

## CHAPTER 143

## COMMUNICABLE DISEASES

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**143.01 Communicable diseases.** Such diseases as are in fact communicable, and so determined by the department by rule, shall be within the term "communicable disease", as used in the statutes.

**143.02 Powers of department.** (1) The department may establish such systems of inspection as it deems necessary to ascertain the presence of communicable disease, and any member or authorized agent or inspector of said department may enter any building, vessel, railway car or other public vehicle to inspect the same and remove therefrom any person affected by such a disease, and for this purpose may require the person in charge of any vessel or public vehicle, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his train at any station or upon any sidetrack, for such time as may be necessary.

(2) In emergency, the department may provide those sick with such disease with medical aid and temporary hospital accommodation and with nurses and attendants.

(3) The department may close schools and forbid public gatherings in schools, churches, and other places when deemed necessary to control epidemics.

(4) The department may adopt and enforce rules for guarding against the introduction of any such disease into the state, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by such disease, for the preparation, transportation or burial of corpses, for the speedy and private interment of the bodies of persons who have died from communicable disease, for the sanitary care of jails, asylums, schoolhouses, hotels and all other public

buildings and premises connected therewith. Any rule may be made applicable to the whole or any specified part of the state, or to any vessel, railway car or other public vehicle. Rules of general application shall be published as provided in ch. 227; but rules or orders may be made for any city, village or town by service thereof upon the local health officer. Rules or orders hereunder shall supersede conflicting local rules or ordinances.

(5) All public officers and employes shall respect and enforce the rules and regulations made hereunder, and they and persons in charge of institutions, buildings, vessels and vehicles within this section, shall cooperate with the department in carrying out its provisions, and if such cooperation be refused or withheld the department may execute its rules and regulations by agents of its own appointment, and expenses incurred in so doing shall be paid by the county, city, town or village, except they are incurred for the prevention and control of Asiatic cholera and the state has created a fund for that purpose.

(6) Any person who shall fail to obey the rules and regulations hereunder, or who shall wilfully obstruct or hinder the execution thereof, for each offense shall be fined not less than \$25 nor more than \$500, or imprisoned not more than 6 months, or both.

**143.03 Duties of local officers.** (1) Every local health officer, upon the appearance of any communicable disease in his territory shall immediately investigate all the circumstances, make a full report to his board and also to the department; he shall at all times promptly take such measures for the prevention, suppression and control of any such disease as he deems needful and proper, subject to the approval of his board, and shall report to his board the progress

of such diseases and the measures used against them, with such frequency as to keep the board fully informed, or at such intervals as the secretary may direct. The local health officer shall inspect the schoolhouses and other public buildings within his district, with sufficient frequency to determine whether such buildings are kept in a sanitary condition.

(2) Local boards of health may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control epidemics, and under direction of the department, shall furnish antitoxin free to indigent persons suffering from communicable disease.

(3) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the municipality.

(4) No person shall interfere with the examination under this chapter of any place or its occupants by health officials or their assistants, nor with any notice posted under this chapter.

**143.04 Reports of cases.** (1) A physician knowing or having reason to know that a person treated or visited by him has a communicable disease, or having such disease, has died, shall report the same to the local health officer, commissioner, or board. In the case of a person having poliomyelitis, the physician shall in addition to the report made to the health officer, send a report immediately to the department, giving the name, address, age and description of disability of such person.

(2) If no physician is in attendance, the same duty shall apply to the head of the family, or if the sick person is not a member of the family, to the person actively in charge of the building.

(3) Anyone having knowledge or reason to believe that any person has a communicable disease shall report the facts to a local health official.

(4) Reports under subsections (1) and (2) shall state so far as known the name, sex, age and the residence of the sick person, the disease and such other facts as the department or local board of health requires. Blanks may be furnished by the department or local board of health and distributed by the local health officer.

(5) All reports shall be made within 24 hours either by telephone, telegraph, mail or by leaving at the office or residence of the health officer.

(6) The local health officials upon receiving a report shall cause a permanent record of the report to be made and upon demand of the department transmit the original or a copy to the department, together with such other particulars as the department requires.

(7) When an epidemic occurs, the local health officials shall immediately report to the department, and shall at all times keep the department informed upon the prevalence of the communicable diseases in the municipality in such manner and with such facts as the department requires.

