

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 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 or the Wisconsin orthopedic hospital for children at Madison or in such other hospital or rehabilitation camp as the county judge shall direct, except that when the person to be treated, or his guardian if he be under guardianship, shall select that such treatment be at the said Wisconsin general hospital or the said Wisconsin orthopedic hospital or rehabilitation camp, the hospital or rehabilitation camp of his selection shall be the place of treatment; provided that the right of such selection shall not exist in counties having a population of 500,000 or more.

(2) Before a child under twenty-one 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 bureau for handicapped children of the state department of public instruction. [1931 c. 80 s. 2; 1939 c. 147, 232]

Note: Mrs. X, who had legal settlement in Pardeeville, married a man who had no legal settlement in Wisconsin; she retained her legal settlement in Pardeeville; application for entrance into Wisconsin general hospital must be made to county judge of Columbia county. 20 Atty. Gen. 632.

Indigents are limited to hospitals designated by county judge, pursuant to chapter 142, with exception of emergency cases coming under 49.13 (2) and cases treated at Wisconsin general hospital or Wisconsin orthopedic hospital for children pursuant to 142.04. 26 Atty. Gen. 239.

Under this section one who does not have legal settlement within county as provided for by 49.02, although he may have resided in county year or more, may not petition county court for hospitalization. 27 Atty. Gen. 708.

When application is made for medical or surgical treatment for an indigent under 142.01 the statute gives the indigent the option to be treated at any one of the state institutions designated therein, but the statute gives no other option and none other is to be implied. Reissmann v. Jelinski, 238 W 462, 300 NW 164.

142.02 Application. When the case of such person shall come 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 an application for such treatment at such hospital. [1931 c. 80 s. 2]

Note: A town chairman, in a county operating under the county system of poor relief, had no official duty to perform in respect to furnishing relief, except that when a person entitled to medical or surgical treatment under 142.01 came to his notice he should file with the county judge an appli-

cation for such treatment at a hospital designated in 142.01. A county relief director, as the person designated by the county board to act in county relief matters, was subject to the duties imposed by 142.02. Reissmann v. Jelinski, 238 W 462, 300 NW 164.

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 town, village or ward of the legal settlement of the person shall supply to the court, 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 at the Wisconsin orthopedic hospital for children under section 142.02, the judge shall submit a request for approval on blanks, supplied for the purpose, to the bureau for handicapped children of the state department of public instruction. The bureau for handicapped children shall report its approval of the request to the county judge and to the Wisconsin orthopedic hospital for children. 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 court 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, five dollars, 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 twenty-one 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 crippled children division of the state department of public instruction, stating the name, age and address of the child, name of his father or guardian, description of his disability, treatment given, recommendation for after-care, and such other information as said department may require.

(4) The faculty of the medical school of the university shall prepare blanks for examining physicians. Such blanks shall be printed by the university, and mailed to each county court upon request. Physicians shall report in duplicate on said blanks, and if the application is granted one copy shall be sent to the hospital. [1931 c. 80; 1937 c. 239; 1939 c. 232; 1943 c. 238]

Note: County judge may authorize necessary glasses for indigent patients. 25 Atty. Gen. 429.

Word "physician" as used in (2) includes licensed osteopathic physicians. 30 Atty. Gen. 274.

Fee fixed by this section may not be paid to physician for filing verified report on pa-

tient's condition unless such physician has also examined patient personally under appointment made for that purpose by county judge. Where application is made for hospital treatment at public expense under ch. 142, county judge is required to appoint physician to examine patient. 31 Atty. Gen. 38.

142.04 Findings and order. If the court shall be satisfied that the required facts exist and that the person should be treated at the Wisconsin general hospital, or at the Wisconsin orthopedic hospital for children, or if the person to be treated, or his guardian if he be under guardianship, selects either of said hospitals as the place of treatment, he shall so find and enter an order so directing except as provided in subsection (2) of section 142.01; provided, that patients shall not be certified, at joint county and state expense, as provided in section 142.03, in any one fiscal year from any county in which there is a hospital to the Wisconsin general hospital, in excess of two persons per one thousand of the population or major fraction thereof in such county according to the last federal census. Patients certified to the Wisconsin general hospital in excess of the above quota in any year shall be maintained wholly at county expense. This limitation shall not apply to patients certified to the Wisconsin orthopedic hospital for children nor to counties in which there is no hospital. 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 shall not make the selection aforesaid, he shall enter an order directing such treatment, the place thereof, and the physician or physicians. If the court is not so satisfied, he may make further investigation. If the court does not find the required facts, he shall enter an order denying the application. If the court denies the application of a child under twenty-one years, applying for care at the Wisconsin orthopedic hospital, it shall report its findings to the bureau for handicapped children of the state 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 court shall certify his order to the hospital and to the county clerk. The procedure for admission of children under twenty-one years into the Wisconsin orthopedic hospital is governed by the provisions of subsection (1) of section 142.03. [1931 c. 80 s. 2; 1933 c. 140 s. 4; 1939 c. 232]

