

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/22/99

Received By: yacketa

Wanted: As time permits

Identical to LRB:

For: Asscmby Republican Caucus 6-1452

By/Representing: Tompach

This file may be shown to any legislator: NO

Drafter: yacketa

May Contact:

Alt. Drafters: nelsorp1

Subject: Health - public health

Extra Copies: DAK

Pre Topic:

ARC:.....Tompach - Am. #90,

Topic:

Tuberculosis

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			kfollet 06/22/99	_____	lrb_docadmin 06/22/99		
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b828
 approp. lang
 to reflect
 drugs

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1/?	yacketa	1 6/22 jlg	Kjf 6/22	Kf/sh 6/22			

FE Sent For:

<END>

TAY

To Be Drafted

Agency

Amendment#

ARC Analyst

LRB#

Tax Cut

Summary

Chapter 252 of the state statutes is devoted to tuberculosis. Many of these sections were drafted when treatment for TB was not as advanced as it is now and are consequently outdated.

This amendment provides the following updates to CH 252:

Require the laboratories that perform primary culture for mycobacteria also perform organism identification for M. tuberculosis complex and that laboratories that identify M. tuberculosis assure that antimicrobial drug susceptibility tests are performed;

Permit local health officers to issue an emergency detention order;

Expand s. 252.973 (commitment) to describe under what circumstances a local health officer or the department may petition the court to order the commitment of a person, under what circumstances the commitment may be terminated and what the rights of the committed person, including right to appeal, are;

Insert the phrase "by court order" after the word "isolated" in s. 252.08 (3);

Delete obsolete language related to TB sanitariums and TB acute treatment centers;

Delete certain language related to reimbursable services for public health dispensaries and include that language in the administrative rule. Add language allowing any local health department to request public health dispensary certification.

Fiscal Impact

None

Statement of Intent

DHFS. Update Chapter 252 of the state statutes, relating to tuberculosis.

1999

Date (time) needed Soon

LRB b 082811

**CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

TAY : jlq :
Not-Run
3

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

1999 BILL

1 **AN ACT to repeal** 46.20 (8), 46.20 (10), 58.06, 102.26 (2m), 146.819 (4) (e), 252.07
2 (4), 252.07 (7), 252.073, 252.076, 252.08 (1), 252.08 (2), 252.08 (4), 252.08 (5),
3 252.08 (6) and 252.09; **to renumber and amend** 252.07 (1) and 252.08 (3); **to**
4 **amend** 20.435 (5) (e), 46.10 (2m), 46.18 (1), 46.20 (1), 46.20 (3), 48.60 (2) (d),
5 49.08, 50.135 (1), 50.39 (2), 50.39 (3), 101.123 (1) (b), 102.42 (6), 150.84 (2),
6 155.01 (6), 252.07 (2), 252.07 (5), 252.10 (7), 252.14 (1) (d), 255.05 (1) (a) and
7 610.70 (1) (e); and **to create** 49.015 (1m) (b) 5., 252.07 (1g), 252.07 (1p), 252.07
8 (1t), 252.07 (8), 252.07 (9) and 252.07 (11) of the statutes; **relating to:**
9 tuberculosis and other communicable diseases.

Analysis by the Legislative Reference Bureau

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).



BILL

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.

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

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

page 350, line 17: delete lines 17 to 20 and substitute;

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

" 20.435 (5) (e) ~~Disease aids~~ ^{public health dispensaries} Biennially, the amounts in the schedule for ~~establishing and maintaining public health dispensaries for~~ ^{← E} assisting victims of diseases, as provided in ss. ~~49.68, 49.683, 49.685, 58.06, 252.08~~

(4) and (5) and ^{S:} 252.10 (6) and (7), as allocated by the department."

page 559, line 21: after that line insert:

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

46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis patients receiving care, maintenance, services and supplies under ss. ~~58.06 and~~ 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and supplies provided by prisons named in s. 302.01 or to parents of a minor who receives care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor's parent or guardian. ^{1003 c ← C}

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

46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis ~~hospital or sanatorium,~~ or similar institution, shall, subject to regulations approved by the county board, be managed by a board of trustees, electors of the county, chosen by ballot by the county board. At its annual meeting, the county board shall appoint an uneven number of trustees, from 3 to 9 at the option of the board, for staggered 3-year terms ending the first Monday in January. Any vacancy shall be filled for the

BILL

1 unexpired term by the county board; but the chairperson of the county board may
2 appoint a trustee to fill the vacancy until the county board acts.

3 SECTION ^{1003u ← (B)} 46.20 (1) of the statutes is amended to read:

4 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
5 members of each county board, provide for a county home, infirmary, hospital,
6 tuberculosis hospital or sanatorium, or similar institution, or juvenile detention
7 home, which shall be established, maintained and operated pursuant to all the
8 statutes relating to the establishment, maintenance and operation of similar
9 institutions, respectively, by any single county whose population is less than
10 250,000, except as otherwise provided in this section; and in all respects, except as
11 herein specified, each such institution shall be the county institution of each of the
12 counties so joining.

13 SECTION ^{1003v ← (B)} 46.20 (3) of the statutes is amended to read:

14 46.20 (3) Upon approval of the site, plans and specifications, as provided in s.
15 ~~252.073 as to tuberculosis sanatoriums~~ and ss. 46.17 and 301.37, as to other
16 institutions, the joint committee shall report to the several county boards the
17 estimated cost of the site and buildings, and the amount thereof chargeable to each
18 county on the basis set forth in sub. (6) (a), appending to each report a copy of the
19 plans and specifications and all matter relating to the site and buildings. If the report
20 is approved by each county board, the joint committee shall purchase the site and
21 cause the buildings to be erected in accordance with the plans and specifications.

