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1 165.85 (4) (b) 1d. e. Training on responding to an act of terrorism, as defined
2 in s. ~~146.50~~ 256.15 (1) (ag).

3 **SECTION 175.** 171.30 (6) of the statutes is amended to read:

4 171.30 (6) "Public agency" has the meaning given in s. ~~146.50~~ 256.15 (1) (n).

5 **SECTION 176.** 196.207 (3) (a) of the statutes is amended to read:

6 196.207 (3) (a) A public agency emergency system under s. ~~146.70~~ 256.35.

7 **SECTION 177.** 233.04 (10) of the statutes is amended to read:

8 233.04 (10) Operate a poison control center under s. ~~146.57~~ 255.35. If
9 Children's Hospital of Wisconsin in the city of Milwaukee ceases to operate a poison
10 control center under s. ~~146.57~~ 255.35, the authority shall administer a statewide
11 poison control program.

12 **SECTION 178.** 250.01 (intro.) of the statutes is amended to read:

13 **250.01 Definitions.** (intro.) In chs. 250 to ~~255~~ 256, unless the context requires
14 otherwise:

15 **SECTION 179.** 250.20 of the statutes is created to read:

16 **250.20 Health disparities reduction or elimination.**

17 (2) DEPARTMENTAL DUTIES; MINORITY HEALTH.

18 (3) MINORITY HEALTH GRANTS.

19 (4) PUBLIC INFORMATION CAMPAIGN GRANT.

20 **SECTION 180.** 251.04 (10) of the statutes is created to read:

21 251.04 (10) A local board of health may establish requirements for a public
22 health educator for the local health department.

23 **SECTION 181.** 251.05 (1) (a) of the statutes is amended to read:

24 251.05 (1) (a) As a Level I local health department, at least the level of services
25 specified in sub. (2) (a) with a local health officer who at least meets the qualifications

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1 specified in s. 251.06 (1) (a) ~~or with a person who meets the qualifications specified~~
2 ~~in s. 251.06 (1m).~~

3 **SECTION 182.** 251.05 (1) (b) of the statutes is amended to read:

4 251.05 (1) (b) As a Level II local health department, at least the level of services
5 specified in sub. (2) (b) with a local health officer who at least meets the qualifications
6 specified in s. 251.06 (1) (b) ~~or with a person who meets the qualifications specified~~
7 ~~in s. 251.06 (1m).~~

8 **SECTION 183.** 251.05 (1) (c) of the statutes is amended to read:

9 251.05 (1) (c) As a Level III local health department, at least the level of
10 services specified in sub. (2) (c) with a local health officer who at least meets the
11 qualifications specified in s. 251.06 (1) (c) ~~or with a person who meets the~~
12 ~~qualifications specified in s. 251.06 (1m).~~

13 **SECTION 184.** 251.05 (3) (c) of the statutes is amended to read:

14 251.05 (3) (c) Involve key policymakers and the general public in determining
15 development of a community health improvement plan, including determination of
16 a set of high priority public health services and assure assurance of access to these
17 services to every member of the community, based on the needs of the community.

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18 **SECTION 185.** 251.06 (1m) of the statutes is repealed.

19 **SECTION 186.** 251.06 (3) (e) of the statutes is amended to read:

20 251.06 (3) (e) (intro.) Appoint all necessary subordinate personnel, assure that they
21 meet appropriate qualifications and have supervisory power over all subordinate
22 personnel. Any public health nurses and sanitarians hired for the local health
23 department shall meet any qualification requirements established in rules
24 promulgated by the department. "Subordinate personnel" under this paragraph

renumbered 251.06(3)(e)
(intro) and

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1 may include a public health educator who meets requirements under s. 251.04 (10)

2 and a certified dietitian, as defined in s. 448.70 (1m).

any of the following:

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3 SECTION 187. 251.07 of the statutes is created to read:

4 251.07 Certain physicians; state agency status. A physician who is not an
5 employee of the local health department and who provides services, without
6 compensation, for those programs and services provided by a local health
7 department that require medical oversight is, for the provision of the services he or
8 she provides, a state agent of the department of health and family services for the
9 purposes of ss. 165.25 (6), 893.82 (3), and 895.46.

10 SECTION 188. 252.14 (1) (ar) 13. of the statutes is amended to read:

11 252.14 (1) (ar) 13. An emergency medical technician licensed under s. 146.50
12 256.15 (5).

13 SECTION 189. 252.15 (1) (af) of the statutes is amended to read:

14 252.15 (1) (af) "Emergency medical technician" has the meaning given in s.
15 146.50 (1) (e) 256.01 (5).

16 SECTION 190. 254.01 (2) of the statutes is amended to read:

17 254.01 (2) "Human health hazard" means a substance, activity or condition
18 that is known to have the potential to cause acute or chronic illness ~~or death if~~
19 ~~exposure to the substance, activity or condition is not abated, to endanger life, to~~
20 ~~generate or spread infectious diseases, or otherwise injuriously to affect the health~~
21 of the public.

