

**2005 DRAFTING REQUEST**

**Assembly Amendment (AA-AB987)**

Received: **02/06/2006**

Received By: **rryan**

Wanted: **Soon**

Identical to LRB:

For: **Terry Moulton (608) 266-9172**

By/Representing: **Matthew Seaholm**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - facility licensure**

Extra Copies: **DAK**

Submit via email: **YES**

Requester's email: **Rep.Moulton@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Exception to completion of background information form used in caregiver background checks

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rryan 02/06/2006	lkunkel 02/06/2006	rschluet 02/06/2006	_____	mbarman 02/06/2006	mbarman 02/06/2006	
/2	rryan 02/06/2006	lkunkel 02/06/2006	pgreensl 02/07/2006	_____	sbasford 02/07/2006	sbasford 02/07/2006	
/3	dkennedy 02/14/2006	lkunkel 02/14/2006	jfrantze 02/14/2006	_____	lnorthro 02/14/2006	lnorthro 02/14/2006	

FE Sent For:

**<END>**

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB(LRBx4380/2))

987

Received: 02/06/2006

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/2	rryan 02/06/2006	lkunkel 02/06/2006	pgreensl 02/07/2006	_____	sbasford 02/07/2006	sbasford 02/07/2006	

FE Sent For:

13/mk 2/14  
Jag 1/4  
Jb/Rs 2/14

<END>

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Received: 02/06/2006

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By/Representing: **Matthew Seaholm**

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FE Sent For:

12/mk 2/6  
2/16  
p8  
<END>

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Received: 02/06/2006

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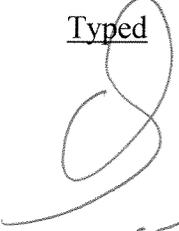
**Instructions:**

See Attached

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/?	rryan	1/mk 2/6					
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FE Sent For:

<END>

**Ryan, Robin**

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**From:** Seaholm, Matthew

**Sent:** Thursday, February 02, 2006 3:44 PM

**To:** Ryan, Robin

**Subject:** Amendment to LRB 4380/2 relating to: caregiver background information.

Robin,

There is a change to LRB 4380, the Caregiver Background Disclosure Form Bill, that DHFS will most likely be asking for. Their recommendation is that the employers self-disclosure policy mirrors the information requested on the current DHFS BID form. If you could draft up an amendment that would add this language that would be good. Any questions, give me a call.

Thanks,

***Matt***

*Matt Seaholm*

*Office of Rep. Terry Moulton*

*Wisconsin's 68th Assembly District*

*(608) 266-9172*

02/02/2006



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2252/9

RLR:.....

lmk

Wanted Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO 2005 ASSEMBLY BILL (LRB-4380/2)

RMR  
D-Note

1 At the locations indicated, amend the bill as follows:

2 1. Page 4, line 7: delete "any" and substitute "all".

3 2. Page 4, line 8: delete that line and substitute:

4 "information requested on the form and".

5 3. Page 4, line 9: delete "requirements" and substitute "requirement".

6 4. Page 4, line 12: delete "report a" and substitute "report".

7 5. Page 4, line 13: delete "criminal charge or conviction" and substitute  
8 "information".

9 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa2252/1dn

RLR:.....

mk

(date)

Matt:

This amendment provides that an entity must require its caregivers to disclose all the information requested on the DHFS background information form in order to avoid the requirement that all caregivers complete the form. ✓

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa2252/1dn  
RLR:lmk:rs

February 6, 2006

Matt:

This amendment provides that an entity must require its caregivers to disclose all the information requested on the DHFS background information form in order to avoid the requirement that all caregivers complete the form.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

**Ryan, Robin**

---

**From:** Seaholm, Matthew  
**Sent:** Monday, February 06, 2006 3:16 PM  
**To:** Ryan, Robin  
**Cc:** 'laurie.kuiper@aurora.org'  
**Subject:** RE: FW: LRB-4380

Robin,

I haven't received the jacket for LRBa2252/1 yet, would you be able to make the change in a /2 so we only have one amendment? And if I do get it, I can send it back over.

Thanks,  
Matt

---

**From:** laurie.kuiper@aurora.org [mailto:laurie.kuiper@aurora.org]  
**Sent:** Monday, February 06, 2006 3:00 PM  
**To:** Seaholm, Matthew; Ryan, Robin  
**Cc:** mike.cummings@aurora.org  
**Subject:** Re: FW: LRB-4380

Robin:  
Your suggestion would add clarification. I think we should go ahead and make the change.

Laurie Kuiper  
Director of Government Relations  
Aurora Health Care  
Phone: (414) 647-6390  
E-mail: laurie.kuiper@aurora.org

"Seaholm, Matthew"  
<Matthew.Seaholm@legis.state.wi.us>

To <laurie.kuiper@aurora.org>  
cc  
Subject FW: LRB-4380

02/06/2006 02:16 PM

Laurie,

I have included the DHFS amendment draft and note with this e-mail. Let me know what you think.

