



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBb1246/9
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**ASSEMBLY AMENDMENT 9,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 100**

September 16, 1997 - Offered by Representatives KRUSICK, HAHN, UNDERHEIM, AINSWORTH, ALBERS, BALDWIN, BLACK, BOCK, BOYLE, BRANDEMUEHL, CARPENTER, CULLEN, DOBYNS, DUFF, FREESE, GOETSCH, GREEN, GROTHMAN, GUNDERSON, HANDRICK, HANSON, HARS DORF, HASENOHRL, HEBL, HUBER, HUEBSCH, KAUFERT, KEDZIE, KREIBICH, KREUSER, KRUG, LADWIG, LAZICH, M. LEHMAN, LINTON, MEYER, MURAT, MUSSER, NASS, NOTESTEIN, OLSEN, OTT, OURADA, PLALE, PLOUFF, POWERS, RILEY, ROBSON, RUTKOWSKI, RYBA, SERATTI, SPRINGER, STASKUNAS, STEINBRINK, SYKORA, TRAVIS, TURNER, URBAN, VANDER LOOP, VRAKAS, WALKER, WASSERMAN, WOOD, L. YOUNG, ZIEGELBAUER and ZUKOWSKI.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 103, line 3: increase the dollar amount for fiscal year 1998-99 by
3 \$292,700 for the purpose of increasing the number of authorized FTE positions for
4 the department of regulation and licensing by 2.5 PR positions and establishing a
5 computer linkup under section 440.03 (12m) of the statutes, as created by this act.

6 **2.** Page 185, line 11: increase the dollar amount for fiscal year 1998-99 by
7 \$415,300 for the purpose of increasing the number of authorized FTE positions for
8 the department of health and family services by 9.5 GPR positions for investigations
9 conducted under section 146.40 (4r) (b) of the statutes, as affected by this act.

10 **3.** Page 255, line 3: increase the dollar amount for fiscal year 1998-99 by
11 \$420,000 for the purpose of providing a supplement for the computer linkup among
12 the departments of justice, regulation and licensing and health and family services.

1 **4.** Page 723, line 13: after that line insert:

2 “**SECTION 1631d.** 48.60 (1) of the statutes, as affected by 1997 Wisconsin Act
3 (this act), is repealed and recreated to read:

4 48.60 (1) No person may receive children, with or without transfer of legal
5 custody, to provide care and maintenance for 75 days in any consecutive 12 months’
6 period for 4 or more such children at any one time unless that person obtains a license
7 to operate a child welfare agency from the department. To obtain a license under this
8 subsection to operate a child welfare agency, a person must meet the minimum
9 requirements for a license established by the department under s. 48.67, meet the
10 requirements specified in s. 48.685 and pay the applicable license fee under s. 48.615
11 (1) (a) or (b). A license issued under this subsection is valid until revoked or
12 suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).”.

13 **5.** Page 726, line 8: after that line insert:

14 “**SECTION 1640d.** 48.625 (1) of the statutes, as affected by 1997 Wisconsin Act
15 (this act), is repealed and recreated to read:

16 48.625 (1) Any person who receives, with or without transfer of legal custody,
17 5 to 8 children, to provide care and maintenance for those children shall obtain a
18 license to operate a group home from the department. To obtain a license under this
19 subsection to operate a group home, a person must meet the minimum requirements
20 for a license established by the department under s. 48.67, meet the requirements
21 specified in s. 48.685 and pay the license fee under sub. (2). A license issued under
22 this subsection is valid until revoked or suspended, but shall be reviewed every 2
23 years as provided in s. 48.66 (5).”.

24 **6.** Page 728, line 4: after that line insert:

1 **“SECTION 1645d.** 48.65 (1) of the statutes, as affected by 1997 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 **48.65 (1)** No person may for compensation provide care and supervision for 5
4 or more children under the age of 7 for less than 24 hours a day unless that person
5 obtains a license to operate a day care center from the department except that a
6 person who is a Level I certified family day care provider, as established by the
7 department of workforce development under s. 49.155 (1d), may for compensation
8 provide care and supervision for up to 6 unrelated children under the age of 7 for less
9 than 24 hours a day without obtaining a license to operate a day care center from the
10 department. To obtain a license under this subsection to operate a day care center,
11 a person must meet the minimum requirements for a license established by the
12 department under s. 48.67, meet the requirements specified in s. 48.685 and pay the
13 license fee under sub. (3). A license issued under this subsection is valid until
14 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66
15 (5).”.

16 **7.** Page 728, line 5: delete lines 5 to 25.

17 **8.** Page 729, line 1: delete lines 1 to 11 and substitute:

18 **“SECTION 1645m.** 48.65 (1m) of the statutes is repealed.”.

19 **9.** Page 730, line 25: after that line insert:

20 **“SECTION 1653g.** 48.651 (1) (intro.) of the statutes, as affected by 1997
21 Wisconsin Act (this act), is amended to read:

22 **48.651 (1)** (intro.) Each county department shall certify, according to the
23 standards adopted by the department of workforce development under s. 49.155 (1d),
24 each day care provider reimbursed for child care services provided to families

1 determined eligible under ss. 49.132 (2r) and (4) and 49.155 (1m), unless the provider
2 is a day care center licensed under s. 48.65 or is established or contracted for under
3 s. 120.13 (14). Each county may charge a fee to cover the costs of certification. To
4 be certified under this section, a person must meet the minimum requirements for
5 certification established by the department of workforce development under s.
6 49.155 (1d), meet the requirements specified in s. 48.685 and pay the fee specified
7 in this section. The county shall certify the following categories of day care
8 providers.”.

9 **10.** Page 731, line 12: after that line insert:

10 “**SECTION 1655p.** 48.651 (2) of the statutes is repealed.

11 **SECTION 1655r.** 48.651 (2m) of the statutes is created to read:

12 48.651 **(2m)** Each county department shall provide the department with
13 information about each person who is denied certification for a reason specified in
14 s. 48.685 (2) (a) 1. to 5.”.

15 **11.** Page 732, line 22: after that line insert:

16 “**SECTION 1661d.** 48.66 (5) of the statutes, as affected by 1997 Wisconsin Act
17 (this act), is amended to read:

18 48.66 **(5)** A child welfare agency, group home, day care center or shelter care
19 facility license, other than a probationary license, is valid until revoked or
20 suspended, but shall be reviewed every 2 years after the date of issuance as provided
21 in this subsection. At least 30 days prior to the continuation date of the license, the
22 licensee shall submit to the department an application for continuance of the license
23 in the form and containing the information that the department requires. If the
24 minimum requirements for a license established under s. 48.67 are met, the

1 application is approved, the applicable fee fees referred to in s. 48.68 (1) is paid, ss.
2 48.68 (1) and 48.685 (8) are paid and any forfeiture under s. 48.715 (3) (a) or penalty
3 under s. 48.76 that is due is paid ~~and, for a day care center, the fee under s. 48.65 (1m)~~
4 ~~(j) is paid~~, the department shall continue the license for an additional 2-year period,
5 unless sooner suspended or revoked. If the application is not timely filed, the
6 department shall issue a warning to the licensee. If the licensee fails to apply for
7 continuance of the license within 30 days after receipt of the warning, the
8 department may revoke the license as provided in s. 48.715 (4) and (4m) (b).”.

