

RWC QA Background Checks with Impactful Convictions Review Process

Applicable Statutes/Guiding Documents: [DHS 12](#), [DHS 13](#), [Wisconsin Caregiver Program Manual](#), [WI Caregiver Program: Offenses Affecting Caregiver Eligibility for Chapter 50 Programs](#)

Process: All CCS provider agencies shall submit a Background Information Disclosure (BID), results of the Caregiver Background Check, and Department of Justice (DOJ) Report for all individual CCS staff who meet the definition of Caregiver under [DHS 50.0651\(1\)\(ag\)1.a](#) upon initial contracting with the RWC and for all incoming CCS staff hired after initial contracting. These must be completed again, at minimum, every 4 years.

Caregiver Definition

A caregiver is a person who is all of the following:

- Employed by or under contract with an entity;
- Has regular, direct contact with the entity’s clients or the personal property of the clients; and
- Is under the entity’s control

The following constitutes a complete background check and shall be submitted to the RWC SharePoint site for every CCS staff person

Complete Caregiver Background Check

At minimum, a complete caregiver background check completed for a caregiver consists of the following three documents:

1. A completed DHS form F-82064, Background information Disclosure (BID);
2. A response from the Department of Justice (DOJ), either
 - A “no record found” response **or**
 - A criminal record transcript; **and**
3. A “Response to Caregiver Background Check” letter from DHS that reports the person’s status, including administrative finding or licensing restrictions

Other documentation must be obtained by the entity as required to complete the caregiver background check when applicable. Other required documentation includes:

4. If applicable, arrests and conviction disposition information from local clerks of courts or tribal courts
 - Entities must obtain final disposition for any offences or convictions that have not been conclusively adjudicated. Entities must also contact the appropriate County Clerk of Court to obtain a judgement of convictions and criminal complain related to any crime that is disclosed on a BID from which does not appear on the DOH criminal history report.
5. If applicable, other states or US jurisdiction’s conviction records
 - Entities must obtain criminal history background checks form other states when the employee or contractor has lived outside the state of Wisconsin with in the last three years.

6. If applicable, military discharge papers
- Entities must obtain a copy of the DD-214, Certificate of Release or Discharge forms when the employee or contract has been discharged from military services within the last three years.

RWC QA Review

Quality Assurance Staff will review all background checks to ensure a complete background check has been submitted and identify any offences or convictions that may affect the contractor’s eligibility to provide services to the RWC.

Impactful Convictions

WCP OFFENSES AFFECTING CAREGIVER ELIGIBILITY FOR CHAPTER 50 PROGRAMS

Offences That Require Additional Information

Additional information must be submitted by the CCS contracted agency when:

- The person reports a conviction for a crime on the Offense List that does not appear on the Department of Justice (DOJ) report to the criminal history record request;
- The DOJ does not provide a conclusive disposition on a criminal charge for a crime on the Offense List;
- The military discharge was other than “honorable; or
- The Background Information Disclosure (BID) or DOJ response, indicates a conviction of any of the following, where the conviction occurred 5 years or less from the date on which the information was obtained. The provider agency must obtain the criminal complaint and judgement of conviction from the Clerk of Courts office in the county where the person was convicted.

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|-----------------------------------|------------------------|
| 1. Misdemeanor battery | Wis. Stat. § 940.19(1) |
| 2. Battery to an unborn child | Wis. Stat. § 940.195 |
| 3. Battery, special circumstances | Wis. Stat. § 940.20 |
| 4. Reckless endangerment | Wis Stat. § 941.31 |
| 5. Invasion of privacy | Wis. Stat. § 942.08 |
| 6. Disorderly conduct | Wis. Stat. § 947.01 |
| 7. Harassment | Wis. Stat. § 947.013 |

Offenses that require Rehabilitation Review Approval

Unless the person is approved through the Rehabilitation Review Process, the crimes and finding by government agencies included on the Offenses List (Tables I and II), and comparable crimes and offenses from other states or other U.S. jurisdictions, prohibit:

- Employment as a caregiver in regulated entities;
- Licensure, certification, or registration of a person to operate an entity; and
- Residence of a non-client resident

If offenses listed in Table I and/or Table II below are identified on the BID, caregiver background check or DOJ report, the staff person CANNOT provide services unless the person has received a rehabilitation approval, through the rehabilitation review process, and can provide this approval to the RWC Lead County

TABLE I

Entities and Programs Serving Only Persons 18 Years of Age or Older

Regulatory approval, employment as a caregiver, and non-client residency at or contracting with an entity are prohibited until rehabilitation approval is received for all program and entities that service only clients 18 years of age and older.

CONVICTIONS	
Wisconsin State Statute	Offense
940.01	First degree intentional homicide
940.02	First degree reckless homicide
940.03	Felony murder
940.05	Second degree intentional homicide
940.12	Assisting suicide
940.19(2), (3), (4), (5), or (6)	Battery; substantial battery; aggravated battery (felony)
940.22(2), or (3)	Sexual exploitation by therapist; duty to report
940.225 (1), (2), or (3)	Sexual assault (first, second, or third degree)
940.285(2)	Abuse of individuals at risk
940.29	Abuse of residents of penal facilities
940.295	Abuse and neglect of patients and residents
948.20(1)	Sexual assault of a child (first degree)
948.025	Engaging in repeated acts of sexual assault of the same child

948.03(2)(a) or 948.03(5)(a)1.,2., or 3.	Physical abuse of a child (intentional causation of bodily harm) or engaging in repeated acts of physical abuse of the same child
XXXXXXXXXXXXXXXX	Violation of the law of any other state or US jurisdiction that would be a violation of any of the above.
OTHER OFFENSES	
Finding by a government agency of abuse or neglect of a client or of misappropriation of a client's property	
Finding by a government agency of a child abuse or neglect	

Table II

Entities and Programs Serving Any Persons Under the Age of 18 Years

Regulatory approval, employment as a caregiver, and non-client residency at or contracting with an entity are prohibited until rehabilitation approval is received for all program and entities that service any clients who are under the age of 18.

CONVICTIONS	
Wisconsin State Statute	Offense
940.01	First degree intentional homicide
940.02	First degree reckless homicide
940.03	Felony murder
940.05	Second degree intentional homicide
940.12	Assisting suicide
940.19(2), (3), (4), (5), or (6)	Battery; substantial battery; aggravated battery (felony)
940.22(2), or (3)	Sexual exploitation by therapist; duty to report
940.225 (1), (2), or (3)	Sexual assault (first, second, or third degree)
940.285(2)	Abuse of individuals at risk
940.29	Abuse of residents of penal facilities
940.295	Abuse and neglect of patients and residents
948.20(1) or (2)	Sexual assault of a child (first and second degree)
948.025	Engaging in repeated acts of sexual assault of the same child
948.03(2)(b) or (c) or (5)(a)4 948.01	Physical abuse of a child (intentional causation of bodily harm) or engaging in repeated acts of physical abuse of the same child with a high probability of great bodily hard
948.05	Sexual exploitation of a child
9458.051	Trafficking of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.08	Soliciting a child for prostitution

948.085	Sexual assault of a child placed in substitute care
948.11(2)(a) or (am)	Exposing a child to harmful material or harmful descriptions or narrations
948.12	Possession of child pornography
948.13	Child sex offender working with children
948.21(2)	Neglecting a child
948.215	Chronic neglect; repeated acts of neglect of the same child
948.30	Abduction of another's child; constrictive custody
948.53	Child unattended in child care vehicle
XXXXXXXXXXXXXX	Violation of the law of any other state or US jurisdiction that would be a violation of any of the above.
OTHER OFFENSES	
Finding by a government agency of abuse or neglect of a client or of misappropriation of a client's property	
Finding by a government agency of a child abuse or neglect	