Thanks,  
Matt

---

02/06/2006

**From:** Ryan, Robin  
**Sent:** Monday, February 06, 2006 1:43 PM  
**To:** Seaholm, Matthew  
**Subject:** LRB-4380

Matt,

Last week Laurie Kuiper responded to the question in my drafter's note about whether you wanted the bill to amend s. 50.065 (6) (b). That paragraph requires entities to send to DHFS copies of completed background forms for caregivers who are accredited by DHFS. Laurie decided that since sub. (6) (b) does not apply to most of Aurora's caregivers (because they are accredited by the Dept. of Reg. and Licensing rather than DHFS), the bill needn't affect (6) (b). However, it occurs to me now, that it might be helpful to clarify in the bill how par. (b) relates to the amended par. (am) if an entity relies on a disclosure policy instead of requiring caregivers to complete background forms.

For example sub. (6) (am) could read something like this:

Every 4 years an entity shall require its caregivers and nonclient residents to complete a background information form that is provided to the entity by the department, except an entity need not require those caregivers to whom par. (b) does not apply to complete the form if the entity requires the caregivers to disclose to the entity all information requested on the form and notifies the caregivers annually of the disclosure requirement.

Let me know if you would like an amendment that does this. I can give you an amendment that just clarifies the relationship between pars. (am) and (b) and can also add this clarification in the amendment you want for DHFS (LRBa2252), which you should receive this afternoon.

Please call 261-6927 with questions.

Robin Ryan

<<LRB a2252\_1>> <<LRB a2252/1>>

*Wanted by Tues AM*

*RMR*

**ASSEMBLY AMENDMENT,  
TO 2005 ASSEMBLY BILL (LRB-4380/2)**

*INSERT →*

At the locations indicated, amend the bill as follows:

- 1. Page 4, line 7: delete "any" and substitute "all".
- 2. Page 4, line 8: delete that line and substitute "information requested on the form and".
- 3. Page 4, line 9: delete "requirements" and substitute "requirement".

4. Page 4, line 12: delete "report a" and substitute "report".

5. Page 4, line 13: delete "criminal charge or conviction" and substitute "information".

(END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa2252/2ins  
RLR:.....

INSERT

- 1           **1.** Page 4, line 6: delete the material beginning with “, except” and ending with  
2           “requirements” on page 4, line 9 and substitute: “, except an entity need not require  
3           those caregivers to whom par. (b) does not apply to complete the form if the entity  
4           requires the caregivers to disclose to the entity all information requested on the form  
5           and notifies the caregivers annually of the disclosure requirement”.

end of insert

## Kennedy, Debora

---

**From:** Seaholm, Matthew  
**Sent:** Thursday, February 09, 2006 2:49 PM  
**To:** Kennedy, Debora  
**Subject:** FW: Caregivers bill

Debora,

The amendment jacket is on the way over. Please let me know if you have any questions.

Thanks,  
Matt Seaholm  
Office of Rep. Moulton  
6-9172

---

**From:** Ryan, Robin  
**Sent:** Tuesday, February 07, 2006 2:37 PM  
**To:** 'laurie.kuiper@aurora.org'  
**Cc:** kwalby@foley.com; Seaholm, Matthew  
**Subject:** RE: Caregivers bill

I think it does.

---

**From:** laurie.kuiper@aurora.org [mailto:laurie.kuiper@aurora.org]  
**Sent:** Tuesday, February 07, 2006 2:33 PM  
**To:** Ryan, Robin  
**Cc:** kwalby@foley.com; Seaholm, Matthew  
**Subject:** RE: Caregivers bill

Thanks Robin. As the drafting attorney would you agree that the paragraph as currently drafted provides sufficient certainty?

Laurie Kuiper  
Director of Government Relations  
Aurora Health Care  
Phone: (414) 647-6390  
E-mail: laurie.kuiper@aurora.org

"Ryan, Robin" <Robin.Ryan@legis.state.wi.us>

To <laurie.kuiper@aurora.org>, "Seaholm, Matthew"  
<Matthew.Seaholm@legis.state.wi.us>

02/07/2006 02:29 PM

cc <kwalby@foley.com>

Subject RE: Caregivers bill

02/09/2006

Section 50.065 (6) (am), as affected by the bill and amendment, reads as follows:

Every 4 years an entity shall require its caregivers and nonclient residents to complete a background information form that is provided to the entity by the department, except an entity need not require those caregivers to whom par. (b) does not apply to complete the form if the entity requires the caregivers to disclose to the entity all information requested on the form and notifies the caregivers annually of the disclosure requirement.

There are three references to the form in the paragraph -- the first describes it as "a background information form that is provided to the entity by the department," and the following two references to "the form" clearly reference the same form.

As I read DHFS's request, they want par. (am) to read as follows:

Every 4 years an entity shall require its caregivers and nonclient residents to complete a background information form that is provided to the entity by the department, except an entity need not require those caregivers to whom par. (b) does not apply to complete the form if the entity requires the caregivers to disclose to the entity all information requested on the background information form required under this section and notifies the caregivers annually of the disclosure requirement.