22 SECTION 191. 254.59 (1) of the statutes is repealed and recreated to read:

23 254.59 (1) LOCAL HEALTH OFFICER OR DESIGNEE; AUTHORITY. Upon receiving a
24 complaint or if there is probable cause to believe that a human health hazard exists
25 within the jurisdiction of a local health department, the local health officer of that

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1 jurisdiction or his or her designee may, under the requirements of this subsection,
2 immediately investigate the suspected human health hazard. If the owner or the
3 occupant of a property or premises consents, the local health officer or his or her
4 designee may enter the property or premises at any reasonable time to inspect,
5 investigate, evaluate, conduct tests, or take specimens or samples as may be
6 reasonably necessary to determine the existence of a human health hazard. If the
7 owner or the occupant of a property or premises refuses entry, the local health officer
8 or his or her designee may seek a special inspection warrant under s. 66.0119 to
9 authorize inspection, investigation, evaluation, conduct of tests, or taking of
10 specimens or samples for testing, except that, if in the judgment of the local health
11 officer or designee a suspected human health hazard poses an immediate threat to
12 the health of an individual or the public, the local health officer or designee may enter
13 an affected property or premises without consent or a special inspection warrant to
14 perform these activities.

15 **SECTION 192.** 254.59 (2) of the statutes is amended to read:

16 254.59 (2) ABATEMENT OR REMOVAL PROCEDURE. ~~If~~ Except as provided in sub. (3)
17 or (3m), if a human health hazard is found on private property or premises, the local
18 health officer or his or her designee shall notify the owner and the any occupant of
19 the property or premises, by ~~registered mail with return receipt requested~~ personal
20 service or by mail to the last known address of the owner and any occupant, of the
21 presence of the human health hazard and order its abatement or removal within a
22 reasonable time period, not to exceed 30 days of receipt of, as specified in the notice.
23 ~~If the human health hazard is not abated or removed by that date, the local health~~
24 ~~officer shall~~ owner or occupant fails to comply with the order within the specified
25 time, the local health officer or designee ~~may~~ immediately enter upon the property

shall

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SECTION 192

RESTORE TO PLAIN TEXT

shall

1 or premises and abate or remove the human health hazard ~~or may~~ contract to have
2 the work performed, ~~or may~~ report the failure to abate or remove the human health
3 hazard as specified under sub. (3m). The human health hazard shall be abated in
4 a manner which that is approved by the local health officer. The cost of the
5 abatement or removal may be recovered from the person permitting the violation or
6 may be paid by the municipal treasurer and the account, after being paid by the
7 treasurer, shall be filed with the municipal clerk, who shall enter the amount
8 chargeable to the property in the next tax roll in a column headed "For Abatement
9 of a Nuisance" as a special tax on the lands upon which the human health hazard was
10 abated, and the tax shall be collected as are other taxes. In case of railroads or other
11 lands not taxed in the usual way, the amount chargeable shall be certified by the
12 clerk to the secretary of administration who shall add the amount designated in the
13 certificate to the sum due from the company owning, occupying, or controlling the
14 land specified, and the secretary of administration shall collect the amount as
15 prescribed in subch. I of ch. 76 and return the amount collected to the town, city, or
16 village from which the certificate was received. Anyone maintaining such a human
17 health hazard may also be fined not more than \$300 or imprisoned for not more than
18 90 days or both. The only defenses an owner may have against the collection of a tax
19 under this subsection are that no human health hazard existed on the owner's
20 property, that no human health hazard was corrected on the owner's property, that
21 the procedure outlined in this subsection was not followed or any applicable defense
22 under s. 74.33.

23 **SECTION 193.** 254.59 (3) of the statutes is created to read:

24 **254.59 (3) SUMMARY ABATEMENT OR REMOVAL.** If a human health hazard is found
25 on private property or premises and, in the judgment of the local health officer or

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1 designee, poses an immediate threat to the health of an individual or the public, the
2 local health officer or his or her designee shall make a good faith effort to notify the
3 owner and any occupant by any practical means, shall confirm the notice in writing
4 by personal service or by mail to the last known address of the owner and any
5 occupant, and shall summarily abate or remove the human health hazard unless the
6 owner or the occupant immediately abates or removes the human health hazard.

7 **SECTION 194.** 254.59 (3m) of the statutes is created to read:

8 254.59 (3m) ABATEMENT OR REMOVAL BY COURT ACTION. If an owner or occupant
9 fails to comply with an order under sub. (2), and if the local health officer or his or
10 her designee determines that the nature of the human health hazard does not pose
11 an immediate threat to the health of an individual or the public if not abated or
12 removed under sub. (3), the local health officer or designee may report this fact to the
13 attorney for the applicable city, town, village, or county, who may initiate court action
14 to abate the human health hazard.

15 **SECTION 195.** 254.59 (4) of the statutes is repealed.

16 **SECTION 196.** 254.59 (5) of the statutes is amended to read:

17 254.59 (5) COST OF ABATEMENT OR REMOVAL. The cost of abatement or removal
18 of a human health hazard under this section subchapter may be at the expense of the
19 municipality city, village, town, or county of the jurisdiction of the local health officer
20 and may be collected from the owner or occupant, or person causing, permitting, or
21 maintaining the human health hazard, or may be charged against the property or
22 premises and, upon certification of the local health officer, may be assessed by the
23 treasurer of the city, town, village, or county of the jurisdiction of the local health
24 officer as are other special taxes. In cases of railroads or other lands not taxed in the
25 usual way, the amount chargeable shall be certified by the clerk of the applicable city,

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SECTION 196

1 town, village, or county to the secretary of administration who shall add the amount
 2 designated in the certificate to the sum due from the company owning, occupying, or
 3 controlling the land specified, and the secretary of administration shall collect the
 4 amount as prescribed in subch. I of ch. 76 and return the amount collected to the
 5 town, city, ~~or village,~~ or county from which the certificate was received. ~~Anyone~~
 6 ~~maintaining such a human health hazard may also be fined not more than \$300 or~~
 7 ~~imprisoned for not more than 90 days or both.~~ The only defenses an owner, occupant,
 8 or person may have against the collection of the cost or assessment of a tax under this
 9 subsection are that no human health hazard existed on the ~~owner's~~ owner's property or
 10 premises at the time of abatement, that no human health hazard was corrected by
 11 or at the direction of the local health officer or his or her designee on the ~~owner's~~
 12 property, that the procedure outlined in this subsection was not followed, or any
 13 applicable defense under s. 74.33. *set*

SECTION 197. 254.59 (6) of the statutes is amended to read:

254.59 (6) CITY CHARTER. A ~~1st class~~ city may, but is not required to, follow the provisions of this section. A ~~1st class~~ city may follow the provisions of its charter.

