

Halbur, Jennifer

From: on behalf of Sen.Roessler
To: Hartwitt@prdigy.net
Subject: Senate Bill 230

Cheryl,

Thank you for your e-mail. When SB 230 bill moves to the point where it is in the Assembly, I will contact the chairperson of the Committee to which it is referred (likely the Assembly Health Committee). At this point, the bill needs to be scheduled by the Senate Committee on Organization to be taken up by the full Senate. If the bill passes the full Senate, then the bill will be referred to an Assembly Committee. I have contacted Senator Mary Panzer's office, the Senate Majority Leader, to let her know that I would like SB 230 to be addressed by the full Senate the first week of session (in October).

Thank you for your continued involvement with this issue! I will keep you apprised of the status of the bill as it moves through the Legislative process.

Take Care, Cheryl.

Sincerely,

Carol

Halbur, Jennifer

From: Asbjornson, Karen
Sent: Monday, September 08, 2003 11:41 AM
To: Halbur, Jennifer; Halbur, Jennifer
Subject: New Forward Contact Ownership and Assignment

Constituent: Cheryl Hartman (60481)
917 W 6th Ave
Oshkosh, WI 54902-5850

Home: 920-233-2439

Email: hartwitt@prodigy.net

Owner: Halbur, Jennifer
Assigned: Halbur, Jennifer
Summary: SB 230 HIV testing/Do you know Tony

Issue:

Position:

Status: Pending

Contact Type: E-mail

Description: Jennifer - There were two emails from Cheryl - I am going to put both in here so hopefully you can take care of both issues at the same time with your response. Thanks! - K

Sept. 8 email:

-----Original Message-----

From: HartWitt [mailto:hartwitt@prodigy.net]
Sent: Monday, September 08, 2003 3:09 AM
To: Carol.Roessler@legis.state.wi.us
Subject: Testifying before the Assembly

Dear Senator Roessler,

I am not sure how much clout you have when it comes to setting up hearings in the Assembly, but if there is anyway to get us in early as you did last week it would be GREATLY appreciated. It gave Patti time to get back to her kindergartners, who are mostly traumatized this time of the year. Linda is one of only 4 RN's for 10,400 students, so she had several meetings left when we returned, and I wouldn't want John Sprangers job no matter how much I got paid. We walked back into Central Office and all I heard was "John, John, John" from every direction. You already know what I do.

I know the Assembly isn't actually your beat, but if you have any influence and can plead to try to make this education friendly and get us in early so we can get back to work, that helped tremendously last time. If you can't we certainly understand and getting SB 230 passed is the most important thing right now.

Hopefully, after teachers from all over the state return to work today they will be notified about how important it is that they contact their representatives to support your bill. I hope the place gets flooded with communication.

Thanks again for all your help. You are adding a tremendous lesson to our Civics class at Second Chance. Kids are watching to see how the process is going to work.

Cherie Hartman

Sept. 4 email:

-----Original Message-----

From: HartWitt [mailto:hartwitt@prodigy.net]
Sent: Thursday, September 04, 2003 9:09 PM
To: Carol.Roessler@legis.state.wi.us
Subject: Did you know Tony?

Sen Roessler,

Patti Yana told me you spent many years working at Advocap. I wondered if you know Tony Beregszazi? The best friend I refer to who I lost to AIDS is his brother Roger.

Cheryl

Nipko, Clark T
1949 Greenbriar Trl
Oshkosh, WI 54904-8888

Email: NIPKOFAM@aol.com

Contact Date: 09/07/2003

Contact Type: E-mail

Summary: SB 230 HIV testing

Issue:

Position:

Description: -----Original Message-----

From: NIPKOFAM@aol.com [mailto:NIPKOFAM@aol.com]

Sent: Sunday, September 07, 2003 4:10 PM

To: sen.roessler@legis.state.wi.us

Subject: Bill SB 230

Dear Senator Roessler,

We are family members of Cheryl Hartman. We would like to thank you for supporting her and introducing SB 230. We hope you are able to convince your fellow senators to also vote in favor of your very important bill. They need to realize the effects of this type of incident reach the entire family of the person involved. We all waited a month to see if the needed information was ever going to be provided. Again, thank you for everything you have accomplished so far. Good luck with what is ahead.

