

## Marathon County Board of Health

Amended April 27, 2020 3:50 p.m.

Tuesday, May 5, 2020 at 7:45 AM

Meeting Location: 1000 Lake View Drive, Suite 100  
Wausau, WI 54403

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages Board of Health members and the public to attend this meeting remotely. To this end, instead of attendance in person, Board of Health members and the public may attend this meeting by telephone conference. If Board of Health members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees. Persons wishing to attend the meeting by phone may call into the telephone conference beginning five (5) minutes prior to the start time indicated above using the following number. When you enter the telephone conference, put your phone on mute.

Dial: +1 312 626 6799 US (Chicago)

Meeting ID: 912 6740 9475

Password: 484397

Join Zoom Meeting: <https://zoom.us/j/91267409475?pwd=L2pybm1tYVkrTTRndUZ1YUwrNG1VZz09>

Meeting ID: 912 6740 9475

Password: 484397

The Public Comment portion of the agenda has been temporarily suspended, pursuant to Marathon County Resolution # R-19-20, dated April 21, 2020, because the technology necessary to afford the public the opportunity to address the County Board, or its subgroups, during public Comment is difficult to guarantee, if a large number of individuals have elected to call in.

**Committee Members:** John Robinson, Chair; Sandi Cihlar, Vice-Chair; Lori Shepherd, Secretary; Dean Danner; Kue Her; Tiffany Lee; Craig McEwen

**Marathon County Mission Statement:** Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)

**Marathon County Health Department Mission Statement:** To advance a healthy Marathon County community by preventing disease, promoting health, and protecting the public from environmental hazards. (Last updated: 5-7-13)

1. **Call to Order, Welcome New Board of Health Member**
2. **Approval of the Minutes of the April 7, 2020 Board of Health Meeting**
3. **Operational Functions Required by Statute, Ordinance, or Resolution**
  - A. None
4. **Policy Discussion and Possible Action**
  - A. Review Marathon County Agent Programs Regulation section "Correction of Violations" in light of the approved restructure of the Recreational Pool Licensing and Water Testing Fees

- i. Update on the Department of Agriculture, Trade and Consumer Protection (DATCP) extension of the renewal of permits until December 31, 2020 and action to be taken to extend renewal fees
    - ii. Update on the process and timeline for reviewing licensing fee
    - iii. Confirm the timeline for enacting pool re-inspection fees and proposed changes for fee violations for other Public Facility or Establishment under 100.8 Inspections (4) Correction of Violations, page 14-15
  - B. Update on Marathon County's COVID-19 response
    - i. Overview of the Badger Bounce Back plan which outlines the criteria and phases for reopening the economy and communities
    - ii. Discuss public health issues going forward in our COVID-19 response
    - iii. Status report as to impact on carrying out critical and essential public health services

**5. Educational Presentations/Outcome Monitoring Reports**

- A. None

**6. Announcements**

**7. Next Meeting Date & Time, Location, Future Agenda Items: June 1, 2020**

- A. TBD based on COVID-19 response
  - i. Election of Board of Health Officers for 2020-2022
  - ii. Update on the Board of Health Self-Assessment Plan of Work
  - iii. Continuation of the identification of community health priorities with members of Healthy Marathon County

**8. Adjourn**

FAXED TO: Daily Herald, City Pages,  
Marshfield News, Mid-West Radio Group

Signed \_\_\_\_\_

THIS NOTICE POSTED AT THE COURTHOUSE

Date \_\_\_\_\_ Time \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

*Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail [infomarathon@mail.co.marathon.wi.us](mailto:infomarathon@mail.co.marathon.wi.us) one business day before the meeting.*

**MARATHON COUNTY BOARD OF HEALTH**  
**Meeting Minutes**  
April 7, 2020

Present: Via Zoom Web Conference: John Robinson, Kue Her, Tiffany Lee, Lori Shepherd, Dean Danner, Sandi Cihlar, Mary Ann Crosby

MCHD Staff: Joan Theurer, Dale Grosskurth, Eileen Eckardt, Judy Burrows, Chris Weisgram

Others Present:

**Call to Order**

**John Robinson called the meeting to order at 7:51 a.m.**

**1. Public Comment Period**

**None**

**2. Approval of the Minutes of the March 3, 2020 Board of Health Meeting**

**Motion to approve the minutes of the March 3 meeting made by Lori Shepherd, seconded by Kue Her. Motion approved.**

**3. Operational Functions Required by Statute, Ordinance, or Resolution**

A. None

**4. Policy Discussion and Possible Action**

- A. Recommendations to restructure the Recreational Pool Licensing and Water Testing Fees
  - i. Overview of changes made to decrease tax levy and improve efficiencies of the water lab.

Joan Theurer provided a background for the changes to the water lab.

Dale Grosskurth provided an overview of changes to scheduling of staff in the lab, as well as when water samples are accepted for testing. Additionally changes were made to some testing methods to improve efficiency, and reduce operating costs for the lab.

Joan highlighted changes regarding restructuring of licensing and water testing fees for recreational pools, and provided a comparison of fees from other agencies that provide testing. Joan shared that currently, due to COVID-19, recreational pools are currently closed.

Dean Danner asked if there has been an indication of if or when restrictions might be extended. Joan shared that the decision would be made at the state level, and would depend on the trend of new cases.

John Robinson asked for clarification on what is being asked regarding each of the two fee change proposals. Joan shared the idea is to separate the recreational pool licensing and water testing fees.

The Board discussed the effect to the budget as a result of COVID-19. Joan shared that due to projected lower sales tax collected, budget shortfalls are expected for this year and next year for Marathon County. A budget has been submitted to the state to be considered for the possibility of relief funding for public health COVID-19 activities.

Joan recommended moving forward with the fee structure, and a marginal increase for the water tests for pools. One option would be going with the new categories and fee structure and re-inspection fee, or waiving the re-inspection fee until the next licensing year. Changes to the regulation would also need to be made.

**Lori Shepherd motioned to move ahead with the increased water testing fee for recreational pools. Seconded by Dean Danner. Discussion was held on further options to move forward with accepting the licensing fee structure change, and water testing fees at half the rate of increase proposed. Lori Shepherd amended her motion to move ahead with changes to the recreational pool licensing fees, and a graduated increase (\$14 and \$8) to the recreational pool water testing fees. Motion approved.**

B. Overview of COVID-19 response and impact on Marathon County Health Department program services

Joan Theurer shared she has been providing weekly situational updates. The report was changed slightly this week, to be used more as a public document, and will now be shared with law enforcement, municipalities via MCDEVCO including the Greater Wausau Chamber of Commerce, and health care organizations.

Joan shared an overview of the structure in place to respond. Regularly scheduled calls between Health Officers and the Wisconsin Department of Health Services occur daily with weekly joint call between Health Officers and Emergency Management Directors. A county leadership team meets throughout the week to look at County government, and public health response. Joan shared she serves on the North Central Wisconsin Healthcare Emergency Readiness Coalition (NCW-HERC) which meets weekly reviewing regional system response. The Health Department is carrying out functions of reporting, surveillance, contact tracing, isolation/quarantine, and communications.

Impacts on programs and services at the Health Department include the need to continue carry out critical services that include communicable disease, water testing, human health hazards, and licensing complaints, and internal operations. The state has postponed the Chapter 140 review, and the Community Health Improvement Process has been put on hold.

Joan indicated that the work load in response to COVID-19 has varied daily. As testing increases, the Health Department will see increased work around contact tracing.

Joan shared that Marathon County is issuing voluntary isolation orders for individuals with a positive test result, as well as voluntary quarantine orders for those who are close contacts.

John Robinson thanked Joan Theurer and Health Department staff regarding the work being done to respond.

Discussion was held on how Board members could be helpful in sharing information in their circles using credible sources.

Joan shared an update on what is happening with today's primary election, and guidance provided to municipalities for maintaining health and safety for election workers and voters.

Dale Grosskurth shared what is being done to respond to complaints or concerns received about essential/non-essential businesses being open, and reports of group gatherings.

Judy Burrows shared how information is collected to help frame messages that are put out to the community through social media posts and press releases.

John Robinson asked if outreach to news directors could take place to help educate community members on appropriate social distancing. Joan asked Board members to connect with their contacts to reinforce the intent of Safer at Home.

- C. Report from the Health & Human Services Committee on policy issues impacting public health - March 23, 2020 meeting cancelled

**5. Educational Presentations/Outcome Monitoring Reports**

- A. Role of Local Health Departments in the surveillance of the Coronavirus Disease 2019 – refer to notes captured above.

**6. Announcements**

**7. Next Meeting Date & Time, Location, Future Agenda Items: May 5, 2020**

- A. TBD based on COVID-19 response
  - i. Update on the Board of Health Self-Assessment Plan of Work
  - ii. Continuation of the identification of community health priorities with members from Healthy Marathon County

**8. Adjournment**

**John Robinson adjourned the meeting at 9:34 a.m.**

Respectfully submitted,

Lori Shepherd, Secretary  
Chris Weisgram, Recorder

**Health Officer Notes**  
**May 5, 2020**

**Operational Functions Required by Statute, Ordinance, or Resolution**

A. None

**Policy Discussion and Possible Action**

**A. Review Marathon County Agent Programs Regulation section “Correction of Violation” in light of the approved restructure of the Recreational Pool Licensing and Water Testing Fees**

- I. Update on the Department of Agriculture, Trade and Consumer Protection (DATCP) extension of the renewal of permits until December 31, 2020 and action to be taken to extend renewal fees
- II. Update on the process and timeline for reviewing licensing fees
- III. Confirm the timeline for enacting pool re-inspection fees and proposed changes for fee violations for other Public Facility or Establishment under 100.8 Inspections (4) Correction of Violations, page 14-15

Joan Theurer, Health Officer and Dale Grosskurth, Program Director – Environmental Health & Safety will provide an overview of the opportunity presented to restructure the remainder of the licensing fees in light of DATCAP extension of the renewal of permits until December 31, 2020. In adopting the new licensing fee structure for pools, a new re-inspection fee was adopted for pools based on average costs associated with conducting a re-inspection. There now is a discrepancy between pool re-inspection fees and other type of licensing re-inspections. The DATCP extension of renewal of permits until December 31, 2020 will enable the department to realign the remainder of the licensing fees in keeping with the DATCP license categories and do a time study to determine true costs. Joan Theurer will provide an overview of benefits/limitations in extending the renewal of permits for area businesses and budget. Enclosed, find Marathon County Agent Programs Regulation dated February 4, 2020, pages 14-15.

