

**2003 DRAFTING REQUEST**

**Bill**

Received: 02/27/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Sara Jermstad (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - AIDS

Extra Copies: RLR, PG, MJL

Submit via email: YES

Requester's email: Sen.Roessler@legis.state.wi.us

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Certain school employees and social workers authorized to subject person's blood to test for HIV

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**Instructions:**

2001 SB 202; add social workers

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**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>
/?	dkennedy 06/27/2003	kfollett 07/02/2003 kfollett 07/02/2003		_____			S&L
/1			rschluet 07/02/2003	_____	lemery 07/02/2003		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	dkennedy 07/08/2003	kfollett 07/08/2003	jfrantze 07/08/2003	_____	sbasford 07/08/2003	lemery 07/09/2003	

FE Sent For:

<END>

At  
intro

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/1		12 k/f 7/8	rschluet 07/02/2003		lemery 07/02/2003		
			J 7/8	J pg 7/8			

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/?	dkennedy	11/16/03					

FE Sent For:

7-2-03 <END>

# TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

2/27/2003

CONVERSATION  
WITH:

Sara Jensenstad

OF:

Roessler's ff

TELEPHONE NO:

REGARDING LRB #  
OR DRAFT TOPIC:

INSTRUCTIONS:

Redraft 2001 SB 202

Add social workers

01-2130/2



# 2001 SENATE BILL 202

June 5, 2001 - Introduced by Senators ROESSLER, HUELSMAN and SCHULTZ, cosponsored by Representatives OLSEN, PLALE, STONE, MILLER, ALBERS, JESKEWITZ, KESTELL, M. LEHMAN, MUSSER, OTT, OWENS and TOWNSEND. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

LPS:  
PWF  
please

Regen

or a social worker

1 AN ACT to amend 252.15 (1) (ab) and 252.15 (2) (a) 7. a. of the statutes; relating  
 2 to: authorizing an employee of a school district, cooperative educational service  
 3 agency, charter school, private school, the Wisconsin School for the Deaf, or the  
 4 Wisconsin Center for the Blind and Visually Impaired to subject an individual's  
 5 blood to a test for the presence of the virus that causes acquired  
 6 immunodeficiency syndrome.

### *Analysis by the Legislative Reference Bureau*

Under current law, specified persons who meet certain requirements and are significantly exposed (that is, who sustain a contact that carries a potential for transmission of human immunodeficiency virus, the virus that causes acquired immunodeficiency syndrome), are authorized to subject the blood of the individual to whom they were exposed to a test for the presence of human immunodeficiency virus (HIV) and to receive disclosure of the test results. These persons, include, under specified circumstances, emergency medical technicians; first responders; fire fighters; peace officers; correctional officers; persons employed at a secured correctional facility, secured child caring institution, or secured group home; state patrol officers; jailers or keepers of jails; health care providers; employees of health care providers; and staff members of state crime laboratories. The requirements those persons must meet include the use of universal precautions against significant exposure at the time of the significant exposure, certification in writing by a

**SENATE BILL 202**

*or social workers*

physician that the affected person was significantly exposed, and submittal to a test for the presence of HIV within a specified time period. If previously drawn blood from the individual to whom the person was exposed is unavailable, the person may request a court order requiring the individual to submit to a test; after a hearing, a court may order the testing to proceed.

This bill permits employees of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, ~~or~~ the Wisconsin Center for the Blind and Visually Impaired, who, while performing employment duties involving an individual are significantly exposed to the individual, to subject the blood of the individual to whom they are exposed to a test for the presence of HIV.

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:*

*Social worker;*

1 SECTION 1. 252.15 (1) (ab) of the statutes is amended to read:

2 252.15 (1) (ab) "Affected person" means an emergency medical technician; first  
3 responder; fire fighter; peace officer; correctional officer; person who is employed  
4 at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring  
5 institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s.  
6 938.02 (15p); state patrol officer; jailer ~~or~~ keeper of a jail, or person designated with  
7 custodial authority by the jailer or keeper; health care provider; employee of a  
8 health care provider ~~or~~; staff member of a state crime laboratory; or employee of a  
9 school district, cooperative educational service agency, charter school, private school,  
10 the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually  
11 Impaired.

**INSERT 2-11**

12 SECTION 2. 252.15 (2) (a) 7. a. of the statutes is amended to read:

13 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an  
14 emergency medical technician; first responder; fire fighter; peace officer;  
15 correctional officer; person who is employed at a secured correctional facility, as

## SENATE BILL 202

Social worker;

1 defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02  
2 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer;  
3 jailer ~~or~~, keeper of a jail, or person designated with custodial authority by the jailer  
4 or keeper ~~who~~, during the course of providing care or services to an individual; ~~or~~ a  
5 peace officer, correctional officer, state patrol officer, jailer or keeper of a jail, or  
6 person designated with custodial authority by the jailer or keeper ~~who~~, while  
7 searching or arresting an individual or while controlling or transferring an  
8 individual in custody; ~~or~~ a health care provider or an employee of a health care  
9 provider ~~who~~, during the course of providing care or treatment to an individual or  
10 handling or processing specimens of body fluids or tissues of an individual; ~~or~~ a staff  
11 member of a state crime laboratory ~~who~~, during the course of handling or processing  
12 specimens of body fluids or tissues of an individual; or an employee of a school  
13 district, cooperative educational service agency, charter school, private school, the  
14 Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually  
15 Impaired, while performing employment duties involving an individual; who is  
16 significantly exposed to the individual may subject the individual's blood to a test or  
17 a series of tests for the presence of HIV, antigen or nonantigenic products of HIV or  
18 an antibody to HIV and may receive disclosure of the results.