Clark and Stephanie Nipko
1949 Greenbriar Trail
Oshkosh, Wi 54904

Clyde and Elaine Hartman
403 Hawk Street
Oshkosh, WI 54902

Status: Done

Closed Date: 09/08/2003

Assigned: Halbur, Jennifer

Owner: Halbur, Jennifer

Note **Note Date:** 09/08/2003

Summary: Response sent

Contact Type:

Description: Clark and Stephanie,

Thank you for your contact. Senate Bill 230 is now available to be scheduled for debate by the full Senate. I have put in a request to the Senate Majority Leader to have this bill addressed the first week of session (in October). If SB 230 passes the Senate, the bill will then be referred to an Assembly Committee. I will contact the chairperson of that committee to make sure he/she is aware of the importance of this bill.

Thank you again for your contact. I will keep you up to speed as SB 230 moves through the Legislative process.

Sincerely,

Senator Carol Roessler

Halbur, Jennifer

From: Asbjornson, Karen
Sent: Monday, September 08, 2003 11:16 AM
To: Halbur, Jennifer; Halbur, Jennifer
Subject: New Forward Contact Ownership and Assignment

Constituent: Clark T Nipko (41222)
1949 Greenbriar Trl
Oshkosh, WI 54904-8888

Email: NIPKOFAM@aol.com

Owner: Halbur, Jennifer
Assigned: Halbur, Jennifer
Summary: SB 230 HIV testing

Issue:
Position:
Status: Pending
Contact Type: E-mail
Description: -----Original Message-----
From: NIPKOFAM@aol.com [mailto:NIPKOFAM@aol.com]
Sent: Sunday, September 07, 2003 4:10 PM
To: sen.roessler@legis.state.wi.us
Subject: Bill SB 230

Dear Senator Roessler,

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Clark and Stephanie Nipko
1949 Greenbriar Trail
Oshkosh, WI 54904

Clyde and Elaine Hartman
403 Hawk Street
Oshkosh, WI 54902

WISCONSIN STATE SENATE



September 8, 2003

Carol Roessler
STATE SENATOR

Clyde and Elaine Hartman
403 Hawk Street
Oshkosh, WI 54902

Dear Clyde and Elaine,

Thank you for your contact on Senate Bill 230, relating to authorizing employees of a school district to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome.

Senate Bill 230 passed the Senate Health Committee 8-1 on September 4, 2003. It is now available to be scheduled for debate by the full Senate. I have put in a request to the Senate Majority Leader to have this bill addressed the first week of session (in October). If SB 230 passes the Senate, the bill will then be referred to an Assembly Committee. I will contact the chairperson of that committee to make sure he/she is aware of the importance of this bill.

Thank you again for your contact. I will keep you up to speed as SB 230 moves through the Legislative process.

Sincerely,

A handwritten signature in cursive script that reads "Carol".

CAROL ROESSLER
State Senator
18th Senate District

CR:/S:\DOCS\Jennifer9-8-03 HIV hartman ltr..doc

Asbjornson, Karen

From: HartWitt [hartwitt@prodigy.net]
Sent: Thursday, September 04, 2003 9:09 PM
To: Carol.Roessler@legis.state.wi.us
Subject: Did you know Tony?

Sen Roessler,

Patti Yana told me you spent many years working at Advocap. I wondered if you know Tony Beregszazi? The best friend I refer to who I lost to AIDS is his brother Roger.

Cheryl

Yes, Cheryl I do know Tony
I have greatly enjoyed working
with him all these years!
It is a small world - isn't it.

Cheryl, today's Northwestern
news coverage was well
done. Have a great weekend.
Will ~~keep~~ ^{keep} you posted.

Carol.

Halbur, Jennifer

From: on behalf of Sen.Roessler

Cheryl,

Yes, I do know Tony and have greatly enjoyed working with and for him all these years! It is a small world, isn't it?

Cheryl, today's Oshkosh Northwestern Newspaper coverage was well done!

Have a great weekend. We'll keep you posted as SB 230 moves through the process.

