



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0183/10-2

TAY:jlg:ijs

RMC

D-NOTE

DOA:.....Jablonsky - TB/communicable diseases

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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*do not gen*  
AN ACT ...; relating to: tuberculosis and other communicable diseases.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**HEALTH**

This bill removes from the statutes outdated references to tuberculosis sanitoriums and hospitals. The bill also does all of the following with respect to tuberculosis:

1. Requires that laboratories that perform primary culture for mycobacteria also perform organism identification for mycobacterium tuberculosis and conduct antimicrobial drug susceptibility tests on the mycobacterium tuberculosis bacteria. The results of that test must be reported to the department of health and family services (DHFS).

2. Creates a process by which a person with infectious tuberculosis or with a suspected case of tuberculosis may be confined pending a hearing if the confinement is to be longer than 72 hours.

3. Permits local health departments to request from DHFS certification to establish and maintain a public health dispensary.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.435 (5) (e) of the statutes is amended to read:

2           20.435 (5) (e) *Disease aids.* Biennially, the amounts in the schedule for  
3 assisting victims of diseases, as provided in ss. 49.68, 49.683, 49.685, ~~58.06, 252.08~~  
4 ~~(4) and (5)~~ and 252.10 (6) and (7), as allocated by the department.

5           **SECTION 2.** 46.10 (2m) of the statutes is amended to read:

6           46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis  
7 patients receiving care, maintenance, services and supplies under ss. ~~58.06 and~~  
8 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and  
9 supplies provided by prisons named in s. 302.01 or to parents of a minor who receives  
10 care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor's parent  
11 or guardian.

12           **SECTION 3.** 46.18 (1) of the statutes is amended to read:

13           46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis  
14 ~~hospital or sanatorium~~, or similar institution, shall, subject to regulations approved  
15 by the county board, be managed by a board of trustees, electors of the county, chosen  
16 by ballot by the county board. At its annual meeting, the county board shall appoint  
17 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered  
18 3-year terms ending the first Monday in January. Any vacancy shall be filled for the  
19 unexpired term by the county board; but the chairperson of the county board may  
20 appoint a trustee to fill the vacancy until the county board acts.

21           **SECTION 4.** 46.20 (1) of the statutes is amended to read:

22           46.20 (1) Any 2 or more counties may jointly, by majority vote of all the  
23 members of each county board, provide for a county home, infirmary, hospital,  
24 ~~tuberculosis hospital or sanatorium~~, or similar institution, or juvenile detention  
25 home, which shall be established, maintained and operated pursuant to all the

1 statutes relating to the establishment, maintenance and operation of similar  
2 institutions, respectively, by any single county whose population is less than  
3 250,000, except as otherwise provided in this section; and in all respects, except as  
4 herein specified, each such institution shall be the county institution of each of the  
5 counties so joining.

6 **SECTION 5.** 46.20 (3) of the statutes is amended to read:

7 46.20 (3) Upon approval of the site, plans and specifications, as provided in s.  
8 ~~252.073 as to tuberculosis sanatoriums~~ and ss. 46.17 and 301.37, as to other  
9 institutions, the joint committee shall report to the several county boards the  
10 estimated cost of the site and buildings, and the amount thereof chargeable to each  
11 county on the basis set forth in sub. (6) (a), appending to each report a copy of the  
12 plans and specifications and all matter relating to the site and buildings. If the report  
13 is approved by each county board, the joint committee shall purchase the site and  
14 cause the buildings to be erected in accordance with the plans and specifications.

15 **SECTION 6.** 46.20 (8) of the statutes is repealed.

16 **SECTION 7.** 46.20 (10) of the statutes is repealed.

17 **SECTION 8.** 48.60 (2) (d) of the statutes is amended to read:

18 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home  
19 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;

20 **SECTION 9.** 49.015 (1m) 5. of the statutes is created to read:

21 49.015 (1m) 5. The individual has infectious tuberculosis, as defined in s.  
22 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).

23 **SECTION 10.** 49.08 of the statutes is amended to read:

24 **49.08 Recovery of relief and other assistance.** If any person is the owner  
25 of property at the time of receiving general relief under ch. 49, 1993 stats., relief

1 funded by a relief block grant or other assistance as an inmate of any county or  
2 municipal institution in which the state is not chargeable with all or a part of the  
3 inmate's maintenance or as a tuberculosis patient provided for in ss. ~~58.06 and~~  
4 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,  
5 the authorities charged with the care of the dependent, or the board in charge of the  
6 institution, may sue for the value of the relief or other assistance from the person or  
7 the person's estate. Except as otherwise provided in this section, the 10-year statute  
8 of limitations may be pleaded in defense in an action to recover relief or other  
9 assistance. Where the recipient of relief or other assistance is deceased, a claim may  
10 be filed against the decedent's estate and the statute of limitations specified in s.  
11 859.02 shall be exclusively applicable. The court may refuse to render judgment or  
12 allow the claim in any case where a parent, spouse, surviving spouse or child is  
13 dependent on the property for support. The court in rendering judgment shall take  
14 into account the current family budget requirement as fixed by the U.S. department  
15 of labor for the community or as fixed by the authorities of the community in charge  
16 of public assistance. The records kept by the municipality, county or institution are  
17 prima facie evidence of the value of the relief or other assistance furnished. ~~This~~  
18 ~~section shall not apply to any person who receives care for pulmonary tuberculosis~~  
19 ~~as provided in s. 252.08 (4).~~

20 **SECTION 11.** 50.135 (1) of the statutes is amended to read:

21 50.135 (1) DEFINITION. In this section, "inpatient health care facility" means  
22 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~  
23 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,  
24 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but  
25 does not include community-based residential facilities.