(END)

INSERT 2-11

SECTION . CR; 252.15 (1) (er)

252.15 (1) (er) "Social worker" means an

individual who is certified or licensed as a social

worker, advanced practice social worker, independent

social worker, or clinical social worker under

ch. 457.



## 2003 BILL

Regen

Educational Services Program

and Hard of Hearing

1 AN ACT to amend 252.15 (1) (ab) and 252.15 (2) (a) 7. a.; and to create 252.15  
 2 (1) (er) of the statutes; relating to: authorizing an employee of a school district,  
 3 cooperative educational service agency, charter school, private school, the  
 4 Wisconsin ~~School~~ for the Deaf, the Wisconsin Center for the Blind and Visually  
 5 Impaired, or a social worker to subject an individual's blood to a test for the  
 6 presence of the virus that causes acquired immunodeficiency syndrome.

### *Analysis by the Legislative Reference Bureau*

Under current law, specified persons who meet certain requirements and are significantly exposed (that is, who sustain a contact that carries a potential for transmission of human immunodeficiency virus, the virus that causes acquired immunodeficiency syndrome), are authorized to subject the blood of the individual to whom they were exposed to a test for the presence of human immunodeficiency virus (HIV) and to receive disclosure of the test results. These persons, include, under specified circumstances, emergency medical technicians; first responders; fire fighters; peace officers; correctional officers; persons employed at a secured correctional facility, secured child caring institution, or secured group home; state patrol officers; jailers or keepers of jails; health care providers; employees of health care providers; and staff members of state crime laboratories. The requirements those persons must meet include the use of universal precautions against significant exposure at the time of the significant exposure, certification in writing by a

**BILL**

Educational Services Program

and Hard of Hearing

physician that the affected person was significantly exposed, and submittal to a test for the presence of HIV within a specified time period. If previously drawn blood from the individual to whom the person was exposed is unavailable, the person may request a court order requiring the individual to submit to a test; after a hearing, a court may order the testing to proceed.

This bill permits employees of a school district, cooperative educational service agency, charter school, private school, the Wisconsin ~~School~~ for the Deaf, the Wisconsin Center for the Blind and Visually Impaired, or social workers who, while performing employment duties involving an individual are significantly exposed to the individual, to subject the blood of the individual to whom they are exposed to a test for the presence of HIV.

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:*

1 SECTION 1. 252.15 (1) (ab) of the statutes is amended to read:

2 252.15 (1) (ab) "Affected person" means an emergency medical technician; first  
3 responder; fire fighter; peace officer; correctional officer; person who is employed  
4 at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring  
5 institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s.  
6 938.02 (15p); state patrol officer; jailer or keeper of a jail, or person designated with  
7 custodial authority by the jailer or keeper; health care provider; employee of a  
8 health care provider or staff member of a state crime laboratory; social worker; or  
9 employee of a school district, cooperative educational service agency, charter school,  
10 private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the  
11 Blind and Visually Impaired.

Educational Services Program

and Hard of Hearing

12 SECTION 2. 252.15 (1) (er) of the statutes is created to read:

13 252.15 (1) (er) "Social worker" means an individual who is certified or licensed  
14 as a social worker, advanced practice social worker, independent social worker, or  
15 clinical social worker under ch. 457.

**BILL**

**SECTION 3.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an emergency medical technician; first responder; fire fighter; peace officer; correctional officer; person who is employed at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer; jailer or keeper of a jail, or person designated with custodial authority by the jailer or keeper who, during the course of providing care or services to an individual; or a peace officer, correctional officer, state patrol officer, jailer or keeper of a jail, or person designated with custodial authority by the jailer or keeper who, while searching or arresting an individual or while controlling or transferring an individual in custody; or a health care provider or an employee of a health care provider who, during the course of providing care or treatment to an individual or handling or processing specimens of body fluids or tissues of an individual; or a staff member of a state crime laboratory who, during the course of handling or processing specimens of body fluids or tissues of an individual; social worker; or an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired, while performing employment duties involving an individual; who is significantly exposed to the individual may subject the individual's blood to a test or a series of tests for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and may receive disclosure of the results.

(END)

Educational Services Program

and Hard of Hearing

**Emery, Lynn**

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**From:** Jermstad, Sara  
**Sent:** Wednesday, July 09, 2003 11:20 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2174/2 Topic: Certain school employees and social workers authorized to subject person's blood to test for HIV

It has been requested by <Jermstad, Sara> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2174/2 Topic: Certain school employees and social workers authorized to subject person's blood to test for HIV