Carol

Halbur, Jennifer

From: HartWitt [hartwitt@prodigy.net]
Sent: Monday, September 01, 2003 6:52 PM
To: Jennifer.Halbur@legis.state.wi.us
Subject: Blood Borne Pathogen Bill Testimony

Jennifer,

When we come down to testify on Thursday, I will be accompanied by John Sprangers, Director of Human Resources OASD, Patti Yana, teacher defense for the OEA, and Linda Stoikes, a school nurse. At this time I am unsure if WEAC is sending someone or sending testimony for Patti to read in. They are supporting the Bill. We will be at 411 South at 10:00am on Thursday, Sept. 4. Please let me know if you need anymore information.

Thanks,

Cheryl Hartman

Jermstad, Sara

From: Robert Schwoch [schwoch@wi.rr.com]
Sent: Monday, July 28, 2003 6:16 PM
To: Jermstad, Sara
Cc: jennifer.halbur@legis.state.wi.us
Subject: Re: AIDS testing bill/meeting

Sara, Jennifer -- I know how important the Oshkosh School District is to Carol and I'm anticipating her moving forward. But I want her to know in advance what I'm probably going to say about this bill on behalf of my client, and what other people might say about it.

I'm talking with the folks at ARCW about this Tuesday, and they will probably want me to oppose the bill along these lines: The only way to know if you've contracted HIV is to have yourself tested, not someone else. If you order someone else to get a test and it comes back negative, you get some reassurance. But if you order someone else to get a test and it comes back positive, you're in for the nightmare of your life for the three months after first exposure it takes to get an accurate test -- and for no reason, because it is so very unlikely that HIV would be transmitted by a blood splash. Also, testing for HIV isn't like testing for mononucleosis or strep. A child and family can be traumatized by a positive result or even by the mere experience of being tested. That's why, particularly when testing children, the protocol is to offer counseling beforehand and make sure everyone is prepared for what might happen, etc. etc. Then there are confidentiality issues and insurance issues and what-not.

Other people who aren't as nice as me -- and I can tell you who they might be when we get together -- will say that Carol Roessler wants to terrify little children rather than making adults take responsibility for their own health. It's not a fair argument (in Carol's case it's patently absurd) but it has worked to kill bills like this before.

So I'm wanting to ask Carol if she'd reconsider the bill and talk with the School District. If not, I was hoping to point out potentially controversial areas for her and perhaps make a few suggestions to soften the bill. Even if she doesn't want to take the suggestions, at least she'll be prepared. Anyway, I'm available by phone if you need me and we'll talk on the 12th regardless. Later, gang... -- Bob

On Monday, July 28, 2003, at 05:08 PM, Jermstad, Sara wrote:

> Thanks! We didn't receive any flack last session, but of course we
> weren't
> in the majority then either. This bill is actually at the request of
> four
> constituents, including the Oshkosh School District. So, chances are
> she
> will be moving forward. But, as always, your looking out for her best
> interst is greatly appreciated.
>
> Sara

Don't
get results
Nightmare
no matter
what
is
"they're"
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UNOFFICIAL TEXT

Chapter 252

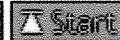
252.15

252.15(2)

252.15(2)(a)

252.15(2)(a)7.

252.15(2)(a)7.ai.

252.15(2)(a)7.ai. 

ai. The affected person uses universal precautions, if any, against significant exposure, and was using universal precautions at the time that he or she was significantly exposed, except in those emergency circumstances in which the time necessary for use of the universal precautions would endanger the life of the individual.

252.15(2)(a)7.ak. 

ak. A physician, based on information provided to the physician, determines and certifies in writing that the affected person has been significantly exposed. The certification shall accompany the request for testing and disclosure. If the affected person who is significantly exposed is a physician, he or she may not make this determination or certification. The information that is provided to a physician to document the occurrence of a significant exposure and the physician's certification that an affected person has been significantly exposed, under this subd. 7. ak., shall be provided on a report form that is developed by the department of commerce under s. 101.02 (19) (a) or on a report form that the department of commerce determines, under s. 101.02 (19) (b), is substantially equivalent to the report form that is developed under s. 101.02 (19) (a).

252.15(2)(a)7.am. 

am. The affected person submits to a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV, as soon as feasible or within a time period established by the department after consulting guidelines of the centers for disease control of the federal public health service, whichever is earlier.

