

# HIV Related Wisconsin Statutes and Administrative Code

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The following are hyperlinks to provisions of Wisconsin Statutes and Administrative Code related to HIV /AIDS as well as a related subject index to the Statutes and Administrative Code.

*Note:* The following chapter and subdivision headings are linked to the electronic publication of *Wisconsin Statutes and Annotations*, through the website of the Wisconsin State Legislature [Legislative Reference Bureau](#) (LRB), official publisher of the Wisconsin Statutes and Administrative Code. The LRB cautions that “the Wisconsin Statutes do not use the word ‘official’ in relation to the publication of statutes and, accordingly, ‘official’ has no legal meaning when applied to this electronic publication of the Wisconsin Statutes and Annotations or to the printed volumes.”

While HIV/AIDS-related content in Wisconsin Statutes is covered in variety of areas, the majority of AIDS/HIV-related provisions are located in [Chapter 252 Communicable Diseases](#), specifically:

- [s. 252.12](#) HIV and related infections, including hepatitis C virus infections; services and prevention
- [s. 252.13](#) HIV tests,
- [s. 252.133](#) HIV testing for anatomical gifts,
- [s. 252.14](#) Discrimination related to acquired immunodeficiency syndrome
- [s. 252.15](#) Restrictions on use of an HIV testing,
- [s. 252.16](#) Health insurance premium subsidies, and
- [s. 252.17](#) Medical leave premium subsidies.

## [Chapter 48: Children's Code](#)

- [Access to certain information by substitute care provider](#)

## [Chapter 49: Public Assistance](#)

- [AZT and pentamidine reimbursement program](#)
- [Case management services](#)
- [Demonstration project for persons with HIV](#)

## [Chapter 101: Department of Safety and Professional Services -- Regulation of Industry, Buildings and Safety](#)

- [Powers, duties and jurisdiction of the department -- form to document significant exposure](#)

## [Chapter 103: Employment Regulations](#)

- [Restrictions on use of a test for HIV](#)

## [Chapter 115: State Superintendent; General Classifications and Definitions; Children with Disabilities](#)

- [Health problems education program](#)

**Chapter 118: General School Operations**

- [Human growth and development instruction](#)
- [Pupil records](#)

**Chapter 146: Miscellaneous Health Provisions**

- [Access without informed consent](#)
- [Confidentiality of patient health care records](#)
- [Health care records; definitions](#)
  - [health care provider \(definition\)](#)
  - [informed consent \(definition\)](#)
- [Violations related to patient health care records](#)

**Chapter 149: Mandatory Health Insurance Risk-Sharing Plan**

- [Definitions](#)
- [Eligibility determination](#)

**Chapter 155: Power of Attorney for Health Care**

- [Definitions](#)
- [Power of attorney for health care](#)

**Chapter 250: Health, Administration and Supervision**

- [Definitions](#)
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**Chapter 252: Communicable Diseases**

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- [Definitions](#)
- [Discrimination related to acquired immunodeficiency syndrome](#)
- [Distribution of funds](#)
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- [Penalties](#)
- [Prohibition against conditioning HIV testing on disclosure](#)
- [Record maintenance](#)
- [Reporting of persons significantly exposed](#)
- [Reporting of positive test results](#)
- [Sale of tests without approval prohibited](#)
- [Significant exposure](#)
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### **Chapter 256: Emergency Medical Services**

- [Emergency medical services personnel confidentiality of records](#)

### **Chapter 609: Defined Network Plans**

- [Coverage related to HIV infection](#)

### **Chapter 631: Insurance Contracts Generally**

- [Prohibited provisions concerning HIV infection](#)
- [Restrictions on use of tests for HIV](#)

### **Chapter 632: Insurance Contracts in Specific Lines**

- [Mandatory coverage; drugs for treatment of HIV infection](#)

### **Chapter 901: Evidence - General Provisions**

- [Admissibility of certain test results](#)

### **Chapter 938: Juvenile Justice Code**

- [Access to certain information by substitute care provider](#)
- [Notice to victims of juveniles' acts](#)
- [Testing for HIV infection and certain diseases](#)

### **Chapter 968: Commencement of Criminal Proceedings**

- [Testing for HIV infection and certain diseases](#)

### **Chapter 973: Sentencing**

- [Misdemeanors, special disposition](#)

## **Wisconsin Administrative Code**

Administrative Rules are policies that Wisconsin State agencies issue on a variety of subjects. Rules have the full force and effect of law and are published in the Wisconsin Administrative Code. The following are links to HIV/AIDS-related Administrative Rules.