9 **12.** Page 733, line 24: after that line insert:

10 “**SECTION 1663d.** 48.68 (1) of the statutes, as affected by 1997 Wisconsin Act
11 (this act), is repealed and recreated to read:

12 48.68 (1) After receipt of an application for a license, the department shall
13 investigate to determine if the applicant meets the minimum requirements for a
14 license adopted by the department under s. 48.67 and meets the requirements
15 specified in s. 48.685, if applicable. In determining whether to issue or continue a
16 license, the department may consider any action by the applicant, or by an employe
17 of the applicant, that constitutes a substantial failure by the applicant or employe
18 to protect and promote the health, safety and welfare of a child. Upon satisfactory
19 completion of this investigation and payment of the fee required under s. 48.615 (1)
20 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
21 license under s. 48.66 (1) or, if applicable, a probationary license under s. 48.69 or,
22 if applicable, shall continue a license under s. 48.66 (5). At the time of initial
23 licensure and license renewal, the department shall provide a foster home licensee
24 with written information relating to the age-related monthly foster care rates and

1 supplemental payments specified in s. 48.62 (4), including payment amounts,
2 eligibility requirements for supplemental payments and the procedures for applying
3 for supplemental payments.”.

4 **13.** Page 734, line 4: after that line insert:

5 “SECTION 1664d. 48.685 of the statutes is created to read:

6 **48.685 Criminal history and child abuse record search.** (1) In this
7 section:

8 (a) “Client” means a child who receives services from an entity.

9 (b) “Entity” means a child welfare agency that is licensed under s. 48.60 to
10 provide care and maintenance for children, to place children for adoption or to license
11 foster homes or treatment foster homes; a group home that is licensed under s.
12 48.625; a shelter care facility that is licensed under s. 938.22; a day care center that
13 is licensed under s. 48.65 or established or contracted for under s. 120.13 (14); or a
14 day care provider that is certified under s. 48.651.

15 (c) “Serious crime” has the meaning specified by the department by rule
16 promulgated under sub. (7) (a).

17 **(2)** (a) Notwithstanding s. 111.335, and except as provided in sub. (5), the
18 department may not license a person to operate an entity or continue the license of
19 a person to operate an entity, and, except as provided in par. (ad) and sub. (5), a
20 county department may not certify a day care provider under s. 48.651 and a school
21 board may not contract with a person under s. 120.13 (14), if the department, county
22 department or school board knows or should have known any of the following:

23 1. That the person has been convicted of a serious crime.

24 2. That the person has pending against him or her a charge for a serious crime.

1 3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has
2 made a finding that the person has abused or neglected any client or
3 misappropriated the property of any client.

4 4. That a determination has been made under s. 48.981 (3) (c) 4. that the person
5 has abused or neglected a child.

6 5. That, in the case of a position for which the person must be credentialed by
7 the department of regulation and licensing, the person's credential is not current or
8 is limited so as to restrict the person from providing adequate care to a client.

9 (ad) A county department may certify a day care provider under s. 48.651 and
10 a school board may contract with a person under s. 120.13 (14), conditioned on the
11 receipt of the information specified in par. (am) indicating that the person is not
12 ineligible to be certified or contracted with for a reason specified in par. (a) 1. to 5.

13 (ag) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity
14 may not hire or contract with a person who will be under the entity's control, as
15 defined by the department by rule, and who is expected to have access to its clients,
16 or permit to reside at the entity a person who is not a client and who is expected to
17 have access to a client, if the entity knows or should have known any of the following:

18 1. That the person has been convicted of a serious crime.

19 2. That the person has pending against him or her a charge for a serious crime.

20 3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has
21 made a finding that the person has abused or neglected any client or
22 misappropriated the property of any client.

23 4. That a determination has been made under s. 48.981 (3) (c) 4. that the person
24 has abused or neglected a child.

1 5. That, in the case of a position for which the person must be credentialed by
2 the department of regulation and licensing, the person's credential is not current or
3 is limited so as to restrict the person from providing adequate care to a client.

4 (am) Subject to subd. 5., the department, a county department or a school board
5 shall obtain all of the following with respect to a person specified under par. (a)
6 (intro.):

7 1. A criminal history search from the records maintained by the department
8 of justice.

9 2. Information that is contained in the registry under s. 146.40 (4g) regarding
10 any findings against the person.

11 3. Information maintained by the department of regulation and licensing
12 regarding the status of the person's credentials, if applicable.

13 4. Information maintained by the department regarding any substantiated
14 reports of child abuse or neglect against the person.

15 5. If the person is applying for a license to operate a day care center or for
16 continuation of such a license, is applying for certification as a day care provider
17 under s. 48.651 or is proposing to contract for the provision of a day care program
18 under s. 120.13 (14), information maintained by the department under this section,
19 under s. 48.65 (2m) and under s. 120.13 (14) regarding any denial to the person of
20 a license to operate a day care center or of continuation of such a license, of
21 certification as a day care provider under s. 48.651 or of a contract for the provision
22 of a day care program under s. 120.13 (14) for a reason specified in par. (a) 1. to 5. and
23 regarding any denial to the person of employment at, a contract with or permission
24 to reside at a day care center that is licensed under s. 48.65 or established or
25 contracted for under s. 120.13 (14) or a day care provider that is certified under s.

1 48.65, for a reason specified in par. (ag) 1. to 5. If the information obtained under this
2 subdivision indicates that the person has been denied a license, continuation of a
3 license, certification, a contract, employment or permission to reside as described in
4 this subdivision, the department, a county department or a school board need not
5 obtain the information specified in subds. 1. to 4.

6 (b) 1. Subject to subds. 1. e., 2. and 3., every entity shall obtain all of the
7 following with respect to a person specified under par. (ag) (intro.):

8 a. A criminal history search from the records maintained by the department
9 of justice.

10 b. Information that is contained in the registry under s. 146.40 (4g) regarding
11 any findings against the person.

12 c. Information maintained by the department of regulation and licensing
13 regarding the status of the person's credentials, if applicable.

14 d. Information maintained by the department regarding any substantiated
15 reports of child abuse or neglect against the person.

16 e. If the person is proposing to be employed by, contracted by or permitted to
17 reside at a day care center that is licensed under s. 48.65 or established or contracted
18 for under s. 120.13 (14) or a day care provider that is certified under s. 48.651,
19 information maintained by the department under this section, under s. 48.651 (2m)
20 and under s. 120.13 (14) regarding any denial to the person of a license to operate a
21 day care center or of continuation of such a license, of certification as a day care
22 provider under s. 48.651 or of a contract for the provision of a day care program under
23 s. 120.13 (14) for a reason specified in par. (a) 1. to 5. and regarding any denial to the
24 person of employment at, a contract with or permission to reside at a day care center
25 that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14)

1 or a day care provider that is certified under s. 48.651 for a reason specified in par.
2 (ag) 1. to 5. If the information obtained under this subd. 1. e. indicates that the person
3 has been denied a license, continuation of a license, certification, a contract,
4 employment or permission to reside as described in this subd. 1. e., the department,
5 a county department or a school board need not obtain the information specified in
6 subd. 1. a. to d.

