

CAREGIVER PROGRAM COMPLIANCE CHECK

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| Name – Entity | Entity Type | Licensors or ID No. – Entity | Name and No. – Surveyor/Investigator/Lic. Spec. | Survey Exit Date |
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CAREGIVER BACKGROUND CHECK (Wis. Stat. § 50.065 and Wis. Admin. Code Ch. DHS 12)

D = Direct Employee **C** = Contract Employ **BID** = Background Information Disclosure **DOJ** = Department of Justice **IBIS** = Integrated Background Information System

| | Date Hired | Employee Name (Last, First, MI) | Job Title | Status D or C | BID Z0024 | DOJ Response Z0005 | IBIS Letter Z0005 | Military Record Z0013 | Other States Z0012 | Within Last Four Years Z0022 | Surveyor Notes |
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ABUSE, NEGLECT, AND MISAPPROPRIATION CHECK (Wis. Stat. § 146.40 and Wis. Admin. Code Ch. DHS 13)

Review Process for Z0055

- Are incidents reported on F-62447 to the Office of Caregiver Quality within **five or seven days** of becoming aware of incident? Yes No
- Is entity maintaining documentation of investigations not reported to DQA? Yes No
- **If needed**, review entity’s policy for reporting misconduct and injuries of unknown source.

DIRECTIONS FOR DQA SURVEYOR / INVESTIGATOR / LICENSING SPECIALIST

PURPOSE

- Determine compliance with Wis. Stat. §§ 146.40 and 50.065 and Wis. Admin. Code Chs. DHS 12 and 13.
 - Determine if employment decisions are based on the entity's investigations.
 - Determine compliance with reporting incidents of caregiver misconduct.
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SURVEY PROCESS FOR CAREGIVER BACKGROUND CHECK

- Based on your bureau / office policy, select a sample of caregivers. Include a credentialed, non-credentialed, directly employed, and individuals under contract for services; e.g., temporary or poll agency staff, students.
 - Review personnel files for required forms and information for entity employment decisions within 60 days of hiring and every four years thereafter. A completed caregiver background check includes the following.
 1. **Completed BID (DHS form F-82064).** Does it disclose an offense (conviction or governmental findings) needing follow-up? Did entity follow up as needed?
 2. **DOJ Response Letter.** Does it show "no criminal history found" or a criminal report transcript with entity decision?
 3. **IBIS Letter.** Look for DHS letterhead. Check the individual's status and entity's action.
 4. **Military Record.** Required only for employees with military discharge in the three previous years to employment. Did the entity obtain military discharge status? If other than honorable discharge, did the entity obtain information on the nature of the discharge?
 5. **Other States.** Required only for employees residing in another state or US jurisdiction in the past three years. Did the entity make a good faith effort to obtain out-of-state background information?
 6. **Within the Last Four Years.** Complete background check required for all caregivers initially upon hire and again every four years.
 7. **Clerk of Courts.** Entity obtained criminal complaint and judgment of conviction when:
 - a. Review convictions found against the list of offenses that affect eligibility found in DQA publication [P-00274, Wisconsin Caregiver Program: Offenses Affecting Caregiver Eligibility for Chapter 50 Programs.](#)
 - b. Convictions on the Offenses List appear on the BID but not on the DOJ response;
 - c. DOJ response is without a conclusive disposition on a charge or conviction in the Offenses List; or
 - d. BID or DOJ response indicates any "look behind" crimes occurring within the last five years (misdemeanor battery, battery to an unborn child, battery special circumstances, reckless endangerment, invasion of privacy, disorderly conduct, or harassment).
 - Review entity's policies and procedures.
 1. Does the policy address the caregiver's responsibility to keep personnel files current by reporting to management arrests, convictions, etc.?
 2. Does the policy reflect supervision during the past 60-day period pending receipt of complete caregiver background check?
 - Use record review and interview. Cite non-compliance using Z tags.
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SURVEY PROCESS FOR REVIEW OF ENTITY REPORTING AND INVESTIGATION OF CAREGIVER MISCONDUCT

Based on your Bureau's policy, review the entity's last 30 investigations not reported to DQA or DSPS.

- Has the entity maintained their last 30 investigations that were not reported?
 - Did the entity **IMMEDIATELY** protect the client and **IMMEDIATELY** begin an investigation?
 - Did the entity make **GOOD FAITH** decisions in determining whether to report the incident? (See entity's documentation.)
 - Review the entity's written policies and procedures on reporting caregiver misconduct and staff training on this topic, as needed.
 - Refer concerns to caregiver intake staff at 608-261-8319 or dhscaregiverintake@dhs.wisconsin.gov.
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RESOURCES

- The [Wisconsin Caregiver Program Manual](#) provides basic, detailed information about the Caregiver Law, including background checks. Refer to Chapters 2, 4, and 6.
 - Interpretive guidelines for caregiver programs in relevant DQA-regulated entities (Z tags, regulations, and guidance to surveyors)
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