Protecting and promoting the health and safety of the people of Wisconsin

Office of Caregiver Quality (OCQ)

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Wisconsin Caregiver Law
- OCQ provides administration of Caregiver Law
- Implemented October 1, 1998
- Protect individuals living in regulated healthcare settings from abuse, neglect and misappropriation
  - Background checks
  - Investigation and Reporting requirements

Investigating and Reporting Requirements
- Federal regulation 42 CRF §483.13(c)(2)
- DHS 13.05
  - Consistent method for reporting incidents of caregiver misconduct for all entities regulated by DQA
Written Procedures

- How and to whom staff are to report incidents
- How internal investigations will be completed
- How staff will be trained on the procedures related to allegations of caregiver misconduct
- How residents will be informed of those procedures

Incident Reporting

An entity can learn of an incident from:
- Verbal or written statement from a resident
- Verbal or written statement from someone in a position to have knowledge of the incident
- Discovering an incident after it occurred
- Hearing about an incident from others
- Observing injuries (physical, emotional or mental)

Discovery of Caregiver Misconduct

- Immediately protect residents
- Investigate all allegations of misconduct
- Document the results of the investigation
- Report allegations/incidents to DQA as appropriate
Investigations of Misconduct

- Know the who, what, where, when, why and how
- Preserve evidence
- Document the effect on the resident
- Document the investigation
- Report to law enforcement

Reporting Forms and Timelines

- F-62617 - Alleged NH Resident Mistreatment Form
  - Immediately but no later than 24 hours
- F-62447 – Misconduct Incident Report
  - Federally certified – within 5 working days
  - All others – within 7 calendar days
  - Unreported incidents - retain 30 most recent investigations
- Online Misconduct Incident Reporting System

Entity Investigating and Reporting Tools (except Nursing Homes)

- Caregiver Misconduct Reporting Requirements Worksheet (F-00161)
- Flowchart of entity Investigation and Reporting Requirements (F-00161A)
OCQ Referrals

- Department of Safety and Professional Services
- County Adult-at-Risk Agencies
- Department of Justice
- Office of Inspector General
- Regional Offices

After the Report

- Screened by OCQ
  - Non credentialed Caregiver
- Referrals made
- Investigatory Merit
  - Notices sent
- Decision
  - Unsubstantiated
  - Substantiated

Substantiated Finding

- Appeal Process
- Caregiver Misconduct Registry
- Rehabilitation Review
Other Important Information

• Chapters 50.065 and 146, Wis. Stats.
• Wisconsin Administrative Codes
  – Ch. 12 – Caregiver Background Checks
  – Ch. 13 – Investigating and Reporting
• WI Caregiver Manual