

CHAPTER 141

LOCAL HEALTH OFFICIALS

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141.01 County health commission. (1) Unless a county has a county health department organized under s. 140.09 or the entire area of a county has local boards of health under s. 141.015, 141.02 or 141.04, or the county has a population of 500,000 or more, the county board may provide for a county health commission which shall:

(a) Replace all town health boards and officers,

(b) Act in cities and villages which do not operate a board of health or have a health officer.

(2) Such commission shall consist of:

(a) One or more members of the county board and the district health officer; or

(b) Not less than 5 nor more than 7 members: One a member of the county board; 2 physicians practicing in the county to be selected from a list of 5 physicians submitted by the county medical society; one dentist practicing in the county to be selected from a list of 3 dentists submitted by the county dental society; the remainder to be residents of the county, men or women, who are persons of ability and known to have a broad social viewpoint and a serious interest in the health protection of their community, and the district health officer, ex officio. The first appointee to serve one year; the second 2 years; the third 3 years; the fourth 4 years; the fifth 5 years; the sixth, if any, one year; the seventh, if any, 2 years; and their successors shall each serve for 5 years.

(c) The appointments shall be made by the chairman of the county board.

(3) (a) Unless the manner of appointment is otherwise provided for by ordinance, the commission shall elect a chairman and a clerk, and employ a health director, and may employ one or more sanitarians under s. 140.45 (3). The director shall receive an annual salary to be fixed by the county board and shall receive his actual and necessary expenses. If the appointee is not a physician, the commission shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or a full-

time basis and provide reasonable compensation therefor.

(b) The commission shall be supplied with record books, quarantine cards and other materials needed to carry out its functions. Unless such materials are provided by the department, their costs shall be paid for by the county.

(4) The commission shall have jurisdiction over the areas of the county which do not have boards of health as provided in s. 141.015, 141.02 or 141.04.

(5) The commission shall take such measures as shall be most effectual for the preservation of the public health.

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

(a) Make an annual sanitary survey and maintain 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 laws and the rules of the department.

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

(g) The director and the clerk shall report to the department as required. They shall also submit the report of their transactions to the department.

(7) The county health commission when established in any county shall have all the powers now vested in local boards of health and local health officers and shall designate filing

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officers to replace those superseded by this section.

(8) No services shall be performed by the county health commission for any political subdivision in a county which does not contribute toward the support of the county health commission.

(9) If the county board does not provide for a county health commission every town board shall, within 30 days after each election of officers, 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. 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. The town board of health and health officer shall have the powers and duties authorized for the county health commission and health director in this section.

141.015 City and village boards of health.

(1) Unless a county health commission is created under s. 141.01 and the village or city elects to come under the jurisdiction of the county health commission, the board or council of any village or city shall, after the first meeting of the board or council following October 20, 1961, provide for a board of health. In such villages and cities the board or council shall appoint wholly or partially from its own members, a suitable number of competent persons as its board of health.

(2) "Health officer" as used in this chapter means the officer performing the duties thereof regardless of his designation.

(3) In case the board or council fails to appoint a board of health the county health commission shall perform the health services in such village or city.

(4) 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 and its executive officer and take the oath of office. If a vacancy in the position of health officer occurs, the board of health shall immediately fill the same. The board shall immediately report to the county health commission and the department the names, post-office addresses and occupations of the officers thereof, and any changes therein. The health officer shall receive an annual salary to be fixed by the city council or the village board 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.

(5) Whenever a health officer fails to perform the duties of his office and assist the department, the appointing board, either upon its own initiative or upon recommendation of the department, shall discharge such officer and immediately select a new officer.

(6) The board shall take such measures as shall be most effectual for the preservation of the public health.

(7) The board may appoint persons to aid them and regulate their charges.

(8) The health officer under the direction of the district health officer shall perform the duties specified in s. 141.01(6).

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

(10) The health officer and the clerk shall report to the department as required. They shall also submit a report of their transactions to the department.

(11) Physicians acting and receiving compensation as health officers in all cities and villages, except cities having a population of 25,000 or more, may also hold office as city physicians.