SECTION 198. 254.59 (7) of the statutes is created to read:

254.59 (7) OTHER ABATEMENT OR REMOVAL AUTHORITY. A county with a county health department, multiple counties with a multiple county health department, or a city and a county with a city-county health department may each enact an ordinance concerning abatement or removal of a human health hazard that is at least as restrictive as this section and that may be enforced in the area of jurisdiction of the relevant ~~single or multiple county health department or city-county health~~ department, as specified in s. 251.08. This subsection may not be construed to

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Ⓢ (c)

local

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1 prohibit any agreement under s. 66.0301 between a county and a city, town, or village
2 that has a local health department, concerning enforcement under this section.

3 **SECTION 199.** 254.59 (8) of the statutes is created to read:

4 254.59 (8) PENALTIES. (a) Whoever refuses entry under sub. (1) by a local health
5 officer or his or her designee at reasonable hours in response to a human health
6 hazard shall forfeit not less than \$100 nor more than \$300.

7 (b) Whoever maintains a human health hazard that requires abatement or
8 removal under this section may be fined not more than \$1,000 or may be imprisoned
9 for not more than 90 days or both.

10 **SECTION 200.** 255.06 (3) of the statutes is amended to read:

11 255.06 (3) SERVICE COORDINATION. The department shall coordinate the services
12 provided under this section with the services provided under the minority health
13 program under s. 146.185 250.20 (2) to (4), to ensure that disparities in the health
14 of women who are minority group members are adequately addressed.

15 **SECTION 201.** Chapter 256 of the statutes is created to read:

CHAPTER 256**EMERGENCY MEDICAL SERVICES**

16
17
18 **256.01** DEFINITIONS. *no CS* *(B)* *In this chapter:*

19 (10) "Hospital" has the meaning given in s. 50.33 (2).

20 **SECTION 202.** 340.01 (3) (dm) 2. of the statutes is amended to read:

21 340.01 (3) (dm) 2. Used by an emergency medical technician licensed under s.
22 146.50 256.15 or an ambulance driver or first responder authorized by the chief of
23 an ambulance service or rescue squad.

24 **SECTION 203.** 343.23 (2) (a) 1. of the statutes is amended to read:

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SECTION 203

1 343.23 (2) (a) 1. The person's employment as a law enforcement officer as
2 defined in s. 165.85 (2) (c), fire fighter as defined in s. 102.475 (8) (b), or emergency
3 medical technician as defined in s. 146.50 (1) (e) 256.01 (5).

4 **SECTION 204.** 343.23 (2) (a) 3. of the statutes is amended to read:

5 343.23 (2) (a) 3. The licensee's performance of duties as a first responder, as
6 defined in s. 146.53 (1) (d) ~~256.08 (1)~~ 256.01 (9).

7 **SECTION 205.** 440.98 (3) of the statutes is amended to read:

8 440.98 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of
9 the state may employ or contract for the services of sanitarians, registered under this
10 section, who shall enforce the public health statutes under chs. 250 to 255 256 or
11 rules promulgated under those statutes.

INSERT 36-11

12 **SECTION 206.** 893.82 (2) (d) 1r. of the statutes is amended to read:

13 893.82 (2) (d) 1r. A physician under s. 251.07 or 252.04 (9) (b).

14 **SECTION 207.** 895.35 (2) (a) 2. of the statutes, as created by 2005 Wisconsin Act
15 ~~73~~, is amended to read:

16 895.35 (2) (a) 2. "Protective services officer" means an emergency medical
17 technician or, as defined in s. 256.01 (5), first responder under s. 146.50 (1) (e) to (hm),
18 as defined in s. 256.01 (9), a fire fighter, or a law enforcement or correctional officer.

19 **SECTION 208.** 895.46 (5) (b) of the statutes is amended to read:

20 895.46 (5) (b) A physician under s. 251.07 or 252.04 (9) (b).

21 **SECTION 209.** 895.48 (1m) (intro.) of the statutes is amended to read:

22 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,
23 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
24 medical technician licensed under s. 146.50 256.15, first responder certified under
25 s. 146.50 256.15 (8), physician assistant licensed under ch. 448, registered nurse

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1 licensed under ch. 441, or a massage therapist or bodyworker issued a certificate
2 under ch. 460 who renders voluntary health care to a participant in an athletic event
3 or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a
4 private school, as defined in s. 115.001 (3r), a public agency, as defined in s. 46.856
5 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for
6 his or her acts or omissions in rendering that care if all of the following conditions
7 exist:

8 **SECTION 210.** 895.48 (4) (a) (intro.) of the statutes is amended to read:

9 895.48 (4) (a) (intro.) Any of the following who meets the applicable
10 requirements of s. 146.50 256.15 (8g) and who acts within the applicable limitations
11 of s. 146.50 256.15 (8g) is immune from civil liability for the acts or omissions of a
12 person in rendering in good faith emergency care by use of a semiautomatic
13 defibrillator under s. 146.50 256.15 (8g) to an individual who appears to be in cardiac
14 arrest:

15 **SECTION 211.** 895.48 (4) (a) 2. of the statutes is amended to read:

16 895.48 (4) (a) 2. The owner of the semiautomatic defibrillator, as specified in
17 s. 146.50 256.15 (8g) (c).

