general may, in addition to other remedies, prefer action in the name and on behalf of the state against any person to enjoin him from operating a hospital without approval under this act.

Approved June 26, 1953.