**B. Update on Marathon County’s COVID-19 Response**

- i. Overview of the Badger Bounce Back plan which outlines the criteria and phases for reopening the economy and communities
- ii. Discuss public health issues going forward in our COVID-19 response
- iii. Status report as to impact on carrying out critical and essential public health services

Joan Theurer, Health Officer will provide an overview of Badger Bounce Back. Enclosed, find PowerPoint presentation.

**Educational Presentations/Outcome Monitoring Reports**

A. None

**Announcements**

**Next Meeting Date & Time, Future Agenda Items: June 1, 2020**

- A. TBD based on COVID-19 response
- i. Election of Board of Health Officers for 2020-2022
  - ii. Update on the Board of Health Self-Assessment Plan of Work
  - iii. Continuation of the identification of community health priorities with members of Healthy Marathon County

April 27, 2020

<b>Marathon County Health Department Policy</b>		
<b>Policy Name</b>	<b>Marathon County Agent Programs Regulation</b>	
<b>Relevant Policy(s)/Procedure(s)</b>	<b>Marathon County Health Department Food Facility Enforcement Policy</b> <b>Marathon County Health Department Food Safety Inspection Procedures</b> <b>Marathon County Health Department Licensing Permit Renewal Procedure</b> <b>Marathon County Health Department Public Pool and Water Attraction Enforcement and Re-Inspection Policy</b>	
<b>Applicable To</b>	<b>EHS Program Staff</b> <b>Director of Environmental Health &amp; Safety</b> <b>Health Officer</b>	
<b>Location</b>	<b>O:\Policies and Procedures – Final\Licensing\Marathon County Agent Programs Regulation 2020-02-04.pdf</b>	
<b>Effective Date</b>	<b>April 1982</b>	
<b>Date of Revision</b>	<b>July 7, 2016, December 6, 2016; February 8, 2017; February 5, 2018; March 5, 2019; February 4, 2020</b>	
<b>Legal and Other References</b>	<b>State Statutes: 66, 101, 97, 251, 125</b> <b>Wisconsin Administrative Code Chapters: ATCP 74, ATCP 75 and Wisconsin Food Code, ATCP 72, ATCP 73, ATCP 76, ATCP 78, ATCP 79, SPS 390, SPS 221, and SPS 326</b>	
<b>Authorizing Signatures</b>		
	<b>Dale Grosskurth, Director of Environmental Health &amp; Safety</b>	<b>Date</b>
	<b>Joan Theurer, Health Officer</b>	<b>Date</b>

### **Purpose Statement**

The purpose of this regulation is to protect the public health, safety and general welfare, and to improve and maintain the public health for the citizens and communities in the County of Marathon through agent program activities.

### **Policy**

Whereas the Wisconsin Departments of Safety and Professional Services and Agriculture, Trade, and Consumer Protection, under Wisconsin State Statute Sections 101.935, 97.41, 97.615, 97.67 and respectfully, grant authority to the Board of Health of the County of Marathon as their agent and to adopt rules and regulations promulgated by state statute and administrative rule and, in addition, adopt their own regulations which may be more strict than said statute, or administrative rules; and

Whereas Wisconsin State Statute Sections 251.04, and provides that the Board of Health of the County of Marathon shall have authority to adopt regulations to protect and improve public health; and

Whereas Wisconsin State Statute Sections 97.30, 97.41, 97.615, 251.04, and 254.51 provide that such boards shall take such measures and make such rules and regulations as shall be most effectual for the preservation of public health; and

Whereas Wisconsin State Statute Section 125.68(5) requires all "Class B" and "Class C" taverns to conform to the same sanitation requirements governing restaurant sanitation; and

Whereas the purpose of this regulation is to protect the public health, safety and general welfare, and to improve and maintain the public health for the citizens and communities in the County of Marathon; and

Whereas it is the considered opinion and judgment of the Board of Health of Marathon County that it is in the public interest and necessary for public health to provide the regulations herein contained; and

Therefore the Marathon County Board of Health does ordain the following regulations:

100.1 - Scope of Regulation

- [1] Applicability - The provisions of this regulation apply to all areas of the County.

100.2 - General Provisions

- [1] This regulation shall be referred to as the "Marathon County Public Health Agent Programs Regulation".
- [2] The effective date of this regulation shall be after adoption and promulgation by the Marathon County Board of Health and publication date as required by State Statute.
- [3] Administration and the interpretation of this regulation shall be by the Health Officer or designee. The Health Officer shall have the authority to insure compliance with the intent and purpose of this regulation.
- [4] The fees for permits shall be established by the Marathon County Board of Health to cover part or all of the cost of issuing permits, making investigations, inspections, sampling, providing education, training and technical assistance to establishments and facilities, plus the cost required to be paid to the state for each permit.

100.3 - Definitions: In this regulation

- [1] "Automated System" means a commercially available system which continuously monitors disinfectant concentrations.



- [2] “County” means the County of Marathon.
- [3] “Department” means Marathon County Health Department.
- [4] “Employee” means any person working in a public facility or establishment.
- [5] “Extensive remodeling” means the construction or repair of an existing public facility or establishment that significantly alters the design or operation of the food service area. Extensive remodeling does not include redecorating, cosmetic refurbishing, or altering seating design or capacity.
- [6] "Human Health Hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public” Wisconsin State Statute 254.01(2)
- [7] “Health Officer” means the Health Officer of Marathon County, his or her designee or authorized agent. The Environmental Health Sanitarian and the Director of Environmental Health and Safety are considered designees.
- [8] “Immediate/Imminent Danger to Health” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
- (a) The number of potential injuries; or
  - (b) The nature, severity, and duration of the anticipated injury. [DATCP 75 Appendix]
- [9] “Manufactured Home Community” means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.
- [10] “Non-Automated System” means a system that is entirely under the control of the owner/operator and must be manually controlled to maintain required disinfectant levels.
- [11] “Person” means any individual, partnership, association, firm, company, corporation, or other legal authority and any municipality, town, and county; whether tenant, owner, lessee, licensee or the agent, heir or assignee of any of these.

- [12] “Preinspection” refers to an inspection of a Public Facility or Establishment to determine compliance with applicable regulations prior to issuing an operating permit.
- [13] “Public Facility or Establishment” refers to a restaurant (includes taverns subject to statute or administrative rules for permitting purposes as a restaurant or retail food establishment), grocery, convenience store, bakery, body art, hotels, motel, tourist rooming house, bed and breakfast, swimming pool, campground, recreational and educational campground, manufactured home community, and any facility or establishment used by the general public that requires a permit or license under this regulation, Wisconsin Administrative Code, or Wisconsin State Statute adopted by reference in this regulation.
- [14] “Regulation” means the Marathon County Public Health Agent Programs Regulation.
- [15] “Reinspection” means a follow-up inspection conducted on a specified date, to verify that an ordered remediation has occurred or corrected in compliance with this regulation {Refer to 100.8(3)(b)}.
- [16] “Temporary Order” means an enforcement action that lasts for 14 days and can be extended for an additional 14 days pursuant to sec. 66.0417, Wis. Stats. A Temporary Order may include but is not limited to:
- (a) The immediate exclusion of an individual from employment;
  - (b) The immediate closing of the facility or establishment concerned until, in the opinion of the Health Officer, no further immediate/imminent danger to health exists;
  - (c) Restriction of employee(s’) services to an area of the Public Facility or Establishment where there is no risk of disease transmission;
  - (d) Adequate medical and laboratory examination of the employee(s).
- [17] “Revocation” means to officially cancel or invalidate a permit previously issued due to:
- (a) Failure to comply with a Temporary Order;
  - (b) Repeated violations that have resulted in more than one Temporary Order;
  - (c) Interference with the Health Officer or designee in the performance of duties enforcing the provisions of the Marathon County Public Health Agent Programs Regulation.
- [17] “Special Condition Inspection” means inspections or consultation activities not related to permitting responsibilities which are performed to provide information assessing compliance with sanitation, equipment, or licensing standards. Consultation inspections are advisory and not enforceable under this regulation.

- [18] "Suspension" means a notice of Suspension is an enforcement action which extends a Temporary Order until a final decision is made by the Health Officer.
- [19] "Tavern" means a business with a "Class B" or "Class C" license issued under authority of WI Statute 125, in which alcohol beverages are sold for consumption on the premises, and which is not subject to statute or administrative rules requiring restaurant or retail food permitting. Taverns can fall into two categories:
- a. Taverns that sell commercially prepared food items including but not limited to pickled eggs, pickles, cured meats, and prepackaged chips. Foods may sold in individual packing or from bulk.
  - b. Taverns that sell only alcoholic and non-alcoholic beverages.
- [20] "Unique" means pertaining to one specific Public Facility or Establishment only.
- [21] Other Definitions will be found and are enumerated in the Wisconsin State Statutes and Administrative Codes referenced in this regulation and which are incorporated herein by specific references as if set forth in full.

#### 100.4 - Conflict and Severability

- [1] *Conflict of provisions.* If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- [2] *Severability of code provisions.* If any section, subsection, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

#### 100.5 - Adoption and Provisions by Reference

- [1] Adoption by Reference: Except as provided in sub [2] below, this regulation adopts by reference Wisconsin Statute Sections 97.12, 97.30, 97.41, 97.615, SPS 463, and 66.0417 and Wisconsin Administrative Code Chapters, ATCP 74, ATCP 75, SPS 390, ATCP 72, ATCP 73, ATCP 76, ATCP 78, ATCP 79, SPS 221 and SPS 326, and any successor statutes or regulations as if fully set forth. Any and all amendments and/or revisions thereto are adopted and by reference made a part of this regulation as if fully set forth herein.

[2] Exceptions:

Section ATCP 76.16 (3) WI Administrative Code is specifically modified by the Marathon County Board of Health as follows:

Pool Water Bacteriological Quality/Sampling: Samples of pool water shall be submitted by the owner/operator every two weeks at a minimum. Samples may be required on a more frequent basis for new facilities or to monitor bacteriological water quality.

