Criminal background checks for Ombudsman program staff and Volunteers state responses:

Yes:
- California – state law; paid by state
- Connecticut – policy; Dept Public Safety – no cost to program
- Delaware – state law; State Police directly bills LTCOP who pays
- Hawaii – policy; state online process; no cost to program unless hard copy requested
- Kansas – policy
- Massachusetts – state law; sponsoring agencies get discounted rate
- Missouri – policy; paid by Dept Health and Senior Services, as if employees
- Nevada – still developing volunteer program but all employees have background checks; employees pay the costs
- New Hampshire – regulation; LTCOP pays the costs
- New Mexico – policy; LTCOP pays
- Ohio – always paid staff, sometimes volunteers; policy – tried to get in regulation, not successful yet; regional LTCOP pays
- Oregon – policy; LTCOP pays
- Texas – policy; State agency that hosts SLTCOP pays
- Washington – both law and regulation; county programs pay, although free if program is non-profit
- Wisconsin – statute; Agency that houses the SLTCOP pays

No:
- Alaska – reference checks but not background checks
- Georgia – local program contracting agency decides whether background checks done (several, but not all, require the checks). Proposed revisions to LTCO policies have been made to require background checks and are currently undergoing review. If implemented, costs to local programs.
- Indiana – some local programs require; at state level looking for ways to pay for it
- Iowa
- North Carolina
- South Dakota

Alaska:
For new potential volunteers, Alaska does:

1. Reference Checks with personal and professional references provided by the potential volunteer in their volunteer application.

2. View on-line court records with the Alaska Court System looking for disposition of any criminal cases.
3. If the volunteer resided in another state that has free on-line court records we check for disposition of criminal cases.

In answer to your specific questions:

The LTCOP does NOT conduct formal criminal background checks or fingerprint paid staff or volunteers.
Not required to conduct background checks or fingerprint by state law.

**California:**

Since July 1, 2007, California conducts criminal background checks (California Department of Justice and FBI) for all certified volunteers and staff. This requirement is in state law as a result of the enactment of SB 1759. The State pays for the fingerprinting and clearances.

**Connecticut:**

CT instituted volunteer background checks in 2007. It is not a state law or regulation. They are only “first level” checks, they’re done by our department of public safety at no cost to the Program.

**Delaware:**

1. LTCOP requires criminal background check for LTCOP volunteers. It's conducted upon request by Delaware State Police.

2. If yes, is it required by state law or regulation?
   Required by law - Senate Bill 303 (effective January 1, 1999)

3. If yes, who pays for the check and/or fingerprinting?
   LTCOP pays. State Police directly bills LTCOP.

**Georgia:**

Currently the Office of the State LTC Ombudsman leaves it up to the subcontracting agency's policies regarding background/fingerprint checks on their employees and volunteers. Several, but not all, of the agencies that host the Long-Term Care Ombudsman Program require background checks.

However, we have proposed revisions to LTCO policies that would require background/fingerprint checks of staff and volunteers. These are not yet
implemented, but are likely to be in the near future. If implemented as drafted, costs associated with this requirement would be the responsibility of the local program.

**Hawaii:**

In Hawaii I have required criminal background checks from the beginning of our volunteer program. I also require it for paid staff since they also go into the facilities. It’s in our “Policies and Procedures” but it’s not a state law. We only do the SS# check, which is with our Criminal Justice Data Center (part of our Judiciary). If we want a hard copy of the information it’s $10 but we do it on line and then it doesn’t cost anything. We document the findings in the application paperwork. We don’t feel a need to have a hard copy and could always purchase one later if it became necessary because a volunteer did something wrong and we have to prove we did do the check. It’s not as good as the FBI fingerprinting one, which I believe is $24, so our criminal check may not be national, it might only record convictions here in Hawaii. It’s better than nothing. It only records convictions, not arrests or accusations. We only once had a volunteer with a conviction but that was a DUI so we didn’t feel it had anything to do with volunteering in a nursing home. We don’t eliminate potential volunteers just because they have a conviction. We also review how long ago, evidence of rehabilitation, and is it related to what they will do as an advocate in our program. I think we got that idea from something I read about Missouri. Some of our volunteers are from out of state but they have lived here for several years so we feel if they have stayed out of trouble for however many years they have lived in Hawaii, they are probably rehabilitated….hope I’m right!! Our facilities are now required by state law to also do this before hiring but one question I don’t know the answer to – most of our nursing staff are from the Philippines. Would a standard FBI criminal check include any convictions overseas in another country or only convictions here in America??

**Indiana** does not require criminal background checks at present. We are currently looking at ways in which we could pay for them.

**Iowa** does not do background checks on paid staff or volunteers.

**Kansas**

We perform the background checks but it is not in Kansas Statues.

