

## CHAPTER 142

## UNIVERSITY OF WISCONSIN HOSPITAL AND CLINICS

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**142.01 Public patients. (1)** A person having a legal settlement in any county in this state or a state dependent under s. 49.04 who is physically disabled or ailing and whose condition can probably be remedied or advantageously treated, if he or she or the person liable for his or her support is financially unable to provide proper treatment, may be treated at the university of Wisconsin hospital and clinics or in such other hospital or rehabilitation camp as the county director of public welfare directs, except that when the person to be treated, or his or her guardian if he or she is under guardianship, selects that such treatment be at the university of Wisconsin hospital and clinics or rehabilitation camp, the hospital or rehabilitation camp of his or her 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. The right of treatment at university of Wisconsin hospital and clinics shall not exist for persons whose annual family incomes and economic resources are in excess of medical assistance limitations for the medically needy under s. 49.47 (4) (b) and (c), unless in the opinion of the county director of public welfare special circumstances exist to warrant an exception. If the family income is in excess and, in the opinion of the director, special circumstances do not exist, the person shall have the right of treatment at university of Wisconsin hospital and clinics after the person has incurred or expended at least 50% of the excess income for medical care or for any other type of remedial care recognized under the state law, or for personal health insurance premiums, or both. The director shall inform the hospital of the amount of the family's annual excess income as determined by the director. The hospital shall collect 50% of the amount of the annual excess income from the patient. The hospital shall submit a bill to the state for the amount over and above 50% of the amount determined as annual excess income.

**(2)** Before a child under 21 years of age requiring orthopedic or plastic surgery or care is treated at the university of Wisconsin hospital and clinics, application for approval for admission to the hospital shall first be submitted to the division for handicapped children of the department of public instruction.

**(3)** A person who is a recipient of categorical aids under ch. 49 may be placed in the university of Wisconsin hospital and clinics by the county director of public welfare, and the costs as may accrue thereby shall be shared as provided in s. 142.08.

**History:** 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1977 c. 449.

**142.02 Application.** When a sheriff, county supervisor, town clerk, health officer, health nurse, poor commissioner, police officer, physician or surgeon or any public official knows of a person whose condition is described in s. 142.01 (1), he or she shall and any teacher, priest or minister may, file with the county director of public welfare of the county where the afflicted person has a legal settlement, or if he or she has no legal settlement, then with the county director of public welfare of the county where he or she resides or is found, an application for the treatment at the hospital.

**History:** 1977 c. 449.

**142.03 Investigation. (1)** The application shall contain a full statement of the financial situation of the person including a determination of the person's eligibility for medical assistance under s. 49.45, and a general statement of his or her physical condition, and shall be verified. The county director of public welfare, or any person he or she designates, shall make investigation and the supervisor for the district containing the town, village or ward of the legal settlement or if none, the residence of the person, or where found, shall supply to the director, on request, all material information within his or her knowledge and no compensation or expense

may be paid or allowed by the county to any supervisor supplying the material information. If an application is submitted to a director for hospitalization of a physically disabled child under s. 142.02, the director shall submit a request for approval on blanks, supplied for the purpose, to the division for handicapped children of the department of public instruction. The division for handicapped children shall report its approval of the request to the director and to the university of Wisconsin hospital and clinics. It shall also send notice to the director as to when the hospital can admit the child.

(2) The county director of public welfare, if satisfied that the required facts exist, shall appoint a physician personally to examine the person. The physician shall make a verified report in writing, within such time as the director establishes, setting forth the nature and history of the case, and such other information as will be likely to aid in its treatment, and giving the physician's opinion whether the condition of the person can probably be remedied, or should be treated, at a hospital, and whether the person can receive adequate treatment in the county, at home or in a hospital, and any information within the knowledge of the physician relative to the person's financial situation. The physician shall be paid \$5 by the county and actual and necessary expenses. In the case of a physically disabled person for whom recommendation has been made for hospital treatment, by a recognized orthopedic surgeon, the recommendation may be accepted by the director as a reason for commitment of the physically disabled person to the designated or selected hospital.

(3) (a) Adequate treatment for a physically disabled person means that treatment which is given in a hospital which maintains a resident or visiting surgeon who devotes full time to the practice of orthopedic surgery, and the operative treatment given physically disabled persons in such hospital shall be performed by an orthopedic surgeon.

(b) A physically disabled person for the purpose of this chapter means one who has some physical disability such as affections of the joints, affections of the bones, disturbances of the neuromuscular mechanism, congenital disabilities, static and other acquired disabilities, that may be corrected or improved by orthopedic surgery or other special surgical and medical care.

(c) In the case of a physically disabled person under 21 years of age who has been committed to any hospital for treatment, such hospital on discharge of the patient shall make a report to the division for handicapped children of the department of public instruction, stating the

name, age and address of the child, name of a parent of the child or guardian, description of the child's disability, treatment given, recommendation for aftercare, and such other information as said department may require.