(12) Health officers in cities having a population of less than 25,000 and in villages 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 for such municipalities and receive compensation from such persons therefor.

(13) 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 department.

(14) No part of any expense incurred by a county health commission shall be levied against any property in any city or village which operates its own board of health or has a health officer or provides health services jointly with another city or village under s. 141.04.

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 department. 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 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 requires.

(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.

141.04 Joint services. Towns, villages and cities jointly may provide health services as agreed upon under s. 66.30.

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 department upon recommendation of the public health nurses examining council. All public health nurses shall be registered nurses as provided in ch. 441, 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 department, 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 department. The department 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 1st class.

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

(5) The department 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 department. Written notice of such hearing shall be given to the public health nurse at least 10 days before the time fixed for such hearings.

(6) This section shall not apply to school nurses, as defined in s. 115.01 (11m), while acting in the employ of a public school.

History: 1971 c. 42; 1975 c. 115.

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 and such nurses shall possess the qualifications required by s. 141.045. They shall work under the direction of the board of health and health officer and shall conduct a generalized public health nursing program in cooperation with the department.

(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.

A county health commission, with the consent of the property owner, can authorize its staff to enter private property for the purpose of determining the location of an existing private sewage disposal system. If consent of the property owner is not obtained, it can only be undertaken with a special inspection warrant obtained under 66.122.63 Atty. Gen. 337.

141.06 County public health nurses, sanitarians and other public health personnel. (1) The county health committee may employ one or more county public health nurses, sanitarians, or other public health personnel, when so authorized by the county board, to conduct generalized public health nursing, environmental sanitation, or other public health programs pursuant to the direction and under the supervision of the county health committee in cooperation with the department.

(2) The work of the county nurse, county sanitarian and other public health personnel shall be directed by a county health committee composed of 5 or more members appointed by the chairman, at least 3 of which shall be members of the county board, and a representative of the department appointed by the department.

(3) The county board shall approve and make an appropriation to carry out this section.

History: 1975 c. 39 s. 732 (2).

County boards may direct that the county sanitarian and others employed in environmental sanitation work be supervised by a county committee other than the health committee. 60 Atty. Gen. 207.

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 department.

141.10 Home nursing care. (1) AUTHORITY. County boards of supervisors or city councils may authorize their respective county health committee or county or city board of health to establish programs of home nursing care, including rehabilitative nursing services, to employ additional nurses as provided in s. 141.045, and to collect fees for such services to ill or disabled persons. The county health committee or board of health authorized to establish a program of home nursing care shall develop a plan of operation in consultation with a representative of the department and the county medical society. The representatives of the department and county medical society shall be invited to provide advice and guidance on the operation of the program. Home nursing care shall be provided under the direction of a licensed physician of the patient's choice.

(2) FEES FOR NURSING CARE ONLY. A fee may be established and collected only for nursing care to the sick in their place of residence. Visits for health instruction and supervision, when counseling or demonstration care only are indicated, shall be given without charge as part of the established program of public health nursing.

(3) FEE SCHEDULE. A schedule of fees shall be established:

(a) As a result of a cost study conducted at least every 3 years and filed as required with the department after approval by the county board or city council; or

(b) By the adoption of a schedule of fees established by the department from information gathered by it.

(4) CHARGES. Persons receiving such home nursing care shall not be charged fees in excess of the scheduled costs, and shall be charged according to their ability to pay full or part costs as determined by the policy of the county health committee or board of health. No person shall be denied necessary services, within the limits of available personnel, because of inability to pay the cost of such service. The county board or city council shall determine the procedure for collecting and depositing fees and auditing receipts.

(5) CONTRACTS WITH OTHERS. Any county or city health department or nursing service authorized to establish a plan of home nursing care may contract with public, private or voluntary agencies to provide home nursing care to clients of such agencies.

(6) GIFTS AND GRANTS. Counties and cities under this plan may accept grants, bequests and gifts for the development and expansion of home nursing services to patients.

Finance committee of county board probably has right to inspect applications of persons seeking home nursing care. 60 Atty. Gen. 422.

