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

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

- 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

- 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

- 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

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

- **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

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

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

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

- 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
EFC Program - Implementation Toolkit

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
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.
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.
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.
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.
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.
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.
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.
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