7 2. Subdivision 1. does not apply with respect to a person with whom the entity
8 contracts or whom the entity employs to perform infrequent or sporadic services,
9 including maintenance services and other services that are not directly related to the
10 care of a client.

11 3. Subdivision 1. does not apply with respect to a person under 18 years of age
12 whose background information form under sub. (6) (am) indicates that the person is
13 not ineligible to be employed, contracted with or permitted to reside at the entity for
14 a reason specified in par. (ag) 1. to 5. and with respect to whom the entity otherwise
15 has no reason to believe that the person is ineligible to be employed, contracted with
16 or permitted to reside at the entity for any of those reasons.

17 (bg) If an entity takes an action specified in par. (ag) (intro.) with respect to a
18 person for whom, within the last 4 years, the information required under par. (b) 1.
19 a. to c. and e. has already been obtained, either by another entity or by a temporary
20 employment agency, the entity may obtain the information required under par. (b)
21 1. a. to c. and e. from that other entity or temporary employment agency, which shall
22 provide the information, if possible, to the entity. If an entity cannot obtain the
23 information required under par. (b) 1. a. to c. and e. from another entity or from a
24 temporary employment agency, the entity shall obtain that information from the
25 sources specified in par. (b) 1. a. to c. and e.

1 (bm) If the person who is the subject of the search under par. (am) or (b) 1. is
2 not a resident of this state, or if at any time within the 3 years preceding the date of
3 the search that person has not been a resident of this state, the department, county
4 department, school board or entity shall make a good faith effort to obtain from any
5 state in which the person is a resident or was a resident within the 3 years preceding
6 the date of the search information that is equivalent to the information specified in
7 par. (am) 1. or (b) 1. a.

8 (c) If the background information form completed by a person under sub. (6)
9 (am) indicates that the person is not ineligible to be employed, contracted with or
10 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5., an entity
11 may employ or contract with the person or permit the person to reside at the entity
12 for not more than 60 days pending the receipt of the information sought under par.
13 (b) 1. An entity shall provide supervision for a person who is employed, contracted
14 with or permitted to reside as permitted under this paragraph.

15 **(3)** (a) Every 4 years or at any time within that period that the department, a
16 county department or a school board considers appropriate, the department, county
17 department or school board shall request the information specified in sub. (2) (am)
18 1. to 5. for all persons who are licensed, certified or contracted to operate an entity.

19 (b) Every 4 years or at any time within that period that an entity considers
20 appropriate, the entity shall request the information specified in sub. (2) (b) 1. a. to
21 e. for all persons specified in sub. (2) (ag) (intro.).

22 **(3m)** Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a county
23 department or a school board has obtained the information required under sub. (2)
24 (am) or (3) (a) with respect to a person specified in sub. (2) (a) (intro.) and that person

1 is also an employe, contractor or resident of an entity, the entity is not required to
2 obtain the information specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

3 (4) An entity that violates sub. (2) or (3) may be required to forfeit not more than
4 \$1,000 and may be subject to other sanctions specified by the department by rule.

5 (5) The department may license to operate an entity, a county department may
6 certify under s. 48.651 and a school board may contract with under s. 120.13 (14) a
7 person who otherwise may not be licensed, certified or contracted with for a reason
8 specified in sub. (2) (a) 1. to 5., and an entity may employ, contract with or permit to
9 reside at the entity a person who otherwise may not be employed, contracted with
10 or permitted to reside at the entity for a reason specified in sub. (2) (ag) 1. to 5., if the
11 person demonstrates to the department, the county department or the school board
12 by clear and convincing evidence and in accordance with procedures established by
13 the department by rule that he or she has been rehabilitated. No person who has
14 been convicted of any of the following offenses may be permitted to demonstrate that
15 he or she has been rehabilitated:

16 (a) First-degree intentional homicide under s. 940.01.

17 (b) First degree sexual assault under s. 940.225 (1).

18 (c) First degree sexual assault of a child under s. 948.02 (1).

19 (d) Second degree sexual assault of a child under s. 948.02 (2) if the person was,
20 at the time of the sexual contact or sexual intercourse, more than 4 years older than
21 the child with whom the person had the sexual contact or sexual intercourse.

22 (e) Repeated acts of sexual assault of the same child under s. 948.025 if the child
23 had not attained the age of 13, or if the child had attained the age of 13 and had not
24 attained the age of 16 and the person was, at the time of the sexual contact or sexual

1 intercourse, more than 4 years older than the child with whom the person had the
2 sexual contact or sexual intercourse.

3 **(5c)** (a) Any person who is permitted but fails under sub. (5) to demonstrate to
4 the department that he or she has been rehabilitated may appeal to the secretary of
5 health and family services or his or her designee. Any person who is adversely
6 affected by a decision of the secretary or his or her designee under this paragraph has
7 a right to a contested case hearing under ch. 227.

8 (b) Any person who is permitted but fails under sub. (5) to demonstrate to the
9 county department that he or she has been rehabilitated may appeal to the director
10 of the county department or his or her designee. Any person who is adversely affected
11 by a decision of the director or his or her designee under this paragraph has a right
12 to appeal the decision under ch. 68.

13 (c) Any person who is permitted but fails under sub. (5) to demonstrate to the
14 school board that he or she has been rehabilitated may appeal to the secretary of
15 public instruction or his or her designee. Any person who is adversely affected by a
16 decision of the secretary or his or her designee under this paragraph has a right to
17 a contested case hearing under ch. 227.

18 **(5g)** Beginning on the first January 1 after the effective date of this subsection
19 [revisor inserts date], and annually thereafter, the department shall submit a
20 report to the legislature under s. 13.172 (2) that specifies the number of persons in
21 the previous year who have requested to demonstrate to the department that they
22 have been rehabilitated under sub. (5), the number of persons who successfully
23 demonstrated that they have been rehabilitated under sub. (5) and the reasons for
24 the success or failure of a person who has attempted to demonstrate that he or she
25 has been rehabilitated.

1 **(5m)** Notwithstanding s. 111.335, the department may refuse to license a
2 person to operate an entity, a county department may refuse to certify a day care
3 provider under s. 48.651, a school board may refuse to contract with a person under
4 s. 120.13 (14), and an entity may refuse to employ, contract with or permit to reside
5 at the entity a person specified in sub. (2) (ag) (intro.) if the person has been convicted
6 of an offense that the department has not defined as a “serious crime” by rule
7 promulgated under sub. (7) (a), or specified in the list established by rule under sub.
8 (7) (b), but that is, in the estimation of the department, county department, school
9 board or entity, substantially related to the care of a client.

10 **(6)** (a) The department shall require any person who applies for issuance or
11 continuation of a license to operate an entity, a county department shall require any
12 day care provider who applies for initial certification under s. 48.651 or for renewal
13 of that certification and a school board shall require any person who proposes to
14 contract with the school board under s. 120.13 (14) or to renew a contract under that
15 subsection, to complete a background information form that is provided by the
16 department.

