



WISCONSIN CAREGIVER PROGRAM: MISCONDUCT REPORTING REQUIREMENTS

State of Wisconsin / Department of Health Services / Division of Quality Assurance
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This publication pertains to DQA-regulated entities in Wisconsin's Caregiver Program.

Wisconsin Caregiver Program

This is an overview of the misconduct reporting requirements for entities regulated by the Department of Health Services (DHS), Division of Quality Assurance (DQA) in Wisconsin's Caregiver Program. For more detailed information, see the [Caregiver Program webpages](#) or the "Contact Information" section at the end of this publication.

Entity Investigation and Reporting Requirements

The Wisconsin Caregiver Program responds to the concern in Wisconsin and around the nation about the potential for physical, emotional, and financial abuse of vulnerable citizens by persons who have been convicted of serious crimes or who have a history of improper behavior.

Therefore, entities are required to report allegations of caregiver misconduct to DQA. These reporting requirements provide a consistent method for reporting incidents of caregiver misconduct for all entities regulated by DQA.

Caregiver Misconduct

Misconduct includes abuse or neglect of a client or misappropriation of a client's property, as defined under Wis. Admin. Code ch. DHS 13. Examples include, but are not limited to:

- **Physical abuse:** hitting, slapping, pinching, kicking, or intentionally causing harm
- **Sexual abuse:** harassment, inappropriate touching, or assault
- **Verbal abuse:** threats of harm, saying things to intentionally frighten a client
- **Mental abuse:** humiliation; harassment; intimidation with threats of punishment, of depriving a client of care, or of the client's possessions
- **Neglect:** intentionally withholding care; failure to carry out a plan of care that could reasonably be expected to cause pain, injury, or death of a client
- **Misappropriation of property:** theft of money, identity, credit cards, jewelry; misuse of property, such as using a client's phone without consent.

Staff Incident Reporting

An entity can learn of an incident from:

- Receiving a verbal or written statement of a client
- Receiving a verbal or written statement of someone in a position to have knowledge of the incident
- Discovering an incident after it occurred
- Hearing about an incident from others
- Observing injuries to a client (physical, emotional, or mental)
- Observing misappropriation of a client's property
- Otherwise becoming aware of an incident

All staff persons must immediately report incidents of suspected caregiver misconduct or injuries of unknown source to a person with supervisory authority in their health care facility. It is then the facility's responsibility to decide how to proceed.

Entity Investigative Responsibilities

All entities regulated by DQA must conduct a thorough investigation and document their findings for **all** incidents reported to them.

Immediately upon learning of the incident, the entity must take necessary steps to protect clients from possible subsequent incidents of misconduct or injury while the matter is pending. In addition to DQA requirements, entities are encouraged to notify local law enforcement authorities in any situation where there is a potential criminal violation of the law.

When an entity concludes that the following three conditions are true, the entity **must report** the incident.

1. Entity has reasonable cause to believe that they or another regulatory authority can name a suspected caregiver.
2. Entity has reasonable cause to believe that they have sufficient evidence or that another regulatory authority could obtain the evidence, to show that the alleged incident occurred.
3. Entity has reasonable cause to believe that the incident meets, or could meet, the definition of abuse, neglect, or misappropriation.

Reporting an Incident

Use DQA form F-62447, [Misconduct Incident Report](#), available online.

For allegations involving all staff (non-credentialed and credentialed), submit the *Misconduct Incident Report* to DQA at:

DHS / Division of Quality Assurance
 ATTN: Office of Caregiver Quality
 P.O. Box 2969
 Madison, WI 53701-2969

608-261-8319 (phone)
 608-264-6340 (fax)

dhscaregiverintake@wisconsin.gov

In the past, you were required to submit the report either to DQA or to the Department of Safety and Professional Services (DSPS), previously known as the Department of Regulation and Licensing. Now all caregiver misconduct reports are submitted to DQA, where reports involving credentialed staff (doctors, RNs, LPNs, social workers, etc.) are forwarded to DSPS for review.

Ensure that the completed *Misconduct Incident Report* is submitted according to the appropriate time frame:

- **Nursing homes and intermediate care facilities for individuals with intellectual disabilities (ICF/IID)** that are certified to receive Medicare and Medicaid funds, must submit reports of alleged caregiver misconduct to DQA **within five (5) working days** of the incident or of the date that the entity knew, or should have known, of the incident.
- **All other entities** must submit reports of alleged caregiver misconduct to DQA **within seven (7) calendar days** of the incident or of the date that the entity knew, or should have known, of the incident.

For additional information, see: <https://www.dhs.wisconsin.gov/caregiver/complaints.htm>

DQA Investigation

When an entity sends an incident report to DQA, the report is promptly screened to determine whether further investigation is warranted. DQA notifies the accused person, entity, and complainant by letter that an investigation will or will not be conducted.

Not all reported incidents are investigated by DQA. However, all incident reports are tracked and monitored. When a pattern of reported incidents by a caregiver occurs, an investigation may be opened at a later date.

DQA may conduct an investigation by conducting on-site visits, in-person interviews, and/or telephone interviews. Both state investigators and contracted private investigators complete caregiver misconduct investigations. During the investigation, the entity must continue to protect the client.

After completing an investigation, DQA determines whether there is sufficient evidence to substantiate the complaint. DQA notifies the accused person, the entity, the complainant, and other appropriate agencies and informs them that the complaint was or was not substantiated.

Caregiver Misconduct Registry

Wisconsin's Caregiver Misconduct Registry is a record of the names of nurse aides and other non-credentialed caregivers with a substantiated finding of caregiver misconduct.

Nurse aides with a finding on the Caregiver Misconduct Registry may not be employed, in any capacity, in federally-certified nursing homes or intermediate care facilities for individuals with intellectual disabilities (ICF/IID).

In addition, an individual with a finding on the Caregiver Misconduct Registry may not be employed as a caregiver in DHS state-regulated facilities unless approved through the Rehabilitation Review process.

CONTACT INFORMATION

<p>Report incidents of caregiver misconduct by non-credentialed or credentialed staff to:</p> <p>DHS / Div. of Quality Assurance Office of Caregiver Quality P.O. Box 2969 Madison, WI 53701-2969</p> <p>608-261-8319 (phone) 608-264-6340 (fax) dhscaregiverintake@wisconsin.gov</p>	<p>If you have questions about reporting incidents of caregiver misconduct or offenses that affect caregiver employment eligibility, contact:</p> <p>DHS / Div. of Quality Assurance Office of Caregiver Quality P.O. Box 2969 Madison, WI 53701-2969</p> <p>608-261-8319 (phone) 608-264-6340 (fax) dhscaregiverintake@wisconsin.gov</p>	<p>If you have questions about the Rehabilitation Review process, contact:</p> <p>DHS / Office of Legal Counsel 1 W Wilson St, Rm 651 PO Box 7850 Madison, WI 53707-7850</p> <p>608-266-8428 (phone) DHSRehabReviewCoordinator@wisconsin.gov</p>	<p>Verify non-credentialed caregivers with substantiated findings of misconduct at:</p> <p>Wisconsin Nurse Aide Registry 888-401-0465 http://hdmaster.com/testing/cna_testing/wisconsin/WI_CNA_Home.htm</p>
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For more information, visit us at <http://dhs.wisconsin.gov/caregiver/index.htm> and <https://www.dhs.wisconsin.gov/>.