

are prima facie valid until set aside by court action or altered or revoked by the board. Limiting participation to persons licensed to practice medicine is proper, since neither midwives nor osteopaths are authorized by law to render complete obstetrical services such as are contemplated by the plan. 32 Atty. Gen. 395.

**146.19 History:** 1951 c. 640; Stats. 1951 s. 146.19; 1957 c. 546; 1961 c. 470; 1965 c. 188; 1969 c. 307.

The term "worker" as used in 146.19 (1), Stats. 1951, includes minors who perform services, even though their compensation is paid to their parents. 41 Atty. Gen. 28.

**146.20 History:** 1957 c. 86, 610; Stats. 1957 s. 146.20; 1965 c. 614 s. 57 (1); 1969 c. 276 s. 588 (6).

**146.24 History:** 1955 c. 391; Stats. 1955 s. 146.24; 1969 c. 276 s. 583 (1); 1969 c. 366 s. 117 (1) (a).

**146.30 History:** 1947 c. 397; Stats. 1947 s. 146.30; 1951 c. 715; 1955 c. 10; 1963 c. 187; 1965 c. 168; 1967 c. 299; 1969 c. 366 ss. 90, 91, 92, 117 (1) (a); 1969 c. 478.

The board may adopt separate rules for the regulation of different types of nursing homes and such distinction may appear in the license and name of a nursing home. 52 Atty. Gen. 121.

See note to 146.32, citing 57 Atty. Gen. 204.

**146.31 History:** 1965 c. 213; Stats. 1965 s. 146.31; 1969 c. 143.

**146.32 History:** 1967 c. 299; Stats. 1967 s. 146.32.

146.30 and 146.32, Stats. 1967, relating respectively to "nursing homes" and "residential care institutions" do not apply to a house or other building which uses the synonym "halfway house" and has 3 to 15 residents, where a licensed physician states that such residents are not in need of medical or nursing care or social services of any kind. 57 Atty. Gen. 204.

**146.33 History:** 1969 c. 102; Stats. 1969 s. 146.33.

## CHAPTER 148.

### Medical Societies.

**148.01 History:** R. S. 1849 c. 27 s. 16 to 20; 1854 c. 5 s. 1; R. S. 1858 c. 33 s. 16 to 21; R. S. 1878 s. 1431 to 1435; Stats. 1898 s. 1430 to 1434; 1923 c. 448 s. 72; Stats. 1923 s. 148.01; 1927 c. 60 s. 2; 1935 c. 350; 1945 c. 494; 1959 c. 602.

**148.02 History:** R. S. 1849 c. 27 s. 1, 2, 4, 8, 13, 14; R. S. 1858 c. 33 s. 1, 2, 3, 4, 8, 13, 15; R. S. 1878 s. 1422 to 1424, 1430; 1887 c. 242; Ann. Stats. 1889 s. 1422 to 1424, 1430; 1897 c. 264; Stats. 1898 s. 1422 to 1424, 1429; 1923 c. 448 s. 73; Stats. 1923 s. 148.02; 1927 c. 60 s. 2.

The words "physicians and surgeons" are not limited to any school of practitioners, and the legality of an organization is not affected by the fact that it was brought about by homeopathic physicians. Raynor v. State, 62 W 289, 22 NW 430.

**148.03 History:** 1935 c. 350; Stats. 1935 s. 148.01 (3); 1945 c. 494; 1959 c. 602; Stats. 1959 s. 148.03; 1969 c. 303.

The insurance plan can limit coverage to care provided by licensed physicians and surgeons; and the insurance commissioner cannot require the insurer to pay for services provided by podiatrists or specifically exclude such services. State Medical Society v. Manson, 24 W (2d) 402, 129 NW (2d) 231.

## CHAPTER 155.

### Corpses.

**155.01 History:** 1881 c. 168; Ann. Stats. 1889 s. 4608a; 1897 c. 248 s. 1 to 3, 6, 8, 9; Stats. 1898 s. 4608a, 4608b; 1901 c. 401; Supl. 1906 s. 4608a; 1907 c. 57; 1909 c. 32; 1915 c. 446; 1923 c. 448 s. 94b, 94c; Stats. 1923 s. 155.01; 1969 c. 366 s. 117 (2) (a).