### **[DHS 138: Subsidy of Health Insurance Continuation Coverage Premiums for Persons with HIV Infection](#)**

DHS 138 identifies the authority, purpose, and the provisions for participation and payment of health insurance premiums in the Wisconsin Health Insurance Premium Subsidy Program for Persons with HIV infection.

### **[DHS 145: Control of Communicable Diseases](#)**

#### **[DHS 145: Appendix A -- Communicable Diseases and other Notifiable Conditions](#)**

DHS 145 covers general provisions regarding the prevention and control of communicable diseases, as well as specific provisions regarding tuberculosis and sexually transmitted disease.

### **[INS 3: Casualty Insurance](#)**

For provisions regarding HIV testing, see Ins 3.53 and Appendix A.

### **[INS 6: General Chapter](#)**

For provisions regarding unfair discrimination in life and disability insurance, see Ins. 6.67.

# Subject Index

## Blood banking

- Blood tests for HIV: [s. 252.13](#)
- Consent: [s. 252.15\(2m\)](#)

## Case management

- HIV and related infections: [s. 252.12\(2\)\(a\)8](#)
- Medical assistance; case management services: [s. 49.425\(25\)](#)

## Confidentiality

- Confidentiality and disclosure of HIV test results: [s. 242.15\(3m\)](#)
- Health care records; definitions: [s. 146.81](#)
- Patient health care records: [s. 146.82](#)
- Pupil records: [s. 118.125](#)
- Worker's compensation claim: [s. 102.13\(2\)](#)

## Consent for testing

- Documentation/record maintenance: [s. 252.15\(4\)](#)
- Denial of services prohibited: [s. 252.15\(2m\)\(a\)3.](#)
- Exceptions to consent:
  - Exceptions: [s. 252.15\(2m\)](#); [s. 938.296](#); [s. 968.38](#)
  - Minor: [s. 252.15\(2m\)\(c\)](#)
- Information to be offered for testing: [s. 252.15\(2m\)\(a\)2](#)
- Requirements: [s. 252.15\(2m\)](#)
- Testing without consent:
  - Sexual assault: [s. 938.296](#); [s. 938.346](#); [s. 938.371](#); [s. 968.38](#)
  - Significant exposure: [s. 252.15\(5g\)](#); [s. 938.296](#); [s. 938.346](#); [s. 968.38](#)
- Written, for disclosure of results: [s. 252.15\(3m\)](#)

**Corpses, testing of:** [s. 252.15\(5m\)](#)

**Information to be offered for testing:** [s. 252.15\(2m\)\(a\)2](#)

## Definitions

- Advanced practice nurse prescriber: [s. 252.01\(1c\)](#)
- First responder: [s. 252.01\(1g\)](#)
- Health care facility: [s. 155.01\(6\)](#)
- Health care provider: [s. 146.81\(1\)](#); [s. 155.01\(7\)](#); [s. 252.14\(1\)\(ar\)](#)
- HIV: [s. 252.01\(1m\)](#)
- HIV infection: [s. 252.01\(2\)](#)
- HIV test: [s. 252.01\(2m\)](#)
- Informed consent: [s. 146.81\(2\)](#)
- Patient: [s. 146.81\(3\)](#)
- Patient health care records: [s. 146.81\(4\)](#)
- Pupil records: [s. 118.125\(1\)\(d\)](#)
- Significant exposure: [s. 252.15\(1\)\(em\)](#)

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- Validated HIV test result: [s. 252.01\(8\)](#)

### **Disclosure of test results**

- Admissibility as evidence: [s. 901.05](#)
- Expanded disclosure prohibited: [s. 101.02\(19\)](#), [s. 252.15\(6\)](#)
- Foster parents: [s. 48.371](#)
- Penalties for disclosure: [s. 252.15\(9\)](#)
- Permitted disclosures: [s. 252.15\(3m\)](#)
- Prohibition against conditioning HIV testing on disclosure: [252.15\(2r\)](#)
- Substitute care provider: [s. 48.371](#)
- Victims of juvenile acts: [s. 938.296](#); [s. 938.346](#)
- Victims of sexual assault: : [s. 938.296](#); [s. 938.346](#); [s. 968.38](#)
- Written consent for disclosure: [s. 252.15\(3m\)](#)

