# State of Wisconsin

**LEGISLATIVE REFERENCE BUREAU**

# RESEARCH APPENDIX -

***PLEASE DO NOT REMOVE FROM DRAFTING FILE***

Date Transfer Requested: 02/01/2006 (Per: RLR)

# ☞Appendix A

☞ The 2005 drafting file for LRB 05–4380/**2**

has been copied/added to the 2005 drafting file for

# LRB 05–4543

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

# 2005 DRAFTING REQUEST

## Bill

Received: **01/11/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Matt Seaholm (aide)**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

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

**Topic:**

Make submittal of caregiver background information disclosure form optional under certain circumstances

**Instructions:**

See Attached

**Drafting History:**

| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | Jacketed | Required |
|---|---|---|---|---|---|---|---|
| /? | dkennedy 01/26/2006 | | | _____ _____ | | | S&L |
| /1 | rryan 01/30/2006 | jdyer 01/30/2006 | rschluet 01/30/2006 | _____ _____ | lnorthro 01/30/2006 | | S&L |
| /2 | rryan 01/31/2006 | jdyer 02/01/2006 | jfrantze 02/01/2006 | _____ _____ | sbasford 02/01/2006 | | |

FE Sent For:

**<END>**

# *2005 DRAFTING REQUEST*

## Bill

Received: **01/11/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Matt Seaholm (aide)**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **DAK**

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

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**Topic:**

Make submittal of caregiver background information disclosure form optional under certain circumstances

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**Instructions:**

See Attached

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| /? | dkennedy 01/26/2006 | | | _____ _____ | | | S&L |
| /1 | rryan 01/30/2006 | jdyer 01/30/2006 | rschluet 01/30/2006 | _____ _____ | lnorthro 01/30/2006 | | |

FE Sent For: 2/1 jld /2 2/1

<END>

# *2005 DRAFTING REQUEST*

## Bill

Received: **01/11/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Matt Seaholm (aide)**

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

Drafter: ~~dkennedy~~ ryan

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: DAK

Submit via email: **YES**

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

Carbon copy (CC:) to: ~~robin.ryan@legis.state.wi.us~~

**Pre Topic:**

No specific pre topic given

**Topic:**

Make submittal of caregiver background information disclosure form optional under certain circumstances

**Instructions:**

See Attached

**Drafting History:**

| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | Jacketed | Required |
|---|---|---|---|---|---|---|---|
| /? | dkennedy | 1/30 jld | 1/30 pb | | | | |

FE Sent For:

**<END>**

## Kennedy, Debora

**To:** Seaholm, Matthew
**Subject:** RE: Change to the DHFS Caregivers Background Information Disclosure requirements

Thanks for the request, Matt.

---

**From:** Seaholm, Matthew
**Sent:** Wednesday, January 11, 2006 9:19 AM
**To:** Kennedy, Debora
**Subject:** Change to the DHFS Caregivers Background Information Disclosure requirements

Hi Debora,

I think this would fit under your subject areas. Could you please draft a bill that does the following. Please call me if you have any questions.

Issue: The Wisconsin Caregivers Background Check Law requires health care employees to submit a Background Information Disclosure form to their employers every four years. Many large health care employers believe the background disclosure form is an unnecessary administrative burden that adds to the total cost of health care.

We would like to amend s. 50.065 (6) (am) to make the Background Information Disclosure form optional if the employer has an employee self-disclosure policy and if the employer notifies employees annually that they are required to self disclose any criminal charges and convictions.

Please let me know if this makes sense.

Thanks,

*Matt*

*Matt Seaholm*
*Office of Rep. Terry Moulton*
*Wisconsin's 68th Assembly District*
*(608) 266-9172*

## Kennedy, Debora

**From:** Seaholm, Matthew
**Sent:** Thursday, January 26, 2006 7:58 AM
**To:** Kennedy, Debora
**Subject:** RE: Change to the DHFS Caregivers Background Information Disclosure requirements

Hi Debora,

I have one change to the Caregivers background Check bill that you are working on for us. If you could limit the bill to health care providers that would be best. I know there are some other fields, such as child care providers, that do the background check and we don't want to change the law as it pertains to them. We looked at the definition of health care provider under 146.81 (1) and it looks like that will work. Let me know if this doesn't make sense.

child care providers covered under ch. 48, not 50.065

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

---

**From:** Kennedy, Debora
**Sent:** Wednesday, January 11, 2006 1:47 PM
**To:** Seaholm, Matthew
**Subject:** RE: Change to the DHFS Caregivers Background Information Disclosure requirements

Thanks for the request, Matt.