1           **SECTION 12.** 50.39 (2) of the statutes is amended to read:

2           50.39 (2) The use of the title “hospital” to represent or identify any facility  
3           which does not meet the definition of a “hospital” as provided herein or is not subject  
4           to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed  
5           by ss. ~~s.~~ 51.09 and ~~252.073~~ are exempt.

6           **SECTION 13.** 50.39 (3) of the statutes is amended to read:

7           50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,  
8           ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.  
9           938.02 (15m), correctional institutions governed by the department of corrections  
10          under s. 301.02 and the offices and clinics of persons licensed to treat the sick under  
11          chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do  
12          not abridge the rights of the medical examining board, physical therapists affiliated  
13          credentialing board, podiatrists affiliated credentialing board, dentistry examining  
14          board, pharmacy examining board, chiropractic examining board and board of  
15          nursing in carrying out their statutory duties and responsibilities.

16          **SECTION 14.** 58.06 of the statutes is repealed.

17          **SECTION 15.** 101.123 (1) (b) of the statutes is amended to read:

18          101.123 (1) (b) “Inpatient health care facility” means a county home  
19          established under s. 49.70, a county infirmary established under s. 49.72, or a  
20          community-based residential facility or a nursing home licensed under s. 50.03 ~~or~~  
21          ~~a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.~~

22          **SECTION 16.** 102.26 (2m) of the statutes is repealed.

23          **SECTION 17.** 102.42 (6) of the statutes is amended to read:

24          102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have  
25          elected Christian Science treatment in lieu of medical, surgical, dental, or hospital

1 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or  
2 disability of an employe, if the death be caused, or insofar as the disability may be  
3 aggravated, caused or continued by an unreasonable refusal or neglect to submit to  
4 or follow any competent and reasonable medical, surgical or dental treatment or, in  
5 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~  
6 ~~sanatorium~~ or medical treatment when found by the department to be necessary.  
7 The right to compensation accruing during a period of refusal or neglect to submit  
8 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the  
9 department to be necessary in the case of tuberculosis shall be barred, irrespective  
10 of whether disability was aggravated, caused or continued thereby.

11 **SECTION 18.** 146.819 (4) (e) of the statutes is repealed.

12 **SECTION 19.** 150.84 (2) of the statutes is amended to read:

13 150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (4), or  
14 any hospital, nursing home, community-based residential facility, county home,  
15 county infirmary, county hospital, county mental health center, ~~tuberculosis~~  
16 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,  
17 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a  
18 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

19 **SECTION 20.** 155.01 (6) of the statutes is amended to read:

20 155.01 (6) "Health care facility" means a facility, as defined in s. 647.01 (4), or  
21 any hospital, nursing home, community-based residential facility, county home,  
22 county infirmary, county hospital, county mental health center, ~~tuberculosis~~  
23 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,  
24 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a  
25 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

1           **SECTION 21.** 252.07 (1) of the statutes is renumbered 252.07 (1m) and amended  
2 to read:

3           252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~  
4 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the  
5 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~  
6 receives a specimen for tuberculosis testing shall report all positive results obtained  
7 by any appropriate procedure, including a procedure performed by an out-of-state  
8 laboratory, to the local health officer and to the department.

9           **SECTION 22.** 252.07 (1g) of the statutes is created to read:

10          252.07 (1g) In this section:

11          (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory  
12 tract, capable of producing infection or disease in others as demonstrated by the  
13 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest  
14 radiograph and clinical findings.

15          (b) “Isolate” means a population of mycobacterium tuberculosis bacteria that  
16 has been obtained in pure culture medium.

17          (c) “Isolation” means the separation from other persons of a person with  
18 infectious tuberculosis in a place and under conditions that prevent the transmission  
19 of the infection.

20          (d) “Suspect tuberculosis” means an illness marked by symptoms and  
21 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,  
22 prolonged fever, hemoptysis, compatible roentgenographic findings or other  
23 appropriate medical imaging findings.

24          **SECTION 23.** 252.07 (1p) of the statutes is created to read:

1           252.07 (1p) Any laboratory that performs primary culture for mycobacteria  
2 shall also perform organism identification for mycobacterium tuberculosis complex  
3 using an approved rapid testing procedure specified by the department by rule.

4           **SECTION 24.** 252.07 (1t) of the statutes is created to read:

5           252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall  
6 ensure that antimicrobial drug susceptibility tests are performed on the initial  
7 isolate. The laboratory shall report the results of these tests to the local health officer  
8 and the department.

9           **SECTION 25.** 252.07 (2) of the statutes is amended to read:

10          252.07 (2) The department shall identify groups at risk for contracting or  
11 transmitting mycobacterium tuberculosis and shall recommend the protocol for  
12 screening members of those groups. ~~If necessary to prevent or control the~~  
13 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~  
14 ~~that require screening of members of specific groups that are at risk for contracting~~  
15 ~~or transmitting mycobacterium tuberculosis.~~

16          **SECTION 26.** 252.07 (4) of the statutes is repealed.

17          **SECTION 27.** 252.07 (5) of the statutes is amended to read:

18          252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health  
19 officer shall at once investigate and make and enforce the necessary orders. If any  
20 person does not voluntarily comply with any order made by the local health officer  
21 with respect to that person, the local health officer or the department may order a  
22 medical evaluation, directly observed therapy or home isolation of that person.

23          **SECTION 28.** 252.07 (7) of the statutes is repealed.

24          **SECTION 29.** 252.07 (8) of the statutes is created to read:



1           252.07 (8) (a) The department or a local health officer may order the  
2 confinement to a facility of an individual who has a confirmed diagnosis of infectious  
3 tuberculosis or suspect tuberculosis if all of the following conditions are met:

4           1. The department or local health officer notifies a court in writing of the  
5 confinement.

