



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 172
[2007 Senate Bill 393]

Personal Care Services

2007 Wisconsin Act 172 provides that an agency that employs or contracts with an individual to provide personal care services must conduct a background check of the individual. The Act further requires that any entity that places a caregiver in a client's residence to provide personal care services disclose to the client or client's guardian in writing all information obtained from the background check of the caregiver regarding: (1) certain convictions; (2) findings of abuse or neglect of a client or misappropriation of a client's property; (3) substantiated reports of child abuse or neglect; and (4) certain other information maintained by the Department of Health and Family Services (DHFS). If an entity assigns a substitute caregiver to provide personal care services to a client when the regularly assigned caregiver is not available, the entity is not required to make the background check disclosure for the substitute caregiver. Additionally, if an entity must disclose a conviction and the caregiver has demonstrated to DHFS that the caregiver has been rehabilitated, the entity must provide notice in the background check disclosure that the caregiver has demonstrated rehabilitation.

Under the Act, an entity that places a caregiver in a client's residence to provide personal care services must notify the client or client's guardian that, for a fee, the Department of Justice performs for any person a criminal history record search on an individual and that the entity is not required to make the background check disclosure for a substitute caregiver provided to the client, as described above.

The Act requires that an entity request the information for a background check of all caregivers every four years. In addition, each time that an entity requests background check information regarding a caregiver, the entity must make the background check disclosure to each client for whom the caregiver provides personal care services or to the client's guardian.

Effective Date: The Act generally takes effect on November 1, 2008, and first applies to placements of caregivers that are made on the effective date.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.