22 SECTION ^{1003w ← (B)} 46.20 (8) of the statutes is repealed.

23 SECTION ^{1003x ← (B)} 46.20 (10) of the statutes is repealed. " ✓

24 #. Page 650, line 3: after that line insert:
SECTION ^{1143d m ← (B)} 48.60 (2) (d) of the statutes is amended to read:

BILL

655

line

1 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
2 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department; "

→ H.e. Page 111, line 23: after that ~~line~~ insert:
3 ((SECTION 49.015 (1m) (b) 5. of the statutes is created to read:

4 49.015 (1m) (b) 5. The individual has infectious tuberculosis, as defined in s.

5 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d). "

→ H.e. page 657, line 5: after that line insert:
6 ((SECTION 49.08 of the statutes is amended to read:

7 **49.08 Recovery of relief and other assistance.** If any person is the owner
8 of property at the time of receiving general relief under ch. 49, 1993 stats., relief
9 funded by a relief block grant or other assistance as an inmate of any county or
10 municipal institution in which the state is not chargeable with all or a part of the
11 inmate's maintenance or as a tuberculosis patient provided for in ss. ~~58.06 and~~
12 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,
13 the authorities charged with the care of the dependent, or the board in charge of the
14 institution, may sue for the value of the relief or other assistance from the person or
15 the person's estate. Except as otherwise provided in this section, the 10-year statute
16 of limitations may be pleaded in defense in an action to recover relief or other
17 assistance. Where the recipient of relief or other assistance is deceased, a claim may
18 be filed against the decedent's estate and the statute of limitations specified in s.
19 859.02 shall be exclusively applicable. The court may refuse to render judgment or
20 allow the claim in any case where a parent, spouse, surviving spouse or child is
21 dependent on the property for support. The court in rendering judgment shall take
22 into account the current family budget requirement as fixed by the U.S. department
23 of labor for the community or as fixed by the authorities of the community in charge
24 of public assistance. The records kept by the municipality, county or institution are
25 prima facie evidence of the value of the relief or other assistance furnished. This

BILL

1 section shall not apply to any person who receives care for pulmonary tuberculosis

2 as provided in s. 252.08 (4)."

→ #. Page 749, line 24: after that line insert:

3 "SECTION 11. 50.135 (1) of the statutes is amended to read:

4 50.135 (1) DEFINITION. In this section, "inpatient health care facility" means
5 any hospital, nursing home, county home, county mental hospital, tuberculosis
6 sanatorium or other place licensed or approved by the department under ss. 49.70,
7 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
8 does not include community-based residential facilities."

→ #. Page 751, line 16: after that line insert:

9 "SECTION 12. 50.39 (2) of the statutes is amended to read:

10 50.39 (2) The use of the title "hospital" to represent or identify any facility
11 which does not meet the definition of a "hospital" as provided herein or is not subject
12 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
13 by ss. 51.09 and ~~252.073~~ are exempt.

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

15 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
16 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.
17 938.02 (15m), correctional institutions governed by the department of corrections
18 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
19 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
20 not abridge the rights of the medical examining board, physical therapists affiliated
21 credentialing board, podiatrists affiliated credentialing board, dentistry examining
22 board, pharmacy examining board, chiropractic examining board and board of
23 nursing in carrying out their statutory duties and responsibilities."

→ # Page 759, line 14: after that line insert:

24 "SECTION 14. 58.06 of the statutes is repealed."

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

[#. Page 1018, line 14: after that line insert:

BILL

1 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
2 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10. ')

3 *#. page 1174, line 2: after that line insert:*
"SECTION ~~20~~ ^{2283 rm} 155.01 (6) of the statutes is amended to read:

4 155.01 (6) "Health care facility" means a facility, as defined in s. 647.01 (4), or
5 any hospital, nursing home, community-based residential facility, county home,
6 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
7 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
8 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
9 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10. ')

10 *# page 1211, line 18: after that line insert:*
"SECTION ~~21~~ ^{2400 MF} 252.07 (1) of the statutes is renumbered 252.07 (1m) and amended
11 to read:

12 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
13 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
14 reporting requirements specified in s. 252.05. Any laboratory that performs a test
15 receives a specimen for tuberculosis testing shall report all positive results obtained
16 by any appropriate procedure, including a procedure performed by an out-of-state
17 laboratory, to the local health officer and to the department.

18 SECTION ~~22~~ ^{2400 mg} 252.07 (1g) of the statutes is created to read:

19 252.07 (1g) In this section:

20 (a) "Infectious tuberculosis" means tuberculosis disease of the respiratory
21 tract, capable of producing infection or disease in others as demonstrated by the
22 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
23 radiograph and clinical findings.

24 (b) "Isolate" means a population of mycobacterium tuberculosis bacteria that
25 has been obtained in pure culture medium.

BILL

1 (c) "Isolation" means the separation from other persons of a person with
 2 infectious tuberculosis in a place and under conditions that prevent the transmission
 3 of the infection.

4 (d) "Suspect tuberculosis" means an illness marked by symptoms and
 5 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,
 6 prolonged fever, hemoptysis, compatible roentgenographic findings or other
 7 appropriate medical imaging findings.

