




APPLETON - NEENAH - MENASHA, WISCONSIN

NEWS | VIEWS | SPORTS | PACKERS | ENTERTAINMENT | CLASSIFIEDS | CARS | JOBS | COMMUNITY | INF

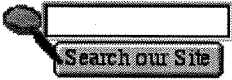
Appleton Weather



Temp: 31 °F
Hi: 50 °F
Lo: 26 °F

LOCAL NEWS

Posted Oct. 02, 2003



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Senate backs Wieckert's bioterrorism threats bill

By Ben Jones
P-C Madison bureau chief

MADISON — People who make bioterrorism threats would face stiffer penalties under a bill approved Wednesday by the state Senate.

A bill authored by state Rep. Steve Wieckert, R-Appleton, would make the crime a felony, punishable with up to a \$10,000 fine and 3½ years in prison.

Currently, the crime is a misdemeanor, and a perpetrator faces lesser penalties for making an anthrax threat than a bomb threat.

"That's not right," said Wieckert, who notes that a bioterrorism threat ties up significant law enforcement resources. The bill requires a person who makes a bioterrorism threat to make up those costs.

The bill passed on a voice vote. It now needs the signature of Gov. Jim Doyle to become law.

In other action:

- On a 30-3 vote, the Senate passed a bill authored by state Sen. Carol Roessler, R-Oshkosh, that adds allows employees of school districts and other educational facilities to require that blood they are exposed to be tested for the HIV/AIDS virus.

"Given the increase of violence in schools and the day to day, one on one, contact school district employees have with children, this bill makes common sense," Roessler said in a statement.

The bill now goes to the Assembly.



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- The Senate passed a bill authored by Roessler and Wieckert that would allow dentists and dental hygienists to voluntarily provide dental care to people with Medicaid coverage while receiving protection from the state's liability policy. It would allow dentists to charge for care on a sliding scale while being covered for malpractice.

"Insufficient availability of dental care for low-income individuals is a problem that has faced Wisconsin for many years. This bill will increase the opportunities available for low-income patients to receive dental care," Roessler said in a statement.

The bill goes to the Assembly.

- On Tuesday, the Senate passed on a 33-0 vote a bill authored by Wieckert that creates state tax exemption for interest on bonds issued by the Wisconsin Housing and Economic Development Authority for multifamily and elderly housing projects.

"As our population ages and the baby boom shifts through the age groups, it's more and more important that we have decent quality housing," Wieckert said Wednesday.

The bill needs the governor's signature to become law.

Ben Jones can be reached at 608-255-9256, or by e-mail at bjones@postcrescent.com

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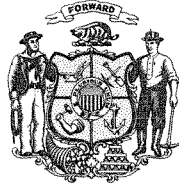
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Carol Roessler
STATE SENATOR

FOR IMMEDIATE RELEASE

October 1, 2003

Contact: State Senator Carol Roessler, 888-736-8720

Roessler HIV Testing Bill Passes Senate

Madison...Senate Bill 230, authored by State Senator Carol Roessler (R-Oshkosh), Chair of the Senate Committee on Health, Families, Children and Long Term Care, passed the State Senate today. This bill adds employees of a school district and other educational facilities to the list of people who currently can require that the blood of the individual to whom they were significantly exposed, be tested to determine the presence of the HIV/AIDS virus.

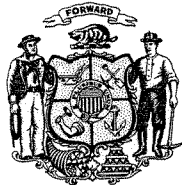
“I introduced this bill in response to concerns brought to me by an Oshkosh teacher and the Oshkosh School District. Several teachers in this school district have experienced incidents where they have been exposed to student’s blood while on the job. Current state statutes do not provide recourse for school district employees to subject the blood to a test to determine the presence of Human Immunodeficiency Virus (HIV). A court order must be filed requesting that the blood be tested. “State statutes do, however, provide a right to require testing to several other professionals, including employees of a secured child caring institution, a secured group home, an emergency medical technician, a person employed at a secured correctional facility, a peace officer, first responders and firefighters” explained Roessler.

“It is very important to note that these individuals must meet the following requirements before a request can be made: (a) The use of universal precautions against a significant exposure at the time of the significant exposure; (b) certification in writing by a physician that the affected person was significantly exposed; and (c) submittal to a test for the presence of HIV within a specified time period,” said Roessler.

“Given the increase of violence in schools and the day to day, one on one, contact school district employees have with children, this bill makes common sense. Teachers and other employers of a school district should be able to take every precaution necessary to determine whether he or she has been infected with HIV after a significant exposure to another person’s blood,” stated Roessler.

