



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Andrea Palm, Secretary

February 11, 2019

Mr. Patrick E. Fuller
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703

Mr. Jeff Renk
Senate Chief Clerk
Post Office Box 7882
Madison, WI 53707-7882

Dear Mr. Fuller and Mr. Renk:

Wisconsin Act 27 of the 1997-1999 Biennial Budget established requirements to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. The Department of Health Services (DHS), the Department of Children and Families (DCF) and, for certain child care providers, counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to DHS and/or DCF, counties, or school boards for a waiver of the employment or licensing ban upon evidence of rehabilitation.

Wisconsin Stat. §§ 50.065(5g) directs DHS to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the DHS report for 2018.

Questions about this report should be referred to the DHS Chief Legal Counsel Sandra Rowe at 608-266-0355.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Palm".

Andrea Palm
Secretary



2018 Annual Report on Rehabilitation Review Requests under Wis. Stat. § 50.065(5g)

Requests received by the Department of Health Services

15 Pending requests at start of 2018	2 Application withdrawn
49 Requests received in 2018	16 Approvals with standard conditions
	2 Approvals with standard and additional conditions
	0 Partial approval and denial
<hr style="width: 10%; margin-left: 0;"/> 64 Total requests	22 Denials (16 were for not providing the required information)
	1 No jurisdiction
	2 Not required to pursue rehabilitation approval
	0 Pending deferrals
	19 Requests being screened for completeness or awaiting scheduling
	<hr style="width: 10%; margin-left: 0;"/> 64 Total

Additionally, 1 prior approval from 2017 was withdrawn

Reasons for Approval

The applicants demonstrated sufficient evidence of rehabilitation in the areas of position-related offense factors and the applicant’s personal development and progress. Where applicable, standard conditions include: no (further) law violations, no (further) acts or threats of violence toward others, no offenses that lead to arrest or conviction or findings by a government agency of misconduct.

Reasons for Denial

The following reasons may relate to more than one individual or an individual may have been denied for more than one reason.

- Insufficient evidence of rehabilitation.
- Demonstrated questionable veracity.
- Insufficient time has passed since the offenses.
- Potential to reoffend is high.
- Questionable veracity due to the disparity between the reports contained in investigations conducted by the Division of Quality Assurance and the police departments and the version of events given during panel meeting.
- Nature and scope of proposed contact with vulnerable adults, without supervision, provides an opportunity to commit similar offenses.
- Failed to assume responsibility for offenses.
- Questionable veracity and credibility due to the disparity between facts presented at the panel meeting and facts contained in both an investigation by a governmental agency and those in court records.
- Circumstances of the positions provide opportunities for recidivism.
- Not yet shown ability to maintain sobriety without supervision.
- Insufficient insight into the effect of drug use on children and parenting.
- Unfamiliar with the settings seeking approval for.
- Career goals were financially driven.