252.15(2)(a)7.ap. 

ap. Except as provided in subd. 7. av. to c., the test is performed on blood that is drawn for a purpose other than testing for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

252.15(2)(a)7.ar. 

ar. The individual, if capable of consenting, has been given an opportunity to be tested with his or her consent and has not consented.

252.15(2)(a)7.at. 

at. The individual has been informed that his or her blood may be tested for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV; that the test results may be disclosed to no one, including that individual, without his or her consent, except to the person who is certified to have been significantly exposed; that, if the person knows the identity of the individual, he or she may not disclose the identity to any other person except for the purpose of having the test or series of tests performed; and that a record may be kept of the test results only if the record does not reveal the individual's identity.

252.15(2)(a)7.av. 

av. If blood that is specified in subd. 7. ap. is unavailable, the person who is certified under subd. 7. ak. to have been significantly exposed may request the district attorney to apply to the circuit court for his or her county to order the individual to submit 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 to disclose the results to that person. The person who is certified under subd. 7. ak. to have been significantly exposed shall accompany the request with the certification under subd. 7. ak.

252.15(2)(a)7.b. 

b. Upon receipt of a request and certification under the requirements of this subdivision, a district attorney shall, as soon as possible so as to enable the court to provide timely notice, apply to the circuit court for his or her county to order the individual to submit to a test or a series of tests as specified in subd. 7. a., administered by a health care professional, and to disclose the results of the test or tests as specified in subd. 7. c.

252.15(2)(a)7.c. 

c. The court shall set a time for a hearing on the matter under subd. 7. a. within 20 days after receipt of a request under subd. 7. b. The court shall give the district attorney and the individual from whom a test is sought notice of the hearing at least 72 hours prior to the hearing. The individual may have counsel at the hearing, and counsel may examine and cross-examine witnesses. If the court finds probable cause to believe that the individual has significantly exposed the affected person, the court shall, except as provided in subd. 7. d., order the individual to submit to a test or a series of tests for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV. The court shall require the health care professional who performs the test or series of tests to refrain from disclosing the test results to the individual and to disclose the test results to the affected person and his or her health care professional. No sample used for laboratory test purposes under this subd. 7. c. may disclose the name of the test subject.

252.15(2)(a)7.d. 

d. The court is not required to order the individual to submit to a test under subd. 7. c. if the court finds substantial reason relating to the life or health of the individual not to do so and states the reason on the record.

252.15(2)(a)7m. 

7m. The test results of an individual under subd. 7. may be disclosed only to the individual, if he or she so consents, to anyone authorized by the individual and to the affected person who was certified to have been significantly exposed. A record may be retained of the test results only if the record does not reveal the individual's identity. If the affected person knows the identity of the individual whose blood was tested, he or she may not disclose the identity to any other person except for the purpose of having the test or series of tests performed.

252.15(2)(am)
(am) 

252.15(2)(am)1. 

1. A health care provider who procures, processes, distributes or uses human sperm donated as specified under s. 157.06 (6) (a) or (b) shall, prior to the distribution or use and with informed consent under the requirements of par. (b), test the proposed donor for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV in order to assure medical acceptability of the gift for the purpose intended. The health care provider shall use as a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV a test or series of tests that the state epidemiologist

finds medically significant and sufficiently reliable under s. 252.13 (1r) to detect the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV. The health care provider shall test the donor initially and, if the initial test result is negative, shall perform a 2nd test on a date that is not less than 180 days from the date of the procurement of the sperm. No person may use the donated sperm until the health care provider has obtained the results of the 2nd test. If any validated test result of the donor for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV is positive, the sperm donated for use may not be used and, if donated, shall be destroyed.

252.15(2)(am)2. 

2. A health care provider who procures, processes, distributes or uses human ova donated as specified under s. 157.06 (6) (a) or (b) shall, prior to the distribution or use and with informed consent under the requirements of par. (b), test the proposed donor for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV in order to assure medical acceptability of the gift for the purpose intended.

252.15(2)(b) 

(b) The health care provider, blood bank, blood center or plasma center that subjects a person to a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV under pars. (a) and (am) shall, in instances under those paragraphs in which consent is required, provide the potential test subject with an informed consent form for testing or disclosure that shall contain the following information and on the form shall obtain the potential test subject's signature or may, if the potential test subject has executed a power of attorney for health care instrument under ch. 155 and has been found to be incapacitated under s. 155.05 (2), instead obtain the signature of the health care agent:

252.15(2)(b)1. 

