

No. 56, S.]

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CHAPTER 526

AN ACT to repeal 50.01, 50.02, 50.05 to 50.056, 50.065 (4) (a) to (d), (5) and (6), 50.07 (1), (2), (2a), (4) and (5), 50.09 and 50.14 (2); to renumber 50.06, 50.065 (1), (2) and (7), 50.08, 50.095, 50.12 and 50.14; to renumber and amend 50.065 (3) and (4) (intro. par.), 50.075, 50.10, 50.11, 50.13 and 50.14 (1); to amend 50.06 (title), 50.07 (3) (intro. par.), (a) and (b), 50.08 (2), (3) and (4), 50.12 (1) and 58.06 (2); to repeal and recreate 50.03 and 50.04; and to create 15.22 (12) (h), 20.005 (2) (a) (line 69a), 20.190 (3), 20.670 (72) (d), 50.12 and 50.13 of the statutes, relating to state and county tuberculosis sanatoria, the state tuberculosis camp and making an appropriation.

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

SECTION 1. 15.22 (12) (h) of the statutes is created to read:

15.22 (12) (h) To devise a system of cost record accounting as nearly uniform as possible for all county tuberculosis sanatoria and

private sanatoria approved by the state board of health under s. 58.06 which shall include an appraisal of present buildings and equipment. The cost thereof shall be paid from the appropriation made by s. 20.190 (3). The state board of health, state chief engineer and Wisconsin sanatorium superintendents association shall provide such assistance as may be requested by the department of state audit.

SECTION 2. 20.005 (2) (a) (line 69a) of the statutes is created to read:

20.005 (2) (a)			
69a. Cost accounting system	20.190 (3)	1957-58	1958-59
		S	\$10,000

SECTION 3. 20.190 (3) of the statutes is created to read:

20.190 (3) COST ACCOUNTING SYSTEM. On July 1, 1957 a sum sufficient to carry out the functions of s. 15.22 (12) (h). Fifty per cent of the amount expended under this appropriation shall be charged back to county tuberculosis sanatoria on the basis of final appraised values thereof.

SECTION 3m. 20.670 (72) (d) of the statutes is created to read:

20.670 (72) (d) There is allotted for purposes of the school for boys to the state department of public welfare from the appropriation made by this subsection a sum sufficient for the remodeling and construction of the buildings and structures transferred from the state board of health to the said department of public welfare by s. 50.13 and for the purchase of adjoining property to be used for such purposes. This paragraph is not intended to repeal any of the provisions of this subsection but is intended to provide that a part of the school for boys facilities contemplated by this subsection may be established to the extent deemed necessary and advisable by the state department of public welfare.

SECTION 4. 50.01 and 50.02 of the statutes are repealed.

SECTION 5. 50.03 and 50.04 of the statutes are repealed and recreated to read:

50.03 ADMISSION OF PATIENTS. (1) Any person suffering from tuberculosis may be received into any such county institution and cared for upon payment of a rate which shall not exceed the actual cost of maintenance therein. There may also be admitted any person who presents symptoms of tuberculosis calling for careful observation in order to make a diagnosis, and who in the opinion of the superintendent and visiting physician, if the superintendent is not a physician, is a proper subject for treatment in any such county institution. Every applicant for admission shall furnish a certificate of a regularly licensed physician that he is suffering from tuberculosis, or that he presents symptoms of tuberculosis calling for careful observation in order to make a diagnosis.

(2) There may also be admitted for care and treatment upon proper certificate of examining physician and recommendation of the superintendent of the institution, any inmate committed to the Wisconsin school for boys, Wisconsin school for girls or the Wisconsin child center, who is suffering from tuberculosis, and the state department of public welfare is authorized to cause such transfers thereto.

50.04 MAINTENANCE CHARGES. (1) All patients admitted to any county tuberculosis sanatorium shall pay the cost of their care, except as otherwise provided in this section. Such cost shall be determined by the superintendent and the state board of health.

