

Appendix A

LEGISLATIVE REFERENCE BUREAU DRAFTING HISTORY RESEARCH APPENDIX

☞ The drafting file for 2017 LRB-0786/3 (For: Rep. Genrich)
has been copied/transferred to the drafting file for
2017 LRB-2199 (For: Rep. Genrich)



☞ Are These “Companion Bills” ?? ... No

RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

☞ Request Made By: TKK

☞ Date: 02/21/2017

2017 DRAFTING REQUEST

Bill

For: **Eric Genrich (608) 266-0616** Drafter: **tkuczens**
 By: **Steve** Secondary Drafters:
 Date: **11/15/2016** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Genrich@legis.wisconsin.gov**
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**
fern.knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

TB testing requirement for new teachers

Instructions:

Redraft 2015 AB 1018

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 11/15/2016	jdyer 11/16/2016			
/1	tkuczens 12/15/2016	jdyer 12/16/2016	lparisi 11/16/2016		
/2	tkuczens 1/26/2017	jdyer 1/27/2017	mbarman 12/16/2016		
/3			hkohn 1/27/2017		

LRB-0786

FE Sent For:

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

2017-2018

-0786/1
LRB-4710/1
TKK: [initials]

2017
2015 ASSEMBLY BILL 1018

JL

in 11/15 wanted 11/16
(no changes)

March 29, 2016 - Introduced by Representatives GENRICH, CONSIDINE and POPE
Referred to Committee on Health.

X

Gen

1 AN ACT to renumber and amend 118.25 (1); to amend 118.25 (2), 118.25 (5) and
2 118.25 (6); and to create 118.25 (1) (a) of the statutes; relating to: screening
3 school district employees for tuberculosis.

Analysis by the Legislative Reference Bureau

This bill requires a school board other than the school board of the Milwaukee Public School District to, with limited exceptions, condition employment in the school district on the completion of a health examination that includes a screening questionnaire for tuberculosis. Current law requires such a school district to condition employment on a physical examination that includes a chest X-ray or a tuberculin test. Under current law and this bill, freedom from tuberculosis in a communicable form is a condition of employment.

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

4 SECTION 1. 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and
5 amended to read:
6 118.25 (1) (intro.) In this section "school"

ASSEMBLY BILL 1018

SECTION 1

1 (b) "School employee" means a person employed by a school board who comes
2 in contact with children or who handles or prepares food for children while they are
3 under the supervision of school authorities.

4 SECTION 2. 118.25 (1) (a) of the statutes is created to read:

5 118.25 (1) (a) "Practitioner" means a person licensed as a physician in any state
6 or licensed or certified as an advanced practice nurse prescriber in any state.

7 SECTION 3. 118.25 (2) of the statutes is amended to read:

8 118.25 (2) (a) As Subject to par. (b), a school board other than the school board
9 of a 1st class city school district shall, as a condition of employment, the school board,
10 except in 1st class cities, shall require a physical health examination, including a
11 chest X-ray or tuberculin test, of every school employee of the school district. The
12 school board shall ensure that the health examination includes a screening
13 questionnaire for tuberculosis approved by the department of health services and,
14 if indicated, a test to determine the presence or absence of tuberculosis in a
15 communicable form. Freedom from tuberculosis in a communicable form is a
16 condition of employment. ~~In the case of a new school employee, the school board may~~
17 ~~permit the school employee to submit proof of an examination, chest X-ray or~~
18 ~~tuberculin test complying with this section which was taken within the past 90 days~~
19 ~~in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin~~
20 ~~test is positive, a chest X-ray shall be required. Additional physical~~ The school board
21 shall require additional health examinations shall be required thereafter of school
22 board employees at intervals determined by the school board. The school employee
23 shall be examined by a physician A practitioner in the employ of or under contract
24 with the school district, but if a physician is not employed or under contract, the

ASSEMBLY BILL 1018

SECTION 3

1 ~~examination shall be made by a physician selected by the school employee shall~~
2 ~~review the health examinations under this paragraph.~~✓

3 (b) ~~Such physical~~ The school board✓ ~~may not require health examinations, chest~~
4 ~~X-rays or tuberculin tests shall not be required~~ of any school employee who files with
5 the school board an affidavit setting forth that the employee depends exclusively
6 upon prayer or spiritual means for healing in accordance with the teachings of a bona
7 fide religious sect, denomination, or organization and that the employee is to the best
8 of the employee's knowledge and belief in good health and that the employee claims
9 exemption from health examination on these grounds. Notwithstanding the filing
10 of such affidavit, if there is reasonable cause to believe that such employee is
11 suffering from an illness detrimental to the health of the pupils, the school board may
12 require a health examination of such school employee sufficient to indicate whether
13 or not such school employee is suffering from such an illness. No school employee
14 may be discriminated against by reason of the employee's filing such affidavit.