(8) A list of communicable diseases shall be displayed in a prominent place in each physician's office and in each institution for the treatment of the sick. The list shall be printed on a card furnished without cost by the department.

(9) In diagnosing communicable diseases in patients accepted for treatment, physicians shall use ordinary skill and bacteriological examinations where the same would be of material value in disclosing such disease. If there is a dispute regarding diagnosis, if a bacteriological examination will aid, the local health officer shall order it made by the laboratory of hygiene.

(10) A physician violating sub. (9) and any person violating subs. (1) to (5) shall be fined not less than \$5 nor more than \$100, or imprisoned not less than 5 nor more than 90 days, or both, or subjected to a forfeiture to the school fund of not less than \$5 nor more than \$25 for each day. Upon a 2nd or subsequent conviction of a physician, the medical examining board may suspend his license for one year.

(11) When violation hereof is reported to him by a local health officer or by the department the district attorney shall forthwith prosecute the proper action, and upon request of the department, the attorney general shall assist.

History: 1971 c 164 s. 91

#### **143.05 Isolation, quarantine, placarding.**

(1) The department may require isolation of the patient, quarantine of contacts, placarding of premises, concurrent and terminal disinfection, or such modified forms of these procedures as may be necessary and which are determined by the department by rule.

(2) Local boards of health with the consent of the department may establish quarantine within their territory, and for cities within 5 miles of the limits.

(3) When a health officer shall suspect or be informed of the existence of any communicable disease, he shall at once investigate and make or cause such examinations to be made as are necessary. The diagnosis (report) of a physician, or the notification or confirmatory consent of a parent or caretaker of the patient, or a reasonable belief in the existence of such disease shall be sufficient evidence and having any of these the health officer shall immediately quarantine, placard, isolate or require restrictions in such manner and upon such persons and for such time as the department provides in its

rules. If he be not a physician his local board of health or appointive body shall employ one to aid him as speedily as possible where there is reasonable doubt or disagreement in diagnosis and where advice is needed. The health officer shall be responsible for the prompt placing and removal of signs, shall investigate evasion of the laws and rules upon communicable disease and shall so act as to protect the public.

(4) If the disease be designated by the department as a placardable one, the local health officer shall immediately placard the infected place by posting conspicuously thereon a card. If the department designates the disease as communicable all persons except the health officer, or his representative, attending physicians and nurses and clergymen and the members of the immediate family and any other person having a special written permit from the health officer are forbidden to be in direct contact with the patient.

(5) The local board of health shall employ as many persons as are necessary to execute its orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested. Such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the state laws for the prevention and control of communicable diseases, or the orders, rules and regulations of the department or any board of health.

(6) (a) When the health officer deems it necessary that such afflicted person be quarantined or otherwise restricted in a separate place, he shall remove him, if it can be done without danger to his health, to such place, and the expense of such removal shall be paid by the municipality.

(b) When a person confined in a jail, county asylum or county home or other public place of detention has a disease which the local health officer deems dangerous to the other inmates or the neighborhood the health officer shall by his order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept. If he recover he shall be returned; and if he was committed by a court or under process the removal order or a copy shall be returned by the health officer, with his doings thereon to the committing court officer.

(7) The expense of maintaining quarantine, including examinations and tests for disease carriers made by or with the consent of the health officer, and the enforcement of isolation on the premises, shall be paid for by the city, incorporated village or town upon the order of the local board of health or if none exists upon the order of the health officer.

(8) The health officer shall cause to be disinfected, by methods approved by the department, rooms, clothing and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation and before quarantine is removed, if the disease is a quarantinable one.

(9) If property is destroyed by order of municipal officials, to stamp out or prevent the spread of communicable disease the governing body may, upon certificate of the health officer that the destruction was necessary and of the amount and value, pay for it to the extent of one hundred dollars for property owned or in the possession of a single family, and not to exceed the value certified.