---

**From:** Seaholm, Matthew
**Sent:** Wednesday, January 11, 2006 9:19 AM
**To:** Kennedy, Debora
**Subject:** Change to the DHFS Caregivers Background Information Disclosure requirements

Hi Debora,

I think this would fit under your subject areas. Could you please draft a bill that does the following. Please call me if you have any questions.

Issue: The Wisconsin Caregivers Background Check Law requires health care employees to submit a Background Information Disclosure form to their employers every four years. Many large health care employers believe the background disclosure form is an unnecessary administrative burden that adds to the total cost of health care.

We would like to amend s. 50.065 (6) (am) to make the Background Information Disclosure form optional if the employer has an employee self-disclosure policy and if the employer notifies employees annually that they are required to self disclose any criminal charges and convictions.

Please let me know if this makes sense.

Thanks,
*Matt*

*Matt Seaholm*
*Office of Rep. Terry Moulton*
*Wisconsin's 68th Assembly District*
*(608) 266-9172*

# State of Wisconsin
**2005 – 2006 LEGISLATURE**

LRB–4380/1
RLR:...

Wanted Tues.

jld

PRELIMINARY DRAFT – NOT ~~READY FOR~~ INTRODUCTION

LPS - sort draft please

RMR

D-Note

Gen Cat.

1 AN ACT ...; **relating to:** caregiver background information.

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***Analysis by the Legislative Reference Bureau***

Under current law, entities that provide direct care or treatment services, such as hospitals and personal care worker agencies, must obtain certain background information regarding prospective caregivers. The background information includes criminal history, history of abuse or neglect, and information regarding credentials and past denials of credentials. Every four years the entity must obtain updated background information regarding its caregivers. Also, an entity must require its caregivers to complete a background information form provided by the Department of Health and Family Services ~~every four years~~. (DHFS)

This bill provides that, if an entity requires its caregivers to disclose to the entity any criminal conviction or criminal charge and notifies its caregivers of the disclosure requirements annually, the entity need not require its caregivers to complete the background information form provided by ~~the Department of Health and Family Services~~. (DHFS)

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

INS A (move to p.4)

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 50.065 (6) (am) of the statutes is amended to read:

INSERT A cont (move to p. 4)

1 50.065 **(6)** (am) Every 4 years an entity shall require its caregivers and
2 nonclient residents to complete a background information form that is provided to
3 the entity by the department, except an entity need not require its caregivers to
4 complete the form if the entity requires its caregivers to disclose to the entity any
5 criminal charge issued against the caregiver or any conviction of the caregiver and
6 notifies its caregivers annually of the disclosure requirements. (end ins A)

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25.

7 **SECTION 2.** 50.065 (2) (bb) of the statutes is amended to read:

8 50.065 **(2)** (bb) If information obtained under par. (am) or (b) indicates a charge
9 of a serious crime, but does not completely and clearly indicate the final disposition
10 of the charge, the department or entity shall make every reasonable effort to contact
11 the clerk of courts to determine the final disposition of the charge. If a background
12 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
13 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
14 a serious crime, but information obtained under par. (am) or (b) does not indicate
15 such a charge or conviction, the department or entity shall make every reasonable
16 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
17 final disposition of the complaint. If information obtained under par. (am) or (b), a
18 background information form under sub. (6) (a) or (am), any disclosure made
19 pursuant to a disclosure policy described under sub. (6) (am), or any other
20 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
21 941.30, 942.08, 947.01 or 947.013 obtained not more than 5 years before the date on
22 which that information was obtained, the department or entity shall make every

reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25.