Roessler continued, “Senate bill 230 removes barriers to information that affect a person’s health and well being. If a person is significantly exposed to another person’s blood, it is critical that he or she know if they were also exposed to a virus, which if not treated, could worsen and even cause death, “

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FOR IMMEDIATE RELEASE

October 1, 2003

Contact: State Senator Carol Roessler, 888-736-8720

Great!

Thank you!

Roessler HIV Testing Bill Passes Senate

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of the Senate Committee on Health, Families, Children and Long Term Care, passed the

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~~service agency, charter school, private school, the Wisconsin Educational Services~~

~~Program for the Deaf and Hard of Hearing, the Wisconsin Center for the Blind and~~

~~Visually Impaired and social workers~~ to the list of people who currently can require that

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###



Carol Roessler
STATE SENATOR

October 1, 2003

To: All State Senators

From: State Senator Carol Roessler

Re: Potential Amendment to Senate Bill 230

The AIDS Resource Center of Wisconsin (ARCW) would like to see SB 230, relating to HIV/AIDS testing, amended.

In short, ARCW is proposing that the definition of "significantly exposed" be removed from state statute and instead, be defined by the Department of Health and Family Services by rule.

As the author of SB 230, I strongly oppose this proposed amendment. I feel strongly that it goes beyond the scope of the intent of the bill. **Senate Bill 230 simply adds employees of a school district to the list of other professionals that are able to request that a person's blood, to which they have been significantly exposed, be tested for HIV/AIDS. This bill should not be used as a vehicle to change the definition of "significantly exposed."**

I ask that you oppose this amendment should it be offered before the full Senate.

Tad -

9/29/03

Here is a copy of Bob Schwach's amendment to SB230. Sen. Roessler is opposed because the amendment is outside of the ~~scope~~ scope of SB230. Her intent was to add teachers to the list of professionals who can require a person's blood be tested, not to change the

Carol Roessler

STATE SENATOR
18th Senate District

determination of a "significant exposure."
If this amendment is introduced



She would like it to be ruled non-germane.
As you Requested...

For Your Information...

Other...

Please let me know if I need to contact

State Capitol • P.O. Box 7882, Madison, WI 53707-7882 • PHONE: 608-266-5300 FAX: 608-266-0423
Toll-free: 1-888-736-8720

Sen. Lasee as well. Thanks! Jennifer

9/26: Called Tad + left message

9/29: Talked to Greg Hubbard briefly about amendment.
I told him I would send a copy to them.

9/29: Sent copy.

Fax Transmission

From: Bob Schwoch,
on behalf of the AIDS Resource Center
of Wisconsin

To: Sen. Roessler, attn. Jennifer, 608/266-0423
Sen. Carpenter, attn. Stuart, 608/267-0274
Bob Burke, WEAC, 608/276-8203
Gary Radloff, DHFS, 608/266-7882

Date: 9-25-03

of pages, with cover: 2

Message:

Hello all,

Here is a copy of the change to existing statute ARCW is proposing as an amendment to SB 230, Sen. Roessler's bill related to HIV testing. It provides that the definition of "significant exposure" to HIV will now be determined entirely by DHFS rule in the future, rather than by a mixture of statute and rule. ARCW believes this change would allow greater flexibility to adapt the definition to ongoing HIV research or to refine the definition if an expanded HIV testing law results in excessive testing of people who are not at risk for HIV.

The Senate's next floor session is scheduled for next Tuesday, Sept. 30. I'll be following up with you by phone Friday and Monday in case the bill is scheduled on Tuesday. I will be in Madison next Tuesday and Wednesday. If you have questions or comments, contact me on my cell phone at (414) 588-7306 or via e-mail at schwoch@wi.rr.com.

Thanks...

-- Bob

Proposed amendment - SB 230

Updated 01-02 Wis. Stats. Database 8
UNOFFICIAL TEXT

252.14 COMMUNICABLE DISEASES

(b) Provide care to the individual at a standard that is lower than that provided other individuals with like medical needs.

(bm) If a peace officer, fire fighter, correctional officer, state patrol officer, jailer or keeper of a jail or person designated with custodial authority by the jailer or keeper, provide services to the individual at a standard that is lower than that provided other individuals with like service needs.

(c) Isolate the individual unless medically necessary.

(d) Subject the individual to indignity, including humiliating, degrading or abusive treatment.

(3) A health care provider, home health agency or inpatient health care facility that tests an individual for HIV infection shall provide counseling about HIV and referral for appropriate health care and support services as necessary. A health care provider, home health agency or inpatient health care facility that treats an individual who has an HIV infection or acquired immunodeficiency syndrome shall develop and follow procedures that shall ensure continuity of care for the individual in the event that his or her condition exceeds the scope of licensure or certification of the provider, agency or facility.