1. The name of the potential test subject who is giving consent and whose test results may be disclosed and, if the potential test subject has executed a power of attorney for health care instrument under ch. 155 and has been found to be incapacitated under s. 155.05 (2), the name of the health care agent.

252.15(2)(b)2. 

2. A statement of explanation to the potential test subject that the test results may be disclosed as specified under sub. (5) (a) and either a listing that duplicates the persons or circumstances specified under sub. (5) (a) 2. to 19. or a statement that the listing is available upon request.

252.15(2)(b)3. 

3. Spaces specifically designated for the following purposes:

252.15(2)(b)3.a. 

a. The signature of the potential test subject or, if the potential test subject has executed a power of attorney for health care instrument under ch. 155 and has been found to be incapacitated under s. 155.05 (2), of the health care agent, providing informed consent for the testing and the date on which the consent is signed.

252.15(2)(b)3.b. 

b. The name of a person to whom the potential test subject or, if the potential test subject has executed a power of attorney for health care instrument under ch. 155 and has been found to be incapacitated under s. 155.05 (2), the health care agent, authorizes that disclosure of test results be made, if any, the date on which the consent to disclosure is signed, and the time period during which the consent to disclosure is effective.

252.15(2)(bm) 

(bm) The health care provider that subjects a person to a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV under par. (a) 3. shall provide the test subject and the test subject's guardian, if the test subject is incompetent under ch. 880, with all of the following information:

252.15(2)(bm)1. 

1. A statement of explanation concerning the test that was performed, the date of performance of the test and the test results.

252.15(2)(bm)2. 

2. A statement of explanation that the test results may be disclosed as specified under sub. (5) (a) and either a listing that duplicates the persons or circumstances specified under sub. (5) (a) 2. to 18. or a statement that the listing is available upon request.

252.15(3) 

(3) Written consent to disclosure. A person who receives a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV under sub. (2) (b) or, if the person has executed a power of attorney for health care instrument under ch. 155 and has been found to be incapacitated under s. 155.05 (2), the health care agent may authorize in writing a health care provider, blood bank, blood center or plasma center to disclose the person's test results to anyone at any time subsequent to providing informed consent for disclosure under sub. (2) (b) and a record of this consent shall be maintained by the health care provider, blood bank, blood center or plasma center so authorized.

252.15(4) 

(4) Record maintenance. A health care provider, blood bank, blood center or plasma center that obtains from a person a specimen of body fluids or tissues for the purpose of testing for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV shall:

252.15(4)(a) 

(a) Obtain from the subject informed consent for testing or disclosure, as provided under sub. (2).

252.15(4)(b) 

(b) Maintain a record of the consent received under par. (a).

252.15(4)(c) 

(c) Maintain a record of the test results obtained. A record that is made under the circumstances described in sub. (2) (a) 7m. may not reveal the identity of the test subject.

252.15(5) 

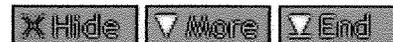
(5) Confidentiality of test.

252.15(5)(a) 

(a) An individual who is the subject of a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV or the individual's health care agent, if the individual has executed a power of attorney for health care instrument under ch. 155 and has been found to be incapacitated under s. 155.05 (2), may disclose the results of the individual's test to anyone. A person who is neither the individual nor the individual's health care agent may not, unless he or she is specifically authorized by

the individual to do so, disclose the individual's test results except to the following persons or under the following circumstances:

Unofficial text from Wis Stats. database. See printed Statutes and Wis. Acts for official text under s. 35.18(2) stats. Report errors to the Revisor of Statutes at (608) 266-2011, FAX 264-6978, email bruce.munson@legis.state.wi.us



TO: Members of the Legislature

FROM: Senator Carol Roessler

DATE: July 9, 2003

RE: Co-sponsorship of LRB-2174/2 relating to authorizing an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the Wisconsin Center for the Blind and Visually Impaired, or a social worker to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome

252.15 sub 2a7
disclosure } sub Sa
 } Sa 18
 } sub 6

I will be introducing legislation that will add teachers - specifically, employees of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf and the Wisconsin Center for the Blind and Visually Impaired- and social workers – to the list of people who are eligible to require that the blood of the individual, to whom they were exposed, be tested to determine the presence of the HIV/AIDS virus.