15 (c) ~~The physician making a physical~~✓ practitioner performing the health
16 examination under par. (a)✓ ~~shall prepare complete~~ a report of the examination upon
17 a standard form prepared by the department of health services✓ ~~and the department.~~
18 ~~Such report. The practitioner shall be retained~~ retain a copy of the report in the
19 physician's his or her files and ~~the physician~~ shall make confidential
20 recommendations therefrom to the school board and to the school employee on a form
21 prepared by the department of health services✓ ~~and the department.~~ The
22 recommendation form shall contain space for a certificate that the person examined
23 by the practitioner is free from tuberculosis in a communicable form. The school
24 board shall pay the cost of such the health examinations required under par. (a),

ASSEMBLY BILL 1018

SECTION 3

1 including X-rays and tuberculin tests, ~~shall be paid if needed,~~[✓] out of school district
2 funds.

3 **SECTION 4.** 118.25 (5)[✓] of the statutes is amended to read:

4 118.25 (5) As a condition of employment, special teachers, school psychologists,
5 school social workers, cooperative educational service agency personnel, and other
6 personnel working in public schools shall have ~~physical~~ health[✓] examinations under
7 sub. (2). The employing school district or agency shall pay the cost of such
8 examinations.

9 **SECTION 5.** 118.25 (6) of the statutes is amended to read:

10 118.25 (6) As a condition of employment, employees of the state superintendent
11 whose work brings them into contact with school children or with school employees
12 shall have ~~physical~~ health[✓] examinations under sub. (2).

13

(END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

December 15, 2016 re: LRB-0786/1

per Steve (Rep. Gennick)

→ replace "health examination" with "physical examination"

→ p. 2 lines 22-24, p. 3 lines 1 and 2:

refer to warrant law (with exception of
reference to practitioner...)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0786/1
TKK:jld

2017 BILL

in 12/15

X

1 AN ACT *to renumber and amend* 118.25 (1); *to amend* 118.25 (2), 118.25 (5) and
2 118.25 (6); and *to create* 118.25 (1) (a) of the statutes; **relating to:** screening
3 school district employees for tuberculosis. ✓

Region

Analysis by the Legislative Reference Bureau

This bill requires a school board other than the school board of the Milwaukee Public School District to, with limited exceptions, condition employment in the school district on the completion of a health examination that includes a screening questionnaire for tuberculosis. Current law requires such a school district to condition employment on a physical examination that includes a chest X-ray or a tuberculin test. Under current law and this bill, freedom from tuberculosis in a communicable form is a condition of employment.

X

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

4 SECTION 1. 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and
5 amended to read:
6 118.25 (1) (intro.) In this section "school;

BILL

1 (b) "School employee" means a person employed by a school board who comes
2 in contact with children or who handles or prepares food for children while they are
3 under the supervision of school authorities.

4 **SECTION 2.** 118.25 (1) (a) of the statutes is created to read:

5 118.25 (1) (a) "Practitioner" means a person licensed as a physician in any state
6 or licensed or certified as an advanced practice nurse prescriber in any state.

