

CHAPTER 50.*

TUBERCULOSIS SANATORIUMS.

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50.01 Establishment of state sanatoriums; powers and duties of state board of health. (1) **PURPOSE.** The Wisconsin State Sanatorium and the Northern State Sanatorium are established and shall be maintained and operated for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient stages.

(2) **GOVERNMENT.** The state board of health shall preserve and care for the property pertaining to those institutions and to the state tuberculosis camp; and direct and manage the affairs of those institutions.

(3) **INVENTORIES.** The board shall annually make an inventory, appraisal and classification of the property of each institution.

(4) **INSPECTION.** The board or some member thereof shall inspect each institution monthly.

(5) **ANNUAL AUDIT.** At the end of each fiscal year the board shall have the finances of the institutions under its care, examined by an accountant; and he shall promptly make a detailed report of such examination to the governor.

(6) **MONTHLY ESTIMATES AND AUDITS.** Each month the board shall make and file an estimate of the necessary expenditures of each institution during the next month; and shall file a duplicate thereof with the superintendent.

(7) **AUDIT AND ALLOWANCE OF BILLS.** As often as each month the board shall audit the accounts of each institution. No bill incurred by the board in the management of such institutions shall be paid until audited by the board. A list of the bills as allowed, with the names of the claimants and the purpose and institution for which incurred shall be certified by the president and secretary each month to the secretary of state. A warrant in favor of each claimant shall be drawn upon the state treasurer and delivered to the secretary of the board and by him transmitted to the payee. [1939 c. 233, 473]

Note: Subsection (2) is from 46.03 (2); (3) is from 46.03 (4); (4) is from 46.03 (6); (5) is from 46.03 (8); (6) is from 46.08; (7) is from 46.09 (4) and the last sentence of 46.08. In view of 15.04 (5), (6) it is doubtful if 46.03 (8), renumbered (5), is in force. See revisor's note to chapter 50.

50.02 Admission of patients; medical examination. (1) Any person affected with pulmonary tuberculosis in the incipient or slightly advanced stage may be admitted to either of said institutions, but preference shall be given to those suffering from the disease in the incipient form. There may also be admitted any such person who presents symptoms of tuberculosis calling for careful observation in order to make a diagnosis, and who in the opinion of the superintendent is a proper subject for treatment in either of the said institutions. Applicants for admission shall be given a preliminary medical examination

***Revisor's Note:** Sections 46.27 (2) and 50.09 (3) (created by chapters 233 and 473) direct the revisor of statutes "to make the necessary changes in the language of the statutes so as to indicate the transfers" of specified functions, powers and duties from the state board of control to the state board of health made by chapters 233 and 473. Changing the "language of the statutes" is a new function for the revisor and a very delicate one. Heretofore statutes have been printed literally in the language found in the acts of the legislature. There have been directions by the legislature to the revisor to substitute specific terms for other specific terms in the statutes. That task is merely clerical; it is simple. However, the task assigned by chapters 233 and 473 is not a simple one. The changes indicated are not

entirely clear in all particulars. Extracting some of the powers given by a section of the statute and leaving others mutilates the section. It is best to make the changes in the "language of the statutes" by bill rather than have the revisor do it. A change made by a bill is the law and is binding on everyone. A change made by the revisor is merely his opinion and binds no one. In the 1939 Wisconsin Statutes, the revisor has made what he considers to be the "changes in the language of the statutes" necessary to carry out the order of the law. In the execution of that command he has somewhat changed the language of sections 46.03 (1), 46.05 (1), 46.16 (1) (a) (c), 46.17 (1), 46.20 (3) (8), 50.03, 50.04, 50.05 and 50.07; has created section 140.055; and has rewritten sections 50.01 and 50.06.

at various places throughout the state, designated by the board of health, as provided in subsection (2), and may be admitted upon approval of the county judge having jurisdiction, and upon proper certification to the superintendent of the institution, of his legal settlement, and of his status with reference to payment of his cost of care.

(2) The board may appoint as medical examiner or examiners of said institutions any reputable physician or physicians, having citizenship in Wisconsin, whose duty it shall be to examine all persons applying for admission. The fee of the examining physician shall not exceed four dollars in any case, payable by the applicant; but if the applicant is unable to pay such fee, it shall be paid as provided in section 50.03. The physician's report of such examination shall be forwarded at once to the superintendent of the institution; and thereupon, on notice from the superintendent, the applicant shall be admitted.

(3) 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 industrial school for boys, industrial school for girls or the state public school, who is suffering from tuberculosis, and the state board of control is hereby authorized to cause such transfers thereto. [1935 c. 336; 1939 c. 65, 233, 424, 473]

50.03 Maintenance charges. (1) All patients admitted to the said institutions shall pay the cost of their care, except as otherwise provided in this section. Such cost shall be determined by the superintendent and the 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 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. If the patient is a minor, the said 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 subsection (1a) of section 46.10, except that in such investigation, the said 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. Said 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.