**SECTION 3.** 50.065 (2) (bd) of the statutes is amended to read:

50.065 **(2)** (bd) Notwithstanding pars. (am) and (b) 1., the department is not required to obtain the information specified in par. (am) 1. to 5., and an entity is not required to obtain the information specified in par. (b) 1. to 5., with respect to a person under 18 years of age whose background information form under sub. (6) (am), or whose response or lack of response to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be employed, contracted with or permitted to reside at an entity for a reason specified in sub. (4m) (b) 1. to 5. and with respect to whom the department or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with or permitted to reside at an entity for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25.

**SECTION 4.** 50.065 (4m) (c) of the statutes is amended to read:

50.065 **(4m)** (c) If the background information form completed by a person under sub. (6) (am), or a person's response or lack of response to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or contract with the person for not more than 60 days pending the receipt of the information sought under sub. (2) (b). If the background information form completed by a person under sub. (6) (am), or a person's response or lack of response

to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be permitted to reside at an entity for a reason specified in par. (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity for any of those reasons, the entity may permit the person to reside at the entity for not more than 60 days pending receipt of the information sought under sub. (2) (am). An entity shall provide supervision for a person who is employed or contracted with or permitted to reside as permitted under this paragraph.

INSERT A

**History:** 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25.

**(END)**

d-note

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

LRB–4380/1dn
RLR:

Matthew:

This bill eliminates the requirement under s. 50.065 (6) (am) that entities require their caregivers to complete the background information form, but the bill does not amend s. 50.065 (6) (b). Should it? Section 50.065 (6) (b) requires entities to send completed background information forms to DHFS for those caregivers whom DHFS licenses, issues a certificate of approval, certifies, or registers (as well as for non-client residents, who are not affected by this bill).

Section 50.065 (6) (c) authorizes a penalty for providing false information on a background information form. The bill does not extend the penalty to failure to report a conviction or criminal charge to an entity in compliance with a disclosure policy. Should it?

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

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

LRB–4380/1dn
RLR:jld:rs

January 30, 2006

Matthew:

This bill eliminates the requirement under s. 50.065 (6) (am) that entities require their caregivers to complete the background information form, but the bill does not amend s. 50.065 (6) (b). Should it? Section 50.065 (6) (b) requires entities to send completed background information forms to DHFS for those caregivers whom DHFS licenses, issues a certificate of approval, certifies, or registers (as well as for nonclient residents, who are not affected by this bill).

Section 50.065 (6) (c) authorizes a penalty for providing false information on a background information form. The bill does not extend the penalty to failure to report a conviction or criminal charge to an entity in compliance with a disclosure policy. Should it?

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

## Ryan, Robin

**From:** Seaholm, Matthew
**Sent:** Tuesday, January 31, 2006 8:31 AM
**To:** Ryan, Robin
**Subject:** RE: permission to speak about LRB-4380

Robin,

Feel free to discuss this bill with Laurie Kuiper.

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

---

**From:** Ryan, Robin
**Sent:** Tuesday, January 31, 2006 8:26 AM
**To:** Seaholm, Matthew
**Subject:** permission to speak about LRB-4380

Hi Matt,
I received a voice-mail message from Laurie Kieper from Aurora about LRB-4380. I cannot speak about an unintroduced with anyone except the requester unless the requester authorizes me to do so. Please call or e-mail me if you would like me to speak with Laurie.

Thanks,
Robin Ryan

State of Wisconsin
2005 – 2006 LEGISLATURE

LRB-4380/1 2
RLR:jld:rs

Wanted Wed AM

# 2005 BILL

RMR

Regn Cat

and providing a penalty

AN ACT *to amend* 50.065 (2) (bb), 50.065 (2) (bd), 50.065 (4m) (c) and 50.065 (6) (am) of the statutes; **relating to:** caregiver background information.