(4) Any person violating sub. (2) is liable to the patient for actual damages and costs, plus exemplary damages of up to \$5,000 for an intentional violation. In determining the amount of exemplary damages, a court shall consider the ability of a health care provider who is an individual to pay exemplary damages.

History: 1989 a. 201; 1991 a. 32, 39, 160, 189, 269, 345; 1993 a. 27 ss. 326 to 331; Stats. 1993 a. 252.14; 1993 a. 105, 190, 252, 443; 1993 a. 490 s. 143; 1993 a. 491, 495; 1995 a. 27 ss. 6322, 9145 (1); 1997 a. 27, 35, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80, 89.

252.15 Restrictions on use of a test for HIV. (1) DEFINITIONS. In this section:

(ab) "Affected person" means 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, health care provider, employee of a health care provider or staff member of a state crime laboratory.

(ad) "Correctional officer" has the meaning given in s. 301.28 (1).

(af) "Emergency medical technician" has the meaning given in s. 146.50 (1) (e).

(aj) "Fire fighter" has the meaning given in s. 102.475 (8) (b).

(am) "Health care professional" means a physician who is licensed under ch. 448 or a registered nurse or licensed practical nurse who is licensed under ch. 441.

(ar) "Health care provider" means any of the following:

1. A person or entity that is specified in s. 146.81 (1), but does not include a massage therapist or bodyworker issued a certificate under ch. 460.

2. A home health agency.

3. An employee of the Mendota Mental Health Institute or the Winnebago Mental Health Institute.

(cm) "Home health agency" has the meaning given in s. 50.49 (1) (a).

(d) "Informed consent for testing or disclosure" means consent in writing on an informed consent for testing or disclosure form by a person to the administration of a test to him or her for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV or to the disclosure to another specified person of the results of a test administered to the person consenting.

(e) "Informed consent for testing or disclosure form" means a printed document on which a person may signify his or her informed consent for testing for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV or authorize the disclosure of any test results obtained:

(eg) "Relative" means a spouse, parent, grandparent, stepparent, brother, sister, first cousin, nephew or niece; or uncle or aunt within the 3rd degree of kinship as computed under s. 990.001 (16). This relationship may be by blood, marriage or adoption.

(em) "Significantly exposed" means sustained a contact which carries a potential for a transmission of HIV, by one or more of the following:

1. Transmission, into a body orifice or onto mucous membrane, of blood, semen, vaginal secretions, cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid, or other body fluid that is visibly contaminated with blood.

2. Exchange, during the accidental or intentional infliction of a penetrating wound, including a needle puncture, of blood, semen, vaginal secretions, cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid, or other body fluid that is visibly contaminated with blood.

3. Exchange, into an eye, an open wound, an oozing lesion, or where a significant breakdown in the epidermal barrier has occurred, of blood, semen, vaginal secretions, cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid, or other body fluid that is visibly contaminated with blood.

6. Other routes of exposure, defined as significant in rules promulgated by the department. The department in promulgating the rules shall consider all potential routes of transmission of HIV identified by the centers for disease control of the federal public health service.

(fm) "Universal precautions" means measures that a health care provider, an employee of a health care provider or other individual takes in accordance with recommendations of the federal centers for disease control for the health care provider, employee or other individual for prevention of HIV transmission in health-care settings.

(2) INFORMED CONSENT FOR TESTING OR DISCLOSURE (u) No health care provider, blood bank, blood center or plasma center may subject a person to a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV unless the subject of the test first provides informed consent for testing or disclosure as specified under par. (b), except that consent to testing is not required for any of the following:

1. Except as provided in subd. 1g., a health care provider who procures, processes, distributes or uses a human body part or human tissue donated as specified under s. 157.06 (6) (a) or (b) shall, without obtaining consent to the testing, test 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 to detect the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV. If the validated test result of the donor from the test or series of tests performed is positive, the human body part or human tissue donated for use or proposed for donation may not be used.

1g. If a medical emergency, as determined by the attending physician of a potential donee and including a threat to the preservation of life of the potential donee, exists under which a human body part or human tissue that has been subjected to testing under subd. 1. is unavailable, the requirement of subd. 1. does not apply.

2. The department, a laboratory certified under 42 USC 263a or a health care provider, blood bank, blood center or plasma center may, for the purpose of research and without first obtaining written consent to the testing, subject any body fluids or tissues to a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

3. The medical director of a center for the developmentally disabled, as defined in s. 51.01 (3), or a mental health institute, as

Violent behavior - 10 yr.
That to be tested as policy protocol.