8 SECTION 23. ^{2400 mh ← (3)} 252.07 (1p) of the statutes is created to read:

9 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
 10 shall also perform organism identification for mycobacterium tuberculosis complex
 11 using an approved rapid testing procedure specified by the department by rule.

12 SECTION 24. ^{2400 mi ← (3)} 252.07 (1t) of the statutes is created to read:

13 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
 14 ensure that antimicrobial drug susceptibility tests are performed on the initial
 15 isolate. The laboratory shall report the results of these tests to the local health officer
 16 and the department.

17 SECTION 25. ^{2400 m' ← (3)} 252.07 (2) of the statutes is amended to read:

18 252.07 (2) The department shall identify groups at risk for contracting or
 19 transmitting mycobacterium tuberculosis and shall recommend the protocol for
 20 screening members of those groups. ~~If necessary to prevent or control the~~
 21 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~
 22 ~~that require screening of members of specific groups that are at risk for contracting~~
 23 ~~or transmitting mycobacterium tuberculosis.~~

24 SECTION 26. ^{2400 mK ← (3)} 252.07 (4) of the statutes is repealed.

25 SECTION 27. ^{2400 m 1/2 ← (3)} 252.07 (5) of the statutes is amended to read:

BILL

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

6 ^{2400mm ← ③} SECTION ~~28~~. 252.07 (7) of the statutes is repealed.

7 ^{2400mm ← ③} SECTION ~~29~~. 252.07 (8) of the statutes is created to read:

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

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

13 2. The department or local health officer provides to the court a written
14 statement from a physician that the individual has infectious tuberculosis or suspect
15 tuberculosis.

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

20 4. In the case of an individual with a confirmed diagnosis of infectious
21 tuberculosis, the department or local health officer determines that the individual
22 poses an imminent and substantial threat to himself or herself or to the public
23 health. The department or local health officer shall provide to the court a written
24 statement of that determination.

BILL

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

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

9 SECTION ~~00~~. ^{2400 mo ← ③} 252.07 (9) of the statutes is created to read:

10 252.07 (9) (a) The department or a local health officer may petition any court
11 for a hearing to determine whether an individual with infectious or suspect
12 tuberculosis should be confined for longer than 72 hours in a facility where proper
13 care and treatment will be provided and spread of the disease will be prevented. The
14 department or local health officer shall include in the petition documentation that
15 demonstrates all of the following:

16 1. That the individual named in the petition has infectious tuberculosis; that
17 the individual has noninfectious tuberculosis but is at high risk of developing
18 infectious tuberculosis; or that the individual has suspect tuberculosis.

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

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

BILL

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

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

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

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

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

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

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

17 (d) An individual who is the subject of a petition for a hearing under this
18 subsection has the right to appear at the hearing, the right to present evidence and
19 cross-examine witnesses and the right to be represented by adversary counsel. At
20 the time of the filing of the petition the court shall assure that the individual who is
21 the subject of the petition is represented by adversary counsel. If the individual
22 claims or appears to be indigent, the court shall refer the individual to the authority
23 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
24 the court shall refer that child to the state public defender who shall appoint counsel
25 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless

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1 good cause is shown, a hearing under this subsection may be conducted by telephone
2 or live audiovisual means, if available.

3 (e) An order issued by the court under this subsection may be appealed as a
4 matter of right. An appeal shall be heard within 30 days after the appeal is filed.

5 An appeal does not stay the order.

6 SECTION ~~31~~^{2400 mp ← (3)} 252.07 (11) of the statutes is created to read:

7 252.07 (11) The department may promulgate any rules necessary for the
8 administration and enforcement of this section, including, if necessary to prevent or
9 control the transmission of mycobacterium tuberculosis, rules that require screening
10 of members of specific groups that are at risk for contracting or transmitting
11 mycobacterium tuberculosis.

12 SECTION ~~32~~^{2400 mg ← (3)} 252.073 of the statutes is repealed.

13 SECTION ~~33~~^{2400 mr ← (3)} 252.076 of the statutes is repealed.

14 SECTION ~~34~~^{2400 ms ← (3)} 252.08 (1) of the statutes is repealed.

15 SECTION ~~35~~^{2400 mt ← (3)} 252.08 (2) of the statutes is repealed.

16 SECTION ~~36~~^{2400 mu ← (3)} 252.08 (3) of the statutes is renumbered 252.07 (10) and amended

17 to read:

18 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
19 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
20 not eligible for federal medicare benefits, for medical assistance under subch. V IV
21 of ch. 49 or for health care services funded by a relief block grant under subch. II of
22 ch. 49 may be reimbursed if provided by a facility contracted by the department. If
23 the patient has private health insurance, the state shall pay the difference between
24 health insurance payments and total charges.