100.6 - Application for Permits and Fees:

- [1] Applications for permits by Public Facilities or Establishments covered by this regulation shall be made upon such forms supplied and prescribed by the department. The department shall, within 30 calendar days of the receipt of a completed application, act upon the application, except for Retail Food Establishments. The department shall act upon a completed application for Retail Food Establishments within 15 calendar days from receipt of a completed application.
- [2] Prior to approval of an application for a permit, the department shall inspect the Public Facility or Establishment to determine compliance with the requirements of this regulation.
- [3] The fee for permits required by this regulation shall be due before the issuance of a permit. The renewal fee shall be postmarked on or before June 30 of each year. An additional \$50.00 fee shall be required whenever the renewal annual fee is not received or postmarked on or before June 30 of each year.
- [4] A preinspection fee for each new permit shall be collected at the time of application from the operator or new operator of a Public Facility or Establishment.
- [5] The preinspection fee shall be equal to the licensing permit for a new Public Facility or Establishment and for a new operator of an existing Public Facility or Establishment with extensive remodeling. The definition for Extensive Remodeling will be used in making the determination.
- [6] The preinspection fee shall be one half the licensing permit for a new operator of an existing Public Facility or Establishment without extensive remodeling. The definition for Extensive Remodeling will be used in making the determination.
- [7] A preinspection fee shall be collected when an existing Public Facility or Establishment upgrades from an Eating and Drinking Establishment to a

Restaurant permit and shall be based on the fee associated with the new licensing category.

- [8] For an existing Public Facility or Establishment without extensive remodeling and where there is an upgrade from one license category to a higher license category, only the difference between the license category fees will be collected. A pre-inspection fee is not required.
- [9] If the payment is by check or other draft drawn upon an account containing insufficient funds, the permit applicant shall pay the permit fee(s), late renewal fee charges, and any insufficient funds charges by cashier's check or other certified draft, money order, debit card, credit card, or cash, within 7 working days after receipt of notice from the department. The day on which notification occurs is day 0. If the permit applicant fails to pay all applicable fees, late renewal fees, and/or any insufficient funds charges within 7 working days after the applicant receives notice of the insufficiency, the permit is void. In an appeal concerning voiding of a permit under this paragraph, the burden is on the permit applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning payment dispute, operation of the establishment in question is deemed to be operation without a permit.

100.7 - Permit Issuance and Requirements:

- [1] Permit Requirements:
  - (a) The Marathon County Board of Health shall establish all pre-inspection fees and permit fees for all Public Facilities or Establishments. Permits required in this regulation are listed below:
    - (1) Public indoor and outdoor swimming pools are subject to an annual permit fee [Wisconsin Administrative Code ATCP 76, Department of Agriculture, Trade, and Consumer Protection]
    - (2) Recreational and Educational Camps are each subject to an annual permit fee [Wisconsin Administrative Code ATCP 78, Department of Agriculture, Trade, and Consumer Protection].
    - (3) Campgrounds and Camping Resorts are subject to an annual permit fee [Wisconsin Administrative Code ATCP 79, Department of Agriculture, Trade, and Consumer Protection].
    - (4) Restaurants are subject to an annual permit fee [Wisconsin Administrative Code ATCP 75, Department of Agriculture, Trade, and Consumer Protection].

- (5) Hotels, Motels, and Tourist Rooming Houses are subject to an annual permit fee [Wisconsin Administrative Code ATCP 72, Department of Agriculture, Trade, and Consumer Protection].
- (6) Bed and Breakfast Establishments are subject to an annual permit fee [Wisconsin Administrative Code ATCP 73, Department of Agriculture, Trade, and Consumer Protection].
- (7) Temporary public facilities or establishments that are operated on a short-term basis as defined in this regulation, Wisconsin Administrative Code, or a Wisconsin State Statute referenced in this regulation are subject to a permit fee. If possessing a valid permit issued by another agency, a temporary inspection fee may be assessed. [Wisconsin Administrative Code ATCP 75, Department of Agriculture, Trade, and Consumer Protection].
- (8) Tattoo or body piercing establishments are subject to a permit fee. [Wisconsin Administrative Code SPS 221, Department of Safety and Professional Services].
- (9) Retail Food Establishments are subject to an annual permit fee [Wisconsin Administrative Code ATCP75, Department of Agriculture, Trade, and Consumer Protection].
- (10) Manufactured Home Communities are subject to an annual permit fee [Wisconsin Administrative Code SPS 326, Department of Safety and Professional Services].
- (11) "Class B" or "Class C" taverns that sell only alcoholic and non-alcoholic beverages requesting an inspection to determine restaurant sanitation compliance in keeping with Wisconsin State Statute 125.68(5) are subject to a Special Condition Inspection and inspection fee. No permit is required under this regulation. [Wisconsin State Statute 125.68(5)].

(b) Exemptions:

- (1) A retail food establishment permit is not required under Wisconsin Administrative Code ATCP 75.03(9) for the following:
  - a. A retail food establishment that sells only packaged foods or fresh fruits and vegetables, provided the establishment does not sell potentially hazardous food and does not engage in food processing.

b. A retail food establishment operated by a person holding a food processing plant license under s. [97.29](#), Wis. Stats., if all the following apply:

1. The person operates the retail food establishment at the same location as the licensed food processing plant.
2. Sales from the retail food establishment are included in the computation of the food processing plant license fee under s. [97.29 \(3\)](#), Wis. Stats.

c. A retail food establishment operated by a person holding a restaurant permit issued 97.30 Stats., if all of the following apply:

1. The person operates the retail food establishment at the same location as the restaurant for which the person holds a permit under s. 97.30, Wis. Stats.
2. Non-meal food sales from that location comprise no more than 50% by dollar volume of all meal and non-meal food sales from that location. Sales of alcohol beverages and vitamin supplements shall be excluded from the calculation of food sales under this subdivision.

d. A restaurant, vending machine, vending machine commissary or other establishment for which a permit is issued under s.97.30, Stats., to the extent that the activities of the establishment are covered by that permit.

e. A retail food establishment operated by a person holding a dairy plant license under s. [97.20](#), Wis. Stats., if all the following apply:

1. The person operates the retail food establishment at the same location as the licensed dairy plant.
2. Food sales from that location, other than sales of dairy products produced at that location, comprise no more than 25% by dollar volume of all dairy and non-dairy food sales from that location.

f. A retail food establishment operated in conjunction with a state licensed or federally inspected meat establishment if all the following apply:

1. The meat establishment is licensed under s. [97.42](#), Wis. Stats., or inspected under [21 USC 601](#) et seq. or [21 USC 451](#) et seq.
2. The person operating the meat establishment operates the retail food establishment at the same location.
3. Food sales from that location, other than sales of inspected meat or meat products produced at that location, comprise no more than 25% by dollar volume of all meat and non-meat food sales from that location.

g. A retail food establishment primarily engaged in selling fresh fruits and vegetables, honey, cider, sorghum or maple syrup produced by the operator of the retail food establishment if no other food processing activities are conducted at that retail food establishment.

h. A temporary retail food establishment operated by a religious, charitable or non-profit organization for no more than 12 days in any license year.

[2] Permit Issuance

(a) No person shall operate a Public Facility or Establishment covered in this regulation within the County of Marathon who does not have a valid permit issued to him/her by the department, unless otherwise exempt in this regulation.

(b) A Conditional Permit specifying corrections to be made and the time within which the corrections must be made may be issued by the Department at the time of initial issuance or renewal of a permit, or continued validity of a permit issued under this section.

The Conditional Permit shall be posted until a regular permit is issued or violations are corrected after a designated time frame determined by the Department.

If the permittee fails to meet the conditions within the specified period of time, the permit is void.

(c) Only a person who complies with the requirement of this regulation shall be entitled to receive or retain such a permit.

(d) A valid permit shall be posted in every Public Facility or Establishment as required in this ordinance.

(e) A \$5.00 fee shall be assessed for each duplicate permit.

(f) The Marathon County Health Department may refuse to issue or renew a permit to operate a facility under any of the following circumstances:

1. The Department has not conducted a preinspection of the facility for which an initial or new permit is required.
2. The owner of facility has not corrected a condition for which the Department has issued a written health or safety-related order.
3. All applicable fees under have not been paid, including preinspection fees, permit fees, late renewal fees, reinspection fees.



[3] Permit Transfer

- (a) Permits are not transferable for retail DATCP facilities under Wisconsin Statute 97.30(2) and in Wisconsin Administrative Code ATCP 75.03 between persons or establishments.
- (b) Department of Agriculture, Trade, and Consumer Protection restaurant permits, Wisconsin Administrative Code ATCP 75.104(3), An individual may transfer a permit to an immediate family member, as defined in s. [97.605 \(4\) \(a\) 2.](#), Wis. Stats., if the individual is transferring operation of the restaurant. A sole proprietorship that reorganizes as a business entity, as defined in s. [179.70 \(1\)](#), Wis. Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a permit to the newly formed business entity or sole proprietorship if the restaurant remains at the location for which the permit was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the permit was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no permit issued under this subchapter is transferable from one premise to another or from one person or entity to another.
- (c) Department of Agriculture, Trade, and Consumer Protection hotel, tourist rooming house, vending machine commissary or vending machine permits, s. 97.605 (4)(b) Wis. Stats. No permit issued under this section is transferable from one premise to another or from one person, state or local government to another except as provided in (1) and (2) below.
  - (1) A permit issued under this section may be transferred from an individual to an immediate family member, as defined in s. 97.605 (4)(a)2. Wis. Stats., if the individual is transferring operation of the facility to the immediate family member.
  - (2) Except as provided in par. a. or b., no license is transferable from one premises to another or from one person to another.
    - a. The holder of a license issued under this section may transfer the license to an individual who is an immediate family member if the holder is transferring operation of the hotel, tourist rooming house, bed and breakfast establishment, or vending machine to the immediate family member.
    - b. A sole proprietorship that reorganizes as a business entity, in s. [179.70 \(1\) Wis. Stats.](#), or a business entity that reorganizes as either

a sole proprietorship or a different type of business entity may transfer a license issued under this section for operation of a hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary to the newly formed business entity or sole proprietorship if the following conditions are satisfied:

1. The hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary remains at the location for which the license was issued.
2. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

(d) Department of Agriculture, Trade, and Consumer Protection  
campgrounds and camping resorts, recreational and educational camps, and public swimming pools, s 97.67 Wis. Stats.

