

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: WISCONSIN

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for the Investigation of Allegations of Client Neglect
and Abuse and Misappropriation of Client Property

The State has in effect the following process for the receipt and timely review and investigation of allegations of abuse or neglect of a client, or misappropriation of client property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident:

- The Caregiver Registry and Investigation Unit (CRIU), Bureau of Quality Assurance (BQA) is responsible for conducting investigations of allegations of abuse or misappropriation of resident property by an aide in a nursing facility. CRIU follows the process outlined in the current version of BQA Manual Code 5031.

Effective 10-1-98

- The Department shall compile background checks on caregivers to ensure that caregivers are of reputable character to provide safe care for children and vulnerable adults served in Department-regulated programs, identified in ch. HFS 12, WI Adm. Code. The agencies identified in ch. HFS 12 are prohibited from licensing, certifying, or registering entities, and entities are prohibited from employing or contracting with a person if the agency knew or should have known that the person has been convicted of, or has a pending charge for, a serious crime as provided by statute or defined by a department rule. The prohibition also applies to a person found to have abused or neglected a client or child, or to have misappropriated client property. It further applies to a person who is required to be credentialed by the Department of Regulation and Licensing and whose credential is not current or is limited so as to prevent the provision of adequate client care. An individual may be eligible for rehabilitation depending upon the type of crime for which the individual was convicted or for which a finding was made against the individual.

Effective 10-1-98

- Under Chapter HFS 13, the Department must maintain a Caregiver Registry. The Caregiver Registry will list names of caregivers who have a substantiated finding of abuse or neglect of a client, or misappropriation of a client's property. Conducting an inquiry and completing the Report of Alleged Abuse, Neglect or Misappropriation form is mandatory for all entities. Failure to report an allegation of abuse or neglect of a client

or misappropriation of a client's property may lead to a fine or other penalty. Reports received by the Department may be investigated. Substantiated allegations will result in findings entered on the Caregiver registry after any appeal period has been exhausted or the Department has been upheld in the hearing process. If a person has a substantiated finding on the Caregiver Registry, that person is barred from employment or regulatory approval unless that person is declared rehabilitated under ch. HFS 12. Caregivers with a substantiated finding on the Caregiver Registry are prohibited from employment in any capacity in federally certified nursing homes and intermediate care facilities for persons with mental retardation.

Effective 10-1-98

- The Resident Care Review Section (RCRS), Bureau of Quality Assurance (BQA) is responsible for conducting investigations of reports under and in compliance with 42 CFR 483.13(c). This procedure is outlined in the current version of Manual Code 5035. Manual Code 5035 is based on guidance provided by the State Operations Manual section 7702.

Effective 10-1-97

- The Bureau of Quality Assurance Manual Codes describe the steps to be taken when a complaint is to be investigated and designates the staff that are to conduct the investigation. The Manual Codes describe appeal processes and penalties where applicable. Steps are outlined on how to refer complaints that deal with issues outside the jurisdiction of the Bureau. The Manual Codes also direct staff on what to do when allegations are not substantiated.

Effective 10-1-97