**155.02 History:** 1868 c. 53 s. 1 to 3; R. S. 1878 s. 1437; 1895 c. 117; Stats. 1898 s. 1437; 1901 c. 323 s. 1 to 3; 1903 c. 406 s. 1, 2; Supl. 1906 s. 604x, 1437, 1437a; 1919 c. 272; 1919 c. 347 s. 38; Stats. 1919 s. 51.28, 1437, 1437a; 1921 c. 84, 146; 1923 c. 32; 1923 c. 448 s. 95; Stats. 1923 s. 51.28, 155.02; 1929 c. 49; 1947 c. 485, 602; Stats. 1947 s. 155.02; 1949 c. 520; 1951 c. 627.

**Comment of Interim Committee, 1947:** [Old 51.28 and 155.02 are consolidated in new 155.02.] Old 51.28 applies only to public charge patients in county asylums or senile wards. New 155.02 is broadened to include all inmates of all public institutions. Provision is made for recovering the cost if the patient is not a public charge. Old 51.28 provides for burial if the body is not claimed. Old 155.02 does not. Notice to relatives is retained. Notice to friends is omitted. It was provided for under old 51.28 and 53.14 [which is repealed] but not under 155.02. But provision is made in new 155.02 (2) for friends as well as relatives to claim the body. Many details as to procedure are omitted because considered unnecessary. Sending the corpse (if unclaimed) for dissection is made optional instead of mandatory. [Bill 19-S]

Burial expenses of a poor person committed to and dying in the industrial school for girls should be borne by the county from which such person is committed. 5 Atty. Gen. 819.

**155.03 History:** 1903 c. 406 s. 3, 4; Supl. 1906 s. 1437b, 1437c; 1911 c. 663 s. 195; 1923 c. 448 s. 95; Stats. 1923 s. 155.03; 1949 c. 520; 1951 c. 627.

**155.04 History:** 1903 c. 406 s. 5; Supl. 1906 s. 1437d; 1911 c. 663 s. 196; 1923 c. 448 s. 95; Stats. 1923 s. 155.04.

**155.05 History:** 1949 c. 457; Stats. 1949 s. 155.05.

**155.06 History:** 1961 c. 395; Stats. 1961 s. 155.06; 1969 c. 90.

Wisconsin's uniform anatomical gift act. Bartell, 42 WBB, No. 6.

**155.10 History:** R. S. 1849 c. 139 s. 17; R. S. 1858 c. 170 s. 16; R. S. 1878 s. 4592; Stats. 1898 s. 4592; 1925 c. 4; Stats. 1925 s. 351.42; 1955 c. 696 s. 295; Stats. 1955 s. 155.10.

Sec. 4592, Stats. 1898, was not intended to apply to exhumations made by public officers with a view of ascertaining whether a crime has been committed. *Hayes v. State*, 112 W 304, 87 NW 1076.

A post-mortem examination must be ordered and conducted by the authorities of the county where the body is. 4 Atty. Gen. 177.

Proper authority to move human bodies from an old cemetery to a new one consists of consent of next of kin, and permit from the proper health officer. 23 Atty. Gen. 753.

## CHAPTER 156.

### Funeral Directors and Embalmers.

**156.01 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.01; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1949 c. 143; 1951 c. 398; 1969 c. 366 ss. 93, 94, 95, 117 (1) (a).

**156.03 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.03; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1945 c. 209; 1951 c. 398; 1969 c. 366.

156.03 (2), Stats. 1939, does not justify making a rule prohibiting all price advertising. 29 Atty. Gen. 304.

**156.04 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.04; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1951 c. 398, 599; 1953 c. 222; 1969 c. 154, 366.

See note to sec. 1, art. I, on exercises of police power, citing *State ex rel. Kempinger v. Whyte*, 177 W 541, 188 NW 607.

One who permits his name to be used as part of the corporate name of a funeral establishment may be holding himself out as engaged in the business of funeral director in violation of 156.04 (2), Stats. 1933, unless he is licensed. 24 Atty. Gen. 28.