(1) A separate license is required for each campground, camping resort, recreational or educational camp, and public swimming pool.

(2) Except as provided in par. a. or b., no license issued under this section is transferable from one premises to another or from one person, state or local government to another.

a. A license issued under this section may be transferred from an individual to an immediate family member, as defined in s. [97.605 \(4\) \(a\) 2. Wis. Stats.](#), if the individual is transferring operation of the campground, camping resort, recreational or educational camp, or public swimming pool to the immediate family member.

b. A sole proprietorship that reorganizes as a business entity, as defined in s. [179.70 \(1\) Wis. Stats.](#), or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license issued under this section for a campground, camping resort, recreational or educational camp, or public swimming pool to the newly formed business entity or sole proprietorship if all of the following conditions are satisfied:

1. The campground, camping resort, recreational or educational camp, or public swimming pool remains at the location for which the license was issued.

2. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was

issued has an ownership interest in the newly formed sole proprietorship or business entity.

- (e) Permits are not transferable for Department of Safety and Professional Services (DSPS) manufactured home communities under Wisconsin Administrative Code SPS 326.08.
- (f) Permits are not transferable for DSPS body art facilities under Wisconsin Administrative Code SPS 221.04(1)(a)2.

[4] Certification of restaurant operator or manager:

- (a) The operator or at least one manager of a facility or establishment, required under the Wisconsin Food Code, shall have a valid Food Service Operator course completion certificate issued by the Wisconsin Department of Agriculture, Trade, and Consumer Protection approved trainer.
- (b) The operator or a manager of a new or change-of-operator restaurant and shall become certified within 90 days after the restaurant opens for business.
- (c) If more than one restaurant operated by the same person is located on the same property or contiguous properties, only the operator or one manager is required to be certified.

100.8 - Inspections

[1] Inspection Frequency

An inspection of Public Facilities or Establishments shall be performed at least once per license year. Additional inspections of facilities and establishments shall be performed as often as necessary for the enforcement of this regulation.

[2] Inspection and Sampling

Representatives of the department, after proper identification, may enter, at normal business hours, any premises for which a permit is required under this regulation to inspect the premises for the purpose of determining compliance with this regulation, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation {Reference Wisconsin State Statutes 97.12, 97.65, 66.0417,

and Wisconsin Administrative Code SPS 221.06 and 326.09}. Should access be denied, the department may obtain a special inspection warrant in addition to actions set forth in 100.9.

- [3] “Class B” or “Class C” Tavern -Taverns that sell only alcoholic and non-alcoholic beverages.

“Class B” or “Class C” taverns need to be in keeping with restaurant sanitation compliance per Wisconsin State Statute 125.68(5). Taverns requesting an inspection shall include the following areas of sanitation and be performed as a “Special Condition Inspection”.

- (a) Cleaning and sanitizing multiuse equipment and utensil surfaces
- (b) Handwashing equipment and supplies
- (c) Toilet facilities
- (d) Employee hygiene or hygiene practices
- (e) Employee health as related to diseases transmissible through food based on diagnosis including but not limited to Norovirus, Hepatitis A, Shigella, Enterohemorrhagic or Shiga Toxin-producing Escherichia coli, and Salmonella or symptoms including but not limited to vomiting, diarrhea, jaundice, or a lesion.
- (f) Provision of potable water and protection from cross contamination and sewerage disposal
- (g) Maintaining the establishment in a clean condition and in good repair
- (h) Pest control

- [3] Report of Inspections:

Whenever an inspection of a Public Facility or Establishment is made, the findings shall be recorded on an inspection report form. The inspection report form shall summarize the requirements of this regulation. A copy of the completed inspection report form shall be furnished to the holder of the permit or his/her agent in charge of the Public Facility or Establishment at the conclusion of the inspection.

- [4] Correction of Violations:

- (a) A reinspection shall be conducted when a violation(s) or Human Health Hazard has not been brought into compliance by the operator of a Public Facility or Establishment. The completed inspection report form shall specify a reasonable period of time for the correction of the violation(s) or Human Health Hazard found. Correction of the Human Health Hazard or violation(s) shall be accomplished in the period specified.

- (b) A \$100.00 fee may be assessed for a first reinspection, a \$200.00 fee may be assessed for a second reinspection, and a \$300.00 fee may be assessed for a third reinspection when a violation(s) or Human Health Hazard has not been brought into compliance by the operator of a Public Facility or Establishment. A reinspection fee will not be assessed when the violation(s) or Human Health Hazard has been brought into compliance.
- (c) A \$317.00 fee will be assessed for any required reinspections performed at recreational water facilities.

[5] Approved Comparable Compliance:

When it appears that strict adherence to a provision of this regulation or an administrative code is impractical for a particular facility or establishment, the facility or establishment may seek a variance approval to that rule through the Wisconsin Department of Agriculture, Trade, and Consumer Protection or Department of Safety and Professional Services as applicable. Satisfactory proof must be provided that the grant of a variance will not jeopardize the public's health, safety or general welfare. If a variance is granted, there shall be documentation as to the extent of the variance and the specific reasons for it. The applicant shall be given a copy of the documentation.

100.9-Temporary Order

- [1] Whenever, as a result of an examination, the County has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate/imminent danger to health, the Health Officer or designee may issue a temporary order either verbally or in writing and cause it to be delivered to the permittee (his/her employee, agent, assignee, or representative), or to the owner or custodian of the food, or to both. If the Temporary Order is delivered verbally, a written notice shall be sent within 72 hours excluding weekends and legal holidays. The order may prohibit the sale or movement of the food for any purpose, prohibit the continued operation or method of operation of specific equipment, or require the premises to cease any other operation or method of operation which creates the immediate/imminent danger to health, or set forth any combination of these requirements. The Health Officer or designee may order the cessation of all operations authorized by the permit only if a more limited order does not remove the immediate/imminent danger to health. Except as provided in par. [2], no temporary order is effective for longer than 14 days from the time of its delivery, but a temporary order may be reissued for one additional 14-day period, if necessary to complete the analysis or examination of samples, specimens or other evidence.

- [2] If the analysis or examination shows that the construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health or safety, the department or agent, within the effective period of the temporary order specified in par. [1], shall provide written notice of the findings to the owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under s. [ATCP 75.108](#) Wisconsin Administrative Code. The notice shall include a statement that the facility has a right to request a hearing under s. [ATCP 75.108](#) Wisconsin Administrative Code within 15 days after issuance of the notice.
- [3] No food described in a temporary order issued and delivered under par. [1] may be sold or moved and no operation or method of operation prohibited by the temporary order may be resumed without the approval of the Health Officer or designee, until the order has terminated or the time period specified in par. [2] has run out, whichever occurs first. If the Health Officer or designee, upon completed analysis and examination, determines that the food, construction, sanitary condition, operation or method of operation of the premises or equipment does not or no longer constitutes an immediate/imminent danger to health, the permittee, owner or custodian of the food or premises shall be promptly notified in writing and the temporary order shall terminate upon his or her receipt of the written notice.

#### 100.10- Notice of Suspension

- [1] If the analysis or examination shows that the food, construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate/imminent danger to health, the permittee, owner or custodian shall be notified within the effective period of the temporary order issued under par. 100.9 [1]. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under sub. [100.10 [2]], and no food described in the temporary order may be sold or moved and no operation or method of operation prohibited by the order may be resumed without the approval of the village, city or county.
- [2] A notice issued under sub. [1] shall be accompanied by notice of a hearing before the Marathon County Health Officer, or his or her designee. The County shall hold a hearing no later than 15 days after the service of the notice, unless both parties agree to a later date. A final decision shall be issued within 10 days of the hearing. The decision may order the destruction of food, the diversion of food to uses which do not pose a immediate/imminent danger to health, the modification of food so that it does not create a immediate/imminent danger to health, changes to or replacement of equipment or construction, other changes in or cessations of any operation or method of operation of the equipment or premises, or any combination of these actions necessary to

remove the immediate/imminent danger to health. The decision may order the cessation of all operations authorized by the permit only if a more limited order will not remove the immediate/imminent danger to health.

- [3] All notices, written or verbal, shall contain reasons for the Health Officer or designee's belief that a violation(s) or Immediate/Imminent danger to Health exists.
- [4] The Health Officer or designee may lift the suspension at any time if the reasons for the suspension no longer exist.

#### 100.11 - Revocation of Permits:

Prior to revocation the department shall notify, in writing, the person issued the permit of the specific reason(s) for which the permit is to be revoked. The permit shall be revoked at the end of the 10 working days following service of such notice unless a written request for hearing is filed with the department. The day on which notification occurs is day 0. If no request for hearing is filed within the 10 day period, the revocation of the permit becomes final.

#### 100.12 – Appeals:

Any person having a substantial interest that is adversely affected by an administrative determination made on behalf of the County pursuant to any of the provisions of this Regulation may have such determination reviewed as provided in Chapter 68, Wis. Stats., and in conformance with the following procedures:

- [1] Any person having a substantial interest that is adversely affected by a determination by a staff person or persons may, within 30 days of notice to such person of such determination, request in writing a review of the determination before the Health Officer. The request shall state the ground or grounds upon which the person adversely affected contends that the decision should be modified or reversed. The request for review shall be made to the staff person or persons who issued the initial determination, the Environmental Health and Safety Director or to the Health Officer.
- [2] The Health Officer shall review the initial determination and make a decision within 15 days of receipt of the request for review. The time for review may be extended by agreement with the person aggrieved. The decision shall state the reasons for such decision and shall advise the person aggrieved of the right to appeal the decision, the time within which the appeal shall be taken and the office or person with whom notice of appeal shall be filed.
- [3] Any person having a substantial interest that is adversely affected with the decision of the Health Officer (pursuant to the review procedure, set forth above, or by a decision regarding suspension or revocation of a permit under

§100.9[4] or §100.10, above) may appeal to the Marathon County Administrative Board of Review by requesting a hearing within 30 days of notice of the Health Officer's decision. The request must be in writing and must be filed with or mailed to the office of the Health Officer.

- [4] The Marathon County Administrative Board of Review shall constitute the appeals board to provide a hearing of the appeal of the Health Officer's decision. A member of the Board shall conduct the hearing within 15 days of receipt of the notice of appeal. The hearing will be conducted pursuant to s. 68.11, Wis. Stats. The procedures of the hearing shall be in accordance with the Marathon County General Code of Ordinances, Chap. 24.

