



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4039/1
TKK:jld&ahe

2017 SENATE BILL 382

August 3, 2017 - Introduced by Senators OLSEN and HANSEN, cosponsored by Representatives GENRICH, JAGLER, ROHRKASTE, CROWLEY, BERCEAU, KOLSTE, HORLACHER, ZEPNICK, BOWEN, JACQUE, OHNSTAD and KREMER. Referred to Committee on Education.

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

Analysis by the Legislative Reference Bureau

This bill requires a school board, including the school board of the Milwaukee Public School District, to, with limited exceptions, condition employment in the school district on the completion of a physical examination that includes a screening questionnaire for tuberculosis. The physical examination may be conducted by a licensed physician, including a doctor of osteopathy, physician assistant, or advanced practice nurse prescriber (practitioner). The practitioner must certify that the school district employee appears to be free from tuberculosis in a communicable form.

Current law requires a school district other than the Milwaukee Public School District to condition employment on a physical examination that includes a chest X-ray or a tuberculin test. Current law also permits such a school district to require additional physical examinations at intervals determined by the school district. Under the bill, the school district, including MPS, may require a school district employee to complete a screening questionnaire for tuberculosis at intervals determined by the school board. If additional screening questionnaires are administered, they may be administered by a school nurse or other registered nurse.

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Under current law and this bill, freedom from tuberculosis in a communicable form is a condition of employment.

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

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

3 118.25 (1) (intro.) In this section “school;

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

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

8 118.25 (1) (a) “Practitioner” means a person licensed as a physician or as a
9 physician assistant in any state or licensed or certified as an advanced practice nurse
10 prescriber in any state. In this paragraph, “physician” has the meaning given in s.
11 448.01 (5).

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

14 118.25 (2) (a) 1. As Subject to par. (b), a school board shall, as a condition of
15 employment, the school board, except in 1st class cities, shall require a physical
16 examination, including a chest X-ray or tuberculin test, of every school employee of
17 the school district. The school board shall ensure that the physical examination
18 includes a screening questionnaire for tuberculosis approved by the department of
19 health services and, if indicated, a test to determine the presence or absence of
20 tuberculosis in a communicable form. Freedom from tuberculosis in a communicable
21 form is a condition of employment. ~~In the case of a new school employee, the school~~

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1 ~~board may permit the school employee to submit proof of an examination, chest~~
2 ~~X-ray or tuberculin test complying with this section which was taken within the past~~
3 ~~90 days in lieu of requiring such examination, X-ray or test. If the reaction to the~~
4 ~~tuberculin test is positive, a chest X-ray shall be required. Additional physical~~
5 ~~examinations shall be required thereafter at intervals determined by the school~~
6 ~~board. The school employee shall be examined by a physieian practitioner in the~~
7 ~~employ of or under contract with the school district, but if a physieian practitioner~~
8 ~~is not employed or under contract, the examination shall be made by a physieian~~
9 ~~practitioner selected by the school employee.~~

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

11 118.25 (2) (a) 2. The school board may require a school employee to complete
12 additional health examinations, including physical examinations and an
13 examination consisting of a screening questionnaire for tuberculosis approved by the
14 department of health services, at intervals determined by the school board. A
15 screening questionnaire administered as permitted under this subdivision may be
16 administered by a school nurse or by a registered nurse selected by the school
17 employee and licensed under s. 441.06 or in a party state, as defined in s. 441.50 (2)
18 (j).

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

20 118.25 (2) (b) ~~Such~~ The school board may not require physical examinations,
21 ~~chest X-rays or tuberculin tests shall not be required~~ of any school employee who
22 files with the school board an affidavit setting forth that the employee depends
23 exclusively upon prayer or spiritual means for healing in accordance with the
24 teachings of a bona fide religious sect, denomination, or organization and that the
25 employee is to the best of the employee's knowledge and belief in good health and that

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1 the employee claims exemption from health examination on these grounds.
2 Notwithstanding the filing of such affidavit, if there is reasonable cause to believe
3 that such employee is suffering from an illness detrimental to the health of the
4 pupils, the school board may require a health examination of such school employee
5 sufficient to indicate whether or not such school employee is suffering from such an
6 illness. No school employee may be discriminated against by reason of the
7 employee's filing such affidavit.

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

10 118.25 (2) (c) 1. ~~The physician making~~ A practitioner performing a physical
11 examination under par. (a) shall ~~prepare complete~~ a report of the examination upon
12 a standard form prepared by the department of health services ~~and the department.~~
13 ~~Such report.~~ The practitioner shall be retained retain a copy of the report in the
14 physician's his or her files and ~~the physician~~ shall make confidential
15 recommendations therefrom to the school board and to the school employee on a form
16 prepared by the department of health services ~~and the department.~~ The
17 recommendation form shall contain space for a certificate that the person is
18 examined by the practitioner appears to be free from tuberculosis in a communicable
19 form.

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

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

24 118.25 (2) (c) 2. A registered nurse or school nurse administering a screening
25 questionnaire under par. (a) 2. shall provide a copy of the screening questionnaire

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1 to the school board and shall make confidential recommendations therefrom to the
2 school board and to the school employee on a form prepared by the department of
3 health services. The screening questionnaire shall contain space for a certificate that
4 the person examined by the registered nurse or school nurse does not have risk
5 factors for tuberculosis. If tuberculosis risk factors are identified on the screening
6 questionnaire, the registered nurse or school nurse shall recommend that the person
7 receive a test from a practitioner to determine the presence or absence of tuberculosis
8 a communicable form. If a test to determine the presence or absence of tuberculosis
9 in a communicable form is recommended of the person, and if the test indicates the
10 absence of tuberculosis in a communicable form, the practitioner who administers
11 the test shall certify, on a form prepared by the department of health services, that
12 the person appears to be free from tuberculosis in a communicable form.

13

(END)