

CAREGIVER PROGRAM COMPLIANCE CHECK

Name - Entity	Entity Type	Surveyor, Investigator, or Licensing Specialist Name and Number	Entity Licensor or ID Number	Survey Exit Date
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CAREGIVER BACKGROUND CHECK (Chapter 50.065, Wis. Stats., and Chapter DHS 12, Wis. Admin. Code)

D = Direct Employee **C** = Contract Employ **BID** = Background Information Disclosure **DOJ Resp** = Dept. of Justice Response **IBIS Letter** = Integrated Background Info. System Letter

	Date Hired	Employee Name <i>(Last, First, MI)</i>	Job Title	Status D or C	BID Z0024	DOJ Resp. Z0005	IBIS Later. Z0005	Military Record Z0013	Other States Z0012	Within Last 4 Years Z0022	Surveyor Notes
1											
2											
3											
4											
5											
6											
7											
8											

According to your section's policy, investigate entity's caregiver background check policies as necessary and based on results of the sample review.

ABUSE, NEGLECT AND MISAPPROPRIATION CHECK (Chapter 146.40, Wis. Stats., and Chapter DHS 13, Wis. Admin. Code)

Review Process for Z0055

- Are incidents reported on F-62447 to the OCQ or DRL within 5 or 7 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.

CAREGIVER PROGRAM COMPLIANCE CHECK – DIRECTIONS FOR DQA SURVEYOR

(Use record review and interview. Cite non compliance using Z tags.)

PURPOSE

- Determine compliance with Chapters 146.40 and 50.065, Wis. Stats., and Chapters DHS 12 and 13, Wis. Admin. Code.
- Determine if employment decisions are based on the entity's investigations.
- Determine compliance with reporting incidents of caregiver misconduct.

SURVEY PROCESS FOR CAREGIVER BACKGROUND CHECK

- Based on your Bureau's policy, select a sample of caregivers. Include a credentialed, noncredentialed, 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 4 years thereafter. A completed caregiver background check includes the following
 1. **Completed BID (HFS 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.
- Review personnel files for other applicable forms and information to make employment decisions.
 1. **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?
 2. **Other States.** Required only for employees residing in another state or US jurisdiction in the past 3 years. Did the entity made a good faith effort to obtain out of state background information?
 3. **Clerk of Courts.** Entity obtained criminal complaint and judgment of conviction when:
 - a. Convictions on the Offenses List appear on the BID but not on the DOJ response;
 - b. DOJ response is without a conclusive disposition on a charge or conviction in the Offenses List; or
 - c. BID or DOJ response indicates any "look behind" crimes occurring within the last 5 years (misdemeanor battery, battery to an unborn child, battery special circumstances, reckless endangerment, invasion of privacy, disorderly conduct, or harassment)
 4. **Within the Last 4 Years.** Complete background check required for all caregivers' initials and again every 4 years.
- Review entity's policies and procedures.
 - Does the policy address the caregiver's responsibility to keep personnel files current buy reporting to management arrests, convictions, etc.?
 - Does the policy reflect supervision during the past 60-day period pending receipt of complete caregiver background check?

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 DRL.

- 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 flow chart and 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.

RESOURCES

- The Wisconsin Caregiver Program Manual at <http://dhs.wisconsin.gov/caregiver/index.htm> provides detailed basic information for entities about the Caregiver Law (including background checks). Click on the "Wisconsin Caregiver Program Manual" and refer to Chapters 2, 4, and 6.
- Caregiver Program Interpretive Guidelines for DQA-Regulated Entities (Z tags, Regulation, and Guidance to Surveyors)
- DQA Memos 000-071 and 99-064 (Section 6 and flow chart)