

No. 981, A.]

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CHAPTER 620

AN ACT to repeal 36.32; to amend 142.01 (1), 142.02, 142.03 (1), 142.04, 142.06, 142.08 (1), (1m), (2) and (4) and 142.10; to repeal and recreate 142.07; and to create 20.240 (73), 36.31 (6), 36.36, 142.01 (3) and 142.05 (4) of the statutes, relating to the administration of Wisconsin general hospital and its fee system.

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

SECTION 1. 20.240 (73) of the statutes is created to read:

20.240 (73) UNIVERSITY BUILDING FUNDS. There is transferred from the appropriations made by s. 20.830 (41) \$200,000 to the state building commission to be allocated for university building projects. Of this amount, \$100,000 shall be used for the remodeling of the facilities of the Wisconsin general hospital.

SECTION 2. 36.31 (6) of the statutes is created to read:

36.31 (6) The Wisconsin orthopedic hospital for children shall be a part of the Wisconsin general hospital under the control and supervision of the board of regents. The purpose of the orthopedic hospital for children shall be to provide medical, surgical and therapeutic treatment for crippled children under 21 years of age whose parents or guardians are unable to provide adequate treatment, or who would be unable otherwise to secure such treatment; these children to remain in said hospital only as long as they can be benefited by such treatment. Admissions to the hospital shall be governed by ch. 142 and the provisions of ch. 142 shall apply to this subsection.

SECTION 3. 36.32 of the statutes is repealed.

SECTION 4. 36.36 of the statutes is created to read:

36.36 OUTPATIENT HOUSING; WISCONSIN GENERAL HOSPITAL. The board of regents may establish and maintain outpatient housing facilities for public patients being treated at the Wisconsin general hospital and apportion the cost of maintaining such patients therein as provided by s. 142.08 (4). The board may also authorize the parents or guardians of children admitted to the Wisconsin general hospital to use such housing facilities and to charge them a fee not less than the actual cost of maintenance therein.

SECTION 5. 142.01 (1) of the statutes is amended to read:

142.01 (1) A person having a legal settlement in any county in this state or a state dependent under s. 49.04 who is crippled or ailing and whose condition can probably be remedied or advantageously treated, if

he or the person liable for his support is financially unable to provide proper treatment, may be treated at the Wisconsin general hospital * * * at Madison or in such other hospital or rehabilitation camp as the county judge * * * *directs*, except that when the person to be treated, or his guardian if he be under guardianship, * * * *selects* that such treatment be at the * * * Wisconsin general hospital or * * * rehabilitation camp, the hospital or rehabilitation camp of his selection shall be the place of treatment * * *. The right of such selection shall not exist in counties having a population of 500,000 or more.

SECTION 6. 142.01 (3) of the statutes is created to read:

142.01 (3) A person who is a recipient of categorical aids under ch. 49 may be committed to the Wisconsin general hospital by the county judge, and such costs as may accrue thereby shall be shared as provided in s. 142.08.

SECTION 7. 142.02, 142.03 (1) and 142.04 of the statutes are amended to read:

142.02 When the case of such person * * * *comes* to the notice of a sheriff, county supervisor, town clerk, health officer, health nurse, poor commissioner, policeman, physician or surgeon, or any public official, he shall and any teacher, priest or minister may, file with the county judge of the county wherein such afflicted person has a legal settlement, *or if he has no legal settlement, then with the county judge of the county where he resides or is found*, an application for such treatment at such hospital.

142.03 (1) The application shall contain a full statement of the financial situation of the person and a general statement of his physical condition, and shall be verified. The county judge, or any person he designates, shall make investigation and the supervisor for the town, village or ward of the legal settlement *or if none, the residence* of the person, *or where found*, shall supply to the county judge, on request, all material information within his knowledge and no compensation or expense shall be paid or allowed by the county to any supervisor supplying such material information. Whenever an application is submitted to a county judge for hospitalization of a crippled child * * * under s. 142.02, the judge shall submit a request for approval on blanks, supplied for the purpose, to the bureau for handicapped children of the state department of public instruction. The bureau for handicapped children shall report its approval of the request to the county judge and to the Wisconsin * * * *general hospital* * * *. It shall also send notice to the county judge as to when the hospital can admit the child.