6           2. The department or local health officer provides to the court a written  
7 statement from a physician that the individual has infectious tuberculosis or suspect  
8 tuberculosis.

9           3. The department or local health officer provides to the court evidence that the  
10 individual has refused to follow a prescribed treatment regimen or, in the case of an  
11 individual with suspect tuberculosis, has refused to undergo a medical examination  
12 to confirm whether the individual has infectious tuberculosis.

13           4. In the case of an individual with a confirmed diagnosis of infectious  
14 tuberculosis, the department or local health officer determines that the individual  
15 poses an imminent and substantial threat to himself or herself or to the public  
16 health. The department or local health officer shall provide to the court a written  
17 statement of that determination.

18           (b) If the department or local health officer orders the confinement of an  
19 individual under this subsection, a law enforcement officer, or other person  
20 authorized by the local public health officer, shall transport the individual, if  
21 necessary, to a facility that the department or local health officer determines will  
22 meet the individual's need for medical evaluation, isolation and treatment.

23           (c) No individual may be confined under this subsection for more than 72 hours,  
24 excluding Saturdays, Sundays and legal holidays, without a court hearing under  
25 sub. (9) to determine whether the confinement should continue.

1           **SECTION 30.** 252.07 (9) of the statutes is created to read:

2           252.07 (9) (a) The department or a local health officer may petition any court  
3 for a hearing to determine whether an individual with infectious or suspect  
4 tuberculosis should be confined for longer than 72 hours in a facility where proper  
5 care and treatment will be provided and spread of the disease will be prevented. The  
6 department or local health officer shall include in the petition documentation that  
7 demonstrates all of the following:

8           1. That the individual named in the petition has infectious tuberculosis; that  
9 the individual has noninfectious tuberculosis but is at high risk of developing  
10 infectious tuberculosis; or that the individual has suspect tuberculosis.

11           2. That the individual has failed to comply with the prescribed treatment  
12 regimen or with any rules promulgated by the department under sub. (11); or that  
13 the disease is resistant to the medication prescribed to the individual.

14           3. That all other reasonable means of achieving voluntary compliance with  
15 treatment have been exhausted and no less restrictive alternative exists; or that no  
16 other medication to treat the resistant disease is available.

17           4. That the individual poses an imminent and substantial threat to himself or  
18 herself or to the public health.

19           (b) The department or local health officer shall give the individual written  
20 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice  
21 of the hearing shall include all of the following information:

22           1. The date, time and place of the hearing.

23           2. The grounds, and underlying facts, upon which confinement of the individual  
24 is being sought.

25           3. An explanation of the individual's rights specified under par. (d).

1           4. The proposed actions to be taken and the reasons for each action.

2           (c) If the court orders confinement of an individual under this subsection, the  
3 individual shall remain confined until the department or local health officer, with the  
4 concurrence of a treating physician, determines that treatment is complete or that  
5 the individual is no longer a substantial threat to himself or herself or to the public  
6 health. If the individual is to be confined for more than 6 months, the court shall  
7 review the confinement every 6 months.

8           (d) An individual who is the subject of a petition for a hearing under this  
9 subsection has the right to appear at the hearing, the right to present evidence and  
10 cross-examine witnesses and the right to be represented by adversary counsel. At  
11 the time of the filing of the petition the court shall assure that the individual who is  
12 the subject of the petition is represented by adversary counsel. If the individual  
13 claims or appears to be indigent, the court shall refer the individual to the authority  
14 for indigency determinations specified under s. 977.07 (1). If the individual is a child,  
15 the court shall refer that child to the state public defender who shall appoint counsel  
16 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless  
17 good cause is shown, a hearing under this subsection may be conducted by telephone  
18 or live audiovisual means, if available.

19           (e) An order issued by the court under this subsection may be appealed as a  
20 matter of right. An appeal shall be heard within 30 days after the appeal is filed.  
21 An appeal does not stay the order.

22           **SECTION 31.** 252.07 (11) of the statutes is created to read:

23           252.07 (11) The department may promulgate any rules necessary for the  
24 administration and enforcement of this section, including, if necessary to prevent or  
25 control the transmission of mycobacterium tuberculosis, rules that require screening

1 of members of specific groups that are at risk for contracting or transmitting  
2 mycobacterium tuberculosis.

3 **SECTION 32.** 252.073 of the statutes is repealed.

4 **SECTION 33.** 252.076 of the statutes is repealed.

5 **SECTION 34.** 252.08 (1) of the statutes is repealed.

6 **SECTION 35.** 252.08 (2) of the statutes is repealed.

7 **SECTION 36.** 252.08 (3) of the statutes is renumbered 252.07 (10) and amended  
8 to read:

9 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and  
10 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are  
11 not eligible for federal medicare benefits, for medical assistance under subch. ~~V~~ IV  
12 of ch. 49 or for health care services funded by a relief block grant under subch. II of  
13 ch. 49 may be reimbursed if provided by a facility contracted by the department. If  
14 the patient has private health insurance, the state shall pay the difference between  
15 health insurance payments and total charges.

16 **SECTION 37.** 252.08 (4) of the statutes is repealed.

17 **SECTION 38.** 252.08 (5) of the statutes is repealed.

18 **SECTION 39.** 252.08 (6) of the statutes is repealed.

19 **SECTION 40.** 252.09 of the statutes is repealed.

