

ERIC GENRICH

STATE REPRESENTATIVE — 90TH DISTRICT



September 14, 2017

Testimony on Senate Bill 382

Chairman Olsen and Members of the Senate Committee on Education:

Thank you for holding a hearing today on Senate Bill 382 (SB 382), which makes Wisconsin law consistent with modern public health practice by changing the TB *testing* requirement to a *screening* requirement, involving a questionnaire and examination, followed by a TB test only if deemed necessary by the practitioner. By adopting a "screening first" requirement, SB 382 will save money for school districts and reduce their administrative burden.

Additionally, SB 382 makes the following changes:

- adds definition of "Practitioner" that includes physician and Advanced Practice Nurse Practitioner (APNP), physician assistant, or doctor of osteopathy;
- replaces the term "physical examinations" with "health examinations" and removes references to "chest X-rays" and "tuberculin tests;"
- and allows school nurses and registered nurses to administer mandatory follow-up screening questionnaires for tuberculosis.

I want to thank the Wisconsin Association of School Nurses for bringing this legislation to my attention and the Wisconsin Association of School Boards for their efforts to make this bill stronger and beneficial to all stakeholders.

This legislation is a common sense change that maintains the health and safety of our schools while providing welcome flexibility and financial savings for school districts.

Thank you again to Chairman Olsen for co-authoring this legislation and thank you to committee members for your consideration of SB 382. If you have any questions, please feel free to reach out to me and I would be happy to answer them.



Luther S. Olsen

State Senator

14th District

TO: Senate Committee on Education
FROM: Senator Olsen
DATE: September 14th, 2017
SUBJECT: Testimony for Senate Bill 382

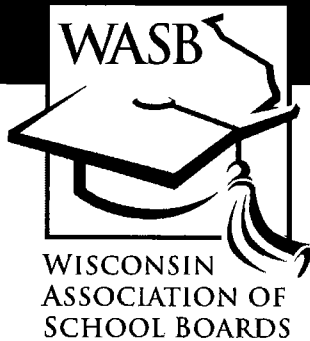
Thank you members of the Senate Committee on Education for holding a hearing and allowing me to testify in support of Senate Bill 382. This piece of legislation has been brought to my attention by school nurses and administrators with concerns regarding the current statute that requires tuberculosis (TB) tests for all new school employees.

Under current law, the Milwaukee Public School District, is not required to use the completion of a TB test as a condition for employment. Though, current law requires other school districts to use the completion of a physical examination that includes a TB test and a chest X-ray as a condition for employment. This can be a costly and oppressive requirement for many school districts.

The purpose of Senate Bill 382, is to save school districts money, and to streamline our law with modern public health practices. Senate Bill 382 changes the TB testing requirement to a screening requirement, which includes a questionnaire (approved by the Department of Health Services) and an examination. If a TB test is deemed necessary by the examination, a TB test would follow the questionnaire and examination. To create more savings for school districts, the definition of "Practitioner" adds physician and advanced practice nurse practitioner, physician assistant, or doctor of osteopathy, all to be allowed to conduct the physical examination. Therefore, a school nurse or other registered nurse would be allowed to administer the TB screening.

Senate Bill 382 also includes the Milwaukee Public School District in requiring school boards to condition employment on the completion of the TB screening. A school board may also determine intervals for which a screening questionnaire for TB be required for a school district employee.

Thank you members, I ask for your support on Senate Bill 382 and I am happy to answer any questions that you may have.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

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PHONE: 608-257-2622 FAX: 608-257-8386

TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: September 14, 2017
RE: **SUPPORT for SENATE BILL 382**, relating to screening school district employees for tuberculosis.

The Wisconsin Association of School Boards (WASB), on behalf of all 422 public school boards in the state of Wisconsin, **supports** Senate Bill 382.