17 (am) Every 4 years an entity shall require all of the following persons to
18 complete a background information form that is provided to the entity by the
19 department:

20 1. A person who is an employe, prospective employe, contractor or prospective
21 contractor of the entity, who will be under the entity’s control and who has, or is
22 expected to have, access to its clients, other than a person specified in sub. (2) (b) 2.

23 2. A person who is a resident or prospective resident at the entity and who is
24 not a client or prospective client of the entity, if the person has, or is expected to have,
25 access to any client of the entity.

1 (b) For persons specified under par. (a) who are regulated, licensed or certified
2 by, or registered with, the department, for persons specified in par. (am) 2., and for
3 other persons specified by the department by rule, the entity shall send the
4 background information form to the department. For all other persons specified in
5 par. (a) and for persons specified under par. (am) 1., the entity shall maintain the
6 background information form on file for inspection by the department.

7 (c) A person who provides false information on a background information form
8 required under this subsection may be required to forfeit not more than \$1,000 and
9 may be subject to other sanctions specified by the department by rule.

10 **(7)** The department shall do all of the following:

11 (a) Establish by rule a definition of “serious crime” for the purpose of this
12 section. The definition shall include only crimes or acts that are substantially related
13 to the care of a client and shall include classes of crimes or acts involving abuse or
14 neglect of a client for which no person who has committed any of those crimes or acts
15 may be permitted to demonstrate under sub. (5) that he or she has been
16 rehabilitated. The definition may also include other crimes or acts that do not
17 involve abuse or neglect of a client but that are substantially related to the care of
18 a client for which no person who committed any of those crimes or acts may be
19 permitted to demonstrate under sub. (5) that he or she has been rehabilitated.

20 (b) Establish by rule a list of crimes or acts that are not included in the
21 definition established under par. (a), that are substantially related to the care of
22 clients and the commission of which warrants a less stringent measure than a bar
23 on employment, residence or similar type of association with an entity. The rule shall
24 be consistent with federal law and regulations and shall include a description of the

1 measures to be taken for the crimes or acts that the department lists under this
2 paragraph.

3 (c) Conduct throughout the state periodic training sessions that cover criminal
4 background investigations; reporting and investigating misappropriation of
5 property or abuse or neglect of a client; and any other material that will better enable
6 entities to comply with the requirements of this section.

7 (d) Provide a background information form that requires the person completing
8 the form to include his or her date of birth on the form.

9 (8) The department, a county department or a school board may charge a fee
10 for obtaining the information required under sub. (2) (am) or (3) (a). The fee may not
11 exceed the reasonable cost of obtaining the information. No fee may be charged to
12 a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining
13 information if to do so would be inconsistent with federal law.

14 **SECTION 1664f.** 48.685 (2) (ag) (intro.) of the statutes, as created by 1997
15 Wisconsin Act (this act), is amended to read:

16 48.685 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
17 sub. (5), an entity may not ~~hire~~ employ or contract with a person who will be under
18 the entity's control, as defined by the department by rule, and who has, or is expected
19 to have, access to its clients, or permit to reside at the entity a person who is not a
20 client and who has, or is expected to have, access to a client, if the entity knows or
21 should have known any of the following:"

22 **14.** Page 846, line 3: after that line insert:

23 "SECTION 1975r. 49.498 (3) (b) 1. of the statutes is amended to read:

1 49.498 (3) (b) 1. Inform each resident, orally and in writing at the time of
2 admission to the nursing facility, of the resident's legal rights during the stay at the
3 nursing facility, including a description of the protection of personal funds under sub.
4 (8) and a statement that a resident may file a complaint with the department under
5 s. 146.40 (4r) (a) concerning ~~neglect, abuse or misappropriation of property~~ or neglect
6 or abuse of a resident.”.

7 **15.** Page 856, line 6: after that line insert:

8 “**SECTION 2004v.** 50.01 (1r) of the statutes is created to read:

9 50.01 (1r) “Home health agency” has the meaning given under s. 50.49 (1) (a).”.

10 **16.** Page 868, line 8: after that line insert:

11 “**SECTION 2059d.** 50.065 of the statutes is created to read:

12 **50.065 Criminal history and patient abuse record search.** (1) In this
13 section:

14 (b) “Client” means a person who receives services from an entity.

15 (c) “Entity” means a facility, organization or service that is regulated, licensed
16 or certified by or registered with the department. “Entity” includes a personal care
17 worker agency and a supportive home care service agency. “Entity” does not include
18 any of the following:

19 1. Licensed or certified child care under ch. 48.

20 2. Kinship care under s. 48.57 (3m).

21 3. A person certified as a medical assistance provider, as defined in s. 49.43 (10),
22 who is not otherwise regulated, licensed or certified by or registered with the
23 department.

24 4. An entity, as defined in s. 48.685 (1) (b).

1 5. Foster homes and treatment foster homes under s. 48.62 that are licensed
2 by the department, a county department under s. 46.215, 46.22 or 46.23 or a child
3 welfare agency.

4 (d) "Personal care worker agency" has the meaning specified by the department
5 by rule.

6 (e) "Serious crime" has the meaning specified by the department by rule under
7 sub. (7) (a).

8 (f) "Supportive home care service agency" has the meaning specified by the
9 department by rule.

10 **(2)** (a) Notwithstanding s. 111.335, and except as provided in sub. (5), the
11 department may not license a person to operate an entity or continue the license of
12 a person to operate an entity if the department knows or should have known any of
13 the following:

14 1. That the person has been convicted of a serious crime.

15 2. That the person has pending against him or her a charge for a serious crime.

16 3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has
17 made a finding that the person has abused or neglected any client or
18 misappropriated the property of any client.

19 4. That a determination has been made under s. 48.981 (3) (c) 4. that the person
20 has abused or neglected a child.

21 5. That, in the case of a position for which the person must be credentialed by
22 the department of regulation and licensing, the person's credential is not current or
23 is limited so as to restrict the person from providing adequate care to a client.

24 (ag) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity
25 may not hire or contract with a person who will be under the entity's control, as

1 defined by the department by rule, and who is expected to have access to its clients,
2 or permit to reside at the entity a person who is not a client and who is expected to
3 have access to a client, if the entity knows or should have known any of the following:

4 1. That the person has been convicted of a serious crime.

5 2. That the person has pending against him or her a charge for a serious crime.

6 3. That a unit of government or a state agency, as defined in s. 16.61 (2) (d), has
7 made a finding that the person has abused or neglected any client or
8 misappropriated the property of any client.

9 4. That a determination has been made under s. 48.981 (3) (c) 4. that the person
10 has abused or neglected a child.

11 5. That, in the case of a position for which the person must be credentialed by
12 the department of regulation and licensing, the person's credential is not current or
13 is limited so as to restrict the person from providing adequate care to a client.

14 (am) The department shall obtain all of the following with respect to a person
15 specified under par. (a) (intro.):

16 1. A criminal history search from the records maintained by the department
17 of justice.

18 2. Information that is contained in the registry under s. 146.40 (4g) regarding
19 any findings against the person.