#### 100.13 -Penalties

- [1] In the case of violations of State of Wisconsin Administrative Codes enforced under this regulation, the penalty for violation of any of the provisions of this regulation shall be a penalty as provided in applicable Administrative Code or Wisconsin State Statute.
- [2] In all other cases, any person convicted of violating a provision of this regulation shall be subject to a forfeiture not less than \$100 nor more than \$1,000. Each and every violation of the provisions of this regulation shall constitute a separate offense. Each day of noncompliance after the order is served is a separate offense.
- [3] Prosecution of violations of this Regulation shall be conducted by the Office of Corporation Counsel for Marathon County.

This regulation shall take effect upon passage and publication.

Dated this March 5, 2019





State of Wisconsin  
Department of Health Services

Tony Evers, Governor  
Andrea Palm, Secretary

**EMERGENCY ORDER #31**  
**Badger Bounce Back**

**WHEREAS**, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

**WHEREAS**, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

**WHEREAS**, on March 12, 2020, Governor Tony Evers declared a public health emergency and directed all agencies support efforts to respond to and contain COVID-19 in Wisconsin;

**WHEREAS**, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

**WHEREAS**, as of April 19, 2020, 2,241,359 people around the world have tested positive for COVID-19, including 690,714 in the United States and 4,346 in Wisconsin;

**WHEREAS**, COVID-19 is present throughout Wisconsin, with people testing positive for COVID-19 in 65 of 72 counties as of April 19, 2020;

**WHEREAS**, on March 24, 2020, I, Andrea Palm, Secretary-designee of the Wisconsin Department of Health Services, issued Emergency Order #12, Safer at Home Order (hereinafter "Safer at Home Order"), requiring that everyone in Wisconsin stay at their home or place of residence except in limited circumstances;

**WHEREAS**, on April 16, 2020, I modified and extended the Safer at Home Order to allow businesses new opportunities to get back to work and added new measures to keep employees and customers safer;

**WHEREAS**, the Safer at Home Order is working to flatten the curve of infections of COVID-19 in Wisconsin, and we have started to see meaningful gains from this proactive step;

**WHEREAS**, we know that the Safer at Home Order is working to prevent spikes in COVID-19 cases that could further strain our health care system and risk more lives;

**WHEREAS**, with the progress Wisconsin has made in flattening the curve and slowing the spread of COVID-19, we must look ahead to plan for how Wisconsin will return to business as usual;

**WHEREAS**, President Donald Trump's Guidelines for Opening Up America Again, issued on April 16, 2020, offer a comprehensive and thoughtful approach to restarting the economy without sacrificing the public health gains we have made in fighting this disease;

**WHEREAS**, led by science, the public health facts on the ground, and guidance from the Federal government, this Order implements a phased approach for dialing down the restriction in the Safer at Home Order; and

**WHEREAS**, as we have seen, the public health situation can evolve quickly, and this phased approach will allow individuals and businesses as much relief as possible while accounting for the inherent uncertainties of this pandemic.

**NOW THEREFORE, I, Andrea Palm**, Department of Health Services Secretary-designee, by the authority vested in me by the Laws of the State, including but not limited to Section 252.02(3), (4), and (6) of the Wisconsin Statutes, order the following:

- 1. Phases.** Wisconsin shall adopt a phased approach to re-opening its economy and society, with each phase being incrementally less restrictive on businesses and individuals while protecting the public from COVID-19. The Department of Health Services shall announce the transition to each Phase with an order fully articulating the activities that will resume. The Phases include:
  - a. Safer at Home.** Currently in effect, as established in Emergency Orders #12 and #28.
  - b. Phase One.** Phase One will include allowing mass gatherings of up to 10 people; restaurants opening with social distancing requirements; removal of certain restrictions including retail restrictions for Essential Businesses and Operations; additional operations for non-essential businesses; K-12 schools to resume in-person operation; and child care settings resuming full operation.
  - c. Phase Two.** Phase Two will include allowing mass gatherings of up to 50 people; restaurants resuming full operation; bars reopening with social distancing requirements; non-essential businesses resuming operations with social distancing requirements; and post-secondary education institutions may resume operation.

**d. Phase Three.** Phase Three will resume all business activity and gatherings, with minimal protective and preventative measures in place for the general public and more protective measures for vulnerable populations.

**2. Progression through the Phases.** The Department of Health Services shall assess the most up-to-date data to determine when it is appropriate to progress to the next Phase. To move to the next Phase, the state must make progress toward the goals identified below as Core Responsibilities and meet the Gating Criteria.

**a. Core Responsibilities.** The state must show progress or advancement in the following areas:

**i. Testing.** Every Wisconsin resident who has symptoms of COVID-19 has access to a lab test. Results will be reported to the patient and public health officials within 48 hours of collection. The ultimate goal is 85,000 tests per week or approximately 12,000 tests per day.

**ii. Tracing.** Increase contact tracing by up to 1,000 people and implement technology solutions to ensure everyone who is infected or exposed will safely isolate or quarantine.

**iii. Tracking.** Building on systems used to track influenza and the COVID-19 pandemic, track the spread of COVID-19 and report on the Wisconsin Gating Criteria and other related metrics.

**iv. Personal Protective Equipment (PPE).** Procure PPE and other necessary supplies to support health care and public safety agencies.

**v. Health Care Capacity.** Assess the need for and readiness to support surge capacity for our healthcare system.

**b. Gating Criteria.** The state must meet the following Gating Criteria, based on state-wide public health data:

**i. Symptoms:**

**1.** Downward trajectory of influenza-like illnesses reported within a 14-day period; and

**2.** Downward trajectory of COVID-19-like syndromic cases reported in a 14-day period.

ii. **Cases:** Downward trajectory of positive tests as a percent of total tests within a 14-day period.

iii. **Hospitals:**

1. Treatment of all patients without crisis care;
2. Robust testing programs in place for at-risk healthcare workers; and
3. Decreasing numbers of infected healthcare workers.

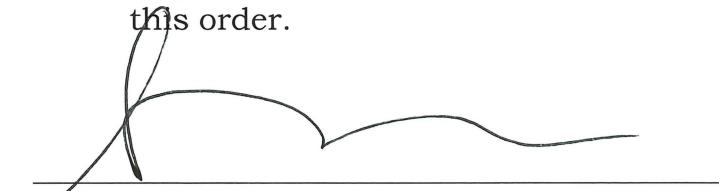
3. **Interim progress within a Phase.** In addition to progressing through each Phase above, the Department of Health Services, in consultation with the Wisconsin Economic Development Corporation, shall issue additional orders to reduce restrictions on certain businesses or sectors if it is determined that removing the restrictions will have minimal impact on the state's ability to meet its Core Responsibilities and Gating Criteria.

4. **Local orders.** The Department of Health Services, in consultation with local health officials, may address localized outbreaks with a localized order. Such order may include adjusting the Phase or instituting tailored restrictions based on the needs of a particular location, county, or region.

5. **Safer at Home remains in effect.** Nothing in this Order modifies, alters, or supersedes Emergency Orders #12 and #28, Safer at Home Order. However, orders instituting the phases under Section 2 and interim orders reducing restrictions under Section 3 may be issued prior to the expiration of Emergency Order #28, if appropriate under the criteria stated above.

6. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

7. **Supremacy.** This Order supersedes any local order that is in conflict with this order.

  
\_\_\_\_\_  
Andrea Palm  
Secretary-designee  
Department of Health Services  
State of Wisconsin

04/20/2020  
\_\_\_\_\_  
Date

# Badger Bounce Back



## FROM SAFER AT HOME TO THE BADGER BOUNCE BACK

When COVID-19 hit Wisconsin, it started to spread very rapidly. This is what happens when a very infectious, brand-new virus enters a community. No one is safe because no one is immune. That means a lot of people can get sick very quickly. It also means hospitals can be overrun with very sick patients. We saw this happen in Wuhan, in Italy and in New York City. Our Safer at Home order was enacted to protect Wisconsin from this situation. We all stayed home, so the virus couldn't spread easily, and our hospitals have been able to safely care for sick people. According to the model created by the Wisconsin Department of Health Services (DHS), Wisconsin was projected to have between 440 and 1,500 deaths from the 22,000 COVID-19 infections projected by April 8th. Over the first three weeks of Safer at Home, our data shows we have saved at least 300 lives, and perhaps as many as 1,400 lives. We have helped flatten the curve, which has resulted in fewer cases and hospitalizations, and we've saved lives, together.

Safer at Home has saved lives, protected healthcare workers and critical employees, and prevented our hospitals from being overrun, but we know that it is not a workable solution for our economy or our way of life in the long-term. We are fighting an unprecedented global pandemic and we are working to open Wisconsin as soon as we can and in the safest way possible. The challenge is that all of us who have remained safe at home can still become ill if we move too quickly or act without an achievable plan in place. In order to preserve the progress we made during Safer at Home, we've developed a plan to safely reopen Wisconsin. Our plan is the Badger Bounce Back. Here's what it looks like:

- We turn the dial to open businesses and society in phases.
- Decisions to move from phase to phase are guided by data—Wisconsin's Gating Criteria and Core Responsibilities.
- In order to turn the dial on Safer at Home and supercharge the Badger Bounce Back, we need to:
  - Increase lab capacity and testing
  - Increase contact tracing, including support for isolation and quarantine
  - Track the spread of COVID-19
  - Increase health care capacity
  - Procure more personal protective equipment
- Individuals and businesses agree to practice good hygiene, physical distancing and other best practices.

Our initial response to COVID-19 has been to keep all Wisconsinites safer at home to prevent spreading this disease. We are eager to move to the next phase but do not yet meet the thresholds for testing, contact tracing, health care worker infection rates, personal protective equipment, and others that public health experts in Wisconsin and within the federal government have determined are necessary.

These guidelines draw from numerous sources including Guidelines for Opening Up America Again (White House, April 16, 2020); COVID-19 Playbook (Resolve to Save Lives, April 1, 2020); National Coronavirus Response: A Roadmap to Reopening (American Enterprise Institute, March 29, 2020); and COVID-19 Economic Recovery: Roadmap for a Smart Re-start of the Wisconsin Economy (Metropolitan Milwaukee Association of Commerce, April, 2020).