This legislation is being introduced at the request of the Oshkosh School District, who has experienced several incidents involving staff members who have been exposed to students' blood while on the job.

The bill is attached for your review. If you are interested in signing onto LRB-2174/2, please contact Senator Roessler's office by **Friday, July 25, 2003**.

Analysis by the Legislative Reference Bureau

Under the 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 a significant exposure at the time of the significant exposure, certification in writing by a 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 Services Program for the Deaf and Hard of Hearing, 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.

Can't get.

Mike = advocate
hooked intentions

↳ wrong intentions

↳ begging

Effectiveness / wellness
Political Pool w/ people

Operated - (Mike) 20 states.

Competitive Bid

every one there would stay in madison

NEXT extension of contract is end of
September

BELOOD →

H10 AIDS Contracts —

Big Problems - make it
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out how to go.

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Ryan White.

All can think of is disinterested people

Roessler

PIS ADD

to issue ^{PIS} sub

ASHKOSH

Mark Meyer Teacher

res. Students tested ~~Blow~~

~~Test~~

920

233-7694 |

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him & asked
him to call
back w/ address

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would
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ARC w
← have 4
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delivery
Aids network - has 1

state - w/
Jim Vugrant
States program

Program State Dept. of HIV
Procure Fed
= distrib.
Aids network Williams

What's best for people w/ disease

complete evaluation
" accountable.

Kitty Rhodes

Better Sen

Quality
Tim

★ Issue
begin
10/80

GARY HOLLAND - mild lives in October

Don't keep extending
16/10 > State
Precluding
not getting
more people FED
to do it STATEWIDE
ext 3 more
under
can
testers
over

Jermstad, Sara

From: Robert Schwoch [schwoch@wi.rr.com]
Sent: Monday, July 28, 2003 6:16 PM
To: Jermstad, Sara
Cc: jennifer.halbur@legis.state.wi.us
Subject: Re: AIDS testing bill/meeting

Sara, Jennifer -- I know how important the Oshkosh School District is to Carol and I'm anticipating her moving forward. But I want her to know in advance what I'm probably going to say about this bill on behalf of my client, and what other people might say about it.

I'm talking with the folks at ARCW about this Tuesday, and they will probably want me to oppose the bill along these lines: The only way to know if you've contracted HIV is to have yourself tested, not someone else. If you order someone else to get a test and it comes back negative, you get some reassurance. But if you order someone else to get a test and it comes back positive, you're in for the nightmare of your life for the three months after first exposure it takes to get an accurate test -- and for no reason, because it is so very unlikely that HIV would be transmitted by a blood splash. Also, testing for HIV isn't like testing for mononucleosis or strep. A child and family can be traumatized by a positive result or even by the mere experience of being tested. That's why, particularly when testing children, the protocol is to offer counseling beforehand and make sure everyone is prepared for what might happen, etc. etc. Then there are confidentiality issues and insurance issues and what-not.

Other people who aren't as nice as me -- and I can tell you who they might be when we get together -- will say that Carol Roessler wants to terrify little children rather than making adults take responsibility for their own health. It's not a fair argument (in Carol's case it's patently absurd) but it has worked to kill bills like this before.

So I'm wanting to ask Carol if she'd reconsider the bill and talk with the School District. If not, I was hoping to point out potentially controversial areas for her and perhaps make a few suggestions to soften the bill. Even if she doesn't want to take the suggestions, at least she'll be prepared. Anyway, I'm available by phone if you need me and we'll talk on the 12th regardless. Later, gang... -- Bob

On Monday, July 28, 2003, at 05:08 PM, Jermstad, Sara wrote:

> Thanks! We didn't receive any flack last session, but of course we
> weren't
> in the majority then either. This bill is actually at the request of
> four
> constituents, including the Oshkosh School District. So, chances are
> she
> will be moving forward. But, as always, your looking out for her best
> interst is greatly appreciated.
>
> Sara