(4) The faculty of the medical school of the university of Wisconsin shall prepare blanks for examining physicians. Such blanks shall be printed by the university of Wisconsin, and mailed to each county director of public welfare upon request. Physicians shall report in duplicate on said blanks, and if the application is granted one copy shall be sent to the hospital.

**History:** 1975 c. 94 s. 91 (15); 1975 c. 199; 1977 c. 29; 1977 c. 83 ss. 18, 26; 1977 c. 273; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1977 c. 449 ss. 225, 226, 497.

**142.04 Findings and order.** (1) If the county director of public welfare is satisfied that the required facts exist and that the person should be treated at the university of Wisconsin hospital and clinics, or if the person to be treated, or the guardian if the person is under guardianship, selects the hospital as the place of treatment, the director shall so find and enter an order so directing except as provided in s. 142.01

(2). If the director finds 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, the director shall enter an order directing the treatment, the place thereof, and the physician or physicians. If the director is not so satisfied, he or she may make further investigation. If the director does not find the required facts, he or she shall enter an order denying the application. If the director denies the application of a child under 21 years, applying for care at the university of Wisconsin hospital and clinics, he or she shall report the findings to the division for handicapped children of the department of public instruction. Upon granting the application, he or she shall ascertain from the superintendent of the hospital whether the person can be received as a patient, and if so the director shall certify the order to the hospital and to the county clerk and in addition, if a state dependent, to the department. The procedure for admission of children under 21 years into the hospital is governed by s. 142.03

(1). (2) If the county director of public welfare is satisfied that the required facts exist for the person to be eligible for medical assistance under s. 49.45, public patient status shall be denied and the person referred to the county department of public welfare for application for medical assistance.

**History:** 1977 c. 29; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1977 c. 449 ss. 227, 497; 1979 c. 32.

**142.05 Conveyance to hospital.** (1) If the patient is unable to bear the expense to the place of treatment, and the county director of public welfare so orders, the county treasurer shall advance to the patient the necessary transportation and expenses out of the county treasury. Likewise, upon the patient's discharge from the place of treatment, the director may order transportation and expenses for the patient's return to his or her residence. If the patient is unable to travel alone to the place of treatment, the director may appoint a suitable person to accompany the person, and the person shall receive actual and necessary expenses, and, if not a salaried officer, a per diem of \$3 per day going and returning; and the same shall be paid by the county.

(2) If at the time of commitment the director is satisfied that the patient is unable to bear the expense of returning to his or her residence or that the patient will not be able to return alone, the director may authorize the hospital to pay the transportation and expense and may appoint a suitable person to accompany the patient and authorize the hospital to pay the actual and necessary expenses of the person and the per diem provided for in sub. (1). Any hospital making the payments shall be reimbursed by the county.

(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 department and paid as provided in s. 49.04.

History: 1975 c. 39; 1977 c. 449.

**142.06 Discharge of patients.** 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 or she shall discharge the patient. The county director of public welfare in case of treatment in the county may discharge the patient if satisfied as to the 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 director who shall appoint some suitable person to bring the patient back. The person shall receive expenses and compensation as provided in s. 142.05.

History: 1977 c. 449.

**142.07 Hospital charges.** (1) **RATES.** The university of Wisconsin hospital and clinics 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 joint committee on finance, 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 university of Wisconsin hospital and clinics.

(d) *Public patients; county share.* The amount charged back to counties for public patients under pars. (b) and (c) shall be one-half the actual net cost of care for each patient. The county share for outpatient care shall be determined in the same manner.

(2) **APPLICATION OF CHARGES.** (a) Payments made by patients shall be credited to their accounts. A patient may be admitted to the university of Wisconsin hospital and clinics without certificate, but the cost of his or her care shall not be a joint charge against the state and county wherein the patient has a legal settlement or residence or was found, except when the patient is admitted in an emergency pending action of the county director of public welfare. If the director grants the application, the charge against the state and the county shall date from the 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) If the parent or guardian of a patient at the hospital is able to pay the cost of hospitalization, the patient may be admitted without certificate, but the cost of the patient's care shall not be a joint charge against the state and county wherein the patient 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 director of public welfare and of the division for handicapped children of the department of public instruction. If the director certifies the application which has been approved by the division for handicapped children, the charge against the state and the county shall date from the admission. In 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. If 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, U.S. department of interior, shall be admitted to the university of Wisconsin hospital and clinics at the same rates as are charged for children hospitalized through application to the county director of public welfare. The procedure for admission of the Indian children shall be identical to the procedure for children admitted to the hospital upon application to the county director of public welfare.