(10) Expenses for necessary nurses, medical attention, food and other articles needed for the comfort of the afflicted person, shall be charged against him or whoever is liable for his support. Indigent cases shall be cared for at municipal expense or by the county where the county system for the poor has been adopted. In any county having a population of 500,000 or more, said county shall provide hospitalization and shall charge the cost thereof against the afflicted person or whoever is liable for his support, but the cost of indigent cases shall be charged to and paid for by the municipality in which the communicable disease is suspected or diagnosed as such. If he is a legal resident of another municipality of this state, the expense of care shall be paid by such municipality, or by the county where the county system for the care of the poor has been adopted, when a sworn statement of such expense is sent to the proper officers within 30 days after quarantine.

(11) Anyone without authority interfering with any placard or sign hereunder, or violating this section, shall be fined not less than five nor more than one hundred dollars, or imprisoned not less than 5 nor more than 90 days.

**143.06 Tuberculosis.** (1) Every physician or person, or owner, agent, manager, principal or superintendent of an institution, hotel or boarding or lodging house, shall cause to be reported to the local board of health in writing, the name, age, sex, occupation and latest address of every person afflicted with tuberculosis, who is in their care, or who has come under their observation, within one week of such time. The report shall be confidential to the extent that the name or address of the patient shall not be published by any newspaper, or publication of general or special circulation.

(2) Every person sick with tuberculosis, or in attendance, and the authorities of such places, shall observe and enforce the rules and

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regulations of the health board for preventing spread.

(3) No person with tuberculosis of the lungs or larynx, or any other disease whose infecting agent is contained in the sputum or other secretions shall deposit his sputum, or other infectious secretion, in such a place as to cause offense or danger. He shall provide himself with a receptacle in which to deposit his sputum, or other infectious secretion, and the contents of said receptacle shall be burned or thoroughly disinfected.

(4) If any person afflicted with tuberculosis, diagnosis of which is made by a medical examination, laboratory or X-ray examination or as shown by the examinations made in the laboratory of hygiene, in any branch and co-operative laboratory or in any municipal laboratory accredited by the department or in any federal governmental laboratory, fails to comply with this section, or the tuberculosis rules of the department, the person may be committed to a county tuberculosis hospital or other place or institution where proper care will be provided and where the necessary precautions will be taken, by any judge of a court of record upon proof that such person has so offended. Such person shall, upon verified petition setting forth the facts by any health officer or any resident of the municipality where the alleged offense was committed be summoned by such judge to appear at the time and place stated in the summons, which time shall not be less than 48 hours after service. The court may make such order for payment for care and treatment as may be authorized by law. Such person may be discharged when the court thinks proper. If the superintendent has good cause to believe that any person so committed may leave the institution the superintendent may restrain the person from leaving. Whenever the superintendent deems it necessary the superintendent may segregate any person so committed. If any person so committed shall escape, the superintendent may take such lawful steps as the superintendent deems necessary to secure the person's return. No provision of this subsection shall be construed as in any manner restricting or limiting the rights of persons as declared in s. 448.03 (2) (g).

(5) Upon complaint of any responsible person the local board of health shall at once investigate and if it finds conditions dangerous to health it shall make and enforce the necessary orders.

(7) For the purpose of this section persons in charge of common carriers shall have police powers.

(8) The penalties prescribed in s. 143.05 (11) shall apply to this section.

History: 1971 c. 158; 1975 c. 383 s. 4; 1975 c. 421.

**143.07 Venereal disease.** (1) Any person afflicted with venereal disease in a communicable form is declared to be a menace to the public health. A physician called to attend a person afflicted with any form of venereal disease shall report the same in the manner directed by the department to the department in writing on blanks furnished by the department. A physician may treat a minor afflicted with venereal disease or examine and diagnose a minor for the presence of such disease without obtaining the consent of such minor's parents or guardian. The physician shall incur no civil liability solely by reason of the lack of consent of such minor's parents or guardian.

(2) An officer of the department having knowledge of any known or reasonably suspected case of such a menace for which no treatment is being administered under the supervision of a physician authorized to prescribe drugs shall forthwith investigate or cause such case to be investigated by such means as are necessary. Whenever, following a request of an officer of the department, a reasonably suspected case of such menace refuses or neglects examination by a physician licensed to prescribe drugs, an officer of the department may proceed to have such person committed in conformity with sub (5), to an institution for examination or observation. A local health officer who is a physician may be authorized to make such investigation and take such commitment procedures in any specific case when directed to do so by the department.