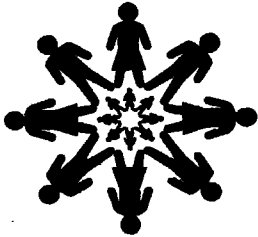
The WASB worked with the Wisconsin Association of School Nurses and the authors to develop this bill. The changes made by the bill will safeguard student, staff and public health while reducing school district costs.

Current law requires school districts to condition the employment of school personnel who come in contact with children or who handle or prepare food for children upon a physical examination by a licensed physician that includes a chest X-ray or a tuberculin test. The cost of such examinations, including X-rays and tuberculin tests, must be paid out of school district funds.

As noted, Senate Bill 382 would enable school districts to reduce their costs. It would still require a physical examination paid for by the district, but would provide flexibility by allowing the exam to be performed by a range of medical practitioners beyond licensed physicians, including doctors of osteopathy, physician assistants, or advanced practice nurse prescribers (practitioners). In addition, SB 382 substitutes a provision that the physical exam must include completion of a screening questionnaire for TB for the current provision specifying a chest X-ray or a tuberculin test, either of which is costly and intrusive.

Current law also permits a school district to require employees to undergo additional physical examinations at intervals determined by the school district. Under the bill, the school districts may require a school district employee to complete a screening questionnaire for tuberculosis at intervals determined by the school board and these additional screening questionnaires may be administered by a school nurse or other registered nurse.

One ambiguity in the existing law that the bill does not address concerns the extent to which a tuberculin assessment/screening may, by itself, be deemed a sufficient physical examination for purposes of section 118.25. Common sense suggests there are several positions within a school district, such as clerical positions, for which the physical demands of the essential job functions are minimal and for which a requirement to have a physical exam that includes assessments beyond the tuberculin assessment would be unnecessary. It would be helpful if section 118.25 were clarified to expressly and unambiguously allow a school board to determine, at its discretion and by board policy, that the tuberculin assessment is a sufficient physical assessment for purposes of that statute. This could easily be accomplished simply by adding ", at minimum," after the word "includes" at page 2, line 18 of the bill. Making this change would provide clarity, reduce uncertainty, and reduce costs and we support it. We believe the changes made by this bill represent an improvement over current law and with this additional change would represent a significant improvement over current law.



WASN

Wisconsin Association of School Nurses

Testimony to the Senate Education Committee in Support of SB 382 September 14, 2017

The Wisconsin Association of School Nurses (WASN) would like to thank Senator Luther Olsen and Representative Eric Genrich for introducing Senate Bill 382, and its companion, Assembly Bill 382. WASN worked with the authors to develop SB 382/AB 382. WASN strongly supports the legislation.

Most importantly, from the perspective of the state's school nurses, SB 382 will continue to ensure the health and safety of the young people who attend our schools and the dedicated employees who work in schools, while also making our law more efficient and cost-effective.

SB 382 will modernize the state's school health examination law (118.25) by:

- 1) Making the procedure for testing new school employees for the presence of tuberculosis (TB) consistent with modern public health protocol -- a screening questionnaire followed by a TB test if certain indications arise in the screening.

Current law requires that new school employees receive a TB test or X-ray. Such a requirement is outdated, expensive and unnecessary.

Freedom from TB in a communicable form will continue to be a condition of employment if the bill is enacted.

- 2) Making it clear that a registered nurse or school nurse may administer additional TB screening questionnaires beyond those administered at initial hire.
- 3) Creating a definition of "Practitioner" that includes Physician Assistants (PAs) and Advanced Practice Nurse Prescribers (APNPs), along with physicians. The current statute only refers to physicians. This is also consistent with modern protocols.
- 4) Adding the Milwaukee Public Schools (MPS) to the statute. MPS has been exempt based on previous agreements where MPS and the City of Milwaukee addressed MPS health needs independently. Both MPS and the city have indicated their support for having MPS added to the statute.
- 5) Changing statutory references from the "Department of Health and Family Services" to the "Department of Health Services" (the current name of the department).

Thank you once again to Senator Olsen and Representative Genrich, and all the co-sponsors of SB 382, for their leadership on this legislation.