

Bar with Rehabilitation Offenses

Caregivers with convictions of serious crimes or a history of improper behavior are barred from working in facilities regulated by the Department, unless they are approved through the Rehabilitation Review process.

Only those crimes and offenses on the Offenses List www.dhfs.wisconsin.gov/caregiver/statutesINDEX.htm and comparable crimes and offenses from other states or other jurisdictions are bars to employment, regulatory approval, or non client residency. An employer may determine if any conviction not on the Offenses List is substantially related to the duties of the job, and may refuse to hire a candidate for that reason.

Complete Background Check

A **complete caregiver background check** consists of the following documents:

1. A completed HFS-64 Background Information Disclosure (BID) form;
2. A response from the Department of Justice (DOJ) Wisconsin Criminal History Record Request, either
 - a “no record found” response **or**
 - a criminal record transcript; **and**
3. A letter from the Department of Health and Family Services (DHFS) that reports the status of a person’s administrative findings or licensing restrictions.

Other documentation must be obtained by the entity when information is required to complete the background check, such as military discharge papers, other state’s convictions, tribal court criminal records, arrest and conviction disposition information from county clerks of courts or tribal courts.

Public Record Information

Caregiver background checks are public records and may be shared with the applicant, employee, or student. Entities must maintain the completed background check and provide it to DQA staff upon request. In cases where the background checks have been conducted within the previous four years, entities are **required** to share the background checks with other entities upon request.

CONTACT INFORMATION

Questions about background checks on employees and contractors **or** questions about offenses that affect caregiver eligibility?

Office of Caregiver Quality (OCQ)
Division of Quality Assurance
P.O. Box 2969
Madison, WI 53701
Phone: (608) 261-8319
FAX: (608) 264-6340
E-mail: caregiver_intake@dhfs.state.wi.us

Questions about background checks on owners and non client residents?

Entity Background Checks
Division of Quality Assurance
P.O. Box 2969
Madison, WI 53701
(608) 261-8319
E-mail: caregiver_intake@dhfs.state.wi.us

Questions about background checks on child care providers?

Bureau of Regulation & Licensing
Div. of Children & Family Svcs.
(608) 266-9314

Questions about the Rehabilitation Review Process?

Office of Legal Counsel
Phone: (608) 266-8428
E-mail: rehabrc@dhfs.state.wi.us

Questions about non credentialed caregivers with substantiated finding(s) of misconduct?

Wisconsin Nurse Aide Registry
<http://www.pearsonvue.com>
Phone: (866) 329-8760

Other questions?

See our web site:
<http://dhfs.wisconsin.gov/caregiver/index.htm>
or
<http://www.dhfs.state.wi.us> (Select on “Topics A-Z,” “C,” and then “Caregiver Program.”)



Making a difference.

BACKGROUND CHECKS

For Entities Regulated by the
Division of Quality Assurance

in

WISCONSIN’S CAREGIVER PROGRAM

STATE OF WISCONSIN
Department of Health and Family Services
Division of Quality Assurance
Office of Caregiver Quality

February 2008

PQA-3159 (Rev. 02/08)

WISCONSIN CAREGIVER PROGRAM

This is an overview of the background check requirement of Wisconsin's Caregiver Program for entities regulated by the Division of Quality Assurance (DQA). For more detailed information, please see the Caregiver Program website at

<http://dhfs.wisconsin.gov/caregiver/index.htm>

or the "Contact Information" box on the back of this brochure.

CAREGIVER BACKGROUND CHECKS

The Wisconsin Caregiver Program responds to the concern in Wisconsin and around the nation about the potential for physical, emotional, and financial abuse of vulnerable citizens by persons who have been convicted of serious crimes or have a history of improper behavior.

The Caregiver Law is intended to protect clients in health care settings from misconduct (abuse, neglect, or misappropriation of property) by requiring employers and licensing agencies to:

- Conduct caregiver background checks;
- Closely examine the results of the caregiver background checks for criminal convictions or for findings of misconduct by a governmental agency; and
- Make employment and licensing decisions based on the results of the background checks in accordance with the requirements and prohibitions in the law.

Therefore, the Caregiver Law requires two types of caregiver background checks:

- Those completed by entities on their employees and contractors, and
- Those completed by DQA on license holders and non client residents of DQA regulated entities.

Employees as Caregivers

A caregiver is a person who meets all of the following:

- Is employed by or under contract with an entity;
- Has regular, direct contact with the entity's clients or the personal property of the clients;
- Is under the entity's control.

Entities must complete a caregiver background check for those employees who have regular, direct contact with clients. This includes employees who provide direct care and may include housekeeping, maintenance, dietary, and administrative staff, if those persons are under the entity's control and have regular, direct contact with clients served by the entity.

To complete caregiver background checks on employees and contractors, the entity must:

1. Require every prospective employee or contractor to complete an HRS-64 Background Information Disclosure (BID) form prior to working as a caregiver. A "clean" BID is one with no convictions of a crime that require a Rehabilitation Review or license limitations (no findings by a governmental agency of abuse, neglect, or misappropriation). Individuals with a "clean" BID may work up to 60 days while the employer completes the caregiver background check process. **Retain the completed HFS-64 BID form.**

Follow these special instructions for the following individuals or circumstances:

- **Minors.** Minors must complete a BID, but the entity is not required to submit a request to the Department of Justice when the BID is "clean."
 - **Students.** Students must complete a BID, but the entity is not required to submit a request to the Department of Justice for those with a clinical placement of less than 60 days when the BID is "clean."
 - **Military Service.** The entity must obtain a copy of the military discharge papers (DD214) from a caregiver who was discharged from the military.
 - **Out-of-State Residency.** The entity must make a good faith effort to obtain other states' conviction records for caregivers who resided in states other than Wisconsin during the three years preceding the date of the search.
2. Submit a **Wisconsin Criminal History Record Request** (DJ-LE-250 or 250A) to the Department of Justice (DOJ). Mail the (1) completed Record Request, (2) appropriate fee, and (3) a self-addressed and stamped return envelope to:

Crime Information Bureau
ATTN: Record Check Unit
P.O. Box 2688
Madison, WI 53701-2688

Department of Justice (DOJ) account holders may request this information on the Criminal History Record Check website at:

<http://wi-recordcheck.org>

Entities may access a Wisconsin DOJ conviction report from records maintained by the Department of Health and Family Services. Entities may also access a letter from the Department stating whether the person has any governmental findings or license limitations.

Entities must obtain the final disposition of any offense whose disposition is incomplete or unclear. Entities must also contact the appropriate County Clerk of Court for a judgment of conviction and criminal complaint related to any crime that is disclosed on a BID form but which does not appear on the DOJ Criminal History Report.

Caregiver Background Checks

Just as entities are required to conduct caregiver background checks on employees, the Division of Quality Assurance is required to conduct caregiver background checks on the following:

- Anyone who is the license holder/legal representative of an entity, whether or not they have regular, direct contact with clients;
- Anyone who is a board member or corporate officer who has regular, direct contact with clients served;
- Anyone 10 years of age and older who lives in a facility but is not a client (non client resident).

When contacted to do so by the Division of Quality Assurance, entities must:

1. Require each applicable person to complete an HFS-64 BID form and an HFS-69 Appendix form, and
2. Submit (1) the completed BID and Appendix forms; (2) military discharge papers, if needed, and (3) a \$7.50 processing fee for each person to

Entity Background Checks
Department of Health & Family Services
Office of Caregiver Quality
PO Box 2969
Madison, WI 53701-2969