18 **SECTION 212.** 895.48 (4) (a) 3. of the statutes is amended to read:

19 895.48 (4) (a) 3. The person who provides the semiautomatic defibrillator for
20 use, as specified in s. 146.50 256.15 (8g) (c).

21 **SECTION 213.** 895.48 (4) (a) 4. of the statutes is amended to read:

22 895.48 (4) (a) 4. The provider of training required under s. 146.50 256.15 (8g)
23 (b).

24

SECTION 214. 905.04 (4) (h) of the statutes is amended to read:

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BILL**SECTION 214**

1 905.04 (4) (h) *Reporting wounds and burn injuries*. There is no privilege
2 regarding information contained in a report under s. ~~146.995~~ [✓] 255.40 [✓] pertaining to
3 a patient's name and type of wound or burn injury.

4 **SECTION 215.** 940.20 (7) (a) 1e. of the statutes is amended to read:

5 940.20 (7) (a) 1e. "Ambulance" has the meaning given in s. ~~146.50 (1) (am)~~ [✓]
6 256.01 (1).

7 **SECTION 216.** 940.20 (7) (a) 2g. of the statutes is amended to read:

8 940.20 (7) (a) 2g. "Emergency medical technician" has the meaning given in s.
9 ~~146.50 (1) (e)~~ [✓] 256.01 (5).

10 **SECTION 217.** 940.20 (7) (a) 2m. of the statutes is amended to read:

11 940.20 (7) (a) 2m. "First responder" has the meaning given in s. ~~146.53 (1) (d)~~ [✓]
12 ~~256.08 (1)~~ 256.01 (9).

13 **SECTION 218.** 941.20 (1m) (a) 1. of the statutes is amended to read:

14 941.20 (1m) (a) 1. "Ambulance" has the meaning given in s. ~~146.50 (1) (am)~~ [✓]
15 256.01 (1).

16 **SECTION 219.** 941.20 (1m) (a) 2. of the statutes is amended to read:

17 941.20 (1m) (a) 2. "Emergency medical technician" has the meaning given in
18 s. ~~146.50 (1) (e)~~ [✓] 256.01 (5).

19 **SECTION 220.** 941.20 (1m) (a) 3. of the statutes is amended to read:

20 941.20 (1m) (a) 3. "First responder" has the meaning given in s. ~~146.53 (1) (d)~~ [✓]
21 ~~256.08 (1)~~.

22 **SECTION 221.** 941.37 (1) (a) of the statutes is amended to read:

23 941.37 (1) (a) "Ambulance" has the meaning specified in s. ~~146.50 (1) (am)~~ [✓]
24 256.01 (1).

25 **SECTION 222.** 941.37 (1) (c) of the statutes is amended to read:

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1 941.37 (1) (c) "Emergency medical personnel" means an emergency medical
2 technician licensed under s. ~~146.50~~ [✓] 256.15, first responder certified under s. ~~146.50~~ [✓]
3 256.15 (8), peace officer or fire fighter, or other person operating or staffing an
4 ambulance or an authorized emergency vehicle.

5 **SECTION 223.** 941.375 (1) (a) of the statutes is amended to read:

6 941.375 (1) (a) "Ambulance" has the meaning specified in s. ~~146.50~~ [✓] (1) ~~(am)~~
7 256.01 (1).

8 **SECTION 224.** 941.375 (1) (b) of the statutes is amended to read:

9 941.375 (1) (b) "Public safety worker" means an emergency medical technician
10 licensed under s. ~~146.50~~ [✓] 256.15, a first responder certified under s. ~~146.50~~ [✓] 256.15 (8),
11 a peace officer, a fire fighter, or a person operating or staffing an ambulance.

12 **SECTION 225. Initial applicability.**

13 (1) REFUSAL OF ENTRY. The treatment of sections ~~254.01~~ [✓] (2) and ~~254.59~~ [✓] (1), (2),
14 and (8) (a) of the statutes first applies to a refusal of entry on the effective date of this
15 subsection.

16 (2) MAINTENANCE OF A HUMAN HEALTH HAZARD. The treatment of sections ~~254.01~~ [✓]
17 (2) and ~~254.59~~ [✓] (1), (2), (3), (3m), (4), and (8) (b) of the statutes first applies to
18 maintenance of a human health hazard on the effective date of this subsection.

19 (3) LOCAL HEALTH OFFICERS OF ~~LEVEL I~~ LOCAL HEALTH DEPARTMENTS. The
20 treatment of sections ~~251.05~~ [✓] (1) (a), (b), and (c) and ~~251.06~~ [✓] (1m) of the statutes first
21 applies to local health officers hired on the effective date of this subsection.

22 **(END)**

D-NOTE

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1 **SECTION 1.** 146.53 (1) (d) of the statutes is renumbered 256.01 (9) and amended
2 to read:

3 256.01 (9) "First responder" means a person who is certified by the department
4 as a first responder under s. 256.15 (8) (a) and who, as a condition of employment or
5 as a member of an organization that provides emergency medical care before
6 hospitalization, provides emergency medical care to a sick, disabled or injured
7 individual before the arrival of an ambulance, but who does not provide
8 transportation for a patient.