142.04 If the county judge * * * *is* satisfied that the required facts exist and that the person should be treated at the Wisconsin general hospital, * * * or if the person to be treated, or his guardian if he * * * *is* under guardianship, selects * * * said * * * *hospital* as the place of treatment, he shall so find and enter an order so directing except as provided in s. 142.01 (2) * * *. If he find the required facts and that the person can receive adequate treatment at home or in a hospital, at the same or less expense to the county, and the person to be treated * * * *does* not make the selection aforesaid, he shall enter an order directing such treatment, the place thereof, and the physician or physicians. If the county judge is not so satisfied, he may make further investigation. If the county judge does not find the required facts, he shall enter an order denying the application. If the county judge denies the application of a child under 21 years, applying for care at the Wis-

consin * * * *general* hospital, he shall report his findings to the bureau for handicapped children of the state department of public instruction. Upon granting the application, he shall ascertain from the superintendent of the hospital whether the person can be received as a patient, and if he can the county judge shall certify his order to the hospital and to the county clerk *and in addition, if a state dependent, to the state department of public welfare.* The procedure for admission of children under 21 years into the * * * hospital is governed by s. 142.03 (1). *No county which has not been charged under the quota by the effective date of this section (1959) shall be charged for any care provided under this section from 1952 to 1959 in excess of the quota.*

SECTION 8. 142.05 (4) of the statutes is created to read:

142.05 (4) Payments or reimbursement made by the county for any expense under this section for state dependents shall be deemed relief and recoverable by the county from the state by filing claim with the state department of public welfare and paid as provided in s. 49.04.

SECTION 9. 142.06 of the statutes is amended to read:

142.06 When the superintendent of the hospital or the attending physician is of the opinion that a county or state dependent patient is cured, or no longer needs treatment, or cannot benefit thereby, he shall discharge the patient. The county judge in case of treatment in the county may discharge the patient whenever he is satisfied as to said facts. If the patient is unable to travel alone, and provision therefor has not been made under s. 142.05, the superintendent or physician shall notify the county judge who shall appoint some suitable person to bring the patient back. Such person shall receive expenses and compensation as provided in s. 142.05.

SECTION 10. 142.07 of the statutes is repealed and recreated to read:

142.07 HOSPITAL CHARGES. (1) RATES. The Wisconsin general hospital shall treat patients so admitted at rates computed in the following manner:

(a) *Room rate; private patients.* The superintendent shall establish with the approval of the board of regents a schedule of room rates for private patients which may be adjusted by the superintendent with the approval of the board of regents to meet changes in the cost of operation. As used in this section "room rates" includes the charges for meals and for ordinary nursing care.

(b) *Room rates; public patients.* The board of regents shall establish, with the approval of the board on government operations, a schedule of room rates for public patients.

(c) *Ancillary services.* All services provided except those covered by the room rate shall be charged for in accordance with a schedule established and maintained for public inspection by the Wisconsin general hospital.

(d) *Public patients, ceiling.* The amount charged back to counties for public patients under pars. (b) and (c) shall not exceed one-half the average daily cost of care for the prior fiscal year. The adjustment of the charges shall be made September 1.

(2) APPLICATION OF CHARGES. (a) *Wisconsin general hospital.* Payments made by patients shall be credited to their account. A patient may be admitted to the Wisconsin general hospital without certificate, but the cost of his care shall not be a joint charge against the state and county wherein he has a legal settlement or residence or was found, except when

such patient is admitted in an emergency pending action of the county judge. If the county judge grants the application, the charge against the state and such county shall date from his admission. An emergency shall include cases where, by reason of unforeseen physical conditions, a patient is detained in the hospital longer than anticipated and is thereby financially unable to bear the expense of treatment.

(b) *Wisconsin general hospital.* If the parent or guardian of a patient at the hospital is able to pay the cost of hospitalization, he may be admitted without certificate, but the cost of his care shall not be a joint charge against the state and county wherein he has a legal settlement or residence or was found. In an emergency a patient may be admitted to the hospital without a certificate pending action by the county judge and of the bureau for handicapped children of the state department of public instruction. When the county judge certifies the application which has been approved by the bureau for handicapped children, the charge against the state and the county shall date from his admission. For the purpose of this paragraph, an emergency case is one in which the physician in charge of the child believes that a delay in treatment is contrary to the best interests of the child. When it is not possible to obtain a report from the physician in charge of the child, an emergency may be determined by the physician in charge of admissions at the hospital.

(3) INDIAN CHILDREN. Indian children whose hospital care is to be paid from funds granted the office of Indian affairs, United States department of interior, shall be admitted to the Wisconsin general hospital at the same rates as are charged for children hospitalized through application to the county judge. The procedure for admission of such Indian children shall be identical to the procedure for children admitted to the hospital upon application to the county judge.

