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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2015 Wisconsin Act 336**  
[2015 Assembly Bill 662]

**Coroner and Medical Examiner Fees**

### BACKGROUND

#### Moratorium on Coroner or Medical Examiner Fees

Under **prior law**, a county board was required to set the fees for all services rendered by the county's coroner. The fees could not exceed an amount that is reasonably related to the actual and necessary cost of providing the service.

2015 Wisconsin Act 55 ("the 2015-17 Biennial Budget Act") placed a moratorium on increases in various fees related to coroner or medical examiner fees. Specifically, the moratorium, as created by Budget Act 55, prohibited the county board from charging a **funeral home, cemetery, or crematorium** from July 14, 2015, to April 17, 2017, an amount that exceeds the amount that was in effect on April 17, 2015, for any of the following fees:

- Fees for services rendered by a coroner.
- Fees assessed for the signing of a death certificate by a coroner or medical examiner.
- Fees assessed related to transportation services.

Act 55 also provided that after the moratorium is over (i.e., on or after April 18, 2017), if the county board increases the amount of any of the fees specified above, any such increase may not exceed the annual percentage change in the U.S. Consumer Price Index, for the 12 months ending on December 31 of the year before the increase.

#### Funeral Expenses for Recipients of Certain Public Benefits

Under **prior law**, if a recipient of certain public benefits dies and the estate of the deceased recipient is insufficient to pay the funeral, burial, and cemetery expenses of the deceased

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

recipient, then the Department of Health Services (DHS) must pay both of the following: (1) the lesser of \$1,000 or the cemetery expenses that are not paid by the estate of the deceased and other persons; and (2) the lesser of \$1,500 or the funeral and burial expenses not paid by the estate of the deceased and other persons. Also, a funeral home, cemetery, or crematorium that receives the payment from DHS is exempt from paying all of the following fees:

- Fees for services rendered by a coroner.
- Fees assessed for the signing of a death certificate by a coroner or medical examiner.
- Fees assessed by a county related to transportation services.

### **2015 WISCONSIN ACT 336**

**2015 Wisconsin Act 336** (“the Act”) makes the following changes to prior law related to the requirement that the county board set coroner fees and the moratorium and subsequent limit to any increase placed upon coroner or medical examiner fees:

- Extends the requirement that a county board set fees for services rendered by a coroner to also apply to all services rendered by a **medical examiner**.
- Provides that the following fees may not be increased during the moratorium, and after the moratorium, any increase must be based upon the annual percentage change in the U.S. Consumer Price Index, as previously described:
  - Fees for services rendered by a coroner or medical examiner.
  - Fees assessed for the signing of a death certificate by a coroner or medical examiner.
  - Fees assessed related to coroner or medical examiner fees.
- Applies both the moratorium and the subsequent limit placed upon an increase in fees to fees charged to **anyone**, not just a funeral home, cemetery, or crematorium.
- Provides an exception to the moratorium and subsequent limit placed upon coroner and medical examiner fees. The exception applies to a county that had been providing coroner or lay medical examiner services meets both of the following requirements: (1) has a population of 300,000 or less; and (2) began providing physician medical examiner services under an intergovernmental agreement after December 31, 2015, and before April 1, 2016. The Act authorizes the board of such a county to do the following without regard to any change in the U.S. Consumer Price Index:
  - To, one time, set the fee assessed for the signing of a death certificate at an amount exceeding the amount that was in effect on April 17, 2015, by not more than \$100.
  - To, one time, set the fee assessed for the issuance of a cremation permit at an amount exceeding the amount that was in effect on April 17, 2015, by not more than \$100.

With respect to funeral expenses for recipients of certain public benefits, **the Act** clarifies that a funeral home, cemetery, or crematorium receiving payment from DHS is exempt from paying fees for services rendered by either a **coroner** or **medical examiner**. The Act specifies that this exemption first applies to fees imposed with respect to an individual receiving funeral, burial, and cemetery expenses aid from DHS who dies on September 1, 2015.

*Effective date:* This Act took effect on April 1, 2016.

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