(3) A physician treating such a person shall fully inform him of the danger of transmitting the disease and he shall advise against marriage while the person has the disease in a communicable form.

(4) When a person so afflicted ceases or refuses taking treatment before reaching what in the physician's opinion is the noncommunicable stage, the physician shall forthwith notify the department, giving the name, age, sex and conjugal condition of the person afflicted and the disease. The department shall without delay take such steps as shall be necessary to have said person committed for treatment.

(5) Any such person who thus ceases or refuses treatment under the supervision of a physician authorized to prescribe drugs, upon proof of the facts, may be committed by the judge of any court of record to any county or state institution where proper care and precaution can be provided. Any county board of counties having a population of 250,000 or more may designate the county institution or place to

which such commitments shall be made. The department may make provision for the treatment of venereal disease cases at one or more of the state institutions under its management and shall designate the state institution to which commitment may be made. Such person shall, upon verified petition setting forth the facts by an officer of the department or a local health officer authorized by the department, be summoned by such judge to appear at the time and place stated in the summons, which time shall not be less than 48 hours after service. If the person summoned, as herein provided, fails without reasonable cause to appear and abide by the order of the judge, the person may be proceeded against as in case of contempt. In any case when it appears to the judge that such summons will be ineffectual a warrant may be issued by such judge, directed to the sheriff or any constable or police officer of the county for the apprehension and production of such person complained against before such judge forthwith, and such person shall be arrested and taken before such judge accordingly. Upon return of the process the judge shall proceed to hear the latter summarily. Commitment shall continue until the disease is no longer communicable or until other provisions satisfactory to the department are made for treatment, the certificate of the officer making the complaint being prima facie evidence of either. Nothing herein contained shall be construed as in any manner restricting or limiting the rights of individuals as declared in s. 448.03 (2) (g).

(7) Reports, examinations and inspections and all records thereof made under this section shall be confidential and not open to public inspection, and no part thereof shall be divulged except as may be necessary for the preservation of the public health. When a physician has reported a case of venereal disease to the department, in compliance with sub. (4), all questions regarding the presence of the disease and the date from which the treatment was neglected shall not be regarded as privileged information when the patient or physician is called upon to testify to the facts before any court of record.

(8) The department may prescribe reasonable rules and regulations for carrying out this section, and with the approval of the governor, regulate the presence and conduct of civilians within a designated zone around any military or naval cantonment or training station.

(9) The department shall prepare for free distribution upon request to citizens of the state, printed information and instructions concerning venereal diseases.

(10) The laboratory of hygiene and branch and cooperative laboratories shall make

microscopical examinations for the diagnosis of gonorrhea, and the necessary examinations of blood, cerebrospinal fluid or secretions for the diagnosis of syphilis, for any physician in the state, and shall report the positive results of such examinations to the department with the name of the physician to whom reported. All laboratories making blood tests for syphilis or examinations for gonorrhea shall report all positive tests to the department, with the name of the physician to whom reported.

(11) No person not a physician licensed in this state shall give, sell, prescribe or recommend any drugs, or other substance for syphilis, gonorrhea or chancroid, or compound any such except on written prescription bearing date and signed by a physician licensed in this state.

(12) No person having the supervision or control of any public place shall display or permit to be displayed any written matter relating to venereal disease, except governmental and educational publications not objectionable to the department.

(13) Any city or county may by ordinance require that every person arrested and convicted within its jurisdiction for any act involving moral turpitude shall undergo a medical examination to determine whether or not such person is afflicted with a venereal disease. Nothing herein contained shall be construed as in any manner restricting or limiting the rights or privileges of individuals under s. 448.03 (2) (g), or to compel such individuals to submit to such examinations.

History: 1971 c. 42, 125; 1973 c. 90; 1975 c. 6; 1975 c. 383 s. 4; 1975 c. 421.

