


Division of Safety and Permanence

October 2, 2012

Memo CWLS 2012-13L

To: Shelter Care Facilities

From: Ron Hermes, Director 
Bureau of Permanence and Out-of-Home Care

RE: Caregiver Background Check Requirements for Agency Staff and PIE Requirements

Purpose

The purpose of this memo is to notify all providers that effective October 2012 the new data exchange application, Provider Information Exchange (PIE), will be the required method of data exchange for submission of caregiver background checks on employees and contractors to the Department. Providers were previously notified via Memo CWLS 2012-12, Provider Information Exchange (PIE) Requirements: Rate Regulation, Caregiver Background Checks and Performance Based Contracting about the Provider Information Exchange (PIE) initiative that describes the process of obtaining access to utilize PIE.

This memo will replace Memo CWLS 2012-10, Caregiver Background Check Requirements for Agency Staff, and provides a description of the process by which providers will use PIE to submit their monthly caregiver background checks updates to the Department.

Background

The caregiver background process was developed to reflect changes in federal Title IV-E eligibility regulations requiring states to verify and document the timely completion of caregiver background checks for specific child welfare agency staff that have regular, direct contact with one or more children of the agency. A “caregiver” is defined in s. 48.685(1)(ag)1.a. as a person who is, or is expected to be, an employee or contractor of an entity, who is or is expected to be under the control of the entity, as defined by the department by rule, and who has, or is expected to have, regular, direct contact with clients of the entity.

Shelter Care Facilities are required to maintain a personnel file that contains a caregiver background check pursuant to s. 48.685, Stats., ch. DHS 12 and DCF 59.04(6)(c)3. In order to ensure compliance with the required rules, the providers must submit the caregiver background checks to the Department on a monthly basis as outlined in this memo. State Licensing staff will also be conducting onsite random reviews of personnel records during their licensing visits.

The Department has assigned the Statewide Title IV-E Eligibility contract agency, MAXIMUS, Inc., to collect and process information related to this requirement.

This requirement also applies to all privately licensed providers even if federal Title IV-E is not claimed for the children in the licensed agency.

Introduction

The Department requires all licensed group homes, shelter care, residential care centers and private child placing agencies to provide the Department with caregiver background checks on specified employees and contractors that require a caregiver background check.

Beginning in October 2012, all provider facilities will be required to use PIE for the exchange of mandatory and confidential caregiver background check information pertaining to the above mentioned initiatives.

Process for Employee/Contractor Updates and PIE Submission Requirements

Each month, a Title IV-E Licensing Specialist will issue a request via email to the facility regarding caregiver background information on new hires, identification of employees and/or contractors who have terminated employment, and renewed background checks. The Title IV-E Licensing Specialists have created a master Employee CBC Roster for each facility from the information that was supplied by the facility. The CBC Roster is updated every month by the Title IV-E Licensing Specialist via monthly updated information from the provider on the blank CBC Roster. Each facility must review the CBC roster and add the required information on the blank CBC Roster and include all the required documentation for any new hires. The process for exchanging information between the Title IV-E Licensing Specialist and the facility provider is described below. Detailed instructions related to the information required for completion of the CBC Roster is provided in APPENDIX A:

1. Every month the Title IV-E Licensing Specialist will post the facilities master CBC roster and a blank roster which is to be utilized for updates in PIE.
2. The Title IV-E Licensing Specialist will send an email notification informing the facility the CBC rosters are in PIE. Within 10 business days of the email being sent, updated information must be documented in the CBC Roster and the completed CBC Roster must be placed in the facility's CBC folder within the PIE application. Failure to provide the correct information in the specified amount of time may result in an enforcement action against the agency's license.
3. The designated facility staff must retrieve the CBC Roster from PIE, update the blank CBC roster accordingly and resubmit it via PIE to the requesting Title IV-E Licensing Specialist. See APPENDIX A for instructions and examples of required updated information for the CBC Roster.

If the agency does not have any updates in a given month as required above, the facility provider must confirm that "no updates" are needed via an **e-mail** to the requesting Title IV-E Licensing Specialist. The email address to send correspondence regarding no updates, any questions, or non-confidential updates is as follows:

CBCProject@wisconsin.gov

4. For each licensed facility that is operated by the same licensee (parent agency), it is the licensee's responsibility to ensure that any staff member or contractor subject to CBC requirements working at more than one facility is identified on the specific individual facility's CBC roster that is submitted to the Department on a monthly basis. This is required for all staff or contractor regardless of full-time, part-time, relief/temporary status. This also includes a staff member or contractor that is promoted to a new position of an agency the staff member or contractor is not already assigned too.

Each licensee should have a process to identify this information when a staff member or contractor has been hired by one agency and covers a shift(s) at a different agency so that the required CBC information is sent and documented. The agency roster must include the staff or contractor's information. The agency should treat this as a new employee or contractor and provide a copy of the CBC information along with the start date.

As stated previously, the caregiver background checks are a critical part of licensing and, more importantly, an integral part of ensuring our licensed agencies and the children who are placed in our facilities are safe. Thank you for the continuing efforts to provide safe, quality care to some of our state's most vulnerable children and youth.