20 **SECTION 41.** 252.10 (1) of the statutes is amended to read:

21 252.10 (1) ~~Counties with populations of more than 25,000 may establish and~~  
22 ~~maintain public health dispensaries and, where necessary, branches of the~~  
23 ~~dispensaries~~ A local health department may request from the department  
24 certification to establish and maintain a public health dispensary for the diagnosis  
25 and treatment of persons suffering from or suspected of having mycobacterium

1 tuberculosis ~~or other pulmonary diseases.~~ Two or more counties local health  
2 departments may jointly establish, operate and maintain public health dispensaries  
3 ~~in order to serve a total population of not less than 25,000. Counties. The department~~  
4 shall certify a local health department to establish and maintain a public health  
5 dispensary if the local health department meets the standards established by the  
6 department by rule. The department of health and family services may withhold,  
7 suspend or revoke a certification if the local health department fails to comply with  
8 any rules promulgated by the department. The department shall provide the local  
9 health department with reasonable notice of the decision to withhold, suspend or  
10 revoke certification. The department shall offer the local health department an  
11 opportunity to comply with the rules and an opportunity for a fair hearing. Certified  
12 local health departments may contract with each other for public health dispensary  
13 services. ~~The department and department of revenue shall be notified of the~~  
14 ~~establishment of public health dispensaries and any contracts pertaining to the~~  
15 ~~dispensaries. If the provider of those services fails to comply, the department may~~  
16 suspend or revoke the local health department's certification. The department may  
17 establish, operate and maintain public health dispensaries and branches in areas of  
18 the state where local authorities have not provided public health dispensaries.

19 **SECTION 42.** 252.10 (3) of the statutes is repealed.

20 **SECTION 43.** 252.10 (5) of the statutes is repealed.

21 **SECTION 44.** 252.10 (6) (a) of the statutes is amended to read:

22 252.10 (6) (a) The state shall credit or reimburse each dispensary on an annual  
23 or quarterly basis for the operation of public health dispensaries established and  
24 maintained in accordance with this section and rules promulgated by the  
25 department.

1           **SECTION 45.** 252.10 (6) (b) of the statutes is amended to read:

2           252.10 (6) (b) The state department shall determine by rule the reimbursement  
3 for each visit rate under par. (a) for services as ordered by a physician shall be \$6 or  
4 a greater amount prescribed in rules promulgated by the department. If an X-ray  
5 is taken, an additional \$6 or any greater amount prescribed in rules promulgated by  
6 the department will be credited. Any X-ray taken outside a facility under this  
7 section or outside a facility approved under s. 252.08 on individuals who have a  
8 significant reaction to a test for mycobacterium tuberculosis shall qualify for state  
9 aid in the same manner as an X-ray taken inside a facility, and the X-ray shall take  
10 the place of the first X-ray eligible for reimbursement as part of a case finding and  
11 preventive program under par. (e). The administration and reading of the test for  
12 mycobacterium tuberculosis for diagnostic purposes shall be considered one visit.  
13 Tests for mycobacterium tuberculosis given in school programs, employment health  
14 programs, community preventive and case finding programs are not reimbursable  
15 as a clinic visit.

16           **SECTION 46.** 252.10 (6) (c) of the statutes is repealed.

17           **SECTION 47.** 252.10 (6) (d) of the statutes is repealed.

18           **SECTION 48.** 252.10 (6) (e) of the statutes is repealed.

19           **SECTION 49.** 252.10 (6) (f) of the statutes is repealed.

20           **SECTION 50.** 252.10 (6) (g) of the statutes is amended to read:

21           252.10 (6) (g) The reimbursement by the state under pars. (a) to (f) and (b) shall  
22 apply only to funds that the department allocates for the reimbursement under the  
23 appropriation under s. 20.435 (5) (e).

24           **SECTION 51.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act 156,  
25 is amended to read:

1           252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis  
2 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)  
3 and dispensed to patients through the public health dispensaries ~~or through health~~  
4 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~  
5 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~  
6 ~~marriage and family therapists or professional counselors certified under ch. 457,~~  
7 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~  
8 ~~speech and language pathologists licensed by the department of public instruction~~  
9 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~  
10 ~~or advanced practice nurse prescribers.~~

11           **SECTION 52.** 252.10 (9) of the statutes is amended to read:

12           252.10 (9) Public health dispensaries shall maintain such records as are  
13 required by the department to enable them to carry out their responsibilities  
14 designated in this section and in rules promulgated by the department. Records  
15 ~~shall be submitted annually to the department as soon as possible after the close of~~  
16 ~~each fiscal year and not later than August 15 following~~ may be audited by the  
17 department.

18           **SECTION 53.** 252.14 (1) (d) of the statutes is amended to read:

19           252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home,  
20 community-based residential facility, county home, county mental health complex,  
21 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department  
22 under ~~ss. s.~~ s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, ~~or 51.09, 58.06, 252.073~~  
23 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42  
24 or 252.10.

25           **SECTION 54.** 255.05 (1) (a) of the statutes is amended to read:





**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0183/2dn

TAY: *x*

*JLg*

This draft reconciles LRB-0028 and LRB-0183. The treatment of s. 20.435 (5) (e) <sup>✓</sup> has been deleted from this draft and appears in LRB-0028. Both of these drafts should continue to appear in the compiled bill.

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0183/2dn  
TAY;jlg:hmh

Tuesday, February 2, 1999

This draft reconciles LRB-0028 and LRB-0183. The treatment of s. 20.435 (5) (e) has been deleted from this draft and appears in LRB-0028. Both of these drafts should continue to appear in the compiled bill.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0183/2  
TAY:jlg:hmh

DOA:.....Jablonsky - TB/communicable diseases

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: tuberculosis and other communicable diseases.

