

State of Wisconsin



2017 Senate Bill 382

Date of enactment: **November 30, 2017**

Date of publication*: **December 1, 2017**

2017 WISCONSIN ACT 107

AN ACT *to renumber and amend* 118.25 (1), 118.25 (2) (a) and 118.25 (2) (c); *to amend* 118.25 (2) (b); and *to create* 118.25 (1) (a), 118.25 (2) (a) 2. and 118.25 (2) (c) 2. of the statutes; **relating to:** screening school district employees for tuberculosis.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and amended to read:

118.25 (1) (intro.) In this section "school:

(b) "School employee" means a person employed by a school board who comes in contact with children or who handles or prepares food for children while they are under the supervision of school authorities.

SECTION 2. 118.25 (1) (a) of the statutes is created to read:

118.25 (1) (a) "Practitioner" means a person licensed as a physician or as a physician assistant in any state or licensed or certified as an advanced practice nurse prescriber in any state. In this paragraph, "physician" has the meaning given in s. 448.01 (5).

SECTION 3. 118.25 (2) (a) of the statutes is renumbered 118.25 (2) (a) 1. and amended to read:

118.25 (2) (a) 1. As Subject to par. (b), a school board shall, as a condition of employment, the school board, except in 1st class cities, shall require a physical examination, including a chest X-ray or tuberculin test, of every school employee of the school district. The school board shall ensure that the physical examination includes a screening questionnaire for tuberculosis approved by the department of health services and, if indicated, a test

to determine the presence or absence of tuberculosis in a communicable form. Freedom from tuberculosis in a communicable form is a condition of employment. ~~In the case of a new school employee, the school board may permit the school employee to submit proof of an examination, chest X-ray or tuberculin test complying with this section which was taken within the past 90 days in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive, a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the school board.~~ The school employee shall be examined by a physician practitioner in the employ of or under contract with the school district, but if a physician practitioner is not employed or under contract, the examination shall be made by a physician practitioner selected by the school employee.

SECTION 4. 118.25 (2) (a) 2. of the statutes is created to read:

118.25 (2) (a) 2. The school board may require a school employee to complete additional health examinations, including physical examinations and an examination consisting of a screening questionnaire for tuberculosis approved by the department of health services, at intervals determined by the school board. A screening questionnaire administered as permitted under this subdivision may be administered by a school nurse or by a

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

registered nurse selected by the school employee and licensed under s. 441.06 or in a party state, as defined in s. 441.50 (2) (j).

SECTION 5. 118.25 (2) (b) of the statutes is amended to read:

118.25 (2) (b) ~~Such~~ The school board may not require physical examinations, chest X-rays or tuberculin tests shall not be required of any school employee who files with the school board an affidavit setting forth that the employee depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization and that the employee is to the best of the employee's knowledge and belief in good health and that the employee claims exemption from health examination on these grounds. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that such employee is suffering from an illness detrimental to the health of the pupils, the school board may require a health examination of such school employee sufficient to indicate whether or not such school employee is suffering from such an illness. No school employee may be discriminated against by reason of the employee's filing such affidavit.

SECTION 6. 118.25 (2) (c) of the statutes is renumbered 118.25 (2) (c) 1. and amended to read:

118.25 (2) (c) 1. ~~The physician making~~ A practitioner performing a physical examination under par. (a) shall ~~prepare~~ complete a report of the examination upon a standard form prepared by the department of health services ~~and the department.~~ Such report. The practitioner shall be retained retain a copy of the report in the physician's his or her files and the physician shall make confidential

recommendations therefrom to the school board and to the school employee on a form prepared by the department of health services ~~and the department.~~ The recommendation form shall contain space for a certificate that the person is examined by the practitioner appears to be free from tuberculosis in a communicable form.

3. ~~The school board shall pay the cost of such the~~ examinations required under par. (a), including X-rays and tuberculin tests, shall be paid if needed, out of school district funds.

SECTION 7. 118.25 (2) (c) 2. of the statutes is created to read:

118.25 (2) (c) 2. A registered nurse or school nurse administering a screening questionnaire under par. (a) 2. shall provide a copy of the screening questionnaire to the school board and shall make confidential recommendations therefrom to the school board and to the school employee on a form prepared by the department of health services. The screening questionnaire shall contain space for a certificate that the person examined by the registered nurse or school nurse does not have risk factors for tuberculosis. If tuberculosis risk factors are identified on the screening questionnaire, the registered nurse or school nurse shall recommend that the person receive a test from a practitioner to determine the presence or absence of tuberculosis a communicable form. If a test to determine the presence or absence of tuberculosis in a communicable form is recommended of the person, and if the test indicates the absence of tuberculosis in a communicable form, the practitioner who administers the test shall certify, on a form prepared by the department of health services, that the person appears to be free from tuberculosis in a communicable form.