156.04, 156.05 and 156.12, Stats. 1937, relating to funeral directors and embalmers, do not preclude such persons from arranging with cooperative burial associations to furnish services to members of such associations, nor are such associations conducting undertaking businesses without licenses. 26 Atty. Gen. 300.

Under 156.04 (2), Stats. 1939, a person may own a funeral establishment although he is not a licensed funeral director provided he hires some one who is licensed to conduct the business and does not hold himself out to the public as being engaged in the funeral directing business. 28 Atty. Gen. 683.

License fees required of applicants for embalmers' and funeral directors' licenses are not refundable if an applicant fails to appear for examination. 29 Atty. Gen. 271.

A funeral director licensed under ch. 156, Stats. 1939, may operate more than one funeral establishment. 30 Atty. Gen. 139.

**156.045 History:** 1951 c. 599; Stats. 1951 s. 156.045; 1959 c. 106; 1969 c. 366 s. 117 (1) (j).

**156.05 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.05; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1951 c. 398 s. 5; 1951 c. 599; 1953 c. 222; 1969 c. 154; 1969 c. 366 ss. 99, 117 (1) (a).

**156.06 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.06; 1939 c. 93; 1953 c. 222; 1969 c. 154; 1969 c. 366 s. 117 (1) (j).

156.09, Stats. 1939, does not require that an applicant for renewal of a funeral director's license own or maintain a recognized funeral establishment, but requires only that he be "doing business" at such establishment. This requirement is sufficiently met by showing that the applicant has a contract with the owner of such establishment permitting him to conduct funerals there. The board and a committee of examiners are justified in requiring that a copy of such contract be submitted to it. The contract need not be for a full license year but must be in effect at the time of granting a renewal license. 30 Atty. Gen. 139.

**156.07 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.07; 1939 c. 93; 1941 c. 51; 1953 c. 222; 1969 c. 154.

**156.08 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.08; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1951 c. 599; 1959 c. 498; 1961 c. 380; 1969 c. 154; 1969 c. 366 ss. 100, 117 (1) (h), (j).

The requirement of 156.02 (1), Stats. 1953, that the state in which an applicant for reciprocal licensure is presently licensed must have "requirements substantially equal to those in this state" is not satisfied if such state requires only a high school education, since 156.045 (1) (b) requires completion of one year of college. 44 Atty. Gen. 74.

**156.09 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.09; 1937 c. 141.

**156.095 History:** 1937 c. 141; Stats. 1937 s. 156.095; 1939 c. 93; 1941 c. 51; 1943 c. 433; 1951 c. 398 s. 6, 7; 1951 c. 599 s. 6 to 9; 1953 c. 61; 1969 c. 366 ss. 101, 117 (1) (a), (j).

One licensed embalmer or one licensed funeral director may supervise only one apprentice embalmer or apprentice funeral director. 28 Atty. Gen. 581.

The state board of health, not the industrial commission, is the proper agency to cooperate with the veterans administration with reference to apprentice training of veterans in the field of funeral directing and embalming. 35 Atty. Gen. 13.

**156.10 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.10; 1939 c. 93; 1951 c. 398; 1969 c. 366 ss. 102, 117 (1) (a).

**156.105 History:** 1943 c. 433; Stats. 1943 s. 156.105; 1945 c. 209; 1951 c. 398; 1953 c. 222; 1969 c. 154; 1969 c. 366 s. 117 (1) (a).

**156.11 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.11; 1941 c. 51; 1969 c. 366 s. 117 (1) (a).

**156.12 History:** 1933 c. 302 s. 2; Stats. 1933 s. 156.12; 1937 c. 141; 1939 c. 93; 1943 c. 187, 433; 1969 c. 366 s. 117 (1) (a).

A licensed funeral director and embalmer who acts as secretary of a cemetery association for a fixed salary not dependent upon the sale of lots and who takes no part in the sale of lots except the ministerial duty of receiving and depositing money paid therefor and making out, signing and mailing deeds, does not thereby violate 156.12 (6), Stats. 1945. 35 Atty. Gen. 186.

A resolution of a co-operative association providing that shares of stock may be applied