

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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 01/26/2006			_____			S&L
/1	rryan 01/30/2006	jdyer 01/30/2006	rschlue 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	lnorthro 02/01/2006	

FE Sent For: **02/01/2006.**

<END>

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/2	rryan 01/31/2006	jdyer 02/01/2006	jfrantze 02/01/2006	_____	sbasford 02/01/2006		

FE Sent For:

<END>

02-01-2006
("1/2")

see
attached

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Wanted: **As time permits**

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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**

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Pre Topic:

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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 1/2
J. Sull
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

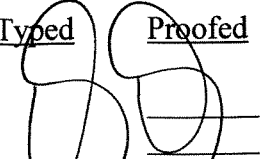
Topic:

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

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	dkennedy	1/30 jld					

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.

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

*child care providers covered under ch. 48, not
SD.065*

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?

RLR: n:...

wanted Tues.

JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS-SORT
draft
please

RMA
S Note

Gen Cat.

1 AN ACT...; 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 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. DHFSO *

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)

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

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. 104; 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

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

3 History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 100; 2005 a. 25.

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

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

17 History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 100; 2005 a. 25.

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

18 50.065 (4m) (c) If the background information form completed by a person
19 under sub. (6) (am), or a person's response or lack of response to a disclosure policy
20 described under sub. (6) (am), indicates that the person is not ineligible to be
21 employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may
22 employ or contract with the person for not more than 60 days pending the receipt of
23 the information sought under sub. (2) (b). If the background information form
24 completed by a person under sub. (6) (am), or a person's response or lack of response

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

→ INSERT A ←

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

9 (END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4380/ldn

RLR:.....
Jld

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

RLR:jld:rs

2

Wanted Wed AM

2005 BILL

RMR

Regen Cat

and providing a penalty ✓

1 AN ACT to amend 50.065 (2) (bb), 50.065 (2) (bd), 50.065 (4m) (c) and 50.065 (6)
2 (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:

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

BILL

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
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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

BILL

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

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

8 50.065 (4m) (c) If the background information form completed by a person
9 under sub. (6) (am), or a person's response or lack of response to a disclosure policy
10 described under sub. (6) (am), indicates that the person is not ineligible to be
11 employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may
12 employ or contract with the person for not more than 60 days pending the receipt of
13 the information sought under sub. (2) (b). If the background information form
14 completed by a person under sub. (6) (am), or a person's response or lack of response
15 to a disclosure policy described under sub. (6) (am), indicates that the person is not
16 ineligible to be permitted to reside at an entity for a reason specified in par. (b) 1. to
17 5. and if an entity otherwise has no reason to believe that the person is ineligible to
18 be permitted to reside at an entity for any of those reasons, the entity may permit
19 the person to reside at the entity for not more than 60 days pending receipt of the
20 information sought under sub. (2) (am). An entity shall provide supervision for a
21 person who is employed or contracted with or permitted to reside as permitted under
22 this paragraph.

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

24 50.065 (6) (am) Every 4 years an entity shall require its caregivers and
25 nonclient residents to complete a background information form that is provided to

BILL

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.

INS 4-4
5 →

(END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4380/2ins
RLR:.....

20

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

20

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. ✓

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Ins 4-4:

SECTION 1. 50.065 (6) (c) ^X 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.

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 ^{Kuiper} ~~Kiefer~~, 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 DHS except for a few
high level people

→ that is probably people
under (b)(a)

Laurie will check and see if have
people under (b)(b)

→ probably covers CNRS personnel
care workers - should check
with DHS

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



Barman, Mike

From: Basford, Sarah
Sent: Wednesday, February 01, 2006 2:15 PM
To: Barman, Mike
Subject: FW: Fiscal Estimate for LRB 4380/2

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

From: Seaholm, Matthew
Sent: Wednesday, February 01, 2006 2:03 PM
To: LRB.Legal
Subject: Fiscal Estimate for LRB 4380/2

There is a public hearing scheduled on LRB 4380/2 for next Wednesday and we will need a fiscal estimate by that time. The bill will be introduced no later than Monday morning.

Thank you,

Matt

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



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

RF 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.

RF 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.

Northrop, Lori

From: Seaholm, Matthew
Sent: Wednesday, February 01, 2006 2:42 PM
To: LRB.Legal
Subject: Draft Review: LRB 05-4380/2 Topic: Make submittal of caregiver background information disclosure form optional under certain circumstances

Please Jacket LRB 05-4380/2 for the ASSEMBLY.