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*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**HEALTH**

This bill removes from the statutes outdated references to tuberculosis sanitoriums and hospitals. The bill also does all of the following with respect to tuberculosis:

1. Requires that laboratories that perform primary culture for mycobacteria also perform organism identification for mycobacterium tuberculosis and conduct antimicrobial drug susceptibility tests on the mycobacterium tuberculosis bacteria. The results of that test must be reported to the department of health and family services (DHFS).

2. Creates a process by which a person with infectious tuberculosis or with a suspected case of tuberculosis may be confined pending a hearing if the confinement is to be longer than 72 hours.

3. Permits local health departments to request from DHFS certification to establish and maintain a public health dispensary.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 46.10 (2m) of the statutes is amended to read:

2           46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis  
3 patients receiving care, maintenance, services and supplies under ss. ~~58.06 and~~  
4 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and  
5 supplies provided by prisons named in s. 302.01 or to parents of a minor who receives  
6 care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor's parent  
7 or guardian.

8           **SECTION 2.** 46.18 (1) of the statutes is amended to read:

9           46.18 (1) TRUSTEES. Every county home, infirmary, hospital, ~~tuberculosis~~  
10 ~~hospital or sanatorium~~, or similar institution, shall, subject to regulations approved  
11 by the county board, be managed by a board of trustees, electors of the county, chosen  
12 by ballot by the county board. At its annual meeting, the county board shall appoint  
13 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered  
14 3-year terms ending the first Monday in January. Any vacancy shall be filled for the  
15 unexpired term by the county board; but the chairperson of the county board may  
16 appoint a trustee to fill the vacancy until the county board acts.

17           **SECTION 3.** 46.20 (1) of the statutes is amended to read:

18           46.20 (1) Any 2 or more counties may jointly, by majority vote of all the  
19 members of each county board, provide for a county home, infirmary, hospital,  
20 ~~tuberculosis hospital or sanatorium~~, or similar institution, or juvenile detention  
21 home, which shall be established, maintained and operated pursuant to all the  
22 statutes relating to the establishment, maintenance and operation of similar  
23 institutions, respectively, by any single county whose population is less than  
24 250,000, except as otherwise provided in this section; and in all respects, except as

1 herein specified, each such institution shall be the county institution of each of the  
2 counties so joining.

3 **SECTION 4.** 46.20 (3) of the statutes is amended to read:

4 46.20 (3) Upon approval of the site, plans and specifications, as provided in s.  
5 ~~252.073~~ as to tuberculosis sanatoriums and ss. 46.17 and 301.37, as to other  
6 institutions, the joint committee shall report to the several county boards the  
7 estimated cost of the site and buildings, and the amount thereof chargeable to each  
8 county on the basis set forth in sub. (6) (a), appending to each report a copy of the  
9 plans and specifications and all matter relating to the site and buildings. If the report  
10 is approved by each county board, the joint committee shall purchase the site and  
11 cause the buildings to be erected in accordance with the plans and specifications.

12 **SECTION 5.** 46.20 (8) of the statutes is repealed.

13 **SECTION 6.** 46.20 (10) of the statutes is repealed.

14 **SECTION 7.** 48.60 (2) (d) of the statutes is amended to read:

15 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home  
16 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;

17 **SECTION 8.** 49.015 (1m) 5. of the statutes is created to read:

18 49.015 (1m) 5. The individual has infectious tuberculosis, as defined in s.  
19 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).

20 **SECTION 9.** 49.08 of the statutes is amended to read:

21 **49.08 Recovery of relief and other assistance.** If any person is the owner  
22 of property at the time of receiving general relief under ch. 49, 1993 stats., relief  
23 funded by a relief block grant or other assistance as an inmate of any county or  
24 municipal institution in which the state is not chargeable with all or a part of the  
25 inmate's maintenance or as a tuberculosis patient provided for in ss. ~~58.06~~ and

1 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,  
2 the authorities charged with the care of the dependent, or the board in charge of the  
3 institution, may sue for the value of the relief or other assistance from the person or  
4 the person's estate. Except as otherwise provided in this section, the 10-year statute  
5 of limitations may be pleaded in defense in an action to recover relief or other  
6 assistance. Where the recipient of relief or other assistance is deceased, a claim may  
7 be filed against the decedent's estate and the statute of limitations specified in s.  
8 859.02 shall be exclusively applicable. The court may refuse to render judgment or  
9 allow the claim in any case where a parent, spouse, surviving spouse or child is  
10 dependent on the property for support. The court in rendering judgment shall take  
11 into account the current family budget requirement as fixed by the U.S. department  
12 of labor for the community or as fixed by the authorities of the community in charge  
13 of public assistance. The records kept by the municipality, county or institution are  
14 prima facie evidence of the value of the relief or other assistance furnished. ~~This~~  
15 ~~section shall not apply to any person who receives care for pulmonary tuberculosis~~  
16 ~~as provided in s. 252.08 (4).~~

17 **SECTION 10.** 50.135 (1) of the statutes is amended to read:

18 50.135 (1) DEFINITION. In this section, "inpatient health care facility" means  
19 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~  
20 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,  
21 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but  
22 does not include community-based residential facilities.

23 **SECTION 11.** 50.39 (2) of the statutes is amended to read:

24 50.39 (2) The use of the title "hospital" to represent or identify any facility  
25 which does not meet the definition of a "hospital" as provided herein or is not subject

1 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed  
2 by ss. ~~s. 51.09 and 252.073~~ are exempt.

3 **SECTION 12.** 50.39 (3) of the statutes is amended to read:

4 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,  
5 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.  
6 938.02 (15m), correctional institutions governed by the department of corrections  
7 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under  
8 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do  
9 not abridge the rights of the medical examining board, physical therapists affiliated  
10 credentialing board, podiatrists affiliated credentialing board, dentistry examining  
11 board, pharmacy examining board, chiropractic examining board and board of  
12 nursing in carrying out their statutory duties and responsibilities.

