



**Indiana**  
**Department**  
**of**  
**Health**

# ESSENTIAL FAMILY CAREGIVER PROGRAM

SENATE ENROLLED ACT 202

06/23/2021

**OUR MISSION:**

**To promote, protect, and improve the health and safety of all Hoosiers.**

**OUR VISION:**

**Every Hoosier reaches optimal health regardless of where they live, learn, work, or play.**



# EFC Program - Background

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Visitor restrictions imposed for public health reasons isolated nursing home residents

- We learned that social and emotional isolation has its own health effects
- Residents who received care from outside caregivers that experienced an abrupt discontinuation of that care were particularly impacted
- Indiana was one of several states during the pandemic to create an EFC program through regulatory policy to allow some outside caregivers to resume care of residents

# EFC Program - Background

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- Indiana lawmakers and healthcare providers worked together to refine the existing guidance
- Senate Enrolled Act 202: New legislation that clearly defined the expectations of the EFC programs that many facilities had already voluntarily adopted during the pandemic
- The program is meant to establish a long-term solution to prevent unnecessary emotional and social isolation from visitation restrictions imposed due to a declared emergency
- Let's review the elements of this program and resources available to support the development of policies and procedures for your facility's EFC program

# EFC Program - Requirements for LTC Facilities

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- Senate Enrolled Act 202 passed April 2021
- All **licensed** LTC facilities must establish an EFC program:
  - Skilled nursing facilities (SNF - comprehensive care facility)
  - Nursing facilities (NF - comprehensive care facility)
  - Assisted living facilities (residential care facility)
- This bill allows for a family members or other caregivers to continue to provide routine care during a declared emergency or public health emergency (PHE) that results in visitation limitations or restrictions. If visitation is restricted during this PHE (i.e., due to an outbreak) or during a future declared emergency or PHE, then designated EFCs must be permitted to provide care in alignment with state guidance.
- All LTC facilities must establish policy/procedure in alignment with IDOH guidance
- The facility must provide all residents/representatives written information about the facility's EFC program, criteria for participation, and the application process - mail, email or hand delivery in facility

# EFC Program - Requirements for LTC Facilities

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- EFC Application Protocols
  - Facility EFC Program must have clearly defined application process
  - Ensure the application approval designee is clearly defined
  - A facility must allow at least two (2) EFC designations per resident
  - Individuals may be designated before or after visitation restrictions
    - If EFC designation done prior to declaration of public emergency resulting in visitation restrictions, the EFC plan should be addressed as part of the existing Care Plan review process to ensure the appointment remains appropriate and valid

# EFC Program - Requirements for LTC Facilities

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- Prior to further consideration, confirm the following application requirements are met:
  - At least 18 years of age
  - The applicant must have
    - Regularly engaged with the resident providing supportive or direct care, on average twice per week, prior to the start of the public health emergency resulting in visitation restrictions (e.g. - help with meal setup, grooming, and companionship)
    - Provided care to a new resident prior to facility admission

# EFC Program - Requirements for LTC Facilities

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- Application Determination
  - Applications will be approved or denied by facility after review, and
    - Decision made on a case by case basis with a person-centered focus
    - Consultation with the resident's direct care staff
    - Must make determination within seven days
- If an application is ***denied*** by facility
  - Justification must be given in writing
  - Burden of justification falls on the facility
  - Applicant has right to request the administrator reconsider the decision
  - A second denial may be reported to the IDOH or LTC ombudsman if not justified

# EFC Program - Requirements for LTC Facilities

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If an application is ***approved*** by facility:

- Facility and caregivers must work together to determine both the hours of visitation and duration of visits
- Ensure reasonable visitation times set to allow for the visitation
- Facility must provide written visitation rules for the EFC
- Designated caregiver must attest to abide by the visitation rules set forth by the facility (congruent with existing guidelines)
- Facility will develop an individualized Resident EFC Plan in coordination with the resident and/or their healthcare representative, and each essential family caregiver
- Resident or their representative can revoke an EFC designation at any time

# EFC Program - Individualized Resident Plan

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All residents who have designated caregiver(s) must have an individualized plan:

