

Assembly Bill 173

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CHAPTER 120, LAWS OF 1967

AN ACT to repeal 51.22 (2m); to amend 46.10 (2); and to create 46.10 (14) of the statutes, relating to limiting the liability of certain patients at county mental hospitals and county mental health centers

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

SECTION 1. 46.10 (2) of the statutes is amended to read:

46.10 (2) Any outpatient or patient in any charitable or curative institution of the state including the Wisconsin general hospital or of any county or municipality, in which the state is chargeable with all or a part of the patient's maintenance, except tuberculosis patients mentioned in ch. 50 and ss. 51.27 and 58.06 (2), or heretofore or hereafter committed or admitted to any such institution, and his property and estate, including his homestead, or the husband or wife of such patient and their property or estates, including their homesteads, and in the case of a minor child the father or mother of the patient, and their property and estates, including their homesteads, shall be liable for such patient's maintenance not exceeding the actual per capita cost thereof, except as provided in ~~ss. 51.22 (2m)~~ sub. (14) and s. 51.37 (4), and the department may bring action for the enforcement of such liability, except that when it is shown that a husband, wife, widow or minors, or an incapacitated person may be lawfully dependent upon such property for their support, the court shall give due regard to this fact and release all or such part of the property and estate from such charge that may be necessary to provide for such persons. The department shall make every reasonable effort to notify the relatives liable as soon as possible after the beginning of the maintenance but such notice or the receipt thereof is not a condition of liability of the relative.

SECTION 2. 46.10 (14) of the statutes is created to read:

46.10 (14) After the effective date of this subsection (1967), wherever the actual per capita cost for care and maintenance of patients under 21 years of age at county mental hospitals, a county mental health center under s. 51.24, the colonies and training schools, Mendota state hospital, Winnebago state hospital and central state hospital exceeds \$60 for a month of 31 days, liability of such patients or parents under sub. (2) shall

be limited to \$60 per month. In any case the department may grant a lesser special rate per month based on the ability to pay of the patient or parent, and no liability shall accrue for the difference between the lesser special rate and \$60. Where parents hold hospitalization insurance paying benefits in excess of \$60 a month, they shall be liable to the extent of the coverage provided by the hospitalization insurance but not in excess of the actual per capita cost of care and maintenance.

SECTION 3. 51.22 (2m) of the statutes is repealed.

Approved October 30, 1967.