**143.075 Sexual and venereal diseases; advertising; treatment of; penalty.** Any person who shall advertise in any manner, either in his own name or under the name of another person, firm or pretended firm, association, corporation or pretended corporation, in any newspaper, pamphlet, circular or other written or printed paper, the treatment and curing of venereal diseases, the restoration of "lost manhood" or who shall advertise in any manner that he is a specialist in diseases of the sexual organs or diseases caused by sexual weakness, self-abuse, or excessive sexual indulgence or in any diseases of a like nature or produced by like causes, or who shall advertise in any manner any medicine, drug, compound or any means whatever whereby sexual and venereal diseases of men and women may be cured or relieved or abortion or miscarriage produced, and the owner, publisher or manager of any newspaper who shall publish any such advertisement or permit or allow any such advertisement to be inserted and published in any newspaper owned or controlled by him or in which he has an

interest, and any person, firm or corporation who shall sell, offer for sale, keep for sale, give away or otherwise dispose of any newspaper, pamphlet, circular, or other written or printed paper containing any such advertisement, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100.

**143.08 Handling foods.** It shall be unlawful for any person, firm or corporation operating any hotel, cafe, restaurant, dining car or other public eating place, or operating any bakery, meat market, dairy or other establishment where food products to be consumed by others are handled, knowingly to employ or keep in their employ any person handling food products who has a communicable disease or any venereal disease in a communicable form. Whenever required by the local health officer or any officer of the department any person employed in the handling of foods who is suspected of having a venereal disease in the communicable form shall submit to an examination by such officer or by some physician designated by such officer. The expense of such examination, if any, shall be paid by the person examined if found to have such disease. Any person knowingly affected with a communicable disease or any venereal disease in a communicable form who handles food products to be consumed by others and any persons knowingly employing or permitting such person to handle food products to be consumed by others shall be punished as provided by section 143.09.

**143.085 Handlers of food and beverages; travelling shows, circuses and carnivals.**

(1) Every person employed by any traveling show, circus or carnival, who is not a resident of the town, city or village wherein such show, circus or carnival is operating, and who handles or serves food or beverages to the public shall hold a medical certificate not more than 6 months old from a reputable physician, stating that such employe is free from communicable disease and venereal disease in the communicable stage.

(2) Failure to comply with the requirements of subsection (1) shall be a violation of the license or permit to operate issued to the owner or operator of such traveling show, circus or carnival, and cause for immediate revocation thereof. Any person who shall violate any provision of this section shall be punished as provided by section 143.09.

**143.09 Penalty.** Violation of section 143.07, 143.08 or 143.085 shall be punished by a fine of

not more than \$500 or by imprisonment in the county jail for not more than one year, or both.

**143.10 Communicable diseases; suspected cases; protection of public.** Any person who knows that he is afflicted with smallpox, diphtheria, scarlet fever or other dangerous communicable disease, who shall wilfully enter any public place or public conveyance, or shall, in any way, wilfully subject others to danger of contracting his disease and any person who shall knowingly and wilfully take, aid in taking, advise or cause to be taken, a person who is afflicted or is suspected of being afflicted with any such disease, into any such place or conveyance, or in any way knowingly and wilfully subject, expose or aid in exposing any other person to danger of contracting any such disease, shall be punished by imprisonment in the county jail not more than 100 days nor less than 20 days, or by fine not exceeding \$100 nor less than \$50, or by both such fine and imprisonment.

**143.11 Violation of law relating to health.** Any person who wilfully violates any law relating to the public health, for which violation no other penalty is prescribed, or any order or regulation of the department or of any board of health or town sanitary district commission, lawfully made and duly published, shall be imprisoned not more than 3 months or fined not to exceed \$100.

**143.12 Communicable diseases; schools and libraries; duties of teachers, parents, officers.**

(1) Upon the appearance of any dangerous communicable disease, the local health officer shall give written notice to the principal or teacher of each school, and the librarian of each library in his district, of the names of all families where the disease exists. If the rules of the department provide for the exclusion from school of persons who live in homes where such disease exists, the health officer shall request the principal of the school to exclude from school all such persons until a written order signed by the health officer permitting attendance is presented.

(2) When the principal or teacher of a school has been notified of the prevalence of a dangerous communicable disease in the school district, or when the principal or teacher of the school knows or suspects that a dangerous communicable disease is present in the school, he shall at once notify the local health officer who must then investigate the matter.

(3) Parents shall not permit children afflicted with a dangerous communicable disease to attend school.

(4) All schoolhouses, before the beginning of each school term, shall be thoroughly cleaned and, after the outbreak therein of any contagious disease, shall be thoroughly disinfected, as provided by the department. All buildings requiring disinfection shall be disinfected by or under the direction of the local health officer, and the expenses of disinfection shall be paid by the town, village or city, upon the order of the local board of health.