7 **SECTION 3.** 118.25 (2) of the statutes is amended to read:

8 118.25 (2) (a) As Subject to par. (b), a school board other than the school board
9 of a 1st class city school district shall, as a condition of employment, the school board,
10 except in 1st class cities, shall require a ^{plain} (physical) (health) examination, including a
11 chest X-ray or tuberculin test, of every school employee of the school district. The
12 school board shall ensure that the ^{physical} (health) examination includes a screening
13 questionnaire for tuberculosis approved by the department of health services and,
14 if indicated, a test to determine the presence or absence of tuberculosis in a
15 communicable form. Freedom from tuberculosis in a communicable form is a
16 condition of employment. In the case of a new school employee, the school board may
17 permit the school employee to submit proof of an examination, chest X-ray or
18 tuberculin test complying with this section which was taken within the past 90 days
19 in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin
20 test is positive, a chest X-ray shall be required. Additional physical The school board
21 shall require additional (health) examinations shall be required thereafter of school
22 board employees at intervals determined by the school board. (The school employee
23 shall be examined by a ^{plain} (physician) (practitioner) in the employ of or under contract
24 with the school district, but if a ^{plain} (physician) (practitioner) is not employed or under contract, the

plain practitioner ✓

BILL

- ① examination shall be made by a ^{plain} physician selected by the school employee shall
- ② review the health examinations under this paragraph. ^{practitioner}
- ③ (b) Such ^{plain} ~~physician~~ The school board may not require ^{physical} ~~health~~ examinations, chest
- 4 X-rays or tuberculin tests shall not be required of any school employee who files with
- 5 the school board an affidavit setting forth that the employee depends exclusively
- 6 upon prayer or spiritual means for healing in accordance with the teachings of a bona
- 7 fide religious sect, denomination, or organization and that the employee is to the best
- 8 of the employee's knowledge and belief in good health and that the employee claims
- 9 exemption from health examination on these grounds. Notwithstanding the filing
- 10 of such affidavit, if there is reasonable cause to believe that such employee is
- 11 suffering from an illness detrimental to the health of the pupils, the school board may
- 12 require a health examination of such school employee sufficient to indicate whether
- 13 or not such school employee is suffering from such an illness. No school employee
- 14 may be discriminated against by reason of the employee's filing such affidavit.
- ⑤ (c) The ~~physician making a~~ ^{plain} ~~physical~~ practitioner performing the health
- 16 examination under par. (a) shall prepare complete a report of the examination upon
- 17 a standard form prepared by the department of health services and the department.
- 18 Such report. The practitioner shall be retained retain a copy of the report in the
- 19 physician's his or her files and the ~~physician~~ shall make confidential
- 20 recommendations therefrom to the school board and to the school employee on a form
- 21 prepared by the department of health services and the department. The
- 22 recommendation form shall contain space for a certificate that the person examined
- 23 by the practitioner is free from tuberculosis in a communicable form. The school
- ⑥ board shall pay the cost of such the ~~health~~ examinations [✓] required under par. (a),

BILL

SECTION 3

1 including X-rays and tuberculin tests, ~~shall be paid if needed,~~ out of school district
2 funds.

3 **SECTION 4.** 118.25 (5) of the statutes is amended to read:

4 118.25 (5) ~~As a condition of employment, special teachers, school psychologists,~~
5 ~~school social workers, cooperative educational service agency personnel, and other~~
6 ~~personnel working in public schools shall have physical health examinations under~~
7 ~~sub. (2). The employing school district or agency shall pay the cost of such~~
8 ~~examinations.~~

9 **SECTION 5.** 118.25 (6) of the statutes is amended to read:

10 118.25 (6) ~~As a condition of employment, employees of the state superintendent~~
11 ~~whose work brings them into contact with school children or with school employees~~
12 ~~shall have physical health examinations under sub. (2).~~

13

(END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

0786/2 per Steve:

1/25/17

expand definition of practitioner:

physicians assistant
doctors of osteopathy

p. 2 la. 20 school board that may

p. 3 la. 23 practitioner is appears to be



State of Wisconsin
2017 - 2018 LEGISLATURE

3
LRB-0786/2
TKK:jld
RMR

2017 BILL

in 1/26 wanted 1/31

NO
X # The physical examination may be conducted by a licensed physician, including a doctor of osteopathy, physician assistant, or advanced practice nurse prescriber (practitioner). The practitioner must certify that the school district employee appears to be free from tuberculosis in a communicable form.

- 1 AN ACT to renumber and amend 118.25 (1); to amend 118.25 (2); and to create
- 2 118.25 (1) (a) of the statutes; relating to: screening school district employees
- 3 for tuberculosis.