Note: Resolution by county board that county judge stay within his quota for general hospitals is in conflict with this section as board may not restrict or enlarge duties of judge. Word "hospital" includes both private and county hospitals. There are no accredited hospitals. 24 Atty. Gen. 155. Order of county judge certifying indigent

patient for treatment at local hospital constitutes finding that expense to county will be less than if patient is sent to Wisconsin general hospital. After treatment court must determine and certify to county treasurer correct and reasonable charges therefor. 27 Atty. Gen. 143.

No provision exists for finding by county judge with respect to question as to whether county has hospital within meaning of this section. 30 Atty. Gen. 98.

142.05 Conveyance to hospital. (1) If the patient is unable to bear his expense to the place of treatment, and the county court 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 court 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 three dollars per day going and returning; and the same shall be paid by the county.

(2) If at the time of commitment the court 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, the court may at that time 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.

(3) In the case of crippled children to be admitted to the Wisconsin orthopedic hospital for children or any other hospital the county court may apply for aid to the bureau for handicapped children, state department of public instruction, for cost of transportation not to exceed railroad or bus fare and necessary taxi service for such patients, and any necessary attendant, if the parents or guardians are financially unable to pay such costs. If approval is granted by the bureau for handicapped children, state department of public instruction, reimbursement will be made to the county for funds so expended. [1931 c. 80 s. 2; 1939 c. 230]

Note: Nurse transporting patient at request of county court may be held liable for negligence in accident occurring during such transportation. Liability insurance may not protect nurse if mileage paid for transporting patient is construed as transportation for hire within terms of most liability insurance contracts. County would not be liable, as it is acting in performance of essential governmental function. 27 Atty. Gen. 339.

142.06 Discharge of patients. When the superintendent of the hospital or the attending physician is of the opinion that a county 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 section 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 section 142.05. [1931 c. 80 s. 2]

142.07 Hospital charges. (1) The Wisconsin general hospital shall treat patients so admitted at rates based on actual cost as determined by the board of regents of the university, but not in excess of \$5.90 per day for each certified patient; provided, that the rate of \$5.90 per day set forth herein may be increased by order of the emergency board when deemed necessary to meet rising costs of operation. Payments made by such patients shall be credited to their account. Patients may be admitted without certificate, but the cost of their care shall not be a joint charge against the state and county wherein he has a legal settlement, except such patients are admitted in an emergency pending action of the county court. If the court grants the application the charges against 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.

(1m) (a) The Wisconsin orthopedic hospital for children shall treat patients so admitted at rates based on actual cost as determined by the board of regents of the university, but not in excess of \$5.20 per day for each certified patient. The rate of \$5.20 per day set forth herein may be increased by order of the emergency board when deemed necessary to meet rising costs of operation. If the parents or guardian of the patient 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. In an emergency patients may be admitted without a certificate pending action of the county court and of the bureau for handicapped children of the state department of public instruction. When the court certifies the application which has been approved by the bureau for handicapped children the charges against the state and the county shall date from his admission. For the purpose of this subsection 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 Wisconsin orthopedic hospital for children.

(b) Indian children whose orthopedic 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 orthopedic hospital for children or the Wisconsin general hospital at the same rates as are charged for children hospitalized through county court application. The procedure for admission of such Indian children shall be identical to the procedure for children admitted on county court application to the Wisconsin orthopedic hospital for children.

(2) No compensation shall be charged against or received from any patient by any officer of or person employed by the hospital other than the compensation provided by the board of regents of the university. [1933 c. 140 s. 4; 1935 c. 535; 1939 c. 142, 232; 1943 c. 132; 1945 c. 321]

142.08 Reports; payment of charges. (1) The net cost of caring for a patient certified, within the quota fixed for any county by section 142.04, to the Wisconsin general hospital shall be paid one-half by the state and one-half by the county of his legal settlement. The cost of caring for a patient certified to the Wisconsin general hospital from any county in excess of the quota fixed for said county by section 142.04 shall be paid entirely by the county of legal settlement.