# Badger Bounce Back



Once we reduce the transmission of COVID-19 and meet the Wisconsin Gating Criteria and Core Responsibilities, we can begin to allow people to interact, and more importantly get Wisconsinites back to work. But once we have more flexibility to interact more and get back to work, we will need to aggressively test people for COVID-19, properly isolate people who test positive and quarantine their close contacts. The shift we are making is from “boxing in” all the people to “boxing in” the virus. Until we have a vaccine that prevents this virus, we will need to take these steps to prevent future outbreaks, monitor for resurgence of the virus and take appropriate steps if we see increases in virus transmission.

## WISCONSIN’S GATING CRITERIA

**SYMPTOMS:** Downward trajectory of influenza-like illnesses (ILI) reported within a 14-day period AND downward trajectory of COVID-19-like syndromic cases reported within a 14-day period

**CASES:** Downward trajectory of positive tests as a percent of total tests within a 14-day period

**HOSPITALS:** Treat all patients without crisis care AND Robust testing programs in place for at-risk healthcare workers, with decreasing numbers of infected healthcare workers

These metrics and progress on Core Responsibilities will be evaluated regularly and guide decisions about when Wisconsin is ready to move from phase to phase. They are based on the Federal Gating Criteria and Core State Preparedness Responsibilities found in *Guidelines for Opening up America Again* that was issued by the White House on April 16, 2020. These metrics will be applied on a statewide basis as this highly infectious virus knows no county boundaries and can easily spread from regions with high prevalence to regions with low prevalence.

## CORE STATE RESPONSIBILITIES

### TEST, TRACE, & TRACK:

**Testing:** Every Wisconsin resident who has symptoms of COVID-19 can get a lab test. Results will be reported to the patient and state or local public health within 48 hours of collection. To achieve this, our goal is 85,000 tests/week or approximately 12,000 tests/day.

To achieve this goal, we will focus on the following:

1. Within the healthcare systems across the state, all barriers to testing will be addressed, including:
  - a. Providers are aware of guidance and order tests.
  - b. All clinics have adequate specimen collection supplies (e.g. NP swabs and viral media transport) and PPE to conduct tests.
  - c. All labs have supplies to perform tests.
  - d. All tests are reported to patient and public health.
2. In addition to increasing capacity through the health care system, mobile/temporary testing sites are stood up to address the most pressing needs:
  - a. Community locations with known intense community spread (e.g., particular zip codes in Milwaukee).
  - b. Outbreaks in congregate settings (e.g., long term care, correctional facilities).
  - c. Outbreaks in business settings.



# Badger Bounce Back



**Tracing:** Testing without contact tracing will not result in controlling the spread of the virus. In order to reopen Wisconsin, we need to be sure that everyone who can transmit the virus (whether because they are infected or exposed) understands their responsibility to stay home. We will increase the state's contact tracing efforts by hiring 1,000 additional staff to make sure everyone is contacted and has what they need to safely isolate and quarantine.

To achieve this goal, we will focus on the following:

1. A case interview and contact tracing protocol to standardize processes for training and implementation across the state will be established.
2. Technology options for data management and client communication and tracing will be explored and deployed.
3. A system for contact tracing will be adopted that considers and balances the assets of local health departments and the state.
4. Contact tracing workforce will be hired, trained and deployed via direct hires or through contracts with other agencies.
5. Isolation and quarantine capacity will be identified in each county across the state.

**Tracking:** Building on systems used to track influenza, we will track the spread of the disease and report on the Wisconsin Gating Criteria and other related metrics to keep everyone informed about how we are doing.

To achieve this goal, we will focus on the following:

1. Data to inform these metrics will be collected and translated into a regularly-updated public dashboard.
2. Communication assets will be developed and deployed to engage the public and keep them informed of these metrics.
3. Evaluation questions about the pandemic will be identified, prioritized, and studied to further understand the pandemic.

## **OTHER STATE RESPONSIBILITIES:**

- ✓ We will procure personal protective equipment and other necessary supplies to support health care and public safety agencies.
- ✓ While PPE is in short supply, we will acquire systems for decontaminating N95 masks for healthcare providers in the state who request this service.
- ✓ We will support the surge capacity of our healthcare system.
- ✓ We will work with employers to guide them in steps to take, including physical distancing and cleaning practices to create safe workplaces.
- ✓ We will work with long-term care facilities to protect the health and safety of our most vulnerable neighbors.
- ✓ We will advise residents regarding protocols for physical distancing, hygiene practices, and cloth face coverings.
- ✓ We will monitor conditions and immediately take steps to respond to any COVID-19 disease resurgence or outbreaks by restarting a phase or returning to an earlier phase, depending on severity.



# Badger Bounce Back



## INDIVIDUAL GUIDELINES FOR ALL PHASES

### CONTINUE TO PRACTICE GOOD HYGIENE

- ✓ Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- ✓ Avoid touching your face.
- ✓ Sneeze or cough into a tissue or the inside of your elbow.
- ✓ Disinfect frequently used items and surfaces as much as possible.
- ✓ Strongly consider using cloth face coverings while in public, and particularly when using mass transit.

### PEOPLE WHO FEEL SICK MUST STAY AT HOME

- ✓ Do NOT go to work, school, or any other public place.
- ✓ Contact and follow the advice of your medical provider.

## EMPLOYER GUIDELINES FOR ALL PHASES

- ✓ All employers are encouraged to use federal, state, and local regulations and guidance, informed by industry best practices and the Wisconsin Economic Development Corporation, to develop and implement appropriate policies regarding:
  - ✓ Physical distancing and protective equipment
  - ✓ Temperature checks and symptom screening
  - ✓ Testing, isolating, and contact tracing
  - ✓ Sanitation
  - ✓ Use and disinfection of common and high-traffic areas
  - ✓ Business travel
  - ✓ Other best practices

Do NOT allow symptomatic people to work. Send them home if they arrive at work and do not allow them to return until cleared by a medical provider.

Working with local public health staff, develop and implement policies and procedures for workforce contact tracing following an employee COVID-19 positive test result.





# Badger Bounce Back



## OVERVIEW OF THREE PHASES OF THE BADGER BOUNCE BACK

Action	Safer At Home	PHASE ONE When all Gating Criteria and Core Responsibilities are met	PHASE TWO Based on re-evaluation of Criteria and Core Responsibilities	PHASE THREE Based on re-evaluation of Criteria and Core Responsibilities
Wash hands often	Yes	Yes	Yes	Yes
Cover coughs	Yes	Yes	Yes	Yes
Don't go out if ill	Yes	Yes	Yes	Yes
Face mask if ill person goes out	Yes	Yes	Yes	Yes
Surface and object cleaning	Yes	Yes	Yes	Yes
Isolation of positive cases	Yes	Yes	Yes	Yes
Quarantine of contacts of positive cases	Yes	Yes	Yes	Yes
Physical distancing to 6 feet when possible	Yes	Yes	Yes	No
Stop unnecessary visits to nursing homes, congregate facilities, and hospitals	Yes	Yes	Yes	Yes (until a vaccine is available)
Allow gatherings including religious (above 10, 50 people)	No, but allow religious gatherings below 10.	Yes—10 people maximum	Yes—50 people maximum	Yes—no maximum



# Badger Bounce Back



## OVERVIEW OF THREE PHASES OF THE BADGER BOUNCE BACK (continued)

Action	Safer At Home	PHASE ONE When all Gating Criteria and Core Responsibilities are met	PHASE TWO Based on re-evaluation of Criteria and Core Responsibilities	PHASE THREE Based on re-evaluation of Criteria and Core Responsibilities
Open restaurants	No, but allow take-out, delivery, and curbside food take-out.	Yes with best practices*	Yes	Yes
Open bars	No, but allow take-out and delivery.	No, but allow take-out and delivery.	Yes with best practices*	Yes
Open essential businesses	Yes	Yes, with retail restrictions removed	Yes	Yes
Open non-essential businesses	Minimum Basic Operations only	Partial reopening*	Yes with best practices*	Yes
Open post-secondary education institutions	No	No	Consider reopening	Yes
Open K-12 schools	No	Yes*	Yes*	Yes
Open daycares	Yes, but limits on capacity.	Yes*	Yes*	Yes
Voluntary quarantine of travelers from high-prevalence areas	Yes	Yes	Yes	Yes

\*People over age 60, including employees and those who are medically vulnerable, should continue to shelter in place. Online education/remote work encouraged wherever possible.

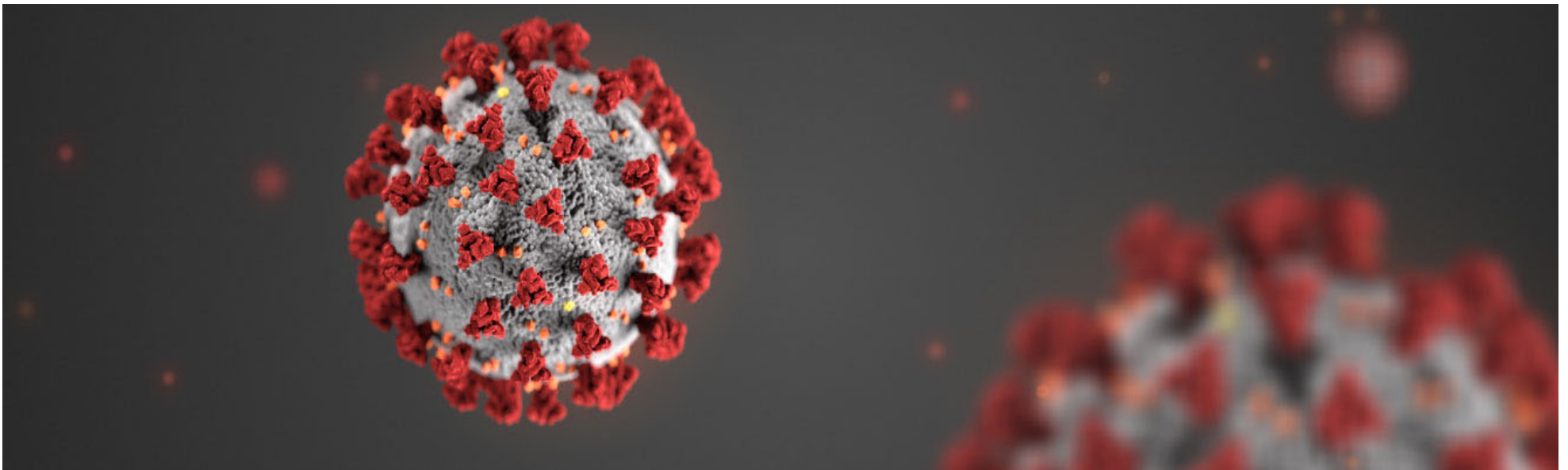
Based on recommendations from Resolve to Save Lives, When and How to Reopen After COVID-19 and Guidelines for Opening up America Again.