(5) Neglect or refusal on the part of any principal or teacher to comply with the requirements of this section shall be sufficient cause for his dismissal.

(6) All teachers shall send home pupils who are habitually dirty, noisome or lousy, and shall immediately give written notice to the school board or the superintendent of schools and to the parents of such pupils of such action and the reasons therefor.

(7) Library books shall not be taken into or returned from a home where such disease exists or has recently occurred unless thoroughly disinfected by or under the direction of the local health officer, and may be burned by such officer.

**143.13 Protection against smallpox.** (1) Each local board of health shall forthwith, upon the appearance of smallpox, prohibit the inhabitants of the municipality from attending school for a period of fourteen days, except persons who have been successfully vaccinated, or who show a doctor's certificate of recent vaccination. This subsection shall apply to nonresidents coming into the municipality to attend school.

(2) Should new cases of smallpox continue to develop in the municipality, the local board of health shall renew such order for so many days as the department may deem necessary.

(3) When exclusion from school is so ordered the local board of health shall provide for the free vaccination of all resident children of school age during the outbreak of smallpox, the necessary expense thereof to be paid by the municipality, upon the order of the local board of health. Such gratuitous vaccination may be extended to nonresident school children of the municipality at the discretion of the local board of health. Upon the order of their respective boards of health the municipalities comprising a joint school district shall offer free vaccination to their own resident pupils excluded from a joint school because of the appearance of smallpox in the municipality in which the school is located. The department shall, when deemed necessary by the local board of health, determine the method to be employed in such vaccination, shall designate

the persons to do the work and may determine the maximum fee to be charged.

**143.14 Typhoid carriers; commitment; compensation; nonresidents.** (1) Any person declared by the department to be a typhoid carrier as determined by epidemiological or laboratory tests shall be deemed a menace to the public health. Whenever a typhoid carrier is unable or unwilling to conduct himself in the manner required by the department he may be made to appear before the judge of any county of which he is a resident or which he inhabits. Complaint shall be made by an officer of the department. Upon proof of violation of the requirements of the department such carrier may be committed by the court to any institution where proper care and maintenance can be provided. The period of commitment shall continue until the department through its proper officer or the committing court shall consent to discharge. Expense of maintenance during commitment shall be borne by the person so committed, or if he is without sufficient funds, by the county from which he was committed.

(2) Whenever a typhoid carrier is prevented by his affliction from engaging in an occupation assuring a livelihood, such person may, upon complaint of the department, be brought before the court of the county of which he is a resident and upon due proof such funds as are necessary to compensate for loss of earning power may be awarded him not in excess of \$30 per month. During the receipt of such funds, such typhoid carriers shall be quartered in the home, place or establishment under arrangements satisfactory to the court or the department. Payment shall be made by the county of his residence.

(3) Any nonresident carrier violating the rules of the department relating to typhoid carriers may be returned by the department or by any local health officer to the county or municipality of his residence and the health officer at the point of his residence shall be promptly informed and shall assume jurisdiction.

(4) Nothing herein contained shall be construed as in any manner restricting or limiting the rights of individuals, as declared in s. 448.03 (2) (g).

History: 1975 c. 383 s. 4.

**143.15 Laboratories, approval of.** (1) It is the purpose of this section to assure the reliability and quality of manual and automated laboratory screening diagnostic examinations made for the protection of the health of the public.

(2) Any laboratory, except physician office laboratories serving not more than 2 physicians,

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established and operated to perform bacteriological, biological, serological, chemical, hematological, immunological, cytological or microscopic examinations of specimens from suspected cases of disease or for the examination of milk, water and food products, for the purpose of protecting the health of the public shall apply to the department for an evaluation of the examinations and appropriate certification.

(3) The department shall designate which laboratory examinations it deems necessary for the protection of the health of the public. Substantial failure of any laboratory to show evidence of quality control procedures, sufficient to comply with current standards and practice as prescribed by the department, shall result in denial or revocation of the certificate of approval. The department shall provide for consultation on laboratory methods and procedures.