- Part of the resident's file (paper or electronic) in facility
- Outlines both the hours of visitation and duration of visit
  - For example, may visit seven days/week, from 8 a.m. to 8 p.m. for a max of six hours per day
- Specifies the responsibilities of all parties
- Includes both indoor & outdoor visitation, and virtual visitation when the caregiver cannot physically visit
- Person-centered approach to visitation with attention to preferences of resident and caregiver (in accordance with existing guidance)
- Copy of plan is provided to the resident and/or their designated representative and each EFC
- Facility must provide a copy of the EFC plan to the LTC ombudsman if requested

# EFC Program - Caregiver Rules & Requirements

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The following outlines the requirements for the resident's designated caregiver that should guide the development of facility specific EFC facility policy and rules

- If multiple EFCs the resident or their representative must choose primary that will be the main contact for communication and care planning for purposes of the EFC program
- Must be able and willing to take and pass any screening tests or other testing required by PHE
- Must follow precautionary measures - hand hygiene, use of masks or other PPE as required
- Attest to receipt of facility visitation rules and agree to abide by them
- Only enter the specific resident's room and any other designated areas of the facility
- Approved by the resident or their designated representative before application started

# EFC Program - Additional Information

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- A facility may restrict an established plan of EFC visitation
  - Only if an essential family caregiver violates the rules as outlined in the facility's EFC policies or the individualized EFC plan
  - Only for the minimum time necessary to adhere to state/federal guidelines in the case of a positive screening test
- If a facility cannot meet all requirements of this program, they must contact IDOH with explanation and what is needed to establish program
- Facilities seeking additional support, guidance, or clarification regarding the EFC program requirements should contact [FamilyOutreach@isdh.in.gov](mailto:FamilyOutreach@isdh.in.gov)

# EFC Program - Implementation Toolkit

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Use of the resources provided in the toolkit is not mandatory but should be used as a guide in the creation of a facility's own EFC documents.

## ***Guidance & Informational Documents***

- Facility Requirement Guidance
- Resident/Representative EFC Guidance
- Essential Family Caregiver Program Presentation

## ***Supportive Tools & Forms***

- EFC Application Form
- Individualized Resident EFC Plan
- Resident EFC Plan Checklist
- Facility EFC Program QA Tool

# Toolkit Contents

## Facility Requirement Guidance

This document provides an outline of the requirements for the facility leadership and staff related to the development, implementation, and adherence to the EFC Program legislation.

Intended for facility leadership and staff education.



## LTC Facility Requirements



This document is intended for use by long-term care (LTC) facilities licensed by the Indiana Department of Health to provide a clear outline of a facility's requirements as mandated in Senate Enrolled Act 202. These requirements shall be reflected in the policies and procedures developed for implementation of a facility's essential family caregiver (EFC) program.

- All state licensed LTC facilities are required to establish and maintain an EFC program; this applies to licensed assisted living facilities, skilled-nursing facilities and nursing facilities. The EFC program is required to be utilized during declared emergencies or public health emergencies when visitation is limited or restricted.
- The facility must inform all residents, or the resident's designated representative, of the EFC Program and provide written information regarding the criteria for participation in the program, as well as the facility's EFC application process.
- The facility must allow a resident, or the resident's designated representative (if the resident has been deemed incapacitated or is a resident of a memory care unit), to designate at least two individuals to serve as essential family caregivers. In other words, the resident, or the resident's designated representative, may choose to only designated one individual to serve as an essential family caregiver but is permitted to designate up to two individuals. If more than one essential family caregiver is designated, the resident, or the resident's designated representative, shall determine the identity of the primary essential family caregiver to serve as the main point of contact for communication and care coordination related to the EFC program.
- There are two primary requirements to be appointed as an essential family caregiver. First, the caregiver must be at least 18 years of age. Second, they must have provided care and support to the resident on a routine basis, about twice a week on average, prior to the visitation limitations or restrictions. If the resident is newly admitted to a long-term care facility during a declared disaster emergency or public health emergency, a person who provided care to them before their admission would also be able to apply as an essential family caregiver.
- The facility's administrator, or their designee, shall have the discretion to determine whether to designate an individual as an essential family caregiver and must approve or deny the applicant within seven days of receipt of application in consultation with facility staff who provide care to the resident. The facility's administrator, or their designee, may factor in the current status of the facility, as it relates to the declared emergency or public health

# Toolkit Contents

## Resident & Family EFC Guidance

Outlines the purpose of the program, requirements for EFC application and designation, and what is expected of an Essential Family Caregiver in this program.