25 SECTION ~~37~~^{2400 mv ← (3)} 252.08 (4) of the statutes is repealed.

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

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

3 SECTION 40. 252.09 of the statutes is repealed." .

4 *#. page 1213, line 22: after that line insert:*
SECTION 41. 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act 156,
5 is amended to read:

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

16 *page 1215, line 4: after that line insert:*
SECTION 42. 252.14 (1) (d) of the statutes is amended to read:

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

23 *#. 1233, line 19: after that line insert:*
SECTION 43. 255.05 (1) (a) of the statutes is amended to read:

24 255.05 (1) (a) "Institution" means any hospital, nursing home, county home,
25 county mental hospital, tuberculosis sanatorium, community-based residential

2400mw ← (B)

2400mx ← (B)

2400my ← (B)

2430z ← (B)

2432k ← (B)

2485z ← (B)

page 1213

BILL

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 *#. page 1404, line 15: after that line insert:*
4 **SECTION 44.** 610.70 (1)(e) of the statutes, as created by 1997 Wisconsin Act 231,

5 is amended to read: *3035 m* ← **(B)**

6 610.70 (1) (e) "Medical care institution" means a facility, as defined in s. 647.01
7 (4), or any hospital, nursing home, community-based residential facility, county
8 home, county infirmary, county hospital, county mental health center, tuberculosis
9 sanatorium, adult family home, assisted living facility, rural medical center, hospice
10 or other place licensed, certified or approved by the department of health and family
11 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,
12 50.52, 50.90, 51.04, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a facility under s.
13 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county
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 takes effect on June 1, 1999, or on the day after publication, whichever is
17 later.

18 (END) ✓



WFO-Fix request sheet

ARC:.....Tompach - am. #90, Tuberculosis

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

and for the provision of drugs for the treatment of mycobacterium tuberculosis

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 350, line 17: delete lines 17 to 20 and substitute:

3 "20.435 (5) (e) ~~Disease aids~~ Public health dispensaries ^{and drugs} Biennially, the amounts
4 in the schedule for ~~assisting~~ establishing and maintaining public health
5 dispensaries for victims of diseases, as provided in ss. ~~49.68, 49.683, 49.685, 58.06,~~
6 ~~252.08 (4) and (5) and s. 252.10 (6) and (7)~~, as allocated by the department."

7 2. Page 559, line 21: after that line insert:

8 "SECTION 1003c. 46.10 (2m) of the statutes is amended to read:

9 46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis
10 patients receiving care, maintenance, services and supplies under ss. ~~58.06~~ and

1 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and
2 supplies provided by prisons named in s. 302.01 or to parents of a minor who receives
3 care for alcohol or drug abuse under s. 51.47(1) without consent of the minor's parent
4 or guardian.

5 **SECTION 1003t.** 46.18 (1) of the statutes is amended to read:

6 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis
7 hospital or sanatorium, or similar institution, shall, subject to regulations approved
8 by the county board, be managed by a board of trustees, electors of the county, chosen
9 by ballot by the county board. At its annual meeting, the county board shall appoint
10 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered
11 3-year terms ending the first Monday in January. Any vacancy shall be filled for the
12 unexpired term by the county board; but the chairperson of the county board may
13 appoint a trustee to fill the vacancy until the county board acts.

14 **SECTION 1003u.** 46.20 (1) of the statutes is amended to read:

15 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
16 members of each county board, provide for a county home, infirmary, hospital,
17 tuberculosis hospital or sanatorium, or similar institution, or juvenile detention
18 home, which shall be established, maintained and operated pursuant to all the
19 statutes relating to the establishment, maintenance and operation of similar
20 institutions, respectively, by any single county whose population is less than
21 250,000, except as otherwise provided in this section; and in all respects, except as
22 herein specified, each such institution shall be the county institution of each of the
23 counties so joining.

24 **SECTION 1003v.** 46.20 (3) of the statutes is amended to read:

1 46.20 (3) Upon approval of the site, plans and specifications, as provided in s.
2 ~~252.073 as to tuberculosis sanatoriums~~ and ss. 46.17 and 301.37, as to other
3 institutions, the joint committee shall report to the several county boards the
4 estimated cost of the site and buildings, and the amount thereof chargeable to each
5 county on the basis set forth in sub. (6) (a), appending to each report a copy of the
6 plans and specifications and all matter relating to the site and buildings. If the
7 report is approved by each county board, the joint committee shall purchase the site
8 and cause the buildings to be erected in accordance with the plans and specifications.

9 **SECTION 1003w.** 46.20 (8) of the statutes is repealed.

10 **SECTION 1003x.** 46.20 (10) of the statutes is repealed.”.

11 **3.** Page 650, line 5: after that line insert:

12 **“SECTION 1143dm.** 48.60 (2) (d) of the statutes is amended to read:

13 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
14 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;”.

15 **4.** Page 655, line 23: after that line insert:

16 **“SECTION 1201t.** 49.015 (1m) (b) 5. of the statutes is created to read:

17 49.015 (1m) (b) 5. The individual has infectious tuberculosis, as defined in s.
18 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).”.

19 **5.** Page 657, line 5: after that line insert:

20 **“SECTION 1207m.** 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

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

18 **6.** Page 749, line 24: after that line insert:

19 **"SECTION 1522w.** 50.135 (1) of the statutes is amended to read:

20 50.135 (1) DEFINITION. In this section, "inpatient health care facility" means
21 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
22 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,
23 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
24 does not include community-based residential facilities."

1 **7.** Page 751, line 16: after that line insert:

2 “**SECTION 1526g.** 50.39 (2) of the statutes is amended to read:

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

7 **SECTION 1526h.** 50.39 (3) of the statutes is amended to read:

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

17 **8.** Page 759, line 14: after that line insert:

18 “**SECTION 1572m.** 58.06 of the statutes is repealed.”.

19 **9.** Page 1018, line 14: after that line insert:

20 “**SECTION 1976r.** 101.123 (1) (b) of the statutes is amended to read:

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

1 **10.** Page 1079, line 7: after that line insert:

2 “**SECTION 2000q.** 102.26 (2m) of the statutes is repealed.”