Analysis by the Legislative Reference Bureau

This bill requires a school board other than the school board of the Milwaukee Public School District to, with limited exceptions, condition employment in the school district on the completion of a physical examination that includes a screening questionnaire for tuberculosis. Current law requires such a school district to condition employment on a physical examination that includes a chest X-ray or a tuberculin test. Under current law and this bill, freedom from tuberculosis in a communicable form is a condition of employment.

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

- 4 SECTION 1. 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and
- 5 amended to read:
- 6 118.25 (1) (intro.) In this section "school:

BILL

or as a physician
assistant ✓

SECTION 1

1 (b) "School employee" means a person employed by a school board who comes
2 in contact with children or who handles or prepares food for children while they are
3 under the supervision of school authorities.

4 **SECTION 2.** 118.25 (1) (a) of the statutes is created to read:

5 118.25 (1) (a) "Practitioner" means a person licensed as a physician in any state
6 or licensed or certified as an advanced practice nurse prescriber in any state.

7 **SECTION 3.** 118.25 (2) of the statutes is amended to read:

8 118.25 (2) (a) As Subject to par. (b), a school board other than the school board
9 of a 1st class city school district shall, as a condition of employment, the school board,
10 except in 1st class cities, shall require a physical examination, including a chest
11 X-ray or tuberculin test, of every school employee of the school district. The school
12 board shall ensure that the physical examination includes a screening questionnaire
13 for tuberculosis approved by the department of health services and, if indicated, a
14 test to determine the presence or absence of tuberculosis in a communicable form.
15 Freedom from tuberculosis in a communicable form is a condition of employment.
16 ~~In the case of a new school employee, the school board may permit the school~~
17 ~~employee to submit proof of an examination, chest X-ray or tuberculin test~~
18 ~~complying with this section which was taken within the past 90 days in lieu of~~
19 ~~requiring such examination, X-ray or test. If the reaction to the tuberculin test is~~
20 ~~positive, a chest X-ray shall be required. Additional physical~~ The school board ^{may} (shall)
21 require additional physical examinations shall be required thereafter of school board
22 employees at intervals determined by the school board. The school employee shall
23 be examined by a physician practitioner in the employ of or under contract with the
24 school district, but if a physician practitioner is not employed or under contract, the

20 In this paragraph, "physician" has the meaning given in SO 448001(5)

BILL

1 examination shall be made by a physician practitioner selected by the school
2 employee.

3 (b) ~~Such~~ The school board may not require physical examinations, chest X-rays
4 or tuberculin tests shall not be required of any school employee who files with the
5 school board an affidavit setting forth that the employee depends exclusively upon
6 prayer or spiritual means for healing in accordance with the teachings of a bona fide
7 religious sect, denomination, or organization and that the employee is to the best of
8 the employee's knowledge and belief in good health and that the employee claims
9 exemption from health examination on these grounds. Notwithstanding the filing
10 of such affidavit, if there is reasonable cause to believe that such employee is
11 suffering from an illness detrimental to the health of the pupils, the school board may
12 require a health examination of such school employee sufficient to indicate whether
13 or not such school employee is suffering from such an illness. No school employee
14 may be discriminated against by reason of the employee's filing such affidavit.

15 (c) ~~The physician making a practitioner performing the physical examination~~
16 under par. (a) shall prepare complete a report of the examination upon a standard
17 form prepared by the department of health services ~~and the department.~~ Such
18 ~~report.~~ The practitioner shall be retained retain a copy of the report in the
19 physician's his or her files and the physician shall make confidential
20 recommendations therefrom to the school board and to the school employee on a form
21 prepared by the department of health services and the department. The
22 recommendation form shall contain space for a certificate that the ^{is} person examined
23 by the practitioner ^{is} free from tuberculosis in a communicable form. The school

appears to be

BILL

SECTION 3

1 board shall pay the cost of such the examinations required under par. (a), including
2 X-rays and tuberculin tests, shall be paid if needed, out of school district funds.

3 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0786/3
TKK:jld

2017 BILL

1 **AN ACT** *to renumber and amend* 118.25 (1); *to amend* 118.25 (2); and *to create*
2 118.25 (1) (a) of the statutes; **relating to:** screening school district employees
3 for tuberculosis.