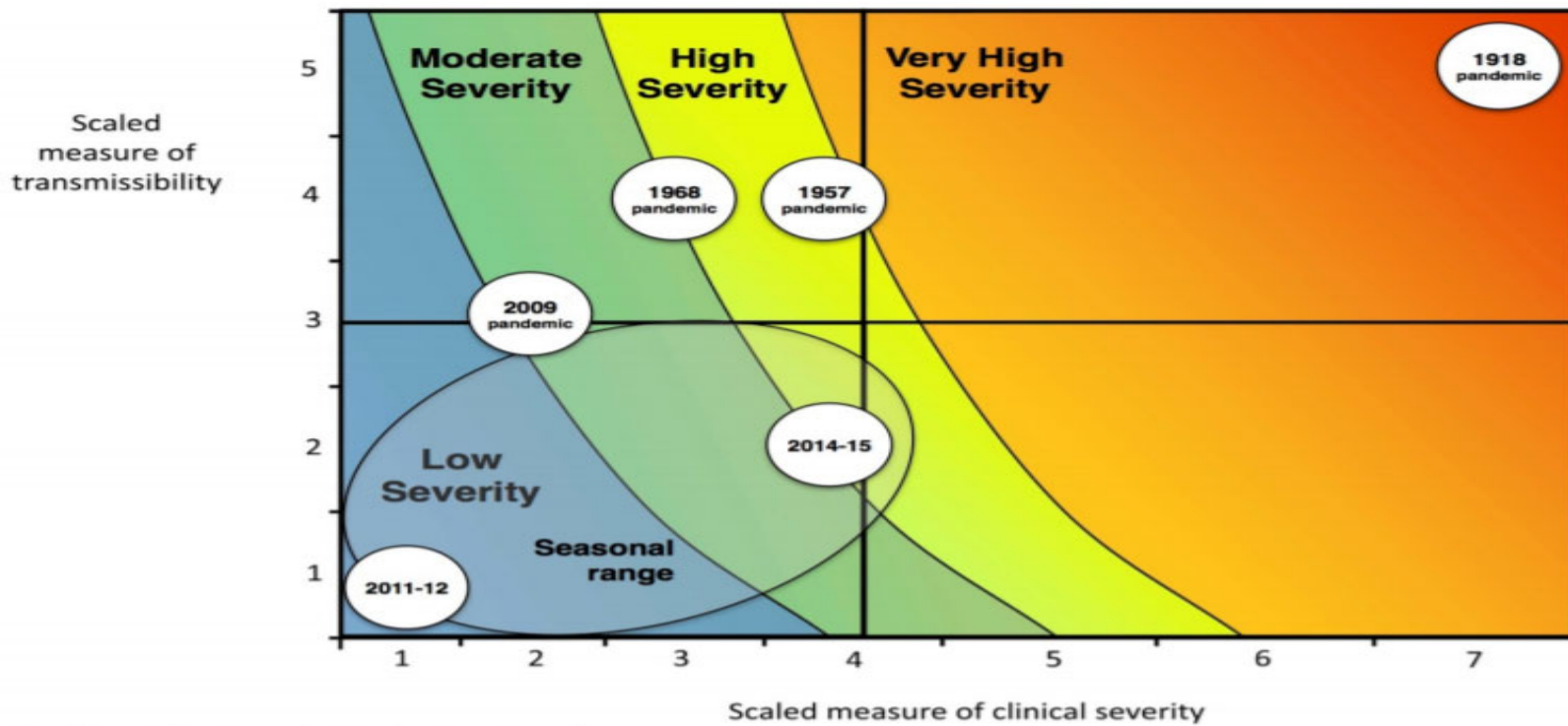
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# MARATHON COUNTY BOARD OF HEALTH “BADGER BOUNCE BACK COVID-19”

MAY 5, 2020

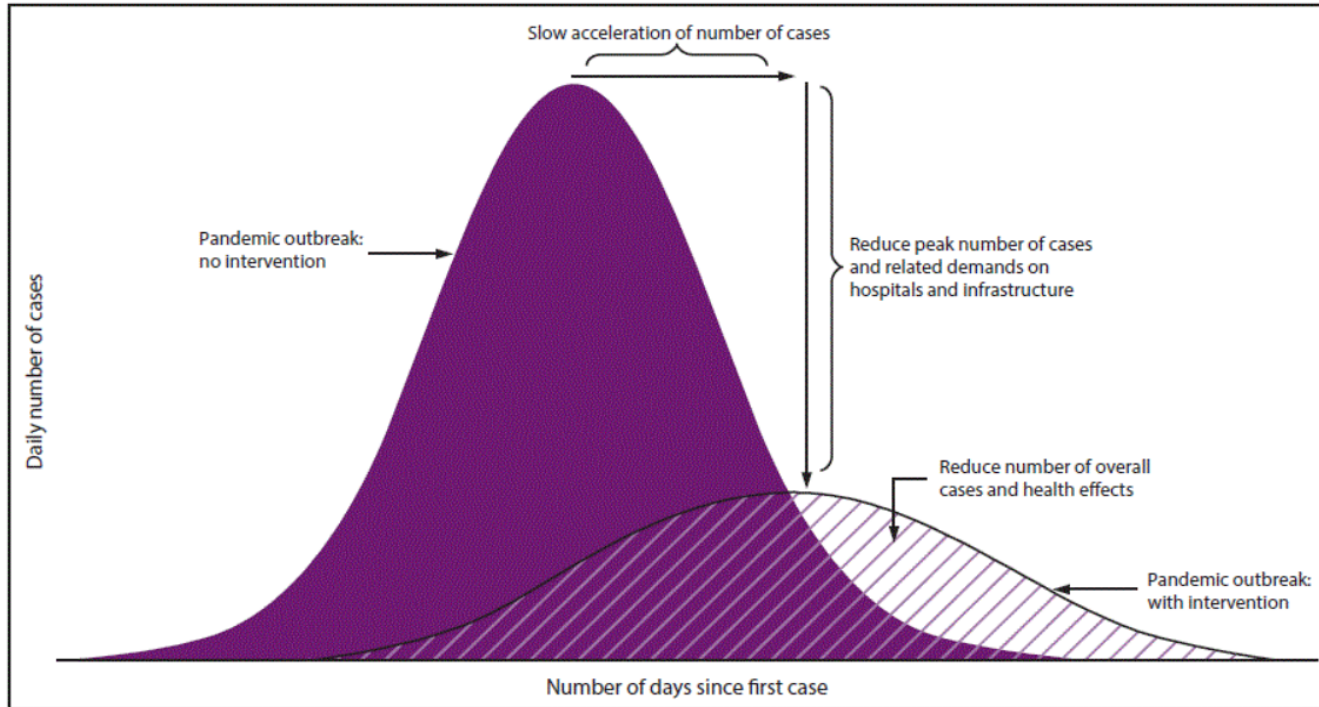


**Figure B.2. Two-dimensional chart used to plot results of assessment using the Pandemic Severity Assessment Framework (PSAF)**



Adapted from: Reed C, Biggerstaff M, Finelli L, Koonin LM, et al. Novel framework for assessing epidemiologic effect of influenza epidemics and pandemics. *Emerg Infect Dis* 2013;19(1):85-91.

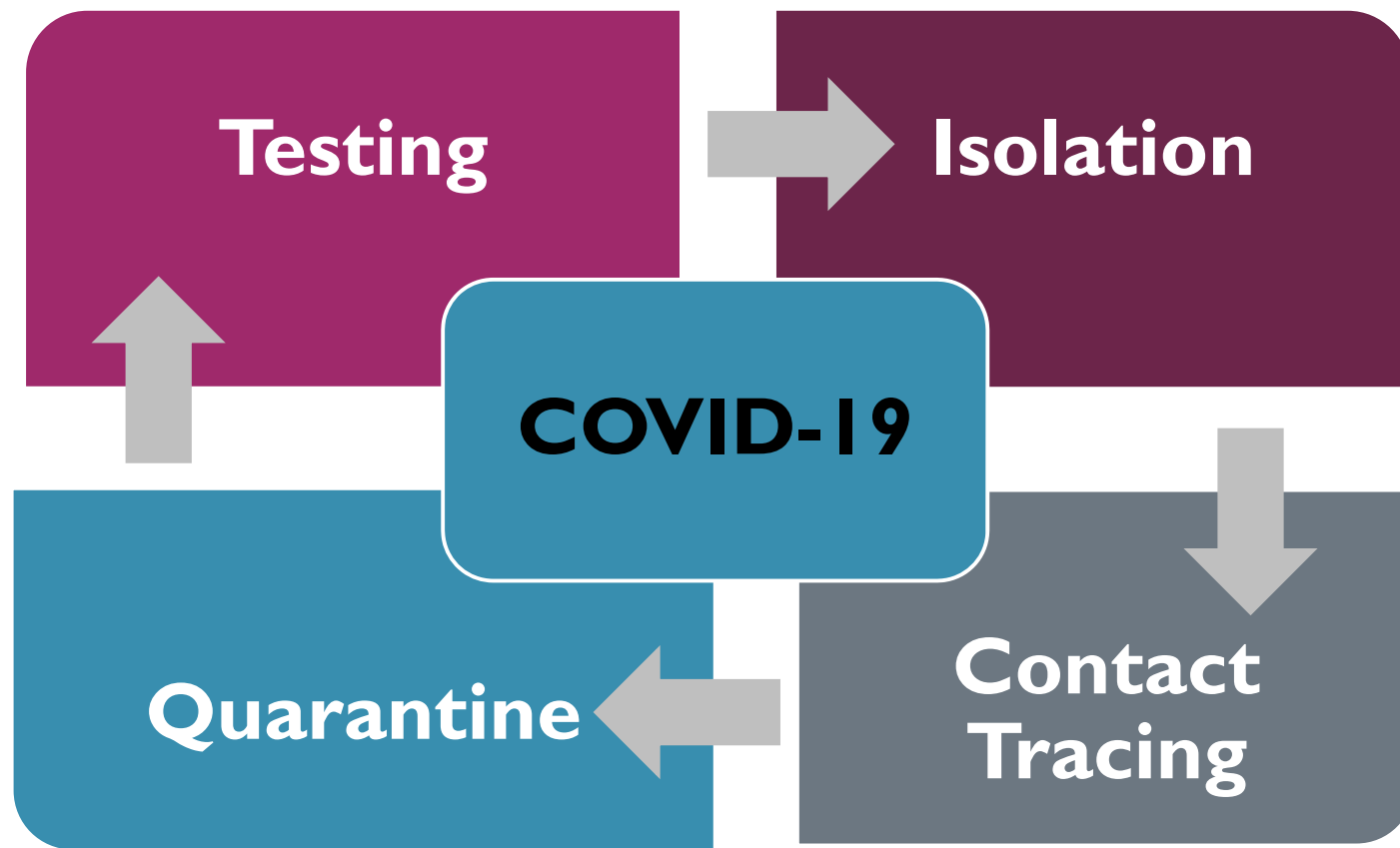
**FIGURE 1. Goals of community mitigation for pandemic influenza**