History: 1993 a. 251, 491; 1995 a. 247.

INSERT 22-12

9 **SECTION 2.** 146.53 (5) (intro.) of the statutes is renumbered 256.08 (4) (intro.)
10 and (a). *and (a) are*

11 **SECTION 3.** 146.53 (5) (a) of the statutes is renumbered 256.08 (4) (intro.) and
12 (a).

13 **SECTION 4.** 146.53 (5) (b) of the statutes is renumbered 256.08 (4) (b) and
14 amended to read:

15 256.08 (4) (b) Implement measures to achieve objectives that are set forth in
16 the state emergency medical services plan under sub. (2) (1).

History: 1993 a. 251, 491; 1995 a. 247.

17 **SECTION 5.** 146.53 (5) (c) to (k) of the statutes are renumbered 256.08 (4) (c) to
18 (k).

INSERT 28-22

19 **SECTION 6.** 251.01 (8) of the statutes is created to read:

20 251.01 (8) "Sanitarian" means a sanitarian, as defined in s. 440.98 (1) (b), who
21 is registered under s. 440.98 (5).

INSERT 29-17

1 **SECTION 7.** 251.05 (3) (c) of the statutes is amended to read:

2 251.05 (3) (c) Involve key policymakers and the general public in determining
3 ~~a set of high priority public health services and assure access to these services to~~
4 ~~every member of the community and developing a community health improvement~~
5 ~~plan that includes actions to implement the services and function~~ ^S specified under s.
6 250.03 (1) (L).

History: 1993 a. 27; 2001 a. 109; 2005 a. 198.

INSERT 30-2

7 **SECTION 8.** 251.06 (3) (e) 1. of the statutes is created to read:

8 251.06 (3) (e) 1. A public health educator who meets qualifications that the
9 department shall specify by rule.

10 **SECTION 9.** 251.06 (3) (e) 2. of the statutes is created to read:

11 251.06 (3) (e) 2. A public health nutritionist, who is a certified dietitian, as
12 defined in s. 448.70 (1m), is credentialed as a registered dietitian by the Commission
13 on Dietetic Registration, and meets qualifications that the department shall specify
14 by rule.

15 **SECTION 10.** 251.06 (3) (e) 3. of the statutes is created to read:

16 251.06 (3) (e) 3. A public health dental hygienist, who is licensed as a dental
17 hygienist under s. 447.04 (2) (a) or (b), and who meets qualifications that the
18 department shall specify by rule.

INSERT 34-22

19 no ~~ff~~ (a) Any of the following may enact an ordinance concerning abatement or
20 removal of a human health hazard that is at least as restrictive as this section:

21 1. A county with a county health department.

1 2. Multiple counties with a multiple county health department established
2 under s. 251.02 (3).

3 3. A city and a county with a city-county health department.

4 4. A city or village with a city or village health department.

5 5. Multiple municipalities with a multiple municipal health department
6 established under s. 251.02 (2) (b).

7 (b) An ordinance enacted under par. (a) ~~no~~ #

INSERT 37-23

8 **SECTION 11.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

9 895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician or athletic
10 trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed
11 under ch. 447, emergency medical technician licensed under s. 146.50 256.15, first
12 responder certified under s. 146.50 256.15 (8), physician assistant licensed under ch.
13 448, registered nurse licensed under ch. 441, or a massage therapist or bodyworker
14 issued a certificate under ch. 460 who renders voluntary health care to a participant
15 in an athletic event or contest sponsored by a nonprofit corporation, as defined in s.
16 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a public agency, as
17 defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from
18 civil liability for his or her acts or omissions in rendering that care if all of the
19 following conditions exist:

History: 1977 c. 164; 1987 a. 14; 1989 a. 31; 1993 a. 109; 1995 a. 227; 1997 a. 67, 156, 191; 1999 a. 7, 9, 32, 56, 186; 2001 a. 74; 2003 a. 33; 2005 a. 155, 188, 486.

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INSERT 6-1

1 SECTION 1. 16.25 (1) (am) of the statutes is amended to read:

2 16.25 (1) (am) "First responder" means an individual certified under s. 146.50

3 ~~(8) 256.15 (8) (am).~~

4 History: 1999 a. 105; 2005 a. 142.

INSERT 14-5

5 SECTION 2. 146.38 (5) of the statutes is amended to read:

6 146.38 (5) This section does not apply to s. ~~146.56~~ 256.25.

History: 1975 c. 187; 1979 c. 89; 1983 a. 27; 1989 a. 102; 1991 a. 217; 1999 a. 56; 2005 a. 155, 315.

INSERT 36-11

7 SECTION 3. 440.9805 (1) of the statutes is amended to read:

8 440.9805 (1) "Health care provider" means a health care provider, as defined

9 in s. 146.81 (1), a person licensed or issued a training permit as an emergency medical

10 technician under s. ~~146.50~~, or a person certified as a first responder under s. 146.50

11 ~~(8) 256.15 (8) (a).~~

History: 2005 a. 292; s. 13.93 (1) (b).

256.15

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1673/1dn

DATE: gf

Date

To Representative Hines:

This redraft, in part, addresses some of Dick Sweet's (undated) comments on the 2005 bill, LRB-3615/1, as follows:

1. In #2 of his comments, Dick suggests that "(1) DEFINITIONS." should be inserted on page 28, after line 16; that is unnecessary, because the renumbering of s. 146.19 (1) (intro.) carries the title (DEFINITIONS) with it.

