

ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. **Fiscal Estimate Version**

Original Updated Corrected

2. **Administrative Rule Chapter Title and Number**

HFS 12, Caregiver Background Checks

3. **Subject**

To revise ch. HFS 12 to specify a crimes list for caregivers providing personal care services.

4. **State Fiscal Effect:**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May be possible to absorb within agency's budget.
		<input type="checkbox"/> Decrease Costs

5. **Fund Sources Affected:**

GPR FED PRO PRS SEG SEG-S

6. **Affected Ch. 20, Stats. Appropriations:**

7. **Local Government Fiscal Effect:**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Decrease Costs

8. **Local Government Units Affected:**

Towns Villages Cities Counties School Districts WTCS Districts Others:

9. **Private Sector Fiscal Effect (small businesses only):**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses
	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses	<input type="checkbox"/> Decrease Costs

10. **Types of Small Businesses Affected:**

Entities that may be affected by the proposed rule include temporary employment agencies and home health agencies.

11. **Fiscal Analysis Summary**

Section 50.065 (2m) (d), Stats., requires the Department to promulgate rules to specify crimes for which an entity must disclose to a client or the client's guardian, a conviction of a caregiver who is assigned to provide personal care services to the client in the client's personal residence and to specify who is a "substitute caregiver". These requirements were established under 2007 Act 172.

The proposed rule includes a definition of the term "substitute caregiver." It also includes a list of crimes that require disclosure for caregivers providing personal care services. They include all of the crimes currently listed under s. 50.065 (1) (e), Stats., that are already used by entities to determine an individual's eligibility to work for the entity as a caregiver, and the following additional crimes:

- Theft
- Robbery
- Financial card transactions crimes
- Identity theft
- Drug crimes

The proposed rule would not affect the revenues or costs of the department or local governments.

The proposed rule would not have a fiscal impact on small businesses over and above the costs imposed by the requirements established by Act 172 under s. 50.065 (2m), Stats., for entities to conduct background checks, including criminal history checks, on individuals the entity assigns to provide personal care services in a client's private residence and disclose the results to the client or the client's guardian.

12. Long-Range Fiscal Implications

None.

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14. Name – OSF Analyst Reviewer	Telephone Number	Date
Signature – DHS Secretary or Designee	Telephone Number	Date
