

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

AN AMENDED RESOLUTION

WHEREAS, in September 1999, the Milwaukee County Board of Supervisors (County Board) adopted File No. 99-233, which directed Milwaukee County (the County) departments that contract out for youth services and programs to require all contracted agencies for these services and programs to certify that potential employees have not been convicted of certain barred offenses; and

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

~~WHEREAS, the list of offenses includes: homicide (all degrees); felony murder; mayhem; aggravated and substantial battery; 1st and 2nd degree sexual assault; armed robbery; administering dangerous or stupefying drugs; and, all crimes against children as identified in Chapter 948 of the Wisconsin Statutes; and~~

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

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

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

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

46 WHEREAS, an individual seeking a rehabilitation review must first submit an
47 application to DHHS Contract Administration; and
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49 WHEREAS, the DHHS, or its designee, shall then appoint a review panel of at
50 least three people including one representative from the OCC, and one program expert
51 to review the application and issue a written determination based on majority vote; and
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53 WHEREAS, the decision of the panel is final, subject to judicial review; and
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55 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
56 meeting of September 14, 2017, provided no recommendation on the motion to
57 recommend adoption of File No. 17-588 as amended, due to a tie vote (vote 2-2);
58 now, therefore,
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60 BE IT RESOLVED, the Milwaukee County Board of Supervisors adopts the
61 policy and procedure titled, "Department of Health and Human Services (DHHS)
62 Rehabilitation Review Process" attached hereto; and
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64 BE IT FURTHER RESOLVED, the policy attached to this file is approved with the
65 additional provision that under Section II Procedure, Sub. F. Rehabilitation Review
66 Decision, under the first bullet point, the language should read, "If the Review Panel
67 finds sufficient evidence of rehabilitation, the decision will provide the reasons for
68 approval, and may specify any conditions or limitations that are imposed"; and
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70 BE IT FURTHER RESOLVED, the Interim Director, DHHS, or her designee, is
71 hereby authorized to implement the rehabilitation review process upon adoption.
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