13 **SECTION 13.** 58.06 of the statutes is repealed.

14 **SECTION 14.** 101.123 (1) (b) of the statutes is amended to read:

15 101.123 (1) (b) “Inpatient health care facility” means a county home  
16 established under s. 49.70, a county infirmary established under s. 49.72, or a  
17 community-based residential facility or a nursing home licensed under s. 50.03 ~~or~~  
18 ~~a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.~~

19 **SECTION 15.** 102.26 (2m) of the statutes is repealed.

20 **SECTION 16.** 102.42 (6) of the statutes is amended to read:

21 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employe shall have  
22 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital  
23 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or  
24 disability of an employe, if the death be caused, or insofar as the disability may be  
25 aggravated, caused or continued by an unreasonable refusal or neglect to submit to

1 or follow any competent and reasonable medical, surgical or dental treatment or, in  
2 the case of tuberculosis, by refusal or neglect to submit to or follow hospital or  
3 ~~sanatorium~~ or medical treatment when found by the department to be necessary.  
4 The right to compensation accruing during a period of refusal or neglect to submit  
5 to or follow hospital or ~~sanatorium~~ or medical treatment when found by the  
6 department to be necessary in the case of tuberculosis shall be barred, irrespective  
7 of whether disability was aggravated, caused or continued thereby.

8 **SECTION 17.** 146.819 (4) (e) of the statutes is repealed.

9 **SECTION 18.** 150.84 (2) of the statutes is amended to read:

10 150.84 (2) “Health care facility” means a facility, as defined in s. 647.01 (4), or  
11 any hospital, nursing home, community-based residential facility, county home,  
12 county infirmary, county hospital, county mental health center, ~~tuberculosis~~  
13 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,  
14 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a  
15 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

16 **SECTION 19.** 155.01 (6) of the statutes is amended to read:

17 155.01 (6) “Health care facility” means a facility, as defined in s. 647.01 (4), or  
18 any hospital, nursing home, community-based residential facility, county home,  
19 county infirmary, county hospital, county mental health center, ~~tuberculosis~~  
20 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,  
21 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a  
22 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

23 **SECTION 20.** 252.07 (1) of the statutes is renumbered 252.07 (1m) and amended  
24 to read:



1           252.07 (1m) Tuberculosis is a communicable disease caused by mycobacterium  
2 tuberculosis and is Infectious tuberculosis and suspect tuberculosis are subject to the  
3 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~  
4 receives a specimen for tuberculosis testing shall report all positive results obtained  
5 by any appropriate procedure, including a procedure performed by an out-of-state  
6 laboratory, to the local health officer and to the department.

7           **SECTION 21.** 252.07 (1g) of the statutes is created to read:

8           252.07 (1g) In this section:

9           (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory  
10 tract, capable of producing infection or disease in others as demonstrated by the  
11 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest  
12 radiograph and clinical findings.

13           (b) “Isolate” means a population of mycobacterium tuberculosis bacteria that  
14 has been obtained in pure culture medium.

15           (c) “Isolation” means the separation from other persons of a person with  
16 infectious tuberculosis in a place and under conditions that prevent the transmission  
17 of the infection.

18           (d) “Suspect tuberculosis” means an illness marked by symptoms and  
19 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,  
20 prolonged fever, hemoptysis, compatible roentgenographic findings or other  
21 appropriate medical imaging findings.

22           **SECTION 22.** 252.07 (1p) of the statutes is created to read:

23           252.07 (1p) Any laboratory that performs primary culture for mycobacteria  
24 shall also perform organism identification for mycobacterium tuberculosis complex  
25 using an approved rapid testing procedure specified by the department by rule.

1           **SECTION 23.** 252.07 (1t) of the statutes is created to read:

2           252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall  
3 ensure that antimicrobial drug susceptibility tests are performed on the initial  
4 isolate. The laboratory shall report the results of these tests to the local health officer  
5 and the department.

6           **SECTION 24.** 252.07 (2) of the statutes is amended to read:

7           252.07 (2) The department shall identify groups at risk for contracting or  
8 transmitting mycobacterium tuberculosis and shall recommend the protocol for  
9 screening members of those groups. ~~If necessary to prevent or control the~~  
10 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~  
11 ~~that require screening of members of specific groups that are at risk for contracting~~  
12 ~~or transmitting mycobacterium tuberculosis.~~

13           **SECTION 25.** 252.07 (4) of the statutes is repealed.

14           **SECTION 26.** 252.07 (5) of the statutes is amended to read:

15           252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health  
16 officer shall at once investigate and make and enforce the necessary orders. If any  
17 person does not voluntarily comply with any order made by the local health officer  
18 with respect to that person, the local health officer or the department may order a  
19 medical evaluation, directly observed therapy or home isolation of that person.

20           **SECTION 27.** 252.07 (7) of the statutes is repealed.

21           **SECTION 28.** 252.07 (8) of the statutes is created to read:

22           252.07 (8) (a) The department or a local health officer may order the  
23 confinement to a facility of an individual who has a confirmed diagnosis of infectious  
24 tuberculosis or suspect tuberculosis if all of the following conditions are met:

1           1. The department or local health officer notifies a court in writing of the  
2 confinement.

3           2. The department or local health officer provides to the court a written  
4 statement from a physician that the individual has infectious tuberculosis or suspect  
5 tuberculosis.