3 **11.** Page 1079, line 20: after that line insert:

4 “**SECTION 2003m.** 102.42 (6) of the statutes is amended to read:

5 102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have
6 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital
7 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or
8 disability of an employe, if the death be caused, or insofar as the disability may be
9 aggravated, caused or continued by an unreasonable refusal or neglect to submit to
10 or follow any competent and reasonable medical, surgical or dental treatment or, in
11 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~
12 sanatorium or medical treatment when found by the department to be necessary.
13 The right to compensation accruing during a period of refusal or neglect to submit
14 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the
15 department to be necessary in the case of tuberculosis shall be barred, irrespective
16 of whether disability was aggravated, caused or continued thereby.”

17 **12.** Page 1158, line 11: after that line insert:

18 “**SECTION 2252gm.** 146.819 (4) (e) of the statutes is repealed.”

19 **13.** Page 1170, line 11: after that line insert:

20 “**SECTION 2278rm.** 150.84 (2) of the statutes is amended to read:

21 150.84 (2) “Health care facility” means a facility, as defined in s. 647.01 (4), or
22 any hospital, nursing home, community-based residential facility, county home,
23 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
24 sanatorium or other place licensed or approved by the department under s. 49.70,

1 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
2 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

3 **14.** Page 1174, line 2: after that line insert:

4 **“SECTION 2283rm.** 155.01 (6) of the statutes is amended to read:

5 155.01 (6) “Health care facility” means a facility, as defined in s. 647.01 (4), or
6 any hospital, nursing home, community-based residential facility, county home,
7 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
8 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
9 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
10 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

11 **15.** Page 1211, line 18: after that line insert:

12 **“SECTION 2400mf.** 252.07 (1) of the statutes is renumbered 252.07 (1m) and
13 amended to read:

14 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
15 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
16 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~
17 receives a specimen for tuberculosis testing shall report all positive results obtained
18 by any appropriate procedure, including a procedure performed by an out-of-state
19 laboratory, to the local health officer and to the department.

20 **SECTION 2400mg.** 252.07 (1g) of the statutes is created to read:

21 252.07 (1g) In this section:

22 (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory
23 tract, capable of producing infection or disease in others as demonstrated by the

1 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
2 radiograph and clinical findings.

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

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

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

12 **SECTION 2400mh.** 252.07 (1p) of the statutes is created to read:

13 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
14 shall also perform organism identification for mycobacterium tuberculosis complex
15 using an approved rapid testing procedure specified by the department by rule.

16 **SECTION 2400mi.** 252.07 (1t) of the statutes is created to read:

17 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
18 ensure that antimicrobial drug susceptibility tests are performed on the initial
19 isolate. The laboratory shall report the results of these tests to the local health officer
20 and the department.

21 **SECTION 2400mj.** 252.07 (2) of the statutes is amended to read:

22 252.07 (2) The department shall identify groups at risk for contracting or
23 transmitting mycobacterium tuberculosis and shall recommend the protocol for
24 screening members of those groups. ~~If necessary to prevent or control the~~
25 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~

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

3 **SECTION 2400mk.** 252.07 (4) of the statutes is repealed.

4 **SECTION 2400mL.** 252.07 (5) of the statutes is amended to read:

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

10 **SECTION 2400mm.** 252.07 (7) of the statutes is repealed.

11 **SECTION 2400mn.** 252.07 (8) of the statutes is created to read:

12 252.07 (8) (a) The department or a local health officer may order the
13 confinement to a facility of an individual who has a confirmed diagnosis of infectious
14 tuberculosis or suspect tuberculosis if all of the following conditions are met:

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

17 2. The department or local health officer provides to the court a written
18 statement from a physician that the individual has infectious tuberculosis or suspect
19 tuberculosis.

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

24 4. In the case of an individual with a confirmed diagnosis of infectious
25 tuberculosis, the department or local health officer determines that the individual

1 poses an imminent and substantial threat to himself or herself or to the public
2 health. The department or local health officer shall provide to the court a written
3 statement of that determination.

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

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

12 **SECTION 2400mo.** 252.07 (9) of the statutes is created to read:

13 252.07 (9) (a) The department or a local health officer may petition any court
14 for a hearing to determine whether an individual with infectious or suspect
15 tuberculosis should be confined for longer than 72 hours in a facility where proper
16 care and treatment will be provided and spread of the disease will be prevented. The
17 department or local health officer shall include in the petition documentation that
18 demonstrates all of the following:

19 1. That the individual named in the petition has infectious tuberculosis; that
20 the individual has noninfectious tuberculosis but is at high risk of developing
21 infectious tuberculosis; or that the individual has suspect tuberculosis.

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

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

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

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

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

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

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

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

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

20 (d) An individual who is the subject of a petition for a hearing under this
21 subsection has the right to appear at the hearing, the right to present evidence and
22 cross-examine witnesses and the right to be represented by adversary counsel. At
23 the time of the filing of the petition the court shall assure that the individual who is
24 the subject of the petition is represented by adversary counsel. If the individual
25 claims or appears to be indigent, the court shall refer the individual to the authority

1 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
2 the court shall refer that child to the state public defender who shall appoint counsel
3 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
4 good cause is shown, a hearing under this subsection may be conducted by telephone
5 or live audiovisual means, if available.

