

Forms and Questions

The Rehabilitation Review Application and Instructions, EXS form F-83263, is available on the Internet at:

<http://dhs.wisconsin.gov/caregiver/BkgdFormsINDEX.HTM>

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:

**Department of Health Services
Office of Legal Counsel
One West Wilson Street, Room 651
P.O. Box 7850
Madison, WI 53707-7850
(608) 266-8428**

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

Questions about the Rehabilitation Review process?

Office of Legal Counsel
Phone: (608) 266-8428
DHSRehabReviewCoordinator@wisconsin.gov

Questions about background checks on employees and contractors or about offenses that affect caregiver eligibility?

Office of Caregiver Quality (OCQ)
Division of Quality Assurance
P.O. Box 2969
Madison, WI 53701-2969
Phone: (608) 261-8319
FAX: (608) 264-6340
DHSCaregiverIntake@wisconsin.gov

Questions about background checks on owners and non client residents?

Entity Background Checks
Division of Quality Assurance
P.O. Box 2969
Madison, WI 53701-2969
(608) 261-8319
DHSCaregiverIntake@wisconsin.gov

Questions about background checks on child care providers?

Department of Children and Families
(608) 266-9314

Questions about background checks on foster care providers?

Department of Children and Families
(608) 267-2073

Questions about a non credentialed caregiver's substantiated finding of misconduct?

Wisconsin Nurse Aide Registry
Phone: (877) 329-8760
<http://www.pearsonvue.com/>

Other questions?

See our web site:
<http://dhs.wisconsin.gov/caregiver/index.htm>

or

<http://dhs.wisconsin.gov/>
(Select "Topics A-Z," "C," and then "Caregiver Program.")



REHABILITATION REVIEW PROCESS

in

WISCONSIN'S CAREGIVER PROGRAM

**STATE OF WISCONSIN
Department of Health Services
Division of Quality Assurance
Office of Caregiver Quality**

P-63160 (Rev. 02/09)

WISCONSIN CAREGIVER PROGRAM

This is an overview of the Rehabilitation Review process for Wisconsin's Caregiver Program. For more detailed information, please see the Caregiver Program website at

<http://dhs.wisconsin.gov/caregiver/index.htm>

or the "Contact Information" box on the back of this brochure.

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 the Mentally Retarded (ICFs/MR). In addition, a caregiver with a finding on the Caregiver Misconduct Registry may not be employed as a caregiver in any DHS state regulated facilities 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 on the Offenses List and comparable crimes and offenses from other states or jurisdictions are bars to employment, regulatory approval, or non client residency. Only persons with convictions or offenses on the Offenses List are subject to the Rehabilitation Review process. 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.

Find more about Caregiver Program rules and regulations, listings of serious crimes, and other findings at

<http://dhs.wisconsin.gov/caregiver/StatutesINDEX.HTM>

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 DHS. Caregivers who are denied approval may not reapply for one calendar year after the date of denial.

The applicant must complete and sign a Rehabilitation Review Application (EXS form F-83263) with attachments and submit them to:

**Office of Legal Counsel
One West Wilson Street, Room 651
P. O. 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.