6           3. The department or local health officer provides to the court evidence that the  
7 individual has refused to follow a prescribed treatment regimen or, in the case of an  
8 individual with suspect tuberculosis, has refused to undergo a medical examination  
9 to confirm whether the individual has infectious tuberculosis.

10          4. In the case of an individual with a confirmed diagnosis of infectious  
11 tuberculosis, the department or local health officer determines that the individual  
12 poses an imminent and substantial threat to himself or herself or to the public  
13 health. The department or local health officer shall provide to the court a written  
14 statement of that determination.

15          (b) If the department or local health officer orders the confinement of an  
16 individual under this subsection, a law enforcement officer, or other person  
17 authorized by the local public health officer, shall transport the individual, if  
18 necessary, to a facility that the department or local health officer determines will  
19 meet the individual's need for medical evaluation, isolation and treatment.

20          (c) No individual may be confined under this subsection for more than 72 hours,  
21 excluding Saturdays, Sundays and legal holidays, without a court hearing under  
22 sub. (9) to determine whether the confinement should continue.

23           **SECTION 29.** 252.07 (9) of the statutes is created to read:

24           252.07 (9) (a) The department or a local health officer may petition any court  
25 for a hearing to determine whether an individual with infectious or suspect

1 tuberculosis should be confined for longer than 72 hours in a facility where proper  
2 care and treatment will be provided and spread of the disease will be prevented. The  
3 department or local health officer shall include in the petition documentation that  
4 demonstrates all of the following:

5 1. That the individual named in the petition has infectious tuberculosis; that  
6 the individual has noninfectious tuberculosis but is at high risk of developing  
7 infectious tuberculosis; or that the individual has suspect tuberculosis.

8 2. That the individual has failed to comply with the prescribed treatment  
9 regimen or with any rules promulgated by the department under sub. (11); or that  
10 the disease is resistant to the medication prescribed to the individual.

11 3. That all other reasonable means of achieving voluntary compliance with  
12 treatment have been exhausted and no less restrictive alternative exists; or that no  
13 other medication to treat the resistant disease is available.

14 4. That the individual poses an imminent and substantial threat to himself or  
15 herself or to the public health.

16 (b) The department or local health officer shall give the individual written  
17 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice  
18 of the hearing shall include all of the following information:

19 1. The date, time and place of the hearing.

20 2. The grounds, and underlying facts, upon which confinement of the individual  
21 is being sought.

22 3. An explanation of the individual's rights specified under par. (d).

23 4. The proposed actions to be taken and the reasons for each action.

24 (c) If the court orders confinement of an individual under this subsection, the  
25 individual shall remain confined until the department or local health officer, with the

1 concurrence of a treating physician, determines that treatment is complete or that  
2 the individual is no longer a substantial threat to himself or herself or to the public  
3 health. If the individual is to be confined for more than 6 months, the court shall  
4 review the confinement every 6 months.

5 (d) An individual who is the subject of a petition for a hearing under this  
6 subsection has the right to appear at the hearing, the right to present evidence and  
7 cross-examine witnesses and the right to be represented by adversary counsel. At  
8 the time of the filing of the petition the court shall assure that the individual who is  
9 the subject of the petition is represented by adversary counsel. If the individual  
10 claims or appears to be indigent, the court shall refer the individual to the authority  
11 for indigency determinations specified under s. 977.07 (1). If the individual is a child,  
12 the court shall refer that child to the state public defender who shall appoint counsel  
13 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless  
14 good cause is shown, a hearing under this subsection may be conducted by telephone  
15 or live audiovisual means, if available.

16 (e) An order issued by the court under this subsection may be appealed as a  
17 matter of right. An appeal shall be heard within 30 days after the appeal is filed.  
18 An appeal does not stay the order.

19 **SECTION 30.** 252.07 (11) of the statutes is created to read:

20 252.07 (11) The department may promulgate any rules necessary for the  
21 administration and enforcement of this section, including, if necessary to prevent or  
22 control the transmission of mycobacterium tuberculosis, rules that require screening  
23 of members of specific groups that are at risk for contracting or transmitting  
24 mycobacterium tuberculosis.

25 **SECTION 31.** 252.073 of the statutes is repealed.

1           **SECTION 32.** 252.076 of the statutes is repealed.

2           **SECTION 33.** 252.08 (1) of the statutes is repealed.

3           **SECTION 34.** 252.08 (2) of the statutes is repealed.

4           **SECTION 35.** 252.08 (3) of the statutes is renumbered 252.07 (10) and amended  
5 to read:

6           252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and  
7 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are  
8 not eligible for federal medicare benefits, for medical assistance under subch. V IV  
9 of ch. 49 or for health care services funded by a relief block grant under subch. II of  
10 ch. 49 may be reimbursed if provided by a facility contracted by the department. If  
11 the patient has private health insurance, the state shall pay the difference between  
12 health insurance payments and total charges.

13           **SECTION 36.** 252.08 (4) of the statutes is repealed.

14           **SECTION 37.** 252.08 (5) of the statutes is repealed.

15           **SECTION 38.** 252.08 (6) of the statutes is repealed.

16           **SECTION 39.** 252.09 of the statutes is repealed.