(1m) One-half of the net cost of caring for a patient certified to the Wisconsin orthopedic hospital for children shall be paid by the state and one-half by the county of his legal settlement. At the time that the application for admittance of a patient to the Wisconsin orthopedic hospital for children is submitted to the bureau for handicapped children, the county court 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 court or the Wisconsin orthopedic hospital for children from parents or guardians shall be transmitted to the bureau for handicapped children of the state department of public instruction, to be deposited in the general fund. One-half of the amount received for each patient admitted through certification of the county court for care at the Wisconsin orthopedic hospital for children, shall be credited to the county on the account of each such patient. Financial arrangements for hospital care of children admitted through county court procedure shall be made with parents or guardians of such children only by the county court, or by an agent designated by it, or by the bureau for handicapped children of the state department of public instruction, with the knowledge of the county court.

(2) The board of regents of the university shall file a verified monthly report with the director of budget and accounts, containing an itemized statement of the account against each such patient, naming the county. The director of budget and accounts shall audit the same and issue a warrant against the state treasurer for the proper amount. The state treasurer shall thereupon transfer such amount from the general fund to the appropriation provided in section 20.41 (10) (a).

(3) On or before October first in each year the board of regents shall file with the director of budget and accounts a statement setting forth in detail the account of each certified patient during the fiscal year ended on June thirtieth next preceding.

(4) The secretary of state, upon information certified to him by the director of budget and accounts, shall thereupon certify to each county one-half the amount paid by the state for each such patient from that county certified to the Wisconsin orthopedic hospital for children, less half the amount which has previously been deposited in the general fund by the bureau for handicapped children of the state department of public instruction, from amounts received for the care of such children in such hospital; and one-half the amount paid by the state for each patient certified to the Wisconsin general hospital within the quota for the county, and the full amount paid by the state for each such patient certified in excess of the quota for that county to the Wisconsin general hospital, these amounts to be certified, levied and collected with the general state taxes; provided, that the amount to be certified and levied shall be certified and levied according to the provisions of this subsection.

(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 co-operative 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 bureau for handicapped children, state department of public instruction, shall be carried on pursuant to a written agreement made between the hospital and the bureau. [1931 c. 80; 1933 c. 140 s. 4; 1939 c. 232; 1947 c. 263 s. 46; 1947 c. 472]

Comment of Interim Committee, 1947: This amendment is to harmonize 142.08 (1) and 46.10 (7). * * * See 24 Atty. Gen. 797. * * * (Bill 394-S)

Note: When county judge, under chapter 142, orders treatment at home, cost thereof is to be paid by county. 21 Atty. Gen. 240.

Claims against county arising under 142.04 or 142.08 are payable by county treasurer upon certificate of county judge. 22 Atty. Gen. 408.

Where application for hospitalization of indigent person is made under chapter 142, expense thereof is not chargeable to town of such person's legal residence but is paid one-half by state and one half by county. 23 Atty. Gen. 439.

See note to 46.10, citing 24 Atty. Gen. 797. Collection from relatives on cases at orthopedic hospital is governed by 142.08

(1m), rather than by 46.10 (7), and state department of public welfare is not authorized to make collection under 142.08 (1m). Since 1939 amendment of 142.08 (1), county boards are no longer authorized to make collections on cases at orthopedic hospital. 29 Atty. Gen. 98.

Wisconsin orthopedic hospital is not charitable or curative institution maintained by state within meaning of 46.10. 30 Atty. Gen. 329.

Neither expenses incurred by physician under 142.03, expenses of conveyance to or from hospital under 142.05 and 142.06, nor expenses to county judge as fees under 253.15 can be recovered by county under 142.08. There is no other statutory section granting recovery for said expenses. 32 Atty. Gen. 57.

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. 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 veteran's privileges. Any honorably discharged veteran of any war of the United States shall be permitted to enter the Wisconsin general hospital and obtain all care including professional service at the clinic cost rate but not in excess of \$5.90 per day. Such veteran must have been a resident of this state for not less than 5 years next immediately preceding his application for admittance. If such veteran does not elect to be admitted to said hospital on the clinic cost basis of not in excess of \$5.90 per day aforesaid, he shall in any event when admitted as a private patient paying his own professional fee, be entitled to a hospital bed at a room charge of not to exceed \$5.90, which charge shall cover blood transfusions and special nurses when necessary, X-rays, special laboratory procedures, anesthetics, operating room fees or any other items normally charged additional to room charges for private patients. [1939 c. 330; 1943 c. 508]