



State of Wisconsin
Department of Health Services

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DMHSAS Info Memo Series 2010-04
DLTC Info Memo Series 2010-02
DQA Memo 10-007
Index Title: Reporting Requirements under Section 457.25 (1), Statutes.

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From: Otis Woods, Administrator
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Subject: Reporting Requirements under Section 457.25 (1), Statutes.

Document Summary:

This joint memo from the Division of Quality Assurance (DQA), Division of Mental Health and Substance Abuse Services (DMHSAS), and Division of Long Term Care (DLTC) memo provides information regarding reporting requirements under Section 457.25 (1), Statutes.

Background:

The Department of Regulation and Licensing's (DRL) Joint Board of Marriage and Family Therapy, Professional Counseling, and Social Work requested assistance from the Department of Health Services to inform health care and treatment providers and others of the reporting requirements under Section 457.25 (1), Statutes.:

457.25 Reporting requirements. (1) Any public or private mental health or health care agency, institution or facility, or any other person or entity that employs or contracts for services with a credential holder, that terminates, suspends, or restricts the employment or contract of the credential holder as a result of adverse or disciplinary action against the credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her employment before the action is taken, within 30 days after the date on which the credential holder terminates his or her employment.

The purpose of this statutory requirement is to provide consumer protection by providing information to the DRL Joint Board, which may take action against a person's license or certificate issued under ch. 457, Statutes., if the applicable licensing / certification board determines that the person has engaged in unprofessional conduct (see MPSW 20.02 at <http://www.legis.state.wi.us/rsb/code/mpsw/mpsw020.pdf>).

The DRL Joint Board noted in their request to our department that only nine reports made under Section 457.25 (1) were received in CY 2009. Given that there are approximately 15, 000 persons credentialed under ch. 457, it would seem that many providers and employers may be unaware of their reporting responsibilities.

Action:

It is important to note that Section 457.25 (1) applies to "any public or private mental health or health care agency, institution or facility, or any other person or entity that employs or contracts for services with a credential holder." Therefore, all providers licensed or certified by the DQA, as well as other employers of persons who are licensed or certified under ch. 457, such as county departments, need to be aware of this reporting requirement and comply with the requirement, if applicable.

The Department of Health Services suggests that providers develop personnel policies and procedures that address the reporting requirements. These policies and procedures may reference the DRL reporting instructions noted below. Please note that the requirement is a

report *of the action taken* (e.g., termination, suspension, or restriction of employment or contract as a result of adverse or disciplinary action). The basis for the action may involve records protected by Wis. Stat. Section 51.30 and Wis. Admin. Code ch. 92.

In addition, all entities that are licensed or certified by the Department of Health Services need to remember that ss. 146.40 (4g) and (4r), Statutes, and DHS 13.05 (3) (a), Wis. Admin. Code; require the entity to report to the department any allegation of an act, omission or course of conduct described in this chapter as client abuse or neglect or misappropriation of client property committed by any person employed by or under contract with the entity if the person is under the control of the entity. However, this requirement is separate and in addition to the reporting requirement under s. 457.25 (1), Statutes.”

Process:

Instructions for filing a report to the Wisconsin Department of Regulation and Licensing can be viewed or downloaded from the DRL website at the link below.

Wisconsin DRL notice of Reporting Requirements for per s. 457.25 Wis. Statutes, (PDF format).
(http://drl.wi.gov/board_docview.asp?docid=80&boardid=30&locid=0)

If you have questions concerning this memo, please contact Dan Zimmerman, or Jeff Scanlan using the contact information below.

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Memo Websites:

Webpage for the Shared Memo: *Reporting Requirements under Section 457.25 (1), Statutes.*
(http://dhs.wisconsin.gov/dsl_info/shared/cy2010/memo201004.htm)

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