



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Andrea Palm, Secretary

January 28, 2020

Mr. Patrick E. Fuller
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703

Mr. Jeff Renk
Senate Chief Clerk
Post Office Box 7882
Madison, WI 53707-7882

Dear Mr. Fuller and Mr. Renk:

1997 Wisconsin Act 27 established requirements to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. The Department of Health Services (DHS), the Department of Children and Families (DCF) and, for certain child care providers, counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to DHS and/or DCF, counties, or school boards for a waiver of the employment or licensing ban upon evidence of rehabilitation.

Wisconsin Stat. § 50.065(5g) directs DHS to submit an annual report to the Legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the DHS report for 2019.

Questions about this report should be referred to the DHS Chief Legal Counsel, Sandra Rowe, at 608-266-0355.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Palm", with a long horizontal flourish extending to the right.

Andrea Palm
Secretary - designee



2019 Annual Report on Rehabilitation Review Requests under Wis. Stat. § 50.065(5g)

Requests Received by the Department of Health Services

20 Pending requests at start of 2019	2 Applications withdrawn
37 Requests received in 2019	21 Approvals with standard conditions
57 Total Requests	1 Approvals with standard and additional conditions
	2 Partial approval and denial
	19 Denials (14 were for not providing the required information)
	0 No jurisdiction
	4 Not required to pursue rehabilitation approval
	0 Pending deferrals
	8 Requests being screened for completeness or awaiting scheduling or decisions
	57 Total; additionally, 2 prior approvals from 2014 and 2016 were withdrawn

Reasons for Approval	Reasons for Denial
<p>The applicants demonstrated sufficient evidence of rehabilitation in the areas of position-related offense factors and the applicant’s personal development and progress. Where applicable, standard conditions include: no (further) law violations, no (further) acts or threats of violence toward others, no offenses that lead to arrest or conviction or findings by a government agency of misconduct.</p>	<p>The following reasons may relate to more than one individual or an individual may have been denied for more than one reason.</p> <ul style="list-style-type: none"> ▪ Level of supervision in facilities requested ▪ The nature and scope of proposed contact with vulnerable adults, without supervision, provides an opportunity to commit similar offenses ▪ The multiple offenses of misappropriation of patient funds while also intending to deceive residents by falsifying and deleting documentation of the amount of money in the petty cash funds ▪ The panel members questioned veracity due to conflicting versions of events ▪ Not enough time has passed between the documented misbehaviors and request for rehabilitation review ▪ Failed to demonstrate an understanding of, or any concern for, the impact of actions on the victims ▪ Lack of empathy ▪ Lack of insight ▪ Poor judgment ▪ Number and severity of violations ▪ Questionable veracity ▪ Seriousness of the offense ▪ Lack of understanding of appropriate boundaries ▪ Failed to submit the required progress report on counseling by the designated dates specified in deferral scheduling letter ▪ Did not demonstrate sufficient progress in rehabilitation ▪ Questionable veracity due to the disparity between events contained in investigations by governmental agencies and the version of events given during the panel meeting ▪ Failed to take full responsibility for your actions