**(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 of Wisconsin system.

**History:** 1971 c. 100 s. 23; 1975 c. 39 ss. 631m, 732 (1); 1977 c. 29; 1977 c. 418 ss. 628, 924 (50); 1977 c. 447 s. 206; 1977 c. 449; 1981 c. 314.

**142.08 Reports; payment of charges. (1)**

The net cost of caring for a patient certified to the university of Wisconsin hospital and clinics 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 or her legal settlement or of which he or she 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 division for handicapped children, the county director of public welfare 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 director or the hospital from parents or guardians shall be credited to the patient's account with the hospital. Financial arrangements for hospital care of children admitted by the director shall be made with parents or guardians of the children only by the director, or by an agent designated by him or her, or by the division for handicapped children of the department of public instruction, with the knowledge of the director.

**(1r)** No payment shall be made under the public patient program for services that are otherwise covered by medical assistance, other

medical aid programs, medicare, commercial health insurance or other 3rd party payers. Recovery from liable 3rd parties is the responsibility of the superintendent of university of Wisconsin hospital and clinics. Notwithstanding any other statute, payments made by 3rd party payers for a patient shall be credited to that patient's account at the hospital. The hospital shall submit a net bill to the state after all credits have been accounted for.

**(2)** The board of regents of the university of Wisconsin system 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. 20.285 (1) (kb) for the proper amount.

**(3)** On or before October first in each year the board of regents shall file with the department of administration a statement setting forth in detail the account of each certified patient during the fiscal year ended on June thirtieth next preceding.

**(4)** The department of administration shall certify to each county one-half the amount paid by the state for each public patient from that county except state dependents certified to the hospital.

**(5)** The expense of treatment of patients in other hospitals under this chapter shall be paid by the county treasurer upon certificate of the county director of public welfare, who shall be satisfied as to the correctness and reasonableness thereof.

**(6)** All cooperative arrangements regarding the hospitalization of children admitted to university of Wisconsin hospital and clinics which are carried on by the university of Wisconsin hospital and clinics and the division for handicapped children, department of public instruction, shall be carried on pursuant to a written agreement made between the hospital and the division.

**History:** 1971 c. 100 s. 23; 1973 c. 243 s. 82; 1977 c. 29; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1977 c. 449 ss. 232, 497.

**142.09 Soldiers preferred patients.** In admitting patients to the hospital, preference shall be given to honorably discharged veterans of any of the wars of the United States or who is otherwise eligible for benefits from the department of veterans affairs. Preference is hereby defined to mean that whenever the superintendent of the hospital is notified that the applicant is such a veteran, such veteran shall be the next

person so admitted to the hospital, except in case of an emergency.

**142.10 War veterans' privileges. (1)** It is the intent of this section to provide care including professional service at the university of Wisconsin hospital and clinics to Wisconsin veterans, herein defined.

**(2)** Wisconsin veterans for purposes of this section are defined as any honorably discharged veteran of any war of the United States or who is otherwise eligible for benefits from the department of veterans affairs. Such veteran must have been a resident of this state for not less than 5 years next immediately preceding his application for admission.

**(3)** The superintendent of the university of Wisconsin hospital and clinics shall determine the financial status of a Wisconsin veteran who applies for benefits under this section. Such determination shall only consider benefits which would accrue to the veteran because of hospitalization insurance the veteran may carry. Based on these findings the superintendent shall authorize reductions in the total cost of care to the veteran. Such reductions shall be limited so that as a minimum the veteran shall pay a daily rate of one-half the average daily cost permitted under s. 142.07 (1) (a) or (b) and (c) for the prior 6-month period ending June 30, and December 31. The adjustment of charges based on the 6-month period ending June 30 shall be

made on September 1, and the adjustment of charges based on the 6-month period ending December 31 shall be made on March 1. The adjustment in charges shall be in effect for all patient bills prepared until the following adjustment. If such veteran elects to be admitted to said hospital as a private patient the veteran shall be liable for all professional fees incurred, but shall be eligible for benefits under this section for hospital care. In determining the veteran's share of the cost of care, the superintendent shall first apply all insurance and third-party payments to the total cost and apportion any remaining costs equally between the veteran and the state. The portion of costs paid by the state shall be paid from the appropriation under s. 20.485 (2) (vm) to the university of Wisconsin system as provided under s. 20.285 (1) (kb).

**(4)** The provisions of this section shall become effective on July 1, 1963 and shall not affect the charges payable by any such veteran who is hospitalized in the university of Wisconsin hospital and clinics prior to the effective date.

**History:** 1975 c. 39, 199; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34 s. 2102 (56) (a); 1981 c. 20.

**142.11 Subject to ch. 150.** The university of Wisconsin hospital and clinics is subject to ch. 150.

**History:** 1977 c. 29; 1977 c. 418 s. 924 (50); 1977 c. 477 s. 206.