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3 From the Interim Director, Department of Health and Human Services, requesting
4 authorization to administer a new appeal process for individuals barred or restricted
5 under the Milwaukee County Caregiver Policy, by recommending adoption of the
6 following:

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8 **A RESOLUTION**
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10 WHEREAS, the Milwaukee County Board of Supervisors adopted File No. 99-233 in
11 September 1999; and

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13 WHEREAS, the adopted file directed Milwaukee County (the County)
14 departments that contract with external agencies to provide youth services and
15 programs require that the employees of these contracted agencies have not been
16 convicted of certain barred offenses; and

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18 WHEREAS, this resolution applies to all offenses not covered by the Wisconsin
19 Caregiver Misconduct laws and its administrative rehabilitation review; and

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21 WHEREAS, the policy applies only to those employees who provide direct care
22 and services to County children and youth in the ordinary course of their employment,
23 and is not intended to apply to other agency employees such as clerical, maintenance,
24 or custodial staff whose duties do not include direct care and services to children and
25 youth; and

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27 WHEREAS, as currently written, this policy provides no rehabilitation review
28 process under which an individual who the County has excluded from having any
29 contact with children and youth in the direct provision of care and services as a result of
30 a barred conviction to demonstrate; and

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32 WHEREAS, the State of Wisconsin (the State) Departments of Health Services
33 (DHS) and Children and Families (DCF) have a well-established process, which allows
34 individuals with a barred conviction or finding of abuse, neglect, or misappropriation to
35 apply for a rehabilitation review as defined in Section 50.065(5) of the Wisconsin State
36 Statutes (State Statutes) to provide by clear and convincing evidence that he or she has
37 been rehabilitated; and

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39 WHEREAS, the County Department of Health and Human Services (DHHS) and
40 Corporation Counsel, Office of Corporation Counsel (OCC), have jointly developed a
41 policy and procedure governing a rehabilitation review process modeled on the State
42 DHS and DCF procedures; and

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WHEREAS, the first step in the rehabilitation review process required the individual requesting the review to submit an application to the DHHS Contract Administration;

WHEREAS, the DHHS, or its designee will appoint a review panel consisting of at least three people to include one representative from Corporation Counsel, OCC, one program expert to review the application and to issue a written determination based on the majority vote; and

WHEREAS, the decision of the panel is final, subject to judicial review; and

WHEREAS, the Committee on Judiciary, Safety, and General Services, at its meeting of October 19, 2017, recommended adoption of File No. 17-588 (revised) (vote 3-1); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors adopts the policy and procedure titled "Department of Health and Human Services (DHHS) Rehabilitation Review Process" attached hereto; and

BE IT FURTHER RESOLVED, the Interim Director, DHHS, or her designee, is hereby authorized to implement the rehabilitation review process upon adoption.

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10/25/2017
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