20 3. Information maintained by the department of regulation and licensing
21 regarding the status of the person's credentials, if applicable.

22 4. Information maintained by the department regarding any substantiated
23 reports of child abuse or neglect against the person.

24 (b) 1. Subject to subds. 2. and 3., every entity shall obtain all of the following
25 with respect to a person specified under par. (ag) (intro.):

1 a. A criminal history search from the records maintained by the department
2 of justice.

3 b. Information that is contained in the registry under s. 146.40 (4g) regarding
4 any findings against the person.

5 c. Information maintained by the department of regulation and licensing
6 regarding the status of the person’s credentials, if applicable.

7 d. Information maintained by the department regarding any substantiated
8 reports of child abuse or neglect against the person.

9 2. Subdivision 1. does not apply with respect to a person with whom the entity
10 contracts or whom the entity employs to provide infrequent or sporadic services,
11 including maintenance services and other services that are not directly related to the
12 care of a client.

13 3. Subdivision 1. does not apply with respect to a person under 18 years of age
14 whose background information form under sub. (6) (am) indicates that the person is
15 not ineligible to be employed, contracted with or permitted to reside at the entity for
16 a reason specified in par. (ag) 1. to 5. and with respect to whom the entity otherwise
17 has no reason to believe that the person is ineligible to be employed, contracted with
18 or permitted to reside at the entity for any of those reasons.

19 (bg) If an entity takes an action specified in par. (ag) (intro.) with respect to a
20 person for whom, within the last 4 years, the information required under par. (b) 1.

21 a. to c. has already been obtained, either by another entity or by a temporary
22 employment agency, the entity may obtain the information required under par. (b)

23 1. a. to c. from that other entity or temporary employment agency, which shall
24 provide the information, if possible, to the entity. If an entity cannot obtain the

25 information required under par. (b) 1. a. to c. from another entity or from a temporary

1 employment agency, the entity shall obtain that information from the sources
2 specified in par. (b) 1. a. to c.

3 (bm) If the person who is the subject of the search under par. (am) or (b) 1. is
4 not a resident of this state, or if at any time within the 3 years preceding the date of
5 the search that person has not been a resident of this state, the department or entity
6 shall make a good faith effort to obtain from any state in which the person is a
7 resident or was a resident within the 3 years preceding the date of the search
8 information that is equivalent to the information specified in par. (am) 1. or (b) 1. a.

9 (c) If the background information form completed by a person under sub. (6)
10 (am) indicates that the person is not ineligible to be employed, contracted with or
11 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5., an entity
12 may employ or contract with the person or permit the person to reside at the entity
13 for not more than 60 days pending the receipt of the information sought under par.
14 (b) 1. An entity shall provide supervision for a person who is employed or contracted
15 with or permitted to reside as permitted under this paragraph.

16 **(3)** (a) Every 4 years or at any time within that period that the department
17 considers appropriate, the department shall request the information specified in
18 sub. (2) (am) 1. to 4. for all persons who are licensed to operate an entity.

19 (b) Every 4 years or at any other time within that period that an entity
20 considers appropriate, the entity shall request the information specified in sub. (2)
21 (b) 1. a. to d. for all persons specified in sub. (2) (ag) (intro.).

22 **(3m)** Notwithstanding subs. (2) (b) 1. and (3) (b), if the department obtains the
23 information required under sub. (2) (am) or (3) (a) with respect to a person specified
24 in sub. (2) (a) (intro.) and that person is also an employe, contractor or resident of the

1 entity, the entity is not required to obtain the information specified in sub. (2) (b) 1.
2 or (3) (b) with respect to that person.

3 (4) An entity that violates sub. (2) or (3) may be required to forfeit not more than
4 \$1,000 and may be subject to other sanctions specified by the department by rule.

5 (5) The department may license to operate an entity a person who otherwise
6 may not be licensed for a reason specified in sub. (2) (a) 1. to 5., and an entity may
7 employ, contract with or permit to reside at the entity a person who otherwise may
8 not be employed, contracted with or permitted to reside at the entity for a reason
9 specified in sub. (2) (ag) 1. to 5., if the person demonstrates to the department by clear
10 and convincing evidence and in accordance with procedures established by the
11 department by rule that he or she has been rehabilitated. No person who has been
12 convicted of any of the following offenses may be permitted to demonstrate that he
13 or she has been rehabilitated:

14 (a) First-degree intentional homicide under s. 940.01.

15 (b) First degree sexual assault under s. 940.225 (1).

16 (c) First degree sexual assault of a child under s. 948.02 (1).

17 (d) Second degree sexual assault of a child under s. 948.02 (2) if the person was,
18 at the time of the sexual contact or sexual intercourse, more than 4 years older than
19 the child with whom the person had the sexual contact or sexual intercourse.

20 (e) Repeated acts of sexual assault of the same child under s. 948.025 if the child
21 had not attained the age of 13, or if the child had attained the age of 13 and had not
22 attained the age of 16 and the person was, at the time of the sexual contact or sexual
23 intercourse, more than 4 years older than the child with whom the person had the
24 sexual contact or sexual intercourse.

1 **(5c)** Any person who is permitted but fails under sub. (5) to demonstrate to the
2 department that he or she has been rehabilitated may appeal to the secretary of
3 health and family services or his or her designee. Any person who is adversely
4 affected by a decision of the secretary or his or her designee under this subsection has
5 a right to a contested case hearing under ch. 227.

6 **(5g)** Beginning on the first January 1 after the effective date of this subsection
7 [revisor inserts date], and annually thereafter, the department shall submit a
8 report to the legislature under s. 13.172 (2) that specifies the number of persons in
9 the previous year who have requested to demonstrate to the department that they
10 have been rehabilitated under sub. (5), the number of persons who successfully
11 demonstrated that they have been rehabilitated under sub. (5) and the reasons for
12 the success or failure of a person who has attempted to demonstrate that he or she
13 has been rehabilitated.

14 **(5m)** Notwithstanding s. 111.335, the department may refuse to license a
15 person to operate an entity, and an entity may refuse to employ, contract with or
16 permit to reside at the entity a person specified in sub. (2) (ag) (intro.), if the person
17 has been convicted of an offense that the department has not defined as a “serious
18 crime” by rule promulgated under sub. (7) (a), or specified in the list established by
19 rule under sub. (7) (b), but that is, in the estimation of the department or entity,
20 substantially related to the care of a client.

21 **(6)** (a) The department shall require any person who applies for issuance or
22 continuation of a license to operate an entity to complete a background information
23 form that is provided by the department.

1 (am) Every 4 years an entity shall require all of the following persons to
2 complete a background information form that is provided to the entity by the
3 department:

4 1. A person who is an employe, prospective employe, contractor or prospective
5 contractor of the entity, who will be under the entity's control and who has, or is
6 expected to have, access to its clients, other than a person specified in sub. (2) (b) 2.

7 2. A person who is a resident or prospective resident at the entity and who is
8 not a client or prospective client of the entity, if the person has, or is expected to have,
9 access to any client of the entity.