(3) The support, maintenance and necessary traveling expenses including the expenses for an attendant when such patient cannot travel alone, and emergency surgical and dental work of every patient supported in said institution at public charge shall be paid by the state; but the state shall charge over, as provided in subsection (2) of section 46.10, to the county in which such patient has his legal settlement one-half the cost of his maintenance in the institution and the entire amount of all other expenses.

(4) Any person who may be unable to pay the full charge for maintenance may be received and maintained, without the investigation prescribed in subsection (2), upon payment of the amounts chargeable to the county, if the state board of health, after investigation, shall have found that the patient has truly represented his circumstances and is unable to pay more than the amount so chargeable.

(5) The maintenance cost of all patients admitted to said institution under the provisions of subsection (3) of section 50.02 shall be charged against the state; but the state shall charge over, as provided in subsection (2) of section 46.10, to the county from which the patient was originally committed, one-half of the cost of maintenance in the sanatorium and the entire amount of all other expenses; provided the person was an inmate in the institution to which originally committed for one year or less; and if more than one year the maintenance cost of all such persons admitted shall be paid by the state, but the county chargeable by law with the maintenance of such inmate in the institution from which the transfer was made shall continue to be liable in the same manner as provided for under section 48.17. If in the opinion of the superintendent of the sanatorium the patient so transferred is still in need of further care and treatment after the expiration of the original commitment, the board shall notify the county judge of the county of original commit-

ment, who shall make an investigation and determination in the manner prescribed in section 46.10. [1935 c. 336; 1939 c. 65, 233, 424, 473; 1939 c. 515 s. 5]

Note: Under 50.03, Stats. 1933, money paid to county by A for maintenance at state sanatorium should be paid over to state. 23 Atty. Gen. 183.

In case of one who has legal settlement in city located in two counties, both coun-

ties are liable for one-half actual per capita cost under 50.03, Stats. 1937, and in proportion which time lived in particular county during fiscal year in question bears to entire fiscal year. 27 Atty. Gen. 529.

50.04 Tuberculosis camp. (1) The state board of health shall establish and operate a state tuberculosis camp, in which persons who are threatened with or recovering from tuberculosis may be received and cared for.

(2) The board shall prescribe regulations for admission to and for the administration of such camp, not inconsistent with this section. [1939 c. 233, 473]

50.05 Admission of patients; maintenance charges. (1) Any person who is threatened with or recovering from tuberculosis may be received into this institution and cared for at the rate determined by the superintendent and board of health to be the cost of maintenance.

(2) Any such person who is unable to pay said rate may, with the approval of the board, be credited for work or services performed in lieu of the payment of a part, not to exceed one-half, thereof.

(3) Any such person who is unable to pay for his care may be admitted pursuant to subsections (2), (3) and (4) of section 50.03. [1935 c. 336, 535; 1939 c. 65, 233, 424, 473]

50.06 County tuberculosis hospital. (1) **ESTABLISHMENT, GOVERNMENT.** Every county may, pursuant to this section, establish a county tuberculosis sanatorium. In counties whose population is two hundred and fifty thousand or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20 except as otherwise provided in this section.

(2) **SUPERINTENDENT.** The superintendent shall be either a graduate trained nurse or a regular licensed physician, and if a trained nurse the trustees shall appoint and fix the compensation of a visiting physician, and may appoint and fix the compensation of a business manager other than the superintendent, and a director of occupational therapy; the latter may be employed on a part time basis jointly with other county or state institutions.

(3) **COMPENSATION OF TRUSTEES.** The trustees of the sanatorium shall receive the same compensation as do members of the county board.

(4) **SITE AND BUILDING REGULATIONS.** The state board of health with the advice and approval of the state chief engineer shall fix standards for the construction and repair of county tuberculosis sanatoriums. The purchase of sites shall be subject to the approval of the board.

(5) **APPROVAL OF PLANS FOR SANATORIUM.** The plans and specifications for such sanatorium buildings must be approved by the state board of health and the state chief engineer before any building is constructed.

(6) **TRUSTEES OF COUNTY SANATORIUM.** The county sanatorium shall be controlled and managed, subject to regulations approved by the county board, by three trustees (electors of the county) elected by the county board in the manner, at the times, for the terms, and subject to the limitations and conditions provided in section 46.18.