I do not think it is helpful to describe the form differently within the paragraph. If DHFS wants more certainty, how about the following:

Every 4 years an entity shall require its caregivers and nonclient residents to complete ~~a~~ the background information form that is provided to the entity by the department under sub. (7) (d), except an entity need not require those caregivers to whom par. (b) does not apply to complete the form if the entity requires the caregivers to disclose to the entity all information requested on the form and notifies the caregivers annually of the disclosure requirement.

Please let me know if the stiking and scoring does not come through on this e-mail.

Thanks,  
Robin

---

**From:** laurie.kuiper@aurora.org [mailto:laurie.kuiper@aurora.org]  
**Sent:** Tuesday, February 07, 2006 1:47 PM  
**To:** Seaholm, Matthew; Ryan, Robin  
**Cc:** kwalby@foley.com  
**Subject:** Re: Caregivers bill

Hi Matt:

I forwarded the Caregiver bill and amendment to Ron Hermes at DHFS this morning. Below is his response. Ron tells me their attorney, Sue Dow, is asking for this ADDITIONAL amendment. In my opinion, the amendment is overkill. I'm CCing Robin Ryan on this email, to get her input.

If this amendment makes the difference between getting the bill passed or not, of course, we're willing to make the change. Its just that we're at the end of the session and the amendment seems without merit.

Laurie Kuiper  
 Director of Government Relations  
 Aurora Health Care  
 Phone: (414) 647-6390  
 E-mail: laurie.kuiper@aurora.org

02/09/2006

"Ron Hermes" <hermer@dhfs.state.wi.us>

02/07/2006 01:19 PM

To <laurie.kuiper@aurora.org>

cc <kwalby@foley.com>

Subject Re: Caregivers bill

Hi Laurie-

The amendment is pretty good, we would like to see one additional change to further clarify that an entity's form must be identical to the Department's form.

On line 5 of the amendment, delete the word "form" and substitute with "background information form required under this section." This is identical language used in current law. (Please see page 4 of the bill, lines 11 & 12.) With this change, I think we can say that the proposal does not undermine the state's caregiver background check law.

Let me know if you have any questions.

Ron

>>> <laurie.kuiper@aurora.org> 02/07/06 09:50AM >>>

Hi Ron:

Here's the bill and amendment that will be considered by the Assembly Health Committee on 2/8. It should do exactly what DHFS requested. Thanks again for your cooperation and input. !

Laurie Kuiper  
Director of Government Relations  
Aurora Health Care  
Phone: (414) 647-6390  
E-mail: laurie.kuiper@aurora.org

02/09/2006

**Kennedy, Debora**

---

**From:** Seaholm, Matthew  
**Sent:** Friday, February 10, 2006 2:07 PM  
**To:** Kennedy, Debora  
**Subject:** RE: Caregivers bill

Debora,

There is one other change that I would like you to incorporate with this amendment if still possible. The way we have this amendment drafted will require the same information requested on the Background Information Disclosure form to be included in a self-disclosure policy. We would like to require that any self-disclosure by an employee to their employer be made in writing and still include all information currently requested on the BID form. Please let me know if this doesn't make sense or if you have any questions.

Thanks,  
Matt Seaholm  
Office of Rep. Moulton

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02/10/2006

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Aurora Health Care  
Phone: (414) 647-6390  
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02/07/2006 02:29 PM

CC <kwalby@foley.com>

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~~that is provided to the entity~~ by the department under sub. (7) (d), except an entity need not require those caregivers to whom par. (b) does not apply to complete the form if the entity requires the caregivers to disclose to the entity all information requested on the form and notifies the caregivers annually of the disclosure requirement.

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"Ron Hermes" <hermer@dhfs.state.wi.us>

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CC <kwalby@foley.com>  
Subject Re: Caregivers bill

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Laurie Kuiper  
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Aurora Health Care  
Phone: (414) 647-6390  
E-mail: laurie.kuiper@aurora.org

02/10/2006



TODAY, if possible  
State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2252/2 3

RLR:lmk:pg

↑  
ONE

EDAK

D-NOTE

ASSEMBLY AMENDMENT,  
TO 2005 ASSEMBLY BILL (LRB-4380/2) 987

LPS: PLS chg request sheet

§ in writing

that

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 4, line 6: delete the material beginning with “, except” and ending with
- 3 “requirements” on line 9 and substitute “, except an entity need not require those
- 4 caregivers to whom par. (b) does not apply to complete the form if the entity requires
- 5 the caregivers to disclose to the entity all information requested on the form and
- 6 notifies the caregivers annually of the disclosure requirement”.
- 7 **2.** Page 4, line 12: delete “report a” and substitute “report”.
- 8 **3.** Page 4, line 13: delete “criminal charge or conviction” and substitute
- 9 “information”.

10

(END)

D-NOTE

Moulton:

To Representative Moulton  
Hermes  
Ron Hermes of DHFS agreed this afternoon  
that the additional language proposed  
by DHFS is unnecessary.

DAK



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa2252/3dn  
DAK:lmk:jf

February 14, 2006

To: Representative Moulton:

Ron Hermes of DHFS agreed this afternoon that the additional language proposed by DHFS is unnecessary.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)