141.15 Licensing and regulation of proprietary home health agencies. (1)

DEFINITIONS. As used in this section, unless a different meaning appears from the context:

(a) A "proprietary home health agency" is a private proprietary organization (or a part of such organization) which: 1) primarily provides skilled nursing and other therapeutic services; 2) has policies established by a professional group (including at least one physician and at least one registered nurse) to govern services, and provides for supervision of these services by a physician or a registered nurse; 3) maintains clinical records on all patients.

(b) "Home health services" means the following items and services furnished to an individual, who is under the care of a physician, by a home health agency or by others under arrangements with them made by such agency, under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician, which items and services are, except as provided in subd. 6, provided on a visiting basis in a place of residence used as such individual's home:

1. Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

2. Physical, occupational or speech therapy;

3. Medical social services under the direction of a physician;

4. Medical supplies (other than drugs and biologicals), and the use of medical appliances, while under such a plan;

5. In the case of a home health agency which is affiliated or under common control with a hospital, medical services provided by an intern or resident-in-training of such hospital, under an approved teaching program of such hospital; and

6. Any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the home health agency, at a hospital or extended care facility, or at a rehabilitation center which meets such standards as may be prescribed by rule, and a) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in such place of residence, or b) which are furnished at such facility while he is there to receive any such item or service, but not including transportation of the individual in connection with any such item or service.

(c) "Patient" means individuals cared for or treated by home health agencies.

(e) Proprietary organization is a private organization not exempt from federal income taxation under section 501 of the internal revenue code of 1954.

(2) RULES. The department may develop, establish and enforce standards (a) for the care, treatment, health, safety, welfare and comfort of patients by proprietary home health agencies and (b) for the maintenance and operation of proprietary home health agencies which, in the light of advancing knowledge, will promote safe and adequate care and treatment of such patients by proprietary home health agencies; and to promulgate and enforce rules consistent with this section.

(3) ADMINISTRATION. The administration of this section shall be under the department which shall make or cause to be made such inspections and investigations as it deems necessary.

(4) LICENSING, INSPECTION AND REGULATION. The department may register, license, inspect and regulate proprietary home health agencies as provided in this section.

(5) APPLICATION FOR REGISTRATION AND LICENSE. (a) Registration shall be in writing in such form and contain such information as the department requires.

(b) The application for a license shall be in writing upon forms provided by the department and shall contain such information as it requires.

(6) ISSUANCE OF LICENSE; INSPECTION AND INVESTIGATION; ANNUAL RENEWAL; NONTRANSFERABLE; CONTENT. (a) The department shall issue a license if the applicant is fit and qualified, and if the proprietary home health agencies meet the requirements established by this section. The department, or its designated representatives, shall make such inspections and investigations as are necessary to determine the conditions existing in each case and file written reports.

(b) A license, unless sooner suspended or revoked, shall be renewable annually on July 1, upon filing by the licensee, and approval by the department of an annual report and application for renewal on forms provided by the department.

(c) Each license shall be issued only for the proprietary home health agency named in the application and shall not be transferable or assignable. If application for renewal is not so filed, such license is automatically canceled as of the date of its expiration. Any license granted shall state such additional information and special limitations as the department, by rule, prescribes.

(7) DENIAL, SUSPENSION OR REVOCATION OF LICENSE; NOTICE. The department after notice to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements of this section and the rules established hereunder.

(8) FAILURE TO REGISTER OR OPERATING WITHOUT LICENSE; PENALTY. It is unlawful for any person, acting jointly or severally with any other person, to conduct, maintain, operate, or permit to be maintained or operated, or to participate in the conducting, maintenance or operating of a home health agency, unless, it is licensed as a home health agency by the department. Any person who violates this section shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense, and each day of violation after the first conviction shall constitute a separate offense.

(9) RIGHT OF INJUNCTION. All orders issued by the department pursuant to s. 141.15 shall be enforced by the attorney general. The circuit court of Dane county shall have jurisdiction to enforce such orders by injunctive and other appropriate relief.

(10) PROVISIONAL LICENSES. A provisional license if approved by the department may be issued to any home health agency, the facilities of which are in use or needed for patients, but which is temporarily unable to conform to all the rules established under this section. A provisional license may not be issued for more than one year.