10 (b) For persons specified under par. (a) who are regulated, licensed or certified
11 by, or registered with, the department, for person specified in par. (am) 2., and for
12 other persons specified by the department by rule, the entity shall send the
13 background information form to the department. For all other persons specified in
14 par. (a) and for persons specified under par. (am) 1., the entity shall maintain the
15 background information form on file for inspection by the department.

16 (c) A person who provides false information on a background information form
17 required under this subsection may be required to forfeit not more than \$1,000 and
18 may be subject to other sanctions specified by the department by rule.

19 **(7)** The department shall do all of the following:

20 (a) Establish by rule a definition of "serious crime" for the purpose of this
21 section. The definition shall include only crimes or acts that are substantially related
22 to the care of a client and shall include classes of crimes or acts involving abuse or
23 neglect of a client for which no person who has committed any of those crimes or acts
24 may be permitted to demonstrate under sub. (5) that he or she has been
25 rehabilitated. The definition may also include other crimes or acts that do not

1 involve abuse or neglect of a client but that are substantially related to the care of
2 a client for which no person who committed any of those crimes or acts may be
3 permitted to demonstrate under sub. (5) that he or she has been rehabilitated.

4 (b) Establish by rule a list of crimes or acts that are not included in the
5 definition established under par. (a), that are substantially related to the care of
6 clients and the commission of which warrants a less stringent measure than a bar
7 on employment, residence or similar type of association with an entity. The rule shall
8 be consistent with federal law and regulations and shall include a description of the
9 measures to be taken for the crimes or acts that the department lists under this
10 paragraph.

11 (c) Conduct throughout the state periodic training sessions that cover criminal
12 background investigations; reporting and investigating misappropriation of
13 property or abuse or neglect of a client; and any other material that will better enable
14 entities to comply with the requirements of this section.

15 (d) Provide a background information form that requires the person completing
16 the form to include his or her date of birth on the form.

17 (8) The department may charge a fee for obtaining the information required
18 under sub. (2) (am) or (3) (a). The fee may not exceed the reasonable cost of obtaining
19 the information. No fee may be charged to a nurse's assistant, as defined in s. 146.40
20 (1) (d), for obtaining or maintaining the information if to do so would be inconsistent
21 with federal law.

22 **SECTION 2059f.** 50.065 (2) (ag) (intro.) of the statutes, as created by 1997
23 Wisconsin Act (this act), is amended to read:

24 50.065 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
25 sub. (5), an entity may not ~~hire~~ employ or contract with a person who will be under

1 the entity's control, as defined by the department by rule, and who has, or is expected
2 to have, access to its clients, or permit to reside at the entity a person who is not a
3 client and who has, or is expected to have, access to a client, if the entity knows or
4 should have known any of the following:".

5 **17.** Page 892, line 5: after that line insert:

6 "SECTION 2157gv. 55.043 (1) (a) (intro.), (4) (intro.), (e) and (f) and (5) of the
7 statutes are amended to read:

8 55.043 (1) (a) (intro.) If a county protective services agency has probable cause
9 to believe that there is ~~abuse, neglect or misappropriation of property~~ or neglect or
10 abuse of a vulnerable adult, the county protective services agency may conduct an
11 investigation in Milwaukee county to determine if the vulnerable adult in question
12 is in need of protective services. The county protective services agency shall conduct
13 the investigation in accordance with standards established by the department for
14 conducting the investigations. The investigation shall include at least one of the
15 following:

16 (4) OFFER OF SERVICES. (intro.) If upon investigation the county protective
17 services agency finds ~~abuse, neglect or misappropriation of property~~ or neglect or
18 abuse of a vulnerable adult, the county protective services agency may do one or more
19 of the following:

20 (e) Refer the case to the department of regulation and licensing ~~or the~~
21 ~~appropriate examining board~~ if the ~~abuse, neglect or misappropriation of property~~
22 or neglect or abuse involves an individual who is required to be licensed, permitted,
23 certified or registered hold a credential, as defined in s. 440.01 (2) (a), under chs. 440
24 to 459.

1 (f) Bring a petition for a guardianship and protective service or protective
2 placement if necessary to prevent abuse, neglect or misappropriation of property or
3 neglect or abuse and if the vulnerable adult would otherwise be at risk of serious
4 harm because of an inability to arrange for necessary food, clothing, shelter and
5 services.

6 (5) APPLICABILITY. This section does not apply to patients or residents of
7 state-operated or county-operated inpatient institutions or hospitals issued
8 certificates of approval under s. 50.35 unless the alleged abuse, neglect or
9 misappropriation of property or neglect or abuse of such a patient or resident is
10 alleged to have been done by a person other than an employe of the inpatient
11 institution or hospital.”.

12 **18.** Page 1307, line 2: after that line insert:

13 “SECTION 2860g. 120.13 (14) of the statutes is amended to read:

14 120.13 (14) DAY CARE PROGRAMS. Establish and provide or contract for the
15 provision of day care programs for children. The school board may receive federal
16 or state funds for this purpose. The school board may charge a fee for all or part of
17 the cost of the service for participation in a day care program established under this
18 subsection. Costs associated with a day care program under this subsection may not
19 be included in shared costs under s. 121.07 (6). Day care programs established under
20 this subsection shall meet the standards for licensed day care centers established by
21 the department of health and family services. If a school board proposes to contract
22 for or renew a contract for the provision of a day care program under this subsection
23 or if on July 1, 1996, a school board is a party to a contract for the provision of a day
24 care program under this subsection, the school board shall refer the contractor or

1 proposed contractor to the department of health and family services for the
2 background investigations criminal history and child abuse record search required
3 under s. 48.65 ~~(1m)~~ 48.685. Each school board shall provide the department of health
4 and family services with information about each person who is denied a contract for
5 a reason specified in s. 48.685 (2) (a) 1. to 5.”.

6 **19.** Page 1350, line 8: after that line insert:

7 “**SECTION 2986u.** 146.40 (title) of the statutes is amended to read:

8 **146.40 (title) Instructional programs for nurse’s assistants and home**
9 **health and hospice aides; reporting client abuse.**

10 **SECTION 2986ub.** 146.40 (1) (a) of the statutes is renumbered 146.40 (1) (am).

11 **SECTION 2986uc.** 146.40 (1) (ad) of the statutes is created to read:

12 146.40 (1) (ad) “Client” means a person who receives services from an entity.

13 **SECTION 2986ud.** 146.40 (1) (ag) of the statutes is created to read:

14 146.40 (1) (ag) “Credential” has the meaning given in s. 440.01 (2) (a).

15 **SECTION 2986ue.** 146.40 (1) (as) of the statutes is created to read:

16 146.40 (1) (as) “Entity” has the meaning given in s. 50.065 (1) (c).

17 **SECTION 2986uf.** 146.40 (4g) (a) 2. (intro.) of the statutes is amended to read:

18 146.40 (4g) (a) 2. (intro.) A listing of all individuals about whom the
19 department is notified under sub. (4r) (a) or (am), for whom the department makes
20 findings under sub. (4r) (b) and to whom any of the following applies:

21 **SECTION 2986ug.** 146.40 (4g) (a) 2. b. of the statutes is amended to read:

22 146.40 (4g) (a) 2. b. A hearing officer finds reasonable cause to believe that the
23 individual performed an action alleged under sub. (4r) (a) or (am).

