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DQA Memo 21-007

To: DHS 105.14 Adult Day Care Centers

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Via: Otis Woods, Administrator
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Background Check and Misconduct Investigation Program for DHS 105.14 Adult Day Care Centers

Purpose

This memo provides an overview of Background Check and Misconduct Investigation Program requirements and resources for Adult Day Care Centers (ADCCs) seeking certification under Wis. Admin. Code s. DHS 105.14, which will become effective December 01, 2021. The rule requires all ADCC operators to comply with background check and misconduct reporting requirements.

Current ADCC operators must [request an “entity background check”](#) from DQA by March 31, 2022, by accessing the link above, paying a \$10 fee, and providing any additional required information.

Background

The Background Check and Misconduct Investigation Program promotes public confidence in Department-approved treatment providers by implementing a system of protections for individuals receiving care in Wisconsin. These protections include standards for eligibility to work in roles with direct participant contact, as well as streamlined processes for reporting and investigating intentional abuse, neglect, and misappropriation of participant property.

Program Features

Program requirements are contained in Wis. Stat. ss. 50.065 and 146.40, Wis. Admin. Code chs. DHS 12 and DHS 13, and are additionally referenced in s. DHS 105.14. The “Key Resources” section below provides links to a comprehensive program manual and to various program publications. Key features of the program include:

- Entity Background Checks
 - Individuals seeking operator certification must apply for and pass a background check conducted by DQA and obtain renewals every four years thereafter. (see. s. DHS 105.14 (3) (a))

- ADCCs must apply for a background check conducted by DQA for any individual residing in ADCC facilities who is neither a client, nor employee. (see. s. DHS 105.14 (3) (c))
- Caregiver Background Checks
 - ADCCs must conduct background checks at time of hiring and every four years thereafter for all employees and contractors expected to have regular and direct contact with clients. (see. s. DHS 105.14 (3) (d))
 - ADCCs must verify that employees and contractors expected to have regular and direct contact with participant do not have certain offenses in their background that that would affect eligibility for employment in these roles. (see. s. DHS 105.14 (3) (d))
- Misconduct Investigation & Reporting
 - ADCCs must register for access to the Misconduct Incident Reporting (MIR) system and investigate and report to DQA within defined timelines all allegations of participant abuse and neglect or misappropriation of participant property (“misconduct”) by any employees and contractors. (see. s. DHS 105.14 (2) (m))

Key Resources

- [Background Check and Misconduct Investigation Program Manual](#)
- Information about [applying for an Entity Background Check](#)
- Information for ADCCs on [how to complete Caregiver Background Checks](#) for employees and contractors
- List of [offenses affecting eligibility](#) for work in roles with direct participant contact
- Information about registering and using the *MIR system* to report misconduct
See [“Misconduct Incident Reporting \(MIR\) system”](#)

Contacts

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DQA Bureau of Assisted Living Regional Office
See <https://www.dhs.wisconsin.gov/dqa/bal-regionalmap.htm>