WISCONSIN'S

Public Health Statutes and Administrative Rules

Department of Health Services
Division of Public Health
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What are they?

- Public health statutes are laws that establish the legal basis for public health in Wisconsin
- Administrative rules are regulations promulgated by state agencies to implement or interpret provisions of the statutes, or to establish agency procedures for administering programs
- Administrative rules have the effect of law

How are they different?

- The Legislature creates, amends or repeals Statutes

  Statutes stand on their own.
- State agencies, which are part of the executive branch, are authorized by the Legislature to create, amend or repeal administrative rules

  Administrative rules must have a Statutory basis

Why are they important?

- Provide guidance/direction
- Provide authority
- Provide assurance

Direction

250.03 "Public Health System" (1) The Department **SHALL:**

(a) Maintain a public health system in cooperation with local health departments; community organizations; and medical clinics that are operated by the governing bodies, or agencies of the governing bodies, of federally recognized American Indian tribes or bands located in this state.

(b) Serve as the state lead agency for public health.

(c) Assess the health needs in the state based on statewide data collection.

(e) Establish statewide health objectives and delegate power to local health departments to achieve the objectives as the department considers appropriate.

(f) Support local public health service capacity building through grants, consultation and technical assistance.

Authority and Assurance

250.04 (7) The department **MAY** promulgate and enforce rules and issue and enforce orders governing the duties of all local health officers and local boards of health and relating to any subject matter under the department's supervision that are necessary to provide efficient administration and to protect health. Whoever violates a rule or order specified under this subsection shall be fined not less than $10 nor more than $100 for each offense, unless a different penalty is provided

Chapter 250 – Health: Administration and Supervision

- Requires the appointment of State Health Officer and Chief Medical Officers and describes duties
- Requires the Department to maintain a public health system
- Defines the powers and duties of the Department, and as a public health authority
- Defines qualifications for public health nurses
- Defines public health planning requirement
- Requires appropriation of funds– Health Disparities Reduction or Elimination, Dental, CHCs, etc.

Chapter 251 – Local Health Officials

- Defines local health departments
- Defines a local board of health and its members
- Describes board of health powers and duties
- Describes health department levels of service
- Defines health officer qualifications and duties
- Defines local health department jurisdiction, joint services and how financed
- Gives the DHS rule making authority

Administrative Rule promulgated under Ch. 250 & Ch. 251

DHS 139

Qualifications of Public Health Professionals Employed by Local Health Departments

Defines qualification requirements, and a general employment requirement, for health officers, public health sanitarians, directors of environmental health programs, public health nurses, and directors of public health nursing programs

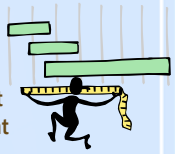
Administrative Rule promulgated under Ch. 251

DHS 140

Required Services of Local Health Departments

Defines the required services for:

- Level I local health department
- Level II local health department
- Level III local health department



- Designation of level of local health department

Requires the Department to direct a process to formally review local health departments

Chapter 252 – Communicable Diseases

- Defines powers and duties of the Department and local health officers
- Authorizes the immunization program and compulsory vaccination during a state of emergency
- Requires reporting of communicable disease cases and authorizes isolation and quarantine
- Authorizes communicable disease prevention and control programs
- Regulation of tattoo & body piercing and Agent status for local health departments – tattoo & body piercing

Administrative rules promulgated under Ch. 252

DHS 138 Subsidy of health insurance premiums for persons with HIV infection

DHS 144 Immunization of students

DHS 145 Control of communicable disease; Appendix A - Communicable diseases

DHS 146 Vaccine-preventable diseases

DHS 173 Tattooing and body piercing

Chapter 253 – Maternal & Child Health

- Requires the Department to maintain a MCH program; preparation of State Plan for MCH services
- Provides the authority for a state supplemental food program for women, infants and children (WIC)
- Provides the authority for family health programs
- Identifies responsibilities for Infant blindness; Newborn hearing screening and screening for congenital and metabolic disorders
- Identifies responsibilities related to Sudden infant death syndrome and Shaken baby syndrome and impacted babies

Administrative rules promulgated or important* to Chapter 253

DHS 115* Fee for screening newborns for congenital and metabolic disorders

DHS 116 Wisconsin birth defect prevention and surveillance system; Appendix A - Birth defects and syndromes for which reporting is mandatory, and Appendix B -Core data items of the birth Defects registry

DHS 149* Selection & monitoring of vendors for the special supplemental food program for women, infants, & children (WIC)

Chapter 254 – Environmental Health

- Subchapter I – General Provisions
  - Defines environmental health and human health hazard.
  - Identifies departmental power; designation.
  - Health risk assessment.
- Subchapter II – Toxic Substances
- Subchapter III – Radiation Protection
- Subchapter IV – Recreational Sanitation

Chapter 254 – Environmental Health (continued)

- Subchapter V – Animal-borne and vector-borne disease control
- Subchapter IV – Human Health Hazards
- Subchapter VII – Lodging and Food Protection
- Subchapter IX – Sale or Gift of Cigarettes or Tobacco Products to Minors

Administrative rules promulgated under Ch. 254

DHS 157 Radiation protection; Appendix A – S

DHS 158 Fee for monitoring radiation emissions in the vicinity of nuclear power plants

DHS 159 Asbestos certification and training accreditation; Appendix A

DHS 161 Tanning facilities

DHS 163 Certification for the identification, removal and reduction of lead-based paint hazards; Appendix A – I

DHS 175 Recreational and educational camps

DHS 178 Campgrounds

Administrative rules promulgated under Ch. 254

DHS 181 Reporting of blood lead test results; Appendix A

DHS 182 Lead poisoning or lead exposure prevention grants

DHS 192 Cities, counties and villages designated as agents of the Department for public health protection

DHS 195 Hotels, motels and tourist rooming houses

DHS 196 Restaurants; Appendix - WI Food Code

DHS 198 Vending of food

Chapter 255 – Chronic Disease & Injuries

- Subchapter I – Definitions
- Subchapter II – Chronic Disease Prevention, Assessment & Control
  - Duties of state epidemiologist and of the Department
  - Cancer Reporting; Cancer control and prevention grants; Breast cancer research program; Cancer and chronic disease drug repository; Well-woman program; Tanning facilities; State-wide tobacco prevention and control programs
- Subchapter III – Injury Prevention & Control
  - Requires the department to maintain an injury prevention program

Administrative rules promulgated under Ch. 255

DHS 147 Cancer Control Grants

DHS 161 Tanning facilities

DHS 199 Tobacco control activities

Additional Statutes Important to Public Health

Chapter 19 - General Duties of Public Officials

Chapter 46 - "Social Services"

Chapter 51 - "State Alcohol, Drug Abuse, Developmental Disabilities and Mental Health Act"

Chapter 69 – Collection of Statistics
*Subchapter I – Vital Statistics
*Subchapter II – General statistics

Web sites - information on statutes, administrative rules, and other public health related information:

Wisconsin State Legislature: http://www.legis.state.wi.us

Wisconsin Legislative Council: http://www.legis.state.wi.us/lc

Wisconsin's Official Website: http://www.wisconsin.gov

Wisconsin Department of Health Services: http://dhs.wisconsin.gov

Department of Health Services – Administrative Rules:
http://dhs.wisconsin.gov/rules/index.htm

Department of Health Services - State Health Plan:
http://dhs.wisconsin.gov/statehealthplan