---

***Analysis by the Legislative Reference Bureau***

Under current law, entities that provide direct care or treatment services, such as hospitals and personal care worker agencies, must obtain certain background information regarding prospective caregivers. The background information includes criminal history, history of abuse or neglect, and information regarding credentials and past denials of credentials. Every four years the entity must obtain updated background information regarding its caregivers. Also, an entity must require its caregivers to complete a background information form provided by the Department of Health and Family Services (DHFS) every four years. INS A

This bill provides that, if an entity requires its caregivers to disclose to the entity any criminal conviction or criminal charge and notifies its caregivers of the disclosure requirements annually, the entity need not require its caregivers to complete the background information form provided by the DHFS. INS B

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 50.065 (2) (bb) of the statutes is amended to read:

1 50.065 **(2)** (bb) If information obtained under par. (am) or (b) indicates a charge
2 of a serious crime, but does not completely and clearly indicate the final disposition
3 of the charge, the department or entity shall make every reasonable effort to contact
4 the clerk of courts to determine the final disposition of the charge. If a background
5 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
6 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
7 a serious crime, but information obtained under par. (am) or (b) does not indicate
8 such a charge or conviction, the department or entity shall make every reasonable
9 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
10 final disposition of the complaint. If information obtained under par. (am) or (b), a
11 background information form under sub. (6) (a) or (am), any disclosure made
12 pursuant to a disclosure policy described under sub. (6) (am), or any other
13 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
14 941.30, 942.08, 947.01 or 947.013 obtained not more than 5 years before the date on
15 which that information was obtained, the department or entity shall make every
16 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
17 complaint and judgment of conviction relating to that violation.

18 **SECTION 2.** 50.065 (2) (bd) of the statutes is amended to read:

19 50.065 **(2)** (bd) Notwithstanding pars. (am) and (b) 1., the department is not
20 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
21 required to obtain the information specified in par. (b) 1. to 5., with respect to a person
22 under 18 years of age whose background information form under sub. (6) (am), or
23 whose response or lack of response to a disclosure policy described under sub. (6)
24 (am), indicates that the person is not ineligible to be employed, contracted with or
25 permitted to reside at an entity for a reason specified in sub. (4m) (b) 1. to 5. and with

respect to whom the department or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with or permitted to reside at an entity for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

**SECTION 3.** 50.065 (4m) (c) of the statutes is amended to read:

50.065 **(4m)** (c) If the background information form completed by a person under sub. (6) (am), or a person's response or lack of response to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or contract with the person for not more than 60 days pending the receipt of the information sought under sub. (2) (b). If the background information form completed by a person under sub. (6) (am), or a person's response or lack of response to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be permitted to reside at an entity for a reason specified in par. (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity for any of those reasons, the entity may permit the person to reside at the entity for not more than 60 days pending receipt of the information sought under sub. (2) (am). An entity shall provide supervision for a person who is employed or contracted with or permitted to reside as permitted under this paragraph.

**SECTION 4.** 50.065 (6) (am) of the statutes is amended to read:

50.065 **(6)** (am) Every 4 years an entity shall require its caregivers and nonclient residents to complete a background information form that is provided to

1 the entity by the department, except an entity need not require its caregivers to
2 complete the form if the entity requires its caregivers to disclose to the entity any
3 criminal charge issued against the caregiver or any conviction of the caregiver and
4 notifies its caregivers annually of the disclosure requirements.
5 (END)

INS 4-4

**Ins A:**
A person who provides false information on a background information form is subject to a civil penalty.

**Ins B:**
Under the bill, a caregiver who fails to report a criminal charge or conviction as required in a disclosure policy is subject to a civil penalty.

**Ins 4–4:**

**SECTION 1.** 50.065 (6) (c) of the statutes is amended to read:

50.065 **(6)** (c) A person who provides false information on a background information form required under this subsection <u>or a caregiver who fails to report a criminal charge or conviction as required under a disclosure policy described under par. (am)</u> may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

**History:** 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25.

**SECTION 2. Initial applicability.**

(1) The treatment of section 50.065 (6) (c) of the statutes first applies to acts or omissions that occur on the effective date of this subsection.