2. In #4 of his comments, Dick notes that s. 146.50 (1) (hm), stats. (a definition of "first responder") was not treated in the bill; actually, it was treated, but erroneously as s. 146.150 (1) (hm). I have removed the erroneous treatment, repealed s. 146.50 (1) (hm), and changed the renumbering of s. 146.53 (1) (d), stats. (a different definition of "first responder") to s. 256.01 (9); I've also amended that newly renumbered provision to refer to certification of first responders by DHFS under s. 256.15 (8) (a) (as renumbered from s. 146.50 (8) (a), stats., in the bill), which was material that was otherwise lost by the repealing of s. 146.50 (1) (hm), stats.

The redraft also addresses certain changes proposed in an attachment to Doug Parrot's e-mail of April 3, 2007; I have spoken with Patty Bollig of DHFS about the following issues:

1. For the changes to s. 251.06 (3) (e), I did not draft the term "registered environmental health specialists"; no category of this name exists in the statutes or rules. Instead, I defined "sanitarian" under s. 251.01 (8), using the definition under s. 440.98 (1) (b), stats., and requiring that the sanitarian be registered under s. 440.98 (5), stats.

2. For the changes proposed to s. 251.05 (3) (c), stats., I have instead drafted a reference to s. 250.03 (1) (L), stats., which, according to Patty Bollig, is the intent.

3. For the changes proposed to s. 251.05 (3) (e), stats., I have required DHFS to promulgate rules specifying qualifications for a public health educator and additional qualifications for a public health nutritionist and a public health dental hygienist. I have corrected an incomplete reference to registration of a public health nutritionist by the Commission on Dietetic Registration after speaking with both Ms. Linda Peterson, to whom I was referred by Patty Bollig, and Ms. Peggy Anderson, who is the Manager of Registration Eligibility Services of the Commission. Ms. Anderson said

that the correct verb for the action the Commission takes is "credential" or "register;" I used the term "credential" to avoid redundancy.

4. I did not draft the proposed change to s. 251.07, stats., which would require a physician to be currently licensed under ch. 448, stats.; this amendment is unnecessary, because "physician" is defined in s. 250.01 (6), stats., to be licensed under ch. 448, stats., and that definition is applicable to ch. 251, stats.

5. Please note my revision to the structure of s. 254.59 (7). Please also note that the local health departments specified in s. 254.59 (7)(a) 1. to 5. do not comprise all of the local health departments specified under s. 251.02, stats.

6. Note that s. 146.50 (1) (o) and provisions under s. 146.50 (8g), and their cross-references have been removed from the bill. Section 146.50 (8g) was repealed by 2005 Wisconsin Act 486.

Please let me know if I may provide you with any other assistance with regard to this bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1673/1dn
DAK:kjf:rs

April 26, 2007

To Representative Hines:

This redraft, in part, addresses some of Dick Sweet's (undated) comments on the 2005 bill, LRB-3615/1, as follows:

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5. Please note my revision to the structure of s. 254.59 (7). Please also note that the local health departments specified in s. 254.59 (7) (a) 1. to 5. do not comprise all of the local health departments specified under s. 251.02, stats.

6. Note that s. 146.50 (1) (o) and provisions under s. 146.50 (8g), and their cross-references have been removed from the bill. Section 146.50 (8g) was repealed by 2005 Wisconsin Act 486.

Please let me know if I may provide you with any other assistance with regard to this bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

Kennedy, Debora

From: Sweet, Richard
Sent: Wednesday, May 09, 2007 11:26 AM
To: Parrott, Douglas
Cc: Bollig, Patricia L - DHFS; Kennedy, Debora
Subject: RE: Model Public Health Act II draft

Doug,

I finally had a chance to look at this draft. A couple of suggestions:

The relating clause should mention that rules are required. [See Sections 186 to 188.]

I think the intent was that any municipality in a multiple municipal dept., or any county in a multiple county dept., or any city or county in a city-county dept., could enact a human health hazard ordinance under Section 200. [I cc'ed Patty on this and maybe she can verify DHFS's intent.] If that is the case, then page 35, lines 1 to 9 need to be modified along the following lines:

1. A county with a county health department.
2. A county that is part of a multiple county health department established under s. 251.02(3).
3. A city or county that is part of a city-county health department.
4. A city or village with a city or village health department.
5. A municipality that is part of a multiple municipal health department established under s. 251.02(2)(b).

(b) An ordinance enacted under par. (a) may be enforced in the area of jurisdiction of the relevant county, city, village, or town.

2, 3 or 5
that enacted the ordinance

I'm not sure that par. (b) is even needed. I think that it could be deleted and the ordinance will apply anyhow in the jurisdiction that enacted it.

yes, it is; otherwise, may be ambiguous as to whether 1 co may enact for all cos. w/ a multiple co. health dept, etc. - 251.08

Dick Sweet
Richard Sweet
Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.wisconsin.gov

From: Parrott, Douglas
Sent: Friday, April 27, 2007 9:18 AM
To: Sweet, Richard; Bollig, Patricia L - DHFS; 'Michael Welsh'; 'Darryll Farmer'; Petersen, Linda J - DHFS; Schmelzer, Margaret O - DHFS; 'mormann.doug@co.la-crosse.wi.us'
Cc: Plona, Katie P - DHFS
Subject: Model Public Health Act II draft

Hi everyone,

I am attaching a copy of the MPHA II draft that I received from Debora Kennedy. Please review the draft and let me know if you feel we need to make any changes or any other comments you may have.