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

9 **SECTION 2400mp.** 252.07 (11) of the statutes is created to read:

10 252.07 (11) The department may promulgate any rules necessary for the
11 administration and enforcement of this section, including, if necessary to prevent or
12 control the transmission of mycobacterium tuberculosis, rules that require screening
13 of members of specific groups that are at risk for contracting or transmitting
14 mycobacterium tuberculosis.

15 **SECTION 2400mq.** 252.073 of the statutes is repealed.

16 **SECTION 2400mr.** 252.076 of the statutes is repealed.

17 **SECTION 2400ms.** 252.08 (1) of the statutes is repealed.

18 **SECTION 2400mt.** 252.08 (2) of the statutes is repealed.

19 **SECTION 2400mu.** 252.08 (3) of the statutes is renumbered 252.07 (10) and
20 amended to read:

21 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
22 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
23 not eligible for federal medicare benefits, for medical assistance under subch. V IV
24 of ch. 49 or for health care services funded by a relief block grant under subch. II of
25 ch. 49 may be reimbursed if provided by a facility contracted by the department. If

1 the patient has private health insurance, the state shall pay the difference between
2 health insurance payments and total charges.

3 **SECTION 2400mv.** 252.08 (4) of the statutes is repealed.

4 **SECTION 2400mw.** 252.08 (5) of the statutes is repealed.

5 **SECTION 2400mx.** 252.08 (6) of the statutes is repealed.

6 **SECTION 2400my.** 252.09 of the statutes is repealed.”

7 **16.** Page 1213, line 22: after that line insert:

8 “**SECTION 2430L.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act
9 156, is amended to read:

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

20 **17.** Page 1215, line 4: after that line insert:

21 “**SECTION 2432jk.** 252.14 (1) (d) of the statutes is amended to read:

22 252.14 (1) (d) “Inpatient health care facility” means a hospital, nursing home,
23 community-based residential facility, county home, county mental health complex,
24 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department

1 under ~~ss. s.~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073~~
2 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42
3 or 252.10.”

4 **18.** Page 1233, line 19: after that line insert:

5 “**SECTION 2485t.** 255.05 (1) (a) of the statutes is amended to read:

6 255.05 (1) (a) “Institution” means any hospital, nursing home, county home,
7 county mental hospital, ~~tuberculosis sanatorium~~, community-based residential
8 facility or other place licensed or approved by the department under ~~ss. s.~~ 49.70,
9 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.”~~

10 **19.** Page 1404, line 15: after that line insert:

11 “**SECTION 3035m.** 610.70 (1) (e) of the statutes, as created by 1997 Wisconsin
12 Act 231, is amended to read:

13 610.70 (1) (e) “Medical care institution” means a facility, as defined in s. 647.01
14 (4), or any hospital, nursing home, community-based residential facility, county
15 home, county infirmary, county hospital, county mental health center, ~~tuberculosis~~
16 ~~sanatorium~~, adult family home, assisted living facility, rural medical center, hospice
17 or other place licensed, certified or approved by the department of health and family
18 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,
19 50.52, 50.90, 51.04, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a facility under s.
20 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county
21 department under s. 50.032 or 50.033.”

22 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0828/2
TAY&RPN;jlg:mrc

ARC:.....Tompach - Am. #90, Tuberculosis

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 350, line 17: delete lines 17 to 20 and substitute:

3 “20.435 (5) (e) ~~Disease aids~~ Public health dispensaries and drugs. Biennially,
4 the amounts in the schedule for ~~assisting~~ establishing and maintaining public health
5 dispensaries for victims of diseases and for the provision of drugs for the treatment
6 of mycobacterium tuberculosis, as provided in ss. ~~49.68, 49.683, 49.685, 58.06, 252.08~~
7 ~~(4) and (5) and s. 252.10 (6) and (7)~~, as allocated by the department.”

8 **2.** Page 559, line 21: after that line insert:

9 “SECTION 1003c. 46.10 (2m) of the statutes is amended to read:

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

7 **SECTION 1003t.** 46.18 (1) of the statutes is amended to read:

8 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, ~~tuberculosis~~
9 ~~hospital or sanatorium~~, or similar institution, shall, subject to regulations approved
10 by the county board, be managed by a board of trustees, electors of the county, chosen
11 by ballot by the county board. At its annual meeting, the county board shall appoint
12 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered
13 3-year terms ending the first Monday in January. Any vacancy shall be filled for the
14 unexpired term by the county board; but the chairperson of the county board may
15 appoint a trustee to fill the vacancy until the county board acts.

16 **SECTION 1003u.** 46.20 (1) of the statutes is amended to read:

17 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
18 members of each county board, provide for a county home, infirmary, hospital,
19 ~~tuberculosis hospital or sanatorium~~, or similar institution, or juvenile detention
20 home, which shall be established, maintained and operated pursuant to all the
21 statutes relating to the establishment, maintenance and operation of similar
22 institutions, respectively, by any single county whose population is less than
23 250,000, except as otherwise provided in this section; and in all respects, except as
24 herein specified, each such institution shall be the county institution of each of the
25 counties so joining.

1 **SECTION 1003v.** 46.20 (3) of the statutes is amended to read:

2 46.20 (3) Upon approval of the site, plans and specifications, as provided in s.
3 ~~252.073 as to tuberculosis sanatoriums~~ and ss. 46.17 and 301.37, as to other
4 institutions, the joint committee shall report to the several county boards the
5 estimated cost of the site and buildings, and the amount thereof chargeable to each
6 county on the basis set forth in sub. (6) (a), appending to each report a copy of the
7 plans and specifications and all matter relating to the site and buildings. If the
8 report is approved by each county board, the joint committee shall purchase the site
9 and cause the buildings to be erected in accordance with the plans and specifications.