(4) CHARGES MADE TO PUBLIC PATIENTS. No compensation shall be charged against or received from any public patient by any officer or person employed by the hospital other than the compensation provided by the board of regents of the university.

SECTION 11. 142.08 (1), (1m), (2) and (4) of the statutes are amended to read:

142.08 (1) The net cost of caring for a patient certified, * * * to the Wisconsin general hospital shall be paid one-half by the state and one-half by the county of his legal settlement * * * *or of which he is a county-at-large charge as provided by sub. (4). The cost of caring for a state dependent patient shall be borne wholly by the state.*

(1m) One-half of the net cost of caring for a patient certified to the * * * hospital * * * shall be paid by the state and one-half by the county of his legal settlement *or of which he is a county-at-large charge. The cost of caring for a state dependent person shall be borne wholly by the state.* At the time that the application for admittance of a patient to the * * * hospital * * * is submitted to the bureau for handicapped children, the county judge shall include a statement regarding the financial status of the parents or guardian and an agreement signed by the parents or guardian as to the amount of money which the parents or guardian will contribute toward the child's care in the hospital. All money so collected by the county judge or the * * * hospital * * * from parents or guardians shall be transmitted to the bureau for handicapped children of the state department of public instruction *other than a state dependent*, to be deposited in the general fund. One-half of the amount received for each patient admitted through certification of the county judge for care at the * * * hospital * * *, shall be credited to the county on the account of each such patient *and*

the entire amount received for a state dependent shall be paid and credited to the state. Financial arrangements for hospital care of children admitted by the county judge shall be made with parents or guardians of such children only by the county judge, or by an agent designated by him, or by the bureau for handicapped children of the state department of public instruction, with the knowledge of the county judge.

(2) The board of regents of the university shall file a verified monthly report with the department of administration, containing an itemized statement of the account against each such patient, naming the county *in which he has legal settlement or of which he is a county-at-large charge, or if he is a state dependent, a statement of that fact.* The department of administration shall audit the same and issue a credit to the appropriation made by s. 20.830 (61) for the proper amount.

(4) * * * The department of administration * * * shall * * * certify to each county one-half the amount paid by the state for each such *dependent child* patient from that county *except state dependents* certified to the * * * hospital * * *, less half the amount which has previously been deposited in the general fund by the bureau for handicapped children of the state department of public instruction, from amounts received for the care of such children *other than state dependents* in such hospital; and one-half the amount paid by the state for each patient *except state dependents* certified to the * * * hospital * * *, these amounts to be * * * levied and collected with the general state taxes * * *. The amount to be certified and levied shall be certified and levied according to * * * this subsection. *In no event shall the amount charged back to counties for care of public patients at the Wisconsin general hospital exceed one-half of the average daily cost of care for the prior fiscal year. The adjustment of the charges shall be made September 1. In addition one-half of the average daily cost of maintenance of public outpatients in outpatient housing facilities for the prior fiscal year shall be charged back to the counties in the same manner as care is charged back.*

SECTION 12. 142.10 of the statutes is amended to read:

142.10 Any honorably discharged veteran of any war of the United States or who is otherwise eligible for benefits from the department of veterans' affairs shall be permitted to enter the Wisconsin general hospital and obtain all care including professional service at * * * *one-half the average daily cost of care for the prior fiscal year permitted under s. 142.07 (1) (a) or (b) and (c).* The adjustment of the charges shall be made September 1. A veteran who does not carry any hospitalization insurance shall be admitted at one-half * * * *the average daily cost of care for the prior fiscal year permitted under s. 142.07 (1) (a) or (b) and (c).* The adjustment of the charges shall be made September 1. A veteran who has partial hospital insurance coverage shall not be charged any sum in excess of the insurance proceeds except that if such proceeds do not equal one-half of the * * * *total costs permitted under s. 142.07 (1) (a) or (b) and (c),* the veteran shall pay the balance. Such veteran must have been a resident of this state for not less than 5 years next immediately preceding his application for admittance. If such veteran * * * *elects to be admitted to said hospital * * * as a private patient* he shall in * * * *addition to the above charges be liable for his own professional fee * * *.* The changes made by this amendment * * * *1959 shall not affect the charges payable by any such veteran who is hospitalized in the Wisconsin general hospital on * * * the effective date of this amendment (1959).*

Approved December 28, 1959.