

CHAPTER 142

WISCONSIN GENERAL HOSPITAL

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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 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.

(2) Before a child under 21 years of age requiring orthopedic or plastic surgery or care is treated at the Wisconsin orthopedic hospital for children, 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 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.

142.02 Application. 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 Investigation. (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 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 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 division for handicapped children of the department of public instruction. The division 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.

(2) The judge, 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 county judge shall direct, setting forth the nature and history of the case, and such other information as will be likely to aid in its treatment, and giving his 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 his financial situation. The physician shall be paid by the county, \$5, and actual and necessary expenses. In the case of a crippled person for whom recommendation has been made for hospital treatment, by a recognized orthopedic surgeon, such recommendation may be accepted by the county judge as a

reason for commitment of the crippled person to the designated or selected hospital.

(3) (a) Adequate treatment for a crippled 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 crippled persons in such hospital shall be performed by an orthopedic surgeon.

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

(c) In the case of a crippled 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 judge 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

142.04 Findings and order. 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 Wisconsin general hospital, he shall report his findings to the

division for handicapped children of the 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 department. 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 January 1, 1960 shall be charged for any care provided under this section from 1952 to 1959 in excess of the quota.

142.05 Conveyance to hospital. (1) If the patient is unable to bear his expense to the place of treatment, and the county judge shall so order, 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 county judge may order transportation and expenses for the patient's return to his residence. If the patient is unable to travel alone to the place of treatment, the county judge may appoint a suitable person to accompany him, and such 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 county judge is satisfied that the patient is unable to bear the expense of returning to his residence or that he will not be able to return alone, he may authorize the hospital to pay such 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 such person and the per diem provided for in subsection (1). Any hospital making such 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

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 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.

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 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 Wisconsin general hospital.

(d) *Public patients, ceiling.* The amount charged back to counties for public patients under pars. (b) and (c) shall be one-half the average daily cost of care for the prior 6-month period ending June 30, and December 31. The adjustment of the charges based on the 6-month period ending June 30 shall be made September 1, and the adjustment of charges based on the 6-month period ending December 31 shall be made on March 1; the adjustment of charges shall be in effect for all patient bills prepared until the following adjustment.

(2) **APPLICATION OF CHARGES.** (a) 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) 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 division for handicapped children of the department of public instruction. When the county judge certifies the application which has been approved by the division 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 of 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).

142.08 Reports; payment of charges. (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 division 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 division for handicapped children of the 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 division for handicapped children of the department of public instruction, with the knowledge of the county judge.

(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 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 division for handicapped children of the 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 6-month period ending June 30 and December 31. The adjustment of the charges based on the 6-month period ending June 30 shall be made

September 1 and the adjustment of charges based on the 6-month period ending December 31 shall be made on March 1; the adjustment of charges shall be in effect for all patient bills prepared until the following adjustment. In addition one-half of the average daily cost of maintenance of public outpatients in outpatient housing facilities shall be charged back to the counties in the same manner as care is charged back.

(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 judge, who shall be satisfied as to the correctness and reasonableness thereof.

(6) All cooperative arrangements regarding the hospitalization of children admitted to Wisconsin orthopedic hospital for children which are carried on by the Wisconsin orthopedic hospital for children 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.

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 Wisconsin general hospital 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 hospitals 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. Prior to July 1, 1976, the portion of the costs paid by the state under this section shall be paid from the appropriation under s. 20.285 (1) (b) and on and after July 1, 1976, such portion of costs shall be paid from the appropriation under s. 20.485 (2) (um) 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 hospitals prior to the effective date.

History: 1975 c. 39, 199