



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Kirsten L. Johnson, Secretary

February 21, 2024

Mr. Edward A. Blazel
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703

Mr. Richard Champagne
Acting Senate Chief Clerk
PO Box 7882
Madison, WI 53707-7882

Dear Mr. Blazel and Mr. Champagne:

I am pleased to submit the Wisconsin Department of Health Services (DHS) Annual Report on Rehabilitation Review Requests in accordance with Wis. Stat. § 50.065(5g). As created by 1997 Wisconsin Act 27, this provision established requirements to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated entities 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, the Department of Children and Families (DCF) and certain childcare 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 2023.

Questions about this report should be referred to the DHS Chief Legal Counsel Maura Flaherty at 608-266-2460.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten L. Johnson".

Kirsten L. Johnson
Secretary-designee

DEPARTMENT OF HEALTH SERVICES

2023 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20 Pending requests at start of 2023	0 Applications withdrawn
78 Requests received in 2023	30 Approvals with standard conditions
	4 Approvals with standard and additional conditions
	2 Partial approval and denial
98 Total requests	34 Denials (28 were for not providing the required information)
	5 No jurisdiction
	4 Not required to pursue rehabilitation approval
	1 Pending deferrals
	0 Premature request for review
	18 Requests being screened for completeness or awaiting scheduling or decisions
	98 Total

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"> ▪ Questionable veracity due to the disparity between events contained in investigations by governmental agencies and the version of events given during the panel meeting ▪ Lack of accountability ▪ Lack of remorse ▪ Continued denial of the underlying incident ▪ Opportunity to commit similar offenses in requested positions ▪ Not enough time has passed between the documented misbehaviors and request for rehabilitation review ▪ Failure to understand severity of actions and impact on resident(s)