(2) Any patient unable or who believes that his circumstances do not warrant his being required to pay any part of his care or who meets

the requirements of sub. (3) shall file an application with the county judge of the county within which he has a legal settlement, and if applicant has no legal settlement in any county, then, with the county judge of the county where he is found, setting forth the fact that he is unable or that his circumstances do not warrant his being required to pay the cost of his care or that he meets the requirements of sub. (3). If the patient is a minor, the application shall be made and filed by a parent or his guardian. The said judge may designate a person or official by whom such application may be made. Said judge, upon further presentation of the report of the examining physician, and a statement from the superintendent of the sanatorium that the applicant is eligible and can be received, shall make an investigation in the manner prescribed in s. 50.09 (1), except that in such investigation, the judge shall give due consideration to the desirability of isolating the patient because of the contagious character of the disease, to avoid jeopardizing the support of the patient's dependents during his hospitalization and their future requirements due to the patient's probable future lessened earning power after hospitalization; also to the probable length of time of such hospitalization. The chargeability of the person liable for the care of a patient shall be determined by the same rules applicable to the patient. The judge may, whenever the facts disclosed in the hearing warrant, provide in his certification that the patient pay such part of the cost of his care as the judge deems just, which part or proportion may be increased or decreased after hearing by him whenever the circumstances warrant. If the court determines that the patient meets the settlement or residence requirements specified in sub. (3) it shall make no investigation as to the patient's financial status other than to determine whether or not he is the beneficiary of insurance as specified in sub. (3).

(3) Any patient who has a legal settlement in this state or any patient who, or whose parent, if the patient is a minor, has resided in this state for 5 years or more in the aggregate prior to his application for admission shall be cared for at any county tuberculosis sanatorium without charge to him, regardless of his ability to pay, and the cost of his care shall be charged against the state subject to a charge over against the county of his legal settlement as provided in s. 50.09 (2). If any such patient is the beneficiary of a policy of hospitalization, health or accident insurance or other contract covering care in a tuberculosis sanatorium, he shall be liable to pay the cost of his care to the extent of the liability on such policy, insurance or contract as determined by the admitting court, except that such liability shall not include amounts payable as disability benefits under any such policy. Any such patient who, by reason of his tuberculosis, is entitled to damages or workmen's compensation, is liable for the cost of his care to the extent that the same may be recoverable in an action or workmen's compensation proceedings, and may be required to execute all necessary papers and do all necessary acts to insure the collection thereof. Nothing contained in this subsection shall prohibit any patient from paying all or a part of the cost of his care if he so desires.

(4) Any such person who is unable to pay for his care may be admitted and maintained in such institution at the charge of the county in which he has legal settlement, pursuant to sub. (2). Such maintenance shall include necessary traveling expenses including the expenses for an attendant when such person cannot travel alone, necessary clothing, toilet articles, emergency surgical and dental work, and all other necessary and reasonable expenses incident to his care in such institution.

(5) Any patient who meets the legal settlement or residence requirements specified in sub. (3) shall be cared for in such institution without

charge to him, regardless of his ability to pay, except as otherwise provided in sub. (3), and the cost of his care shall be charged to the state or the county in which he has his legal settlement in accordance with this chapter.

(6) Patients transferred to county tuberculosis sanatoria from state institutions specified in s. 50.03 (2) or from state penal institutions pursuant to s. 57.115 shall be maintained at state expense.

(7) Each county maintaining in whole or in part a tuberculosis sanatorium shall be credited by the state, to be adjusted as provided in s. 50.09, for each patient cared for therein at public charge, as follows:

(a) For each such patient whose support is chargeable against said county, \$21 per week.

(b) For each such patient whose support is chargeable against some other county, the total cost of his maintenance as determined by the board of trustees of the institution and the state board of health; and the state shall charge over to such other county the difference between such total cost and \$21 per week provided through state aid.

(c) When any patient is temporarily transferred from any institution mentioned in this subsection to a county hospital, a local hospital, the Wisconsin general hospital or to the Wisconsin orthopedic hospital for children where the entire cost of care at such hospital is borne by the sanatorium the state credit provided in this section shall continue to be granted during the period of such transfer.

(9) Beginning with the fiscal year ending June 30, 1959, the records and accounts of each county tuberculosis sanatorium and each private sanatorium approved by the state board of health under s. 58.06 shall be audited annually. Such audits shall be made by the department of state audit as provided in s. 15.22 (12) as soon as practicable following the close of the institution's fiscal year. In addition to other findings, such audits shall ascertain compliance with the mandatory uniform cost record-keeping requirements of s. 46.18 (8), (9) and (10) and verify the actual per capita cost of maintenance, care and treatment of patients. Any resulting adjustments to settlements already made under s. 50.09 shall be carried into the next such settlement.

SECTION 6. 50.05 to 50.056 of the statutes are repealed.

