



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-4710/1  
TKK:ahc

## 2015 ASSEMBLY BILL 1018

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

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.

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***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.

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***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~~

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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)