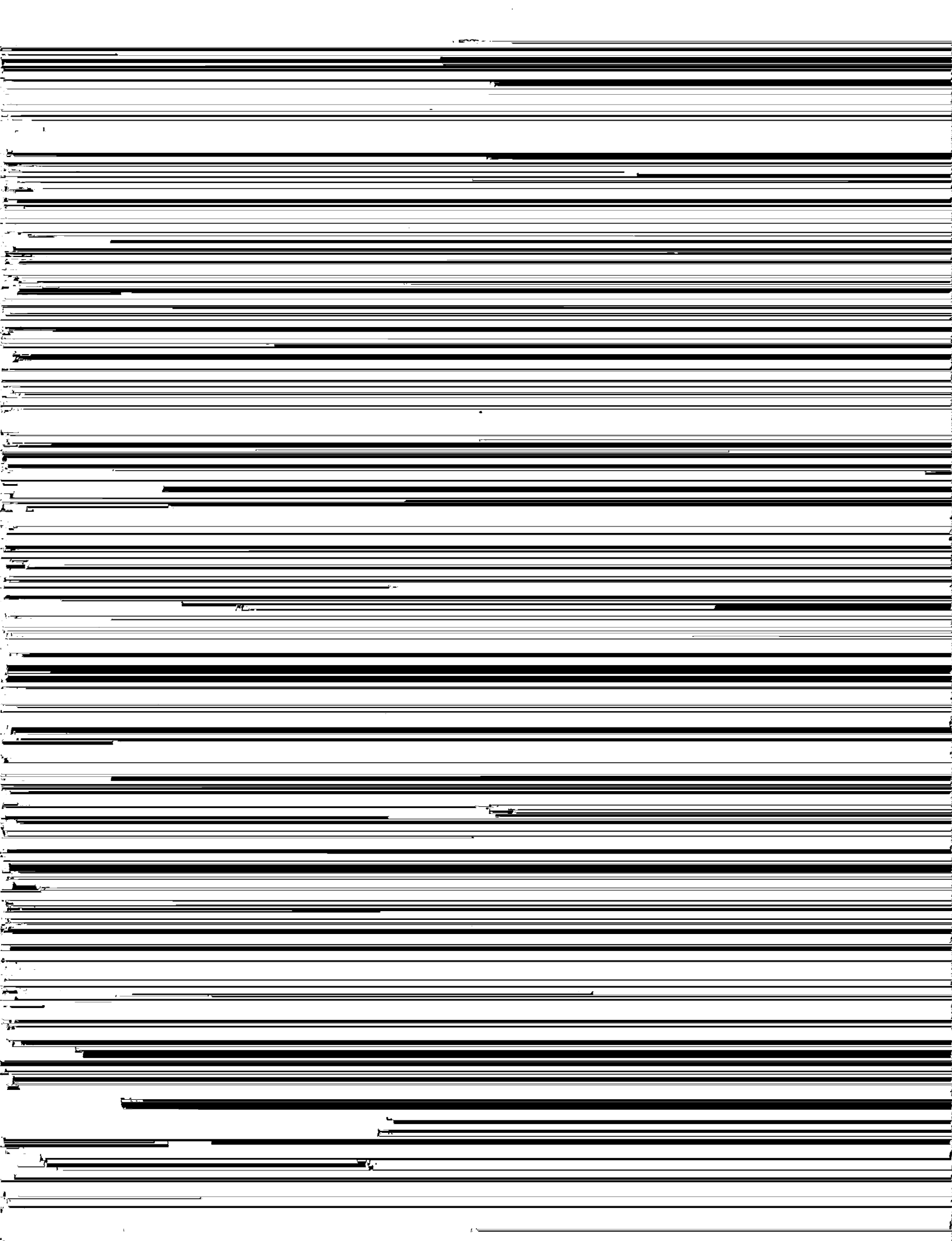

the home office of his employer, or at the individual's primary place of

S.C. Code Ann. § 44-7-2910(A). Section 44-7-2910(B)(1) defines "direct care entity" as:

(a) a nursing home, as defined in Section 44-7-130;
(b) a daycare facility for adults, as defined in Section 44-7-130;
(c) a home health agency, as defined in Section 44-69-20;
(d) a community residential care facility, as defined in Section 44-7-130;
(e) a residential program operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs;

(g) hospice programs.
(h) an in-home care provider, as defined in Section 44-70-20(3)

> (a) offers in a group setting a program of individual and group activities and therapies;
>
> (b) is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day, in order to prevent unnecessary institutionalization; and
>
> (c) provides a minimum of four and a maximum of fourteen hours of operation a day.

We do not have all the facts to determine if an Adult Activity Center meets this definition. However, as you describe them, Adult Activity Centers offer individual and group activities and therapies. But you would need to consider whether these facilities provide community-based care for less than twenty-four hours a day to prevent unnecessary institutionalization and whether they

(c) Medical social services, home health aide services and other therapeutic services;

(d) Medical supplies and the use of medical appliances;

(e) Any of the foregoing items and services which are provided on an

outpatient basis under arrangements made by the home health agency

with a hospital, nursing care facility, or rehabilitation center and the

furnishing of which involves the use of equipment of such a nature that

it employs or contracts with.

Constance Holloway
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fingerprint-based background check is required to meet the statutory requirements for background pursuant to section 44-7-2910.

Conclusion

Section [illegible] of the South Carolina Code requires direct care entities to conduct criminal record checks of direct caregivers prior to employing or contracting with them. We do not find [illegible] purposes of this provision is a factual question [illegible] determined by a court. Nevertheless, we believe each of these entities has some characteristics that may qualify [illegible] DEP or a qualified private [illegible] fingerprints "to facilitate a national criminal records check [illegible]." As such, we believe a fingerprint-based background check is required for direct care [illegible] identified under section [illegible]

Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Solicitor General