**Source:** Adapted from: CDC. Interim pre-pandemic planning guidance: community strategy for pandemic influenza mitigation in the United States—early, targeted, layered use of nonpharmaceutical interventions. Atlanta, GA: US Department of Health and Human Services, CDC; 2007. <https://stacks.cdc.gov/view/cdc/11425>.

# CONDITIONS TO SAFELY REOPEN WISCONSIN

- **Increase Lab Capacity and Testing**
  - Every resident who has symptoms of COVID-19 can get a lab test
  - Results reported to patient and local health department within 48 hours of collection
- **Contact Tracing**
  - Follow-up to identify close contacts for residents with COVID-19 within 24 hours of receiving report
  - Everyone who is infected or exposed is safely isolated or quarantined
- **Personal Protective Equipment (PPE)**
  - Health care workers and first responders have PPE to test and care for patients
- **Health Care Capacity**
  - Health care systems have surge capacity in place
- **Tracking**
  - Build upon statewide tracking systems to translate in updated public dashboard



**“Boxing It In” Strategy**



# GATING CRITERIA

## ■ Symptoms

- Downward trajectory of influenza-like illnesses reported within a 14 day period
- Downward trajectory of COVID-19 like syndromic cases reported within a 14 day period




## ■ Cases

- Downward trajectory of positive tests as a percent of total tests within a 14 day period

## ■ Hospitals

- Treatment of all patients without crisis care
- Robust testing programs for at-risk health care workers
- Decreasing numbers of infected health care workers

## Gating criteria

Indicator	Metric	Status
Symptoms	Downward trajectory of influenza-like illnesses (ILI) reported within a 14-day period.	
Symptoms	Downward trajectory of COVID-like syndromic cases reported within a 14-day period.	
Cases	Downward trajectory of positive tests as a percent of total tests within a 14-day period.	
Hospitals	<i>Criteria are currently under development in partnership with Wisconsin healthcare stakeholders.</i>	



green indicator = gating criteria met (statistically significant downward trend)



red indicator = gating criteria not met



## 3 PHASES: SAFELY REOPENING OUR BUSINESSES/COMMUNITIES

Action	Safer at Home	Phase One	Phase Two	Phase Three
Physical distancing of 6' when possible	Yes	Yes	Yes	No
Gathers including religious	No, but allow religious below 10	Yes, 10 people maximum	Yes, 50 people maximum	Yes, no maximum
Open restaurants	No, allow take-out, delivery, curbside	Yes, with best practices*	Yes	Yes
Open bars	No, allow take-out, delivery	No, allow take-out, delivery	Yes with best practices	Yes
Open essential businesses	Yes	Yes, with retail restrictions removed	Yes	Yes
Open non-essential businesses	Minimum basic operations only	Partial reopening*	Yes, with best practices*	Yes

\* People over age 60, including employees and those who are medically vulnerable, should continue to shelter in place. Online education/remote work encouraged whenever possible.

## 3 PHASES: SAFELY REOPENING OUR BUSINESSES/COMMUNITIES

Action	Safer at Home	Phase One	Phase Two	Phase Three
Open post-secondary education institutions	No	No	Consider reopening	Yes
Open K-12 schools	No	Yes*	Yes*	Yes
Open daycares	Yes, but limits on capacity	Yes*	Yes*	Yes
Voluntary quarantine of travelers from high-prevalence areas	Yes	Yes	Yes	Yes

\* People over age 60, including employees and those who are medically vulnerable, should continue to shelter in place. Online education/remote work encouraged whenever possible.

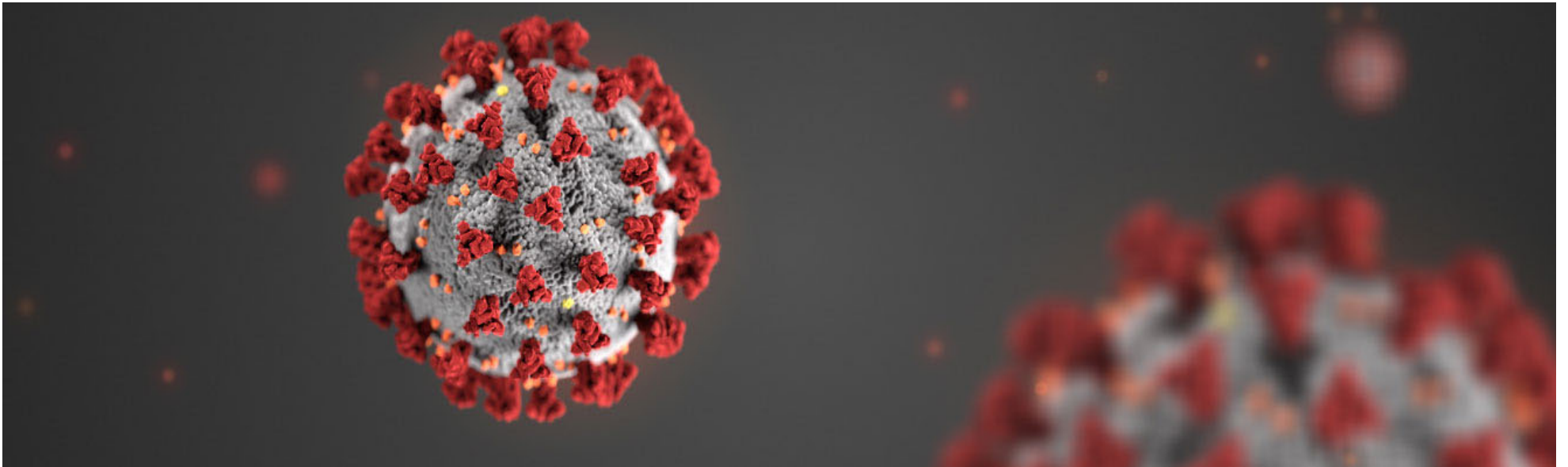
## BEST PRACTICES: BUSINESSES RE-OPENING SAFELY

- Enact Procedures and Protocols to Mitigate the Introduction, Exposure and Spread of COVID-19
  - Review Continuity of Operations Plan
  - Continue to follow federal, state and local health department regulations and guidance
  - Review policies to minimize business and personal travel
- Employee Health
  - Reinforce handwashing,
  - Carry out symptom screening – send and keep workers who are sick home
  - Support isolation and quarantine of employees with COVID-19 or are close contacts
- On-Site Practices
  - Set up workflow so employees are 6' in distance; stagger use of shared spaces, breakrooms, lunchrooms
  - Stagger shifts and work hours to minimize presence at a given time, work from home when possible
  - Limit in-person meetings, communicate virtually
  - Ban non-essential visitors and deliveries
- Facility Cleaning
  - Disinfect high traffic areas

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# MARATHON COUNTY BOARD OF HEALTH “BADGER BOUNCE BACK COVID-19”

“THERE IS NO SHAME IN OVERREACTING. BEST TO BE IN A POSITON WHERE WE OVER-REACTED, THEN UNDER-REACT”





**Wisconsin Department of Health Services  
Division of Public Health  
PHA VR - WEDSS**

**YTD Disease Incidents by Episode Date**

**Incidents for MMWR Weeks 1 - 15 (Through Week of April 11, 2020)**

**Jurisdiction: Marathon County**

Disease Group	2020				2019 *
	Week 13	Week 14	Week 15	Total	
Blastomycosis	0	0	0	1	9
Campylobacteriosis (Campylobacter Infection)	0	0	0	4	31
Carbon Monoxide Poisoning	0	0	0	6	12
Chlamydia Trachomatis Infection	7	6	6	102	363
COVID -19 <b>(As of 4/23/2020)</b>	0	0	0	17	0
Cryptosporidiosis	0	0	0	2	30
Gonorrhea	0	2	0	30	125
Haemophilus Influenzae Invasive Disease	0	0	0	1	4
Hepatitis B	0	0	1	4	8
Hepatitis C	0	0	0	7	22
Hepatitis E	0	0	0	1	0
Influenza	0	0	0	85	65
Invasive Streptococcal Disease (Groups A And B)	0	0	0	3	19
Lyme Disease	0	0	1	1	41
Mycobacterial Disease (Nontuberculous)	0	0	0	3	13
Pathogenic E.coli	0	0	0	4	12
Pertussis (Whooping Cough)	1	0	0	9	21
Salmonellosis	0	1	0	6	34
Shigellosis	0	0	0	1	0
Streptococcus Pneumoniae Invasive Disease	1	0	0	3	17
Syphilis	1	0	0	1	6
Transmissible Spongiform Encephalopathy (TSE, Human)	0	0	0	1	0
Tuberculosis	0	0	0	1	1
Tuberculosis, Latent Infection (LTBI)	0	0	1	4	10
Varicella (Chickenpox)	0	0	0	1	7
Yersiniosis	0	0	0	1	0
	10	9	9	282	

\* 2019 - Subject to change as not all cases have been finalized