LRB 4380

1/31/06

voicemail from Laurie ~~Kieper~~ Kuiper, Aurora
cell 414-322-3765

wants to discuss note on 50.065(6)(b)

Got permission from Moulton's office to talk with Laurie

Laurie:
Aurora doesn't currently send background forms to DHFS except for a few highlevel people
→ that is probably people under (6)(a)
Laurie will check and see if have people under (6)(b)
→ probably covers CNAs personal care workers - should check with DHFS

Followup from Laurie
They don't need changes to 50.065(6)(b)

Matthew 1/31/06
Do want penalty for failure to comply w/ disclosure policy

LRB Wisconsin Legislative Reference Bureau

State of Wisconsin
2005 – 2006 LEGISLATURE

LRB–4380/2
RLR:jld:jf

# 2005 BILL

1 AN ACT *to amend* 50.065 (2) (bb), 50.065 (2) (bd), 50.065 (4m) (c), 50.065 (6) (am)
2 and 50.065 (6) (c) of the statutes; **relating to:** caregiver background
3 information and providing a penalty.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, entities that provide direct care or treatment services, such as hospitals and personal care worker agencies, must obtain certain background information regarding prospective caregivers. The background information includes criminal history, history of abuse or neglect, and information regarding credentials and past denials of credentials. Every four years the entity must obtain updated background information regarding its caregivers. Also, an entity must require its caregivers to complete a background information form provided by the Department of Health and Family Services (DHFS) every four years. A person who provides false information on a background information form is subject to a civil penalty.

This bill provides that, if an entity requires its caregivers to disclose to the entity any criminal conviction or criminal charge and notifies its caregivers of the disclosure requirements annually, the entity need not require its caregivers to complete the background information form provided by the DHFS. Under the bill, a caregiver who fails to report a criminal charge or conviction as required in a disclosure policy is subject to a civil penalty.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1 **SECTION 1.** 50.065 (2) (bb) of the statutes is amended to read:

2 50.065 **(2)** (bb) If information obtained under par. (am) or (b) indicates a charge
3 of a serious crime, but does not completely and clearly indicate the final disposition
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5 the clerk of courts to determine the final disposition of the charge. If a background
6 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
7 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
8 a serious crime, but information obtained under par. (am) or (b) does not indicate
9 such a charge or conviction, the department or entity shall make every reasonable
10 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
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12 background information form under sub. (6) (a) or (am), any disclosure made
13 pursuant to a disclosure policy described under sub. (6) (am), or any other
14 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
15 941.30, 942.08, 947.01 or 947.013 obtained not more than 5 years before the date on
16 which that information was obtained, the department or entity shall make every
17 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
18 complaint and judgment of conviction relating to that violation.

19 **SECTION 2.** 50.065 (2) (bd) of the statutes is amended to read:

20 50.065 **(2)** (bd) Notwithstanding pars. (am) and (b) 1., the department is not
21 required to obtain the information specified in par. (am) 1. to 5., and an entity is not

required to obtain the information specified in par. (b) 1. to 5., with respect to a person under 18 years of age whose background information form under sub. (6) (am), or whose response or lack of response to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be employed, contracted with or permitted to reside at an entity for a reason specified in sub. (4m) (b) 1. to 5. and with respect to whom the department or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with or permitted to reside at an entity for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

**SECTION 3.** 50.065 (4m) (c) of the statutes is amended to read:

50.065 **(4m)** (c) If the background information form completed by a person under sub. (6) (am), or a person's response or lack of response to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or contract with the person for not more than 60 days pending the receipt of the information sought under sub. (2) (b). If the background information form completed by a person under sub. (6) (am), or a person's response or lack of response to a disclosure policy described under sub. (6) (am), indicates that the person is not ineligible to be permitted to reside at an entity for a reason specified in par. (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity for any of those reasons, the entity may permit the person to reside at the entity for not more than 60 days pending receipt of the information sought under sub. (2) (am). An entity shall provide supervision for a

person who is employed or contracted with or permitted to reside as permitted under this paragraph.

**SECTION 4.** 50.065 (6) (am) of the statutes is amended to read:

50.065 **(6)** (am) 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 its caregivers to complete the form if the entity requires its caregivers to disclose to the entity any criminal charge issued against the caregiver or any conviction of the caregiver and notifies its caregivers annually of the disclosure requirements.

**SECTION 5.** 50.065 (6) (c) of the statutes is amended to read:

50.065 **(6)** (c) A person who provides false information on a background information form required under this subsection or a caregiver who fails to report a criminal charge or conviction as required under a disclosure policy described under par. (am) may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

**SECTION 6. Initial applicability.**

(1) The treatment of section 50.065 (6) (c) of the statutes first applies to acts or omissions that occur on the effective date of this subsection.

**(END)**