For distribution to residents and families.

**Q: When are LTC facilities expected to be in compliance with the new legislation?**

A: As soon as possible. Facilities must begin establishing their EFC program now and inform staff, residents and the resident's designated representatives as soon as possible to permit essential family caregivers when visitation is limited or restricted during a declared emergency or public health emergency.

**Q: Will there be penalties from the Indiana Department of Health for non-compliance with the new EFC regulations?**

A: Yes. IDOH will evaluate the EFC program of all LTCFs as part of the existing survey process

**Q: If the facility has limited space and several caregivers participating in their program, does that give them grounds to limit the number of essential family caregivers?**

A: A resident, or the resident's designated representative, must be allowed to designated up to two caregivers. Only one caregiver will be in the facility providing care to the resident during a visit at a time. The facility and all caregivers should work together to establish a schedule that allows for all EFCs to have the opportunity to visit.

**Q: Can caregivers do more than prompting at meals, help with grooming, and provide companionship? Do we need to have any type of skills validation for the care an EFC provides?**

A: There is no defined scope of practice for an EFC, nor are facilities required to perform skills validation/checks. The facility should intervene and correct any concerning observations, and these expectations should be outlined in the facility EFC program policy. Please note, the care provided can help supplement but should not replace the care provided by the facility.

Questions about the EFC program and requirements should be directed to [FamilyOutreach@isdh.in.gov](mailto:FamilyOutreach@isdh.in.gov).

# Toolkit Contents

## EFC Application Form

This is a sample EFC application form that meets requirements of the legislation. Its use is voluntary and can be substituted by another similar form to meet the preferences of the facility.



### Essential Family Caregiver - Application Form

APPLICANT INFORMATION	
First & Last Name	<input type="checkbox"/> I am 18 years or older
Address (street address, city, state, ZIP)	
Phone	
Email	

RESIDENT/PATIENT INFORMATION	
Name of resident/patient	
Relation to applicant	
List the care you provided prior to visitation restrictions	<input type="checkbox"/> Meal set-up/ cueing <input type="checkbox"/> Assist with personal hygiene/grooming <input type="checkbox"/> Companionship <input type="checkbox"/> Other _____
How many hours per week do you expect to provide care?	<input type="checkbox"/> 1-2 hours per week <input type="checkbox"/> 2-4 hours per week <input type="checkbox"/> 4-8 hours per week <input type="checkbox"/> Other _____

I attest that if this application is approved and I am designated as an essential family caregiver, I will adhere to the following rules and requirements:

- I understand that if there is more than one caregiver, one will be appointed as the primary point of contact
- I am able and willing to take and pass any screening tests or other testing required by the facility during a public health emergency
- I will follow precautionary measures such as appropriate hand hygiene, use of masks or other protective measures as required by the facility.

This form was developed by the Indiana Department of Health as a supportive tool for reproduction and distribution. Its use is voluntary and may be substituted with an alternate application form of the issuing facility's preference.

# Toolkit Contents

## Individualized Resident EFC Plan

This is a sample template for use to document a resident's individualized EFC plan that meets the requirements of the legislation. Its use is voluntary and can be substituted by another similar form (electronic or paper) to meet the preferences of the facility.



### Essential Family Caregiver - Individualized Resident Plan

The following template may be used to outline the requirements for the individualized essential family caregiver plan for the resident and their essential caregiver(s). A plan must be created for each individual caregiver and maintained in the resident's medical record.

**Resident Name** \_\_\_\_\_

**Caregiver Name** \_\_\_\_\_  Please check if primary EFC

**Care duties** - Please list the care/support that will be provided

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Resident/caregiver preferences related to their Essential Family Caregiver plan should be clearly reflected in their plan of care

#### Anticipated Caregiver Visit Schedule

	Sun	Mon	Tue	Wed	Thurs	Fri	Sat
Hours of Visit							
Duration of Visit							

**Resident/Representative** \_\_\_\_\_  
Print Name Signature Date

**Essential Caregiver** \_\_\_\_\_  
Print Name Signature Date

**Facility Representative** \_\_\_\_\_  
Print Name Signature Date

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# Toolkit Contents

## Individualized Resident EFC Plan

This is a sample template for use to document a resident's individualized EFC plan that meets the requirements of the legislation. Its use is voluntary and can be substituted by another similar form (electronic or paper) to meet the preferences of the facility.