SECTION 7. 50.06 of the statutes is renumbered 50.01 and the title amended to read:

50.01 COUNTY TUBERCULOSIS SANATORIUMS.

SECTION 8. 50.065 (1) and (2) of the statutes are renumbered 50.02 (1) and (2), respectively.

SECTION 9. 50.065 (3) and (4) (intro. par.) of the statutes are renumbered 50.02 (3) and (4), respectively, and amended to read:

50.02 (3) Management of the 2 jointly housed units shall be separate and distinct. The county home unit shall for all purposes be deemed part of, and managed and operated by the same authorities as any previously established and existing county home of the county. Except as herein otherwise provided and so far as applicable ss. * * * 50.01, 50.02 and 50.03 shall continue to apply to a jointly housed county tuberculosis sanatorium and ss. 49.14 and 49.15 shall apply to a jointly housed county home or unit thereof.

(4) When separate facilities for any such services are not provided for each institution the trustees of the county tuberculosis sanatorium shall hold and manage, employ necessary employes to operate and do the purchasing for the operation of a common kitchen, laundry, heating

plant, power plant, water supply or other joint facilities, for the use and benefit of both institutions. * * *

SECTION 10. 50.065 (4) (a) to (d), (5) and (6) of the statutes are repealed.

SECTION 11. 50.065 (7) of the statutes is renumbered 50.02 (5).

SECTION 12. 50.07 (1), (2), (2a), (4) and (5) of the statutes are repealed.

SECTION 13. 50.07 (3) (intro. par.), (a) and (b) of the statutes are amended to read:

50.07 (3) Each county maintaining in whole or in part such an institution shall be credited by the state, to be adjusted as provided in * * * s. 50.09, for each patient cared for therein at public charge, as follows:

(a) For each such patient whose support is chargeable against said county, * * * \$21 per week.

(b) For each such patient whose support is chargeable against some other county, the total cost of his maintenance as determined by the board of trustees of the institution and the state board of health; and the state shall charge over to such other county the difference between such total cost and * * * \$21 per week provided through state aid.

SECTION 14. 50.075 of the statutes is renumbered 50.05 and amended to read:

50.05 Whenever the county chargeable with the support, maintenance and other expenses of a person unable to pay for his care under s. * * * 50.04 cannot be determined because his legal settlement is in doubt, or whenever such person has no legal settlement in this state, the total cost of such support, maintenance and other expenses shall be a charge against the state.

SECTION 15. 50.08 of the statutes is renumbered 50.06 and as renumbered 50.06 (2) , (3) and (4) are amended to read:

50.06 (2) Any county which provides outpatient treatment in a county institution to a person who presents the certificate mentioned in s. * * * 50.02 (1) and who receives diagnostic services or treatment which extends for a period of more than 12 hours in duration shall be credited by the state, to be adjusted as provided in s. * * * 50.09 for each patient cared for at public charge, as follows:

(a) For each treatment given to a patient whose care is chargeable against any county, one-seventh of the amount paid by the state per week to the county under s. * * * 50.04 (7) (a).

(b) For each treatment given to a patient whose care is chargeable against some other county, one-seventh of the weekly per capita cost of care as determined by the county sanatorium and the state board of health, * * * the state shall charge over to such other county an excess over the amount specified in par. (a).

(3) Where diagnostic services or treatment required by a patient in any outpatient department shall be completed within a period of less than 12 hours in duration, the determination of legal settlement required in s. * * * 50.09 may be waived. For each patient cared for at public charge or at a fee of less than one-seventh of the applicable weekly per capita cost, the county shall be credited by the state one-seventh of the amount paid by the state per week under s. * * * 50.04 (7) (a). Such treatment shall not be considered as a patient day in computation of per capita costs of the county sanatorium.

(4) Nothing contained in this section shall be construed as prohibiting any patient from paying for outpatient department care at fees established and approved by the county sanatorium * * *.

SECTION 16. 50.09 of the statutes is repealed.

SECTION 17. 50.095 of the statutes is renumbered 50.07 (1) and (2).