Once I know that we have an acceptable draft I will craft a memo and send it around for co-sponsorship.

Please let me know if you have any questions and I look forward to hearing from you.

Sincerely,

Doug

Douglas Parrott
Research Assistant
Office of State Representative J.A. "Doc" Hines
608-266-7746
888-534-0042

<< File: 07-16731dn.pdf >>

<< File: 07-16731.pdf >>

Kennedy, Debora

To: Plona, Katie P - DHFS
Cc: Parrott, Douglas; Sweet, Richard
Subject: Model Public Health Act II draft

After further conversations with Dick about the intent for Section 200 of this draft (the creation of s. 254.59 (7)), I'm turning to you for some guidance; if you need to talk to Chuck Warzecha, Patty Bollig, Bill Otto, or others, please feel free to. Essentially, the question boils down to whether the municipalities mentioned in the draft are inclusive enough. They do not cover all situations specified under s. 251.02, such as a city-city health department (as in Winnebago County) or a village or town local health department or a multiple municipal local health department under s. 251.02 (3r) (as in Racine County). Should any of these also be specified?

Debora A. Kennedy

Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Sweet, Richard
Sent: Thursday, May 10, 2007 8:12 AM
To: Warzecha, Charles J - DHFS; Parrott, Douglas
Cc: darryll.farmer@co.eau-claire.wi.us; Bollig, Patricia L - DHFS; Otto, William H - DHFS; Kennedy, Debora
Subject: RE: Model Public Health Act II draft

Chuck,

Good catch on Section 199. You're right that it should be deleted.

Dick

-----Original Message-----

From: Warzecha, Charles J - DHFS
Sent: Wednesday, May 09, 2007 10:50 PM
To: Parrott, Douglas; Sweet, Richard
Cc: darryll.farmer@co.eau-claire.wi.us; Bollig, Patricia L - DHFS; Otto, William H - DHFS; Kennedy, Debora
Subject: RE: Model Public Health Act II draft

Doug and Dick,

I agree with Dick's recommended wording below including removal of par.

(b). I'm afraid I missed one other revision from our discussion in March that needs correction. The changes proposed in Section 199 should not be made. We had at one point questioned if we needed this section at all because it referred only to Milwaukee. Although the Milwaukee health department managers weren't sure why the provision was there, they were reluctant to remove it. However, we did not want to broaden this section to apply to all cities, which is what the current draft would do.

"254.59 (6) CITY CHARTER. A 1st class city may, but is not required to, follow the provisions of this section. A 1st class city may follow the provisions of its charter." I'm sorry I didn't catch this earlier. Everything else looks good, and I appreciate the work you've done. Please give me a call if you have any questions about my comment. Thanks, Chuck

>>> "Sweet, Richard" <Richard.Sweet@legis.wisconsin.gov> 5/9/2007
11:26:26 AM >>>
Doug,

I finally had a chance to look at this draft. A couple of suggestions:

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(b) An ordinance enacted under par. (a) may be enforced in the area of jurisdiction of the relevant county, city, village, or town.

I'm not sure that par. (b) is even needed. I think that it could be deleted and the ordinance will apply anyhow in the jurisdiction that enacted it.

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richard.sweet@legis.wisconsin.gov

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> Sent: Friday, April 27, 2007 9:18 AM
> To: Sweet, Richard; Bollig, Patricia L - DHFS; 'Michael Welsh';
> 'Darryll Farmer'; Petersen, Linda J - DHFS; Schmelzer, Margaret O -
> DHFS; 'mormann.doug@co.la-crosse.wi.us'
> Cc: Plona, Katie P - DHFS
> Subject: Model Public Health Act II draft
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> Once I know that we have an acceptable draft I will craft a memo and
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> Douglas Parrott
> Research Assistant
> Office of State Representative J.A. "Doc" Hines
> 608-266-7746
> 888-534-0042
>
> << File: 07-16731dn.pdf >> << File: 07-16731.pdf >>
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Kennedy, Debora

From: Parrott, Douglas
Sent: Wednesday, May 09, 2007 11:47 AM
To: Bollig, Patricia L - DHFS
Cc: Kennedy, Debora; 'Michael Welsh'; Sweet, Richard; Plona, Katie P - DHFS
Subject: RE: Model Public Health Act II draft

Thanks, Patty. I will handle this just like the earlier revisions and wait until I hear back from everyone before I request Debora make the changes.

Let me know if you have any other questions.

Thanks,

Doug

-----Original Message-----

From: Bollig, Patricia L - DHFS
Sent: Wednesday, May 09, 2007 11:42 AM
To: Parrott, Douglas
Subject: RE: Model Public Health Act II draft

Doug, I will follow-up with our staff overseeing the revisions to HHH language and we will get back to you as soon as possible. Thanks, Patty

>>> "Sweet, Richard" <Richard.Sweet@legis.wisconsin.gov> 5/9/2007 11:26

>>> AM

>>>

Doug,

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Kennedy, Debora

From: Sweet, Richard
Sent: Tuesday, May 22, 2007 11:05 AM
To: Parrott, Douglas
Cc: Kennedy, Debora
Subject: RE: Model Public Health Act II draft

Doug,

I spoke with Debora and the language we came up with for par. (b) on page 35, lines 8 and 9 would be as follows:

(b) An ordinance enacted under par. (a) may be enforced in the county, city, village, or town that enacted it.