(4) The department, after conducting an evaluation, shall issue an appropriate certificate of approval to the laboratory, covering those examinations it has evaluated which have met the minimum standards established by the department. A certificate of approval shall be valid for 12 months from the date of issue but shall be revoked by the department if the minimum standards established by the department for certification are not met within 2 successive evaluations. Such evaluations must occur within 60 days of the annual renewal of the certificate of approval.

(5) The department shall establish uniform minimum standards to be used in the evaluation and certification of laboratory examinations.

(6) Laboratories required to apply to the department under sub (2) shall not operate without a certificate of approval. Any lab which operates without a certificate of approval shall be fined not less than \$100 nor more than \$1,000. Each day such violation continues shall constitute a separate offense.

(7) The department may promulgate rules establishing a fee schedule to offset the cost of the certification of laboratories; the fee to be determined by the category of the facility to be certified, and may promulgate rules establishing a fee collection procedure.

History: 1975 c. 39, 198, 224.

**143.16 Physical exams for teachers.** The governing body of each private or parochial school enrolling pupils in any grades from one to 12 and of every privately supported institution of higher education in the state granting a certificate, diploma or degree shall, as a condition of entering or continuing such employment, require a physical examination, including a chest X-ray or tuberculin test, of

every employe of such institution except in institutions of higher learning employes working less than 60 days in any school year shall be exempt; except that a governing body may, in the case of a new employe, permit the employe to submit proof of an examination, chest X-ray or tuberculin test, which complies with this section taken within the past 2 years in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive then a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by said governing body. A chest X-ray or tuberculin test shall be required at least once every 3 years and if the reaction to such tuberculin test is positive then a chest X-ray shall be required. The physician making such examination shall prepare a report of same upon a standard form prescribed by the department. Such report shall be retained in the physician's files and he shall make confidential recommendations therefrom to the governing body and to the employe on a form prescribed by the department. The recommendation form shall contain space for a certificate that the person examined is free from tuberculosis in a communicable form. Not more than 30 days after the opening of each semester or similar period, each institution shall file with the department a certificate of compliance on a form satisfactory to the department stating that they have complied with this section.

**143.17 Health examinations.** (1) The provisions of sub. (2), relating to periodic physical examinations, shall apply to the vocational, technical and adult education schools; and to the university of Wisconsin system, except that their classified civil service personnel shall not be required to submit to general physical examinations but shall submit to chest X-ray or tuberculin tests as required in sub. (2).

(2) The governing body shall, as a condition of entering or continuing employment, require a physical examination including a chest X-ray or tuberculin test, of every person employed for 60 days or more in any fiscal year by the governing body; except that the governing body may, in the case of a new employe, permit the employe to submit proof of an examination, chest X-ray or tuberculin test which complies with this section taken within the past 2 years in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive then a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the governing body. A chest X-ray or tuberculin test shall be required at least once every 3 years; if the reaction to such tuberculin test is positive then a chest X-ray shall

be required. The employe shall be examined by a licensed physician in the employ of or under contract with the institution. If no such physician is employed or under contract, the examination shall be made by any licensed physician selected by the employe. Such physical examinations, chest X-rays or tuberculin tests shall not be required of any such employe who files with the governing body an affidavit setting forth that he 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 he is to the best of his knowledge and belief in good health and that he claims exemption from health examination on such grounds. Notwithstanding the filing of such affidavit if there is reasonable cause to believe that such employe is suffering from an illness detrimental to the health of the pupils, the governing body may require such health examination of such employe sufficient to indicate whether or not such employe is suffering from such an illness. No employe shall be discriminated against by reason of his filing the

forementioned affidavit. The physician making such examination shall prepare a report of his examination upon a standard form prepared by the department and the department of public instruction. Such report shall be retained in the physician's files and he shall make confidential recommendations therefrom to the governing body and to the employe on a form prepared by the department and the department of public instruction. The recommendation form shall contain space for a certificate that the person is free from tuberculosis in a communicable form. The cost of such examinations, including X-rays and tuberculin tests, shall be paid by the individual employe, but the governing body may arrange for the use of its facilities and qualified professional staff to carry out this function with or without charge to the employe. Not more than 30 days after the opening of each semester or similar period, each institution shall file with the department a certificate of compliance, on a form satisfactory to the department stating that they have complied with this section.

**History:** 1971 c. 154; 1975 c. 189.