17           **SECTION 40.** 252.10 (1) of the statutes is amended to read:

18           252.10 (1) ~~Counties with populations of more than 25,000 may establish and~~  
19 ~~maintain public health dispensaries and, where necessary, branches of the~~  
20 ~~dispensaries~~ A local health department may request from the department  
21 certification to establish and maintain a public health dispensary for the diagnosis  
22 and treatment of persons suffering from or suspected of having ~~mycobacterium~~  
23 ~~tuberculosis or other pulmonary diseases.~~ Two or more counties local health  
24 departments may jointly establish, operate and maintain public health dispensaries  
25 ~~in order to serve a total population of not less than 25,000. Counties.~~ The department

1 shall certify a local health department to establish and maintain a public health  
2 dispensary if the local health department meets the standards established by the  
3 department by rule. The department of health and family services may withhold,  
4 suspend or revoke a certification if the local health department fails to comply with  
5 any rules promulgated by the department. The department shall provide the local  
6 health department with reasonable notice of the decision to withhold, suspend or  
7 revoke certification. The department shall offer the local health department an  
8 opportunity to comply with the rules and an opportunity for a fair hearing. Certified  
9 local health departments may contract with each other for public health dispensary  
10 services. The department and department of revenue shall be notified of the  
11 establishment of public health dispensaries and any contracts pertaining to the  
12 dispensaries. If the provider of those services fails to comply, the department may  
13 suspend or revoke the local health department's certification. The department may  
14 establish, operate and maintain public health dispensaries and branches in areas of  
15 the state where local authorities have not provided public health dispensaries.

16 **SECTION 41.** 252.10 (3) of the statutes is repealed.

17 **SECTION 42.** 252.10 (5) of the statutes is repealed.

18 **SECTION 43.** 252.10 (6) (a) of the statutes is amended to read:

19 252.10 (6) (a) The state shall credit or reimburse each dispensary on an annual  
20 or quarterly basis for the operation of public health dispensaries established and  
21 maintained in accordance with this section and rules promulgated by the  
22 department.

23 **SECTION 44.** 252.10 (6) (b) of the statutes is amended to read:

24 252.10 (6) (b) The state department shall determine by rule the reimbursement  
25 for each visit rate under par. (a) for services as ordered by a physician shall be \$6 or

1 a greater amount prescribed in rules promulgated by the department. If an X-ray  
2 is taken, an additional \$6 or any greater amount prescribed in rules promulgated by  
3 the department will be credited. Any X-ray taken outside a facility under this  
4 section or outside a facility approved under s. 252.08 on individuals who have a  
5 significant reaction to a test for mycobacterium tuberculosis shall qualify for state  
6 aid in the same manner as an X-ray taken inside a facility, and the X-ray shall take  
7 the place of the first X-ray eligible for reimbursement as part of a case finding and  
8 preventive program under par. (c). The administration and reading of the test for  
9 mycobacterium tuberculosis for diagnostic purposes shall be considered one visit.  
10 Tests for mycobacterium tuberculosis given in school programs, employment health  
11 programs, community preventive and case finding programs are not reimbursable  
12 as a clinic visit.

13 **SECTION 45.** 252.10 (6) (c) of the statutes is repealed.

14 **SECTION 46.** 252.10 (6) (d) of the statutes is repealed.

15 **SECTION 47.** 252.10 (6) (e) of the statutes is repealed.

16 **SECTION 48.** 252.10 (6) (f) of the statutes is repealed.

17 **SECTION 49.** 252.10 (6) (g) of the statutes is amended to read:

18 252.10 (6) (g) The reimbursement by the state under pars. (a) to (f) and (b) shall  
19 apply only to funds that the department allocates for the reimbursement under the  
20 appropriation under s. 20.435 (5) (e).

21 **SECTION 50.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act 156,  
22 is amended to read:

23 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis  
24 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)  
25 and dispensed to patients through the public health dispensaries or through health



1 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~  
2 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~  
3 ~~marriage and family therapists or professional counselors certified under ch. 457,~~  
4 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~  
5 ~~speech and language pathologists licensed by the department of public instruction~~  
6 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~  
7 ~~or advanced practice nurse prescribers.~~

8 **SECTION 51.** 252.10 (9) of the statutes is amended to read:

9 252.10 (9) Public health dispensaries shall maintain such records as are  
10 required by the department to enable them to carry out their responsibilities  
11 designated in this section and in rules promulgated by the department. Records  
12 ~~shall be submitted annually to the department as soon as possible after the close of~~  
13 ~~each fiscal year and not later than August 15 following~~ may be audited by the  
14 department.

15 **SECTION 52.** 252.14 (1) (d) of the statutes is amended to read:

16 252.14 (1) (d) “Inpatient health care facility” means a hospital, nursing home,  
17 community-based residential facility, county home, county mental health complex,  
18 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department  
19 under ~~ss. s.~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, ~~or 51.09, 58.06, 252.073~~  
20 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42  
21 or 252.10.

22 **SECTION 53.** 255.05 (1) (a) of the statutes is amended to read:

23 255.05 (1) (a) “Institution” means any hospital, nursing home, county home,  
24 county mental hospital, ~~tuberculosis sanatorium,~~ community-based residential

1 facility or other place licensed or approved by the department under ~~ss. s.~~ 49.70,  
2 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.~~

3 **SECTION 54.** 610.70 (1) (e) of the statutes, as created by 1997 Wisconsin Act 231,  
4 is amended to read:

5 610.70 (1) (e) “Medical care institution” means a facility, as defined in s. 647.01  
6 (4), or any hospital, nursing home, community-based residential facility, county  
7 home, county infirmary, county hospital, county mental health center, ~~tuberculosis~~  
8 ~~sanatorium,~~ adult family home, assisted living facility, rural medical center, hospice  
9 or other place licensed, certified or approved by the department of health and family  
10 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,  
11 50.52, 50.90, 51.04, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a facility under s.  
12 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county  
13 department under s. 50.032 or 50.033.

14 **SECTION 9423. Effective dates; health and family services.**

15 (1) TUBERCULOSIS. The treatment of sections 252.10 (7) and 610.70 (1) (e) of the  
16 statutes take effect on June 1, 1999, or on the day after publication, whichever is  
17 later.

18 (END)