Dick

5/31/07: From Doug Parrott: ↑ ok to draft

-----Original Message-----

From: Sweet, Richard
Sent: Thursday, May 10, 2007 8:12 AM
To: Warzecha, Charles J - DHFS; Parrott, Douglas
Cc: darryll.farmer@co.eau-claire.wi.us; Bollig, Patricia L - DHFS; Otto, William H - DHFS; Kennedy, Debora
Subject: RE: Model Public Health Act II draft

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From: Warzecha, Charles J - DHFS
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To: Parrott, Douglas; Sweet, Richard
Cc: darryll.farmer@co.eau-claire.wi.us; Bollig, Patricia L - DHFS; Otto, William H - DHFS; Kennedy, Debora
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> To: Sweet, Richard; Bollig, Patricia L - DHFS; 'Michael Welsh';
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Kennedy, Debora

From: Parrott, Douglas
Sent: Tuesday, May 29, 2007 3:42 PM
To: Kennedy, Debora
Cc: Sweet, Richard
Subject: FW: Fwd: Model Public Health Act II draft

Hi Debora,

I'm forwarding you the response I received from DHFS regarding Section 200 of this draft. Please go ahead and make the suggested changes.

Feel free to call Dick Sweet or me with any questions.

Thanks for your help,

Doug

-----Original Message-----

From: Sweet, Richard
Sent: Friday, May 25, 2007 1:53 PM
To: Bollig, Patricia L - DHFS; Parrott, Douglas
Cc: Sieger, Thomas L - DHFS; Warzecha, Charles J - DHFS; Plona, Katie P - DHFS
Subject: RE: Fwd: Model Public Health Act II draft

Looks good. This approach seems a lot cleaner.

Dick

-----Original Message-----

From: Bollig, Patricia L - DHFS
Sent: Friday, May 25, 2007 1:41 PM
To: Parrott, Douglas; Sweet, Richard
Cc: Sieger, Thomas L - DHFS; Warzecha, Charles J - DHFS; Plona, Katie P - DHFS
Subject: Re: Fwd: Model Public Health Act II draft

Dear Doug and Dick, This is in follow-up to a message we received from Debora Kennedy early this week regarding Section 200 of the MPHA II draft (the creation of s. 254.59 (7)) . As Debora indicated in her message, the question boils down to whether the municipalities mentioned in the draft are inclusive enough.

Chuck Warzecha has requested review and comment from Darryll Farmer, and has now requested that I forward this on for consideration. In the e-mail below, Darryll has provided a response to Debora's question, and has offered a suggestion in revising the current draft language in Section 200. I have not copied in Debora at this point, but if you agree Darryll's revision would work (be all inclusive), could you please forward this on to Debora for consideration.

Darryll's message:

"Chuck: The existing proposal may not cover townships, which only affects Racine County. However, I have a suggestion that may eliminate the need to list every possibility of how a local health department is created.

Revise 254.59(7) Line 23 to read:

254.59(7) Other Abatement or Removal Authority. Any local governmental unit with a local health department as authorized in s.251.02 may enact an ordinance concerning abatement or removal of a human health hazard that is at least as restrictive as the section.

The wording may need some editing, but it seems this would be a good way to cover all the possibilities. The listing of specific types of local health departments could be eliminated.

Darryll"

Please feel free to contact me if you need any additional follow-up or information. Thank

you,

Patty Bollig
Bureau of Local Health Support & Emergency Medical Services Wisconsin Division of Public Health

>>> Patricia Bollig 5/25/2007 8:40 AM >>>

Chuck, Thanks for your follow-up on this request. If you hear back from Darryll can you let me know? Thanks, Patty

>>> Charles Warzecha 5/22/2007 10:26 PM >>>

Katie,
I took a look at the provision Ms. Kennedy mentioned. I was under the impression that sub 5. of the revision ("Multiple municipalities with a multiple municipal health department established under s. 251.02 (2) (b).") addressed those situations. I've asked Darryll Farmer to take a look at this language and let me know. I know we are all eager to see this move forward so I'll followup right away if there are other issues that come up. Thanks for your help with this.
Chuck

>>> Katie Plona 5/22/2007 6:37 PM >>>

Chuck,

I have sent the same message to Patty and Tom to find out they are both out right now. Can you please take a look at this request and tell me what you think about it? I know Patty had been coordinating efforts, so I wanted to continue that. BUT, I don't want to wait until Friday to get started. Is this question and section of the bill something you would work on?

Thanks, Katie

Katie Plona
Legislative Liaison
Department of Health and Family Services
(608) 266-3262
plonakp@dhfs.state.wi.us

>>> Katie Plona 5/22/2007 6:31 PM >>>

Tom, I sent this email to Patty after telling Debora Kennedy from LRB, Dick Sweet from Leg Council and Doug Parrott from Rep. Hines' office that I would ask Patty to coordinate with Chuck, Bill and whoever else needs to be involved. I got an email back from Patty saying she's out until Friday. I don't think we need to response immediately, but I do want to get the ball rolling with Chuck or whoever else needs to look at this question and develop a response. Can you get that moving along based on who you think needs to see this and then when Patty's back, she could finish it up?

Thanks, Katie

After further conversations with Dick about the intent for Section 200 of this draft (the creation of s. 254.59 (7)), I'm turning to you for some guidance; if you need to talk to Chuck Warzecha, Patty Bollig, Bill Otto, or others, please feel free to. Essentially, the question boils down to whether the municipalities mentioned in the draft are inclusive enough. They do not cover all situations specified under s. 251.02, such as a city-city health department (as in Winnebago County) or a village or town local health department or a multiple municipal local health department under s. 251.02 (3r) (as in Racine County). Should any of these also be specified?

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