SECTION 18. 50.10 of the statutes is renumbered 50.08 and amended to read:

50.08 LIABILITY OF RELATIVES. Whenever a person is admitted to any institution specified in ch. 50 and the expense of his maintenance in such institution is chargeable to the state or any subdivision thereof or both, the relative of such person described in s. 52.01 shall be liable to the state or any subdivision thereof in the manner and to the extent provided in said section. The district attorney of any county in which such relative resides shall at the request of the county judge or the governing body of such institution take all necessary procedures to enforce the provisions of this section. This section shall not apply to the relatives of any patient who receives care under * * * s. 50.04 (3).

SECTION 19. 50.11 of the statutes is renumbered 50.09 and amended to read:

50.09 (1) Whenever any person * * * *applies* for admission to any institution provided for in ch. 50 and s. 58.06 (2), the court, judge, magistrate or board before whom such matter is pending shall give due notice of the hearing to the district attorney of such county who shall attend said hearing; and the said court, judge, magistrate or board shall upon proper evidence determine the legal settlement of such person and his general financial ability. If the evidence does not disclose property sufficient to save the county free from the expense of his support, the * * * court, judge, magistrate or board shall ascertain by further proof the residence and financial ability of any person, if any, liable for such support, pursuant to law, and shall order proper proceedings to be brought for the enforcement of such liability; but if the evidence discloses that the legal settlement of the person so examined and found destitute is within some other county within the state, such hearing shall be continued and the district attorney of such other county shall be duly notified and shall appear at such continued hearing. At the conclusion of said hearing the court, judge, magistrate or board shall determine the chargeability for the support of such person and certify such determination to the superintendent of the institution; and thereupon such person shall be admitted. If the court finds that the applicant meets the settlement or residence requirements specified in s. * * * 50.04 (3) it shall make no investigation as to his financial status other than to determine whether or not he is the beneficiary of insurance as provided in said section.

(2) On July 1, in each year, the state board of health shall prepare a statement of the amounts due from the several counties to the state, pursuant to law, for the maintenance, care and treatment of patients at public charge in * * * county tuberculosis sanatoria. Such statements shall cover the preceding fiscal year and shall specify * * * the name of every patient in each county institution whose support is wholly chargeable in the first instance to the state and partly chargeable over to some county; and shall further specify, with respect to each patient, his legal settlement, the number of weeks for which support is charged, the amount due the county for any recovery of maintenance, and the amount due to the state from such county * * *. The president and secretary of the board shall certify the statement, file it with the director

of budget and accounts and mail a duplicate to the clerk of each county charged; and thereupon the director of budget and accounts shall charge to the several counties the amounts so due, which shall be certified by the secretary of state, upon information certified to him by the director of budget and accounts, and levied, collected and paid into the state treasury as a special charge, with the state taxes, and the amounts so paid into the state treasury on account of care of patients in county sanatoria shall be apportioned and paid to the respective counties to which it is due * * * in the proportion that the total collections from all counties for the care of such patients shall bear to the total charges against all counties for such care. The director of budget and accounts shall make the first such apportionment and payment on April 1 in each year, covering collections to and including March 22. The collections made after March 22 and through August 20 shall be apportioned and paid on September 1 following, and the final payment shall be made on December 1.

(3) On each July 1, the superintendent or other officer in charge of each county sanatorium shall prepare a statement of the amount due from the state to the county in which such institution is located, pursuant to law, for the maintenance, care and treatment therein of patients at public charge, on forms supplied by the state board of health. Such statement shall cover the preceding fiscal year and shall specify the name of each patient whose support is partly chargeable to the state, or wholly chargeable in the first instance to the state and partly chargeable over to some other county; and shall further specify, with respect to each patient, his legal settlement, the number of weeks for which support is charged, and the amount due to the county from the state * * *. The statement shall be verified by affidavit by the officer making it and certified by the trustees of the institution to the state board of health, for examination and approval, and a duplicate thereof shall be forwarded by the board to the county clerk of the county involved. The board shall give proper credit of the amount due the county for any recovery of maintenance and, when approved, the president and secretary of the board shall certify said statement to the director of budget and accounts, who shall pay the aggregate amount found due the county on March 22 next, except as otherwise provided in s. * * * 50.09 (2). Unless the statement of the amount due, properly prepared on forms furnished by the board, is on file in the state board of health on or before August 15 following the close of the fiscal year just preceding, the board is not required to include the statement in its computation and statement of accounts for that fiscal year to be certified to the director of budget and accounts.