10 **SECTION 1003w.** 46.20 (8) of the statutes is repealed.

11 **SECTION 1003x.** 46.20 (10) of the statutes is repealed.”.

12 **3.** Page 650, line 5: after that line insert:

13 “**SECTION 1143dm.** 48.60 (2) (d) of the statutes is amended to read:

14 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
15 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;”.

16 **4.** Page 655, line 23: after that line insert:

17 “**SECTION 1201t.** 49.015 (1m) (b) 5. of the statutes is created to read:

18 49.015 (1m) (b) 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 **5.** Page 657, line 5: after that line insert:

21 “**SECTION 1207m.** 49.08 of the statutes is amended to read:

22 **49.08 Recovery of relief and other assistance.** If any person is the owner
23 of property at the time of receiving general relief under ch. 49, 1993 stats., relief
24 funded by a relief block grant or other assistance as an inmate of any county or

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

19 **6.** Page 749, line 24: after that line insert:

20 **"SECTION 1522w.** 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,

1 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
2 does not include community-based residential facilities.”.

3 **7.** Page 751, line 16: after that line insert:

4 **“SECTION 1526g.** 50.39 (2) of the statutes is amended to read:

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

9 **SECTION 1526h.** 50.39 (3) of the statutes is amended to read:

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

19 **8.** Page 759, line 14: after that line insert:

20 **“SECTION 1572m.** 58.06 of the statutes is repealed.”.

21 **9.** Page 1018, line 14: after that line insert:

22 **“SECTION 1976r.** 101.123 (1) (b) of the statutes is amended to read:

23 101.123 (1) (b) “Inpatient health care facility” means a county home
24 established under s. 49.70, a county infirmary established under s. 49.72, or a

1 community-based residential facility or a nursing home licensed under s. 50.03 or
2 a tuberculosis sanatorium established under s. ~~58.06, 252.073 or 252.076~~.”.

3 **10.** Page 1079, line 7: after that line insert:

4 “SECTION 2000q. 102.26 (2m) of the statutes is repealed.”.

5 **11.** Page 1079, line 20: after that line insert:

6 “SECTION 2003m. 102.42 (6) of the statutes is amended to read:

7 102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have
8 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital
9 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or
10 disability of an employe, if the death be caused, or insofar as the disability may be
11 aggravated, caused or continued by an unreasonable refusal or neglect to submit to
12 or follow any competent and reasonable medical, surgical or dental treatment or, in
13 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~
14 ~~sanatorium~~ or medical treatment when found by the department to be necessary.
15 The right to compensation accruing during a period of refusal or neglect to submit
16 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the
17 department to be necessary in the case of tuberculosis shall be barred, irrespective
18 of whether disability was aggravated, caused or continued thereby.”.

19 **12.** Page 1158, line 11: after that line insert:

20 “SECTION 2252gm. 146.819 (4) (e) of the statutes is repealed.”.

21 **13.** Page 1170, line 11: after that line insert:

22 “SECTION 2278rm. 150.84 (2) of the statutes is amended to read:

23 150.84 (2) “Health care facility” means a facility, as defined in s. 647.01 (4), or
24 any hospital, nursing home, community-based residential facility, county home,

1 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
2 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
3 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
4 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

5 **14.** Page 1174, line 2: after that line insert:

6 “**SECTION 2283rm.** 155.01 (6) of the statutes is amended to read:

7 155.01 (6) “Health care facility” means a facility, as defined in s. 647.01 (4), or
8 any hospital, nursing home, community-based residential facility, county home,
9 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
10 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
11 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
12 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.”.

13 **15.** Page 1211, line 18: after that line insert:

14 “**SECTION 2400mf.** 252.07 (1) of the statutes is renumbered 252.07 (1m) and
15 amended to read:

16 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
17 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
18 reporting requirements specified in s. 252.05. Any laboratory that performs a test
19 receives a specimen for tuberculosis testing shall report all positive results obtained
20 by any appropriate procedure, including a procedure performed by an out-of-state
21 laboratory, to the local health officer and to the department.

22 **SECTION 2400mg.** 252.07 (1g) of the statutes is created to read:

23 252.07 (1g) In this section:

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

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

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

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

14 **SECTION 2400mh.** 252.07 (1p) of the statutes is created to read:

15 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
16 shall also perform organism identification for mycobacterium tuberculosis complex
17 using an approved rapid testing procedure specified by the department by rule.

18 **SECTION 2400mi.** 252.07 (1t) of the statutes is created to read:

19 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
20 ensure that antimicrobial drug susceptibility tests are performed on the initial
21 isolate. The laboratory shall report the results of these tests to the local health officer
22 and the department.

23 **SECTION 2400mj.** 252.07 (2) of the statutes is amended to read:

24 252.07 (2) The department shall identify groups at risk for contracting or
25 transmitting mycobacterium tuberculosis and shall recommend the protocol for

1 screening members of those groups. ~~If necessary to prevent or control the~~
2 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~
3 ~~that require screening of members of specific groups that are at risk for contracting~~
4 ~~or transmitting mycobacterium tuberculosis.~~

5 **SECTION 2400mk.** 252.07 (4) of the statutes is repealed.