(7) **REPORT OF TRUSTEES TO STATE BOARD OF HEALTH.** The fiscal year of the sanatorium is the same as the state's. On the first day of each July the trustees shall prepare a detailed financial report (of the matters specified in 46.18 (7)) for the preceding fiscal year and shall transmit one copy to the state board of health, one copy to the county clerk and keep one copy on file at the sanatorium. Such report shall be accompanied by an inventory of all properties on hand at the end of the fiscal year, an estimate of the receipts and expenses of the current year and the reports of the superintendent and visiting physicians. [1939 c. 233, 473]

Note: Subsection (4) is from 46.17 (1), (2); (5) is from 46.17 (3); (7) is from 46.18 (7) of section 46.18 are obsolete. See revisor's note to chapter 50.

(7) (d). Paragraphs (b) and (c) of subsec-

50.07 Admission of patients; maintenance charges. (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) 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 his legal settlement, pursuant to subsection (2) of section 50.03. 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.

(3) Each county maintaining in whole or in part such an institution shall be credited by the state, to be adjusted as provided in section 46.10, for each patient cared for therein at public charge, as follows:

(a) For each such patient whose support is chargeable against said county, seven dollars 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 seven dollars per week provided through state aid.

(4) (a) As an emergency measure to encourage the expansion and improvement of the facilities of county tuberculosis sanatoria, the state board of health shall, in the determination of actual per capita cost to be charged by a county tuberculosis sanatorium for state-at-large and other county patients, include a sum to apply on the cost of new additions hereafter made to such sanatorium.

(b) Such additional item of cost so included shall be based on the cost of any addition to a sanatorium or any part thereof which shall be made after January 1, 1937. Any such addition shall be approved by said board as provided in section 46.17.

(c) For the purpose of this paragraph, expenditures for the addition to any existing sanatorium shall be determined on the actual expenditures of the county for such purpose, less the amount, if any, of any grant of money or the value of any services, received from any source other than county funds. Such board shall have access to all books, records, contracts, vouchers, orders and other evidence of such expenditures. Five per centum of the expenditures thus determined shall be the basis per fiscal year for any additional items to be included in the actual per capita cost of the patients of the state or other counties.

(d) The amount of such five per centum per fiscal year to be charged to each state-at-large and other county patient for each day of attendance shall be arrived at by dividing the total amount of such five per centum by the total number of days of maintenance furnished by the sanatorium to all patients for the fiscal year, including their own county patients.

(e) The amounts which any county owning and operating a tuberculosis sanatorium shall receive from other counties or from the state under the provisions of this paragraph shall be recorded separately in the accounts of such institution in the manner to be prescribed by the board. When the total of this sum, plus the total of the annual portion of the five per cent borne by the owning county as determined under paragraph (d), equals the amount of the county's expenditures as provided in paragraph (c) that is chargeable to state-at-large and other county patients, the county shall no longer be entitled to include as an item of actual per capita cost any return on any part of its capital expenditures. [1935 c. 336; 1937 c. 285; 1939 c. 65, 233, 424, 473]

Note: For opinions relating to cost of 50.07 (2) (d), Stats. 1937 (50.07 (4), Stats. new additions to county sanatoria to be fig- 1939), see 26 Atty. Gen. 412 and 27 Atty. Gen. ured in computing per capita cost under 201, 234, 271, 498 and 511.

50.075 [Repealed by 1935 c. 336]

50.075 **Indigent, chargeable to.** Whenever the county chargeable with the support, maintenance and other expenses of a person unable to pay for his care under section 50.03, 50.05 or 50.07 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. [1939 c. 65, 424]

50.08 **Public health dispensary.** Any county may establish and maintain an out-patient department or a public health dispensary for tuberculosis and other communicable diseases; which may also be used in connection with the correction of physical defects of school children and child welfare work. In counties whose population is two hundred and fifty thousand or more such institution shall be governed either pursuant to section 46.21, or sections 46.18 and 46.19. In all other counties it shall be governed pursuant to sections 46.18 and 46.19.

50.09 Administration of state and county tuberculosis sanatoria transferred to state board of health. (1) All of the functions, powers and duties relating to the distribution of state aid for county tuberculosis sanatoria vested in the state board of control under sections 50.05 and 50.07, subsection (2) of section 58.06, or any other provision of law, are transferred to and vested in the state board of health.

(2) The state sanatorium, Northern state sanatorium, state tuberculosis camp, and all of the functions, powers and duties relating thereto and relating to county tuberculosis hospitals and sanatoria vested in the state board of control under chapters 46 and 50, are transferred to and vested in the state board of health.

(3) The revisor of statutes is directed to make the necessary changes in language of the statutes so as to indicate the transfers provided for in this section. [1939 c. 233, 473]

50.10 Liability of relatives. Whenever a person is admitted to any institution specified in chapter 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 section 49.11 shall be liable to the state or any subdivision thereof in the manner and to the extent provided in sections 49.11 and 49.12. 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. [1939 c. 65]