



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 662

Assembly Amendment 1

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BACKGROUND

Moratorium on Coroner or Medical Examiner Fees

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

2015 Wisconsin Budget Act 55 (Budget Act 55) placed a moratorium on increases in various fees related to coroner or medical examiner fees. Specifically, the moratorium prohibits 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.

Budget Act 55 also provides 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 current 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 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 ASSEMBLY BILL 662

Assembly Bill 662 (the bill) makes the following changes to current law related to the county board's requirement to set coroner fees and the moratorium on coroner or medical examiner fees:

- Provides the requirement that a county board set fees for all services rendered by a **coroner** also applies to all services rendered by a **medical examiner**.
- Provides the moratorium to prohibit the county board from charging **anyone** an increase in fees as described above, not just a funeral home, cemetery, or crematorium.
- Specifies that all three of the fees listed above for which the county board may not increase during the moratorium apply to both the **coroner** and **medical examiner**.
- Provides an exception to the moratorium on coroner or medical examiner fees. The exception applies to a county that meets both of the following requirements: (1) has a population of 300,000 or less; and (2) has been providing coroner or lay medical examiner services and begins providing physician medical examiner services under an intergovernmental cooperation agreement **after** the effective date of the bill. The bill authorizes such a county board to establish once, at the time that the agreement takes effect, the initial fee assessed for signing a **death certificate** by a medical examiner an amount exceeding the amount that was in effect on April 17, 2015, without regard to any changes in the U.S. consumer price index.

With respect to funeral expenses for recipients of certain public benefits, the bill clarifies that a funeral home, cemetery, or crematorium that receives payment from DHS is also exempt from paying fees for services rendered by a **medical examiner**. The bill 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.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 amends the exception to the moratorium on coroner or medical examiner fees described above by doing all of the following:

- Adds an additional limitation to the exception by requiring that to be eligible for the exception, a county must have begun providing physician medical examiner services under an intergovernmental cooperation agreement after December 31, 2015, and before the effective date of the bill.
- Authorizes a county meeting the eligibility requirements to set one time, both the fee assessed for the signing of a **death certificate** and the fee assessed for the issuance of a **cremation permit**, at an amount higher than the amount that was in effect on April 17, 2015, without regard to any change in the consumer price index. Assembly Amendment 1 limits this one time increase in the fee for signing a death certificate and issuing a cremation permit to not more than \$100.

BILL HISTORY

On February 2, 2016, Representative Nygren introduced Assembly Amendment 1. On February 8, 2016, the Assembly Committee on Urban and Local Affairs voted to recommend adoption of Assembly Amendment 1 on a vote of Ayes, 9; Noes, 0; and to recommend passage of the bill, as amended, by a vote of Ayes, 8; Noes, 1.

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