Q: A provider member asked, “We were wondering if you would have any information about it being required to do fingerprint checks on volunteers for Long Term Care Facilities or Home Care services?”

A: Volunteers should be treated the same way as paid employees are for purposes of the Health Care Worker Background Check Act (http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1303&ChapAct=225%A0ILCS%A046/&ChapterID=24&ChapterName=PROFESSIONS,%20OCCUPATIONS,%20AND%20BUSINESS%20OPERATIONS&ActName=Health%20Care%20Worker%20Background%20Check%20Act). So it would depend upon what type of work and access to “residents” the volunteers would have and the type of facility that they work in. They would be covered by the Act only if they provide “direct care” in either a home health setting or a LTC facility, or if they work in a LTC facility and have access to residents or certain records of residents. The applicable sections of the Act are below:

Sec. 10. Applicability. This Act applies to all individuals employed or retained by a health care employer as home health care aides, nurse aides, personal care assistants, private duty nurse aides, day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care or has access to long-term care residents or the living quarters or financial, medical, or personal records of long-term care residents. This Act also applies to all employees of licensed or certified long-term care facilities who have or may have contact with residents or access to the living quarters or the financial, medical, or personal records of residents.

Section 15.
"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.
"Employee" means any individual hired, employed, or retained, whether paid or on a volunteer basis, to which this Act applies.
"Health care employer" means:
(1) the owner or licensee of any of the following: …
(iii) a long-term care facility;
(iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act; …
"Initiate" means obtaining from a student, applicant, or employee his or her social security number, demographics, a disclosure statement, and an authorization for the Department of Public Health or its designee to request a fingerprint-based criminal history records check; transmitting this information electronically to the Department of Public Health; ...
Section 33(d). On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, a health care employer who makes a conditional offer of employment to an applicant for a position as an employee shall initiate a fingerprint-based criminal history record check, requested by the Department of Public Health, on the applicant, if such a background check has not been previously conducted.