Analysis by the Legislative Reference Bureau

This bill requires a school board other than the school board of the Milwaukee Public School District to, with limited exceptions, condition employment in the school district on the completion of a physical examination that includes a screening questionnaire for tuberculosis. The physical examination may be conducted by a licensed physician, including a doctor of osteopathy, physician assistant, or advanced practice nurse prescriber (practitioner). The practitioner must certify that the school district employee appears to be free from tuberculosis in a communicable form. Current law requires such a school district to condition employment on a physical examination that includes a chest X-ray or a tuberculin test. Under current law and this bill, freedom from tuberculosis in a communicable form is a condition of employment.

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

4 SECTION 1. 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and
5 amended to read:

BILL**SECTION 1**

1 118.25 (1) (intro.) In this section "~~school~~;

2 (b) "School employee" means a person employed by a school board who comes
3 in contact with children or who handles or prepares food for children while they are
4 under the supervision of school authorities.

5 **SECTION 2.** 118.25 (1) (a) of the statutes is created to read:

6 118.25 (1) (a) "Practitioner" means a person licensed as a physician or as a
7 physician assistant in any state or licensed or certified as an advanced practice nurse
8 prescriber in any state. In this paragraph, "physician" has the meaning given in s.
9 448.01 (5).

10 **SECTION 3.** 118.25 (2) of the statutes is amended to read:

11 118.25 (2) (a) As Subject to par. (b), a school board other than the school board
12 of a 1st class city school district shall, as a condition of employment, the school board,
13 except in 1st class cities, shall require a physical examination, including a chest
14 X-ray or tuberculin test, of every school employee of the school district. The school
15 board shall ensure that the physical examination includes a screening questionnaire
16 for tuberculosis approved by the department of health services and, if indicated, a
17 test to determine the presence or absence of tuberculosis in a communicable form.
18 Freedom from tuberculosis in a communicable form is a condition of employment.
19 ~~In the case of a new school employee, the school board may permit the school~~
20 ~~employee to submit proof of an examination, chest X-ray or tuberculin test~~
21 ~~complying with this section which was taken within the past 90 days in lieu of~~
22 ~~requiring such examination, X-ray or test. If the reaction to the tuberculin test is~~
23 ~~positive, a chest X-ray shall be required. Additional physical~~ The school board may
24 require additional physical examinations shall be required thereafter of school board
25 employees at intervals determined by the school board. The school employee shall

BILL

1 be examined by a ~~physician practitioner~~ in the employ of or under contract with the
2 school district, but if a ~~physician practitioner~~ is not employed or under contract, the
3 examination shall be made by a ~~physician practitioner~~ selected by the school
4 employee.

5 (b) ~~Such~~ The school board may not require physical examinations, ~~chest X-rays~~
6 ~~or tuberculin tests shall not be required~~ of any school employee who files with the
7 school board an affidavit setting forth that the employee depends exclusively upon
8 prayer or spiritual means for healing in accordance with the teachings of a bona fide
9 religious sect, denomination, or organization and that the employee is to the best of
10 the employee's knowledge and belief in good health and that the employee claims
11 exemption from health examination on these grounds. Notwithstanding the filing
12 of such affidavit, if there is reasonable cause to believe that such employee is
13 suffering from an illness detrimental to the health of the pupils, the school board may
14 require a health examination of such school employee sufficient to indicate whether
15 or not such school employee is suffering from such an illness. No school employee
16 may be discriminated against by reason of the employee's filing such affidavit.

17 (c) ~~The physician making a practitioner performing the~~ physical examination
18 under par. (a) shall prepare complete a report of the examination upon a standard
19 form prepared by the department of health services ~~and the department. Such~~
20 ~~report. The practitioner shall be retained~~ retain a copy of the report in the
21 ~~physician's his or her~~ files and ~~the physician~~ shall make confidential
22 recommendations therefrom to the school board and to the school employee on a form
23 prepared by the department of health services ~~and the department. The~~
24 recommendation form shall contain space for a certificate that the person is
25 examined by the practitioner appears to be free from tuberculosis in a communicable

BILL

SECTION 3

1 form. The school board shall pay the cost of such the examinations required under
2 par. (a), including X-rays and tuberculin tests, shall be paid if needed, out of school
3 district funds.

4 (END)