



WISCONSIN CAREGIVER PROGRAM: REHABILITATION REVIEW PROCESS

State of Wisconsin / Department of Health Services / Division of Quality Assurance

P-63160 (09/2018)

This is an overview of the rehabilitation review process for Wisconsin's Caregiver Program. For more detailed information, see the [Caregiver Program website](#) or the "Contact Information" box at the end of this publication.

Rehabilitation Review

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 have a history of improper behavior.

The Wisconsin Caregiver Misconduct Registry is a record of the names of nurse aides and other non-credentialed caregivers with a substantiated finding of caregiver misconduct. A nurse aide with a finding on the Caregiver Misconduct Registry may not be employed, in any capacity, in federally-certified nursing homes and intermediate care facilities for individuals with intellectual disabilities (ICFs/IID). In addition, a caregiver with a finding on the Caregiver Misconduct Registry may not be employed as a caregiver in any DHS state-regulated facility unless approved through the rehabilitation review process.

All caregivers who have been convicted of a "bar with rehabilitation" crime or who have a finding of abuse, neglect, or misappropriation (including child abuse or neglect) may request a rehabilitation review with the department. The review is an opportunity for a caregiver to provide clear evidence that a reoccurrence of the conduct that led to his/her conviction or finding is not likely and that clients will remain safe under his/her care.

Bar with Rehabilitation Offenses

Only those crimes and offenses listed on the Division of Quality Assurance (DQA) publication [P-00274, Offenses Effecting Caregiver Eligibility for Chapter 50 Programs](#), and comparable crimes and offenses from other states or other jurisdictions are bars to employment, regulatory approval, or non-client residency. An employer may determine if any conviction not on the offenses list is substantially related to the duties of the job, and may refuse to hire a candidate for that reason. Caregiver statutory information can be accessed online at the [Caregiver Program: Rules and Regulations](#) webpages.

Application Procedures

A caregiver or a non-client resident may apply for a rehabilitation review to seek approval to work as a caregiver or to reside as a non-client resident in an entity regulated by the Department of Health Services (DHS). Caregivers who are denied approval may not reapply for one calendar year after the date of denial.

The applicant must complete and sign DHS form [F-83263, Rehabilitation Review Application](#), and submit it, with attachments, to:

DHS / Office of Legal Counsel
1 W Wilson St, Rm 651
PO Box 7850
Madison, WI 53707-7850

Incomplete applications will be denied and returned, unless good cause exists for failure to submit a complete application.

Upon receipt of a completed application, DHS will notify the applicant by mail of the date, time, and location of the Rehabilitation Review Panel meeting. The applicant may be asked to provide additional information.

Panel Review Meeting

Although the applicant is not required to appear at the Rehabilitation Review Panel meeting, the applicant's appearance is recommended. Panel members may ask questions to facilitate decision-making, and the applicant will then have an opportunity to address their questions. At a minimum, the Rehabilitation Review Panel will consider the following:

- Favorable personal reference checks and comments from employers, other persons, and agencies familiar with the applicant; statements of therapists, counselors, and other professionals
- Evidence of successful adjustment to, compliance with, or proof of successful completion of parole, probation, incarceration, or work release privileges
- Proof that the applicant has not had recent contact with police resulting in arrest
- Pending or existing arrest warrants or civil judgments
- Aggravating and mitigating circumstances surrounding the crime, act, or offense
- Evidence of rehabilitation, such as public or volunteer service, recognition for accomplishments, and employment history
- The amount of time between the offense and the request for review
- Whether the applicant is listed as a sexual offender
- A victim's impact statement, if appropriate

Review Panel Decision

After the meeting, the Rehabilitation Review Panel will decide whether sufficient evidence of rehabilitation exists. Each application is handled on a case-by-case basis. The panel will issue one of the following written decisions:

- **Approval:** If the panel finds sufficient evidence of rehabilitation, the panel will approve the rehabilitation review application and may specify conditions or limitations that apply to the approval.
- **Denial:** If the panel does not find sufficient evidence of rehabilitation, the decision will provide the reasons for denial and inform the applicant of his/her right to file an appeal within 10 days of the decision.
- **Deferred:** The panel may defer a final decision for up to six months to gather additional information or for other reasons.

A Rehabilitation Review approval does not ensure that the applicant will be hired by an entity or receive permission to reside at an entity.

Forms and Questions

See DHS form [F-83263, Rehabilitation Review Application and Instructions](#), available online.

Anyone with questions about the rehabilitation review approval for employment, non-client residency, contracted services, or regulatory approval for or in a DHS-regulated entity may contact the DHS Office of Legal Counsel. See contact information below:

Tribal Operated DHS-Regulated Entities

Persons seeking rehabilitation review approval for employment, non-client residency, or contracted services in tribal operated, DHS-regulated entities may contact the appropriate DHS-designated tribal authority.

Foster Care / Adoptive Parents / Certified Child Care

Persons seeking rehabilitation review approval to become licensed as a foster home, persons who are adoptive parents, or persons seeking to provide certified daycare may contact the county department of social or human services or a licensed private child placing agency.

Day Care Providers Contracted Through School Boards

Persons seeking rehabilitation review approval to establish or be employed by a day care program that provides day care services under contract with a school board may contact the local school board.

Contact Information

Rehabilitation review process	DHS / Office of Legal Counsel 1 W Wilson St, Rm 651 PO Box 7850 Madison, WI 53707-7850	608-266-8428 DHSRehabReviewCoordinator@wisconsin.gov
Background checks on employees and contractors or questions about offenses that affect caregiver eligibility	DHS / Division of Quality Assurance ATTN: Office of Caregiver Quality PO Box 2969 Madison, WI 53701-2969	608-261-8319 (phone) 608-264-6340 (FAX) caregiver_intake@dhs.state.wi.us
Background checks on owners and non-client residents	DHS / Division of Quality Assurance ATTN: Entity Background Checks PO Box 2969 Madison, WI 53701-2969	608-261-8319 caregiver_intake@dhs.state.wi.us
Background checks on child care providers	Department of Children and Families ATTN: Caregiver Background Unit PO Box 8916 201 E Washington Ave, Rm E200 Madison, WI 53708-8916	608-422-7400 (phone) 608-422-7155 (phone) DCFlicBECRCBU@wisconsin.gov https://dcf.wisconsin.gov/cclicensing/cbc
Background checks on foster care providers	Department of Children and Families ATTN: Caregiver Background Unit PO Box 8916 201 E Washington Ave, Rm E200 Madison, WI 53708-8916	608-422-7400 (phone) 608-422-7155 (phone) DCFlicBECRCBU@wisconsin.gov https://dcf.wisconsin.gov/cclicensing/cbc
Non credentialed caregivers with substantiated finding(s) of misconduct	Wisconsin Nurse Aide Registry	888-401-0465 http://hdmaster.com/testing/cnatesting/wisconsin/WI_CNA_Home.htm

For more information, visit us online at: <http://dhs.wisconsin.gov/caregiver/index.htm> and <https://www.dhs.wisconsin.gov/>