

## CHAPTER 141.

## LOCAL HEALTH OFFICIALS.

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**141.01 Local boards of health.** (1) The board or council of every town, village and city in which the appointment of a health officer is not otherwise provided for shall within 30 days after each election of officers or at such other time as may be provided for by statute, organize as a board of health or appoint wholly or partially from its own members, a suitable number of competent persons as a board of health for such town, village or city. "Health officer" as used in this chapter shall refer to the officer performing the duties thereof regardless of his designation.

(2) In case the board or council fails so to act the state board of health may appoint persons to serve until a board of health has been regularly appointed and the necessary expense so incurred shall be charged to and paid out of the municipal treasury.

(3) Unless the manner of appointment is otherwise provided for by ordinance, the board of health shall elect a chairman, a clerk and a health officer who shall be ex officio a member of such board with voting power and its executive officer and take the oath of office. The health officer shall hold office for 2 years. If a vacancy occurs the board of health shall immediately fill the same. Such local board shall immediately report to the secretary of the state board of health the names, post-office addresses and occupations of the officers thereof, and any changes therein. In cities having a population of 39,000 or more the health officer shall be a physician, or a person with training and experience in public health administration which shall meet the training and experience requirements established by the state board of health. The health officer shall devote full time to his duties and shall not engage in the private practice of medicine or in any other conflicting occupation. He shall receive an annual salary to be fixed by the council or the board of health and shall receive his actual and necessary expenses. If the appointee is not a physician, the board of health shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.

(4) Whenever any previously mentioned health official shall fail to perform the duties of his office and assist the state board of health, the appointing board or council, either upon its own initiative or upon recommendation of the state board of health, shall discharge such official and immediately select a new official.

(5) The board shall take such measures and make such rules and regulations as shall be most effectual for the preservation of the public health. All orders and regulations shall be published in some newspaper, if there be one published in the town, village or city; if there be none, they shall be posted in five public places therein.

(6) The board may appoint persons to aid them regulate their charges, and fix the salary of the health officer.

(7) The health officer under the direction of the district health officer shall:

(a) Make an annual sanitary survey and maintain a continuous sanitary supervision over his territory.

(b) Make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance thereof.

(c) Promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

(d) Take steps necessary to secure prompt and full reports by physicians of communicable diseases, and prompt and full registration of births and deaths.

(e) Enforce the health law and the rules and regulations of the state board of health.

(f) Keep and deliver to his successor a record of all his official acts.

(8) All record books, quarantine cards and other material needed by the board, except such as is furnished by the state board of health, shall be supplied by the health officer at municipal expense, upon order of the board.

(9) The health officer and the clerk shall each report to the state board of health their transactions and such facts as shall be required and at such times as required, and shall also make special reports when required.

(11) Physicians acting and receiving compensation as health officers in all cities and villages, except cities with a population of twenty-five thousand or more, may also hold office as city physicians.

(12) Health officers in cities having a population of less than twenty-five thousand and in villages and towns and hospitals in which they have an interest shall be permitted to give medical services or hospitalization, or both, to persons receiving poor relief or medical aid from such municipalities and receive compensation from them therefor.

**History:** 1957 c. 113.

**141.02 City health officer.** (2) If so provided by local ordinance, the board of health may be dispensed with and the powers and duties thereof vested in a full-time health officer to be appointed by the mayor. Such health officer shall be a physician, or in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the state board of health. The health officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the council by him, and if the council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation. He shall from time to time recommend to the council such sanitary measures, to be executed by the city as seem necessary, and shall discharge such other duties as may be imposed upon him by the council by ordinance or resolution.

(3) The police and all magistrates and other civil officers and all citizens shall aid, to the utmost of their power, the officer in the discharge of his duties, and on his requisition the chief of police shall serve or detail one or more policemen to serve the notices issued by the officer and to perform such other duties as he may require.

(4) The officer may appoint assistants subject to confirmation by the mayor, and they shall receive such compensation as the council may fix.

(5) (a) The commissioner of health of any city of the first class however incorporated, shall be one who holds the degree of doctor of public health, or is a graduate of a recognized medical college, and has had not less than one year of practical experience in public hygiene and sanitation.

(b) He shall appoint a deputy commissioner of health, who shall have the same qualifications. Such appointment shall not be subject to the civil service law applicable to the city.

(c) The deputy shall file the official oath and bond in such amount and with such sureties as the council may direct.

(d) The deputy may do all the acts required to be done by the commissioner, and he shall in case of vacancy or of the sickness or absence of the commissioner act in his place, and be subject to the same liabilities and penalties.

**History:** 1953 c. 165; 1957 c. 113.

See note to 62.11, citing *Brennan v. Milwaukee*, 265 W 52, 60 NW (2d) 704.

**141.03 Commission cities.** (1) (a) The council of any city, organized under ch. 63 of the statutes, may by ordinance create a board of health of not less than 3 nor more members than the number of councilmen or aldermen, provide for the manner of their election or appointment and fix the terms of office. Such ordinance may confer on such board power to appoint a health officer for such city and to fix his term of office and compensation, subject to the approval of the council. The council or board of health shall appoint a regular licensed physician as health officer.