24 **SECTION 2986uh.** 146.40 (4g) (a) 3. of the statutes is amended to read:

1 146.40 (4g) (a) 3. Findings of the department under sub. (4r) (b) or of the
2 hearing officer under sub. (4r) (d) concerning the neglect, abuse or misappropriation
3 of property or the neglect or abuse of a client by an individual listed under subd. 2.

4 **SECTION 2986uj.** 146.40 (4r) (a) of the statutes is amended to read:

5 146.40 (4r) (a) Any individual may report to the department that he or she
6 believes that a nurse's assistant any person employed by or under contract with an
7 entity has neglected, or abused a client or misappropriated the client's property of
8 a nursing home resident or a hospital patient or that a home health aide has
9 neglected, abused or misappropriated the property of a home health agency patient.

10 **SECTION 2986uk.** 146.40 (4r) (am) of the statutes is created to read:

11 146.40 (4r) (am) 1. Except as provided in subd. 2., an entity shall report to the
12 department any allegation of misappropriation of property or of neglect or abuse of
13 a client by any person employed by or under contract with the entity if the person is
14 under the control of the entity.

15 2. An entity shall report to the department of regulation and licensing any
16 allegation of misappropriation of property or of neglect or abuse of a client by any
17 person employed by or under contract with the entity if that person holds a credential
18 that is related to the person's employment at, or contract with, the entity if the person
19 is under the control of the entity.

20 3. An entity that intentionally fails to report an allegation of misappropriation
21 of property or of neglect or abuse of a client may be required to forfeit not more than
22 \$1,000 and may be subject to other sanctions specified by the department by rule.

23 **SECTION 2986uL.** 146.40 (4r) (b) of the statutes is amended to read:

24 146.40 (4r) (b) The Except as provided in pars. (em) and (er), the department
25 shall review and investigate any report received under par. (a) or (am) and, if the

1 allegation is substantiated, make specific, documented findings concerning the
2 neglect, ~~abuse or misappropriation of property~~ or the neglect or abuse. The
3 department shall in writing by certified mail notify the ~~nurse's assistant or home~~
4 ~~health aide~~ person specified in the report that ~~his or her~~ the person's name and the
5 department's findings about ~~him or her~~ the person shall be listed in the registry
6 under sub. (4g) (a) 2. and 3. unless ~~he or she~~ the person contests the listings in a
7 hearing before the ~~department~~ division of hearings and appeals created under s.
8 15.103 (1). The written notification shall describe the investigation conducted by the
9 department, enumerate the findings alleging neglect, ~~abuse or misappropriation of~~
10 ~~property~~ or neglect or abuse of a ~~nursing home resident or home health agency~~
11 ~~patient~~ client and explain the consequence to the ~~nurse's assistant or home health~~
12 ~~aide~~ person specified in the report of waiving a hearing to contest the findings. The
13 ~~nurse's assistant or home health aide named~~ person specified in the report shall have
14 30 days after receipt of the notification to indicate to the department in writing
15 whether he or she intends to contest the listing or to waive the hearing.

16 **SECTION 2986um.** 146.40 (4r) (d) of the statutes is amended to read:

17 146.40 (4r) (d) If the ~~nurse's assistant or home health aide~~ person specified in
18 the report received under par. (b) ~~(a) or (am)~~ (a) or (am) timely notifies the ~~department~~ division
19 of hearings and appeals created under s. 15.103 (1) that he or she contests the listings
20 in the registry under par. (b), the ~~department~~ division of hearings and appeals shall
21 hold a hearing under the requirements of ch. 227. If after presentation of evidence
22 a hearing officer finds that there is no reasonable cause to believe that the ~~nurse's~~
23 ~~assistant or home health aide~~ person specified in the report received under par. (a)
24 or (am) performed an action alleged under par. (a) or (am), the hearing officer shall
25 dismiss the proceeding. If after presentation of evidence a hearing officer finds that

1 there is reasonable cause to believe that the ~~nurse's assistant or home health aide~~
2 person specified in the report received under par. (a) or (am) performed an action
3 alleged under par. (a) or (am), the hearing officer shall so find and shall cause the
4 name of the ~~nurse's assistant or home health aide~~ person specified in the report
5 received under par. (a) or (am) to be entered under sub. (4g) (a) 2. and the hearing
6 officer's findings about the ~~nurse's assistant or home health aide~~ person specified in
7 the report received under par. (a) or (am) to be entered under sub. (4g) (a) 3.

8 **SECTION 2986un.** 146.40 (4r) (em) and (er) of the statutes are created to read:

9 146.40 (4r) (em) If the department of health and family services receives a
10 report under par. (a) or (am) and determines that a person who is the subject of the
11 report holds a credential that is related to the person's employment at, or contract
12 with, the entity, the department of health and family services shall refer the report
13 to the department of regulation and licensing.

14 (er) The department may contract with private field investigators to conduct
15 investigations of reports received by the department under par. (a) or (am).”.

16 **20.** Page 1374, line 10: after that line insert:

17 “**SECTION 3100m.** 165.825 of the statutes is created to read:

18 **165.825 Information link; department of health and family services.**

19 The department of justice shall cooperate with the departments of regulation and
20 licensing and health and family services in developing and maintaining a computer
21 linkup to provide access to the information obtained from a criminal history search.”.

22 **21.** Page 1675, line 2: after that line insert:

23 “**SECTION 4196u.** 440.03 (3q) of the statutes is created to read:

1 440.03 (3q) Notwithstanding sub. (3m), the department of regulation and
2 licensing shall investigate any report that it receives under s. 146.40 (4r) (am) 2. or
3 (em).”.

4 **22.** Page 1675, line 21: after that line insert:

5 “**SECTION 4198n.** 440.03 (12m) of the statutes is created to read:

6 440.03 (12m) The department of regulation and licensing shall cooperate with
7 the departments of justice and health and family services in developing and
8 maintaining a computer linkup to provide access to information regarding the
9 current status of a credential issued to any person by the department of regulation
10 and licensing, including whether that credential has been restricted in any way.”.

11 **23.** Page 1882, line 9: after that line insert:

12 “**SECTION 5174g.** 813.123 (5) (a) 3. a. of the statutes is amended to read:

13 813.123 (5) (a) 3. a. That the respondent has interfered with, or based upon
14 prior conduct of the respondent may interfere with, an investigation of the
15 vulnerable adult under s. 55.043 and that the interference complained of, if
16 continued, would make it difficult to determine if ~~abuse, neglect or misappropriation~~
17 of property or abuse or neglect is occurring or may recur.”.

18 **24.** Page 1898, line 11: after that line insert:

19 “**SECTION 5250b.** 938.22 (7) (a) of the statutes, as affected by 1997 Wisconsin
20 Act (this act), is amended to read:

21 938.22 (7) (a) No person may establish a shelter care facility without first
22 obtaining a license under s. 48.66 (1). To obtain a license under s. 48.66 (1) to operate
23 a shelter care facility, a person must meet the minimum requirements for a license
24 established by the department of health and family services under s. 48.67, meet the

1 requirements specified in s. 48.685 and pay the license fee under par. (b). A license
2 issued under s. 48.66 (1) to operate a shelter care facility is valid until revoked or
3 suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).”.

