

## Chapter DHS 99

### PERSONS QUALIFIED TO CONDUCT EVALUATIONS OF PERSONS ALLEGED TO BE SEXUALLY VIOLENT

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**Note:** Chapter HSS 99 was created as an emergency rule effective June 18, 1994. Chapter HSS 99 was renumbered chapter HFS 99 under s. 13.93 (2m) (b) 1., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register, May, 1999, No. 521](#). Chapter HFS 99 was renumbered chapter DHS 99 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., [Register November 2008 No. 635](#).

**DHS 99.01 Authority and purpose.** This chapter is promulgated under the authority of s. 980.04 (4), Stats., to provide rules that state the qualifications of persons who may conduct an evaluation of a person for whom a petition has been filed alleging that the individual is a sexually violent person, and therefore should be committed to the custody of the department of health services, and for whom the court has determined that there is probable cause to believe that the individual is a sexually violent person.

**History:** Cr. [Register, December, 1994, No. 468](#), eff. 1-1-95; correction made under s. 13.92 (4) (b) 6., Stats., [Register November 2008 No. 635](#).

**DHS 99.02 Applicability.** This chapter applies to facilities at which evaluations under s. 980.04 (3), Stats., are conducted, to persons conducting evaluations under s. 980.04 (3), Stats., and to all persons ordered by a court under s. 980.04 (3), Stats., to be transferred to an appropriate facility for an evaluation.

**History:** Cr. [Register, December, 1994, No. 468](#), eff. 1-1-95.

**DHS 99.03 Definitions.** In this chapter:

(1) “Licensed psychologist” means a psychologist licensed under ch. 455, Stats.

(2) “Mental disorder” means a congenital or acquired condition affecting the emotional or volitional capacity that predisposes a person to engage in acts of sexual violence.

(3) “Psychiatrist” means a physician licensed under ch. 448, Stats., to practice medicine and surgery who has completed 3 years of residency training in psychiatry in a program approved by the accreditation council for graduate medical education and is either certified or eligible for certification by the American board of psychiatry and neurology.

(4) “Sexually violent offense” has the meaning prescribed in s. 980.01 (6), Stats.

(5) “Sexually violent person” means a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect or illness, and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence.

**History:** Cr. [Register, December, 1994, No. 468](#), eff. 1-1-95.

**DHS 99.04 Qualifications.** A person conducting an evaluation under s. 980.04 (3), Stats., shall be either a psychiatrist or a licensed psychologist.

**History:** Cr. [Register, December, 1994, No. 468](#), eff. 1-1-95.