(b) In all cities having a population of 39,000 or more the health commissioner shall be a regular licensed physician, or in lieu thereof, a person, other than a physician, with training and experience in public health administration, in which case he shall meet training and experience requirements established by the state board of health. Such health commissioner shall devote full time to his duties and shall not engage in the private practice of medicine or in any other conflicting occupation. He shall receive an annual salary to be fixed by the council or the board of health and shall receive his actual and necessary expenses. If the appointee is not a regular licensed physician, the local board of health shall arrange for and provide in addition such services of a licensed physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.

(2) Such board of health shall elect a president and secretary. The secretary shall keep full minutes of the proceedings. No member shall receive compensation unless so provided by the council.

(3) The council may by ordinance confer appropriate powers on such board, and may permit such board to delegate any of its powers to the health officer. Such board of health

and any health officer appointed by it shall have all the powers and duties provided for boards of health and local health officers and commissioners.

(4) All rules and regulations prepared by such board shall be reported to the council and if the same shall be approved by a majority of the members such rules and regulations shall have the force of ordinances, including penalty for violation.

**History:** 1953 c. 165.

**141.04 Joint health officers.** Towns, villages and cities, occupying contiguous territory, may employ a full-time health officer or commissioner jointly. His salary, including necessary traveling expenses, shall be paid jointly as agreed upon or in proportion to population. He shall engage in no conflicting occupation.

**141.045 Public health nurses.** (1) The qualifications of all public health nurses hereafter entering such employment shall be prescribed by rules adopted by the state board of health upon recommendation of a committee of 3 members, one selected by the state board of health, one by the state board of nursing, and one by the state superintendent of public instruction. This committee shall be known as the certification committee for public health nurses. All public health nurses shall be registered nurses as provided in ch. 149, but practical nurses may be employed by health agencies under the supervision of a certified public health nurse to perform services for which licensed.

(2) The state board of health, upon recommendation of the certification committee, shall issue certificates to nurses meeting such qualifications. It may issue temporary certificates to nurses in the process of meeting those qualifications.

(3) Every agency employing one or more public health nurses shall submit a written report monthly of work done on prescribed forms to the state board of health. The state board of health shall examine the report and make recommendations for the improvement and the development of the nursing service. This subsection shall not apply to cities of the first class.

(4) The state board of health shall recommend other record and report forms and notify the nurses where they can be purchased.

(5) The state board of health may revoke or suspend a certificate of any public health nurse who has been guilty of unprofessional or dishonest conduct or is grossly incompetent, or whose certificate was obtained through error or fraud, or whose certificate as a registered nurse has been revoked or suspended. Except where the public health nurse's certificate as a registered nurse has been revoked or suspended, no certificate as a public health nurse shall be revoked or suspended until after a public hearing conducted by the state board of health. Written notice of such hearing shall be given to the public health nurse at least 10 days before the time fixed for such hearings.

**History:** 1955 c. 456.

**141.05 Local public health nurses.** (1) The local board of health or health officer may employ public health nurses within the limits of the appropriation made therefor by the municipality. They shall work under the direction of the board of health and health officer and shall conduct a generalized public health nursing program in co-operation with the state board of health.

(2) Towns, villages and cities may employ public health nurses jointly, salary and other expenses to be paid jointly as agreed upon or in proportion to population.

**141.06 County public health nurses.** (1) The county health committee may employ one or more county public health nurses, when so authorized by the county board, to conduct a generalized public health nursing program pursuant to the direction and under the supervision of the county health committee in co-operation with the state board of health.

(2) The work of the county nurse shall be directed by a county health committee composed either of the chairman of the county board, the county superintendent of schools, a woman appointed by the county board, the judge of the juvenile court and the district health officer or county physician for that county, or of the district health officer and not less than 5 members of the county board appointed by the chairman thereof.

(3) The county board shall fix the salary of the county nurse and make necessary appropriations to carry out the provisions of subsection (1); provided, that the county board may at any time discontinue the services of the county nurse at the expiration of her contract.

**History:** 1947 c. 579.

**141.065 State aid for county nurses.** There shall be paid annually to each county in which one or more certified county public health nurses are employed pursuant to section 141.06, the sum of one thousand dollars. The county clerk shall certify to the state board of health upon request the number of county nurses employed by the county and the period of their employment.

141.07 Dental clinics. Any county may establish and maintain a dental clinic or clinics to be operated under rules adopted by the county health committee named under section 141.06. Monthly reports shall be made by the director of said clinic or clinics pursuant to section 141.045 (3) on blanks prescribed by the state board of health.

141.10 Mental health clinics. (1) Any county, town, city or village may establish and maintain a mental health clinic and employ psychiatrists, clinical psychologists, psychiatric social workers and others necessary to meet the county or municipal needs in providing a mental health program.

(2) Such program shall be directed by a committee appointed by the county board or local governing body (one of whom shall be a practicing physician) which may set up an advisory committee, except that in counties having a population of 500,000 such county program shall be directed by the county board of public welfare.

(3) Gifts may be accepted to establish or maintain such clinics.

(4) The local authorities may co-operate with state agencies in obtaining federal funds for setting up and carrying out mental health programs.

Under 141.10 and 66.30, 2 or more counties may join in setting up a mental health clinic. (Heimerl v. Ozaukee County, 256 W 151, distinguished.) 44 Atty. Gen. 8.

The functions delegated by (2) to the committee appointed by the county board cannot be redelegated to the advisory committee. 44 Atty. Gen. 8.