### **Discrimination prohibited**

- By service provider: [s. 252.14](#)
- In employment: [s. 103.15](#)
- In health care: [s. 252.14](#)
- In insurance: [Wis. Admin. Code INS 3: Casualty Insurance \[see 3.53\(2\) and 3.53\(7\)\]](#)
- Penalties for discrimination: [s. 252.14\(4\)](#)

**Drug reimbursement:** [s. 49.686](#)

### **Early intervention services**

- Funding: [s. 252.12\(2\)\(a\)8](#)

**Education:** [s. 115.35](#); [s. 118.019](#); [s. 118.125](#)

**Employment, restrictions on use of test:** [s. 103.15](#)

### **Evidence, HIV status admissibility**

- General provisions: [s. 901.05](#)
- Small claims actions: [s. 146.86\(2\)](#)

**Foster parent access to test results:** [s. 48.371](#)

**Funding:** [s. 252.12](#)

**Good Samaritan:** [s. 252.15\(5g\)](#)

**HMOs:** [s. 609.81](#); [s. 631.90](#); [s. 631.93](#)

**Informed consent/consent:** [s. 146.82](#); [s. 252.15\(2m\)](#)

- Testing and/or disclosure without: [s. 252.15](#), [s. 901.05](#); [s. 938.296](#); [s. 938.346](#)

### **Insurance**

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- Coverage during medical leave: [s. 252.17](#); [Wis. Admin. Code DHS 138](#)
- Drug coverage in disability insurance: [s. 632.895\(9\)](#)
- Group policies: [Wis. Admin. Code INS 3 \[see Ins. 353 \(7\)\]](#)
- HIRSP: [s. 149](#)
  
- Premium subsidy: [s. 252.16](#); [s. 252.17](#); [Wis. Admin. Code DHS 138](#)
- Testing by insurers: [s. 631.90](#); [Wis. Admin. Code INS 3 \[see Ins. 353 \(4\)\]](#)
- Viatical/life settlement: [s. 632.69](#)

**Life care services funding:** [s. 252.12\(2\)\(a\)8](#)

**Local health officers, duties of:** [s. 252.03](#)

### **Medical assistance**

- Reimbursement of case management: [s. 49.45\(25\)\(am\)](#)

**Mike Johnson life care and early intervention grants:** [s. 252.12\(2\)\(a\)8](#)

**Minors, testing of:** [s. 48.371](#); [s. 252.15](#); [s. 968.38](#); [Wis. Admin. Code DHS 145 \[see DHS 145.21\]](#)

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- Patient health care: [s. 146.81](#); [s. 146.82](#)
- Pupil: [s. 118.125](#)

### **Reporting**

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**Restrictions on use of a test for HIV:** [s. 252.15](#)

**School-based HIV/AIDS education:** [s. 115.35](#); [s. 118.019](#)

**Sexual assault, testing following:** [s. 252.15\(2m\)\(b\)3](#); [s. 938.296](#); [s. 938.346](#); [s. 938.371](#); [s. 968.38](#)

**Significant exposure**

- Defined: [s. 252.15\(1\)\(em\)](#); [s. 252.15\(5g\)](#)
- Testing due to: [s. 252.15\(5g\)](#); [s. 938.296](#); [s. 938.346](#); [s. 968.38](#)
- Testing without consent: [s. 252.15\(5g\)](#); [s. 938.296](#); [s. 938.346](#); [s. 968.38](#)

**Test kits**, sale of: [s. 252.15\(5r\)](#)

**Testing (see also "Consent")**

- Adult defendants in sexual assault cases [s. 252.15\(2m\)\(b\)3](#); [s. 968.38](#)
- By insurers: [s. 631.90](#); [s. 631.93](#); [Wis. Admin. Code INS 3 \[see Ins 3.53\]](#)
- Due to significant exposure: [s. 101.02\(19\)](#); [s. 252.15\(5g\)](#);
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- Juvenile defendants in sexual assault cases: [s. 938.296](#); [s. 938.346](#); [s. 938.371](#);  
[s. 968.38](#)
- Of blood donors: [s. 252.13](#)
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- [s. 968.38](#)

**Validated test result:** [s. 252.01\(8\)](#)

**Viatical/life settlement contracts:** [s. 632.69](#)

**Worker's compensation:** [s. 102.13\(2\)](#)

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*For additional information regarding Wisconsin Statutes and Administrative Code, contact the [Wisconsin HIV Program](#) at the Wisconsin Department of Health Services.*

For questions regarding HIV case reporting:

- Phone: 608-266-2664
- Email: [DHS HIVsurveillance@wisconsin.gov](mailto:DHS HIVsurveillance@wisconsin.gov)