CWLS CONTACT: Child Welfare Program Specialist
DCFCWLR@wisconsin.gov

Attachment:
Memo CWLS 2012-12, Provider Information Exchange (PIE) Requirements: Rate Regulation, Caregiver Background Checks and Performance Based Contracting

APPENDIX A (Blank CBC Roster Instructions and Documentation Requirements):

1. The facility prior month’s CBC Roster and blank CBC roster will be placed in the facility’s CBC folder in the PIE application by the designated Title IV-E Licensing Specialist; the designated facility staff must retrieve and review the prior month’s roster and update the blank CBC roster per the below examples:
 - A. John Doe is a new employee or contractor and is indicated as such in the last column; for all new employees the DOB, SSN and Employment start date should be included as well as the Name and “x” in the box of the corresponding checks you are sending for that individual.
 - B. Jane Doe is an existing employee or contractor and is indicated as such in the last column; you should include her name and an “x” for the corresponding checks you are sending for that individual
 - C. John Deere ended his employment or contract and is indicated as such in the last column; you should include his name and end date.

Last Name	First Name	DOB	SSN	Start Date	End Date	BID	Other States checks needed? If lived in another state within the last 3 years (Yes/No)	DOJ	IBIS	New/Existing /Employment or Contract Ended
Doe	John	1/1/2001	000-00-1234	1/1/2011		x	NO	x	x	New Employee
Doe	Jane					x	NO	x	x	Existing Employee
Deere	John				11/11/2011					Employment Ended

2. Copies of **all required Caregiver Background Check (CBC)** documents must also be provided to the requesting Title IV-E Licensing Specialist via a submission to the facility’s CBC folder in the PIE application. The required CBC documents must include the following:

I. Background Disclosure Form (BID)

- a. If there has any pending or conviction of crimes per the BID, a statement is required from the individual listing each crime, when it occurred or the date of the conviction, and the city and state where the court jurisdiction of the conviction is located. A copy of the criminal complaint and a judgment of conviction **must** be submitted for the following crimes:
 - i. 940.19(1) Misdemeanor of battery
 - ii. 940.195 Battery to an unborn child
 - iii. 940.20 Battery, special circumstances
 - iv. 941.30 Reckless endangerment
 - v. 942.08 Invasion of privacy
 - vi. 947.01 Disorderly Conduct
 - vii. 947.013 Harassment
- b. Additional information required per the BID must also be submitted, e.g. out-of-state checks, discharge papers from the military, and any rehabilitation reviews.

II. Documentation of Substantially Related Crimes- If a staff member has been convicted of a crime that is not a permanent bar the agency must make a

determination as to whether or not the crime substantially relates to caring for children. The agency must document in writing that they have reviewed the situation including reviewing police reports and the criminal complaint. Form DCF-F-CFS-2261, Caregiver Background Checks Substantially Related Investigation Report may be used to document the agency’s investigation. The form can be found at the following website:

<http://dcf.wisconsin.gov/files/forms/doc/2261.docx>

III. Department of Justice Form (DOJ)

IV. Response to Caregiver Background Check form (also known as the IBIS)

The rosters are to be provided to the requesting Title IV-E Licensing Specialist by placing all required documentation to the facility’s CBC folder in the PIE application no later than 10 days from the email notification sent to the facility provider by the requesting Title IV-E Licensing Specialist via email.

3. The facility prior month’s CBC Roster and blank CBC roster will be placed in the facility’s CBC folder in the PIE application by the designated Title IV-E Licensing Specialist; the designated facility staff must retrieve and review the prior month’s roster and update the blank CBC roster per the below examples:

- D. John Doe is a new employee or contractor and is indicated as such in the last column; for all new employees the DOB, SSN and Employment start date should be included as well as the Name and “x” in the box of the corresponding checks you are sending for that individual.
- E. Jane Doe is an existing employee or contractor and is indicated as such in the last column; you should include her name and an “x” for the corresponding checks you are sending for that individual
- F. John Deere ended his employment or contract and is indicated as such in the last column; you should include his name and end date.

Last Name	First Name	DOB	SSN	Start Date	End Date	BID	Other States checks needed? If lived in another state within the last 3 years (Yes/No)	DOJ	IBIS	New/Existing /Employment or Contract Ended
Doe	John	1/1/2001	000-00-1234	1/1/2011		x	NO	x	x	New Employee
Doe	Jane					x	NO	x	x	Existing Employee
Deere	John				11/11/2011					Employment Ended

4. Copies of **all required Caregiver Background Check (CBC)** documents must also be provided to the requesting Title IV-E Licensing Specialist via a submission to the facility’s CBC folder in the PIE application. The required CBC documents must include the following:

V. Background Disclosure Form (BID)

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- b. Additional information required per the BID must also be submitted, e.g. out-of-state checks, discharge papers from the military, and any rehabilitation reviews.

VI. Documentation of Substantially Related Crimes- If a staff member has been convicted of a crime that is not a permanent bar the agency must make a determination as to whether or not the crime substantially relates to caring for children. The agency must document in writing that they have reviewed the situation including reviewing police reports and the criminal complaint. Form DCF-F-CFS-2261, Caregiver Background Checks Substantially Related Investigation Report may be used to document the agency's investigation. The form can be found at the following website: <http://dcf.wisconsin.gov/files/forms/doc/2261.docx>

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