



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Assembly Bill 698	Assembly Substitute Amendment 1
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2007 ASSEMBLY BILL 698

The bill provides that a *personal care worker agency that employs or contracts with a caregiver to serve as a personal care worker* in a private residence must disclose to the client or client's guardian the following information that is obtained by the agency from a background check of the caregiver: (1) the *caregiver's criminal history*; (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). The bill also requires that a personal care worker agency request the information for a background check of all personal care workers of the agency every *two years*.

ASSEMBLY SUBSTITUTE AMENDMENT -- (LRBS0246/4)

The substitute amendment provides that an *agency who employs or contracts with an individual to provide personal care services* must conduct a background check of the individual. "Personal care services" are defined as assistance with eating, bathing, grooming, dressing, transferring, toileting, meal preparation, food purchasing, changing or laundering of a client's linens or clothing, routine care of vision or hearing aids, or light cleaning in areas of the residence that are used during the provision of the above services.

The substitute amendment 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*¹; (2) findings of abuse or neglect of a client or misappropriation of a client's property; (3) substantiated

¹ The substitute amendment requires that DHFS promulgate rules to specify crimes for which an entity must disclose a conviction to a client or client's guardian.

reports of child abuse or neglect; and (4) certain other information maintained by 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.² Further, if an entity must disclose a conviction and the caregiver who provides personal care services 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 substitute amendment, 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 substitute amendment requires that an entity request the information for a background check for all caregivers every *four years*. In addition, each time that an entity that places a caregiver in a client's residence 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.

LEGISLATIVE HISTORY

On February 19, 2008, Assembly Substitute Amendment 1 was offered by the Assembly Committee on Aging and Long-Term Care, which recommended adoption of the substitute amendment by a vote of Ayes, 10; Noes 0, and recommended passage of the bill, as amended by a vote of Ayes, 10; Noes, 0.

LR:ty

² The substitute amendment requires that DHFS promulgate rules to specify who is a substitute caregiver for purposes of this provision.