### Essential Family Caregiver - Individualized Resident Plan

The following template may be used to outline the requirements for the individualized essential family caregiver plan for the resident and their essential caregiver(s). A plan must be created for each individual caregiver and maintained in the resident's medical record.

**Resident Name** \_\_\_\_\_

**Caregiver Name** \_\_\_\_\_  Please check if primary EFC

**Care duties** - Please list the care/support that will be provided

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Resident/caregiver preferences related to their Essential Family Caregiver plan should be clearly reflected in their plan of care

#### Anticipated Caregiver Visit Schedule

	Sun	Mon	Tue	Wed	Thurs	Fri	Sat
Hours of Visit							
Duration of Visit							

**Resident/Representative** \_\_\_\_\_  
Print Name Signature Date

**Essential Caregiver** \_\_\_\_\_  
Print Name Signature Date

**Facility Representative** \_\_\_\_\_  
Print Name Signature Date

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# Toolkit Contents

## Resident EFC Plan Checklist

This form is meant to serve as an audit tool to ensure that all mandatory requirements of the EFC program for an individual resident and their caregiver(s) have been met.

This tool is intended for use by facility staff to ensure all necessary aspects of the resident's EFC plan are completed and appropriate records maintained. This checklist is recommended, but its use is not required and does not need to be maintained in the resident's medical record.

Name of resident/patient	
Name of EFC applicant	
Date	

- Completed and signed EFC Application Form
  - If approved, provide copy to EFC
  - If denied, provide written denial to the applicant
- Completed and approved EFC Resident Plan
  - If multiple EFCs per resident, there must be one designated as primary
  - There must be one EFC Resident Plan approved for each designated caregiver
- Signed attestation from EFC regarding individual facility visitation policies and restrictions
- Signed attestation from EFC regarding individual facility policies on infection control and providing care
- Copy of EFC Resident Plan provided to designated caregiver(s) & resident/representative
- Copy of EFC Resident Plan added to the resident's medical record
- Resident's plan of care updated
- Ongoing care plan meetings or EFC check-in meetings scheduled\*
- Primary care staff informed and educated on EFC role and responsibilities

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# Toolkit Contents

## Facility EFC Program QA Tool

This tool is meant to serve as a self audit guide to ensure that all mandatory components of the facility specific EFC program policy are present as well as a resident level review.



**Indiana Department of Health**

**EFC Program - Facility QA Tool**

Facility \_\_\_\_\_ Name \_\_\_\_\_ Date \_\_\_\_\_

Requirement	Yes	No	Comment
<b>Facility EFC Program Policy</b>			
The facility has established written policy compliant with current IDOH guidelines			
All current residents/families have been provided information in writing regarding the program, application process, and criteria for participation			
Admission packets updated with EFC Program information sheet for residents & families			
All current staff have been provided EFC Program information and policy			
Staff orientation and education materials have been updated to include EFC Program information and policy			
All EFC applications have documentation to reflect determination within (7) days of submission			
All EFC application denials are accompanied by written justification			
<b>Resident EFC Plan Review</b>			
All EFCs have signed attestation to abide by facility visitation rules as outlined on the document			
Each resident with a designated EFC(s) has an Individualized plan for each caregiver with the following elements:			
1) Maintained in the medical record			
2) Outlines both the hours of visitation <b>and</b> duration of visit			
3) Specifies the responsibilities of all parties			
4) For residents with >1 EFC - a primary is designated			
5) Includes indoor & outdoor visitation (and virtual visitation if applicable)			
6) Resident/Caregiver preferences are included in plan (via form or existing Plan of Care)			
7) Documentation that all parties provided copy of EFC Plan			

This form was developed by the Indiana Department of Health as a supportive tool for reproduction and distribution. Its use is voluntary and may be substituted with an alternate application form of the issuing facility's preference.

# ESSENTIAL FAMILY CAREGIVER PROGRAM

Questions & Answers



## **CONTACT:**

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