6 **SECTION 2400mL.** 252.07 (5) of the statutes is amended to read:

7 252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health
8 officer shall at once investigate and make and enforce the necessary orders. If any
9 person does not voluntarily comply with any order made by the local health officer
10 with respect to that person, the local health officer or the department may order a
11 medical evaluation, directly observed therapy or home isolation of that person.

12 **SECTION 2400mm.** 252.07 (7) of the statutes is repealed.

13 **SECTION 2400mn.** 252.07 (8) of the statutes is created to read:

14 252.07 (8) (a) The department or a local health officer may order the
15 confinement to a facility of an individual who has a confirmed diagnosis of infectious
16 tuberculosis or suspect tuberculosis if all of the following conditions are met:

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

19 2. The department or local health officer provides to the court a written
20 statement from a physician that the individual has infectious tuberculosis or suspect
21 tuberculosis.

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

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

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

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

14 **SECTION 2400mo.** 252.07 (9) of the statutes is created to read:

15 252.07 (9) (a) The department or a local health officer may petition any court
16 for a hearing to determine whether an individual with infectious or suspect
17 tuberculosis should be confined for longer than 72 hours in a facility where proper
18 care and treatment will be provided and spread of the disease will be prevented. The
19 department or local health officer shall include in the petition documentation that
20 demonstrates all of the following:

21 1. That the individual named in the petition has infectious tuberculosis; that
22 the individual has noninfectious tuberculosis but is at high risk of developing
23 infectious tuberculosis; or that the individual has suspect tuberculosis.

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

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

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

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

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

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

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

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

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

23 (d) An individual who is the subject of a petition for a hearing under this
24 subsection has the right to appear at the hearing, the right to present evidence and
25 cross-examine witnesses and the right to be represented by adversary counsel. At

1 the time of the filing of the petition the court shall assure that the individual who is
2 the subject of the petition is represented by adversary counsel. If the individual
3 claims or appears to be indigent, the court shall refer the individual to the authority
4 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
5 the court shall refer that child to the state public defender who shall appoint counsel
6 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
7 good cause is shown, a hearing under this subsection may be conducted by telephone
8 or live audiovisual means, if available.

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

12 **SECTION 2400mp.** 252.07 (11) of the statutes is created to read:

13 252.07 (11) The department may promulgate any rules necessary for the
14 administration and enforcement of this section, including, if necessary to prevent or
15 control the transmission of mycobacterium tuberculosis, rules that require screening
16 of members of specific groups that are at risk for contracting or transmitting
17 mycobacterium tuberculosis.

18 **SECTION 2400mq.** 252.073 of the statutes is repealed.

19 **SECTION 2400mr.** 252.076 of the statutes is repealed.

20 **SECTION 2400ms.** 252.08 (1) of the statutes is repealed.

21 **SECTION 2400mt.** 252.08 (2) of the statutes is repealed.

22 **SECTION 2400mu.** 252.08 (3) of the statutes is renumbered 252.07 (10) and
23 amended to read:

24 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
25 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are

1 not eligible for federal medicare benefits, for medical assistance under subch. V IV
2 of ch. 49 or for health care services funded by a relief block grant under subch. II of
3 ch. 49 may be reimbursed if provided by a facility contracted by the department. If
4 the patient has private health insurance, the state shall pay the difference between
5 health insurance payments and total charges.

6 **SECTION 2400mv.** 252.08 (4) of the statutes is repealed.

7 **SECTION 2400mw.** 252.08 (5) of the statutes is repealed.

8 **SECTION 2400mx.** 252.08 (6) of the statutes is repealed.

9 **SECTION 2400my.** 252.09 of the statutes is repealed.”

10 **16.** Page 1213, line 22: after that line insert:

11 “**SECTION 2430L.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act
12 156, is amended to read:

13 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
14 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
15 and dispensed to patients through the public health dispensaries ~~or through health~~
16 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~
17 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~
18 ~~marriage and family therapists or professional counselors certified under ch. 457,~~
19 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~
20 ~~speech and language pathologists licensed by the department of public instruction~~
21 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~
22 or advanced practice nurse prescribers.”

23 **17.** Page 1215, line 4: after that line insert:

24 “**SECTION 2432jk.** 252.14 (1) (d) of the statutes is amended to read:

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

7 **18.** Page 1233, line 19: after that line insert:

8 “**SECTION 2485t.** 255.05 (1) (a) of the statutes is amended to read:

9 255.05 (1) (a) “Institution” means any hospital, nursing home, county home,
10 county mental hospital, ~~tuberculosis sanatorium~~, community-based residential
11 facility or other place licensed or approved by the department under ~~ss. s.~~ 49.70,
12 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.~~”.

13 **19.** Page 1404, line 15: after that line insert:

14 “**SECTION 3035m.** 610.70 (1) (e) of the statutes, as created by 1997 Wisconsin
15 Act 231, is amended to read:

16 610.70 (1) (e) “Medical care institution” means a facility, as defined in s. 647.01
17 (4), or any hospital, nursing home, community-based residential facility, county
18 home, county infirmary, county hospital, county mental health center, ~~tuberculosis~~
19 ~~sanatorium~~, adult family home, assisted living facility, rural medical center, hospice
20 or other place licensed, certified or approved by the department of health and family
21 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,
22 50.52, 50.90, 51.04, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a facility under s.

1 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county
2 department under s. 50.032 or 50.033.”

3 (END)