(4) Whenever any patient in any sanatorium * * * of any county is improperly charged to the state or to any county, the attorney general on behalf of the state, or the district attorney of such county on its behalf, may make written application to the state board of health for relief from such charge. The application shall designate the county to which such patient is chargeable, or if it be claimed that he is chargeable to the state it shall be so stated. Said board shall give reasonable notice to the parties interested of the time and place * * * of hearing. Such application may be supported by affidavits and other proper evidence. If upon the hearing said board * * * grants the relief asked for, it shall order a proper charge against the county chargeable, or against the state * * *; and * * * after the making of such order such patient's support shall be charged accordingly; but the county named in such order may, in like manner apply to said board for relief from the burden thereby imposed, in which case the matter shall be heard and disposed of as herein provided.

(5) Such order shall be subject to review * * * *as* provided in ch. 227. Upon rendition of final judgment the agency shall make the proper charge or credit and certify the same to the director of budget and accounts.

(6) If any error has been or shall be committed in the accounts between the state and any county in making charges for the support of any patient in any * * * county sanatorium, or in the amount certified to any county as due and to be assessed upon it on account of such support, and such error * * * *is* certified by the state board of health, the director of budget and accounts shall correct such error by a proper charge or credit on the state tax next accruing.

SECTION 20. 50.12 of the statutes is renumbered 50.10 and 50.10 (1) as renumbered is amended to read:

50.10 (1) Whenever any patient lawfully committed to any * * * county tuberculosis sanatorium * * * *is* removed in a case authorized by law from any one of these institutions to any other of them by the state board of health, the superintendent of the institution from which any such removal is made shall notify the court or judge who committed such patient of the fact of such removal.

SECTION 21. 50.12 of the statutes is created to read:

50.12 TRANSFER OF PATIENTS IN STATE SANATORIA. Patients confined to state tuberculosis sanatoria shall be transferred on or before December 31, 1957, to any county tuberculosis sanatorium as the state board of health determines.

SECTION 22. 50.13 of the statutes is renumbered 50.11 and amended to read:

50.11 The state board of health is authorized to make necessary arrangements with the state laboratory of hygiene for the giving of the Wassermann test to any person confined in any * * * county tuberculosis sanatorium, and for making such test for any practicing physician of this state who makes application therefor in behalf of any resident of this state, free of charge. Arrangements shall also be made with said laboratory for the making of chemical examinations of the cerebrospinal fluid for any practicing physician of this state free of charge.

SECTION 23. 50.13 of the statutes is created to read:

50.13 CUSTODY OF PROPERTY AND EQUIPMENT. Custody of all land, structures, facilities, furniture and equipment of the state tuberculosis sanatoria and the state tuberculosis camp now vested in the state board of health shall revert to the state department of public welfare as of December 31, 1957.

SECTION 24. 50.14 (1) of the statutes is renumbered 140.05 (13) and amended to read:

140.05 (13) BIENNIAL REPORT OF BOARD. On or before December 1 in each even-numbered year the state board of health shall make to the governor a report of its proceedings during the preceding biennial fiscal term, with such recommendations as it * * * *deems* fit respecting the subjects in its charge or under its supervision, and including also: A detailed statement of all expenditures from the state treasury on behalf of the board * * *, a summary of the results of all its visits, inspections and investigations in respect to matters committed to it, and of all statistical information collected by it, properly tabulated; and a concise statement showing the conditions of said institutions.

SECTION 25. 50.14 (2) of the statutes is repealed.

SECTION 26. 58.06 of the statutes is amended to read:

58.06 (1) Any fraternal or mutual benefit society organized for the sole purpose of providing disability benefits in cases of tuberculosis may purchase or lease the necessary lands and buildings for the operation of a tuberculosis sanatorium or sanatoria for the benefit of its members. Whenever the sanatorium facilities are not all needed for the treatment of members, nonmembers of the society may be admitted to any such sanatorium upon payment of at least the cost of maintenance and treatment, which payments shall be placed in the funds of the society.

(2) Any private, philanthropic tuberculosis sanatorium organized on a nonprofit basis, if approved by the state board of health, may admit patients committed to it by any county in the manner and upon the terms provided by s. * * * 50.03 except that if the amount charged such patients is more than the actual per capita cost as determined under s. * * * 50.04 they shall not be entitled to * * * *state aid*.

SECTION 27. SECTIONS 1, 2 and 3 of this act shall be effective July 1, 1957. SECTION 13 shall be effective upon passage and publication. All other sections shall be effective on December 31, 1957.

Approved August 6, 1957.