**SENATE COMMITTEE ON CHILDREN, HEALTH,
FAMILIES, AGING AND LONG TERM CARE
411 SOUTH
SENATE BILL 230**

21
"harm to my ability"
to go back
work tested
knowing what disease
caused do - will do.

Even if come back negative

only after symptoms are positive
Linda - nurse practitioner. 2 schools & day; specified -
also 1 who was source person - No one can realize

I INTRODUCED THIS BILL IN RESPONSE TO CONCERNS
EXPRESSED TO ME FROM THE OSHKOSH SCHOOL
DISTRICT.

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of student
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them from
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study

THIS SCHOOL DISTRICT HAS EXPERIENCED SEVERAL
INCIDENTS INVOLVING STAFF MEMBERS WHO HAVE
BEEN EXPOSED TO STUDENTS' BLOOD WHILE ON THE
JOB.

How this group help the group
have.

CURRENT STATE STATUTES DO NOT PROVIDE
RECOURSE FOR SCHOOL DISTRICT EMPLOYEES TO
SUBJECT THE BLOOD TO A TEST TO DETERMINE THE
PRESENCE OF HUMAN IMMUNODEFICIENCY VIRUS

(HIV).

2 way another
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of
studies

Trans.

Patti Yana
Teacher defense as chair - Physically put in harm's
way
follow protocol - Heroin's exp. Father tested -
John total expansion of current law

STATE STATUTES DO, HOWEVER, PROVIDE A RIGHT TO REQUIRE TESTING TO SEVERAL OTHER PROFESSIONALS INCLUDING: EMERGENCY MEDICAL TECHNICIANS, FIRE FIGHTERS, PEACE OFFICERS, HEALTH CARE PROVIDERS, ~~AND~~ STAFF MEMBERS OF STATE CRIME LABORATORIES, *Employees of a secured nursing facility and Employees of a secured child caring institution.*

SENATE BILL 230 ADDS THE FOLLOWING PEOPLE TO THE LIST OF THOSE WHO CAN REQUIRE THAT THE BLOOD OF THE INDIVIDUAL, TO WHOM THEY WERE EXPOSED, BE TESTED TO DETERMINE THE PRESENCE OF THE HIV/AIDS VIRUS:

- EMPLOYEES OF A SCHOOL DISTRICT
- COOPERATIVE EDUCATIONAL SERVICE AGENCY
- CHARTER SCHOOL
- PRIVATE SCHOOL

- o THE WISCONSIN SCHOOL FOR THE DEAF AND THE WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED

- o SOCIAL WORKERS

*status
Roles & responsibilities
as - below*

- THE FOLLOWING REQUIREMENTS MUST BE MET BY THE PERSON REQUESTING THAT ANOTHER PERSON BE TESTED FOR HIV:

- o THE USE OF UNIVERSAL PRECAUTIONS AGAINST A SIGNIFICANT EXPOSURE AT THE TIME OF THE SIGNIFICANT EXPOSURE.

*Key A
unexpected
nature*

*sexual
exposure
and
are
safe*

- o CERTIFICATION IN WRITING BY A PHYSICIAN THAT THE AFFECTED PERSON WAS SIGNIFICANTLY EXPOSED.

*Others in
are may*

- o SUBMITTAL TO A TEST FOR THE PRESENCE OF HIV WITHIN A SPECIFIED TIME PERIOD.

*HIV;
HEPATITIS
C/B*

*Would
want
to
be a cocktail*

*Elisa test
Rapid + extra tests for the
virus -*

*"NOT false
summary
statement
than"*

Prevention plan in hand from the individual must be

GIVEN THE INCREASE OF VIOLENCE IN SCHOOLS, THIS BILL MAKES SENSE. TEACHERS AND OTHER EMPLOYEES OF A SCHOOL DISTRICT SHOULD BE ABLE TO TAKE EVERY PRECAUTION NECESSARY TO ENSURE HE OR SHE HAS NOT BEEN INFECTED WITH HIV AFTER A SIGNIFICANT EXPOSURE TO ANOTHER PERSON'S

Bob Schwach

BLOOD.

EXPOSED =
EXPOSED

109-401 21 in 1,000 -
Note among school children
"akin to a lightning strike"
Heroin facility

compare low risk

Put the families through...

I HOPE THAT YOU WILL SUPPORT THIS BILL.

Hepatitis

THANK YOU.

Mike Johnson - In their interest to
not see
more kids getting a
exposure - as much as possible.

Nurse 1/4 wk

least likely to be exposed - significant beyond

gym Violent situation

Teachers of C -

Serve & protect students health's safety of common people in benches. Commonsense issue - direct that if exposure, can