

<b>Milwaukee County</b> <b>Department of Health &amp; Human Services</b> <b>Contract Administration</b>	Date Issued:	Reviewed: By: <b>Contract Administration</b>	Section: <b>CONTRACT ADMINISTRATION</b>	Policy No: 800-005	Pages: 1 of 3
<input checked="" type="checkbox"/> Delinquency & Court Services <input checked="" type="checkbox"/> Disabilities Services Division <input checked="" type="checkbox"/> Housing Division <input checked="" type="checkbox"/> Management Services Division	Effective Date: <b>DATE APPROVED BY COUNTY BOARD</b>	Subject: <b>Attachment 2 - DHHS Rehabilitation Review Process          Milwaukee County Caregiver          Resolution 99-233</b>			

## I. POLICY

It is the policy of Milwaukee County Department of Health & Human Services (DHHS) that an individual who was found with a barred conviction as identified in the Milwaukee County Resolution 99-233 paragraph No. 6 to work as a direct service provider; or for a conviction considered substantially related to client care pursuant to Department of Health Services (DHS) 12.06 and/or Department of Children and Families (DCF) 12.06 guidelines, may seek Rehabilitation Review Approval in order to be considered eligible to work under program(s) funded by DHHS.

If any barrable offenses are also covered under WI Caregiver Law, the state's rehabilitation review process will supersede this policy.

Offenses listed under paragraphs 7 and 11 of the resolution are not covered by this policy as they already have a defined time limit related to the offense.

This policy applies to **all** DHHS contractors or service providers having reimbursable contracts or agreements to provide direct care and/or services to children and youth (*see Attachment 2 – DHHS Policy 001 - Milwaukee County Caregiver Resolution Summary*).

## II. DEFINITIONS

**A. Caregiver** (Direct or Indirect Service Provider) – a person who meets all of the following:

1. Is employed by, under contract with an entity, volunteer or intern.
2. Has regular, direct contact with or access to the entity's clients, or their personal property.
3. Is under the entity's control.

**A Caregiver is also a person who is one of the following:**

1. The owner or administrator of an entity, whether or not they have regular, direct contact with clients.
2. A board member or corporate officer that has regular, direct contact with clients.

**B. Regular Contact** –contact that is planned, scheduled, expected or periodic.

**C. Direct Contact** –face-to-face proximity to a client that affords the opportunity to commit abuse or neglect of a client or misappropriation of a client's property.

## II. DEFINITIONS – cont'd

- D. **Under the Entity's Control** – a person employed by or under contract with the entity for whom the entity does both of the following:
1. Determines whether a person employed by or under contract with the entity that has access to clients may provide care, treatment or other similar support service functions to clients being served by the entity.
  2. Directs or oversees one or more of the following:
    - a) The policy or procedures the person must follow in performing his or her duties as a caregiver/employee.
    - b) The conditions under which the person performs his or her duties.
    - c) The tasks performed by the person.
    - d) The person's work schedule.
    - e) The supervision or evaluation of the person's work or job performance, including imposing discipline or awarding performance awards.
    - f) The compensation the person may receive for performing his or her duties as a caregiver/employee.
- E. **"Contract Agency"** – an agency, organization or individual with whom a DHHS contract, agreement or Memoranda of Understanding has been executed.
- F. **"Direct Service Provider"** (DSP) – Contract Agency employee, volunteer, paid or unpaid intern, Independent Service Provider or subcontractor, who provides direct care and/or Covered Services to a Participant/Service Recipient on behalf of a Contract Agency, for which the Contract Agency receives compensation from the DHHS under the agreement.
- G. **"Indirect Staff"** – is an employee, individual independent contractor or subcontractor who is not a DSP, but is associated with Covered Services as a supervisor, billing staff, case records and/or quality assurance worker, and/or is someone (i.e.: volunteer) who has access to clients, client property, and/or client information of Service Recipients. Agency owner, President, CEO, Executive Director, and/or Senior Staff are considered Indirect Staff if reporting to work at a site where Covered Services are provided.

## III. PROCEDURE

### A. Eligibility to request rehabilitation review

An individual found with a barred conviction as identified on the Milwaukee County Resolution 99-233 (No. 6) may seek Rehabilitation Review Approval.

### B. Applying for rehabilitation review

To apply for rehabilitation review, an individual who is eligible to request rehabilitation review shall do all of the following:

1. **Obtain a Milwaukee County Resolution - DHHS Rehabilitation Review Application and submit the completed application to DHHS/Contract Administration** (DHHS/CA)

Milwaukee County Resolution - DHHS Rehabilitation Review Application and Instructions is available on DHHS contract management website, <http://county.milwaukee.gov/ContractMgt15483.htm>

II. PROCEDURE (cont'd)

2. **Submit any supporting documents and information required by the Rehabilitation Review Application to DHHS/CA.**

**SUBMIT complete application, supporting documents and information by US mail:-**

Department of Health and Human Services (DHHS)  
Attn - Contract Administration, Suite 304  
1220 West Vliet Street  
Milwaukee, WI 53205

**C. Time Frame**

Failure to submit or if the application is not complete or any supporting documents or information required in the application are not submitted within 90 days after the date the application was first received by DHHS/CA, the request for a rehabilitation review shall be denied, unless the individual requesting the rehabilitation review provides a good cause explanation.

**D. Rehabilitation Review Panel**

If an individual who is eligible for rehabilitation review and submits an application that is complete no later than the deadline, DHHS/CA or its designee shall appoint a review panel of at least 3 persons, including one representative from Milwaukee County Corporation Counsel (MCCC) and one program expert to review the information submitted. The panel may request additional information from the person requesting the review or from other agencies or persons familiar with the person.

**E. Rehabilitation Review Panel Meeting**

The individual requesting the rehabilitation review shall have an opportunity to appear before the review panel to present information and answer any questions the panel members may have. Individual will be notified by mail when and where the Rehabilitation Review panel meeting will be held.

**F. Rehabilitation Review Decision**

The Panel will issue a written determination based upon a majority vote.

- If the Review Panel finds sufficient evidence of rehabilitation, the decision may specify any conditions or limitations that are imposed.
- If the Review Panel does not find sufficient evidence of rehabilitation, the decision will provide the reasons for denial. Decision is final subject to judicial review.
- A decision may be deferred for up to six months to gather additional information or for other reasons.

**IMPORTANT**

A rehabilitation approval does not ensure that the individual applicant will receive employment, regulatory approval, contracts, or permission to reside at an entity. It also does not remove criminal conviction or any other governmental finding that required rehabilitation review.