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**To:** Certified Mental Health and AODA Programs CMHA - 03  
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**From:** Shari Busse, Supervisor  
 Office of Caregiver Quality

**cc:** Otis Woods, Director  
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**Anniversary of the Wisconsin Caregiver Law**

This memo contains important information on the following topics:

- Caregiver Background Checks;
- Background Information Disclosure (BID) Requirements;
- Reporting Changes & Individual Sanctions; and
- Caregiver Program Resources.

**Caregiver Background Checks**

Since October 1, 1998, entities, as defined in s. 50.065, Stats., have been required to complete caregiver background checks on all caregivers (employees and contractors). **The Caregiver Law requires that after the initial background check at the time of employment or contracting, entities must conduct new caregiver background checks at least every four years.** October 2006 marked the eight-year anniversary of the implementation of the Caregiver Law. Entities are reminded they must complete caregiver background checks on their existing employees at least every four years after the previous check.

**Example:** Patricia has worked as an AODA Counselor since July 1998. A caregiver background check was completed in November 1998, November 2002, and again in November 2006.

**Example:** Sam has been a personal care worker at a CBRF since March 2006. A caregiver background check was completed when he was hired. A new caregiver background check must be completed in March 2010.

At a minimum, at the time of hire, 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*:
  - A “no record found” response **or**
  - A criminal record transcript (Wisconsin Identification Data); **and**;
3. A “Response to Caregiver Background Check” letter from the Department of Health and Family Services (DHFS) that reports the person’s administrative finding or licensing restriction status.

The entity must obtain additional documentation when more information is needed to complete the background check, such as other states’ conviction records, military discharge papers, or arrest and conviction disposition information from local clerks of courts or tribal courts.

For more information, please refer to the Employees/Contractors Background Check Process found at <http://dhfs.wisconsin.gov/caregiver/EmplContrs.htm> and Chapter 2 of The Wisconsin Caregiver Program Manual at <http://dhfs.wisconsin.gov/caregiver/publications/CgvrProgMan.htm>.

### **Background Information Disclosure (BID) Requirements**

2005 WI Act 351 amends 50.065 (2) (bb), 50.065 (2) (bd), 50.065 (4m) (c), 50.065 (6) (am), and 50.065 (6) (c) of the statutes relating to the Background Information Disclosure (BID) form. See <http://www.legis.state.wi.us/2005/data/acts/05Act351.pdf>. The amendment makes completion of the BID form optional at the four-year renewal time period, if the conditions below are met.

Under this provision, an entity does not have to require that their caregivers complete a BID form every four years **if** the entity has a written self-disclosure policy, **and** the entity reminds their caregivers of that policy annually.

If an entity chooses to implement this provision, the entity must do the following:

- Ensure that all caregivers complete a BID form at the time of hire.
- Complete a caregiver background check (DOJ and DHFS/DRL information) at the time of hire and every four years thereafter.
- Develop a written self-disclosure policy that notifies caregivers that they must disclose, in writing, any changes to the information included on the BID form, including:
  - Convictions of any crime;
  - Substantiated findings of abuse, neglect or misappropriation;
  - Current investigations related to abuse, neglect or misappropriation;
  - Professional credential restrictions, limitations, or revocations;
  - Program licensure limitations, revocations or denials;
  - Discharge from any branch of the US Armed Forces, including any reserve component;
  - Residency outside the state of Wisconsin; and
  - Rehabilitation Review requests.

- Remind all caregivers of the requirements of the written self-disclosure policy on an annual basis. OQA recommends that this annual reminder be given via written notification to every caregiver. It may be helpful to include in the annual reminder the penalties for failure to self-disclose.
- Require caregivers to disclose any changes to the information they included on the BID form, in writing, to their immediate supervisor as soon as possible, but no later than the person's next working day.

### **Reporting Changes & Individual Sanctions**

It is important to note that regardless of whether an entity has a written self-disclosure policy which they remind their caregivers of annually, HFS 12.07 requires an entity to include in its personnel or operating policies a provision that requires caregivers to notify the entity as soon as possible, but not later than the person's next working day, when any of the following occurs:

- The person has been convicted of any crime.
- The person has been or is being investigated for any act, offense or omission, including abuse, neglect or misappropriation.
- The person has a substantiated finding of abuse, neglect or misappropriation.
- The person has been denied a license or had their license restricted or otherwise limited.

Therefore, all entities should remind their caregivers that a person who is required to complete a BID form, or who is subject to an entity's self-disclosure policy, may be subject to sanction if the person:

1. Fails to complete and submit the BID form to the appropriate agency or entity;
2. Knowingly gives false information or knowingly omits information on the BID form, or as part of the self-disclosure policy; or
3. After submitting a BID form, subsequently fails to report any information about a conviction for a crime or other act or offense requested on the BID, or as part of the self-disclosure policy.

### **Caregiver Program Resources**

Please access the Department's web site at <http://dhfs.wisconsin.gov/caregiver/index.htm> for more information, including background check forms, rules and regulations, and contact information. There are a variety of useful tools on the Caregiver website including:

- Wisconsin Caregiver Program Manual  
<http://dhfs.wisconsin.gov/caregiver/publications/CgvrProgMan.htm>
- OQA Regulated Entity Background Check Process  
<http://dhfs.wisconsin.gov/caregiver/CBCprocess.htm>
- Caregiver Misconduct Complaints <http://dhfs.wisconsin.gov/caregiver/contacts/Complaints.htm>
- Wisconsin Caregiver Misconduct Registry <http://dhfs.wisconsin.gov/caregiver/misconduct.HTM>

If you have any questions, you may also contact the Office of Caregiver Quality at (608) 243-2019, or [DHSCaregiverIntake@dhs.wisconsin.gov](mailto:DHSCaregiverIntake@dhs.wisconsin.gov)