
 <b>CHILDREN COME FIRST</b> <small>COMMUNITY PARTNERSHIPS, INC</small>	 <small>DANE COUNTY A Division of Community Connections, Inc. and the DCF's staff and the District Director Department of Human Services</small>	Date Issued: <b>1/1/00</b>	Subject: <b>Caregiver Background Check</b>	
		Revised: <b>11/15/07</b>		
		Effective: <b>1/1/08</b>	Section: <b>PROVIDER NETWORK</b>	Policy No: <b>005</b>

## I. POLICY

It is the policy of Children Come First (CCF) that a Caregiver Background Check (CBC) be completed on all caregivers. Agencies/organizations with which Children Come First has reimbursable Fee-for-Service Agreements shall perform Criminal Background Checks on current employees/caregivers (as defined below) who provide direct care and services. The results of the CBC must meet the requirements as stated under Wisconsin Caregiver Law.

### A. Definitions

**Caregiver** – a caregiver is a person who meets all of the following:

1. Is employed by or under contract with an entity.
2. Has regular, direct contact with the entity's clients or the personal property of the clients.
3. Is under the entity's control.
4. Is the owner or administrator of an entity, whether or not they have regular, direct contact with clients or a board member or corporate officer who has regular, direct contact with clients.

**Regular Contact** –contact that is planned, scheduled, expected or periodic.

**Direct Contact** –face-to-face proximity to a client that affords the opportunity to commit abuse or neglect of a client or misappropriation of a client's property.

**Under the Entity's Control** –a person employed by or under contract with the entity, for whom the entity does both of the following:

1. Determines whether a person employed by or under contract with the entity who has access to clients may provide care, treatment or other similar support service functions to clients being served by the entity.
2. Directs or oversees one or more of the following:
  - a. The policy or procedures the person must follow in performing his or her duties as a caregiver.
  - b. The conditions under which the person performs his or her duties.
  - c. The tasks performed by the person.
  - d. The person's work schedule.
  - e. The supervision or evaluation of the person's work or job performance, including imposing discipline or awarding performance awards.
  - f. The compensation the person receives for performing his or her duties as a caregiver.

## II. PROCEDURE

**Prior to the provision of service**, a Caregiver Background Check (CBC) must be completed on all Providers as required by the State of Wisconsin Caregiver Law.

**A complete CBC consists of the three following required documents:**

- A completed HFS-64 BACKGROUND INFORMATION DISCLOSURE (BID) form (see Attachment 1).
- A response from the Department of Justice (DOJ) Wisconsin Criminal History Record Request consisting of either a “no record found” response or a criminal record transcript.
- A response letter from the Department of Health and Family Services (DHFS) that reports the person’s status, including administrative finding or licensing restrictions.

Qualified agency personnel are responsible for closely examining the results of the CBC for criminal convictions or findings of misconduct by a governmental agency; and to make employment decisions in accordance with the requirements and prohibitions in the law.

A copy of the Background Check must be kept in the Provider’s personnel file or other file for each employee for the express purpose of retaining all required CBC information.

### **III. REQUIREMENTS**

Direct Service Providers shall conduct Background Checks at their own expense on all employees who provide direct care and services.

After the initial Background Check, Direct Service Providers are required to conduct a new Background search every four years, or at any time within that period when Direct Service Providers have reason to believe that a new check should be obtained.

Direct Service Providers shall obtain an FBI Criminal Records Check (national fingerprint-based criminal history check) for any prospective direct care Provider living in the State of Wisconsin for less than three (3) years.

Direct Service Providers shall not assign any individual to conduct work under the Fee-for-Service Agreement who does not meet the requirements of this law.

A Background Check of a potential new employee that reveals a misdemeanor and/or felony charge, regardless of the disposition, must be sent to the CCF Clinical Services Manager with the *Provider Change Form* before that individual will be approved to provide services.

For current employees who have been charged with a misdemeanor and/or felony, the Agency must notify the CCF Clinical Services Manager within two (2) business days of the charge/arrest.

If a disposition of a criminal charge is not given (other than “pending” or “open”), the disposition must be obtained by the Provider by contacting the County Clerk of Courts.

#### **For References and more Information**

Please see Wisconsin Department of Health and Family Services Chapter HFS 12, ss. 48.685 and 50.065 of WI Statutes and the WI Caregiver Program Manual, July 2000, Updated: June 2001 and March 2005.

On line – <http://www.dhfs.state.wi.us/caregiver/publications/CgvrProgMan.htm>.

**Reviewed & Approved by:** \_\_\_\_\_  
**Scott Strong, Executive Director**