**Massachusetts**
1) Background (CORI) checks are done on all paid and volunteer ombudsman
2) By state law (non ombudsman)
3) Sponsoring agencies – discounted rate

**Missouri:**
1. Missouri conducts criminal background checks on staff and volunteers. We also check the Family Care Registry (which includes Missouri’s Employee Disqualification List --people who can't work in nursing homes or home health due to abuse/neglect in one of those settings--and the Children's Abuse Registry and the Elder Abuse Registry).

2. Not required by state law or regulation. However, there is a state regulation that volunteers of long-term care facilities must have a criminal background check. Because of that regulation, the LTCOP felt it was in our best interest to have our volunteers meet the same standard.

3. Background checks are paid for by my department, Dept. of Health and Senior Services. We run them through our Human Resources office, as if they were an employee of the state.

(There is no fingerprinting done, and the background check only covers Missouri, not nationwide.)

**Nevada**
- Nevada does conduct criminal background checks that include fingerprinting for all Division for Aging Employees which includes our paid Ombudsman Program Staff.
- Nevada doesn’t have a volunteer program but, we are heading in that direction (more of a friendly visitor program).
- The employee is responsible for all costs associated with the background check and fingerprinting.

**New Hampshire**
(1) Does your LTCOP conduct criminal background checks and/or fingerprinting for paid ombudsman staff and/or volunteer ombudsmen? Yes
(2) If yes, is it required by state law or regulation? By regulation
(3) If yes, who pays for the check and/or fingerprinting? The Office of the Long-Term Care Ombudsman
New Mexico:

1. New Mexico conducts in-state background checks (no fingerprinting) on all volunteers and staff. Following Certification Training, ombudsmen are considered probationary until they are "cleared" by the background check.

2. Background checks are required by Program Policy, not statute or regulation.

3. The LTCOP pays for all in-state background checks (+/- $45 / check).

North Carolina

North Carolina does not require criminal background checks for Ombudsmen staff or volunteers.

Ohio:

(1) Does your LTCOP conduct criminal background checks and/or fingerprinting for paid ombudsman staff and/or volunteer ombudsmen?
Always paid, sometimes volunteers. Volunteer background checks are not required in Ohio but some of our regional programs do them. We tried to put the requirement in our rules but the Ohio General Assembly's rule committee wouldn't allow it because state law specifically exempts volunteers in the codes that would affect us. Currently there is an effort to make requirements in long-term care consistent from provider type to provider type and the issue of volunteers is part of the discussion.

(2) If yes, is it required by state law or regulation?
See above

(3) If yes, who pays for the check and/or fingerprinting?
The regional ombudsman program.

For those interested, I’m attaching a form that Minnesota has used to inform potential new ombudsmen of the background check requirement: http://www.ltcombudsman.org/uploads/MNcrimcheckoverview.pdf

Oregon
Although it is not required for paid ombudsman staff or volunteers, Oregon’s Office of the Long-Term Care Ombudsman conducts and pays for criminal background checks (no fingerprinting).

**South Dakota**

We don't utilize volunteers - our long term care facilities are not mandated to conduct criminal background checks on potential employees - that is where our focus is.

**Texas**

Texas conducts a CHC (not fingerprint, but run through Texas dept. Of public safety) before a volunteer or staff enters the program. Note: we plan to run checks every two years in the near future. FBI checks are conducted if a person reports moving to Texas within the last two years.

This is not supported in statute, but is a part of our procedural requirements and is controlled by my office in order to approve certification of the ombudsman.

The checks are paid for by my host agency - a huge human services agency.

**Washington:**

(1) Does your LTCOP conduct criminal background checks and/or fingerprinting for paid ombudsman staff and/or volunteer ombudsmen? Yes - Washington State Patrol background checks which does not require fingerprinting. It is done prior to certification training as part of screening process on all staff and volunteers.

(2) If yes, is it required by state law or regulation? Both - and we have to re-check every three years.

(3) If yes, who pays for the check and/or fingerprinting? The cost is nominal $10.00 for our county programs which are not considered a non-profit. Our non-profit CAP agencies can do it for free. All is done via the internet. The WA State Patrol has a standard form that we use.

**Wisconsin**

(1) Does your LTCOP conduct criminal background checks and/or fingerprinting for paid ombudsman staff and/or volunteer ombudsmen? Wisconsin conducts criminal history records checks for all paid and volunteer staff who have direct contact with clients of the agency. This process does not include fingerprint checks. The requirement of a
records check is made part of every posting for a position vacancy in the Ombudsman Program and every solicitation for volunteers.

(2) If yes, is it required by state law or regulation? Records checks of the paid staff are required by statute. Checks of the volunteer staff are done in compliance with agency policy.

(3) If yes, who pays for the check and/or fingerprinting? The agency is responsible for the cost of the checks which are done by the state Dept. of Justice using records from the DOJ, the Dept. of Regulation and Licensing, and the Dept. of Health Services - Caregiver Registry for a nominal fee.