4 **25.** Page 1982, line 17: after that line insert:

5 “(13pt) ABUSE AND NEGLECT INVESTIGATIONS. The authorized FTE positions for
6 the department of health and family services are increased by 4.15 FED positions on
7 the effective date of this paragraph, to be funded from the appropriation under
8 section 20.435 (6) (n) of the statutes, for the purpose of conducting investigations
9 under section 146.40 (4r) (b) of the statutes, as affected by this act.

10 (13pu) CHILD ABUSE AND NEGLECT AUTOMATED INTERFACE. The department of
11 health and family services shall study the feasibility of developing an automated
12 interface for information relating to substantiated reports of child abuse and neglect
13 with a view toward designating the statewide child welfare information system
14 maintained by that department as the database that will provide that information.”.

15 **26.** Page 1991, line 20: after that line insert:

16 “(3pt) COMPUTER LINK FOR CRIMINAL BACKGROUND INVESTIGATIONS.

17 (a) The authorized FTE positions for the department of justice are increased
18 by 1.0 PR positions, to be funded from the appropriation under section 20.455 (2) (gm)
19 of the statutes, for the purpose of establishing and maintaining the computer linkup
20 under section 165.825 of the statutes, as created by this act.

21 (b) The authorized FTE positions for the department of justice are increased
22 6.0 PR project positions, to be funded from the appropriation under section 20.455
23 (2) (gm) of the statutes, for the period ending on July 1, 2000, for the purpose of

1 conducting criminal history searches required under section 50.065 (2) (b) 1. of the
2 statutes, as created by this act.

3 (3pu) COMPUTER LINK. The department of justice and the secretaries of health
4 and family services and regulation and licensing shall, not later than 6 months after
5 the effective date of this subsection, submit to the chairpersons of the joint committee
6 on finance a plan for a computer linkup required under sections 165.825 and 440.03
7 (12m) of the statutes, as created by this act, to allow the department of health and
8 family services to access the information required under section 50.065 (2) (b) of the
9 statutes, as created by this act. The plan shall include a projected implementation
10 date, which may not be later than 18 months after the submission of the plan. The
11 plan may not require the department of justice to expend more than 30% of the
12 difference between the revenues received under section 165.82 (1) of the statutes and
13 \$390,000 in any quarter of fiscal year 1998-99 or \$200,000 in fiscal year 1998-99,
14 whichever is less, to establish the computer linkup. If the joint committee on finance
15 approves the plan, it may supplement the appropriation under section 20.435 (6) (a)
16 of the statutes by not more than \$420,000 in fiscal year 1998-99. Notwithstanding
17 section 13.101 (3) (a) of the statutes, the committee is not required to find that an
18 emergency exists. Of the moneys appropriated to the joint committee on finance
19 under section 20.865 (4) (a) of the statutes in the 1997-99 fiscal biennium, \$420,000
20 in fiscal year 1998-99 is allocated for the implementation of the computer linkup
21 plan.

22 (3pv) STUDY ON UNIFORM FEES. The department of justice shall prepare a report
23 on the feasibility of establishing uniform fees for criminal history searches under
24 section 165.82 of the statutes. The department shall submit the report to the

1 legislature in the manner provided under section 13.172 (2) of the statutes no later
2 than July 1, 1998.

3 (3px) STUDY ON DETERMINING CONVICTIONS IN OTHER STATES. The department of
4 justice with the department of health and family services shall conduct a study to
5 determine whether efficient methods exist by which both departments may
6 ascertain whether a person for whom a criminal history search must be conducted
7 under this act has a relevant conviction in another state or has been reported in
8 another state for misappropriation of property or abuse or neglect of a person who
9 is considered a vulnerable person in that state. Not later than July 1, 1998, the
10 department of health and family services, in conjunction with the department of
11 justice, shall submit to the legislature in the manner provided under section 13.172
12 (2) of the statutes a report detailing the results of the study.”

13 **27.** Page 1999, line 19: after that line insert:

14 “(3pt) AUDIT OF ABUSE INVESTIGATIONS. The legislative audit bureau is
15 requested to perform a performance evaluation audit to compare the investigation
16 processes of the department of health and family services under section 146.40 (4r)
17 (b) of the statutes, as affected by this act and the department of regulation and
18 licensing under section 440.03 (3q) of the statutes, as created by this act, and any
19 private investigators with whom the department of health and family services has
20 contracted under section 146.40 (4r) (er) of the statutes, as created by this act. The
21 audit shall compare methods, timeliness and outcomes of the investigations. If the
22 legislative audit bureau performs the audit, it shall file its report as described under
23 section 13.94 (1) (b) of the statutes by June 30, 2000.”

24 **28.** Page 2046, line 25: after “938.22 (7) (a)” insert “(by SECTION 5250)”.

1 **29.** Page 2065, line 12: after that line insert:

2 “(9pt) ABUSE REGISTRY AND REPORTING. The treatment of sections 48.65 (1m),
3 48.651 (1) (intro.) (by SECTION 1653g), (2) and (2m), 49.498 (3) (b) 1., 55.043 (1) (a)
4 (intro.), (4) (intro.), (e) and (f) and (5) and 146.40 (title), (1) (a), (4g) (a) 2. (intro.) and
5 b., and 3. and (4r) (a), (b), (d) and (em) of the statutes, the amendment of section 48.66
6 (5) of the statutes, the repeal and recreation of sections 48.60 (1), 48.625 (1), 48.65
7 (1) and 48.68 (1) of the statutes and the creation of sections 48.685, 50.01 (1r), 50.065
8 and 146.40 (1) (ad), (ag) and (as) and (4r) (am) of the statutes take effect on the first
9 day of the 12th month beginning after publication.

10 (9ptt) BACKGROUND INVESTIGATIONS OF CURRENT EMPLOYES. The amendment of
11 sections 48.685 (2) (ag) (intro.) and 50.065 (2) (ag) (intro.) of the statutes takes effect
12 on the first day of the 24th month beginning after publication.”.

13 **30.** Page 2068, line 18: after that line insert:

14 “(1pt) ABUSE AND NEGLECT REPORTS. The treatment of section 938.22 (7) (a) (by
15 SECTION 5250b) of the statutes and the creation of section 165.825 of the statutes take
16 effect on the first day of the 12th month beginning after publication.”.

17 **31.** Page 2071, line 16: after that line insert:

18 “(6pt) ABUSE AND NEGLECT REPORTS. The treatment of section 120.13 (14) of the
19 statutes takes effect on the first day of the 12th month beginning after publication.”.

20 **32.** Page 2072, line 5: after that line insert:

21 “(1pt) ABUSE AND NEGLECT REPORTS. The creation of section 440.03 (3q) and
22 (12m) of the statutes takes effect on the first day of the 12th month beginning after
23 publication.”.

24

(END)