

HOSPICE VOLUNTEER QUESTIONS

Question 1) Can hospice use volunteers in the bereavement program?

Answer: CMS has addressed Question 1 in the hospice final rule as follows:

*In order to facilitate bereavement counseling services beginning at an early time and being furnished to whomever the hospice assesses as needing services, we believe that it is necessary to allow hospices flexibility in deciding who is qualified to provide bereavement services in accordance with their own policies, current standards of practice, and other applicable Federal, State, and local laws and regulations. In the proposed and final rule at § 418.64(d), we require that counseling services, including bereavement counseling, are provided by or under the supervision of a qualified individual with experience in grief or loss counseling. Some hospices may use a social worker while other hospices may choose to use chaplains **or volunteers** to provide this service. This flexibility allows hospices to meet the needs of their patients and families in a manner that works best for their needs and resources. Therefore, we are not prescribing who may or may not furnish bereavement counseling services.*

We would answer "Yes"; it is acceptable to use volunteers in bereavement services, as long as they:

- Are background checked per state requirements, and have been oriented to hospice philosophy, volunteer role, confidentiality...grief and loss....etc--per state code of regulations at 19 CSR 30-35.010 (2)(J)(4.)(5.);
- Ensure the volunteer received adequate orientation and supervision for their assigned tasks;
- Are qualified to do the task assigned. (If they were going to perform bereavement counseling functions, they must be qualified with "experience in grief or loss counseling" by federal requirement, but in Missouri we also have a more stringent requirement, that to furnish bereavement services, they must be "under the supervision of a qualified professional who is a person with training or experience related to death, dying, or bereavement." (19 CSR 30-35.010 (2) (G) (5) (A.)

Our state's hospice regulation at 19 CSR 30-35.010 (2) (J) (7.) (ML 237) says if a volunteer was used for professional services "...in accordance with professional practice acts" the "professional" acting as a volunteer would need to "...show evidence of current professional standing and licensure...." if applicable. (Such as a registered nurse, a licensed counselor, a licensed clinical social worker, etc.....)

Hospices could use non-professional volunteers (under the supervision of a professional such as a licensed counselor or person specially trained in grief counseling) in bereavement services. Non-professional volunteers are sometimes used in non-direct bereavement service roles. For instance, volunteers could be used in day- to- day administrative (office) duties. This could include making phone calls for reminders of upcoming bereavement appointments/ meetings, or preparing the packets of mailings that the bereavement counselor wanted to send to each bereaved person. The non-

professional bereavement volunteer could make friendly visits for companionship, as the bereavement counselor assigned and directed per a plan of care for a lonely person who is bereaved.

Some federal regulatory references that are helpful to review: See federal regulation at 418.78 (Volunteers), especially tag L644, which says hospice volunteers who are appropriately trained/ oriented can be assigned, per interpretive guidance: to direct patient care services or helping patients and families, as per the plan of care assignment. See hospice federal regulation 418.64 (d) regarding Core Services, which says bereavement services must be furnished under the supervision of a “qualified professional with experience or education in grief or loss counseling”.

Question 2: Can a teenager or a person who is a foreigner here in the US (without citizenship or any social security number), be considered for use as a volunteer?

Answer: Hospice regulations require that each volunteer be treated as an employee of the hospice (See federal 418.64 which shows counseling services are a core service given by direct hospice employees, and federal 418.78, in guidance, where it says the volunteers must be considered as part of Core Services and be considered as employees.) Therefore, volunteers must meet the same requirements as any employee (regulatory and agency policy) for required identity information, and background checks/ screenings. Before they can be hired, or have access to patients/ families or patient health information, the hospice must have documented proof that the volunteer has a clean background check/ screening results, just like employees. Ultimately, it is up to the agency to determine if the person can be considered for use as a volunteer, per regulatory requirements and agency hiring policies. As always, each volunteer must also complete the required volunteer orientation prior to furnishing volunteer services.

The background checks specifically required in Missouri for hospice include: 1) a criminal background check by the Missouri Highway Patrol, AND 2) checking the prospective employee/ volunteer’s name and identifying information (which necessitates a social security number) against the Missouri EDL (Employee Disqualification List). If they are listed on our state’s EDL (or cannot have an EDL check due to no social security number) or have a record of a criminal felony charge, or were found guilty of certain crimes in the past, the volunteer cannot be hired.

If a foreign citizen desires to be a hospice volunteer, is here in the USA with a spouse who has a work VISA, and has no social security number to check the EDL status, we are not sure you could complete the required EDL check prior to hire. We understand the Missouri Highway Patrol can do a check for criminal history in Missouri with a person’s name and their birthdate (no driver’s license), but we would question if you could assure there was not a criminal history in another country/ state prior to the person’s arrival in our country/ state. This would be up to the agency to ensure these required Missouri background checks could be done for the foreign citizen, who is on a temporary Visa, who wanted to be a hospice volunteer.

Also, your agency should follow its policy for Missouri-required background checks with a teenager who desires to be a hospice volunteer. We caution, if the teenager is not of legal age, a criminal background check will not necessarily show an existing record of arrests or problems, because if they are still

underage, those records would be sealed from public sight. In the case of questions regarding use of a teenager for hospice volunteer services, the agency may want to check with their company's legal/regulatory advisors.